

No. 3

Sept

Term, 1888

Vacate & Supply Public Road

COMMONWEALTH

~~WOODWARD~~ *in*

Woodward Township

Contents:

P. 1. 3 - Page 322



Part Two Rd. 17589

In Re to Petition for
for Road in Woodward
Twp.

In the Court of Quarter
Sessions of Cleaved Co Pa
No 3 Sept Term 1888

Petition for

Now 6th May 1889 The within petition read & considered
and a rule is granted on the Supervisors of
Woodward Township and the petitioners for Vacat-
ing roads in No 3 Sept SS 1888 to show cause why
the road vacated leading from a bridge on Cleaved
road up Sanborn run to what is known as the
D.W. Low place should not be set aside and
that the Supervisors and Citizens be restrained from
shutting up said road pending rule but not
from opening road land cut.

By the Court
D. R. Krebs

Certified from the Records this
6th May A.D. 1889
A. M. Blom
AK

To the Honorable The Judges of the Court of Quarter Sessions of the Peace in and for the County of Clearfield.

The petition of the undersigned inhabitants of the Township of Woodward in said County respectfully sheweth: That a road has long since been laid out from a point on the public road leading from R. J. Klines in Woodward Township to the borough of Clearfield (at the bridge across Santom run in said Township) to Jeffries Post office in said Township, which road was never opened by the authorities of said Township of Woodward; also that a road has long since been laid out leading from the bridge across Santom run (on the road above mentioned leading from R. J. Klines to Clearfield Borough) to the Santom Church (on the road leading from Milton Hamptons in Woodward Township to Jeffries Post Office in said Township) your petitioners conceive that the above mentioned roads have now become useless and burdensome to the inhabitants of said Township and that it would entail a great expense on them to have the above mentioned roads opened your petitioners therefore pray The Court that the above mentioned roads may be vacated agreeably to the Acts of Assembly in such case made and provided, and to supply the above mentioned roads by laying out a public road to lead from a point on the public road leading from R. J. Klines in Woodward Township to Clearfield Borough, at or near the bridge across Santom run on said road.

J. A. Hamptons
Milton Hamptons

to a point on the public road leading from Milton
 Hampton's in Woodward Township to Jeffries Post
 Office in said Township, at or near the farm of
 Reuben Mayhew in said Township. Your petitioners
 then for pray your Honors to appoint proper persons
 to review vacate supply and lay out said road
 and they will ever pray &c

Joel C. Halston
 Milton Hampton
 Thos. Townson
 John W. Townson
 J. L. Bailey
 Joseph Perrett
 David Boyer

Wm. H. Baughman
 John H. Phillips
 Albert Kline
 James D. Phillips
 W. C. Meek
 J. W. Wigham
 Wm. Redinger
 Lewis York
 John Buck

Chas. Smith
 B. H. Zimmerman
 Effie J. Cummings
 Joseph Shattuck
 L. B. Buckwalter
 B. J. Shopley

Dr. J. Haines
 Joel C. Haines
 Reuben Mayhew

Thomas Heneleson
 J. O. Sanford
 Joseph Sanford

John H. Hales
 Adam Sharp

Martin Gist
 D. W. Smith
 Eli Sengft

George Sunlap

James Carter

Jos. L. Messinger

Wm. H. Hays

Thomas Beynow, J. P.

Henry Lewis

Wheeler Thrapp

Peter Plant

Geo. Partridge

John Mayhew

W. H. Buckwalter

Harvey Glenn
D. C. Chard
J. B. Bookwalter
J. B. Knight
John D. Davis
W. C. Cunningham

Anthony S. Davis
David S. Davis
J. C. Wright
R. L. Smith
J. L. Davis
C. B. Butler
T. M. McLean

James C. McMahon
Robert Smith
Harper T. Smith
Arion Harvey
Nobe Thomas

Joseph McMorris
Alfred McMorris
George McMorris
Louis S. Reed
Clara Walker

John Smith
Robert Smith
Charles Smith
Geo. Burchell
Lewis Smith
C. C. Shaw
Geo. J. Thompson
John Tate
J. B. Smith
A. C. Noble
W. C. Davis

no 3 Sept 28 1888

Petition to vacate and
satisfy bond in *Chambers*
vs *State*

Now this 1 Aug. 1888 the within
petition was in before
Court and upon due con-
sideration the Court appoints
Henry Beyster, - W. J. McGowan
J. L. Henderson as
as amici to brief, hear and
report a public record of
whether party are in.

By the Court
W. C. Wells

This 1 Aug 1888
J. J.

~~W. C. Wells~~

In the Court of Quarter Sess,
of Clearyfield County.

To the Hon. J. S. Davis Judge of
said Court,

The petition of Abram
Lross respectfully represents that
several of the citizens of Woodward
Township presented their petition to
said Court at Sept. Sess. 1888,
the said proceeding being number-
ed 3 Sept. Sess. 1888 and asking
that the said Court appoint viewers
to vacate the following described
roads in Woodward Twp: from a
point on the public road leading from
D. J. Kline in Woodward Township to the
borough of Clearyfield (at the bridge across Sam-
bom run in said Township) to Jeffries
Post office in said Township, which
road was never opened by the authorities
of said Township of Woodward; also that
a road has long since been laid out
leading from the bridge across Sam-
bom run (on the road above mentioned
leading from D. J. Kline's Clearyfield
borough) to the Sambom Church
(on the road leading from Vinton
Hampton's in Woodward Town-
ship to Jeffries Post office; 4 or 5 pe-

avers that viewers were appointed
to vacate said road & supply an
other in their place and that
they made report to said court
which report was confirmed ab-
solutely on Feb Sess. 1889; that
said viewers vacated a road
leading from a bridge on the collar
field road up ^{run} Sauburn road to
what is known as the Daniel
low place and not a road
leading to Jeffers Post office;
and that under the petition
presented to the court said
viewers had no authority to
vacate said road and that
said viewers have exceed their
authority and further repre-
sents that on the face of said
petition it represents that said
road when vacated has never
been opened up and that the
petition does not state that a
majority of the petitioners for
the laying out of said road
petitioned or signed same for
vacation

