

No. 7, May 26 Term, 1886

Public Road

Versus

Jordan Township

Contents:

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 28<sup>th</sup> day of May, A. D. 1894, before Judge of said Court, upon a petition of sundry inhabitants of the township of Jordan, in said County, setting forth that

*They have under great incumbrance for want of a public road & Highway in said Township to begin at a point on a public road leading from Runners to Maun and to end at Butzenow in said Township where public road from Gaggam leads to Ennower in said Township*

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, *Make report at Sept M 1894* whereupon the Court upon due consideration had of the premises, do order and appoint *Harry Dyer & Harry & Jack Ogden* 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 land 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 land 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.

*D. H. Hargis,*  
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 for and in consideration of the sum of ONE DOLLAR to us respectively paid by the ..... at and before the ensembling 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 recieve 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

## ASSESTMENT OF DAMAGES.

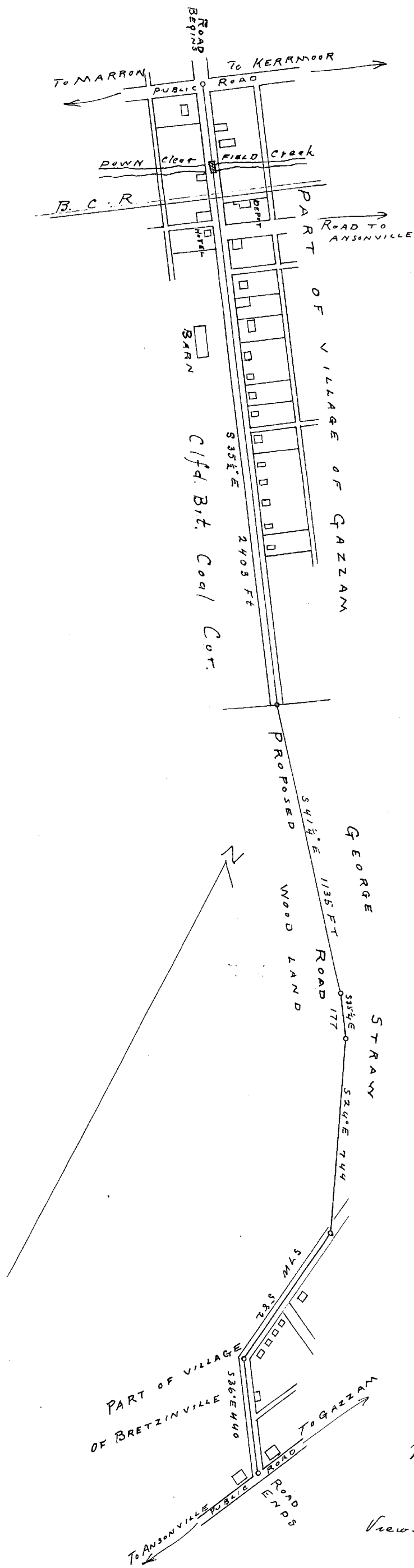
*The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their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



Scale 300' = 1 inch

To The Honorable Cyrus Gordon President Judge  
of The Court of Quarter sessions of Clearfield County Pa.  
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 legal notice  
of said road view and met agreeable thereto at the  
place said road was proposed to be made and having been sever-  
ally sworn or affirmed as per within order we have viewed  
and laid out and do return for public use the following  
road to wit beginning at township road leading from Herr-  
more to Ezzam at a street (passing Dept<sup>n</sup> in Ezzam Village  
thence by centre line of said street South <sup>thirty</sup> five and one  
half degrees East twenty-four hundred and three feet to post  
thence through wood land of George Straw South forty one and  
one fourth degrees East eleven hundred and thirty five feet to post  
thence South thirty five and one fourth degrees East one  
hundred and seventy seven feet to post thence South twenty-  
four degrees East seven hundred forty four feet to post in  
a street in Bretzville 16  $\frac{1}{2}$  feet West from fence line of lots  
projected northward. Thence by said street and centre of road  
16  $\frac{1}{2}$  feet West from said lots South seven degrees West five  
hundred and eighty two feet to post in centre of another  
street Thence by said street South thirty six degrees East  
four hundred and forty feet to road from Ezzam to An-  
norsville at Residence of J. J. Johnson. A plat or  
draft of which road as laid out aforesaid is herewith  
annexed showing courses distances and improve-  
ments which road is necessary in our opinion  
for a public road. We believe no owner of land  
through which the road passes is entitled to dam-  
ages by reason of opening said road. Witness our hands  
this twenty third day of August 1894

