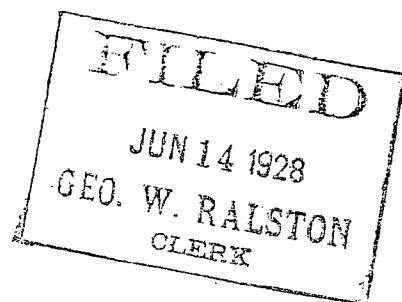


No 23 September Sessions, ~~1928~~ 1926

Petition to vacate and supply a
road in Pike Township.

E

ORDER.



IN THE COURT OF QUARTER SESSION OF CLEARFIELD COUNTY.

In Re - Vacation of Road : No. September Term, 1926.
and application to supply new :
road in Pike Township. :

To Hon. A. Roy Chase, President Judge of said Court:

The petition of divers citizens and taxpayers of said
Pike Township respectfully represents:

That the geographical conditions as well as the needs
of the people of Pike Township find it necessary by reason of
the development of habitation in the county to replace one of
the old roads in said Township which by reason of lack of use
and travel has grown into a state of disrepair.

That in order to facilitate transportation so as to
accommodate the needs of a great number of citizens and taxpayers
living in Pike Township the undersigned hereby petition your
Honorable Court to vacate the old road beginning at the Pleasant
Grove school house and church thence extending a distance of
five thousand three hundred and sixty five (5365) feet past the
farm occupied by Joseph Smay to its intersection with what is
known as the Carding Machine Road most of which shows no travel
or traffic marks and which is overgrown to a large extent with
grass and which road has a running grade of from eight (8)
degrees to twelve (12) degrees and abutted by unimproved lands;

The petition of the undersigned respectfully requests
your Honorable Court in lieu thereof to supply a public road
beginning at a point at the foot of the hill at Pickle Run near
the farmhouse occupied by Joseph Smay; thence in a westerly

direction following the course of Pickle Run across the road from Pleasant Grove school house to A. Y. Straw's, to end at the intersection with the road leading from Charles Bailey's farm to a point near the Pleasant Grove school house and church and being approximately three-fourth $\frac{3}{4}$ of a mile in length. The proposed supply road would have an average grade of about two (2) degrees and would avoid heavy grades and much snow shoveling in winter season. It will be abutted largely by improved land and would accommodate several farms at the present time unaccommodated by the road asked in this petition to be vacated.

Your undersigned petitioners therefore pray that the old road be vacated and that in lieu thereof the supply road herein asked for be built.

And they will ever pray.

Albert Y. Straw

John C. Boal

Wiford Punthius

Richard G. Boal

Charles E. Boal

R.D.B. Boal

Calb. T. Boal

Russell Boal

Geo. W. Dickinson

Arnold J. S.

John C. Smed

Joseph Smed

Lester A. Boal

Alvin S. Boal

Theodore G. Lawrence

William L. Price

W. L. Price

W. L. Price

Charles E. Boal

Charles E. Boal

Joseph Smed

Joseph Smed

William L. Price

William L. Price

ORDER OF COURT

Now, this day of A. D. 1926 the within
petition having been read and considered

are appointed viewers to view the road
herein sought to be vacated and the road sought to be supplied
in the above petition and to make and report ^{and} ~~and~~ their
recommendation
as required by law.

By the Court.

23 SS
No. September 26, 1926.

In re:

Vacation of Road
and Application to Supply
New Road in Pike Township.

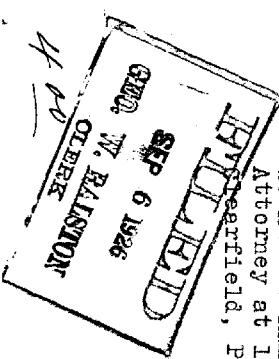
PETITION

Now Sept 6th 1926

John Scollio, Ed.
Harry Rees and
Jack Michaels are
appointed managers to
new road report
to the court.

