

No. June 1870 Term, 190

Public Road in Pike Township

versus

R. A. #1 - P. 267

Cant locate



renew this road, The Surveyor never set his  
Compass nor undrew his chain, in fact they  
never renewed the road at all, The passage over  
the ground where the road was renewed from my  
place to the township road, and from Joseph  
Baileys to Reuben Halls, but that part of the road  
from Jos Baileys, to the township road they were  
not on at all, The township road leading from  
Jos Baileys around by Smells is drifted shut  
with snow almost every winter,

and further south not.

~~At home~~  
John Welch

Daniel B. McMullen, sworn, Deith as follows, I am  
24 Years old, I know this piece of Smell  
land through which this road passes, that portion  
cut off by the road is stony rough land,

The road leading from Jos Baileys to Smells is  
most generally impassable in the winter time  
on account of snow drifts, I think this road  
would be a benefit to Smell, I consider this road  
necessary for the people in that community,

and further south not.

Daniel B. McMullen

Joseph Bally sworn, saith as follows, I  
am 48 years old, I live along the line of  
this road that is laid out. The small ground  
through which this road passes is pretty rough  
ground, the main part of this road passes over  
my ground, I consider this road necessary  
for the public, When the parties came to re-  
view this road, they simply went over the  
portion from my place to Kenner Hall, neither  
did they go upon the small land through which  
this road passes, they never set their compass  
nor unclasp the chain,  
and further saith not.

Joseph Bailey

I hereby Certify that the above witnesses were  
duly qualified at the time and place stated in  
said Caption, and subscribed their deposition  
in my presence,

Wm. Radebaugh N.P.

Richard S. Carr, Sworn, Saith as follows, I am  
28 Years old, I live in the neighborhood where  
this road is laid out from R. Hall's to John Welch's,  
I am acquainted with the ground over which  
this road passes, it is pretty much all on the land  
of Jos. Bailey, I believe the road when it is laid  
out is necessary, There would be a great deal of  
travel on this road, from the township road to  
John Welch's, There is no road from Reuben Hall's  
in any direction, The road as laid out would be the  
most direct road to Charfield town,

Draft Shown withup, and hereby marked Exhibit A,

I Consider this draft a correct draft, of the  
disputed road, and the surrounding roads, —  
not Crop Examination on part of the Dist. Atty,

R. S. Carr

Jacob Hoover, Sworn Saith as follows, I am  
79 Years old, I reside in Lawrence township,  
I was one of the viewers on the road leading from  
John Welch's to Reuben Hall's in Pike township,

This road runs through the corner of Geo. Snell's estate  
and cuts off a small corner, perhaps two or three  
acres, This road when it passes through the Snell  
land runs along the base of a steep ridge, it is un-  
improved land, I consider the Snell property benefited  
by this road, from the fact that they have no way

by which they could remove the wood upon this land without going up a steep hill or going upon the premises of Jos. Bailey's. The greater part of this road passes over the land of Jos. Bailey. I consider when this road is laid out that <sup>it</sup> is absolutely necessary, for the Community. That part of this road leading from the McMullin road to John Welch's is laid upon the same ground in which there was a private road. This road has been and will be very much travelled. The Township road from Jos. Bailey's around by Geo. Smith's is impassable in the winter time, in consequence of snow drifts. I consider the draft heretofore marked Exhibit A. correct in regard to said road and surrounding roads. —  
<sup>I and A. Smith, men along when we viewed this map,</sup>  
and further south not.

Jacob Hoover

John Welch, Sworn. Saith as follows, I am 68 years old, I am perfectly acquainted with ground in which this road is located. This road cuts off about 2 or 3 acres of the Smith land in the shape of a smoothing iron. I consider this piece that is cut off a very poor piece of ground, stony & rough. I would not pay the taxes for it. I consider this road necessary in that locality for the accommodation of the public. All this road is upon the land of Joseph Bailey except about 75 rods. — I was present when the parties came to

were damaged, from the fact that they would have no way of getting their timber from that side of the hill without passing through the land of Jos. Bailey, and if this road was made it would be a benefit to the Small Estate. There is considerable of a hill above where this road runs along, this hill is covered with rail timber and fire wood &c. Saw A. Small was along when we viewed this road, - I consider a public road is necessary in that locality, as Ruben Hall has no way of getting out without passing over the land of Joseph Bailey. There is considerable travel in that neighborhood, that part of the road next to John Miller's is a great deal travelled where it intersects with the road leading to Curwensville,