Viewers { Harry Byers.  
Byrenia Thomas  
Jack Ogden

No. 9 May Sessions, 1894

ORDER

To view and lay out a road for public use in the township of Franklin, Clearfield Co.  
Sept 7th Sessions, 1894,  
read and confirmed N. S.  
Road to be opened 33 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 16 feet wide.

My the Court  
Cyno Gordy

Filed 3 Sept 1894  
Fees \$1. Paid by St. Stephens

Now 3000 1894 Coopers Jack & Roper  
Now 3000 1894 Coopers Jack & Roper

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.	
<u>Henry Rogers</u>	Days <u>2</u>		
	Miles <u>2.6</u>	\$ <u>10.60</u>	
<u>J. Howe</u>	Days <u>1</u>		
	Miles <u>2.6</u>	\$ <u>4.60</u>	
<u>Jack Ogden</u>	Days <u>1</u>		
	Miles <u>3.0</u>	\$ <u>5.00</u>	
<u>Z Anderson</u> <u>et al</u>	Days		
	Miles		
	Days		
	Miles		

Nov 12 Apl 1895 C 1894  
used the viewers work  
secured being each &  
unable to collect fees  
a more is appointed  
as viewers in his way  
road, to act in, anyone.  
time with other viewers  
business damages as  
per appointment  
My the Court  
Cyno Gordy

To the Honorable Cyrus Gordon President  
Judges of the Court of Quarter Sessions  
of Cleaveland County, Pa.

The petition of  
the undersigned inhabitants of the  
Township of Jordan in the said  
County, respectfully sheweth:

That your  
petitioners labored under great inconvenience  
for want of a public road or highway  
in the Township of Jordan to begin  
at a point on a Public Road leading  
from Kermor to Marion in Jordan  
Township and to end at Brezin-  
ville in said Township of Jordan  
where Public Road from Gayzam  
leads to Ansonville in said County

Your petitioners  
therefore pray the Court to appoint  
proper persons to view and lay out  
the same according to law and  
they will ever pray

Names

Names

James Methuen  
M. H. Gardner  
M. O. Kautner  
Lee M. Esack  
L. G. Harrison  
W. L. Loring  
Chas. Shy  
C. D. Murray

A. Johnston  
John Creech  
James R. Smith  
Andrew Carlson  
John H. Baxter  
John Lyons  
Alexander Nelson  
L. C. Engelhall

## Names

Thomas Steens  
 William Reid  
 George Hill  
 Tom O'Connor  
 Jake Truby  
 T. J. Truby  
 J. E. Ross  
 W. J. Powell  
 Frank. Anderson  
 E. J. Anderson  
 John Laing  
 Gas Laing  
~~James Laing~~  
 Ellis Michael  
 Seymour Michael  
 William Michael  
 Alfred Johnson  
 Andra Stenberg  
 Oscar Stenberg  
 Andrew Eberg  
 J. W. Wothran  
 Robert Stene  
 Olof Dahlgren  
 Albert Johnson  
 James Barney  
 James Stevens  
 R. C. Peterson  
 Thomas Robinson  
 Charles D. Sawyer  
 Martin O'Hara  
 Gilbert Neilson  
 Ernest Anderson  
 Herman Anderson

## Names

Archie Clark  
 Mack Williams  
 Wm McEwan  
 Pat Hooley  
 William Stone  
 Richard Nelson  
 John Quist  
 Andrew Johnson  
 Morgan Roberts  
 Ed. Edstrom  
 Andrew Sinclair  
 John Sinclair  
 Robert Sinclair  
 Robert Merry  
 William Hill  
 J. L. L. Field  
 John L. L. Field  
 Alex Smith  
 William Smith  
 John Smith  
 Andrew Smith  
 W. M. Larcher  
 Andrew Olson  
 John Olson  
 Chas Olson  
 Chas Mattson  
 J. - Rens Grom  
 Charles R. R.



