

No. 3 Feb Sessions, 1908

COMMONWEALTH

SESSIONS

In Re Vacate  
Public Road in  
Bloom Twp.

Charge

Road.

X  
JAMES H. KELLEY,  
DISTRICT ATTORNEY

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view ~~the~~ <sup>the</sup> ~~Ward~~ <sup>Ward</sup> Road leading from

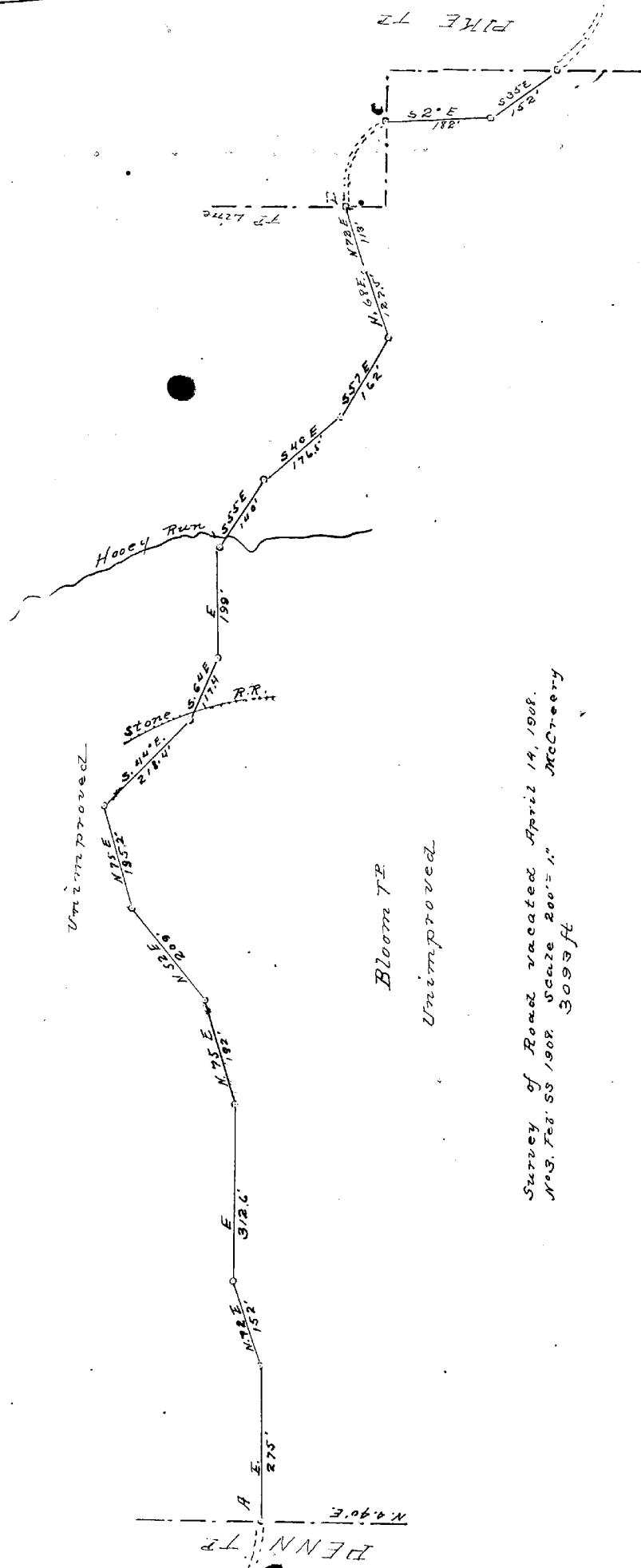
in Township, to a  
on ~~Evening~~ ~~of~~ ~~the~~ ~~11th~~ ~~of~~ ~~December~~  
Tuesday, the 11th, ~~of~~ ~~December~~  
of ~~the~~ ~~year~~ ~~1907~~  
in ~~Shawnee~~ Township, in the county  
aforesaid, will meet at the house of ~~John~~ ~~Johnson~~  
, in ~~Shawnee~~  
Township, on ~~Wednesday~~, the ~~14~~  
day of ~~April~~, A. D. 1908, at 7 o'clock  
A. M., to attend to the duty assigned them, of  
which time and place aforesaid all parties inter-  
ested will please take notice.

