

No. *B. Feeby* Term, *1889*

*Public Road*

*versus - in*

*Morris Swig*

*Nonum*

*X*

# In Re Public Road } No 3 Febryss 1900 in Morris Township }

## Reconstructs Bill of Costs

A. Neubauer	1 day	1 <sup>00</sup>	\$
three miles	miles	18	1 18
James H. Napier	1 day	1 <sup>00</sup>	
three miles	miles	18	1 18
J. E. Hedding	1 day	1 <sup>00</sup>	
one mile	1 miles	06	1 06
James Napier	1 day	1 <sup>00</sup>	
one mile	1 miles	06	1 06
Robert Sykes	1 day	1 <sup>00</sup>	
one mile	miles	06	1 06
Robert Gering	1 day	1 <sup>00</sup>	
two miles	miles	12	1 12
Michael McLaniff	1 day	1 <sup>00</sup>	
three	3 miles	18	1 18
George Davis	1 day	1 <sup>00</sup>	
three	3 miles	18	1 18
Frank Reed taking depositions			6 <sup>00</sup>
William Jones	1 Day	1 <sup>00</sup>	08
one mile	miles	06	1 06
this mileage & miles are only one way			<u>16 08</u>

Clearfield County, Pa.

Anton Neubauer being sworn according to law says  
the foregoing bill of costs is correct as he only believes  
sworn & subscribed before me  
this 10<sup>th</sup> day of June 1901

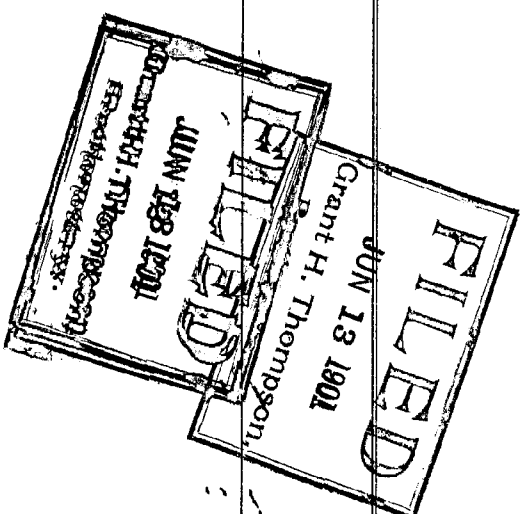
Lewis Bogner  
Justice of the Peace

Anton Neubauer

Road

No 3 Feb'y 22 1908

Bury into



In Re { No. 3 Feby SS. 1900  
 Road in Morn's {  
 Township }

Now 15<sup>th</sup> Jan'y 1900. Singleton Bell as attorney  
 for Anton Neubauer and other citizens and tax payers  
 of Morn's Township files the following exceptions to  
 the report of viewers in this case.

First: The order to view does not bear the seal of the Court of  
 Quarter Sessions of Chester County.

Second:- The notice required by the Acts of Assembly and by  
 the rules of Court was not given.

Third:- The viewers were entertained by and took dinner with  
 Gust Leinhardt one of the petitioners for said road,  
 while they were making this view.

Fourth:- That the conduct of the viewers at the time of the view  
 showed bias on the part of some of them.

Fifth:- That the said road is not necessary for public use.

Sixth:- That the construction of said road is too great a burden  
 for the Township to bear.

Singleton Bell  
 Atty for Anton Neubauer  
 et al

Clearfield County, Pa.

Anton Neubaum being sworn according to law  
doth depose and say that the facts stated in the  
above exceptions are true to the best of his knowledge  
and belief.

Sworn and subscribed before me  
this 15th day of July 1940  
Grant Thompson  
Jury