## Names

Charles Forsman  
 John W. Anderson  
 L. J. Johnson  
 L. M. Larsson  
 John Jakobson  
 Chas. Larsson  
 William Harkins  
 Richard Budder  
 Alex. Nelson  
 Roft Aron  
 Saml. R. Green  
 David Green  
 H. H. Tatterton  
 Thomas McKel  
 Andrew Snyder  
 Jno. J. Preston  
 Jno. H. Heiler  
 Dore Hill  
 L. G. Sederholm  
 Chas. Sederholm  
 Chas. Nelson  
 Thos. Hay  
 George D. Mayton  
 Jos. Lagovich  
 D. C. Hirschberger  
 F. W. Johnston Farmer  
 Jas. R. Patterson  
 George Patterson  
 Robt. H. Mullingford

## Names

J. G. Francis  
 J. M. Miller

Road Supervisor  
 C. H. Farmer

Mo 9 May 1894

Petition for Release  
Road in Jordan  
Township to go  
from bond in order  
Road from Lebanon  
to near a house  
to Lincolnton and  
at Berwyn in front  
of Lincolnton.

May 28 May 1894  
underwritten report  
+ enclosure and in  
Jordan's papers, C. H. H.  
and Jack Ogden  
are apparently to new  
road and make  
report to next term  
of Council  
for the Bond  
Cynthia H. H.  
J. H.

May 28 May 1894

S. W. MILLSON,  
CLEARFIELD, PA.

In Re Public Road in ) In the Court of Quarter Sessions of  
Jordon Township ) Clearfield County, Penna.

No 9 May SS, 1894.

Exceptions are filed to the proceedings had in the above  
stated road case for the following reasons:-

First:- Because it was the duty of the viewers "to  
endeavor to procure from the persons over whose land the  
road is located" releases from all claims for damages", and  
the report of the viewers does not show that the viewers did  
so endeavor to procure releases, and in truth and in fact,  
they did not.

Second:- That the report fails to show that ten  
days notice of the time and place of the view was given as is  
required by the road laws in force in this county.

Third:- That the original report of viewers, con-  
tains inter alia " We believe no owner of land through which  
" the road passes is entitled to damages by reason of opening  
" said road", and that this report of the viewers as to the  
question of damages is final and conclusive, and could not  
be referred back to the same viewers to report upon again.

Fourth:- That the Court has no jurisdiction to  
order the report back to the viewers for the purpose of  
" passing upon the question of damages". That the only  
proceeding recognized by law, was for the party dissatisfied  
with the assessment of damages to petition for a re-view, or  
appeal as provided for by the Act 26 May 1891.

Fifth:- That if it be within the jurisdiction of the Court to refer any report of viewers back to them it is only for the correction of matters omitted from their report, of that which does not fully or correctly appear therein, and this can only be done by referring it to the same board of viewers.

Sixth:- That if the reference back was for a proper matter (which is denied) the Court had no power to substitute a new viewer for any cause whatsoever, the Statute of 7th May 1844 P.L.570-571 expressly provide "and no view or re-view of any road or bridge in said counties (that is Green and Clearfield) shall be valid unless the whole number of "such viewers or re-viewers shall personally examine the premises.

Seventh:- That the termini are not set out in the petition as required by the Act of Assembly, they being recited as follows" to begin at a point on the Public Road leading from Kermoores to Marron in Jordan Township and to end at Bretzinsville in said township of Jordan in said township, where Public road from Gazzam leads to Ansonville in said township".

That the termini as set forth are too indefinite and vague and not in conformity with the requirements of the law.

*Robert Palmer*

No 9 May Sessions 1894

In Re Public Road in Jordan

Township.

Exceptions to Report of  
Viewers.

Filed 3 July 1895  
J. H. Gregory  
Pro

Krebs & Paterson

In Re-Public Road in       ) In the Court of Quater Sessions  
Jordon Township               ) of Clearfield County, Penna.

No 9 May Sessions, 1894

To the Honorable Cyrus Gordon, President Judge of the several  
Courts of Clearfield County, Pa.