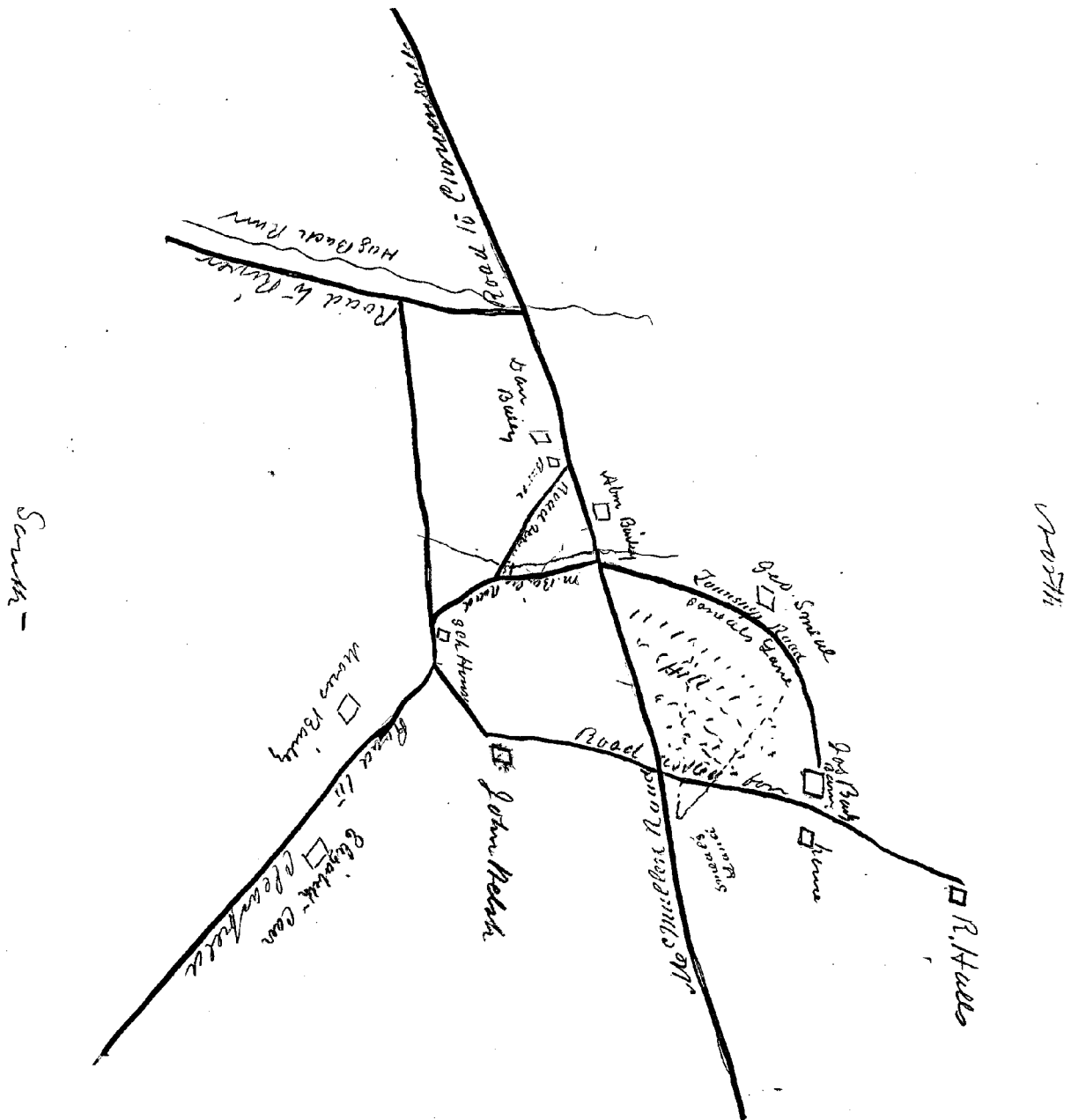
+ Bro. E. - I am a Cousin to Ruben Hall the applicant for this road, There is a public road leading to Jos Bailey, which begins at the road leading to Curwensville, at a point about 1/2 mile or more S.W. of where the Ruben Hall road crosses the Curwensville road, as the R. Hall road and Jos Bailey road approach Jos Bailey's they could meet together, the Ruben Hall road would not connect with any public road at Ruben Hall, that would end there, two thirds of the road between R. Hall & Jos Bailey would be used by other people, and further south of.