Anton Neubasser

To the Hon Judge of Court of Quarter  
Sessions, of Clearfield County,

We the undersigned Viewers, Appointed by  
The within Order of Court, To View the road therein  
mentioned, Respectfully report. That having given  
Notice of the time, and place of meeting, according  
To the Act of Assembly, and being all present at  
the view of the ground proposed for the said Road,  
and being all Sworn, or Affirmed, in pursuance  
of the said Order of Court, we have viewed, and  
laid out, and do return the following Road. Viz.  
Beginning at a point in The Public Road leading  
from Philipsburg, to Kylertown, at the Corner of land  
belonging to Andrew Algren, and Daniel Shields, Res-  
pectively and running along the line between them  
and between the said Daniel Shields and William  
McDonald; and along the line between Richard Shields,  
and Gustavus Leinhardt, north Eighty five degrees  
and thirty minutes west, One hundred, and fifty  
Eight, and Eight tenths perches, to a Post corner of  
said Richard Shields, and Gustavus Lienhardt, on  
the line of Adam Oster's land. Thence Through land  
of the said Adam Oster, South fifty Eight degrees,  
and Thirty minutes west, Forty two, and six perches  
to a Post, in the line of Anton Neubaur's land. Thence  
Along the line between said Neubaur, and Adam  
Oster South Eighty five degrees west, Ninety Three  
and Three tenths perches to a Post. Thence Through

Land of the said Anton Neubaur South Three degrees East. forty perches to a Post, Thence through land of the same, South nineteen degrees East Thirty perches to The Snow Shoe, and Packersville Turnpike to a Post between two marked Locust trees, and near Alder Alder Run, a Plot, or draft whereof is hereunto annexed. Which said Road, as aforesaid laid out. We are of opinion, is necessary for public use. All persons through whose land the said Road passes, have signed the release of damages, except Richard Shields, and Anton Neubaur to whom we have assessed damages, and Daniel Shields who was not present; and who we are of opinion is not entitled to damage.

Witness our hands, the 8<sup>th</sup> day of  
January, 1900,

S. F. McClosky  
J. M. Marshall  
A. L. Livingston } Viewers

Scale 20 ps to one inch

Trp Road from Philipsburg to Kyler-Town

Andrew Algren

William McDonald

Gustavus Lienhardt

Anton Nebaur

Daniel Shields

Richard Shields

Adam Oster

Anton Nebaur

Anton Nebaur

Packmanville Junction

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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 7 day of Dec, A. D. 1899, before Judge of said Court, upon a petition of sundry inhabitants of the township of Morris

\_\_\_\_\_, in said county, setting forth that we labor under great inconvenience for want of a public road commencing on a public road formerly known as the Snowshoe and Parkerville Turnpike at or near <sup>where</sup> Alder Run crosses said turnpike and extending to a point on public road leading from Philipsburg to Ryletown at or near the residence of Daniel Shields,

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and report to next term of Court whereupon the Court, upon due consideration had of the premises, do order and appoint S. H. McCloskey, Jack Cyden and Clark Brown 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.

Leant H. Thompson  
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 en sealing 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 22<sup>nd</sup> day of.....  
A. D. 1891

*[Signature]* Seal  
*Adam Cr...* Seal  
*[Signature]* Seal  
*John Mc...* 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 *Richard B...* the sum of *Two Dollars*  
To *John...* the sum of *Two Dollars*  
To *...* the sum of *not entitled to anything*

Witness our hands this 22<sup>nd</sup> day of *January*, A. D. 1891

*S. H. McCarty*  
*J. B. Marshall*  
*Thos Livingston*

No. 3 *July* Sessions, 1900

ORDER

To view and lay out a road for

public use in the township of

*Martins*, Clearfield Co.

*July* Sessions, 1900  
*Nov 10 1899*  
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.

*By Mrs. C. Smith*

*FILED*

JAN 12 1900

Grant H. Thompson,  
Prothonotary.

Filed....., 189

Fees \$1, paid by

*July 11 1899*

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

*S. F. McDonald* (1947) Days 2  
Miles 2.5 \$10.50

*Alfred Livingston* (1950) Days 1  
Miles 1.9 \$03.90

*J. M. Marshall* (1950) Days 1  
Miles 1.9 \$3.90

*Wm McDonald* (1950) Days 1  
Miles \$1.50

*Erin Lienhardt* (1950) Days 1 \$1.50

*Gus Lienhardt* (1950) Days 1 \$1.50

See the Court of Quarter Sessions of Cyp Co, Pa,  
Do Hon Cyrus Gordon P.J.

The petition of the undersigned  
Citizens of Morris Township, respectfully  
represents:-

That a petition is being circulated  
for presentation to your Honorable Court  
asking for a public road within said Township  
from a point near William McDonald's house  
to a point near the barn of Anton Neubauer.

That only three persons live along the line of  
the proposed road each of whom now have  
access to a public road and one of whom,  
Adam Oster, has presented his petition to No. 2  
Dec Term 1899, for a private road.

