

No. September 1871 Term, 190

Re-view

Public Road in Pike Township

versus

P.D. #1 - Page 270

Not confirmed

1

To the Honorable the Judges of the Court of Quarter
Sessions of the Peace for Clearfield County, -

The undersigned, inhabitants of the Township of
Pike do, for the following reasons, respectfully remon-
strate against the confirmation by your said Court
of the Report of the viewers to ^{of P. Dillan Waterbury} ~~viewers~~ lay out a Public
Road, leading from Pleasant Grove School House to
a point ^{now marked} at or near the barn of Daniel Bailey in said
Township, said report having been confirmed quiliat
January Sessions A.D. 1871.

First, That your said Court at September Sessions, 1870,
confirmed absolutely the report of the original view-
ers in this case, and that the original view located
the road on much better ground and of a higher grade
than the review.

Second, The road as located by the review, through
the premises of Daniel Bailey, attains an elevation
of eleven and a half degrees, whilst the location by
the original view, thro' the same premises, does not at
any point attain an elevation exceeding four &
a half degrees.

Third, The road as located by the review would be
much more expensive to make, and to keep in re-
pair than the location of the original view.

Attest Bailey

Attest A. Drown

Attest J. H. Williams

Attest John Hancock

Attest Henry Linggold

Attest H. A. Drown

Attest Thomas B. Drown

Attest Adam Short

Attest E. Lewis B. Drown

Attest Christian L. Drown

Attest David Brooker

M. J. Gonick
W. H. Brown
J. H. Brown
M. L. Evans
John W. Hancock
Geo Hancock

March Sessions 1872
P. B. S.

March Session 1871

Remonstrance against
the confirmation of the Re-
port of members to visit and
lay out Public Road leading
from Pleasant Grove School House
to a point ^{near} at or near Daniel Bai-
ley farm in the Township.

Filed 20 Mar 1871

W. C. Burdick

March 20th A. D. 1871, Moses Bailey, a citizen of Pike Township, and through whose land the road within reported passes, excepts to the absolute confirmation of the within Report for the following reasons:—

1. That at the time of the granting of the order for the within Review, the road within reviewed was, (by virtue of the absolute confirmation by the Court, of the Report of the original view in this behalf at September Sessions 1870) already laid out and confirmed, tho' not opened;— that much less than a majority of the original petitioners for said road appear to have signed the petition for said review, and that under this state of facts, the road being already laid out and confirmed, but not opened as aforesaid, it falls within the 19 Section of the Act of June 13, 1836 (Rev. Dig pg 873, sec 25) and can only be vacated and annulled upon petition of a majority of the original petitioners, and hence the order for the within review and all proceedings had under the same, are irregular and should be set aside.

5th Harris, pg 271

1st Wright, pg 241.

2. The road within reported, as laid out through the premises of Daniel Bailey, is of very steep grade attaining an elevation of near three and a half degrees, and is located in such a manner as will cause it to be both expensive to make and to keep in repair, while the road already laid out and confirmed, is through

the same premises, located on much better ground,
is of moderate grade, not attaining an elevation
greater than four and one half degrees and will be
much less expensive to make and to keep in repair,

