

No.

1 Sept

Term, 191

Private Road

(Cadman)

in

~~versus~~

Pike Township,

— Road —

X

In the Court of Quarter Sessions of Clearfield Co

To the Honorable the Judge of said Court

The petition of George Cadman and John Cadman respectfully represent that they are the Lessees of the coal under a certain tract of land situate in Pike Township Clearfield County Pennsylvania owned by the Bloomington Coal Company adjoining lands of I B Norris .- That the land of said I B Norris lies between the only point from which the coal taken from the land of said Bloomington Coal Co can reach the Township road leading from Gann Richey to Curwensville

Your petitioners further r present that they hve the coal opened and mine ready for the shipment of coal and that they hve no outlet to the public highway for the purpose of hauling the coal mined on s id premises to market

Your petitioners therefore pray your Honorable Court to appoint viewers to lay out a private road a distance of about seventy feet over the intervening land of said I B Norris from the above mentioned highway to the coal mine of said petitioners with sufficient surface on intervening land in case the same is necessary for the turning of wagons and teams and to assess the damages to the same according to the Act of Assembly of July 9th 1897 and make return of same to the next Term of Court

And they will ever pray & c

Geo. Cadman-----

John Cadman-----

State of Pennsylvania

Clearfield County SS

Personally appeared before me th subscriber
George Cadman one of the above named petitioners who being
duly sworn according to law doth depose and say that the facts
set forth in the foregoing petition are true and correct as
he verily believes

Sworn & Subscribed before me

this 20 day of April A D 1911

Roll B. Thompson
Clerk

Geo. Cadman

12th Dec 1911

Dear Sir

Very soon in
the next year

Yours truly

William A. Smith

Henry A. Smith, John W.
Burrows and John C. Smith

are appointed

to the

Board of

the

of the

William A. Smith



150 Regent Street

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

IN RE PETITION OF GEORGE CADMAN § NO. 1, SEPTEMBER SESSIONS,
AND JOHN CADMAN FOR A PRIVATE § 1911.
ROAD IN PIKE TOWNSHIP. § (ROAD DOCKET).

EXCEPTIONS TO PROCEEDINGS.

NOW, August 22nd 1911, FANNY BLOOM, the owner of
land over and across which the proposed private road is
applied for excepts to the proceedings for said private road
and to the report of the viewers recommending same, for the
following reasons:-

FIRST: The petitioners are not the owners of the
land or coal to reach which the said private road is asked
for.

SECOND: The petition does not correctly state the
ownership of the land under which said coal is situated.

THIRD: The petition does not definitely state
the terminni of said road.

FOURTH: The order to view does not definitely
state the terminni of said road.

FIFTH: The report of Viewers does not correctly
state the names of the owners of the property.

SIXTH: The draft attached to the report of the
Viewers does not correctly state the names of the owners of
the property.

SEVENTH: There is no proof of notice to all of
the owners of the property affected by said road.

EIGHTH: The said proceeding purports to be an
application for a private road under the provisions of the
Act of Assembly approved July 9th, 1897, (P.L.213). Said
Act as amended by the Act approved the 17th of May 1901,

(P.L.259) requires the Viewers to assess the amount of damages sustained by the owner or owners of the land, through which the road is to be made and embody the same in their report to the Court, which damages as assessed by the Viewers shall be secured by bond to be approved by the Court and be paid by the party making application for such road to the owner or owners of such land before the order to open such road is issued, the Viewers have failed to embody in their report any assessment of damages, as required by said Act of Assembly and the Amendment thereto and the petitioners have failed to file any bond to secure damages as required by the amendment to said Act of Assembly.

NINTH: There is no necessity for the said private road as laid out, as the petitioners could reach the public high-way from the said coal bank without crossing the lands as proposed in said application for private road.

TENTH: The private road, as laid out by the Viewers and the opening of the coal bank as proposed, will be a damage to the property of Fannie Bloom by reason of drainage and flooding of water over her property that will be caused thereby.

ELEVENTH: For other reasons of law and of fact that will appear from said proceedings.

Amended
at the exception

CLEARFIELD COUNTY\$ SS.

Mrs. Fannie Bloom being duly sworn, according to law, doth depose and say that the matters of fact, as set out in the foregoing exceptions, are true and correct to the best of her knowledge and belief.

Sworn and subscribed before me\$
this 14th day of August, A.D. 1911.

F. Mrs. Fannie Bloom

John A. Dale
Justice of the Peace

*My Commission Expires
first Monday in Dec. 1915.*

I hereby certify that there are legal reasons why the report of the Viewers in the above stated case should not be confirmed.

