

No. 1, Decem^r Term, 1823

Public Road

Versus

Bloom^g & Pike
Townships

Contents:

Legal Exceptions to the Confirmation absolute

1st The road has never been confirmed *in se*.

2nd The road not having been acted upon
by the terms of Court to which it was re-
turnable, & then being no continuance,
and a term of Court having intervened,
the report of viewers cannot now be
confirmed *nunc pro tunc*.

3. Filing the report of viewers in the
office of the Clerk of the Court is not
a return to the Court.

4. The report of viewers does not show
the public road as ending at any
public point or place.

5. A Railroad where there is neither
a siding or station or a public
road is not a proper terminus for
a public road.

6. Cyrus Wood one of the viewers was dis-
qualified to act as such. He was interested
He carried the petition ^{for the road} around, and obtained
signatures thereto.

7. Reasons set forth in Remonstrance

Milton McBlane
Lawrence May &
may others ^{petitioners} all
W.D. Bigler
C.R. Bigler

May 5, 1894

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 Fifth day of December, A. D. 1893, before Judge of said Court, upon a petition of sundry inhabitants of the township of Blom and Pike, in said County, setting forth that

They labo- under great incumbrance for want of a Public road Beginning at a point on the Old Erie Pike in Pike Township at the intersection of the said Pike with the road leading from said Pike to Pennsville near the house of Ellinger and leading to a point on the Clearfield and Mahoning Railroad in Pike Township on the west line of right of way of said Railroad at a distance of 500 feet measured in the direction of said Railroad toward Rockton from the northeast corner of a Culvert where said Railroad passes over a Spring run about one half mile below the mouth of Bear Run. The last designated point being the location for a Landing on said Railroad

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Make Report at July 18 1894

whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers & A. Wood & J. L. Robinson

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.

J. Ellinger

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 ensembling 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. 189 .

Seal

Seal

Seal

Seal

ASSESTMENT 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 Wm Dale the sum of ten Dollars

To ----- the sum of -----

To ----- the sum of -----

Witness our hands this 22nd day of December, A D. 1893.

Harry Byers
C. A. Woods
F. L. Robison

ROAD VIEWERS' NOTICE.



NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view Public

Road leading from point at The old Erie Pike in Pike Township at The intersection of The said pike with the road leading from the said pike to Pennville near The house of Ellinger

in Pike Township, to a point on The Clearfield and Mahoning Railroad in Pike Township on West line of right of way of said railroad

at a distance of five hundred feet in the direction of said railroad toward Rocketon from the South West corner of a cypress where said railroad passes over a spring run about one half mile below the mouth of Bear Run

in Pike Township, in the county aforesaid will meet at the house of Said Ellinger, in

Pike Township, on Friday, the 22nd day of December, A. D.

1893, at 1 o'clock P.M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice

Harry Byers

C. A. Wood

F. L. Robison

} per B.

VIEWSERS.

Clearfield Pa Dec 12, 1893.

Service of within notice
accepted this 12th
day of Dec 1893

Harold Powers
Census Clerk

Clearfield & Mahoning
RR

57.5E
12.5
N 49° W 11.5

N 51° E 11.0
N 52° E 11.0
N 53° E 11.0
N 54° E 11.0
N 55° E 11.0
N 56° E 11.0
N 57° E 11.0
N 58° E 11.0
N 59° E 11.0
N 60° E 11.0
N 61° E 11.0
N 62° E 11.0
N 63° E 11.0
N 64° E 11.0
N 65° E 11.0
N 66° E 11.0
N 67° E 11.0
N 68° E 11.0
N 69° E 11.0
N 70° E 11.0
N 71° E 11.0
N 72° E 11.0
N 73° E 11.0
N 74° E 11.0
N 75° E 11.0
N 76° E 11.0
N 77° E 11.0
N 78° E 11.0
N 79° E 11.0
N 80° E 11.0
N 81° E 11.0
N 82° E 11.0
N 83° E 11.0
N 84° E 11.0
N 85° E 11.0
N 86° E 11.0
N 87° E 11.0
N 88° E 11.0
N 89° E 11.0
N 90° E 11.0

