

No. 5, Dec. Sessions, 1902

COMMONWEALTH

versus

Public Road

in

Woodward Luf

Pl. 44 - Page 394

Charge

Pl. 431, 234

WILLIAM I. SWOOPES,  
District Attorney.

In the Court of Quarter Sessions.

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

The petition of the undersigned, inhabitants of the Township of Woodward, in said County, respectfully represents:

That a public road, was long since laid out and opened, leading from Houtzdale, to Sterling Coal mines, which said road beginning at the terminus of ~~Street, at the Borough~~ of Houtzdale, or Borough line, and extending to a point, at or near Sterling Coal mines, in the road leading from Houtzdale to Osceola, - being about one-fourth of a mile in length, has, by reason of being undermined, become useless, unsafe and dangerous for public travel and burdensome, and that said would be much improved by a change of its route, between said points.;

Your petitioners therefore pray the Court to appoint qualified persons to view the premises and to inquire into the expediency of making said change, and otherwise proceed as directed by the Act of Assembly in such case made and provided.

And they will ever pray etc

Henry Burkholder  
John Board  
R. McHenry  
John McMillan

John Giboy  
Thos. McMillan  
Adam McMillan  
Thos. McDermott

Thos Gordon

Thos McKey

John Smith

Miller Smith

Tim Gorman

Frank Waldron

Frank Zimmerman

Mike Maloof

Edward Hughes

And now Sept 15 1902 the  
above petition having been read  
and considered, John Garrison  
Joseph Lelehardt and John  
Wiggle are appointed viewers  
to lay out said public road  
and make report to the Court  
to December Term next

By the Clerk

John Gordon

FM

John Quinn  
Joseph Delahunt  
John Angle

No. 5 Dec. 11. 1902

order of court  
in re...  
/ 25

John B. McGaugh,  
S. Attorney at Law,  
Houtzdale, Pa.

RYAN BROS., PRINTERS, CLEARFIELD, PA.

125 B. B. A. 125

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 been  
long since laid out from the terminus of  
Street of the Borough of Mountdale, in  
said Township, to a point, near Stirling Coal  
mine, in the Township road leading from  
Mountdale to Ococola; the said road being  
about one-fourth of a mile in length, and  
about 33 feet in width; the said road has been  
undermined and by removal of the coal  
previous to making of said road - numerous  
cavities, have occurred in said road, making  
it unsafe and dangerous to travel upon; that  
in the opinion of your petitioners the said road is  
now become useless, inconvenient and burdensome.

Your petitioners therefore pray the Court that  
the said road may be vacated, agreeably to  
the Act of the General Assembly in such case  
made and provided; and they will ever pray.

John Dick  
Rush Wagner  
GW Wagner  
W V Gowler  
J H Wagner  
Willie Zimmerman  
Harry Cole  
Peter Ward

Frank Walcott  
B. S. Zimmerman  
Adam McLeid  
B. J. McHenry  
Jim Gorman  
Thos McDermot  
Ed McHenry  
John McQuiback

In County of Beaver Penna

No. 5 — Dec 3, 1902

Petition for Vacating  
Road leading from  
Houtzdale Penna

Starting Cooley's in  
Midwood Brook

Dec 3, 1902  
Now, I, B. W. Hessell,  
Petitioner, lead and consider,  
and

John Dunn

Custodian of  
B. W. Hessell

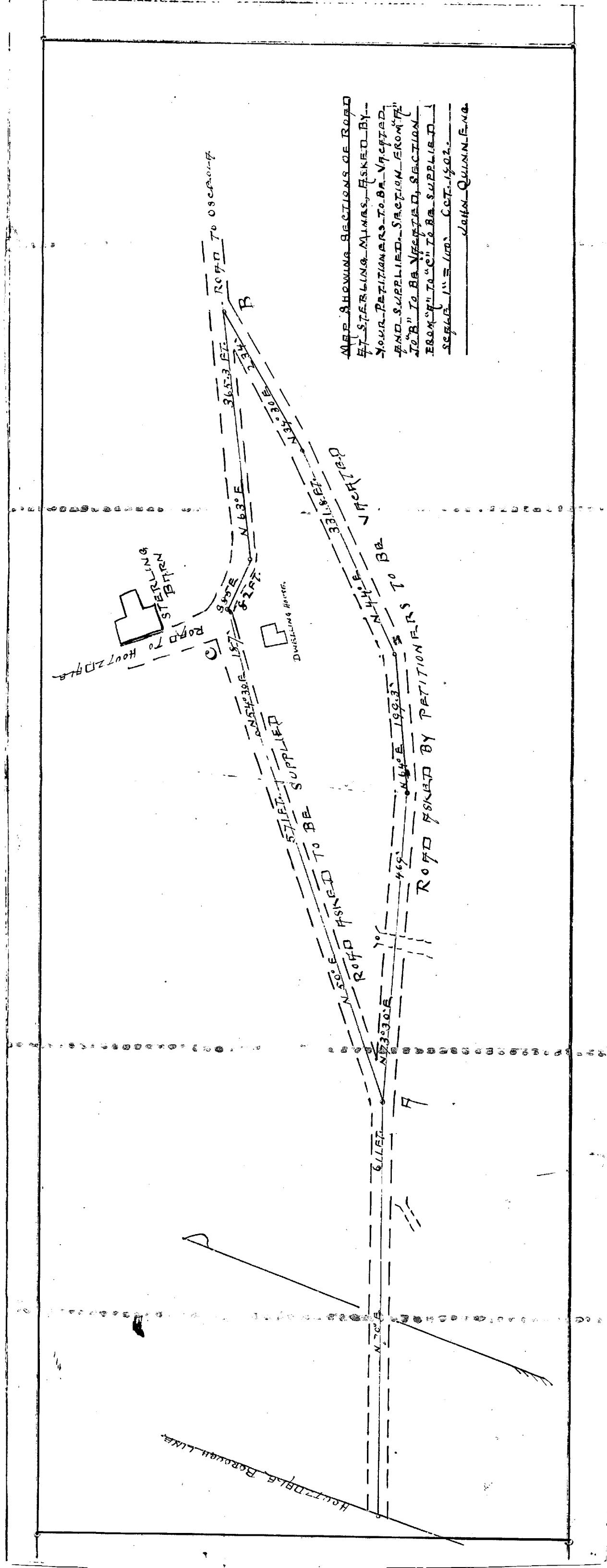
agreed to send the said  
road in said petition prayed  
to be vacated.