G. H. Hall

Deposition of witnesses produced, sworn in  
examined, by me the 2<sup>d</sup> ~~day~~ of June A.D. 1871  
at the office of John H. Hulford Esq. at Chieffina Pa.  
between the hours of 9 A.M. and 9 P.M. by  
virtue of the annexed rule of Court of Quarter  
Sessions and notice hereto attached for the  
examination of witnesses in a certain road in  
Pike township leading from Reuben Hall's to  
John Welch's in said township, on part of said  
road,

George H. Hall, sworn on the part of Road  
view, - I am <sup>two</sup> forty years old, I was one of  
the viewers that helped to view the road in  
Pike township leading from Reuben Hall's to  
John Welch's, The greater part of this road passes  
through land of Joseph Bailey, a portion of this  
road passes through the land of the George Samuel  
Estate, about thirty rods or more, it is reasonably  
good land timbered with oak & Chestnut wood,  
Part of this land through which <sup>the</sup> road passes ~~is under~~  
could be used as meadow land and part of it could  
be used for other purposes; when we viewed this  
road Saml. A. Small one of the Heirs Claimed claim-  
= age for that part of the road that passes through  
the Small Estate, we did not consider that they

Wm Radabaugh. N.P.



# Rule to take Depositions.

CLEARFIELD COUNTY, SS:

*Ranvier*  
*Psile Lonsky*  
versus

*Quarter Sessions*  
In the Court of Common Pleas of Clearfield County, Pa.  
*From R Halls. to Jm Welch*

No. *J* Term, 187

And now, to wit, the *27* day of *May*, in the year of our Lord,  
one thousand eight hundred and seventy *and*,  
the *Att for law* enter a rule to take the Depositions of  
ancient, infirm and going witnesses, to be read in evidence on  
the *Argument* of this cause.

Ex parte rule of *5* days notice.

*A. E. Tate,*  
Notary.

To *Dr M. C. Curry*, Esq.:

You will please take notice, that in the pursuance of the foregoing rule, Depositions  
will be taken before *Mr R. C. Ruchuck or some other*

*Person competent to administer oaths & affirmations*  
in and for the county of *Clearfield*, at his office, in the *township of*  
of *Clearfield*, in the county of *Clearfield*, and State of  
Pennsylvania, on the *2* day of *August*, A. D. 187*7*,  
between the hours of *9* o'clock, *A* M., and *9* o'clock, *P* M., when  
and where you may attend and cross-examine.

CLEARFIELD, PA., *May 27*, 187*7*.

*Jm H. Fulford*  
*att for law*

Sept 28 1871

In the matter of the  
Round leading from  
C. Hall's in the Tug-  
ship to Lake Wales -

Depositors on behalf  
of bond -

Service accepted May  
27<sup>th</sup> A. D. 1871

and bond money  
paid for bond

Costs -  
Charges for  
Mittels - \$12.50  
\$12.50

To the Judges of the court of Common Pleas of  
the county of Clearfield composing a court of Quarter Sessions  
of the Peace for said County -

The petition of the subscribers respectfully sheweth; That they labour under great inconvenience for the want of a public road or highway to lead from Kerben Halls in Pike Township to intersect a public <sup>road</sup> at or near the house of John Welch in said county, they therefore pray the court to appoint persons duly qualified to view the ground proposed for said road and to lay out the same according to law

