

No. 20, Sept. SS. 1896.

In re  
Public Road in Bigler  
Township.

Exceptions to Proceeding  
and Report of Viewers.

FILED. FEB 1 1897

W. IRVIN SHAW,  
ATTORNEY AND COUNSELOR AT LAW,  
HOUTZDALE, PA.

HENRY HALL, PRINTER, INDIANA, PA.

-:IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY:-

*In the matter of Petition for Public Road in Bigler Township No. 20, September Sessions, 1896.*

*To the Honorable Cyrus Gordon, President Judge of said Court:-*

*We the undersigned citizens and taxpayers of Bigler Township respectfully pray your honorable Court to not confirm absolutely the report of Viewers filed December 12, 1896, in the above stated case, for the reasons hereinafter mentioned, which are hereby filed as exceptions to the Report of the said Viewers and to the proceedings in this case:*

*1. The petition presented to your Honorable Court on the 9th day of September, 1896, is fatally defective for the reason that it does not set forth definitely the termini of the road prayed for.*

*2. The report of the Viewers in this case must be set aside for the reason that it fails to show the width of the road which the Viewers adopted as a basis for the computation of damages.*

*3. The report of the Viewers does not set forth definitely the termini of the road reported as viewed and laid out.*

*4. The report of the viewers does not state affirmatively that five days written or printed notice of the time of view or the assessment of damages was given to the owners or occupants of the seated lands along the route of the proposed road, and for this reason must be set aside, as provided by Rule of Court No. 172.*

*5. Notice of the time and place of View and of the assessment of damages was not given to all owners of seated land over which the proposed road is located.*

*6. The road as located and reported by the said Viewers will if built incur and unnecessary and useless expense upon the taxpayers of Bigler Township, and your petitioners believe said road is wholly unnecessary as your petitioners*

believe there are already sufficient roads to accomodate the public in the vicinity in which this road is located.

7. For other reasons which your petitioners expect to be able to show to the Court upon the argument of this case.

George W. Stitt	
B. F. Stitt	J. L. Higgins
J. H. Stitt	M. B. Speier
B. Bosworth	Maurice Waring
E. M. Alexander	Ben. Alexander
Geo M. Alexander	G. L. Kamech
Bozz Alexander	W. P. Connelly
Isaac Newton Hegarty	Reuben Hegarty
Frank H. Muller	Isaac Hegarty
Isaac Packer	G. B. Curry
E. H. Packer	John Whiteside
J. H. Packer	D. W. Beeman
E. M. Howe	Ernest Kewen
George W. Smith	H. F. Dahl
W. H. Miles	James Ruffner
James S. Stitt	John Ruffner

P. F. Ruffer

James Cornely

E. R. Miles

Joseph C. Hoff

Samuel Griggs

A. W. Shuff

E. G. Miles

A. A. Packer

Jas. S. Stuart

W. D. Shuff

J. B. Wilson

F. H. Harkleroad

David Hegarty

R. M. Shuff

George Boyce

G. H. Lee

Jersey Hegarty

Robert Alexander

E. G. Davis

H. H. Miles

J. G. Miles

W. A. Lord

(4)

State of Pennsylvania  
County of Clearfield SS.

Before me the subscriber, a Justice of the Peace  
in and for said County, personally appeared C. C. Shoff,  
~~one of the above named exceptants,~~  
who being duly sworn according to law doth depose and say,  
that the facts set forth in the foregoing exceptions are  
true and correct to the best of his knowledge and belief,  
and further saith not.

<sup>His</sup>  
C. C. Shoff  
mark

Sworn to and subscribed before me this 30<sup>th</sup> day  
of January, A. D. 1897.

W. R. Carpenter J. P.

No. 20, Sept. 28. 1896.

In re  
Public Road in Bigler  
Township.

Exceptions to Proceedings  
and Report of Viewers.

FILED. 1897

W. IRVIN SHAW,  
ATTORNEY AND COUNSELOR AT LAW,  
HOUTZDALE, PA.

HENRY HALL, PRINTER, INDIANA, PA.