By his Agent

John B. McGraw

Attorney at Law,  
Houtzdale, Pa.

115  
KIRKZ BROS. PRINTERS, CLEMELD, PA.



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 15 day of Sept, A. D. 1907, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Woodward, in said county, setting forth that

a public road was long since laid out and opened, leading from Hautzdale to Steiling Coal Mines. which said road ~~beginning~~ at the terminus of Street at the Borough of Hautzdale or Borough line and extending to a point at or near Steiling Coal Mines in the road leading from Hautzdale to Oscoda. being about  $\frac{1}{4}$  of a mile in length has by reason of being undetermined become dangerous and unsafe and dangerous for public travel and burdensome and that said would be much improved by change of its route between said points. your petitioners therefore pray the Court to appoint qualified persons to view the premises and to inquire with the expediency of making said change.

and therefore praying the Court to appoint proper persons to view ~~vacate~~ ~~Supply~~ the same according to law, and report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint John Dunn, Joseph Delehardt and Jas Argyle 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 ~~view vacate~~ ~~Supply~~

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.

Grant A. Thompson  
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 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. 190.....

Seal

Seal

Seal

Seal

\*\*\*

## 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. 190 .

No. 5 Dec. Sessions, 1902

**ORDER**

To view, locate & supply a road for public use in the township of Woodland, Clearfield County.

filed Sessions, 1902

read and confirmed N. S.

Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

By the court  
John C. Gage  
Judge of Probate

July 1<sup>st</sup> 1902 confirming  
absolutely. By the court

Grant W. Thompson  
Clerk

Notice is given to all persons who may be interested in the road to whom the same may be necessary to be used for the purpose of getting to and from the same, to be advised that the same is to be opened as soon as possible - and that the same

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.

John D. Quinn } 2 Days \$ 10.00  
Miles ..... .

Joseph DeLaney } Days 2.00  
Miles ..... .

John C. Gage } 1/4 Days 2.00  
Miles ..... .

Pete Green } Days 2.00  
Miles ..... .

Days Miles .

Filed **FILED** 190  
Fees \$1.25 paid by John C. Gage  
John C. Gage, Prothonotary

John Quinn,  
Civil and Mining Engineer.

(1)

MINE AND LAND SURVEYING A SPECIALTY.

Houtzdale, Pa., 10/30/02. 190

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

We the undersigned appointed by the annexed Order report in pursuance thereof .After having been severally duly sworn according to law to perform the duties of our appointment with impartiality and fidelity to the best of our abilities, all the viewers appointed by said Order on the tenth day of October 1902, viewed the ground proposed for the within mentioned road and also the section of road to be vacated and do agree that there is no occasion for said section of road to be vacated as we have not found it undermined unsafe or useless as claimed by Your petitioners. But we do agree with Your petitioners that the proposed road would be better and shorter therefore less expensive to keep up. We therefore agree that the proposed road be made at the expense of Your petitioners as they are the parties that will be benifited by the change of road. We therefore vacate and supply that portion of the public road as desired by Your petitioners on the above conditions and do vacate and supply the following portions of the public road respectively. Viz:-Beginning at a point N 70 degrees E 611 feet from Houtzdale Borough line, thence N 73 degrees 30 minutes E 469 feet to a point, thence N 64 degrees E 199.3 feet to a point, thence N 44 degrees E 331.8 feet to a point, thence N 39 degrees 30 minutes E 234 feet to a point on the Houtzdale and Osceola road and terminus of vacated portion of said road. To supply:-Beginning at a point N 70 degrees E 611 feet from the Houtzdale borough line, thence N 50 degrees E 571 feet to a point, thence N 54 degrees 30 minutes E 187 feet to Houtzdale and Osceola road and

John Quinn,  
Civil and Mining Engineer.

(2)

MINE AND LAND SURVEYING A SPECIALTY.

Houtzdale, Pa., 190

terminus of portion of road supplied.

We further report that before said view public notice of the time and place of the meeting of the viewers was given by printed advertisement to persons interested ten days before said meeting as well as personal notice to the Commissioners and Supervisors, and we annex a plot or draft of said road vacated and supplied stating the courses and distances therein.

Witness our hands and seals this 31st day of October 1902.

John Quinn *SEAL*  
Joseph Delehant *SEAL*  
John Argyle *SEAL*