

No. 10, *Man* ^{SS} Term, 1883

Public Road

~~VERSUS~~

ch
Pike Lwp

Contents:

No road

See Corp. v. Man

Page 353 354 355

X

NOTE—In case of a Private Road, the release must be executed in favor of the possessor, he said.

Also—Viewers will initially note the number of days employed and set the amount owed at the foot of their return. Reviewers cannot interfere with the number of days employed, but they can set the amount as far as the location may be concerned.

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 the effect.

was #279.2
S. J. M. & Co. (Miles 1)

Cent # 2500

Henry's Grand

(Miles) Cost # 75.

Mr. J. Chandlers } Dec 1

Miles
Cut # 700

Lincoln, Utah Days 2027

Miles

Page 1

Miles.....

Have no fear in Report
"reformed back":

S. H. McLaughlin

Ant # 556 2 days/mile - 0:10

Stent & French

Q17557 1 day & 1 mile d, 1/c

W. P. Chandler

1 day x 1 mile 20/16

CM-4688

No. 167 Mac Sessions, 1883.



To view and Lay out a Road

For *Public* use in the township

of *State* Clearfield county.

27 June 1883, confirmed. No. 1 found to
be improved. 23rd June report returned
advising no further to be required than
to be kept.

Exposition Universelle 1883

Nov 21st July 1881 Report of

Reverse request back from the
purports of processing well-are?

of damaged as also broken

By 15 Court

Filed 24 9/77-2, 1883

Fees \$1.²⁵ paid by Ed Goodwin.

20th May 1884. Confirmed. Kiri Road to be cleared 30 feet wide in accordance with report of members by the Court

I Rev. Bloom and Stewart McElroy by J. T. Bryden their at-
 torneys file the following exceptions to the confirmation of the within
 report.
 1st The travelers have failed and neglected to obtain necessary of dam-
 age from all of the persons over and through whose land the road is
 located, neither do they create damage to said persons or entity in
 their report that said property owners do not sustain any dam-
 age.
 2nd The petition for the road are all venues of com. & Bloom who
 at this point denotes a road or street for their use and the use of the public, and
 there is, therefore, no necessity for the road road cut by the travelers.
 3rd The road is not laid out in such a manner as shall do
 the least injury to private property, the same being so laid out
 as to make it necessary to remove the dwelling house of straw
 and masonry.
 4th The road if made as laid out will injure an unnecessary
 expense and burden on the township.
 J. T. Bryden atty for them
 Bloom Stewart McElroy

road donated by Wm. L. Bloom, can only be done by proceeding specially under the act of 8th May 1850.

4th No actual notice was given to the owners of the land or their agents or occupants, though said road is intended to pass of the time of the review as contemplated under rule of Court No 34.

5 Notice was given of the purpose of the view being to increase the width of the public road donated by Wm. L. Bloom as required by law and the rules of Court.

6 The order to the viewers is to view a road in this town as the limit of the reference back a large portion of the township on which this road passes was annexed to Concord Bm, and the Court has no power to appoint viewers to lay out roads & streets in incorporated boroughs or under the general borough law then belongs to the Council.

7 The road as laid out passes through improved land & viewers have failed to note the same.

8th The road is not a public necessity.

Wm. S. Smythe
Atty for respondents

To The Honorable, The Judges of
the Court of Quarter Sessions of Cleaveland Co.

We, the undersigned Viewers, appointed by the within order of Court, and to whom was referred back their former report, by order of your Court of Feb'y 21st, 1854, now respectfully submit the former report and view, as it will do the least amount of damage to private property. This view was made on May 10th, 1854, after we were all duly apprised, and we were all present at view, of which due and legal notice was given, and all parties interested had notice. We have obtained and submit herewith releases for damage to the property of all persons over which the proposed Road passes, except the properties of J. Ross Bloom, Howard M. Clunkey and E. Kate & Jane Hanley. To J. Ross Bloom we have awarded damages, as per statement hereto attached; to said M. Clunkey, and said Hanleys we have not awarded any damages, as we believe they will have not sustained any. And we recommend that the Road be opened thirty feet in width, as releases and

damaged are based on this width.
Furthermore, that the original view, as
per report and draft, if Road be made
thirty feet wide, will not require the
removal of, or interfere with, any
dwelling house, and Road as pro-
posed will not be a burden to
Pike Township. And we further
report that the proposed Road is
actually necessary for public use.

