

No. 12, Sept. Sessions, 1903.

COMMONWEALTH

versus

Vacate Public Road

in
Pike Township

Charge

X

WILLIAM I. SWOPE,
District Attorney.

In the Court of Quarter Sessions of Clearfield County,
Pennsylvania.

The petition of the undersigned, who are citizens,
residents or property owners of the Township of Pike and
adjoining neighborhood in the County and State
aforesaid, respectfully represents:

That by proceedings had
in said Court by No 3 Septr. Term 1892, a public
road was laid out and was subsequently confirmed
by the Court.

That the greater part of said road was opened and
has ever since been used by the public.

That a part thereof, viz: "Beginning at a point
on land of Zachariah McNamee, thence North eight and
three fourth degrees East four hundred and eleven feet to a point
on land of Fred S. Bloom, thence North ninety four and one
half degrees East four hundred and sixty four feet to a
point on land of Fred S. Bloom", has never been opened
as each end thereof was in the then existing public
road, which was never vacated and has ever since
been used by the public.

That the part of the road herebefore opened is
useless, inconvenient and burdensome, will be expen-
sive to build and in the view of the now thickly
settled character of that region, dangerous to private
property, and will spoil the regularity of the streets
being there laid out.

That the aforesaid part of said road should be
vacated.

They pray the Court to appoint suitable
persons to view the said road and report to the Court
at the proper Term.

Ames

Wm. Thompson

J. M. Maul

J. R. ...

Ashley McDowell

Harvey J. Cook

Harmon ...

W. Brown

Wm. ...

O. L. Morris

Joe Smay

J. H. E. ...

C. E. ...

William Post

... ..

C. J. ...

L. B. ...

L. ...

G. ...

John H. Bloom

B. ...

...

...

L. H. Anderson
G. W. Anderson

L. E. Bailey

John C. Bailey

John C. Bailey
Capt. J. Boal

Wm. H. Lynch

John H. Lynch

John H. Lynch
G. L. Lynch

Sergio Girard
Emilio Luy

Charles Luy
Geo. H. Luy

Wm. R. Blooms

George Bailey

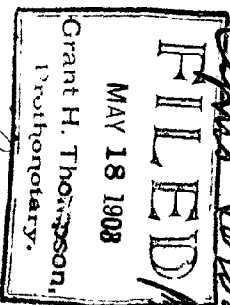
12 Sept. 21. 1903

Petition for vacation
of Justice and in Oils
thereof.

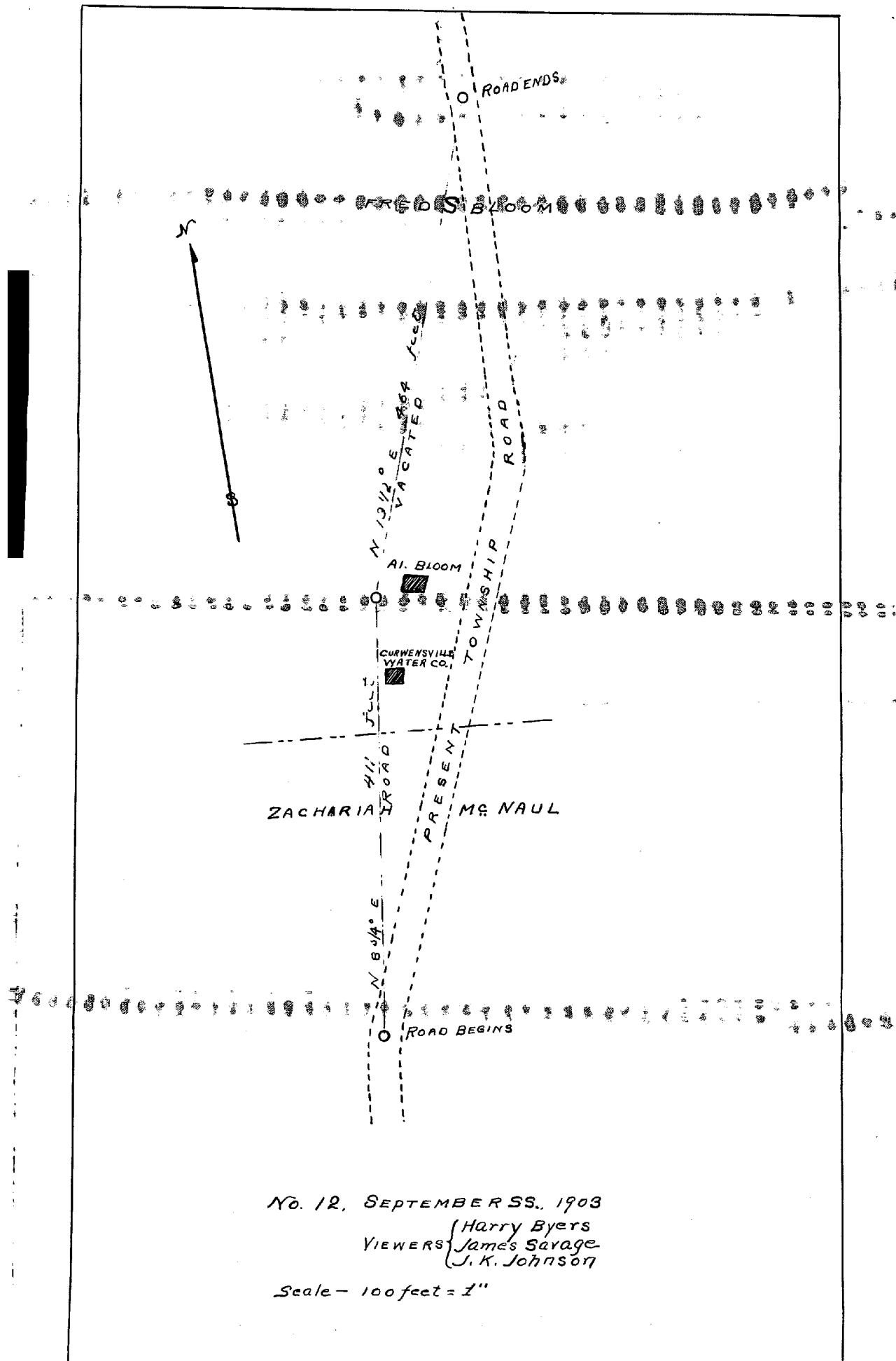
Received May 18 1903,
Petition presented and
returning papers James
Garage. The petition
was approved and return to
refer to the Court at 11th.
At 1903.