## Viewers.

McLemby accept service of within  
notes to A. Woods  
Geo D Wagner  
X Jas. Spencer

Oprie 2/1908

Supernum  
of  
Bloom Top

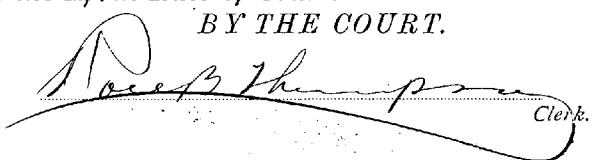


Clearfield County, ss:

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 16 day of May, A. D. 1908, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Henry Blom, in said county, setting forth that a certain portion of public road beginning at a point in the road leading from residence of C. A. Wood to Chapman and ending at a point in the Old Erie Turnpike as it near Lower Ridge School House and extending for the variation of all that portion of road that lies in Blom Imp has become useless and inconvenient

and therefore praying the Court to appoint proper persons to view ~~in private~~ the same according to law, whereupon the Court, upon due consideration had of the premises, do order and appoint ~~J. M. Green, Wm. Wood, Lee, G. Jaffray~~ 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 ~~no~~ occasion for such road, they shall proceed to ~~vacate~~ 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.

  
D. B. Thompson  
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, 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 .....

Gras

To the Court of ~~Prob~~  
fult County.

We the undersigned Viewers appointed by  
your Honorable Court, to view and vacate  
a portion of Road in Bloom Township,  
being a part of the road leading from  
~~Cr. A. Road~~<sup>Wood</sup> road to a point on Pike in  
Pike Twp near Locust ridge School House,  
having such as few notices legally posted  
and served, and having been affirmed  
according to law, proceeded to view the  
same, and hear all the available testimony,  
recommend the vacation of that portion of  
said <sup>road</sup> in Bloom Twp as shown by the following  
notes, and draft attached which is a draft  
of this report. Beginning at Penn Twp line (A) East 275'  
N. 72° East 152' East 312.6' N. 72° East 192' N. 52 East 209' N. 75° East  
195.2' S. 44° East 218.4' to Stone R.R. S. 64° East 117.4' East across  
Hoovey Run 199' S. 55° East 140' S. 40° East 176.5' S. 57° East 162' N. 68° E.  
127.5' N. 72° East 113' to Pike Twp line (B) Beginning at (A) S. 2° East 182'  
S. 35° East 152' to Pike Twp line. Total 3093 ft.

We recommend vacation of same on account of  
disuse, impassability, no need, no improvements  
along road, cost of maintenance and a good  
parallel Public road less than a mile dis-  
tant, Respectfully submitted.

J. M. Tracy  
J. J. Rafferty  
G. W. Bill

} Viewers

In re Bloom Township Road,

No. \_\_\_\_\_ February Term, 1908.

PLAINTIFFS' BRIEF

In this proceeding Bloom Township seeks to vacate a portion of a road bounded by Township lines which extends from a point in Pike Township through Bloom Township and into Penn Township, the portion through Bloom Township being without people living on it. Although it is a through road, the vacation as reported makes the terminus of the road in Bloom Township without regard to improvements or outlets and results in a cul-de-sac at each end of the road left. It also results in leaving a small portion of the road unvacated with each end vacated and no means of access. The testimony shows that part of the road vacated is in Pike Township and no proceeding was had in Pike Township to vacate, and if the confirmation stands, it means the vacation of a portion of the road in the Township without means of access and without notice, petition or hearing by the residents of that Township.

*as the practical  
vacation of the balance of the road in other towns of*

That the Court has a perfect right to file these exceptions and hear them and dispose of the case on its merits after confirmation. I refer you to opinion of Justice Green in O'Hara Township road, No. 152 Pennsylvania, 319, especially on page 325.

In Trickett, Pennsylvania Road Law, 1895 Edition, page 235, he says:

"It is legally possible to vacate a part of a road. Nevertheless the Quarter Sessions would hardly be justified in confirming a report, which, by vacating part of a road, thereby changes the character of the remainder to one almost of a private, instead of a public nature. If another public road ends in the part of the road whose change is proposed, so that the public nature of the terminus of the former road would be destroyed, thereby twenty-six perches between its terminus and the new road designed to supply the vacated road, the Quarter Sessions will not approve of the report of the viewers, and generally, the quarter sessions will not confirm a report which vacates a public road in which is the terminus of another public road. IN VACATING PARTS OF A ROAD, THE VIEWERS MUST NOT LEAVE A PART UNVACATED THAT HAS NO EXIT OR LAWFUL PUBLIC TERMINUS. The law does not contemplate leaving a part of a road heretofore public, open for private accommodation."