All of which is respectfully submitted.

Witness our hands this
10th day of May A.D. 1884.

J. H. Mcclusky }
Daniel Faust } Viewers
M. J. Chambers }

And Sept. 8th 1884 J. Ross Bloom & Howard Mc-
Clusky by their attorneys and buyers file
the following ^{additional} exceptions to the confirmation of
the original and supplementary reports of the
viewers.

1st The viewers have neglected and failed to com-
ply with the order of the Court in referring
back the original report, in that they have
failed to change the location of the road
as therein directed.

2nd The road as laid out on that portion
thereof beginning at a point in the line of
the Blumig land ten feet from the north-east
corner of J. B. Leguere lot and ten feet from
the south-east corner of Geo Evans lot to
a post in line of J. Ross Bloome land
is laid out on top of a road or
street dedicated for public use by J. Ross
Bloom the grantor of the petitioners & it not
being necessary to do so in order to reach the terminus
the same is illegal.

3rd The
a proceeding to lay out a new road the Court
has no power to increase the width of the
the same.

CLEARFIELD COUNTY, SS:~

At a Court of Quarter Sessions of the Peace of the county of Clearfield, held at Clearfield, in and for said county, on the 21st day of July, A. D. 1884, before Judges of said Court, upon a petition of sundry inhabitants of the township of Pike, in said county, setting forth that they labor under

great inconvenience for want of a Public in Pike Twp to begin on or at line of Thos. Bloom's land and leading to & ending at Public road leading from Borough of Currenville to McNaull & Way Settlement

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, & make report to the Court whereupon the Court, upon due consideration had of the premises, do order and appoint

S. H. McCloskey, Daniel Faust & Wm Chambers 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 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 lands 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 the 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 lands 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.

James Kerr

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, lease 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. 188 .

+++++
L. S.
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L. S.
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L. S.
+++++

+++++
L. S.
+++++

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. 188 .

NOTE.—In case of a private road, the referee must be employed to determine the proper location for said road. Also, Viewers will carefully note the number of days employed and set the amount on the foot of their return. Referees cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the referees. 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.

{ Days	Amount
{ Miles	
{ Days	
{ Miles	
{ Days	
{ Miles	
{ Days	
{ Miles	
{ Days	
{ Miles	

No. 10 Main Session, 1883

Chas. O. ANDER

To view and lay out a Road

For *Public* use in the township

of *Pike* Clearfield county.

Filed *16 May* 1884

Tees \$²⁵ 1, paid by *W. L. a*

To the Honorable Judges of the Court of Clfd. Co.
We, the undersigned persons, appointed by the within Order
of Court, to view, and lay out 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 pro-
posed 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 Post in the line of Thomas Bloom's land.
Ten feet from the north East corner of J. B. Segner's Lot; and Ten
feet from the South East corner of George Evans' Lot. Thence
along Between Lots belonging to George Evans, W. R. McClosky,
C. A. Horabough, James Spence and Stanley's, on the one side
And M. A. B. Segner, Virgil Stephenson, Edwin Goodwin and
others, on the other side South Thirteen Degrees West (S. 13° W)
fifty four and four tenths (54.4) perches to a Post in the line of
J. Ross Bloom's land. Thence through his land South nineteen
Degrees West (S. 19° W) Twelve (12) perches to the Township Road lead-
ing from Curwensville to M. Sawl & Wagon Settlement. a Rob-
on Draft whereof is herewith annexed.

Which said Road, as aforesaid laid out, we are of opinion is
necessary for public use.

Witness our Hands the 31st day of April 1883.