MILLIGAN
ESTATE

Unseated

76.5
N 101° W

ROAD TO
PENNVILLE

GEDLINGER
N 102° E 17.5

MEADOW
DALE
N 103° E 17.5

TO CANTONVILLE

No 1 Dec ss 1893
Bloom & Pilsbe
30 pch = 1 inch

Viewers { Harry Byers
C. A. Wood
Frank Robinson

To The Honorable The Judge of The Court of Quarter Sessions
of Clearfield County Pennsylvania. We the undersigned
viewers appointed by the within order of court to view and
lay out The road therein mentioned respectfully report that
we gave legal notice of said roadview by posting notices
and with five days notice to county Commissioners and
and having met at time and place stated on notices we,
having been first severally sworn or affirmed, have ^{viewed and} laid out
and do return for public use the following road to wit: Begin-
ning at a point on The old Erie Pike in Pike at the intersection
of the said pike with the road leading from the said pike to Pennville
near the house of George Ellinger, Thence by said pike toward
Cummingsville South forty four and one half degrees East seventeen and
eight tenths perches thence, leaving pike and passing through
meadow of Wm Dale North fifty three degrees East seven perches
to a post, Thence through unimproved land of Milligan North
one degree East twenty five and seven tenths perches to a hemlock
thence North ten degrees West seventy six - and five tenths perches
to hemlock thence North two degrees West twenty one perches to a
white oak thence North one half degree West eighteen perches to a
hemlock thence North thirteen and one fourth degrees West sixteen
perches to pine stump thence North thirty one degrees West seven
teen perches to post thence North twenty three degrees West eleven
(11) to Birch Sapling thence North twenty six degrees West fifteen
and four tenths perches to Post thence North thirty two and three fourth degrees
West nine and six tenths perches to a hemlock stump thence
North forty six and three fourth degrees West five perches
to point fifteen and one half feet from right of way of Cha-
honing and Clearfield Railroad thence parallel with said
right of way at a distance of sixteen and one half feet from it
(being centre of road we are laying out) South seventy five degrees East
twelve and eight tenths perches to point on right of way of
said railroad at a distance of five hundred feet measured
toward Rocketon from where Spring run crosses under said rail-
road being about one half mile below the mouth of Bear
Run. A plot or draft of which road as aforesaid laid out
is herewith annexed. Which road so as aforesaid laid out
is necessary in our opinion for a public road. We
believe none owner of land except Wm Dale, whose damage we place
at ten dollars, is entitled to damage by reason of locating
and opening said road, Witness our hands this 22nd day
of Dec A. D. 1893

Viewers { Harry Byers!
O. A. Wood
F. L. Robison

No 1000 Sessions, 1893

ORDER

To view and lay out a road for
Public use in the township of
Diamond Lake, Clearfield Co.

Sessions, 189
read and confirmed Ni. 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.

Filed 5 May 6, 1894
26 - D. H. H. H.
Fees \$1, paid by H. H. H.
Diamond Lake

NOTE:—In case of a private road, the release must be ex-
ecuted in favor of the petitioner for said road.
Also—Viewers will carefully note the number of days em-
ployed, 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. 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.

		AMOUNT.
Harry Burr	Days 2	
	Miles 11	\$9.10
Frank Robinson	Days 2	
	Miles 11	\$5.10
C. A. Woods	Days 2	
	Miles 2	\$4.20
H. C. Cury Chairman	Days 1	
	Miles 1	\$1.50
	Days	
	Miles	



TO THE HONORABLE THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

The undersigned citizens of Pike Township, Clearfield County, Penna. respectfully demonstrate against ^{all} that certain road in Pike and Bloom Townships, leading from the Erie Pike to the C. & W. Railroad and on the records of the Court to c. 1 Dec. term 1895, for the following reasons;

1. That the said road is not a public necessity or convenience, and is no benefit to any citizen of the Township.
2. That after passing through a small field at the beginning point, it passes no improvement, no habitation, no cleared land, intersects no public road and its entire route is through a barren waste and along a steep rocky hill side and terminates at a railroad where there is neither station or siding, and where there is no public road, place or place of resort.
3. That while it is only a mile long yet from the character of the country it passes through, being principally a steep hillside and very rocky, it would cost over a thousand dollars (\$1000) to build said road.
4. That Pike Township is now in debt for road and bridges to the amount of \$20,000 and by a recent order of the Court is required to build during the present season the greater part of a new road from Clearfield to Curwensville and can only with great difficulty provide sufficient funds for that purpose, and that the granting of the proposed road would be very burdensome.
5. Said road is set forth in the petition and report as being in Pike and Bloom Townships, but the same is entirely in Pike Township and no part thereof in Bloom Township-

We therefore pray the Court that said road may not be granted-

U. U. Spencer	{ C. J. Spencer
C. F. Hays	
Reuben Bonsall	
J. R. Spencer	
Clyde C. Spencer	
	Johnson Holden
	George Cleaver
	Cyrus Cleaver
	E. Bailey

C. H. Marschal
W. M. Bailey.
S M Dale
J H Dale
George W Ellinger
D. P. Pyles
Reed R Bloom
S L Horn
Charles Shubert
L W Lines

Samuel Horn
W H Taylor
W. L. Hale.
W. A. Hippo
James Smith
Newton Freeman
Richard Freeman
J. M. Bennett
H. C. Porter
James Bealtruell
Thos Humphreys
D. W. Hile.
Paul Mullen

