

No. 5 May ⁵⁸ ~~Term~~, 1893

Vacate & Supply
Public Road

~~versus~~ in

Pike Township

Contents:

Opening order given
at Ocean 5 June 1893

Page 223, Page 525

Two mill. 75 sec. 85 1/2

1
SICK
SICK

Clfd. County Pike Twp.
Conf. Absol. May 1893.
33 ft. -- 16 ft.

Begin on road to Bloomington near
store of W.J.Owen's --- to the
public road from Bloomington to
New Millport 18.5 ft. from Jennie
Owens Store.

(Can't locate)

Clearfield County, ss.

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the Second day of May, A. D. 1892, before Judge of said Court, upon a petition of sundry inhabitants of the township of Pike

, in said county, setting forth that

They labor under great inconvenience for want of a public road or highway to begin at a point on public road leading from Bloomington to New Milford at or near the residence of D. C. Smith in Pike Township and to end at a point on said road leading from Bloomington to New Milford at a point about midway between the store & dwelling of W. J. Clegg & Andrew Larson in Pike Township. And to Vacate the public road now opened from the residence of D. C. Smith to a point on public road leading from Bloomington to New Milford about midway between the store & dwelling of W. J. Clegg & the dwelling of Andrew Larson in Pike Township which last mentioned will be the beginning of proposed road to be made under Vacate & Supply and therefore praying the Court to appoint proper persons to view, and lay out the same according to law, And Make report at next Term of court whereupon the Court, upon due consideration of the premises, to order and appoint Harry Dye, James Savage & W. D. Stoffer who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view, the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do the least injury to private property, and state particularly, whether they judge the same necessary for a PUBLIC or PRIVATE road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose lands said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated lands through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

,
Clerk.

RELEASE OF DAMAGES.

Know all Men by these Presents, That we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes, do and in consideration of the sum of ONE DOLLAR to us respectively paid by the at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this day of A. D. 189 .

..... *Seal.*

..... *Seal.*

..... *Seal.*

..... *Seal.*

ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To the sum of

To the sum of

To the sum of

Witness our hands this day of , A. D. 189 .

To the honorable David S. Krebs President
judge of the court of Quarter sessions of Clearfield
County Pennia we the undersigned viewers appointed
by the within order of court to view and lay out the
road therein mentioned respectfully report that we
gave good and law ful notice of said road -
view and met agreeable thereto on Saturday the
twenty third day of July A D 1892 and having been
severally sworn or affirmed we have viewed
and vacated the following road to wit:

beginning at cross roads at D. C. Smiths thence
North fifty seven and one fourth degrees East one hundred forty two
feet thence North seventy three and one half degrees East two hun-
dred and nine feet, thence North fifty seven degrees East two
hundred seventy one feet thence North forty eight degrees East
one hundred thirty three feet thence North twenty five and three
fourth degrees East eighty six feet to point opposite a
small maple on public road about midway between store
and dwelling of W. J. Owens and dwelling of Andrew Saxon.
To supply road vacated above we have laid out and do
return for public use the following road to wit: begin-
ning at point opposite maple aforesaid thence through
improved land of Wm Cathcart South forty one degrees
west five hundred thirty five feet to point seven ten feet from
cor W. J. Owens lot thence by street South forty nine de-
grees West two hundred twenty feet to point on public
road from Bloomington to New Millport eighteen
and one half feet from Jessie Owens Store A flat
or draft of which roads as vacated and laid out here-
unto annexed showing courses distances and improve-
ments. Would recommend that Wm Cathcart contribute
\$ twenty dollars worth of work free to opening said road
before no owner of land is entitled to damages by rea-
son of locating or opening said road. W. Atwood
on hands this twenty third day of July 1892

Harry B. Zerr.
viewers } W. J. Hodges
James Savage

Now well 8th 1892, the following exceptions filed to the confirmation absolute of the within report.

First: - There was no authority for the viewers to act as the order was not signed by any person.

Second. That the report does not say that the new road is necessary.

Third: - The report is illegal as it is based on a recommendation that a private citizen pay twenty dollars in work towards the opening of the road.

Fourth: - Such a recommendation is outside the sphere of duty of road viewers, and binds nobody and is in substance a conditional report.

Fifth: - Because the road is mainly in the interest and for the convenience of one person, and for other reasons set out in the remonstrance W. D. Bigler and James J. Kelley, attorneys for Alfred Surrattworth and others.

NO. 5 May SESSIONS, 1892

ORDER

To viewers to lay out a road for

Public use in the township of
Dixie, Clearfield Co.

Sept. Sessions 1892,

read and confirmed Mr. Si.

Road to be opened 33 feet wide,

except where there is side hill,

cutting or embankment and

bridging, there to be 16 feet

wide.

By the Court

Dec 5th 1892 Court never to
act

By the Clerk

May 5th 1893 on application
of county of Clearfield abelte
of the town

Filed 26 " June 1892

Fees \$1 paid by Macrae

PUBLIC SPRTY PRINT.