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

day of Sept, A. D. 1896, before

Judge of said Court, upon a petition of sundry inhabitants of the township of Rigler

, in said County, setting forth that

That portion of public Road leading from Amusville to Nelson School House begins at point at or near lane of A.P. Shopp to point in public road between Jas Munds & Alexander property, has become useless & burdensome

That a new & safer road could be laid out to sup-  
ply the old road. S.E. Rigler at point on the old road at A.P. Shopp lane ending at point on said public road at or near line of Jas Munds & Alexander properties

and therefore praying the Court to appoint proper persons to view <sup>vacate & Supper</sup> and lay out the same according to law, Report to Dec Term 1896

whereupon the Court, upon due consideration had of the premises, do order and appoint Mary Byera R.P. Steiner Jos B. Math

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 <sup>vacate & Supper</sup> 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.

Rigler

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 County of Clearfield 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 County of Clearfield 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 .

D. L. Hensel

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 D. L. Hensel the sum of one Dollar  
To C. C. Schoff (1831) the sum of one hundred twenty five dollars  
To \_\_\_\_\_ the sum of \_\_\_\_\_

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

R. R. Fleming  
J. W. Melnick  
Harry Byers

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 vacate and supply the road  
therein mentioned respectfully report that we gave  
good and lawful notice of said road view with no-  
tice of County Commissioners and met agreeable to said  
notice on the 16th day of October A D 1876, all being present  
and having been severally sworn or affirmed we  
viewed the road proposed to be vacated and, the place  
for the road proposed to be laid out, which road petitioned to  
be vacated to wit, beginning at S. corner of A. P. Shoff's The road  
North forty degrees West seven hundred ninety four feet Thence  
North fifty six degrees thirty five minutes West twenty two hun-  
dred and forty feet, Thence North twelve degrees thirty five min-  
utes West two hundred seventy six feet to line of Jas  
Minds & Alexander's property we are of opinion is useless  
inconvenient and burdensome, on account of the very steep  
hills - and should therefore be vacated, and to supply which  
afore said road we have viewed and laid out and do return  
for public use the following road to wit, beginning at a point  
on within mentioned road at A. P. Shoff's S. corner Thence by said  
road South forty degrees East one hundred thirty feet  
Thence leaving said public road and passing through improved  
land of C. C. Shoff South eight one and one half degrees West four  
hundred and thirty eight feet to a wild Cherry Thence South eighty  
one degrees forty <sup>minutes</sup> West two hundred and two feet to a post  
Thence North sixty five degrees forty five minutes West through  
improved land of said C. C. Shoff, improved land of D. C. Hensal, a  
village street and unimproved land of D. C. Hensal & Boaz  
Alexander North fifty five hundred and forty three feet to  
Rock oak sapling Thence continuing through unimproved  
land of said Boaz Alexander North thirty nine and one half  
degrees West ninety five feet to a post Thence North eight  
and one fourth degrees West one hundred and one feet to post  
North thirty degrees East two hundred sixty five feet to post.  
Thence North forty nine and one fourth degrees East  
five hundred and seventy six feet to post on line  
of land of Jas Minds & Boaz Alexander Thence by  
said line North seventy seven degrees East eight hundred  
feet to <sup>said</sup> road leading from Annsville to Belsena school  
house where road proposed to be vacated ends. A plot or draft  
of which road so as laid out and vacated is herewith annexed  
showing courses distances and improvements. Which road  
laid out is necessary in our opinion for a public road  
witness our hands this 16th day of November A D 1876

Viewers

Robt Fleming

Harry Byers

John S. Melgrock

No 20 Sept Sessions, 1896

ORDER

To view ~~and lay out~~ a road for

Public use in the township of  
Byglen, Clearfield Co.

West Sessions 1896  
12 Dec 1896  
Read and confirmed W. Si.

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.

By Wm Perut  
James Gordon  
Confirmation  
in Jan 1897

FILED NOV 25 1896

Fees \$1.25 paid by Wm Perut

NOTE.—In case of a private road, the release must be ex-  
ecuted in favor of the petitioner for said road.  
Also—Viewers will carefully note the number of days en-  
played, 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.

(1661)	Days 3	AMOUNT.
Harry Rogers	Miles 3.1	\$15.10
(1733)	Days 1	
Jos B. Mc Math	Miles 3	\$2.30
(1734)	Days 1	
Robt Fleming	Miles 3	\$2.30
(1739)	Days 1	
Albert Shoff	Miles 0	\$1.50
Chimney	Days 1	
C. C. Shoff	Miles 0	\$1.50