By the Court

James Gordon



True



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 18th day of May, A. D. 1903, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Pike

in said county, setting forth that by proceedings had in said Court to No. 3 Sept. 11, 1892 a public road was laid out and was subsequently confirmed by the Court. That the greater part of said road was opened and has been since been used by the public.

That part thereof, viz: Beginning at a point on land of Jacobiah McNamee thence North $8\frac{3}{4}^{\circ}$ East 411 feet to a point on land of Fred A. Bloom, thence North $19\frac{1}{2}^{\circ}$ East 464 feet to a point on land of Fred A. Bloom has never been opened as each end thereof was in the then existing public road, which was never vacated and has ever since been used by the public. That the part of the road hereinbefore described is useless, inconvenient and burdensome, will be expensive to build and in the view of the now thickly settled character of that region, injurious to private property and therefore praying the Court to appoint proper persons to view

the same according to law, Report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers, James Savage, J. M. Johnson 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

~~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.

Grant S. Thompson

Clerk.

and will await the acquiescence of the Streets being there laid out.

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 day of
A. D. 190.....*

.....
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 the sum of

To the sum of

To the sum of

Witness our hands this day of A. D. 190 ..

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 vacate the road therein
mentioned respectfully report, that we gave good
and lawful notice of the said roadview, all being
present and having been severally sworn or af-
firmed we have viewed the road aforesaid laid
out but not opened, to wit, Beginning at a point
on public road now in use on land of Zachariah
Mc Naul, Thence North eight and three fourth degrees
East four hundred and eleven feet to post on land of Fred
S. Bloom thence North nineteen and one-half degrees East
four hundred and six-ty four feet to junction land of
Fred S. Bloom at Township road aforesaid. A plat
or draft of the road aforesaid and the road now
in use is herewith annexed showing improvements, which
road laid out but not opened is in our opinion useless
inconvenient and burdensome, and should therefore
be vacated, and the road now in use continue as
the route to be kept up. Witness our hands
This twelfth day of August A D 1903

Harry Byers
J. R. Johnston
James Savage

No. 12 Sept. Sessions, 1903

ORDER

To view vacate a road for use in the township of Pike, Clearfield County

Sept. Sessions, 1903, read and confirmed N. 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

Filed _____ 190

Fees \$1.25 paid by **FILE**

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. S.—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>Harry Byers</u>	<u>Days 2</u>	<u>\$880</u>
<u>J. K. Johnson</u>	<u>Days 1</u>	<u>\$280</u>
<u>James Spray</u>	<u>Days 1</u>	<u>\$280</u>
	<u>Days</u>	<u>Miles</u>
	<u>Days</u>	<u>Miles</u>

Aug 18 1903
Grant H. Thompson,
Prothonary.

Beall