The remonstrance of the petitioners respectfully re-  
present:-

That they are tax payers of said township of Jordon, and  
join in asking the Court to refuse to confirm the report of  
viewers appointed by your Court in the laying out of a cer-  
tain public road in Jordon township, leading from Gazzam to  
Bretzinville, both places being in the said township of Jor-  
don, for the following reasons.

The road asked for is entirely unnecessary, there being  
now a good public road constructed and open between the points  
mentioned; and if the proposed road was constructed there ~~now~~  
would be two public roads running parellel, leading from Gazzam  
to Bretzinville aforesaid, and they will not be more than  
twenty or twenty five rods apart at the point of greatest  
divergence.

The said road now open between the points mentioned  
could not be vacated for the reason that there are improve-  
ments, (and dwellings erected on said improvements) all along  
the line of the road, and if the petition for the proposed  
road was confirmed the taxpayers would not only be at the  
cost and expense of making said road, but there would be two  
roads between the same points to keep in condition for travel  
which would be a burden on the taxpayers.

The undersigned therefore pray your Honorable Court to re-  
fuse to confirm the petition, and view.

And they will ever pray, etc.

W. C. Spadman  
John McAlister  
M. Smith

William Street  
William Wise

Seton Patterson

W. H. Strong

John C. McKeen

James Irvine

Samuel B. Keen

W. D. Bloom

S. J. Frederick

James McKeen

W. H. Strong

J. G. Strong

W. H. Strong

Parker Strong

W. H. Strong

A. B. Egler

James J. Carey

Harry May

E. D. Strong

James J. Carey

W. H. Strong

A. B. Strong

Reuben Johnson

Reuben Strong

John B. Bloom

E. D. Strong

W. H. Strong

W. H. Strong

W. H. Strong

W. H. Strong

W. H. Strong

W. H. Strong

W. H. Strong

J W Gibson  
Morton Mack  
Dane

John McArthur

J A Mather

H D McKee

John Wise

(1833) J W

W D Mather

R. T. Mather

G A Mather

J. W. Mather

W. J. Mather

Thos Smith

W. H. Wither

J. B. Wither

Edw. Johnson

J W Aia

S. M. B...

John Klinger

Geo Ballinmont

W. P. Bickford

R S Glasgow

Dr. M. Johnston

L. H. Johnston

L. C. Stevens

Wm Wise

Alf Mahburg

Geo. Higgins

Isaac Sharrar

Wm McManis

W. J. Pearce

John D. Carbett

Geo. D. Capelin

Wm. Newmar

Geo. W. Pearce

Charles S. Mather

R. J. Ford

Jos Lamborn

Wm Newling

S. S. Lamborn

R. J. Lamborn



J. G. Bloom

D. H. Prwin

A. L. Johnston

E. L. Johnston

John H. Hunter

S. H. H.

J. D. Middle

D. S. Mourse

Wm. D. H. H.

John H. H.

E. L. Cortney

L. P. Smith

Edmund Smith

Edmund Smouse

Emyler Bloom

J. H. H.

James R. H.

David H. H.

H. W. Bloom

James R. Johnston

J. M. H.

John G. Wilson

James Hunter, Jr

J. L. H.

W. H. Thomson

John R. Thomson

Lloyd Thomson

John M. H.

Samuel H.

Asa H.

Lewis H.

Joseph H.

Harry H.

F. H.

John B. Thomson

G. H. Wagner

B. R. H.

J. L. H.

John H. H.

Cal H.

Lib. Bell

W. H. H.

J. A. H.

John Wiley H.

L. W. H.

Chas. H.

No 9 May Sessions 1894.

In Re-Public Road in

Jordan Township.

