

No. 14 Dec. Sessions, 1903

1903

COMMONWEALTH

versus

Vacate Public  
Road in  
Snow Lwp.

Charge

WILLIAM E. SWOOPER  
DISTRICT ATTORNEY

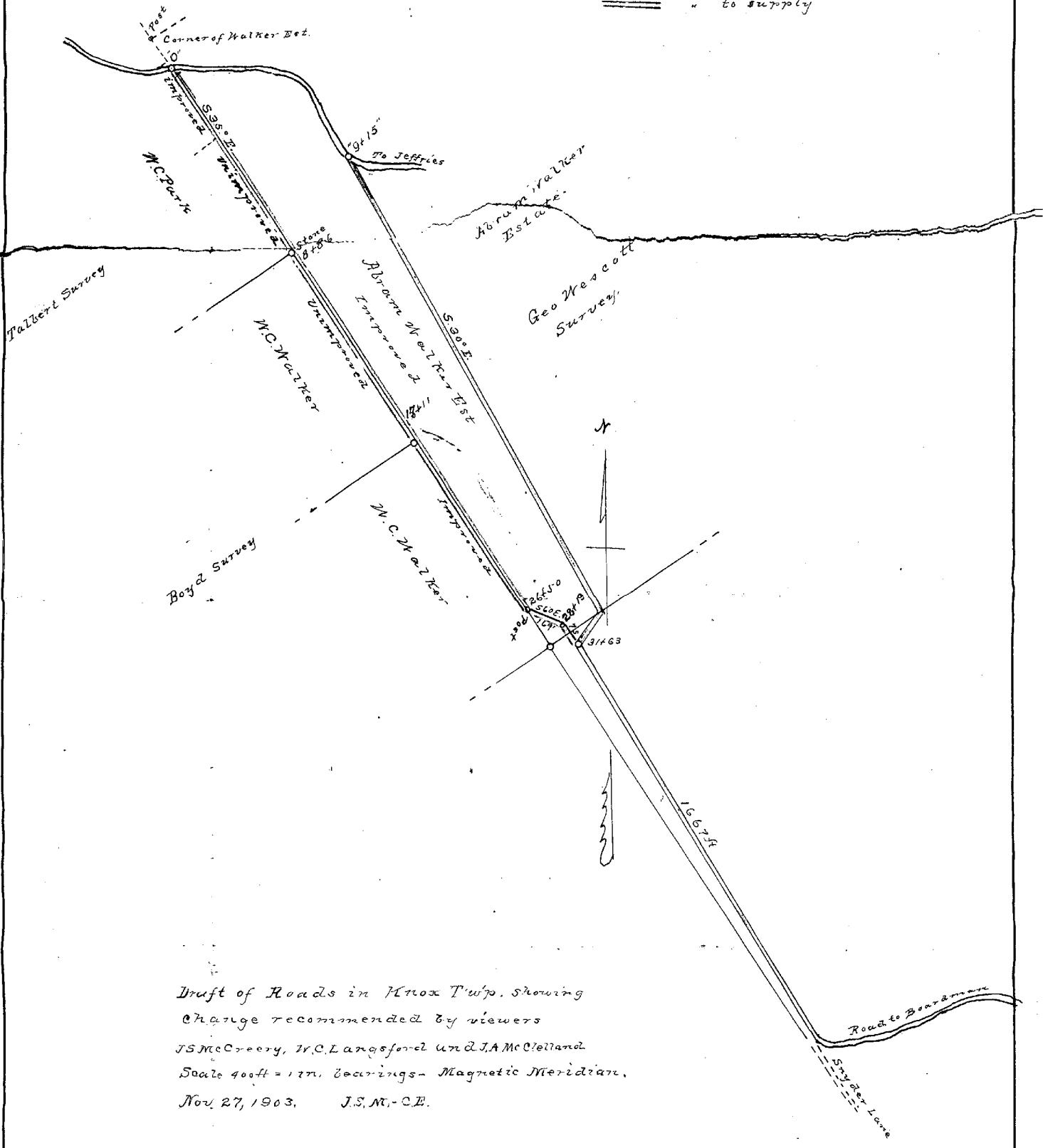
In the Court of Quarter Sessions of Dearfield County  
In the  
Road in Knox Twp \* 14 Dec SS 1903.