J. B. McClosky
Daniel Faust
M. W. Chambers

} Viewers

To the Honorable Judges of the Court of Cyp. Co.
We, the undersigned persons, appointed by the within Order
of Court, to view, and lay out the road therein mentioned
Respectfully report: that having given notice of the time,
and place of Meeting, according to the Acts of Assembly.
And being all present at the view of the ground pro-
posed 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-

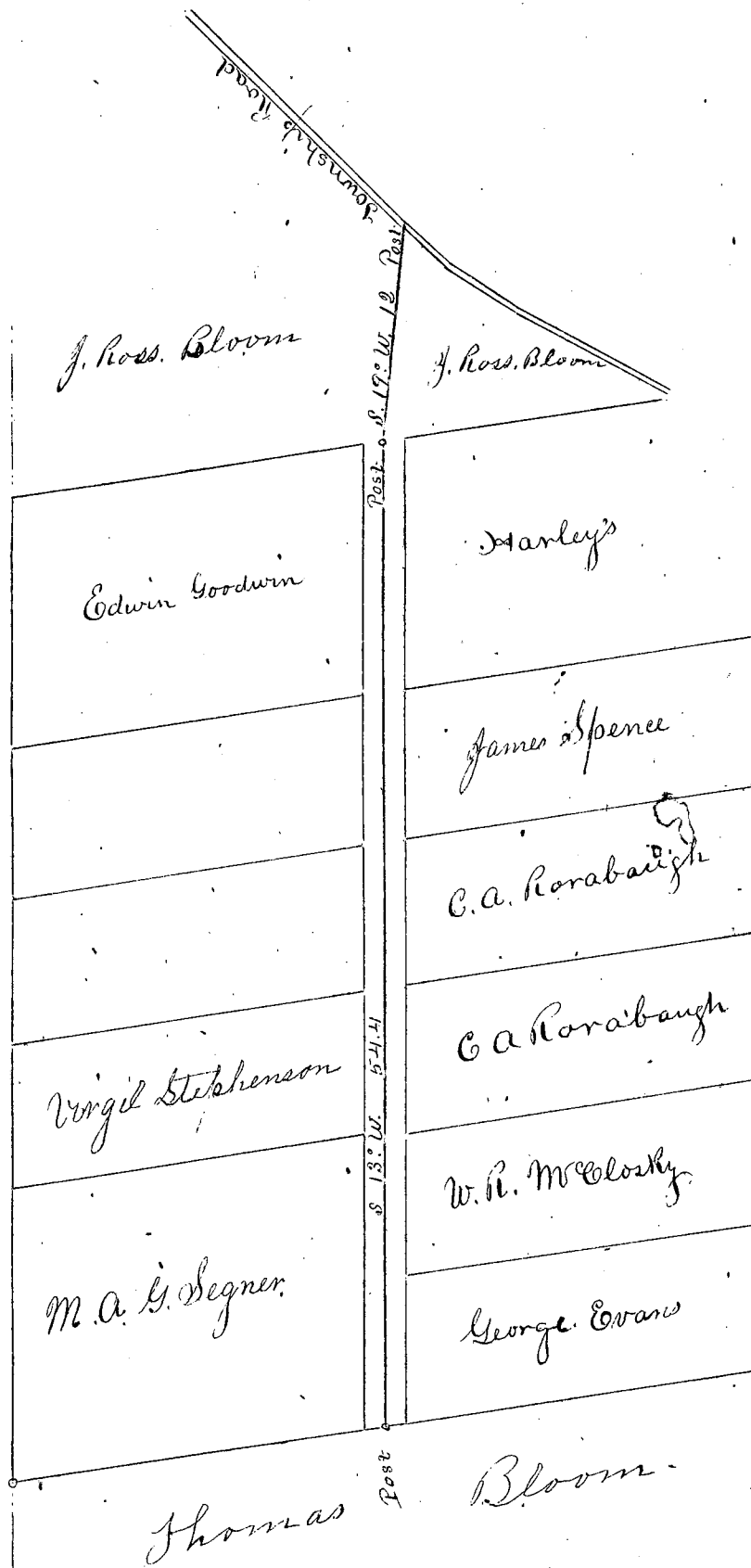
Beginning at a Post in the line of Thomas Bloom's land
Ten feet from the North East corner of J.B. Segner's Lot; and Ten
feet from the South East corner of George Evans' Lot. Thence
along Between Lots belonging to George Evans, W. R. McClosky,
C. A. Korabaugh, James Spence and Stanley's, on the one side
And M. A. B. Segner, Virgil Stephenson, Edwin Goodwin and
others, on the other side South Thirteen degrees West (S. 13° W)
Fifty four and four tenths (54.4) perches to a Post in the line of
J. Ross Bloom's Land. Thence through his land South nineteen
degrees West (S. 19° W) Twelve (12) perches to the Township Road lead-
ing from Cumwensville to M. Sawl & Wagon Settlement. a Plot
on Draft whereof is hereunto Annexed.