	Days	AMOUNT
Harry Pecca (cont # 1137)	Miles 17	\$520
James Savage (cont # 1128)	Days	
W. G. Hoffer (cont # 1129)	Miles 17	\$3.70
	Days	
	Miles	

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road. Also—Viewers will carefully note the number of days employed and set the amount out at the foot of their return. Viewers can not interfere with damages assessed by the original viewers, except so far as the location may be changed. N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

Chase -
Accepted

1 To the Honorable W. L. Krebs Judge of the Court
2 of Quarter Sessions of Clearfield County Penna.
3

4 The petition of the undersigned inhabitants
5 of the Township of Pike in the said County, respect-
6 fully represents, That they labor under great incon-
7 venience for want of a public road or highway,
8 to begin at a point on public road leading
9 from Bloomington to New Millport at or near
10 the residence of W. C. Smith, in Pike Township, and
11 to end at a point, on said road leading from
12 Bloomington to New Millport, at a point about
13 midway between the store and dwelling of J. J.
14 Owens and Andrew Larson, in Pike Township.

15 The petitioners therefore pray the Court to appoint
16 persons qualified according to law, to view the
17 ground proposed for such road, and if they
18 should see occasion to lay out the same, to inquire
19 of and vacate the public road now opened from
20 the residence of W. C. Smith to a point on public
21 road leading from Bloomington to New Millport
22 about midway between the store and dwelling of
23 J. J. Owens and the dwelling of Andrew Larson in
24 Pike Township, which last mentioned road will,
25 by laying out of the proposed road, become use-
less; and make report of their proceedings to
26 the next Court and they will ever pray &c.
27 Robert Rowles

James L. Ford

28 Eli Rowles

Robert Clegg

29 J. D. Dunlap

30 Carl T. Smith

31 W. S. Bloom

32 Stoddard Brown

33 H. J. Dunlap

34 Ernest S. Walker

no 5 may 28 1872

De L'Vine & Vacal-
supplies public road in
Pike township

ord 2 may 1872

the within petition read
and considered and
having been - for Savage
W. Gaffey - ~~and~~
Approved to run road
and supply said road

by the Court

Recd 2 may 1872

W. A. Chase

W. Gaffey
John W. Gaffey

TO THE HONORABLE, THE JUDGE OF THE COURT OF QUARTERSSESSIONS OF CLEARFIELD
COUNTY PA.

THE UNDERSIGNED CITIZENS AND TAX-PAYERS OF PIKE TOWNSHIP, RESPECTFULLY
REMONSTRATE AGAINST THE CONFIRMATION OF A PUBLIC ROAD LEADING
FROM A POINT ON PUBLIC ROAD LEADING FROM BLOOMINGTON TO NEW MILLPORT
AT OR NEAR RESIDENCE OF D.C. SMITH, IN PIKE TOWNSHIP, TO A POINT ON SAID
ROAD LEADING FROM BLOOMINGTON TO NEWMILLPORT ABOUT MIDWAY BETWEEN THE
STORE-ROOM AND DWELLING OF W. J. OWENS AND THE RESIDENCE OF ANDREW LARSON
E IN PIKE TOWNSHIP, FOR THE FOLLOWING REASONS,

FIRST, - THAT THE ROAD IS MAINLY IN THE INTEREST OF, AND FOR THE CONVENIENCE
OF MR. WILLIAM CATHCART, WHO HAS SOLD THE PRESENT TOWNSHIP ROAD IN LOT
TO W. J. OWENS & WANTS THE TOWNSHIP TO CONSTRUCT A NEW ROAD IN LIEU OF
THE ONE SOLD.

SECOND, - THAT IT WOULD BE AN EXPENSIVE ROAD TO BUILD, THE LARGER PART RE-
QUIRING TO BE HEAVILY STONED AS THE ROAD MUST BE CONSTRUCTED THROUGH WET
& SWAMPY LAND.

WE THEREFORE, PRAY THE HONORABLE COURT NOT TO BURDEN OUR TOWNSHIP WITH
THE EXPENSE OF BUILDING A ROAD THAT IS NOT REQUIRED AND WANTED BY THE
CITIZENS & TAX-PAYERS OF THE TOWNSHIP, A ROAD IF CONFIRMED WILL BE
MAINLY IN THE INTEREST OF ONE OR MORE INDIVIDUALS, MR. CATHCART HAVING
SOLD A ROAD UPON WHICH THE CITIZENS HAVE EXPENDED THEIR LABOR
AND TAXES FOR MORE THAN THIRTY YEARS.

Names

Names

Monte Caldwell

D. J. Hill

L. G. Colby

A. H. Bloom

Lafayette McElroy

Scott Brown

~~James G. Bloom~~

J. W. Farwell

A. H. Bloom

J. W. Peeples

John Augerbaugh

G. L. Eldridge

Dick - per

John - 11-27-10

J. W. Augerbaugh

Frank Davis

John M. Caldwell

Fred Dunkah

Wm. G. Hart

Samuel Snyder

N. G. Farwell

E. Lockleman

James G. Bloom

B. G. Young

A. C. Brown

L. H. B. - per

Ed. D. Morris

Wm. M. Bloom

Louis H. Brown

J. G. Hart

Alexander Smith

Macie H. per

O. D. Wise

Alfred Bloom

Lori Gossard

H. M. Snyder

J. S. Bloom

Mr. S. May, Jr., 1892
Remonstrance against
Bubble Road mining
Pennsylv.

Nov 20 1892

Digler & Kelley