

B. Fifey No. 1230 Term, 1860

Public Road

versus-in

Morris Lvs

Monach

X

State Public Roads S No 3 February 1900
 in
 Morris Township

Reimbursement Bill of Costs

A. Neubauer	1 day	1 ⁰⁰	\$
three miles	<u>miles</u>	18	118
James H. Waple	1 day	1 ⁰⁰	
three miles	<u>miles</u>	18	118
J. E. Hedding	1 day	1 ⁰⁰	
one mile	<u>1 miles</u>	06	1 ⁰⁶
James Napier one mile	1 day	1 ⁰⁰	
	<u>1 miles</u>	06	1 ⁰⁶
Robert Sykes one mile	1 day	1 ⁰⁰	
	<u>miles</u>	06	1 ⁰⁶
Robert Seely two miles	1 day	1 ⁰⁰	
	<u>miles</u>	12	112
Michael Malaniphy three	1 day	1 ⁰⁰	
	<u>3 miles</u>	18	118
George Davis three	1 day	1 ⁰⁰	
	<u>3 miles</u>	18	118
Fm B Reed taking depositions		6 ⁰⁰	
William Jones	1 Day	1 ⁰⁰	
one mile	<u>miles</u>	06	1 ⁰⁶
the village a mile or only one way			16 08

Cleared County ss.

Anton Neubauer being sworn according to law says

the foregoing bill of costs is correct as he only bills

fees on bills rendered by me

the 10th day of June 1901

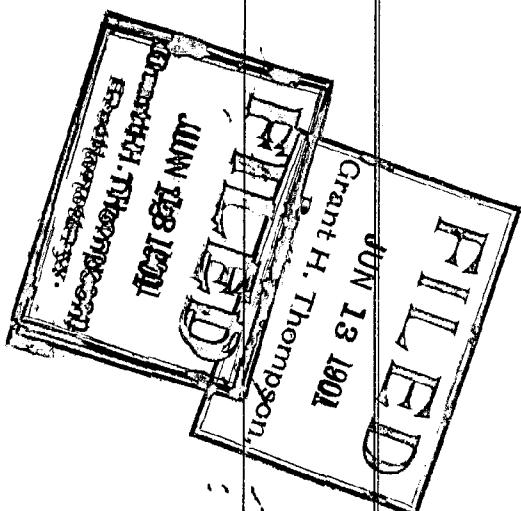
{ Anton Neubauer

Lewis Bogner
 Justice of the Peace

Roag

No 3 Feb 22 1908

Book of Anti



Re: { No. 3 Feb 28, 1900
Road in Morris
Township }

Now 15th Jany 1900. Singelton Bell as attorney for Anton Neubauer and other citizens and tax payers of Morris 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 Clearfield 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 Guest 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.

Singelton Bell
Atty for Anton Neubauer
et al

Clearfield County, Pa

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

Form submitted by me }
the 15th day of May 1900 }
Frank Thompson
Jr. Atty

Anton Neubauer

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, respectively 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 Leinhardt, 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 Rebaur's land. Thence along the line between said Rebaur, 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 Beckerville 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 8th day of
January, 1900,

S. F. McClosky
J. H. Marshall
A. H. Livingston
Viewers

Scale 20 ps to one inch

Two Roads from Philibburgh to the ^{III} House Yer-Town

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 Ironshoe and Parkerville Turnpike at or near ^{where} Alder Run crosses said turnpike and extending to a point on public road leading from Philipsburg to Kylestown 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 J. F. McCloskey, Jack Ogden 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.

Frank 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 ensealing 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 25th day of January, A. D. 1891.

John Livingston Seal
John Livingston Seal
John Livingston Seal
John Livingston 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 *John Livingston* the sum of Two Dollars.

To *John Livingston* the sum of One Dollar.

To *John Livingston* the sum of One Dollar entitled to nothing.

Witness our hands this 25th day of January, A. D. 1891.

S. F. Livingston

John Marshall

John Livingston

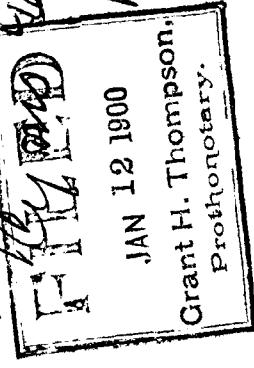
NOTE:—In case of a private road, the release must be executed in favor of the petitioner for said road.
 Also—Viewers will carefully note the number of days employed and set the amount out at the foot of their return.
 Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.
 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.

No. 3 *Henry Sessions, 1900*

ORDER

To view and lay out a road for
 public use in the township of
McMurtal, Clearfield Co.
Del. 1/6 Sessions, 1900
 road laid confirmed *Wm. 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.

AMOUNT.
<i>S. J. McMurtry</i> } Days 2 } Miles 2 1/2 \$10.50
<i>John Livingston</i> } Days 1 } Miles 1 9/10 \$3.90
<i>J. M. Marshall</i> } Days 1 } Miles 1 9/10 \$3.90
<i>Wm. McDonald</i> } Days 1 } Miles 1 1/2 \$1.50
<i>Geo. Lienhardt</i> } Days 1 } Miles 1 1/2 \$1.50
<i>Geo. Lienhardt</i> } Miles 1 } \$1.50



Filed *1/14/1900*, 189
 Fees \$1 paid by *Henry Sessions*

See the Court of Quarter Sessions of Cijo Co., Pa.
Boston 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 has
access to a public road and one of whom,
Adam Oster, has presented his petition to No. 2
Dre 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 ⁱⁿ making; that the road dist-
rict 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 concur.

James

John H.