J. Michaels

W. Albert Ramsey,
Attorney at Law,
Pittsburgh, Pa.



To the Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned visitors,
appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania,
on the 20th, September, 1926, to view and make a certain public
road in the Township beginning at the Pleasant Grove School House and Church,
thence extending a distance of 1260 feet past the farm occupied by Joseph
Fay to the intersection with what is known as the Carding Machine Road, and
to supply a public road beginning at a point at the foot of the hill at Middle
Run near the farm occupied by Joseph Fay, thence in a westerly direction
following the course of Middle Run across the road from Pleasant Grove School
House to A. V. Strader's, to end at the intersection with the road leading from
Charles Coffey's farm to a point near the Pleasant Grove School House and
Church, and being approximately 3/4 of a mile in length, in the Township
aforesaid, will meet at the Pleasant Grove School House in said Township on
Thursday, the 20th day of September, A.D. 1926 at eleven (11:00) o'clock
A. M., to attend to the business assigned them; all parties interested will
take notice.

And that the public hearing as required by Act of Assembly
and Rule of Court to be held by the visitors before the filing of their report
to Court in order to give all parties interested in the said road an oppor-
tunity to be heard will be held in the Auditorium Room in the Court House in
Clearfield on Friday, the 21st day of September, A.D. 1926 at ten (10:00)
o'clock A. M., or as soon thereafter as counsel can be heard, at which time
and place all parties interested may attend and be heard.

John Ballou
Harry Reese
J. S. Michaels
Visitors

Pleasant Grove, September 14th, 1926.

Clearfield County, SS:

Now, this 14 day of September, A.D. 1926, service of the above
Notice is accepted for the Commissioners of Clearfield County.

L. O. Stover
Clerk

to vacate the old road beginning at the Pleasant Grove School House and church thence extending a distance of five thousand three hundred and sixty five (5365) feet past the farm occupied by Joseph Smay to its intersection with what is known as the Carding Machine Road most of which shows no travel and which road has a running grade of from 8° to 12° and abutted by unimproved lands.

The petition of the undersigned requests your Hon. Court to supply a public road beginning at a point at the foot of the hill at Pickle Run near the farmhouse occupied by Joseph Smay; thence in a westerly direction following the course of Pickle Run across the road from Pleasant Grove School House to Straw's, to end at the intersection with the road leading from Charles Straw's to a point near the Pleasant Grove School house and Church and 3/4 of a mile in length.

To, Walter Long, John H. Bloom and Joseph Smay, Supervisors of the Township of Pike, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 23, September Sessions, 1926, to view and vacate a certain public road in Pike Township beginning at the Pleasant Grove School House and Church, thence extending a distance of 5365 feet past the farm occupied by Joseph Smay to its intersection with what is known as the Carding Machine Road, and to supply a public road beginning at a point at the foot of the hill at Pickle Run near the farmhouse occupied by Joseph Smay, thence in a westerly direction following the course of Pickle Run across the road from Pleasant Grove School House to A. Y. Straw's, to end at the intersection with the road leading from Charles Bailcy's farm to a point near the Pleasant Grove School House and Church, and being approximately 3/4 of a mile in length, in Pike Township aforesaid, will meet at the Pleasant Grove School House in said Township on Thursday, the 30th day of September, A.D. 1926 at eleven (11:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said road an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 1st day of October, A.D. 1926 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Boulton
Harry Reese
J. S. Michael
Viewers

Dated, September 14th, 1926.

Clearfield County, SS:/

Now, this 14 day of September, A.D. 1926, service of the above Notice is accepted for the Supervisors of Pike Township.

Bell, Boulton & Fawcett
Atty for Supervisors

To W. Albert Ramey, Esq., Atty. for Petitioners:

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 23, September Sessions, 1926, to view and vacate a certain public road in Pike Township beginning at the Pleasant Grove School House and Church, thence extending a distance of 5365 feet past the farm occupied by Joseph Smay to its intersection with what is known as the Carding Machine Road, and to supply a public road beginning at a point at the foot of the hill at Pickle Run near the farmhouse occupied by Joseph Smay, thence in a westerly direction following the course of Pickle Run across the road from Pleasant Grove School House to A. Y. Straw's, to end at the intersection with the road leading from Charles Bailey's farm to a point near the Pleasant Grove School House and Church, and being approximately 3/4 of a mile in length, in Pike Township aforesaid, will meet at the Pleasant Grove School House in said Township on Thursday, the 30th day of September, A.D. 1926 at eleven (11:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said road an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 1st day of October, A.D. 1926 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

W. Albert Ramey
Harry Reese
J. D. Michael
Viewers

Dated, September 14th, 1926.