The road act of 1886 requires the terminus to be at some place of public resort. By opening and vacating as tried here the requirements of that law would be obviated.

A road may terminate in a cul-de-sac, but that must be at some public resort such as a church, school, cemetery or large manufacturing or landing place, -not in the woods.

The right to vacate is no broader than the right to open and it must not leave a cul-de-sac in an unimproved section of the Country.

It has been held by the lower courts that a part of a road cannot be vacated so as to leave the remaining portion a cul-de-sac.

Susquehanna River Road, 1 Pearson, 459.

Upper Hanover Twp. Road, 5 Mont. 174.

Held that this however was a matter for the judgment of the Quarter Sessions and not general for reversal.

Stovells Appeal, 1 W.N.C. 383.

In view of the situation as shown by the drafts and of the contention that the vacation of this road would deprive certain citizens along its end of their right to exit as insisted upon by counsel for the vacation, and of the law governing the case, we submit that the Court should strike off the order confirming and sustain~~ing~~ the exceptions.

George M. Belger  
Benjamin B. Blase  
 Atty. for Excentants.

1/12/119

Petitioner's Brief.

Reasons Why the Confirmation Absolute Should not be Stricken Off.

(A) The Exceptants have not given any reason why their exceptions were not or could not have been filed before confirmation absolute, although they had nearly four months to do so they having shown by their own testimony that they were present at the view.

(B) The report of the viewers having been confirmed absolutely by the Court without objection from any source, the Court should exercise his discretion in favor of the exceptants only in case it is shown

(1)

If it is made apparent to the Court that there is real and substantial merit in the objections, aside from the technical obstructions.

Upon the question of merit we believe that the testimony of both sides taken as a whole will show the following facts:-

That every portion of the road vacated had become useless, inconvenient and burdensome. That it was at best an illegal grade and of such a character as to make it enormously expensive, if not absolutely impossible, to keep it in a passable condition. That its very, very infrequent use (so infrequent that parties had taken the liberties of building fences across it) together with the enormous expense of keeping it in repair or even in a safe condition were a sufficient ground for the supervisors to ask for its vacation.

That a good road runs parallel with the said road its entire length affording a means of the traveling public to reach the same destinations with but two hundred and forty four (244) rods farther to travel, which road is now in repair and kept so. That vacation according to the report deprives no man of an outlet. That the men living on or near the cul de sacs have a good road out to the public. That the men living nearest the inner end of the cul de sacs have testified that the portions of the road vacated ~~have testified~~ are useless to them.

That John Woods, a citizen of Pike Township, and who owns the land lying along the short portion of the road which has no outlet has testified that the road was never any use to him, and that he is willing to have the report stand as it is.

That the exceptants can not reasonably ask that this road be kept up at an enormous expense by Bloom Township, while they and each of them have a good road to the same destinations, with better grade and in good repair.

That the testimony of the viewers shows that they took into consideration the effect of vacation not only upon the portions vacated but upon the traveling public in general.

That the exceptants have had ample opportunity to present their testimony and objections to this court and have failed to show a sufficient reason in justice, ~~these~~ portions of the road should not be vacated. or,

(2) It must be shown conclusively, in the absence of merit, that the technical legal objections are such as would constitute ground for a reversal by a higher tribunal, or the confirmation absolute should not be stricken off.

(a) None of the exceptions filed meet this requirement.

As to Exception No.1.

Stowell's Appeal 1 W.N.C. 383

In this case the Supreme Court say:- "The jurisdiction to vacate the whole or any part of a public road within the proper county is clearly conferred by law upon the Quarter Sessions. In what shape or condition the part not vacated will remain after vacation of the other part is a question we cannot inquire into. This is a matter solely for the judgment of the Quarter Sessions from which there is no appeal. We can conceive of many reasons why a road may be vacated to a particular line, and no farther."

This case is on all fours with the case under discussion. The cul de sac ended against a fence with no outlet, ~~making it stronger~~ *for the exceptants than ours is,*

As to Exception No.2.

The law does not require personal service upon the officials or citizens of time of a view to vacate a portion of a public road except those of the township within which the vacated portions lie, and that was given in this case.