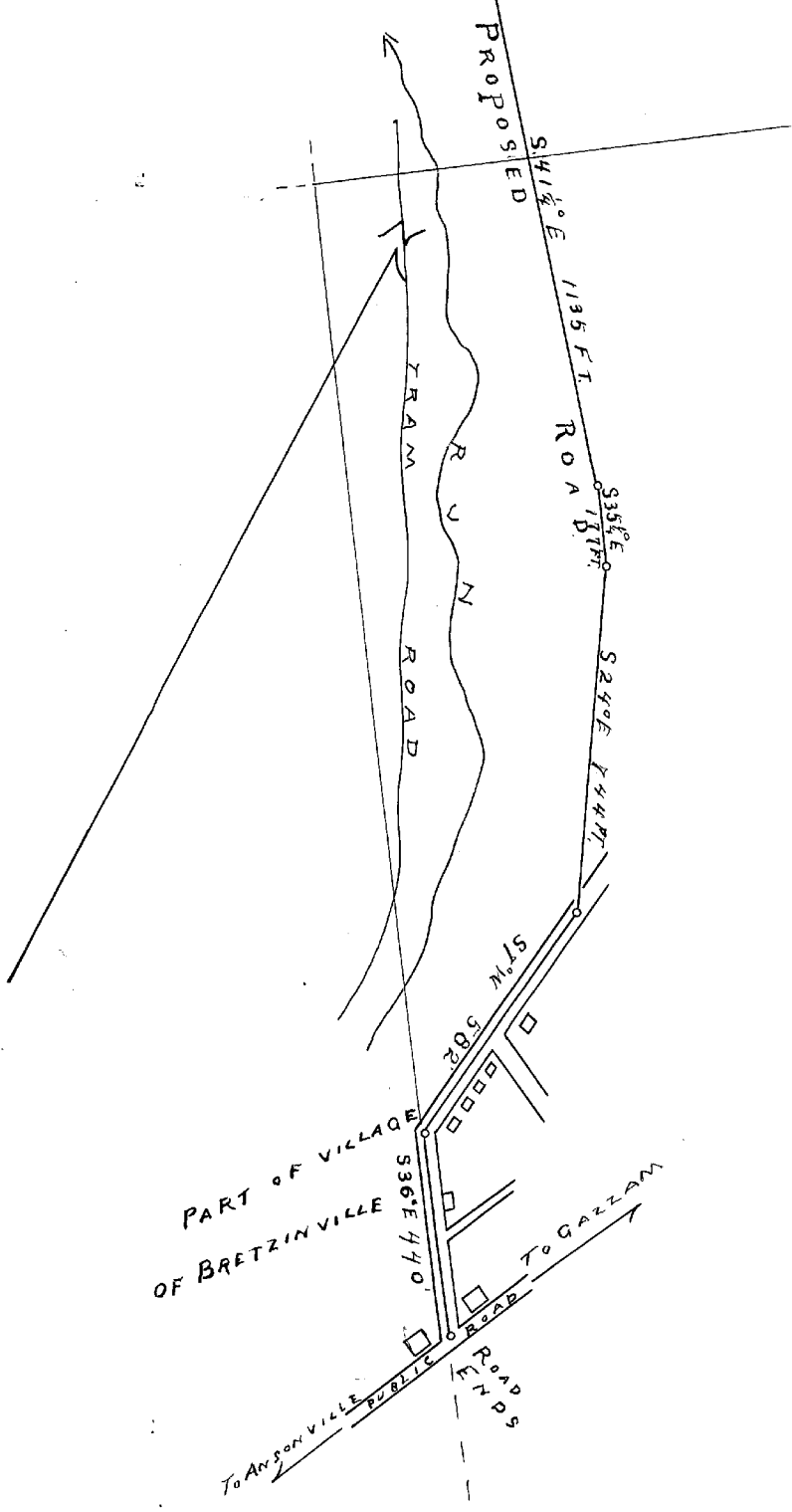
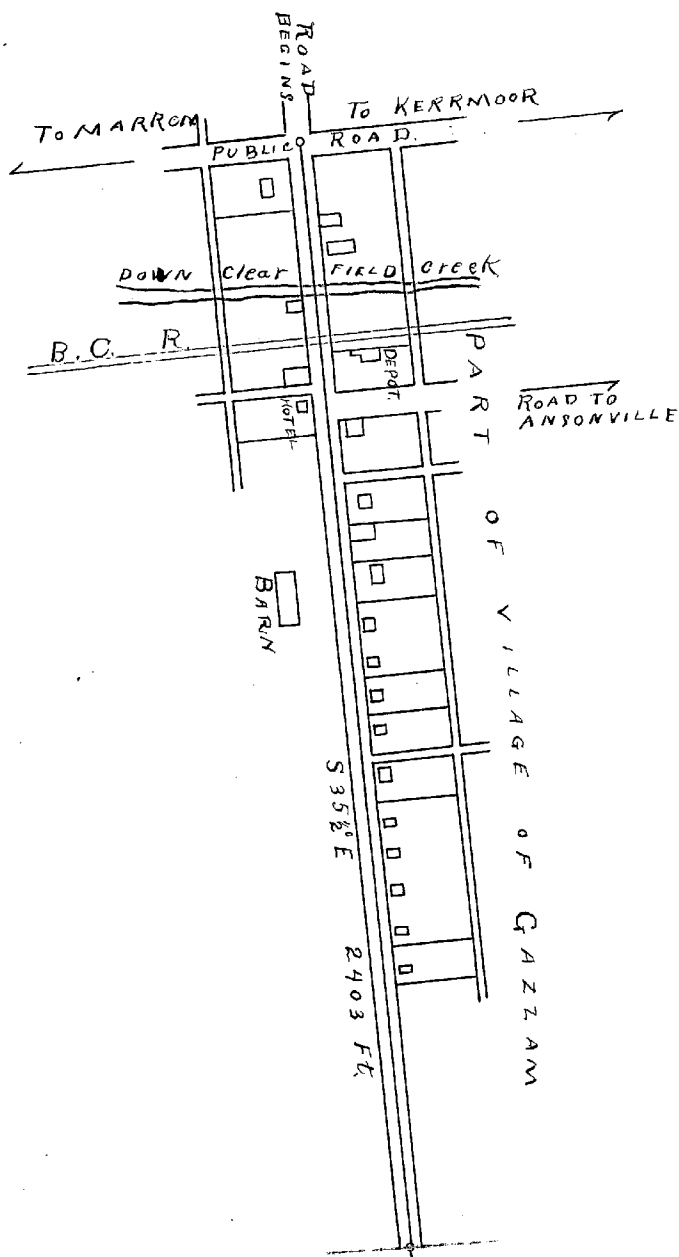
R-E-M-O-N-S-T-R-A-N-C-E.