A. J. Lammie  
Thos S. Loring  
John Norris  
B. W. Barton  
H. D. Jackson  
O. S. Carr

B. W. Barton  
William Anderson  
Nathan Jackson  
J. D. Jackson  
O. S. Carr

1870  
 Now June  
 the 8 Viewers  
 Appointed by  
 George Hall  
 Jacob Hoover  
 S. H. McCluskey  
 by the Court

Assessors 1870  
 Petition for  
 a public Road  
 in  
 Pike Township

~~John H. Hall~~  
~~to it in June~~  
~~1870~~

Re. The undersigned Citizens of  
Pike Township, respectfully rep-  
resent, That a road view was man-  
ted by the Quarter Sessions of the Peace  
in and for Cassfield County, to view  
out a road to commence at R. Heald's  
in Said Township and to terminate at  
John Welch's in the Said Township, Said  
viewers appointed by the Said Court went  
upon the ground and viewed a road &  
made report to the Said Court at Sept  
Sessions 1870. - At Jan'y Sessions a re-  
view was granted, and your petitioners  
understand that the viewers have made re-  
port that a road is not necessary in  
said locality, or to that effect. Your petition-  
ers, having some knowledge of the locality  
where this road has been viewed by the 1<sup>st</sup> view,  
and knowing the necessity for a road in  
said locality. Pray your Honorable Court  
to conform the said report made by the  
first view,

And they likewise pray &c -

Picture of Colony  
of the sp. —

Indians

Names

M. C. Norris  
R. S. Carr  
Thos. ~~Mc~~ ~~Le~~ ~~W~~  
Zachariah Mc Bloom

Names

A. I. Ganick  
B. Hartstorn  
Jonathan Hartstorn

J. R. Bloom  
John Norris  
John Welch  
A. Caldwell  
H. W. Miller  
R. W. McNeil  
E. C. May  
Samuel McDowell  
Daniel Bailey  
Abraham Bailey  
Samuel Fullerton

Abraham Ogden  
Thomas Bloom

John - Greenberg  
E. B. Passmore  
Mc W. C. Paul  
John May  
E. L. K. Lydie

To The Four Judges within named  
Are the undersigned persons appointed, by  
the within Order of Court, to view and lay out the  
road, leading from Reuben Hall's to John Welches in Pike Tp.  
And to whom, the report of a former view was referred.  
Respectfully report, that having given notice of the time  
and place of the view, according to the act of assembly,  
and having been all present, at the view of the ground pro-  
posed for such road, together with Zachariah McTaul,  
Guardian of minor heirs of Estate of George Smeal deceased, and  
having all ~~seen~~ first sworn or affirmed according to  
Law we think proper to return the said Road  
unchanged,;

Witness our Hands, this 16<sup>th</sup> day of Sept. 1871

A. F. McClosky  
Jacob Hoover  
G. H. Hall

} Viewers

Now Decr 22 A.D. 1870 the Geo. Smeal, <sup>Geo.</sup> & others, citizens of Pike Township, except to the confirmation of the rich in report for the following reasons, viz:

1<sup>st</sup> The greater part of said road, within reported is unneeded say, viz: that part of it extending from Geo. Welch's to Joseph Bailey's, which is about three fourths of a mile long, & almost  $\frac{2}{3}$  of the whole distance, of the road, as laid out by the voters, there being already a Public road at the said Welch's and another at said Bailey's, and nobody along the line of the road between those points needing another public road.

2. The owners of the George Smeal estate are damaged to the amount of fifty dollars by the laying out of said road and opposed to its confirmation, there being already two public roads leading through the George Smeal estate,

3. The road extends through low ground, and, would, be expensive to make and keep in repair, and an unnecessary burden and expense to the township.

4. The people of the township do not want said road, it would serve simply for the <sup>convenience</sup> accommodation of one or two individuals, and even they do not need it,

5. That your said Court at September Session 1870. confirmed a vein for a public road, running in a direction parallel to that portion of said road lying between said Welch's and said Bailey's, at no point distant more than a half mile therefrom, and which will answer every purpose thereof.