For the reasons above

Set forth your petition
as ~~is~~ that the court grant
a rule on the petitioners in
No. 3 Sept. Sess. 1888 to show
cause why said vacation of
road leading from road to
Clearfield up Sauton Run
to D. W. Low's place should not
be set aside and that the
Supervisors of Woodward town-
ship and the citizens of same
be restrained from shutting
up said road pending the
rule when will ever pray.

Sum subscribed
before me this 6
day of May A.D. 1889
J. M. Brown
Rm

es J. Gosh

To the Honorable David S. Pruett Judge of the Court of Quarter Sessions of Clearfield County we, the undersigned, viewers appointed by the within order of court to view vacate and supply the roads therein mentioned respectfully report: that we caused notices to be posted announcing said view and met agreeable thereto, on Monday August twenty seven A.D. 1888, and ^{having been} first severally sworn or affirmed we have viewed the following roads; first a road beginning at a point near a bridge across Samborn Run on road leading from D. J. Kline's in Woodward Township to Clearfield Borough and ending at a point on road leading from Jeffries to Mr Daniel Lowe ^{near} where road leading to Blue Bell We are of opinion that said road viewed be vacated because leaves said road ~~several~~ ~~road~~ ~~measured~~ ~~its~~ located ~~in~~ in wet ground at least forty rods being swampy, and also two steep hills (over five degrees) so that it would cost a great deal to make a good road; second a road beginning near bridge across Samborn Run and ending at point on public road leading from Milton Hampton's to Jeffries Postoffice at a point ^{we believe this road also, should be vacated.} near Samborn Church, ~~that~~ ~~road~~ is in several places very steep, in one place being ~~ten~~ ~~degrees~~ ~~for~~ ~~a~~ ~~space~~ ~~of~~ ~~about~~ ~~six~~ ~~rods~~. We have laid out and do return for public road to take the place of said two roads vacated the following road to wit: beginning at a point ^(opposite a small Red Oak) in middle of public road leading from Clearfield Borough to D. J. Kline's thence on land of Walter Sacket South forty five and fifty six hundredth rods to a white oak, thence south nineteen degrees west ninety one and forty four hundredth perches to a small Red Oak thence South thirty six degrees west on land of Jonathan Baynton ninety one and six tenth perches to a post (opposite a Jack Pine.) at a point near Samborn School house, a plot or draft of the three roads aforesaid is herunto annexed showing courses and distances and improvements which road laid out by us is necessary in our opinion for a public road And in our opinion none owner of land through which the road located passes is entitled to damages for opening the same Witness our hands this twenty seventh day of August A.D. 1888

Viewers { Harry Rogers
A. J. McGowan
J. L. Henderson

NOTE.—If access to a private road, the release must be executed in favor of the petitioner for said road.

A180—Viewers will carefully note the number of days on-ly used and list the amount out at the foot of their return. Viewers cannot interfere with damages assessed by the final Viewers, except so far as the location may be changed by the viewers.

B—If the viewers believe the parties are not on equal terms, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

Amount.	Days.	Miles.
4	35	19.50

7. Mc Brown
Days 3
Miles 8
6.80

Henderson, } Days 3
#483, } Miles 4 6.40

Days.
Miles.

CLEARFIELD REPUBLICAN PRINT.

No. 3 *Left Sessions, 1888*

ORDER
Vacate & Relay
To ~~the main highway~~ on the Road
For Likewise in the township
of Watland Clearfield Co.

Depth deposits confined to side
of road especially to the of road 133
feet wide, 200 ft across the hill
cutting, and movement or in 10 ft
there to the 16 1/2 feet wide
May 11th 1902

Dec 1888, continued
 to Dec 1889
 P. M. (over)
 Dec 1889 confirmed
 P. M. (over)

Filed 1 Sept, 1888
Fees \$1, paid by Henry H. Lund

Fees \$1, paid by ²⁶ Henry Adams

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. 188 .



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. 188 .

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 12th day of August, A. D. 188 8, before Judges of said Court, upon a petition of sundry inhabitants of the township of Woodburn, in said county, setting forth that a road has long

since laid out from a point on the Public road leading from De Kalb in Woodburn Township to the Borough of Clearfield (at the bridge across Santorum run in said Twp) to Jeffries Post Office in said Township which said road was then approved by the Authorities of said Twp. Also that a road has long since been laid out leading from the bridge across Santorum run to the Santorum Church on the road leading from Milton Hamptons in Woodburn Twp to Jeffries Post Office in said Twp and that the above mentioned road is vacated to be supplied laying out the private roads to lead from a point on the Public road leading from De Kalb in Woodburn Twp to Clearfield Boro at or near the bridge across Santorum run on said road to a point on the private road from Milton Hamptons in Woodburn Twp to Jeffries Post Office in said Twp at or near the farm of Ruben Mahew in said Twp and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and make Report at next Term

whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers H. M. Gorman and J. H. Anderson 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 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 lands 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 lands 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.



Clerk.