Filed Aug 6 1895.

*H. H. H. H. H.*

*Dr*

Frederick & Patterson,  
Attorneys at Law,  
Clearfield, Pa.



To The Honorable Cyrus E. Landon, President Judge of The court of Quarter Sessions of Clearfield County Pa, we the undersigned viewers to whom was referred back the annexed report from laid out to assess the damage caused by opening of said road (being No 9 May 55 1894 on which C. Howe Esq was a viewer but he being sick and unable to attend appraisement and J. A. Moore Esq having been appointed in his stead we) respectfully report that we gave five or more days notice of said view and appraisement to Commissioners of Clearfield County and gave further notice by posting notices five or more days before day appointed for view in public places near road to be viewed and met agreeable to said notices on the 26th day of April A.D. 1895 and having been first severally sworn or affirmed we have viewed the ground on which road aforesaid was laid out and have appraised the damage thereon as follows: to George Shaw the sum of one hundred and sixty dollars (\$160.00) a plot or draft of road showing courses distances improvements and lines - (which were not pointed out when road was laid out) is herewith annexed. Witness our hands this twenty-fifth day of April A.D. 1895

Viewers { Harry Byers  
Back Ogden  
James A. Moore

# ROAD VIEWERS' NOTICE.

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view public Road leading from point on public road leading from Reynolds to Marrow

in Jordan Township, to Bretzville where public road from Goyzann leads to Ansonville

in Jordan Township, in the county aforesaid, will meet at the house of Genas Ardery, in Jordan Township, on Friday, the 26<sup>th</sup> day of April, A. D. 1895, at 1 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Harry Byers  
Zach Cyden  
James A Moore } Per B  
VIEWERS.

Clearfield Pa Apr 19, 1895.

Service of within us -  
 tree accepted this 19th  
 day of April 1895 -

Wesley, Thomas  
 for S. G. Smith

May Seasoning  
 1895 Refractor  
 Continued this

By the Court  
 Cyrenus Kirby  
 pd

No 9 May Term 1894  
 London Ind.

May Paper { days 2 \$8.00  
 miles 2.60

Back Order { days 1 2.00  
 miles 30 3.00

For A. Moore { days 1 2.00  
 miles 26 2.60

Attest & May 1895  
 J. W. Weymouth  
 Pro

✓ N 13 July 1895 Exception filed