Clearfield County, SS:

Now, this 14 day of September, A.D. 1926, service of the above notice is accepted for the petitioners.

W. Albert Ramey
Atty. for Petitioners

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the 6th day of Sept. in the year of our Lord, one thousand nine hundred and twenty six

A. R. CHASE

By the Honorable ~~Stephen~~ Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Pike, in the County aforesaid ~~saying further that~~.....

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

point from and among the County Board of Viewers John Scollins, Esq., Harry Reese,

and Jack Michaels who have been duly appointed by the said Court on the

County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft, or plot, aforesaid. In which said reports they shall state that they have been sworn, or affirmed, according to law, and that due and legal notice was given of the time when and the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

Geo W Ralston

Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE COUNTY OF CLEARFIELD, PA.

We, the undersigned Viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows:

That notice of the time of the view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County, and the Board of Supervisors

of the Township of Pike, and that three notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

30th day of September, A. D. 1926, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield,

Pa., on the 1st day of October A. D., 1926, at ten o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view: John H. Bloom, and Walter Long, Supervisors, A. Y. Straw, Joseph Smay, and W. A. Ramey, Esq.

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 1st day of October,

A. D. 19 26, when the parties interested in the said road were in attendance: Caleb F. Boal; John Smeal; A. Y. Straw; Charles Anderson; Russell Boal, petitioners, with W. A. Ramey, Esq. Attorney; Walter Long, John, John H. Bloom and Joseph Smay, Supervisors, with S. Bell, Attorney. Milo Lawhead, R. M. Cochran, S. A. Smeal, William Bunnell, protestants, with W. A. Hagerty, Attorney, each of whom were duly sworn, examined and cross-examined by counsel and your Board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road ~~back~~, ~~knowingless incommint to burden some~~, to wit: Beginning at a post near the Pleasant Grove School House, thence South 39 degrees West 275 feet to a post; thence South 18 degrees 30 minutes West 300 feet to a post; thence South 11 degrees 30 minutes West 302 feet to a post; thence South 9 degrees 15 minutes West 301 feet to a post; thence South 25 degrees West 285 feet to a post; thence South 29 degrees West 56 feet to post and ending at intersection of Road leading to Curwensville, near Pickle Run. ALSO: Beginning at a post on the South side of Road leading to Curwensville, thence South 29 degrees West 141 feet to a post; thence South 30 degrees West 233 feet to a post; thence South 47 Degrees East 196 feet to a post; thence South 36 degrees East 160 feet to a post; thence South 22 degrees West 259 feet to a post; thence South 4 degrees 30 minutes East 302 feet to a post; thence South 7 degrees 30 minutes East 300 feet to a post; thence South 11 degrees East 484 feet to a post and ending at its intersection with the Clearfield & Curwensville Road. That the aforesaid Road from the Pleasant Grove School House to Pickle Run is of a precipitous grade, averaging from 8 to 12 degrees, one witness testifying that at one point the grade was 24%; that there is no bridge over Pickle Run. The Road as a whole is dangerous for public travel, useless, inconvenient and burdensome of upkeep, and ought therefore to be vacated.

