

No. 6, Sept. Sessions, 1905

COMMONWEALTH

versus

Vacate Public
Road

in
Woodward Lcp.

Charge

X

WILLIAM I. SWOOP,
District Attorney.

To the Honorable the Judge of the Court of Quarter Sessions
of Clearfield County.

The undersigned remonstrators would respectfully represent
that by a proceeding had in said court to No. 6 September 22, 1903 the viewers made a report in favor of vacating a public
road in Woodward township, said county, leading from a point
known as the cross roads near the John M. ~~Chase~~ Homestead
to a point near the Milton Hampton homestead on public road
leading from Jeffries post office to Faunce for the reason
that said road has become useless, inconvenient and burden-
some:

That said road proposed to be vacated is not useless, in-
convenient and burdensome; that it is the only public road
which a number of property owners living along its route have
of getting into and from their properties, and they would be
wholly shut in from a public road if said road is vacated.
The undersigned therefore remonstrate against the vacation
of said road.

NAMES.

J. M. Chase
John Faunce
John Chase
John Simler
Alford Bratton
Thomas Bowman
J. W. McPherson
S. W. Kington
H. W. Jeffries

NAMES.

Geo. Eckels
D. W. Oline
John Kline
W. E. Conter
Milton Hampton
James Kline

NO. 6 SEPT. 33, 1903.

Remonstrance against vacating public road in Woodward Township.


George W. Thompson,
Attorney at Law,
Clearfield, Pa.

To the Honorable Cyrus Gordon,

President Judge of the Court of Quarter Sessions of Clearfield County.

The petition of the undersigned citizens and residents of Woodward Township respectfully represents:

That a certain public road in the Township of Woodward aforesaid, to wit: Beginning at a point known as the Cross Roads near the John M. Chase Homestead and leading from thence to a point near the ~~Hilton~~ Hampton Homestead on a public road leading from Jeffries P.O. to Faunce, said road being wholly within Woodward Township, has become useless, inconvenient and burdensome and your petitioners represent that the said road is but infrequently traveled and there being another and more convenient public road between the two points named as the terminus of the road proposed to be vacated.

Wherefore your petitioners pray the court to appoint viewers to view and vacate the road above described ~~as soon as~~ and make return to the Court.

A. J. Goss Ed Sherfield
J. M. Goss J. E. Anderson
A. L. Laird A. H. Anderson
J. W. Townsend
H. Howell
J. G. Lampert
Ed Kainey
S. G. Bangham
J. A. Meek

No. 6 Sept. 1903

In re. Petition to
vacate Public Road
in Woodward Strip.

John Deacon

Short: May 8, 1903.
At Princeton, New Jersey
and Philadelphia are ap-
pointed receivers and
makes report to the
Court see leg.

134 Main Street
Canton, Massachusetts

HARRY BOULTON,
Attorney and Counselor at Law,
Grant H. Thorpe, ROUTZDALE, PA.

Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate a public Road leading from a point known as the Cross Roads near the John M. Chase homestead to a point near the Milton Hampton homestead on public road leading from Jeffries P.O. to Faunce in Township, to

in Woodward Township, in the county aforesaid, will meet at the house of Milton Hampton, in Woodward Township, on Wednesday, the 24th day of June, A.D. 1903, at 12'clock M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

H. C. Carpenter

J. A. McClelland

John Dunn

Viewers.

June 13, 1903

Service accepted

June 13. 1903.

W. M. Statler
etc.

Service accepted
for improvements of
Woodward Turnpike
June 13. 1903.

A. H. Henderson

Supervisor

June 13. 1903. as
owners and occupants
of land through which
proposed to be located
road passes we
accept service

W. M. Statler
etc.

Mr. or Mrs. and
George E. G. G.

John F. Kline
John F. Kline

"a to the" etc.

State of Pennsylvania
ss.
County of Clearfield

Before me, the subscriber, a Notary Public, in and for
the said County, personally appeared W. P. Harpster, J. A. McClelland
and John Quinn, who being duly sworn according to law do depose and
say that as viewers appointed by the Court of Quarter Sessions to
view as appears by the next order, that they will perform their duty
impartially and according to their best judgment and further saith
not.

John Quinn
W. P. Harpster
J. A. McClelland

Sworn and subscribed before me this 24th day of June
A. D. 1903.

Barry Boulton
Notary Public
Commission expires Jan 26, 1904

John Quinn,
Civil and Mining Engineer.

MINE AND LAND SURVEYING A SPECIALTY.

Houtzdale, Pa., 7/8/03 190

To The Honorable The Judge within named:

We, the undersigned, persons appointed by the within order of the court to view the road therein mentioned, respectfully report:

That having been present at the view of the said road, and having all been first severally sworn or affirmed ^{and upon notice to all parties as appears by copy of same} in pursuance of said order, we have viewed the said road, and that we are of the opinion that the same has become useless, inconvenient and burdensome, and ought therefore to be vacated.