6. That one of the minors is a brother of the party at whose instances the vein within reported, was had.

7. Other exceptions and illegalities in the Report.

Dan Wm. Burdy

Atty for exceptions

Decr 22<sup>nd</sup> A.D. 1870

Now May 29<sup>th</sup> A.D. 1871, the minor heirs of George Smeal, deceased, through whose land the road within reported passed, do by their guardian E. McNaull, further except to the confirmation of the <sup>minors</sup> report for the following reasons:—

1. Because said road was veined without any notice to said guardian or any one interested for him.

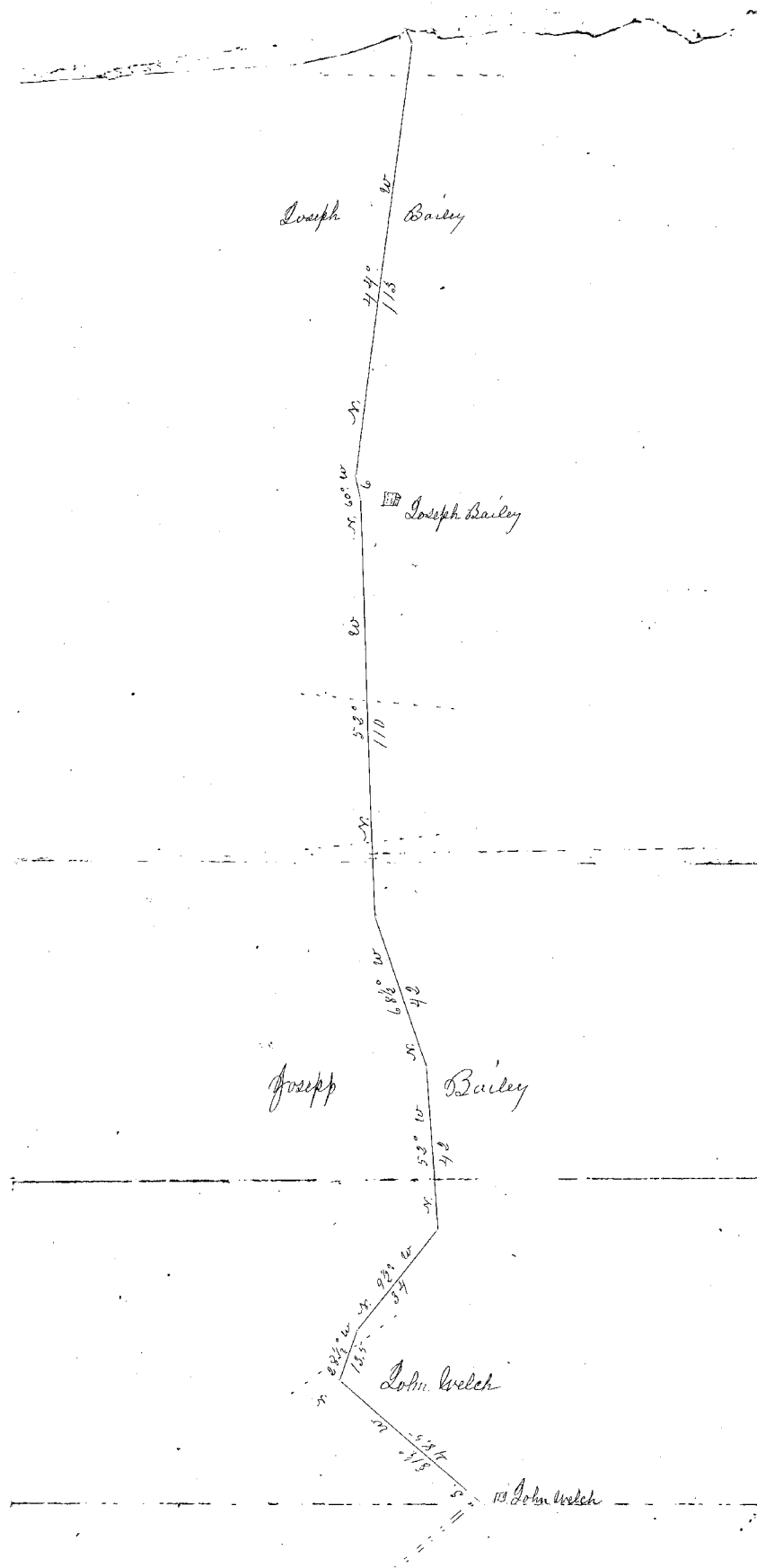
1. Barr, pag 323.