Moses Bailey

by his atty

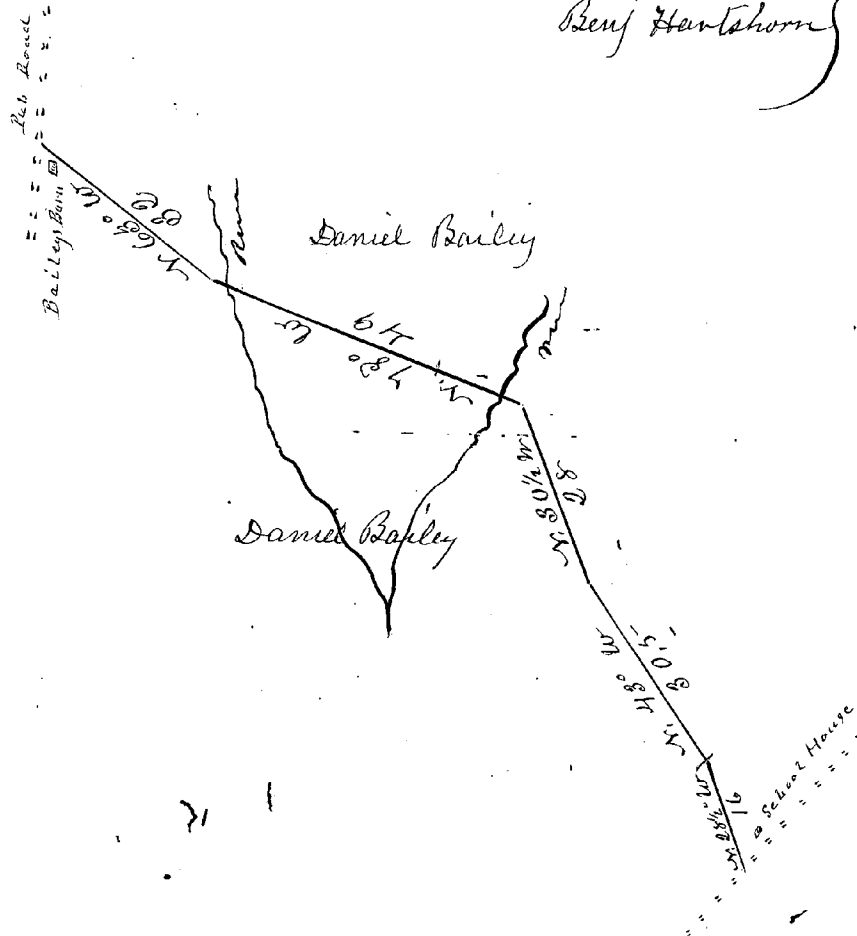
San Wm Curdy

To The Hon. The 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, appointed for the view according to the Act of Assembly. And having all been present at the view of the ground proposed for the said road. and having all been first severally sworn or affirmed, in pursuance of the said Order, we have viewed and laid out, and do return the following road viz. Beginning at the public road near Pleasant Grove School House, Thence through Daniel Bailey's land. North twenty eight and a half degrees west. sixteen perches. North forty three degrees west, thirty and five tenths perches. North thirty and a half west. Twenty eight perches. North seventy eight degrees west. forty nine perches. North sixty three degrees west. thirty two perches. to the public road by Daniel Bailey's Barn. A draft whereof is hereunto annexed. which said road we are of opinion is necessary for a public road. And it is our opinion that no one is entitled to receive damage.

Witness our hands this 17th day of Dec^r 1870

S. F. McElosh
Eli Brown
Benj. Hartshorn } Viewers



Creuer's Bill
Dr. McCleary 2 days
Eli Bloom 1 do
Bury Hartshorn 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 28th day of September, A. D., 1870, before the Judges of the said Court, upon the petition of sundry inhabitants of the township of Pike ^{review on} in the said county, setting forth that they labor under great inconvenience for the want of a road or highway, leading from

Pleasant Grove School
House and terminating at or near the Farm of
Daniel Bailey in Pike Township

"Report as to damages"

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

Sam. L. McCloskey, Eli Bloom and Ben. Hartshorn
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
the same, and in their report thereon, stating particu-
larly 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.

W. E. Bates,
Clerk of Quarter Sessions.

Sept 28 1891

Order to review and lay out Public Road leading from Pleasant Grove School house to old or near Daniel Bailey's Barn in Elk Township

Exception's filed 20 March 1891
March 21/91
Commece to Run by the Court

Wm. Bailey
28th Nov 1890

Attest

Spanning the 13/91
Confined with the road to 6.33 feet
Made except 1/2 mile
Digging 4 1/2 m. long
road to the 16 feet
Made by the Court

Recorded in Road Book page 270

fulford