

No.

B Sept

Term, 1893

Public Road

Versus

Woodward Township

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Acc Twp, Rd. 17643

To The Honorable D. L. Krebs, President Judge of
the Court of Quarter Sessions of Clearfield County, Penna.

The petition of the undersigned citizens and tax-payers of
Woodward Township respectfully represents,

That they labor under great inconvenience for the want of a
Public Township road to begin on the Township road leading from
Houtzdale Borough to the Catholic Cemetery at or near the cor-
ner of John Couperthwaite's lots, and to end at a point on the
Township road leading from Houtzdale Borough to West Moshannon
at a point near the opening of the old Beaver Run Colliery.

Your petitioners, therefore representing that the proposed
Township road is necessary, prays Your Honorable Court to appoint
viewers to lay out and view the proposed road.

And they will ever pray.

Names	Residences
John Robertson	Woodward Township
Samuel Golly	Woodward Twp.
Walter Robertson	
Thomas Gillies	
James Sharp	
John Hayden	
Edward Brainfr	
Edward Brainfr	
George Falconer	
Thomas Marshall	

Mo 3 Sept 1893

Petition for Public
Landship Road lying
at a point on the boundary
between the State of Texas
and the County of
Comanche to a point on
the line of the State of
Texas to the West
at the point of the
County

Memorandum
for the use of the
public land in open
and upon the
of the State, the
American and the
on the State of Texas
and lay out the
road.
By the Court

Recd 4 Sept 1893
J. B. [unclear]

[unclear]

To the Honorable Cyrus Gordon, President Judge of the Court of Quarter Sessions of Clearfield County, Pa.,

The petition of Olaus Hedlund, a resident of Woodward Township, Clearfield County, Pennsylvania, respectfully represents:-

First,- That on the fourth day of September, 1893, a petition was presented to your Honorable Court for the appointment of Viewers to view and lay out a public road "to begin on the Township Road leading from Houtzdale Borough to the Catholic Cemetery, at or near the corner of John Cooperthwaite's lots, and to end at a point on the Township Road leading from Houtzdale Borough to West Mo-shannon at a point near the opening of the old Beaver Run Colliery."

Second,- That on the fourth day of September, 1893, Asa Spencer, William Pickard and Robert McNamara were appointed viewers to view and lay out said road.

Third,- That an order to view and lay out said road was granted by your Honorable Court, and that in pursuance thereof the said Viewers filed their report on the fourth day of September, 1893, and said report was confirmed nisi at December Sessions, 1893, and on the eighth day of May, 1894, the report was confirmed absolutely.

Fourth,- Your petitioner further represents that he is the owner and occupier of seated land over which a portion of the route of the road as viewed and laid by the said Viewers is located.

Fifth,- That the report of the Viewers does not show affirmatively that five days written or printed notice of the time of the view for the laying out of said road or the assessment of damages was given to the owners or occupiers of the seated land along the route of the proposed road; and your petitioner further states it to be a fact that the notice required by Rule of Court No. 172 was not given to himself, nor was it given to any occupant of his land.

Sixth,- That it does not appear on the face of the proceedings had by said Viewers that they gave public notice by at least three advertisements put up in the vicin-

ity of the contemplated route of said road of the time and place where the said Viewers would meet for the purpose of making the view at least five days before such meeting as required by Act of Assembly.

Seventh,- The report of the Viewers and the draft accompanying the report simply indicates the proposed route as starting from an undesignated and undescribed place on the side or margin of the road, and ending at an undescribed and undesignated place on Township Road, and for this reason alone the report is fatally defective.

Eighth,- The report of the Viewers states that certain persons refused to release the damages to which they were entitled by reason of the location and the opening of said road, etc., the fact is that the Viewers did not endeavor to obtain a release from your petitioner prior to filing their report, and the report does not show that any attempt was made to secure releases.

Ninth,- Your petitioner further states that the damage done to his property by reason of the location of said road if the same is opened will be largely in excess of the amount assessed by the Viewers; that if the said road is opened as located by said Viewers his property will be cut in two pieces; that it will be necessary for him to build a large amount of fence, and that a narrow strip of land will be cut off and separated from the main body of his land, and will be rendered of little value by reason of such separation.

Tenth,- Your petitioner further represents that no note is made by the Viewers of the improvements through which the route of the road passes, although the Viewers have assessed damages which indicate the existence of improvements.

Eleventh,- Your petitioner further represents that said road has not yet been opened, although your petitioner is informed that an opening order has been placed in the hands of *William Goss*..... and
Thomas Hill..... Supervisors of Woodward Township.

