

No. 30, Sept. 26. 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,
HOOTZDALE, 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. 30, 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 set confirm absolutely the report of Viewers filed December 19, 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 accommodate 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.

<u>George W. Stitt</u>	
<u>B. F. Stitt</u>	<u>J. G. Higgins</u>
<u>J. H. Stitt</u>	<u>M. B. Speer</u>
<u>B. Bosworth</u>	<u>Maurice Waring</u>
<u>E. M. Alexander</u>	<u>Ben Alexander</u>
<u>Les M. Alexander</u>	<u>C. S. Farney</u>
<u>Boyz Alexander</u>	<u>W. P. Conely</u>
<u>Isaac Kenton Hegarty</u>	<u>Reuben Hegarty</u>
<u>Frank H. Miller</u>	<u>Frank Hegarty</u>
<u>Isaac Packer</u>	<u>G. B. Clegg</u>
<u>E. H. Packer</u>	<u>John Whiteside</u>
<u>J. P. Packer</u>	<u>D. W. Beaman</u>
<u>E. A. Fowor</u>	<u>James Kewell</u>
<u>George M. Smith</u>	<u>J. F. Dahl</u>
<u>J. W. Miles</u>	<u>James Ruffner</u>
<u>James Stitt</u>	<u>John Ruffner</u>

<u>P F Ruffner</u>	<u>James Barnaby</u>
<u>E. R. Miles</u>	<u>Joseph Shoff</u>
<u>Samuel Griffy</u>	<u>A. D. Shoff</u>
<u>S. G. Miles</u>	<u>a. a. Packer</u>
<u>Jas. Stewart</u>	<u>A. D. Shoff</u>
<u>J. B. Wilson</u>	
<u>D. H. Harkroad</u>	
<u>James Hegarty</u>	
<u>R. M. Shoff</u>	
<u>George Boyce</u>	
<u>G. H. Rose</u>	
<u>Jersey Hegarty</u>	
<u>Robert Alexander</u>	
<u>John Davis</u>	
<u>H. H. Wilson</u>	
<u>J. G. Miles</u>	
<u>W. A. Ford</u>	

(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.

C. C. Shoff
mark

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

W. R. Danner Jr. P.

No. 90, Sept. 6. 1896.

In re
Public road in Biddle
Township.

Exceptions to Proceedings
and Report of viewers.

FILED, 1 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 9 day of Sept, A. D. 1896, before Judge of said Court, upon a petition of sundry inhabitants of the township of Bigler, in said County, setting forth that

That portion of public Road leading from Almerville to Believa School House begins at point above near lane of AO Shopp to point in public road below in Jacob Muds & Alexander property has become useless & burdensome
That a new & safer road can be laid out to supply the old road. I.E. Beginning at point on the aforesaid public road at AO Shopp lane ending at point on said public road at or near line of Jacob Muds & Alexander property and therefore praying the Court to appoint proper persons to view and lay out the same according to law, ~~report to Dec 1896~~
whereupon the Court upon due consideration had of the premises, do order and appoint Harry Rogers & R. Gleisner pro 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 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.

B Y THE COURT.


D. J. Dugay

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 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

D. B. Hensel

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 D. B. Hensel the sum of one Dollar
To C. C. Schaff (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. S. Melphack
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
notice to County Commissioners and met agreeable to said
notices on the 16th day of October A D 1846 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 line of J.P. Shoff ~~the~~
North forty degrees West seven hundred thirty four feet thence
North fifty six degrees thirty five minutes West twenty two hun-
dred and forty feet thence North twelve degrees thirty five mini-
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 line thence by said
road South forty degrees East one hundred thirty feet
thence leaving said public road and passing through unprovided
land of C C Shoff South sixty one and one half degrees West four
hundred and thirty eight feet to a wild Cherry thence South eighty
degrees forty five minutes 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 forty 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 ^{the} ~~road~~ road leading from Amerville to Belsen a school
house where road proposed to be vacated ends. A plot or draft
of which roads so as laid out and vacated is herunto 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 1846

Viewers { R R Fleming
Harry Bger &
Jno B. McGeachy

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 an 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 consider the parties are not entitled to damages, taking into consideration the advantages we have as the disadvantages of the road, they will report to that

No 20 Sefer Sessions, 1896

ORDER

ORDINANCE
To view ~~and lay out~~ a road for
public use in the township of
Argelin, Clearfield Co.
1896
Sessions 1896
V. 1, No. 2
Filed and confirmed N. S. 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
of the Queen
in Chancery
on the 1st day of
January 1850.

FILED NOV 25 1896
Filed 1896

Fees \$1²⁵ paid by Henry Rogers

Concordia
on the Adelphi