

DOCKET No.5

Number	Term	Year
8	Feb	1922

Review of road in Pike Twp  
leading from Olanta to Bloomington

Versus

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

In Re: Public Road in Pike )  
Township. ) No. \_\_\_\_\_, May Term, 1922.

To the Commissioners of Clearfield County and the Supervisors  
of Pike Township:-

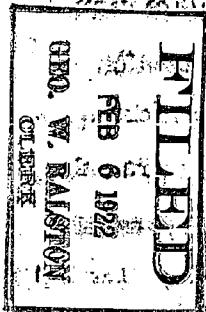
YOU ARE HEREBY NOTIFIED that a petition of a number of in-  
habitants of Pike Township will be presented and application  
made to the Court of Quarter Sessions of Clearfield County,  
Pennsylvania on Monday, February 6, 1922 at 10:00 o'clock A. M.  
for the granting of a review and appointment of Reviewers of a  
road laid out by Order of Court entered to No. 17, September  
Sessions, 1921 in the aforesaid Township of Pike; said road being  
laid out in said Township "to begin at a point on the line  
between the lands of Clarence Witherow and Burt Owens in a public  
road leading from Bloomington Cemetery to said point of division  
and extending thence to a point near Olanta in another public  
road leading from Olanta to Bloomington."

Smith & Smith  
Attorneys for Petitioners

NOW, January 26, 1922, service of the above notice by a  
copy is hereby accepted.

A. L. McFie  
J. W. Comdesaw

John H. Bloom  
Supervisors of Pike Township,  
Clearfield County, Pennsylvania.



Not printed  
marked in right.

and will be located on the eastern shore of Lake Superior.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA  
In Re Public Road in Pike Township, No. \_\_\_\_\_, May Term, 1922.

To the Commissioners of Clearfield County and the Supervisors of Pike Township:-

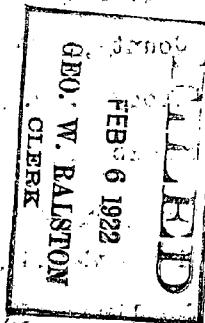
YOU ARE HEREBY NOTIFIED that a petition of a number of inhabitants of Pike Township will be presented and application made to the Court of Quarter Sessions of Clearfield County, Pennsylvania on Monday, February 6, 1922 at 10:00 o'clock A. M. for the granting of a review and appointment of Reviewers of a road laid out by Order of Court entered to No. 17, September Sessions, 1921 in the aforesaid Township of Pike, said road being laid out in said Township "to begin at a point on the line between the lands of Clarence Witherow and Burt Owens in a public road leading from Bloomington Cemetery to said point of division and extending thence to a point near Olanta in another public road leading from Olanta to Bloomington."

Smith & Smith  
Attorneys for Petitioners

NOW: January 24, 1922, service of the above notice by a copy is hereby accepted on behalf of the Commissioners of Clearfield County.

L. C. Morris

Commissioners' Clerk.



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In Re: Public Road in Pike Township ) No. 55

P E T I T I O N:

To the Honorable Singleton Bell, President Judge of said Court

The petition of the undersigned inhabitants of the Township of Pike in said County, respectfully shows:

That a road has been laid out by order of Court in  
said Township, "to begin at a point on the line between the  
lands of Clarence Witherow and Burt Owens in a public road lead-  
ing from Bloomington Cemetery to said point of division and  
extending thence to a point near Olanta in another public road  
leading from Olanta to Bloomington," which road if confirmed  
by the Court will be very injurious to your petitioners and  
burdensome to the inhabitants of the said Township of Pike,  
through which the same will pass.

YOUR PETITIONERS THEREFORE PRAY your Honorable Court to appoint proper persons to review said road and parts adjacent and make report to the Court according to law. And they will ever pray, etc.

