

DOCKET No. 6

Number Term Year

23 Sept 1926

Petition to vacate road and Supply
road in Pike Twp

Versus

Red Land for 26 - Page 128 - 10

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No. 23 Sept SS Texark, 1926

Petition to vacate and

supply road in Pike Township

VERSUS

RULE ON

Supervisors of Pike Township

Sheriff

200

W. Wallace Smith

Attorney for Claimant

Attorney for Plaintiff

Attorney for Defendant

Petition to vacate and
supply road in Pike Township

versus

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

No. 23 Sept ss 23, 19 26

Fax No. 19

And now, January 23rd, A.D. 19 28, petition read and considered,
Walter Long, Olanta R. D.Pa. Jos. Smay, Clearfield, R.D.J. Frank Thompson,
Grampian, R.D.Pa.
and a rule is granted on 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.

Returnable to Argument Court

By the Court,
A. R. CHASE
HON. ~~WILLIAM~~ BELL, P. J.

Certified from the record this 23rd day
of January, 19 28.

Geo W. Ralston
Prothonotary
Clerk of the Court of Quarter Sessions

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

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

ANSWER

The Township of Pike acting by and through its
Supervisors makes answer to the petition of Jemima Lawhead as
follows:-

FIRST: That there was a prior proceeding to
No. 11 May Session 1926 to supply a road which would have traversed
the land of Jemima Lawhead and at the hearing before the Board
of Viewers on said petition, Milo Lawhead, husband of Jemima
Lawhead appeared as one of the opponents to the granting of said
petition.

SECOND: That the Board of Viewers to No. 11
May Session 1926 reluctantly reported against the supplying of
the road therein applied for.

THIRD: That on the 6th day of September 1926
there was filed by W. A. Ramey, Esq., a petition signed by
nineteen (19) citizens of Pike Township to vacate and supply
a road in Pike Township. The road to be granted being part
of a road formerly sought to be vacated and the road to be
supplied being designed to take the place of the road prayed for
in No. 11 May Session 1926.

FOURTH: That the proceedings to No. 23 September
Session 1926 show that the viewers appointed by your Honorable
Court served notice of the view and hearing on the County Commissi-
oners of Clearfield County, upon the Supervisors of Pike Township

and upon the petitioners in said petition.

FIFTH: That said notices were also posted along the route of the road to be supplied and on the land of the petitioner in this case, Jemima Lawhead.

SIXTH: That said notices were in writing and were given in compliance with Section 1 of the Act of April 2, 1899 P. L. 26 and the Act of March 29, 1905 P. L. 69.

SEVENTH: That on the first day of October 1926 a hearing was had on said petition at which time there appeared four (4) protestants represented by their Attorney, W. A. Hagerty, Esq., one of whom was Milo Lawhead, husband of the petitioner in this case.

EIGHTH: That the report of the viewers in this case shows the road traverses certain land of Milo Lawhead and an award of damages was awarded to Milo Lawhead in the amount of fifty dollars (\$50.00).

NINTH: That your affiants are informed that Milo Lawhead does not hold the record title to said land but that the same is in the petitioner Jemima Lawhead.

TENTH: That the records show that the report of said viewers was confirmed by your Honorable Court to December Session 1926, Nisi, and in February Session 1927 confirmed absolutely.

ELEVENTH: That an opening order was taken out and delivered to the Supervisors of Pike Township.

TWELFTH: That your affiants are unable to find any provision in the Acts of Assembly requiring the service of personal notice on the owners of land through which a proposed road may go. The rules of Court of Clearfield County require the viewers to give notice as required by existing Acts of Assembly.

THIRTEENTH: That the petitioner, Jemima Lawhead had knowledge of the proceeding in this case as evident by the fact that her husband attended both hearings and a notice of the view was posted on her land and shown by the report of Viewers in this case.

FOURTEENTH: That said petitioner having such knowledge did nothing regarding any rights which she might have had until the filing of her petition on the 23rd day of January 1928.

FIFTEENTH: That in the meantime, acting upon the Order issued by your Honorable Court, the Supervisors of Pike Township commenced opening the said road and have expended the Township's monies thereon to an amount of approximately one hundred and seventy-five dollars (\$175.00), at the present time.

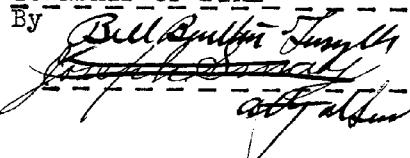
SIXTEENTH: That the petitioner is required by law to file an Appeal from the reward within thirty (30) days from the confirmation of same and not afterward.

SEVENTEENTH: That said petitioner is now seeking, by the present proceeding, to obtain an Appeal to which she is not entitled and which right she lost by reason of her own neglect.

WHEREFORE your petitioner pray that the Rule granted in this case be determined in their favor and that the opening of the said road and all proceedings thereon be ordered to proceed and they will ever pray.

TOWNSHIP OF PIKE

By


Bill Smith
Supervisor
at falters

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Before me ths subscriber hereto came Joseph Smay who, being one of the Supervisors of Pike Township and being sworn according to law deposes and says that the facts set forth in the above petition are true and correct to the best of his knowledge and belief.

Joseph Smay

Sworn and subscribed to before me this
24th day of January A.D., 1928.

Henry Bell
Henry Bell, Notary Public
MY COMMISSION EXPIRES MARCH 5, 1931

Jan 25, 1928. Since my next
Dr. DeMolay Frat.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 23 Sept. Sessions 1926

IN THE

Petition to vacate and supply road in Pike Township

ANSWER

Walla Walla
Washington
State Capital

BOULTON, FORSYTH & BELL

ATTORNEYS AT LAW
CLEARFIELD, PA.