The public notice by posters along the road are sufficient for this purpose. If the road is traveled to any extent the public notices will be seen. Any other requirement might in some cases necessitate the giving of notices personally to the citizens and officials of townships and boroughs unlimited, since every public road is supposed to reach the public generally.

The testimony of the chief exceptants shows clearly that they were present at the view and that their objections were heard by the viewers.

As to the Exception No.3.

This is simply a general exception without merit and no more specific exceptions has been pointed out under it.

We ask that the court discharge the  
plaintiff with costs on the exception.

John W. McCrae  
Atty for Petitioners.

Clearfield County, ss:

SUBPOENA

The Commonwealth of Pennsylvania to the City of Clearfield, County of Clearfield, State of Pennsylvania, John B. Miller, Esq. Attorney for Plaintiff, George L. D. B. Miller, Esq. for Defendant, John H. Miller, Esq. for Plaintiff, and

We Command You, that,

setting aside all manner of business and excuses

whatsoever, you be and appear in your proper person before

John H. Miller,

at Office of C. F. Chase in Keystone Building

on the 27th day of January next, at 10:00

o'clock A.M., there to testify the truth according to your knowledge of a certain

case now pending, and then and there to be tried, wherein

the Plaintiff, Esq.

Plaintiff and  
George L. Miller's road in  
Clearfield, will be based

that on the part of the Plaintiff, and

And this you are not to omit under a penalty of five  
hundred pounds.

Witness, the HON: ALLISON O. SMITH, President  
of our said Court, at Clearfield, Pa, the 28th  
day of ~~January~~ ~~February~~, Anno Domini, one thousand  
nine hundred and ~~four~~ <sup>four</sup> hundred and ~~four~~ <sup>four</sup> thousand

Clearfield, Pa,

CLEARFIELD COUNTY, SS.

Personally appeared before me, the subscriber, who being  
duly sworn deposes and says that he served the within  
subpoena on .....

personally by reading and making contents known; also  
that he made the number of services and traveled the  
number of miles set out in this return.

Sworn and subscribed before me this .....

day of .....

A. D. 190 .....

No. 19 Term, 1908.

Vacation of Public  
Road in Bloom  
Township.

versus

## Subpoena.

Constable ..... Services \$ .....

Miles direct, .....

Total, .....

Attorney.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In re vacation of public road in Bloom Township

No. 3 February Term, 1908.

And Now, October, 12 1908, under leave of Court set forth in order made, the attorneys for ~~exceptants~~, file the following exceptions to the proceedings had ~~by~~ in the above case.

1st. The proceedings are instituted for the purpose of vacating a portion of a road running through Bloom Township and leaving that portion of said road in Pike Township and the portion of said road in Penn Township open for public use when each of said portions form a cul de sac, and no road is supplied by which these portions not vacated can continue to be used. The proceedings are instituted by citizens of Bloom Township to vacate their portion of said road and to cast upon the citizens of Pike and of Penn Townships the necessity for separate proceedings for the vacation of those portions. It is submitted that the question of vacation of the entire road should be made the subject of one proceeding and that the confirmation absolute heretofore made entered should be stricken off so that the necessity or non-necessity of said road could be taken up and passed upon by the viewers as a whole.

2nd. That no notice was given to the citizens of Pike and Penn Townships of the proposed proceeding to vacate that portion of the road extending through Bloom Township, and they had no opportunity to appear before the viewers to present their objections to the vacation of a section out of a continuous public road.

3rd. For other irregularities in the proceeding.

George M. Briger  
Benjamin S. Deane  
Atty for Exceptants

Nov 2

Quarter Sessions of Chester  
No 3 Feb Term 1908

In Re -  
Variation of Public  
Road in Bloomfield

Exceptions

Bulger v. Ch. & Co.

In the matter of the Vacation  
of a Public Road in Bloom,  
Township.

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

No. 3, Feb 10 1903.

To the Honorable Allison C. Smith, President Judge of the  
said Court:-

The petition of the undersigned inhabitants of the Township of Bloom, County of Clearfield and State of Pennsylvania, respectfully represents:

That a public road has long since been laid out beginning at a point in the public road leading from the residence of C. A. Wood to Grampian, and ending at a point in the Old Erie Turnpike at or near the #<sup>##</sup> Locust Ridge School House, the said road being partly in Pike Township, partly in Bloom Township and partly in Penn Township; that the portion of the said road which lies in Bloom Township, beginning at the line which divides Pike and Penn Township and ending at the line which divides Bloom and Pike Township, has become useless, inconvenient and burdensome. The said road or portion thereof was formerly laid out for lumbering purposes, there being a saw mill located thereon. All the lumbering is now done and the said portion of road is practically unused.