Which said Road, as aforesaid laid out, we are of Opinion is
necessary for Public use.

Witness our Hands the 31st day of April 1883.

J. B. McClosky
Daniel Faust
W. D. Chambers

} Viewers



CLEARFIELD COUNTY, SS:

At a Court of Quarter Sessions of the Peace of the county of
Clearfield, held at Clearfield, in and for said county, on the
22nd day of March, A. D. 1883

before Judges of said Court, upon a petition of sundry inhab-
itants of the township of Pike, in

said county, setting forth that they labor under

great inconvenience for want of a Public road
in Pike Twp to begin on or at line of Thos. Sand and
leading to ending at Public road leading from Borough
of Conowingo to McWaul & Way Settlement

and therefore praying the Court to appoint proper persons to view and lay out the same
according to law, I Make report to the Court

whereupon the Court, upon due consideration had of the premises, do order and appoint

S J McCloskey, David Faust & Wm Chambers

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
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 lands 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 the 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 lands 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

James Keor
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 Township of Curranville at and before the sealing and delivery hereof, have remised, released and forever quit-claimed and do hereby remise, lease and forever quit-claim to the said Township 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 Fifth day of May
A. D. 1884

<u>W. R. McClosky</u> <u>W. P. Tate</u> <u>M. A. Giegner</u> <u>C. A. Rorabaugh</u> <u>Ed. Grover</u>	<u>R. C. Miller</u> <u>James Price</u> <u>George Henry</u> <u>Samuel Smith</u>
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ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which ^{he} 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 ^{his} their damages and make report thereof, as follows:

To J. Ross Bloom the sum of Ten Dollars \$10.
To _____ the sum of _____
To _____ the sum of _____

Witness our hands this 21st day of April A. D. 1883.

S. J. McClosky
D. Faust
W. D. Chambers

} Viewers

And also witness our hands this 10th day of May 1884.

S. J. McClosky
Daniel Faust
W. D. Chambers

} Viewers

In re road in Pike } In the Court of Quarter Sessions of
Township } Blairfield Co,
No 10 March Sessions 1883

Additional exceptions

1. The viewers have failed and neglected to note the im-
-provements through which the proposed road will pass.
The said road being laid out through improved
land.

J. F. Snyder
Atty for Exceptions

1010 March Lane. 1883

In re Giveburg road

Decision as expe-
-dient.

Filed 17 Oct 1883

Surgeon

of the undersigned, respectfully represents,
That they labor under inconvenience for
want of a public road (in Pike Township,
said County) to begin on or at line of
Thos. Bloom's land and leading to and ending
at public road leading from Borough
of Cummerville to McHaul and Way
Settlement. The petitioners therefore
pray the Court to appoint viewers to
view the proposed road and report to the
next Court. And they will ever pray &c

James Spence
M. A. G. Segner
C. A. Rorabaugh
V. E. Stevenson
J. W. Evans
W. R. M. Clontey
Ed. Gordon

No 10 MAR 5 1883

Petition to view
and lay out a

Public Road
in Pike Township

And now made 22/83
Petition read and
considered and
57 Wm. B. By, Daniel Hunt
& William Chambers
are appointed viewers
to report to next term.
By the Court
J. L. Brattle
J. P.