That the proposed new road runs for a dis-  
tance of nearly two miles, and will cost  
a large sum <sup>in</sup> making; that the road dis-  
trict of Morris Township is now largely in  
debt. And the rate of taxation for road pur-  
poses for the past year was ten mills.

That the proposed road is not needed for  
the general use of the public and never will  
be used to any great extent, and the bur-  
den of making the same is greater than  
the people should be called upon to bear.

That the road will greatly damage  
the property of Anton Neubauer through

which it must pass and will thus  
impose another burden on the public.

They therefore remonstrate against  
the granting of the said public road,  
And they will comply.

James

Simon

Geo. C. Dinsmore

Michel Malaney H. H. Williams

Frank Malaney Edw. H. Hughes

John Malaney

James Malaney

R. L. Lemig

Thomas D. Long

Charles D. Long

~~Wm. D. Long~~

A. K. Womer

August Johnson

L. D. Levy

Jacob Magham

L. Brunsdon

Daniel M. M. M.

Olof Olson

Robt Sykes

Wm. Whit

Amos Ross

Ed. R. R.

James M Conville  
J. G. Gurnett  
H. B. Shugart  
J. W. Vane  
J. H. Vane  
S. C. M. Allister  
Peter Stenison  
A. E. Trimbler  
Jno. Clouser  
P. J. Sullivan  
J. H. Hadding  
S. H. Winton  
L. J. Hord  
Geo. H. Ball  
C. J. Hord  
J. H. Hord  
W. S. Bressler  
J. H. Hord  
J. H. Hord  
John H. Hord  
Paul H. Hord  
S. J. Hord  
W. J. Hord  
Thomas Gervy  
David H. Hord  
Sam Bailey  
David H. Hord

William Hall  
Gord Coffin  
Alex Campbell  
William  
Thomas Jones  
Peter Graham  
Peter S. Spooner  
Jacob Savage  
Patrick Gilday  
John M. Brown  
George Strange  
W. S. Brown  
Daniel W. Pritchard  
E. H. Smith  
J. B. Hill  
J. J. Murphy  
O. L. Schumann  
C. E. Smith  
C. E. Walsh  
John Carter  
Thomas Clark  
Ed. Gunter  
Wm. Keller

Geo. R. Gurner  
Henry Meyer  
A. P. Foster  
Wm. Douglas  
Wm. Holt  
C. C. Conway  
C. C. Watson  
Lucas Tust  
Philip Conway  
Jacob Tust  
George Walter  
Jm Holt  
John Conway  
H. T. Shannon  
Thos. Hill  
John H. Dorell  
Ed. M. Gorman  
Wm. Morris  
Peter McDermott  
John Morgan  
William H. Gorman  
Louis Gorman  
Fred Means  
Ind. Peppen  
L. H. Key  
James Wilson  
Wm. Morgan



Blake Gray  
John Roberts

David Gray

Joseph Gray

William Gray

Himes Holobough

Tom Morgan

James Hairer

James B. Hairer

William Webb

Anton Schaubert

G. E. Davis

James Fowler

J. P. W. Washburn

D. M. Maines

Wm. S. Jones

J. H. Nicholas

J. W. Campbell

Thos. Wagner

No. 3 July 26 1900.

Road in Morris Town  
Ship.

Remonstrance

S. B. Ball  
ATTORNEY AT LAW,  
CLEARFIELD, PA.

To the Honorable the Judge of the Court of Quarter Sessions of  
Clearfield County Penna

We the undersigned citizens of Morris township respect  
fully represent that we labor under great inconvenience for want of a  
public road commencing on a public road formerly known as the Snowshoe  
and Packerville Turnpike at or near where Alder Run crosses said turnpike  
and extending to a point on a public road leading from Philipsburg to  
Kylertown at or near ~~wharax~~ the residence of Daniel Shields

We therefore pray your Honorable Court to appoint suitable persons  
to view and lay out the same and make return thereof to next Term of  
said Court And we will ever pray & c

Adam Oster  
E. G. Garrison  
Wm. T. Esterline  
John A. Thoren  
Frank Merrou  
C. Devinnay  
Julius Kohn  
Wm. Mearns  
E. J. Anderson  
L. J. Jones  
Wm. J. Jones  
H. B. Mearns  
James Irvine

R. M. Jones  
L. J. Jones  
Lewis Bogner  
Alvin Hall  
Peter Erickson  
John Jones  
L. J. Jones  
August Anderson  
David Bailey  
C. M. Bailey  
C. M. Bailey  
H. J. DeVincent  
H. B. Mearns  
C. M. Bailey

Robert Calhoun  
Admiral Wilson

Herbert H. Hendrick  
D. W. H. H.