Your petitioners, therefore, pray the Court to inquire of and vacate the said road lying in Bloom Township as aforesaid and for that purpose if the Court deems it necessary, to appoint viewers to inquire of the premises and make return of their proceedings to the next term of this Court.

(Signers on next page)

C. L. Heronale

Warren Charles

F. G. Hinckley

H. R. Lindall

Sidney Smith

A. B. Threlkeld

W. H. Park

J. M. Chickering

Wm. Henry

J. G. Hays

J. F. M. Hartfield

J. E. Leach

Wm. Selfridge

Spillor Smith

J. B. Dunworth

Taylor Today

(more names on other side of this  
sheet.)

Petitioners

C. A. Woods  
J. C. Wood  
G. A. Weber  
Albert Kester  
J. H. ...

Moses Cowell

A. S. Dale

Calvin Bilger

Geo. A. ...

Chas. W. Bilger

Isaac Elson

J. B. ...

Isaac ...

Geo. P. ...

John ...

Levi Thomas

G. A. Bilger

A. O. Bilger

H. ...

Geo. ...

G. ...

D. ...

J. S. ...

Calvin ...

William Wood

J. R. ...

G. ...

CLEARFIELD, PA.,

In Re, Appinotment of Viewers to  
Vacate Public Road in Bloom  
Township, Clearfield County Pa.

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

At a Court of Quarter Sessions of the Peace in and for the said county, held at Clearfield on the 12th day of December 1907, before Allison O. Smith, President Judge of the said Court, upon the petition of divers citizens of the Township of Bloom, said county, setting forth that a certain portion of the public road beginning at a point in the road leading from the residence of C.A. Wood to Grampian, and ending at a point in the Old Erie Turnpike at or near the Locust Ridge School House, and asking for the vacation of all that portion of the said road that lies in Bloom Township, and stating that the said portion of the said road has become useless and inconvenient and burdensome:-

The Court on due consideration, orders and appoints

J. McCracken, Greenwood Bell and John F. Bafferty

who after being respectively sworn or affirmed to perform the duties of their appointment, are impartially and according to the best of their judgment, to view the road in the said petition prayed to be vacated, and to consider and judge whether it has become useless, inconvenient and burdensome, and if they or any two of them view the said road, and any two of the actual viewers agree that the same has become useless, inconvenient and burdensome as aforesaid, they shall make report accordingly at the next term of this Court.

By the Court  
Allison O. Smith  
P.

Now, Feb. 26th 1908, the powers of the above  
named viewers enlarged to the next term  
of Court.

By the Court  
Allison O. Smith  
P.

For 3 Feb. 1908.

Petition for  
vacation of  
a Public Road  
in Bloom Township.

100-74

JOHN W. McCRAKEN,  
ATTORNEY AT LAW,  
Room No. 42, Trusty Co. Building,  
CLEARFIELD, PA.

In the Court of Quarter Sessions of Clearfield County.

In Re. Petition to view and ) Road Docket No. 3 Feb. Sess. 1908.  
vacate public road in Bloom ) Sur Petition to set aside con-  
Township. ) firmation absolute.

OPINION.

Upon petition presented by citizens of Bloom Township and docketed to the above named number and term Viewers were appointed, who made report to May Sessions, 1908, vacating that portion of a public road situate in Bloom Township, the whole road leading from a public road between the residence of C. A. Wood and Grampian, in Penn Township, through a portion of Bloom and Pike Townships, to the old Erie Turnpike at or near Locust Ridge School House in Pike Township. At September Sessions, 1908, no exceptions being filed the report of the viewers in favor of vacation was confirmed absolutely, for the reasons as given therein, namely: "discuse, impassability, no need, no improvements along road, cost of maintenance and a good parallel public road less than a mile distant."

October 6th, 1908, a petition was presented to the Court, signed by citizens of Pike and Penn Townships, Grampian and Curwensville Boroughs, praying the Court to strike off the confirmation absolute and grant a review or make such further order as would tend to a continuance of the said road for public use. On said petition a rule was granted to show cause why the confirmation absolute should not be stricken off and leave granted to file exceptions to the report.