Filed 22 Mar 1883

Amos C. S.

To The Honorable the Judges of the
Court of Quarter Sessions of
Clearfield County, Pa.

The petition

Depositions of Witnesses, produced, sworn or affirmed
and Examined by me, the 26th day of Decr. 1883
at Cincinnati between the hours of 9. o'clock AM
and 9 PM. by Virtue of the annexed Rule of Court
and Notice hereto attached for the Examinations
of Witnesses in a certain Cause depending in said
Court ^{open} ~~between~~ in the Matter of the Exceptions to
a Public Road recently laid out in Pike of
No 10. McH Dec- 1883.

Amaid McClosky, affirmed. I Reside in Pike of Campbell
County. Draft attached, is a fair representation of the
location of the property in reference to public road
laid out in Spring of 1883 by C. H. McClosky, Daniel
Flann and W. Chambers. I own the property
which is marked as mine on the draft. I live,
my building is located with reference to the proposed
road at the point marked [8] on the draft.
The road proposed and laid out if made will in
terfere with my dwelling house, and cause me to
move it, My house was built before the road was
laid out, I Bought the lot marked in my name
on the draft from Mrs. Blum. My house is not on
this lot, but is built on ground given to my wife
by her father - Ross Blum - At the time I purchased
from Mrs. Blum the road marked on the Draft
1-2 & 3, was donated by her to use of the

property holders living along this road, and to the public. The road as thus donated by him affords a sufficient passage way for the property holders and the public.

The road as laid out by the Viewers mentioned runs through my orchard, and its completion would cause me to remove my fruit trees. The road as laid out runs through improved land from a point on the Blomms to the public road.

Com. Examined by W.C. Arnold, Esq., I have about 13 or 15 trees as a start for my orchard. Planted before I moved there. It was in the year 1882 in which said trees were planted. I built the house I live in, Spring of 1883. Question: Had you notice before you began to build that application was being made or about being made for a road at the place laid out by Viewers?

Objected to as irrelevant and immaterial. George Stevenson informed me verbally that they were going to make application for a road through my wife's lot. Mr. Stevenson told me that he was instructed by W.C. Arnold to so ^{you} ~~not~~ inform me, -

All of the road as laid out by the Viewers is land on ground donated by Mrs. Blomm. Except where it runs through my wife's lot, being property given her by J. Ross Blomm. The viewers of this road consulted with my wife in my presence as to the damages she was

9

J. Ross Bloom	
✓ Edwin Goodwin	Harley
H. McCloskey	James Spence
✓ V. Stephens	✓ C. A. Rorabaugh
✓ Virgil Stephens	✓ C. A. Rorabaugh
✓ M. A. Segner	✓ M. B. McCloskey
	✓ Geo. Evans

J. Ross Bloom

Clearfield County, ss:

In re exceptions to
road in Pike Town-
ship
versus

In the Court of Common Pleas of Clearfield
County, Pennsylvania.

No. 10

March Session 1883.

AND NOW, to wit, the 6th day of Oct., in the year of our

Lord one thousand eight hundred and eighty-three, the

Exceptants enter a Rule to take the Depositions
of ancient, infirm and going witnesses, to be read in evidence
on the Arguments of this case.

Ex parte Rule of Exceptants on five day's notice.

James Kerr
Prothonotary.

TO Mr. C. Arnold, Esq:
Att. for Petitioner

You will please take notice that, in pursuance of the foregoing Rule, Depositions will
be taken before D. S. Moore Esq., or some other person authorized to
administer an oath or affirmation in Pennsylvania, in and for the county of
Clearfield, at the office of D. S. Moore Esq., in
the Borough of Cresskill in the county of
Clearfield and State of Pennsylvania, on the 26th
day of December, A. D., 1883, between the hours of 9 o'clock
A. M., and 9 o'clock P. M., when and where you may attend and cross-
examine.

Clearfield, Pa., Dec. 4th, 1883.

Wm. B. Service
accepted for Petitioner.
Wm. B. Service Atty

J. F. Snyder
Att. for Exceptants