C B Norris
John R McClure
G. G. Addleman
B. C. Addleman
Lafayette McClure.
Robt M Addleman
W C Samuell
A. H. Garwell
J. M. Crane
J. J. Caldwell
J. W. McNaught

John H Humphreys
H. Hile
Chas. Harmon
George Sparryle
Frank Holders
H R Nash
Saw. Whitaker.
Allen Bloom
L. M. Blain
Jacob J Ritter
Jno. A. Dale
L. E. Bailey
M. H. Hile,
A. J. Bishop,

J. W. Hancock

Edam Wray

B. Gustrom

A. M. Kester

Wm. Sharp

Charlie Sharp

Harvey Bloom

James Sharp

J. H. Shively

E. L. Clark

H. E. Sharp

Jess R. Norris

Joseph L. Dale

Rush M. Lecker

S. L. Wray

J. R. Caldwell

O. L. Morris

J. E. Hartshorn

M. C. Norris

Wall W. Norris

Joseph Whitaker

John Porter

Chas. M. Smith

J. H. Porter

H. A. Sharp

O. B. Wise - 86

No 1 Dec. Sec 93

Remembrance of
Citizens of the
Twp. of Dutchess
No 1 Dec. Sec. 1493

Dec 11 May 1894
J. H. May 1894

Bigler

TO THE HONORABLE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY;

The undersigned citizens of Bloom Township, Clearfield County, Pennsylvania respectfully remonstrate against the granting of a proposed road between the Erie Furnace and the C. & M. Railroad alleged to be in Pike and Bloom Townships, for the following reasons:

That the same is unnecessary and the making would be a useless expense and no benefit to ^{But one} ~~any~~ citizen of Bloom Township. That it would be expensive to build and there is no place or habitation along the line of it or at its termination.

We therefore pray the Court that the said road may ^{not} be granted.

J. ^{his} ~~Yix~~ Seger

Cyrus A. Johnson

Joseph M. Shubert

Isaac Thoresen

J. D. McCall

W. E. Thomas

Henry D. Haag

Calvin Bilger

Gilbert Thomas

J. Warren Henry

A. Hudson

E. Canrad

Isaac Bloom

W P Bloom.

Harry Bickel

Geo. E. Leach

S. E. Leach

L. P. Leach

M. J. Leach

S. S. Leach

J. H. Leach

Wm. Leach

Wm. A. Leach

Harrison Leach

A. S. Leach

G. M. Bloom

G. L. Smith

Wm. Henry

Walter Henry

Milton Smith

Hugh Leach

W. J. Henry - 32

no 1 Dec Dec 1893

Remained for me
Citizens of Boston
again standing
for no 1 Dec
Dec 1893

Dec 11 May 1894
J. H. H. H.
Dec

Bigler

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

In re Public Road

in

No.

Dec Sessions 1893.

Pike Township.

To the Honorable David L. Krebs, President Judge of the said Court:-

The petition of the undersigned citizens of the Townships of Bloom and Pike, in said County, respectfully represents:-

That they labor under great inconvenience for want of a public road. beginning at a point on the old Erie Pike, in Pike Township, at the intersection of the said pike with the road leading from said pike to Pennville, near the house of ~~Serge~~ Elinger, and leading to a point on the Clearfield and Mahoning Rail Road, in Pike Township, on the West line of right of way of said Rail Road, at a distance of Five Hundred (500) feet, measured in the direction of said rail road toward Rockton, from the North-West corner of a culvert, where said rail road passes over a spring-run, about one half mile below the mouth of Bear Run- The last designated point being the location for a siding on said Rail Road.

They would therefore pray the Court to appoint suitable persons to view the premises and report according to law.

And they Will ever pray &c.

Jacob Bilger
Robert Heir
E. Bilger

D. C. Elinger
J. H. Dab
A. C. Bilger

J. W. Bailey
A. A. Marshall

L. H. Marshall
William Grace
W. Allison
Newton, Solers
A. J. Oliver
H. C. Oliver

St. James

St. James
St. James
St. James

St. James

St. James

St. James

St. James

St. James

St. James

St. James

St. James

St. James

St. James

St. James

St. James

Gen. Rapp -

R. E. Bilger -

J. A. Thompson -

Wm. D. Corcoran -

Geo. Kelly -

H. J. Smith -

Gen. A. Gray -

John W. Pearson -

Nov 10 Dec 85 1893

Dec 5 Dec 1893

Nov Dec 5th 1893
Attny General C. A.
Wood & J. A. Robinson
appointed over to
advise & report at Feb
Session 1894
Wm M. Bond

Geo. M. Bilger,
Attorney at Law,
Glennfield, Ma.