2. No actual notice in conformity with the Rules of Court was given to the owners or occupants of the Smeal estate, of the time of said vein.

Dan Wm. Burdy

Atty for exceptions

May 29<sup>th</sup> A.D. 1871



To the Honble Judges within named

We the undersigned persons appointed by the within Order of Court, to view, and lay out the Road, therein mentioned, respectfully report, that having given notice of the time and place of the view, according to the act of Assembly. And having been all present at the view of the ground proposed for such Road. And having all been first severally sworn, or Affirmed according to Law, in pursuance of said Order, we have viewed, and laid out, and do return the following Road viz. Beginning at the public Road, at John Welch's House. Thence through his land, South Eighty one and a half degrees west. Forty Eight and five tenths perches. South twenty Eight and a half degrees west; (Through Land of Welch and Joseph Bailey) Thirteen and five tenths perches. South nine and a half degrees west. Thirty four perches, Thence South fifty two degrees west, Forty two perches. South Sixty Eight and a half degrees west. Forty two perches. South fifty two degrees, west. At Twenty One perches cross the line of Joseph Bailey, & George Smeal's Estate, At fifty four perches, cross the line of George Smeal's Estate, and Joseph Bailey again, One hundred & Ten perches Thence still through Joseph Bailey's land, South Sixty degrees west. Six perches. North forty four degrees west. One hundred and thirteen perches, Thence through Reuben Hall's land, North Seventy Eight degrees west, Thirty five perches South Fifty two degrees west, nine perches, to Reuben Hall's House which said road we are of opinion is necessary for a public Road A Draft whereof is herewith annexed. And we also of opinion that the said Road will be of no damage to any of the parties through whose land it passes.

Witness our hands this 20<sup>th</sup> day of Aug. A.D. 1870

J. M. Bailey  
Jacob Hoover  
George H. Hall

viewers.

Viewers Bill

S. F. McClosky 3 days

Jacob Hoover - 1 hr

George H. Hall 1 "

## ROAD VIEWER'S REPORT.

### CLEARFIELD COUNTY, SS:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, in and for said county, on the 6<sup>th</sup> day of June, A. D., 1870, before the Judges of ~~the said~~ Court, upon the petition of sundry inhabitants of the town of Pike, in the said county, setting forth that they labor under great inconvenience for the want of a road or highway, leading from

Reuben Hall's to intersect  
a public Road at or near John Welch's in Pike  
Township      Report as to damages &c

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

S. L. McCloskey, George H. Hall and Jacob Hoover

who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the ground proposed for said road; and if any two of them agree that there is occasion for such road they shall proceed to lay out the same, as agreeably to the desire of the petitioners as may be, having respect for the best ground for a road, and the

shortest distance, in such 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, with reference to the improvements through which it may pass, to the next Court of Quarter Sessions to be held for said county. In which report they shall state that they have been sworn or affirmed according to law.

BY THE COURT.

Al. Tate,  
Clerk Quarter Sessions.

Exceptions filed 22 Dec 1870  
 Additional Exceptions filed  
 24 May 1871

~~James G. Smith~~

~~By the Court~~

Depd 28 1871

Order to view and lay  
 out a public road from  
 R. Hales to at or near  
 John Hales in Pike  
 Township

Continued  
 to same term  
 1871

1875 Paid by R. Hales

Sept 26/70

Accepted

Conferred to the  
 the road to 33 feet

Wider except side

with digging and

the road to 16 feet wide

By the Court

Jan 13, 1871

Continued to same

term 1871

By the Court

Richard C. H. in

June 9, 1871. Recommended to the Court  
 for carrying out in relation to the (see p. 1)

Nov 17, 1871

Confirmed at the

By the Court

C. A. M.

P. J.

Recorded in

pages 269 & 270

269 & 270