James S. Smith

Attorney for Exceptant.

NO. SEPTEMBER SESSIONS, 1911.

In Re

PRIVATE ROAD IN PIKE TOWN-
SHIP.

EXCEPTIONS TO PROCEEDINGS.

NO. 1, SEPTEMBER SESSIONS,
1911. (ROAD DOCKET).

IN RE
PRIVATE ROAD IN PIKE
TOWNSHIP.

EXCEPTIONS TO PROCEEDINGS.

ROLAND D. SWOOPE,
Attorney and Counselor at Law,
Curwensville, Pa. and Clearfield, Pa.

Baltimore Office Supply Co., Balto., Md.

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

IN RE PETITION OF GEORGE CADMAN § NO. 1, SEPTEMBER SESSIONS,
AND JOHN CADMAN FOR A PRIVATE § 1911.
ROAD IN PIKE TOWNSHIP. § (ROAD DOCKET).

EXCEPTIONS TO PROCEEDINGS.

NOW, August 28th 1911, I B. NORRIS, the owner of
the land over and across which the proposed private road is
applied for excepts to the proceedings for said private road
and to the report of the Viewers recommending same, for
the following reasons:-

FIRST: The petitioners are not the owners of the
land or coal to reach which the said private road is asked
for.

SECOND: The petition does not correctly state the
ownership of the land under which said coal is situated.

THIRD: The petition does not definitely state
the termini of said road.

FOURTH: The order to view does not definitely
state the termini of said road.

FIFTH: The report of Viewers does not correctly
state the names of the owners of the property.

SIXTH: The draft attached to the report of the
Viewers does not correctly state the names of the owners of
the property.

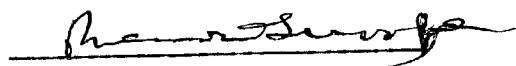
SEVENTH: There is no proof of notice to all of
the owners of the property affected by said road.

EIGHTH: The said proceeding purports to be an
application for a private road under the provisions of the
Act of Assembly approved July 9th, 1897, (P.L. 213.), said
Act as amended by the Act approved the 17th of May 1901,

(P.L.259) requires the Viewers to assess the amount of damages sustained by the owner or owners of the land, through which the road is to be made and embody the same in their report to the Court, which damages as assessed by the Viewers shall be secured by bond to be approved by the Court and be paid by the party making application for such road to the owner or owners of such land before the order to open such road is issued. In this case the Viewers failed to make any legal assessment of damages as required by said Act and the amendment thereto and the petitioners failed to file any bond to secure damages as required by the amendment to said act of Assembly.

Ninth:- There is no necessity for said road over the land of I.B.Norris, as petitioners could reach the highway from the Coal Bank, without crossing the land of I.B.Norris.

Tenth:- For other reasons of law and of fact that will appear in said proceedings.


Atty. for Exceptant.

CLEARFIELD COUNTY§ SS.

I. B. NORRIS, being duly sworn, according to law,
doth depose and say that the matters of fact, as set out in
the foregoing exceptions, are true and correct to the best
of his knowledge and belief.

Sworn and subscribed before me
this 28th day of August, A.D.
1911.

John A. Dale
Justice of the Peace.

I. B. Norris

*My Commission Expires
first Monday in Dec. 1915.*

I hereby certify that there are legal reasons
why the report of the Viewers in the above stated case
should not be confirmed.

James S. Smith

Attorney for Exceptant.

10. 1 Sept. 1851
Hoc. Hocet.

In re Petition for Private
Road in Pike Township.

Exceptions.

ROLAND D. SWOOPF,
Attorney and Counselor at Law,
Curwensville, Pa. and Clearfield, Pa.

Baltimore Office Supply Co., Balt., Md.

In the Court of Quarter Sessions of Clearfield County

In re private road in Pike Township

No September Sessions 1911

Whereas a private road was laid out through the lands of I B
Norris and Fannie Bloom in the said Township of Pike leading
from the public road leading from Glen Richey to Curwensville
through said lands to the Coal Bank of Cadman Brothers .-

And whereas exceptions were filed to the report of
viewers in said case .-

And whereas the said parties have settled said
case.- It is agreed and understood that upon the payment by
Cadman Brothers the petitioners for said road of the costs and
one hundred dollars, that the exceptions are to be withdrawn
and the said road is to be confirmed by the said Court abso-
lutely .- The said Cadman Brothers to have the right to proceed
as soon as the money is paid to proceed to build said road ac-
cording to the draft made by the engineer and as the same is stated
out upon the premises .-