Exceptions were filed October 13th, 1908, by Attorneys for the petitioners against confirmation, as follows:

"First. The proceedings are instituted for the purpose of vacating a portion of a road running through Bloom Township and leaving that portion of said road in Pike Township and the por-

tion of said road in Penn Township open for public use when each of said portions form a cul de sac and no road is supplied by which these portions not vacated can be continued to be used. The proceedings are instituted by citizens of Bloom Township to vacate that portion of said road and to cast upon the citizens of Pike and of Penn Townships the necessity for separate proceedings for the vacation of those portions. It is submitted that the question of vacation of the entire road should be made the subject of one proceeding and that the confirmation absolute heretofore entered should be stricken off so that the necessity or non-necessity of said road can be taken up and passed upon by the viewers as a whole."

"Second. That no notice was given to the citizens of Pike and Penn Townships of the proposed proceeding to vacate that portion of the road extending through Bloom Township and they had no opportunity to appear before the viewers to present their objections to the vacation of a section out of a continuous public road."

"Third. For other irregularities in the proceeding."

Considerable testimony was taken on both sides of this controversy. From this testimony it appears to us that the following facts are clearly established:

First. That there is no sufficient or valid reason given by the Exceptants for their failure to file exceptions before confirmation absolute and that some of the Exceptants particularly interested in maintaining the same were present at the view and took part therein as objectors to the vacation.

Second. That there are no persons living along that portion of the road vacated, that is the portion lying in Bloom Township, interested in maintaining the said road as an outlet.

Third. That there are no persons living along the entire

road from where it leaves the Erie Turnpike in Pike Township, through said Township, the Township of Bloom and the Township of Penn, to where it intersects with the road between Grampian and C. A. Woods, who are interested in its maintenance. That only one person whose testimony was taken in favor of the exceptions, namely, Ernest Horn, owns land which would be affected directly and adversely by the said vacation and he became a purchaser of a piece of land in October last. That the persons principally objecting against the said vacation are C. H. Marshall and Fred Marshall, his son, both living in Pike Township on the Erie Pike, or a near the point where the road, a portion of which is vacated, leaves the said Pike, and their objection is that it increases the distance which they are obliged to travel in order to get to the Borough of Grampian, by something over a mile.

Fourth. That the report of the Viewers, to the effect that the said road is practically out of use and impassable, is amply sustained by the testimony. That there is a bridge across Hooey Run which has been taken out by floods and that it would cost several hundred dollars to replace it. That the grades of the said road are almost prohibitive against its being a road of any great benefit for hauling. That the testimony does not clearly disclose whether this road was ever laid out as a public road, but if it was so laid out it was originally used and required as a public road by reason of the fact that there was a mill located on Hooey Run on said road, but that the timber has now been cut out, the mill abandoned and that the entire road, at least through Bloom Township, has been so far abandoned or disused as to be almost impassable.

Fifth. That there is no protest on the part of either the Supervisors of Penn Township or the Supervisors of Pike Township against the vacation of this road through Bloom Township.

ship, and that so far as the testimony discloses there is no protest on the part of citizens of Penn Township against its vacation. The only witness called, living in Penn Township on the line of this road, testified in favor of its vacation, and one or two witnesses interested along the line of the road in Pike Township also testified in favor of its vacation.

Sixth. That something less than a mile along Erie Turnpike west of the junction of this road with the said Pike another road parallels this road to a point at or near C. A. Woods property and from thence to Grampian, which accommodates practically all of the people in Pike Township as well as Bloom Township for general travel to the Borough of Grampian, and that the increased distance to the chief objectors, C. R. Marshall, his son Fred Marshall, Lawrence Dale and Ernest Horn, from their homes to the Borough of Grampian, is something less than one mile by the parallel route.

Seventh. That the only persons living on that portion of the road not vacated, in Penn and Pike Townships respectively, are not deprived of an outlet by reason of the vacation and some of them have testified that the entire road was useless to them.

From the above facts it appears to us that the following conclusions of mixed law and fact should be sustained as to this case:

First. That the exceptions come too late and the delay in presenting the petition is not sufficiently excused.

Second. That the application to open this whole subject and refer it again to viewers for vacation of the whole road instead of that portion within the boundaries of Bloom Township has no particular legal merit, for the reason that the so-called cul de sacs left in Pike and Penn Townships have persons residing thereon or interested therein who may have a right to maintain the same as outlets either as public or private roads. If the

citizens of either Township are interested in the abandonment of said cul de sacs as public roads, petitions can be presented for that purpose.