Your petitioner, therefore, having had no notice or

knowledge of the meeting of the Viewers, or of any other steps in this proceeding, until the Supervisor entered upon his property to open the road long after the confirmation of the report of Viewers, and the facts being as hereinbefore set forth, prays that the order of Court confirming the report of the Viewers absolutely be rescinded, and that your petitioner have leave to file the following exceptions nunc pro tunc, *and that the Supervisor of Woodward Township be restrained from attempting to open said road until said exceptions are disposed of.* First,- No notice was given to the petitioner of the time and place of view and the assessment of damages, and he had no knowledge of the proceeding nor any opportunity to appear before the Viewers.

Second,- The Viewers did not endeavor to obtain a release from the petitioner, and the report does not show that any attempt was made to obtain a release.

Third,- Your petitioner is the owner and occupant of seated land over which a portion of the route of the proposed road passes, and he had no notice as required by Rule of Court and by the Act of Assembly.

Fourth,- The termini of the road are not sufficiently defined in the petition, nor in the report of the Viewers.

Fifth,- The report of the Viewers does not show where they laid out said road, or that they laid out a road at all.

Sixth,- That no improvements are noted in the report of the Viewers nor in the draft accompanying the same, although the presumption that the land is unimproved is rebutted by the assessment of damages.

Claus Hedlund

State of Pennsylvania,
 County of Clearfield) SS.

Olaus Hedlund, the above named petitioner, being duly sworn according to law, doth depose and say, that the facts set forth in the foregoing petition as far as they are stated from his own knowledge are true and correct, and as far as they are stated from information received from others he believes them to be true and correct.

Olaus Hedlund

Sworn to and subscribed before me this Thirtieth day of July, A.D. 1894.

A. J. Shaw
 Notary Public

No. 3, Sept. Term, 1893.

In re

Public Road in
Woodward Township.

Filed Aug 7 1894
of Court
Robt

Now Aug. 7, 1894 the with
petition presented, read and
considered and taken upon a
nile is granted on John Robertson
Samuel Gleeby, John Hayden, Thomas
Marshall, Edwin Brain Sr, Walter
Robertson, Benjamin Carpenter, Lewis
Barnes, Joseph Barn
The petitioners for the road
to show cause why the pro-
ceedings had in this
case should not be set a-
side, and the confirmation
absolute be struck from
the record, proceeding to open
the road to be stayed in the
meantime, and that a copy
of the mile be served on the
Superior, of Woodward Sup.
Court, and that the
next agreement court.

HENRY HALL, CLERK OF THE COURT.

By the Court
Cyrus Suggs
1894

No 3 Sept 1894

In Red Public Road

in

Woodward Twp

Rule
Now Aug 10th 1894 I moved the
written Rule upon John Robertson
Daniel Leiby, John Hayden &
Thomas Marshall, Edward Bain, Dr
& Walter Robertson, Benjamin Carpenter,
Enoch Doremus Joseph Barr, Amy
Superior, Miss Amy Goss of
Woodward Township by reading
to each one a true & attested
copy thereof & by making known
to each of them the contents thereof
Do Ana F. M. Carden SPP
Chas Carden 10-
Thos Mutchell

In the Public Road } In the Court of Quarter
Sessions of the County of
Woodward Township } No 3 Sept Term 1893

Petition filed 7th Augt 1894
Now 7th August 1894 The within petition presented
read and considered and thereupon a rule is
granted on John Robertson Samuel Golby John
Hayden Thomas Marshall Edward Bain
Walter Robertson Benjamin Cowperthwaite Enoch
Down Joseph Barr the petitioners for the road to show
cause why the proceedings had in this case should
not be set aside and the Confirmation absolute drawn
from the record proceedings to open the road stayed
in the meantime and that a copy of the rule be
served on the Supervisors of said Township

Returnable at next Argument Court

By the Court
Cyrus Jordan
P.

Certified from the record at
Claremont this 9th day of
August A.D. 1894
J. J. Gering
Clerk

(SS.
County of Clearfield)

Personally appeared before me A Notary Public, in and for said County, Asa Spencer, Wm. Pickard and R. McNamara, each being duly sworn according to law, doth depose and say, that in viewing and laying out a township road in Woodward Township, beginning at John Cowperwaight's and ending at Old Beaver Run Colliery ⁱⁿ having, viewing and assessing the damages that they have awarded to Olius Hedling, the sum of \$57.73; that if the sum \$33.28 appears on the report, then the same, as a clerical error, and was placed on the report inadvertantly by Asa Spencer, that the amounts awarded to the other persons, are Robert Wilson \$8.00; Frank Love \$5.00; Walter Robinson \$6.00; John Higgens \$5.00, and further saith not.

Sworn and sibscribed to before me this 18 day of Sep. 1894.