I B. Norris & Fannie Bloom
By their attorney
Thos. W. Smith

Cadman Brothers
By *Thos. W. Smith*

cho / Sept 24 1911
In the presence of
the Peace Society

No 1. Sept 24 1891
Grand Hotel in
Paris France

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view Private Road leading from a point in Public Man mining from Commission & Glen Reby,

in Pike Township to The Coal Mine opened by John George Gadsman a distance of 70 feet more or less across Slaves & J. B. Smith

in Pike Township, in the county aforesaid, will meet at the house of first named point, in Pike Township, on Tuesday, the 9th day of June A. D. 1911, at 1 o'clock P M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

H. A. Keen
J. B. Barclay
Geo. W. B. Smith
VIEWERS

Tested May 29, 1911.

State of Pennsylvania }
County of Chester }

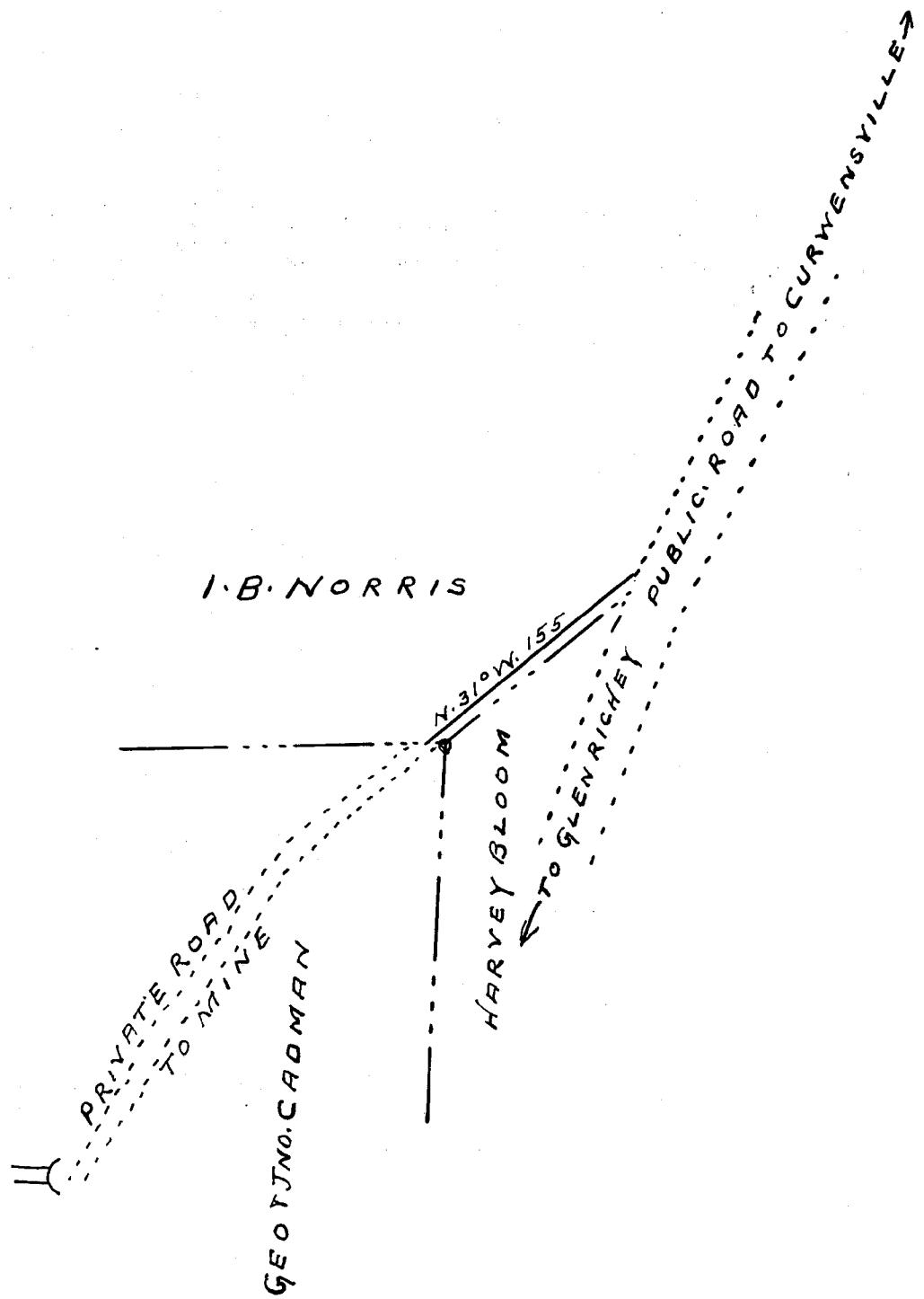
Before me A Subscriber
personally appeared P. E. Smith Constable
who being duly sworn says he serves the
Notar on Isaac B. Morris. By handing him
a copy of A same - on May 31, 1911.