We also enclose a map of the said road giving the courses and distances.

Witness our hands this ninth day of July 1903.

(Signed by the Viewers)

John Quinn

W.P. Carpenter

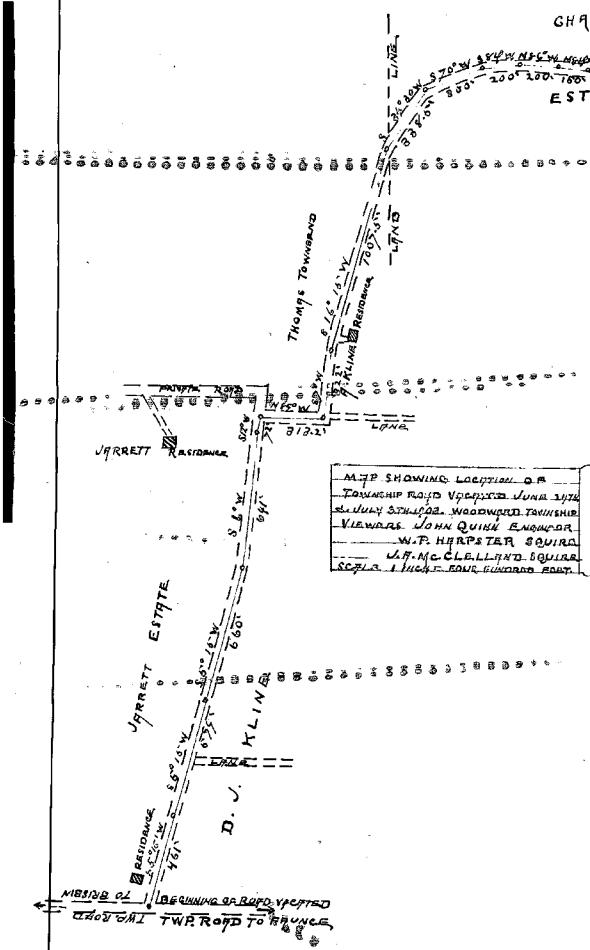
J.A. Melllland

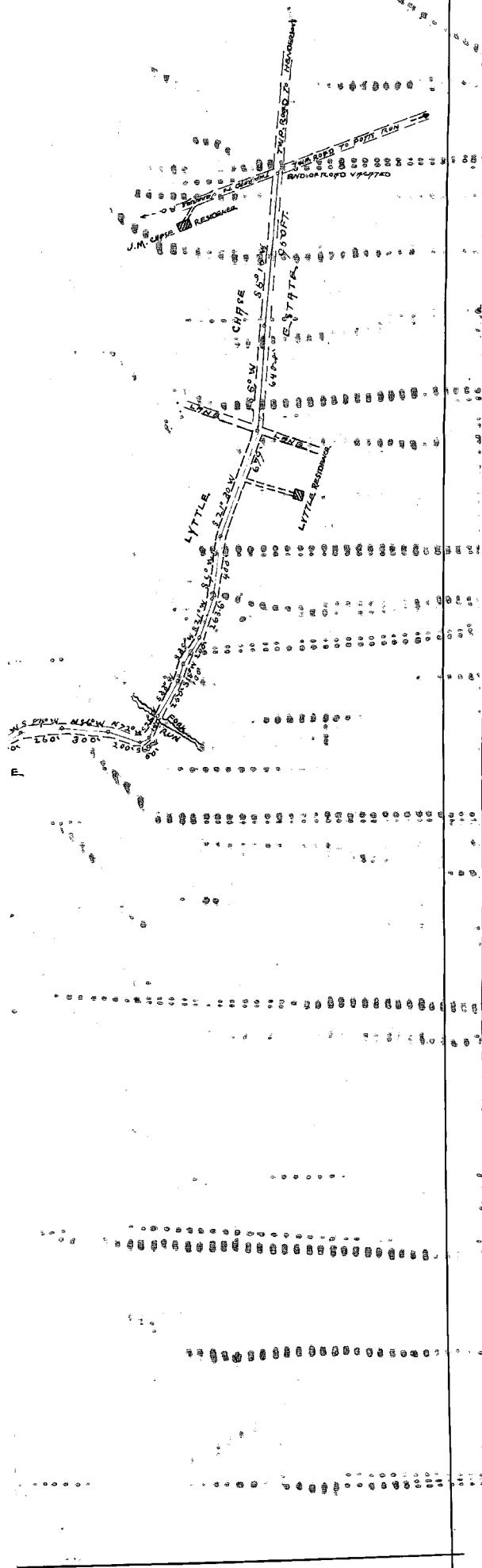
CH 968

ESTATE

THOMAS TOWNSEND

MAP SHOWING LOCATION OF
TOWNSHIP ROAD VACATED JUNE 1970
BY JULY 1970. WOODWARD TOWNSHIP
VIEWERS: JOHN QUINN ENGINEER
W.P. HARPTER SURV.
W.R. McCLELLAND SURV.
SCAL. 1 INCH EQUALS EIGHT FEET





