

No. 5, Dec, Sessions, 1902

COMMONWEALTH

versus

Public Road

in

Woodward Luff

Rd. #4 - Page 394

Charge

Rd. #4, 234

WILLIAM I. SWOOPÉ,  
District Attorney.

# In the Court of Quarter Sessions

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

The petition of the undersigned, in-  
habitants 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 ~~the~~ 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, <sup>and</sup>  
that said road 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 &c

Henry Burkholder  
~~Julius E. Egan~~  
R. McHenry  
John McQuillen

John Gibson  
Thos McQuillen  
Adam McQuillen  
Thos McDermott

Thos Gordon

Thos McKer

John Smith

Mike Smith

Jim Gorman

Frank Waldron

Frank Zimmerman

Mike Malool

Edward Hughes


And now Sept 15 1902 the  
above petition having been read  
and considered, John Tasson  
Joseph Delehunt and John  
Angyle are appointed viewers  
~~to lay out~~ <sup>to supply and</sup> said public road  
and make report to the Court  
to December Term next

By the Court

Cyrus Gordon

JL

John Linn  
Joseph Delahunt  
John Apple

No. 5 Dec. 11 1902			Order of Court inside.		John B. McGrath, S. Attorney at Law, Houtzdale, Pa.
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125 Rg 125  
HOUTZDALE, PA.

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 Hookdale, in  
said Township, to a point, near Stirling Coal  
mine, in the Township road leading from  
Hookdale to Osceola; - 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  
caves-in, 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.

Witness

Rush Wagner  
G W Wagner  
W W Cowher  
J H Wagoner  
Willie Zimmerman  
Harry Cole  
Peter A. A. A.

YOUTH WALTON  
B. E. Zimmerman  
Adam McQuillen  
B. J. McHenry  
Jim Gorman  
Thos McDermott  
Ed McHenry  
John McQuillen

In Court of Hen Sen

No. 6 — Dec 7 1902

Petition for Vacating  
Road leading from  
Houtzdale Boro  
to  
Sterling Coking, in  
Woodward Brook

~~at Sept. 1902~~

Now, Sept. 9, 1902 the within  
Petition read and considered  
and

John Dunn  
Cuslem Stolz  
B. W. Hess

appointed to run the said  
road, in said petition prayed  
to be vacated.

By the Court

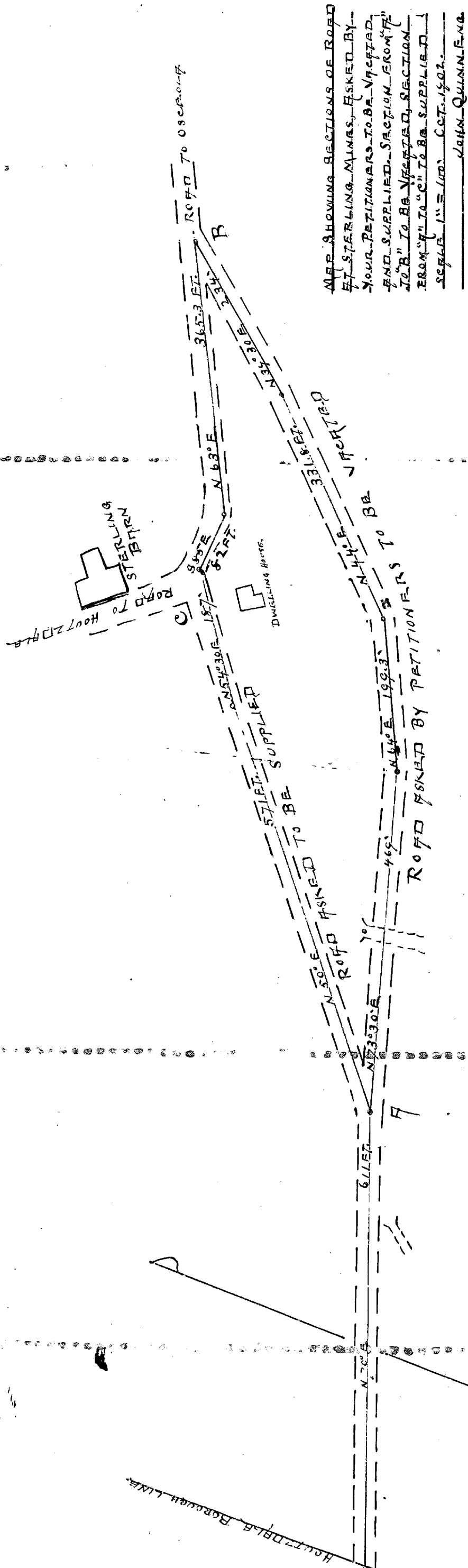
John B. McGraw,

Attorney at Law,

Houtzdale, Pa.

MUTZ BROS., PRINTERS-CLEARFIELD, PA.

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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<sup>th</sup> day of Sept., A. D. 1902, 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<sup>d</sup> 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 Ascola, being about 1/4 of a mile in length has by reason of being undermined become unsafe and dangerous for public travel and burdensome, and that said road 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 and 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 Quinn, Joseph Delehunt, and Jno. 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 H. 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 Nocate & supply a  
road for Public use in the  
township of Woodward  
Clearfield County

W.C. Sessions, 1902

read and confirmed N. Si.  
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.

Pay the Clerk  
Cyrus Henry

They 11<sup>th</sup> 1902 confirmed  
absolutely. Pay the Clerk

Grant H. Thompson

Filed **FILED** 1902

Fees \$1.25 paid by No. 3 M. Clerk

Grant H. Thompson,  
Prothonotary.

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.

AMOUNT.

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

Joseph D. ... } Days 2.00

John D. ... } Days 2.00

John D. ... } Days 2.00

John D. ... } Days 2.00

7-56 Dec

2061 ...

...

...

the John D. ... Joseph D. ...

*John Quinn,*  
*Civil and Mining Engineer.*

MINE AND LAND SURVEYING A SPECIALTY.

(1)

*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 benefited 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 meetings 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 Argyll* SEAL 