John Gifford  
Bruce Sandercock  
Sam Lang  
James Lister  
J. B. Gardiner  
Ward Dunn  
Emmett L. Moore  
S. J. Morris  
Ray W. Evans  
Henry Hartley  
Fred. D. St  
Roll. Davis

50

H. D. Borch  
A. Bloom  
C. Brimell  
H. H. Pittelle  
J. H. Smith  
Howard W. Bloom  
Ralph B. Bennett  
Vince Ellinger  
J. M. Boes  
Willy D. Bloom  
R. D. Clegg  
Joseph T. Zimmerman  
James W. Fancher  
D. M. Clegg  
J. B. W. Bloom  
W. Morris  
R. L. P. P. P.  
C. B. Anderson  
Reed R. Bloom  
Albert W. Etter  
Don Edmonson  
Wen Caldwell  
Loisay Bloom  
Harriet Bloom  
H. S. Bloom  
Les Knutson  
Her Adleman  
S. C. Winter  
Ray Steele  
W. R. Morris  
R. Whitaker  
James M. Wise  
Frank Wise

Ors

Amis Price  
M. E. Brainerd  
M. E. Morris  
Elias Ecker  
John H. Bloom  
Blair R. Cook  
W. S. Carr  
Melvin Carr  
Gen. M. Horn  
C. P. Carr  
Orlo Cook  
Russell McCalum  
Clinton D. Bailey  
Herman G. Flowers  
(H. G. Flowers)  
Chas. Standish  
W. C. Minneman  
Amos Personas  
Thorleif Bogaard  
Blair Porter  
S. C. Henn  
D. H. Miller  
J. W. Porter  
W. G. Porter  
R. O. McClellan  
Milton McElwee  
Geo. McElwee  
C. P. Standish & Sons  
T. Y. May  
Harold L. Lewis  
J. M. Bennett  
M. R. Gorton  
Charles L. Webb ex Supr

105

The Fairhaven  
Mineral  
W. Schwartz  
Wm Burnell  
J. P. Gardner  
Local Business  
M. G. Johnson  
O. R. Johnson  
A. J. Lyndall  
J. H. Marley  
Geo. McElroy  
B. McElroy  
Eli. McElroy  
J. L. McElroy  
Geo. Stair  
David Lewis  
S. J. Wise  
A. B. Powers  
J. W. Andrews Super  
Wm. A. French  
Robert Burdall  
Wm. P. Brown  
Geo. Harmon

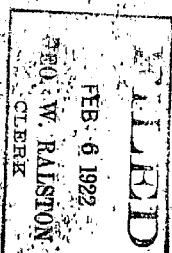
IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD  
COUNTY, PENNSYLVANIA.

MO. 72-1722

In the matter of Public  
Road in Pike Township.

No.

P E T I T I O N .



SMITH & SMITH

ATTORNEYS AT LAW  
CLEARFIELD, PENNSYLVANIA

CLEARFIELD REPUBLICAN, CLEARFIELD, PA.

215 B-1 atty

B O N D.

KNOW ALL MEN BY THESE PRESENTS that we A. B. Owens,  
John F. Leitinger and Jed B. Lucy  
are bound unto the Commonwealth of Pennsylvania in the sum of  
One Hundred (\$100.00) Dollars to be collected of our goods and  
chattels, lands and tenements; to the payment of which we do  
jointly and severally bind ourselves, our heirs, executors and  
administrators and every of them firmly by these presents,  
Sealed with our Seals and dated the 29th day of August, A. D.  
1921.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT WHEREAS the B.  
Owens, ~~Robert Johnson~~ and other citizens of Pike Township, in  
the County of Clearfield have presented their petition to the  
Court of Quarter Sessions of Clearfield County praying for the  
review of a public road in said township to lead from the line  
of Bert Owens and Clarence Witherow to Olanta.

NOW if the above bounden shall well and truly pay or cause  
to be paid any such sum as the petitioners for review of said  
road may become liable to pay in accordance with law, then this  
obligation to be void, or otherwise to be and remain in full  
force and virtue.

Sealed and delivered

in the presence of

John F. Leitinger (SEAL)

Jed B. Lucy (SEAL)

A. B. Owens (SEAL)

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

In re: Public Road in  
Pike Township.

P. O. N. D.

John Long, Plaintiff  
Appellant  
vs.  
John C. C. McComick  
and John Bell, Defendants

FILED

FEB 6 1922

J. O. W. RALSTON  
CLERK

SMITH & SMITH

ATTORNEYS AT LAW

CLEARFIELD, PENNSYLVANIA

CLEARFIELD REPUBLICAN, CLEARFIELD, PA.

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

In Re. ) No. 17 September Sessions, 1921.

Road in Pike Township

In Re. Review. ) No. 8 February Sessions, 1922.