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 8 day of May, A. D. 1903, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Woodward _____, in said county, setting forth that

a certain Public Road in the Township of Woodward aforesaid, to wit: Beginning at a point known as the Cross Roads near the John M. Chase Homestead and leading from thence to a point near the Milton Hampton Homestead on a public road leading from Jeffries P. O. to Fairance said road being wholly within Woodward Township, has become useless, inconvenient and burdensome and your petitioners represent that the said road is but infrequently traveled and there being another and more convenient public road between the two points named as

and therefore praying the Court to appoint proper persons to view and Vacate the same according to law, Report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint John Durin, W. P. Harper and J. A. McClelland 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 View and Vacate 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.

Grant S. 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..... No damages to anyone.....
To..... the sum of.....
To..... the sum of.....
To..... the sum of.....

Witness our hands this..... day of..... A. D. 190.....

John Lasson
H. P. Harpster
J. A. McClelland

Now, day 10. 1905 - a Review of this road report
 having been ordered docketed to No. 1, July 31. 1904
 which Review reported against traction and no
 exception or exemption or other objection made to
 the said report of Reviewers and no Review having
 been asked for - Exceptions to this report so
 mentioned and confirmation absolute
 is hereby reaffirmed. By the Court
 Allison D. Smith, Jr.
 D.

No. 6 Sept. Sessions, 1903

ORDER

To view, & create a
 road for public use in the
 township of Wadsworth,
 Clearfield County.

Sept. Sessions, 1903,
 read and confirmed. Mr. S. J.
 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.

R. P. Henderson

*Re: Order on
 the side.*

FILED	
Filed SEP 7 1903	190
F. C. 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
 viewers, taking into consideration the advantages as well as the
 disadvantages of the road, they will report to that effect.

	AMOUNT.
<i>J. C. Mullend</i> } 3 Days.....	<i>5 15. 43</i>
	Miles 20. 1.2.0
<i>R. P. Henderson</i> } 1 Days.....	2.00
	Miles 20. 1.2.0
<i>A. P. Henderson</i> } 1 Days.....	2.00
	Miles 20. 1.2.0
<i>J. M. Butters</i> } 1 Days.....	2.00
	Miles 20. 1.2.0

IN THE COURT OF QUARTER SESSION OF CLEARFIELD COUNTY.

In re vacation of public road in Woodward township, No. 6, September Session, 1903.

Now, December 15 1903, the following exceptions are filed to the confirmation of the report of ~~viewers~~ in above proceeding.

First : - Because neither the petition nor the report of ~~viewers~~ shows in what particular ~~case~~ the road is useless, inconvenient and burdensome.

Second :- Because neither the petition nor the report state any facts or circumstances which would warrant the Court in confirming the report of the viewers.

Third:- Because the statement in the petition that there is another and more convenient public road between the two points named as the termini of the road proposed to be vacated, is not true as a matter of fact.

Fourth:- Because the supervisor of Woodward township is a petitioner for the appointment of ~~viewers~~, has accepted service of notice for the township and appears on the list of workmen as having gone with the ~~viewers~~ at the time of their examination of the road.

Fifth:- Because the vacation of the road will seriously damage property of owners along which it extends to whom no notice of the proposed vacation was given.

Sixth:- Because by the vacation of the road, there is taken away the only public road leading to and from several farm properties and no new road is supplied them.

Seventh:- Because by the vacation of the road, all means of ingress and egress to certain farms is taken, except over private properties of other owners.

Eight:- Because no road is reported for the use of the people whose road is taken by this proceeding, if confirmed.

For these and other reasons apparent upon the face of the record, report of Wickers cannot be sustained.

B. F. Chase
Att'y for Estate of John M. Chase
Albert Kline, et al.

I certify that certain of the above exceptions are legal objections of confirmation of the road and that others are founded on fact.

B. F. Chase

CLEARFIELD COUNTY, SS.

B. F. Chase, being duly sworn says that the facts in the above exceptions are true and correct to the best of his knowledge and belief.

B. F. Chase

Sworn and subscribed before me this
125 day of December, 1903.

Grant N. Thompson
Proth.

Mc 6 Sept. 6, 1903

In Re: ~~Publication~~
Road and

Woodward & Rogers

Exceptions & Report
of Vacancies

1903

DEC 11 1903

Grant H. Thompson

BENJAMIN F. CHASE,
ATTORNEY AT LAW,
CLEARFIELD, PA.