Sworn Subscriber } P. E. Smith
before me this day of
June 1911.

John A. Dale
Justice of the Peace

My Commission Expires
first Monday in Dec. 1915.

Costs
Leaver, P. E. Smith 1.20
Justice of the Peace 2.50
1.40



To the Honorable
The Judge of the Court of Quarter
Sessions of Clearfield County
Penna.

We the undersigned
persons appointed by the within
order of Court to view and lay
out the road therein mentioned
respectfully report that After
having given due written
Notice to the owners of land through
which the said road passes we
met at the point of Beginning of
said road in Lake Township
on Friday the Ninth day of June
A.D. 1911 and after having been
duly Affirmed in pursuance of
the within order we proceeded to
view and lay out and do return
for private use the following
road to wit: Beginning at a point
bet on line between lands of J.B.
Norris and Cadman Bros.
Thence running parallel with
the line between lands of the said
J.B. Norris and Harvey Bloom
and Eight and three tenth feet south
of the said line North thirty one

degrees west one hundred and
fifty-five feet to a point in the
public road running from
Curwensville to Glen Richey
which said road so as aforesaid
laid out by us we are of opinion
is necessary for a private road

Respectfully Submitted

W. A. Reese }
John M. Barratt } theirs
John C. Barclay }

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the
county of Clearfield, Pennsylvania, held at Clear-
field, in and for said county, on the 5
day of May, A. D. 1906, before the
Judge of said Court, upon a petition of ^{George Adamson}
~~John Adamson~~ ^{and} ~~inhabitants~~ of the township of Pike
in said county, setting forth that

*they labor under great inconvenience for
want of a Private Road in Pike Township
leading from the Public Road which
runs from Glen Ridge to Cressensville,
at a point about 70 ft distant from
the opening of the Coal mine to said
Public Road and across the land
of J. B. Norris,*

and therefore praying the Court to appoint proper persons to view ~~and lay~~
~~out~~ the same according to law,
whereupon the Court, upon due consideration had of the premises, do order and
appoint Harry A. Reese, John W. Barant, and John C. Barclay
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 shall particu-~~
~~larly, 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 pro-~~
~~vide releases of damages from persons through whose land said road may pass,~~
~~or failing to procure such releases,~~ shall assess the ^{damages} ~~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.

Roll 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 I. B. Norris the sum of Fifteen Dollars

To..... the sum of.....

To..... the sum of.....

Witness our hands this 9th day of June A. D. 1901.

H. A. Reese

John W. Barrett

John C. Barclay

Now 29th Sept 1911. Exceptions to within report having been withdrawn and the damages accruing having been provided for, the within report for a private road is hereby confirmed absolutely: width of said private road to be 16 ft wide, except where by reason of side hill a greater width is necessary there not to exceed 25 ft: Cost of fencing if any required to be at expense of petitioner, all costs of this proceeding to be paid by petitioner

By the Court
Alfred A. Smith

No. 1 *Sept* Sessions, 1911,
ORDER
To view *and lay out* a road for *private* use in the township of *Clearfield* Clearfield County, *Penna*
Sept 1 Sessions, 1911, read and confirmed N. S. *Road to be opened 83 feet wide, except where there is side hill cutting or embankment, and bridging there to be 16 feet wide.*
Ex find only, Clearfield Co. Sept 1911
Pro to put in 16 ft. wide
29 Sept 1911 confirmed absolutely by the Court
Alfred A. Smith
Filed 190
Fees \$1.25 paid by *Alfred A. Smith*

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 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.

<i>Alfred A. Smith</i>	Days 2	Amount 10.00
<i>Alfred A. Smith</i>	Miles 32	32.00
<i>Alfred A. Smith</i>	Days 2	6.00
<i>Alfred A. Smith</i>	Miles 24	24.00
<i>Alfred A. Smith</i>	Days 2	6.00
<i>Alfred A. Smith</i>	Miles 24	24.00
<i>Alfred A. Smith</i>	Days 2	6.00
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