P. A. Shanley

Wm. H. McDowell

G. Lienhard  
J. W. H. H.



Clearfield County SS

The Commonwealth of Pennsylvania to Daniel Watkins  
Ritch Shields, Louis Boyer, A. Allgreen, C. Lemmey,  
Austin Lillen, Delance Waring, J. W. Howe,  
Tom Fuge, Andre Hessick, Georg Turner  
Abil, Gustavson, Julian Holenke, Lars Luriquist,  
George Haas,

Breeting.- We command you that setting aside all manner of business and excuses whatsoever you be and appear in your proper person before H F Wallace or some other person qualified to administer oaths or affirmation at the Hotel of Abe Trimble in the village of Morrisdale Mines on Thursday the 5th day of July A D 1900 at ten O'clock of said day there to testify all and singular those th ngs which you may know in a certain road case now pending in the Court of Quarter Sessions of Clearfield County said road having been laid out from point on what is know as the Snow Shoe and Packerville Turnpike near the residence of Anton Neuber to a point on Public roa leading from Allport to Kyder town near the residence of Richard Shields in said Township of Morris

And this you are not to omit uner a penalty of one hundred pounds

Witness the Honorable Cyrus Gordon President  
of our said Court at Clearfield this 2nd day of  
July A D 1900

-----  
Prothonotary

Public Road | 3 Miles SS 1900.  
Morris Twp. | Runways & Excesses  
Bill for Runways.

Mr Bell.

Only only on 1-5 & 6<sup>th</sup> Ex.  
1. Order without seal.  
5 & 6 as to facts

Testimony—

Mr Hegarty.

1. M<sup>c</sup>Donald & Leubart have a road by prescription. Otherwise release of private road.
2. No substantial want for highway or road.
- 3.

Opinion as Arg.

- ± The clear weight of the evidence is that there is no public necessity from the standpoint of the public for

~~Nov 2 Oct 1900~~

this was -

2 - That the parties residing along the line of the proposed road need have a right of way cut

3 - That M<sup>rs</sup> H & Co have such road to the L road by junction -

4 - Will not ~~now~~ draw back to view -

1.  
Sustained ~~unsubstantiated~~  
and refused Conf -



In Re. Public Road     )     In the Court of Quarter Sessions of  
                              )     Clearfield County.  
                              )     No. 3 February SS, 1900.  
Morris Township.     )

Remonstrance and Exceptions to Report of Viewers.

Opinion and Decree.

By the Court,

6 October, 1900.

All of the exceptions have been withdrawn except the first, fifth and sixth. The fifth and sixth charge, as does also the remonstrance, that the road is unnecessary, and in my opinion they should be sustained. As I view it, the clear weight of the evidence shows that there is no necessity from the stand point of the public for this road. Were it not for the fact that certain persons reside along the line of the proposed road who claim to not have an adequate way out from their premises to a public highway, there would be no demand on the part of the public for this road. The proper remedy for those affected is an application for private roads so far as may be necessary. The parties residing along the line of the proposed road are entitled to a way out. The principal persons affected are William McDonald, Gustavus Leinhardt and Adam Oster, but the evidence shows that the two former already have a right of way out by prescription. The latter is entitled to it by a private road. The evidence shows that upon his petition, presented to the Court some time ago, viewers were appointed, but they failed to report. The report filed was signed by but one of the viewers. The other two not only refused to join in that report but made no report of their own. The report filed is a

(2)

nullity and upon his application it will be set aside and the matter referred back to the same or other viewers, in case he desires it.

It is, therefore, ordered, adjudged and decreed, that the remonstrance be and is sustained, and the confirmation of the viewers report refused.

*Cyrus C. Gordon*

P. J.

No. 3 February SS, 1900.

In Re. Public Road  
in  
Morris Township.

Opinion and Decree.