Jas C. Dimon

Michael Malaney H. H. Williams

Frank Malaney Edw. H. Hughes

John Malaney

James Malaney

R. L. Loring

Horace Loring

Wm. H. Loring

~~Maloney~~

A. K. Womer

August Johnson

J. L. Liver

Jacob Grayson

(J. Brumley d.)

David Wilson

Olef Olsen

Robt Sykes

Wm. H. Stet

Ames Russ

Al. Price

James McDonville
D. Geary, west
H. B. Springer
T. J. D. Conroy
J. J. McNamee
S. C. McNamee
Peter Shanahan
A. E. Trumbo
John Gleason
P. J. Sullivan
John H. O'Farrell
D. H. Weston
L. C. Fitzgerald
Rev. St. Baile
C. J. Conroy
Frank Conroy
A. J. Bresley
John McNamee
John Shanahan
John McNamee
Paul McNamee
S. J. Conroy
W. G. Blakely
Thomas Gerry
David Conroy
Sam Bailey
Robert McNamee

William Hall
Lynd C. Miller
Alex Lammel
William H. Miller
Howard Price
Peter Thompson
Peter S. Spooner
Jacob Stacey
Patrick Tidmarsh
John W. Townsend
George Strang
W. D. Sturtevant
James Sullivan
Daniel W. Richardson
E. H. C. St. John
J. B. Tidmarsh
J. T. Murphy
O. L. Schowalter
John S. Mutch
C. E. C. Walsh
John Carter
Thomas Clark
Ed. Gunter
John Keller

Geo. R. Lawrence
Henry Chapman
P. P. Fossister
John D. Muller
Wile Holt
G. G. Norway
E. G. Le Vitan
Lucas Faist
Philip C. Murray
F. M. W. Green
George Maltor
John Holt
John Chapman
H. J. Shannon
William Chapman
Chas. Miller
John M. Dowdell
Ed. M. Chapman
John M. Chapman
John Morris
Peter McDermott
John Chapman
William Chapman
Louis Chapman
Fred Chapman
Sue Peppen
J. H. Chapman
James Wilson
Wm Morgan

Blake Gray
John Roberts

David Gray

John Gray

William Gray

James Holobrough

John Morgan

James Nichols

James Nichols

William Webb

Union Chapman

John Davis

James Fowler

J. W. Washburn

D. W. Maines

Wm. S. Jones

J. H. Nicholson

J. W. Campbell

F. J. Wagner

No. 3 Feby 01 1900

Road in Morris Town
Sketch.

Remonstrance

S. B. Miller,
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 where 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
John V. Estes
John A. Thoron
Frank Merron
B. Berrinney
Julius Kain
Sam Morgan
T. J. Clegg
J. F. Anderson
John J. Morris
Oscar W. Morris
W. H. Morrison
James Price

R. M. Smith
L. J. Miller
Lewis Bogner
Adam Hall
Peter Erickson
John Clegg
Ladd Longstreet
August Andorf
David Bailey
O. M. Billings
C. J. Clegg
H. S. D. Vining
W. H. Morrison
C. J. Clegg
E. C. Langley

Robert Calhoun
Admiral Wilson
"Barry" French
D. Martin
C. A. Spano
Wm H. McDonald
G. Lienhardt
J. W. Stover

Now January 3 1890. Clark Brown my son
deceased, being called to be a cancer. My son
Finsingston is fully substituted, in place
of Clark Brown.

Clark Brown

Now January 8 1890. Zack Ogden one of the
United Nations, being present but not to go and
allow now the body agreed that J. M. Webster
Shall be substituted.

Now January 8 1890.

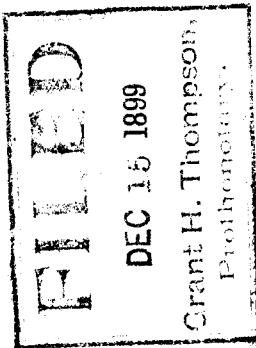
J. M. Webster is substitute
for Zack Ogden.

By the Circuit
Supreme Court

It is to be
done for Webster.
Single out Bell
Party for Ogden.

Attest J. H. Thompson

Now December 1899
United Nations
and
and J. M. Webster
Zack Ogden
affidavit herein
of this and make
of this date to
and for the purpose of
and for the purpose of



Clearfield County SS

The Commonwealth of Pennsylvania to Daniel Watkins,
Rick Shields, Luis Koyne, A. Allgreen, C. Deviney,
Austin Lillen, Delance Waring, J. W. Howe,
Tom Fuge, Andrea Hesick, George Turner
Abil Gustavson, Julian Holenka, Sam Turinquis,
George Haas,
Greeting.- 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
0,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 Kyper 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

Regan's Public Road } 3 miles SS 1900.
Morris Twp. } Pennsylvania
Bell for Reasphines. } & Excephores

Mr Bell -

Only only on 1-5 or 6⁴ Ex.
1- Order without seal -
♂ & ♀ as to feeds

Testimony -

Mr Regan -

1. W^c Donald & Leinhardt have
a road by prescription. Otherwise
volume of traffic road.
2. W substantial road for carriage
of mud -
3. -

Opinion at Arg -

F The clear weight of the evidence
1 That there is no public necessity from
the stand point of the public for

7 Oct 1900

This was -

2. That the parties meeting along
the line of the proposed road
now be given a right of
way out

3. That W H D & Co have only
one to the L road by
prosecution -

4. Will offer to
back to never -

" " Sustain immediately
and infuse Conf -

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

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.

James Headley

P. J.

No. 3 February 25, 1900.

In Re. Public Road

in

Morris Township.

Opinion and Decree.