Road in Pike Township

The original viewers reported in favor of the road and the reviewers reported against it.

Two of the Supervisors were petitioners for the road and the report of the viewers shows that the three Supervisors appeared at the view, all in favor of the road.

Two of the Supervisors were petitioners for the review, one of them being a signer to the original petition, and the other Supervisor who signed the petition also signed the petition for review, though not then in office and the Board of Supervisors at the time of the review were apparently favorable to a review.

This petition is largely signed by citizens of the Township and the petition for the review is also numerously signed. This division of opinion seems to extend to the section where the road is, that is the southeastern part of the Township, though the majority of the residents in the immediate locality support the petition.

Examination of the reports and other papers shows that there are now two much travelled public roads from Bloomington to Olanta only about one mile apart, so that there is no strong necessity for an additional road except as dwellers on the line of the proposed new road may be concerned.

We are of the opinion that new roads should not be made in doubtful cases and that a policy should be followed tending

to put no additional burdens on the Townships where the facts are practically balanced. We are also of the opinion that an improved road from Olanta to Bloomington should be constructed connecting the present improved roads, and we believe this will soon be done.

At that time a location will be determined which will carry the great mass of travel and settled the present dispute. Our conclusion is this case will in no wise determine what the location of the improved road shall be, and it would be improvident to expend public money on new construction at this time.

In accordance with these views, the report of the Reviewers is adopted and confirmed M. S.

By the Court,

*Singleton Bee*

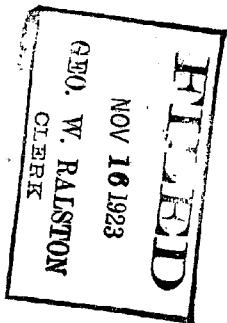
P. J.

No. 17 September Sessions 1921.  
No. 8 February Sessions, 1922.

In Re. Road in Pike Township.

In Re. Review of Road in Pike  
Township.

OPINION and DECREE.



Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa; in and for said County, on the 6th day of February in the year of our Lord one thousand nine hundred twenty-two

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Pike in said County, setting forth that a road has been laid out by order of Court in said Twp. "to begin at a point on the line between the lands of Clarence Witherow and Burt Owens in a public road leading from Bloomington Cemetery to said point of division and extending thence to a point near Olanta in another public road leading from Planta to Bloomington," which road if confirmed by the Court will be very injurious to your petitioners and burdensome to the inhabitants of the said Twp. through which it will pass

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned; whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers A. L. Edwards, Esq., Harry Reese and Jas W. Spangle

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof; and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law, and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court.

*Geo W. Ralston*, Clerk.

# RETURN OF VIEWERS

To the Honorable the Judge of the Court of Quarter Sessions of the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, be leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of

Pike and that 3 notices thereof were posted along the route of the proposed road, that the said view would be held on the 30th day of August A. D. 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 1st day of Sept, 1923, at 11 o'clock A. M. That 3 viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view C. W. Withrow, A. B. Owens, A. L. Edwards, Harry Reiss & James Spangler.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 1st day of September A. D. 1923, when the following appearances were noted: Wallace Smith Esq representing 101 Atgins  
of Pike Twp opposed to proposed road, Cortez Bell Esq. representing  
Residents of Pike Twp A. B. Owens, Chas. W. Lashard, A. L. W. Kee,  
G. W. Anderson, S. A. Dixon, Harry Cashcart, Geo Bowman, Clarence  
Withrow, Curtis Bloom, Sam Bowman, Ward Roulko, Fred Russel & Stacy Bowman.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is No occasion for a road as desired by the petitioner, and that the same is not necessary for a Public road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for \_\_\_\_\_ use the following described road, to wit Beginning \_\_\_\_\_

Road Required (see opinion herewith)

In Re: Review of road in Pike Township, Clearfield County, Pa.  
No. 8 February Sessions, 1922.

In view of the fact that a former set of Viewers appointed by the Court to No. 17 September Sessions 1921 reported in favor of a proposed Public road which is covered by the present proceeding and whereas the present set of Viewers feel that a necessity does not exist for a Public road, to cover the courses and distances as laid out by the former set of Viewers, the present Viewers feel that an explanation of their action in refusing to declare said road a necessity, may throw some light on the subject.