Third. That the testimony in this case is conclusive to the Court that no viewers could report otherwise than in favor of the abandonment of this road. That the expense of putting it in repair would be more than the Court would be justified in requiring of Bloom Township, in view of the fact of the very limited use which is now made of it.

Fourth. That the exceptions as to want of notice are not sustained, for the reason that the only persons now excepting had notice and were present at the view.

Fifth. That the exceptions filed in this case by leave of Court should be dismissed and the rule to set aside the confirmation discharged, which is accordingly done.

DECREE.

Now, January 19th, 1909, the rule granted in the above stated case to show cause why the confirmation absolute should not be stricken off and proceedings set aside for irregularities appearing is hereby discharged and the exceptions filed by leave of Court dismissed, at the cost of the petitioners and exceptants.

By the Court,

*Allison P. Smith*  
P. J.

Case No. 3 February 1939.

In re. Petition to widen and  
vacate Public road in block  
24m. 87 ft.

Petition to set aside con-  
firmation of judgment.

W.L.U. and Enclosed.

JAN 19 1939

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

In re vacation of public road

of Bloom Township.

No. 3 February Sessions, 1908.

The petition of the undersigned citizens of Bloom, Pike and Penn Townships and Curwensville Borough respectfully represents:

That a petition was presented at No. 3 February Sessions, 1908, to vacate a public road leading from old Erie Turnpike at or near Locust Ridge School House and ending at a point at a point at the intersection of said road with the road leading from the residence of Cyrus Woods to Grampian, the said road extending through the Townships of Pike, Bloom and Penn.

That a view was had and a report filed, recommending the vacation of that portion of said road extending through Bloom Township, the intersection of said road with the township line, being the termini of the portion recommended to be vacated.

That said report was confirmed nisi and your petitioners prepared and circulated a petition against the confirmation, absolute, and praying for further action, but before said petition could be presented, the said report was confirmed absolutely.

Your petitioners being of the opinion that the vacation of said portion of said road will be greatly to the inconvenience and detriment of the people of that community and representing that said portion of road absolutely necessary for public use, would pray the Court to strike off the confirmation absolute and grant a review, or make such further order looking to the opening and continuance of said road for public use,

And they will ever pray.

J. H. Marshall.

Ernest Horn  
H. C. Marshall.  
Herman Bleaver.  
F. J. H. Clegg  
L. Clegg - f.  
Amos Passmore  
John E. Flanck  
H. A. ... H. C. Clegg  
Charles T. Shultz  
S. L. Hood  
J. L. Hanes Shufeld  
Charles E. Johnson  
C. H. Frank  
Simon. O'Neill  
Dr. L. Bleaver  
L. H. Marshall  
Mrs. M. Ziff  
A. M. Wood  
W. P. Howes  
John K. Morris  
H. B. Slings  
C. G. Williams  
John T. Johnson  
A. D. Shirey  
W. E. Derrick  
J. A. Miller  
R. J. McConnell

G W. C. Knobell, Rev. E. Leach  
G. H. C. Knobell, J. G. Middleton  
Wm. Dorsett  
J. H. Buff  
A. Z. Mef.  
H. F. Kinsley,  
C. H. Harmon  
R. M. Knobell  
J. B. Garrison  
R. J. Gamble  
D. L. Conklin  
J. L. Drucker  
A. B. Dunshee  
B. J. Brisman  
Les W. Gray  
I. B. Morris  
Geo. Fleming  
Ed. Moore  
James Thomas  
Chas. Moore

Nov 3 Park Avenue 1901

In re vacuum

Nov 6, 1901  
Series of notes  
of reed accepted  
as signs of  
reed invasion.

Indic. Wood in Glen  
Ken + Lake Hoff

Letter from Dr. G. W. Clark

From Oct 6, 1901 nothing  
published presented and here -  
upon more grants of open  
the various patterns to  
show same why perfor-  
nucleus absolute blanked  
not be cracked off and  
processes are added for  
irregularities appearing  
and to be removed open

John W. MacClellan, and  
John <sup>McGillivray</sup> ~~McGillivray~~  
McGillivray - Phil. & Nat.  
Mus. - By the tank to

Alvarez Smith

See on page  
Dr. G. W. Clark