R. H. Patterson
Notary Public

Asa Spencer (SEAL)
Robt. McNamara
William Pickard

Rec'd. C. Order *9685 for balance
of Damages of Hedding and other
Damages as above stated
amounting to \$48.45 in all,
this 21 Sept. 1894,

R. H. Patterson
Atty.

Woutzdale, Pa., August 18, 1894

To the Couty Commissioners of Clearfield County,
Clearfield, Pa.,

Gentlemen ; -

This is to certify that the township road,
lately ordered to be laid out by the Court of Quarter Sessions
of Clearfield County, situated in Woodward Township, beginning
at or near a point on the township road near John Couperthwaite's
property, and ending near the old Beaver Run Colliery, an open-
-ing order for which was placed in my hands on the day
of May, 1894, has been built, and is now open for public travel

Thomas Hill

Supervisor.

1542

1435-

1436-

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 Fourth day of September, A. D. 1893, before Judge of said Court, upon a petition of sundry inhabitants of the township of Hoodward, in said County, setting forth that

They labor under great inconvenience for want of Public Road to begin on the Turn road leading from Houtzdale Borough to the Catholic Cemetery or or near the Corner of John Copesthuwaites lots and to end at a point on the Turn road leading from Houtzdale Borough to West Mechanism at a point near the opening of the Old Beaver Run Colliery

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and make Report to the Court whereupon the Court, upon due consideration had of the premises, do order and appoint Asa Spencer Jim Picard Robert Monamara 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 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 land 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 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.

D. J. Gingery

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 en sealing 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 recieve 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. 189 .

_____ Seal

_____ Seal

_____ Seal

_____ Seal

ASSESTMENT 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 Root. Wilson	8	Eight dollars
To Frank Love	5	Five ²⁰ / ₁₀₀ dollars
To Walter Robison	6	Six ²⁵ / ₁₀₀ dollars
To Jno Higgins	5	Five ²⁰ / ₁₀₀ dollars
To Oliver Hedding	33	Thirty three dollars twenty eight cents.

the sum of _____
the sum of _____
the sum of _____
the sum of _____

Witness our hands this 5th day of December, A. D. 1893.

Asa Spencer
William Pickard

Rec'd. O. Order #9444 for Damages of Oliver Hedding
Wm. B. Bunn
Aug.

To The Honorable, the Court within mentioned: we the undersigned appointed to view the road herein mentioned Report, that in pursuance of said order having been severally sworn as herein directed and after the accustomed ten days notice, notice also have been given the County Commissioners as required by rule of Court, we have viewed the road and in our opinion believe it to be necessary as a public road for the following reason: that [beginning at a point at or near the corner of Jno Cooper's lots on the Swamp Road leading from Houtydale to Roman Catholic Cemetery thence by twenty foot alley S 19° 02' 5" W - 147; thence by same alley S 12° 01' 0" W - 962 feet to plug; thence by forty foot St A 77° 01' 5" W 1763 feet to fence of Olenus Hedding; thence by land of said Hedding N 77° 01' 5" W - 505 feet to plug; thence by Street N 40° 15' E - 783 to plug on Swamp road leading from Houtydale to West Moshannon near opening of old Beaver Run Mine and same being shown by draught appended] the people on both sides of this road are insufficiently supplied with me of ingress and egress to and from the points within mentioned: that owing to the manner in which the lots are laid out it is necessary to go around either by Houtydale or West Moshannon to go fifty feet from starting place.

Asw Spencer
William Pickard
Robt Mc Namara

No. 3 Sep Sessions, 1893

ORDER

To view and lay out a road for

Public use in the township of

Woodward, Clearfield Co.

Sec⁷ Sessions, 1893,

read and confirmed. N. S.

Road to be opened 33 feet

wide, except where there is

side hill cutting or embank-

ment and bridging, there to

be 16 feet wide.

By the Court

8 May 1894 confirmed

Absolutely

By the Court

Cyrus Gordon

PS.

Filed. H. L. O'Leary, 1893

Fees \$1, paid by W. H. Patterson

Patterson

Opening Order given to W. H. Patterson 9 May 1894

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.

114351 Eckelshewer	Days 3	Amount 15.00
	Miles 4	40
114361 W. H. Patterson	Days 2	4 00
	Miles 4	40
114371 R. H. Patterson	Days 2	4 00
	Miles 4	40
	Days	
	Miles	
	Days	
	Miles	

Nov 3 Sept 1894 no
provision for payment
of costs & damages has
yet been made my
order confirming has
been set it is now agreed
that the same be
paid by the County
with same effect
as in said order of
May 1894.
By the Court
Cyrus Gordon