Secondly, that there is need of a public road for the accomodation of the traveling public, and your Board agrees that to supply the public convenience a new Road be built beginning at a post at the intersection of the Road leading to Curwensville with the aforesaid vacated Road (near Pickle Run); thence North 8 degrees 30 minutes West 193 feet to a post; thence North 1 degrees 30 minutes West 302 feet to a post; thence North 8 degrees 30 minutes West 301 feet to a post; thence North 2 degrees West 300 feet to a post; thence North 6 degrees 15 minutes West 302 feet to a post; thence North 7 degrees 15 minutes East 300 feet to a post; thence North 4 degrees 40 minutes West 604 feet to a post; thence North 0 degrees 175 feet to a post; thence North 4 degrees East 182 feet to a post; thence North 1 degrees 15 minutes East 300 feet to a post; thence North 3 degrees 30 minutes East 182 feet to a post; thence North 28 degrees East 232 feet to a post; thence North 48 degrees 30 minutes East 302 feet to a post; thence North 37 degrees East 108 feet to a post; thence North 72 degrees 15 minutes East 301 feet to a post; thence North 80 degrees East 300 feet to a post, and ending at its intersection with the Roads leading to Pleasant Grove School House and to Curwensville, near the property of Caleb Powers. That the proposed supply road can be built and maintained at less expense; that it will have a water grade of an average 3%, and benefit a greater number of inhabitants and the traveling public. That the proposed road, for a length of 3783 feet, will traverse unimproved land, the owners sustaining only nominal damages for the land taken; that for a distance of 601 feet the proposed road will traverse improved land of Milo Lawhead, who should be compensated therefor; and in the construction of said road all timber cut and removed from the right-of-way is reserved to the owners,

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from [REDACTED] that they procured such release from:

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up of the said road, we, the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof, as follows:

To Milo Lawhead: the sum of Fifty (\$50.00) Dollars; and to Dr. S. D. Bailey, the sum of One (\$1.00) Dollar

and we herewith return releases obtained, and copy of the notices.

Witness our hands and seals this 4th day of November, A. D. 1926.

John Scollins [SEAL.]

A. Reese [SEAL.]

J. S. Michaels [SEAL.]

Viewers.

No. 23 Sept Term 19 26

ORDER TO VACATE

To view and vacate road situate
in the Township of Pike
Clearfield County. .

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 root of their return.

Reviewers cannot interfere with the 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.

Now three Sessions 19 26

110

by the Court.
Sessions 1927

Now Here Sessions 19-21

confirmed absolute.

By the Court.

W. H. Moore
D. C.

19
Filed

Atty. W. Albert Ramsey

Fees \$1.25 paid by

Open Order
Pd 1.50 by
a y strain

GEO. W. F. LEECH

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

In re: Petition to vacate :
and supply road in Pike : No. 23 September Sessions, 1926
Township :
:

PETITION.

To the Honorable A.R. Chase, President Judge of said Court.

The petition of Jemima Lawhead respectfully represents:-

In the above entitled case a petition to vacate an old road and supply a new one in Pike Township, running from a point at Pickle Run near the farm occupied by Joseph Smay to a point near the Pleasant Grove school house and church, about three-quarters of a mile in length; and that thereon your honorable Court appointed viewers, and that said viewers filed their report which was confirmed nisi at December Sessions, 1926, and confirmed absolutely at February Sessions, 1927, no exceptions or appeal having been filed.

That the said new road as laid out traverses the land of your petitioner for a distance of about 601 feet over improved land of your petitioner, and for a considerable distance over unimproved land also belonging to your petitioner; that your petitioner will be greatly damaged if said road is opened, by the taking of the ground for said road, the cutting off of your petitioner's pasture lands from the water supply thereto, the making inaccessible of other portions of petitioner's lands, and in other respects.

That no notice of said proceeding was given to your petitioner at any time of the view in said proceeding nor of any hearing therein to assess your petitioner's damages, and that no request was made of your petitioner to release any damages done to her.

That the viewers' report in said proceeding allows to Milo Lawhead the sum of fifty (\$50.00) Dollars as his damages, and shows said road to traverse the land of Milc Lawhead; that

said Milo Lawhead is your petitioner's husband and attended the hearing before the viewers as one of a number of citizens protesting against said road for public reasons; but has no interest in the land aforesaid and did not represent your petitioner nor present any claim for damages to her property before said viewers.

That the purported award of damages of \$50.00 to Milo Lawhead never came within the knowledge of your petitioner until within the past week; that no action with reference to the opening of said road has been taken by the supervisors until within the past two weeks; that said supervisors are now proceeding to open said road and work thereon has progressed partly over the land of your petitioner.

