

No. *5 May* <sup>SS</sup>  
~~Term~~, 1892

*Vacate & Supply*  
*Public Road*

*Versus in*  
*Pike Township*

Contents:

*Opening order given*  
*W. J. Owen 5 June 1893*

*R. 1 = 3 - Page 525*

*See also 75 1/2 57 1/2*

1  
500 - Start

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.

(Cont. Locate)

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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 ~~later~~ under great enormance for want of a public road or highway to begin at a point on public road leading from Bloomington to New Millport 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 Millport at a point about midway between the store & dwelling of H. J. Curn & 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 Millport about midway between the store & dwelling of H. J. Curn & the dwelling of Andrew Larson in Pike Township which last mentioned will by the laying out of proposed road become useless & burdensome ~~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 ~~had~~ of the premises, do order and appoint Harry C. Duns Jam. Savage & H. J. Offer who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view, ~~Vacate & Supply~~ 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.

## 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 enrolling 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 L. Krebs President  
Judge of the Court of Quarter sessions of Clearfield  
County Penna. 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 Sarsen.  
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 Jennie Owens Store. A plat  
or draft of this road 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  
believe no owner of land is entitled to damages by rea-  
son of locating or opening said road. Witness  
our hands this twenty third day of July 1892

viewers { Harry B. Zerr.  
W. J. Hoffer  
James Savary

Now Dec 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 H. Kelley, attorneys for Alfred Swartzworth and others.

NO. 5 MAY SESSIONS, 1892

ORDER

Debate & Supply

To view and lay out a road for

Little use in the township of

Dele, Clearfield Co.

Sept Sessions 1892,

read and confirmed N. S.

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 8th 1892 Can be returned 6th

Feb By the Court

May 1893 on objection by

comptroller confirmed absolute

Filed 26 July 1892

Fees \$1.75 paid by MacChae

PUBLIC SHERIFF PRINT.

Chas. Chase  
Exception filed.

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.  
Reviewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the reviewers.  
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.

AMOUNT.

Days 1

Miles 17 \$5.70

Harry Spear  
(Cont # 1127)

Days 1

Miles 17 \$3.70

James Savage  
(Cont # 1128)

Days 1

Miles 17 \$3.20

W. J. Ketter  
(Cont # 1129)

Days

Miles

Days

Miles

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

The petition of the undersigned inhabitants  
of the Township of Pike in the said County, respect-  
fully represents: That they labor under great inconve-  
nience for want of a public road or highway,  
to begin at a point on public road leading  
from Bloomington to New Millport at or near  
the residence of W. C. Smith, in Pike Township, and  
to end at a point, on said road leading from  
Bloomington to New Millport, at a point about  
midway between the store and dwelling of St. J.  
Owens and Andrew Larson, in Pike Township.

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

Robert Rows

Eli Rowell

J. N. Dunlap

W. S. Bloom

H. F. Dunlap

James L. Ford

Robert Owens

Wm. J. Smith

Stozer Barron

Ernest S. Walker



De l'écrit à l'écrit  
Surpassez l'écrit et en  
S'il le veut

Read 2<sup>d</sup> May a 1879  
the within petition read  
and considered and  
Henry Myers the doers  
of it to be and  
appointed to view same  
and report by said board  
By the Court

Heck 2 may 892

Mr. A. Chase

Wm. C. C. Lathrop  
M. D. 1877



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

THE UNDERSIGNED CITIZENS AND TAXPAYERS 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  
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 <sup>and</sup> 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 TAXPAYERS 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

Wm. Baldwin

L. C. ...

Lafayette McBlair

~~John D. Bloom~~

A. H. Bloom

John Angerbaugh

J. H. ...

J. W. Anderson

John M. Caldwell

Wm. Harris

N. C. Farwell

E. L. Eldredge

John D. ...

M. F. Long

A. C. Brown

L. H. B. ...

John D. Morris

Wm. M. Bloom

Lewis Bloom

J. H. ...

Robert Smith

Wm. H. ...

O. D. Rice

Alfred Bloom

Levi ...

H. M. Snyder

S. S. Bloom

# Names

D. J. ...

A. H. Bloom

Scott Brown

J. W. Farnsworth

M. Peoples

E. L. Eldridge

John ...

Frank Oliver

Fred Lunkah

Samuel Snyder

No. 5. May Secs, 1892

Remonstrance against  
Public Road in Pine  
Township

Alb. H. Rice 1892

Bigler & Kelley