The Viewers covered the entire surrounding Country where the proposed road was asked for and they find that at the present time there are two well kept roads running in what might be called parallel lines between the Villages of Bloomington and Olanta, a distance of approximately two miles and that at no place are these two roads more than one mile apart, in fact at numerous places they are much closer than that. The proposed Public road asked for in this Petition would run practically parallel with the other two roads and between them thus dividing the distance above mentioned in half. It might further be stated that there are a number, possibly eight or ten, cross roads entering into the two present mostly traveled roads, between the points of Bloomington and Olanta, this making almost a net work of roads.

The County has to the present time completed a concrete road from Kellytown to Olanta and from Bloomington to Curwensville leaving a small gap between Bloomington and Olanta open. If this concrete road is completed, and there is every reason to believe that it will be it no doubt will pass between the present two main roads leading from Olanta to Bloomington and if the present proposed road asked for in this Petition were to be completed at the present time it would be an entire waste of the Township's funds to construct it and then have the State Aid or concrete road put through in the near future and possibly change the route of this proposed road.

As we understand the power of the Viewers, it is to decide whether or not a necessity exists for another Public road over the route from Olanta to Bloomington. We are unanimously of the opinion that no such necessity exists and the grounds for our decision are as follows, to wit: While it was testified by some of the witnesses at the hearing that the proposed road (which at the present time consists of part Township road and part private road) is a little more convenient than either of the two other present roads connecting Bloomington and Olanta yet the Viewers feel that the word convenience does not fit nor take the place of the word necessity as contemplated by the law. We take the view that in order to show a Public road is necessary it is incumbent upon the Petitioners to show that said road is necessary to the traveling Public. It is true that testimony was offered to show that the traveling Public used this proposed road more than either of the other two present roads but there was no testimony given indicating that the Public would not be able to get between these two points if the proposed road were not allowed or denied. The testimony merely showed that the present proposed road was possibly a little nearer between these two points and a little more convenient.

As to the number of people who require an outlet to a Public road it was contended that there were two people who had no outlet and these men were S. A. Dixon and Clarence Witherow. It was shown by testimony that Mr. Witherow does have, at the present time, an outlet to a Public road for the reason that the Public road comes to his corner and stops there, from this point on to Olanta he has at present a private road, which it was testified to, had been in use for approximately eight years and also that he had never had any trouble about using this private road. And along this private road is where one S. A. Dixon has a farm and resides. Mr. Dixon is really the only man whose property does not touch a Public road and he at the present time has a private road to Olanta and a part private and the balance Public road to Bloomington.

There is no testimony of any kind that Mr. Dixon does not have an outlet, the only argument arising was that supposing at some future time some of the other owners over whose land the present private road passes should object to him or his family traveling over said private road then and in that event he would not have any outlet. We feel, concerning this point, that it is very doubtful whether such an occasion would ever arise and if it should then Mr. Dixon would have need of an outlet and his remedy would be by Petitioning the Court for a PRIVATE road.

We therefore say to the Court that in our opinion there is at the present time no necessity for an additional PUBLIC road between the Villages of Bloomington and Olanta and recommend that the present Petition be refused.

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Respectfully submitted,

A. L. Edwards

Harry Reese

James Spangle

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view A Public (proposed) Road leading from a point on the line between the lands of Clarence Witherow and Burt Owens in a Public road leading from Bloomington Cemetery to said point of division

in Pike Township to a point near Olanta in another Public road leading from Olanta to Bloomington

in Pike Township, in the County aforesaid, will meet at the house of at line between Clarence Witherow and Burt Owens in Pike Township, on Thursday the 30th day of August A. D. 1923, at 1.30 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice. And a hearing upon said view will be held in the Arbitration Room of the Court House at Clearfield Saturday September 1st, 1923 at 11.00 o'clock A. M.

A. L. EDWARDS

HARRY REESE

J. W. SPANGLE

**Viewers**

August 13th

**19** 23

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting

when it was not practical to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from 2000

the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: None

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 1<sup>st</sup> day of Sept  
A. D. 1923.

A. F. Edwards Seal  
K. A. Reese Seal  
James W. Sharpley Seal  
Seal

No. 8	Feb	Sessions, 1922
<b>ORDER</b>		
To <u>Review</u> review		
a road for public use in the		
Township of		
Clearfield County Penna.		

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.

Viewers cannot interfere with the 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.

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