That said road is unnecessary and burdensome and its construction will inflict damages upon and do great injury to the petitioner, and that the same will be a taking and injury to petitioner's property without due process of law.

YOUR PETITIONER THEREFORE PRAYS that the order of confirmation heretofore made of the said viewers' report be stricken off and the order to open said road vacated and stayed.

Jemima Lawhead

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Jemima Lawhead, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me
this 23 day of January, A.D.
1928.

Jemima Lawhead

Joseph F. John
Judge of the Peace
My Commission Expires
First Monday in January 1934

O R D E R.

AND NOW January 28nd, 1928, the foregoing petition being presented, the Court grants a rule upon the Supervisors of Pike Township and upon the petitioners in the proceeding to show cause why the order of confirmation of said viewers' report should not be stricken off, and the order for the opening of said road vacated and further proceedings thereon stayed.
Put to argument Court
~~returnable this~~ day of January A.D. 1928.

By the Court,

A. B. Chase
President Judge.

No. 35 September Sessions, 1926

IN THE COURT OF JURISDICTION
SESSIONS OF CLEARFIELD COUNTY,
PENNSYLVANIA.

In re: Petition to vacate
and supply road in Pike
Township.

PETITION

JAN 23 1923
GEO. W. RALSTON
CLERK

W. WALLACE SMITH
ATTORNEY AT LAW
CLEARFIELD, PENNSYLVANIA

Wore, January 23, 1928 service accepted
Albert Janney
Now Jan 23, 1928 serv accepted on behalf of Rich May
Bell Boulton, attorney

In the Court of Quarter Sessions of Clearfield County, Pennsylvania
Petition to vacate and supply a) No. 23 September Sessions, 1928
road in Pike Township.)

This petition is before the Court to strike off confirmation of the Viewers report because of an alleged defect in the notice to one of the property holders who has suffered damages. Upon hearing this matter it being indicated by Counsel that an adjustment was being made which would require an order of the Court, the following order will be made:

Now, June 13th, 1928, this cause continued pending further order of the Court as to an agreed change in the Viewers report in accordance with an agreement to be submitted to the above number and term.

By the Court,

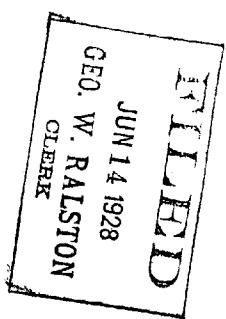
A. R. Chase
P. J.

No 23 September Sessions, 1926.

Petition to vacate and supply a
road in Pike Township.

G.

ORDER.



In the Court of Quarter Sessions of Clearfield County, Pennsylvania
In Re. Petition to vacate and supply) No. 23 September Sess. 1928
a road in Pike Township.)

Now, April 29th, 1929, the above Report of the Viewers is confirmed absolutely, unless exceptions is filed thereto within five days from date hereof.

By way of explanation, the above petition to vacate and supply to supersede and take the place of No. 10 May Sessions and No. 11 May Sessions, 1926, said proceedings to Nos. 10 and 11 May Sessions, 1926, are hereby directed discontinued.

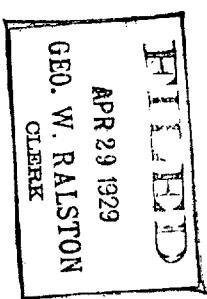
By the Court,


A. B. Chase
P. J.

Mo. 25 September sessions, 1926.

In Re. Petition to vacate and
supply road in Pike Township.

ORDER.

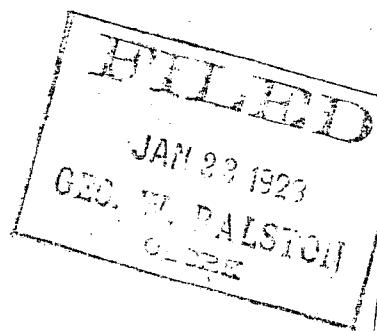


No. 23 September Sessions, 1926

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY,
PENNSYLVANIA.

In re: Petition to vacate
and supply road in Pike
Township.

PETITION



W. WALLACE SMITH
ATTORNEY AT LAW
CLEARFIELD, PENN'A