To J. S. McEvry, J. A. McAllan & W. C. Langford  
Viewers

Take notice that by a decree of the Court  
filed June 16 1904 the report of viewers filed  
in above entitled case is referred back to  
the viewers and their powers enlarged and  
convened to Sept Sess 1904

In witness whereof I have hereunto  
set my hand & seal this 6 June  
1904. W. H. Thompson  
Pro Cllr

— Road to be vacated  
— " as formerly opened  
— " to supply



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 6th day of October, A. D. 1903, before the Judge of said Court, upon a petition of sundry inhabitants of the township of ~~Stroh~~ Knob

, in said county, setting forth that a portion of a public road long since laid out leading from Turkey Hill School House in Gordon (now Stroh) Township has become useless and burdensome to the inhabitants of Stroh Township and should be vacated from a point at or near the North West corner of the Abram Walker farm to a point where the private road of Calvin Snyder joins the same

and therefore praying the Court to appoint proper persons to view ~~and Vacate~~ the same according to law, ~~and Report to next Court~~ whereupon the Court, upon due consideration had of the premises, do order and appoint ~~J. J. McCleary, John H. McCleary, Ed W. C. Langford~~ 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~~ 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.

*Frank K. 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 Viewers 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 County of Pleasfield 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 27 day of November

A. D. 1903

J. G. Walker 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 W. C. Park M.D. the sum of One dollar  
To ..... the sum of .....  
To ..... the sum of .....  
To ..... the sum of .....  
Witness our hands this 27 day of November A. D. 1903.

We accept service of notice of the within view and waive personal service.

L. R. Rawles } County  
B. F. Wilhelmi } Commissioner

To the Court of Quarter Sessions of Clearfield County:-

We the undersigned Viewers appointed by the said Court to view a certain road in Knox Township Clearfield County, Pa., described in the order hereto attached, notice having been according to law, served and posted, met and being affirmed according to law, proceeded to examine the claims of parties interested, as well as interests of the tax payers of said Township, and report as follows:-

We recommend that the portion of road recently opened through the fields of the Abram Walker Estate beginning at a point on the road leading from New Millport to Jeffries, and designated on draft hereto attached (and being apart of this report,) as station "9+15" and terminating at a point where same intersects with the old "Walker" road, near the corner of Bert Owens and Isaac Wolfe, be vacated; and a road to supply the place thereof be opened as follows:-

Beginning at a point on "Jeffries" road, aforesaid, designated on the said attached draft as "0", thence along the tract line, and division line between W.C. Park M.D. and Walker Estate, South 35° East, 885 ft to Stone corner of the Boyd tract, 1711 feet to where the road lately used leaves the tract line, 2650 ft to a post. Thence South, 60° East, 169 ft to the center of old road, thence along same, South 30° E. 75 ft to point of intersection with road proposed to be vacated.

From this point to Snyder's lane, no change suggested. In order that said Township be put to no expense in the opening of this proposed road, W.C. Walker agrees to open the same at his own expense as soon as possible after the same has been approved by the Court, and further agrees to give bonds for the performance of this work, as far will be required to be opened new, viz: from 17+11 to 28+19, stations shown on draft. The total length of road to be supplied, is 2894 feet, about 1900 feet of which has until very recently been used as the public road.

Respectfully submitted,

November 27, 1903,

J. M. Tracy C.C.  
W. Blaughard  
J. A. McMillan

} Viewers.

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.

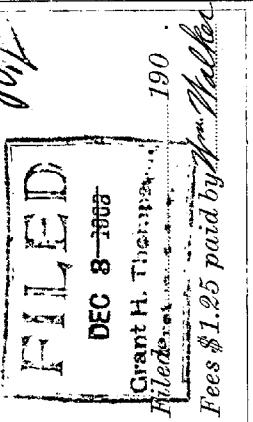
Amount.	Days 2	8.00	
	Expen <sup>d</sup>	2.00	
	Miles 15	2.10	
	12.10		
	Days 1	7.00	
	Expen <sup>d</sup>	1.50	
	Miles 12	1.20	
	7.70		
	Days 1	2.00	
	Expen <sup>d</sup>	1.00	
	Miles 12	1.20	
	4.20		
	Days 1	1.50	
	Miles 20	2.00	
	1.70		
	Days		
	Miles		

*No 14th Dec. Sessions, 1903*

## ORDER

To view and locate a  
public road for  
use in the  
township of ~~of~~ Knob,  
Clearfield County  
/ 2 ~~August~~ 1903  
read and confirmed Ni. 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.

By the Great  
Cyrus Gordon

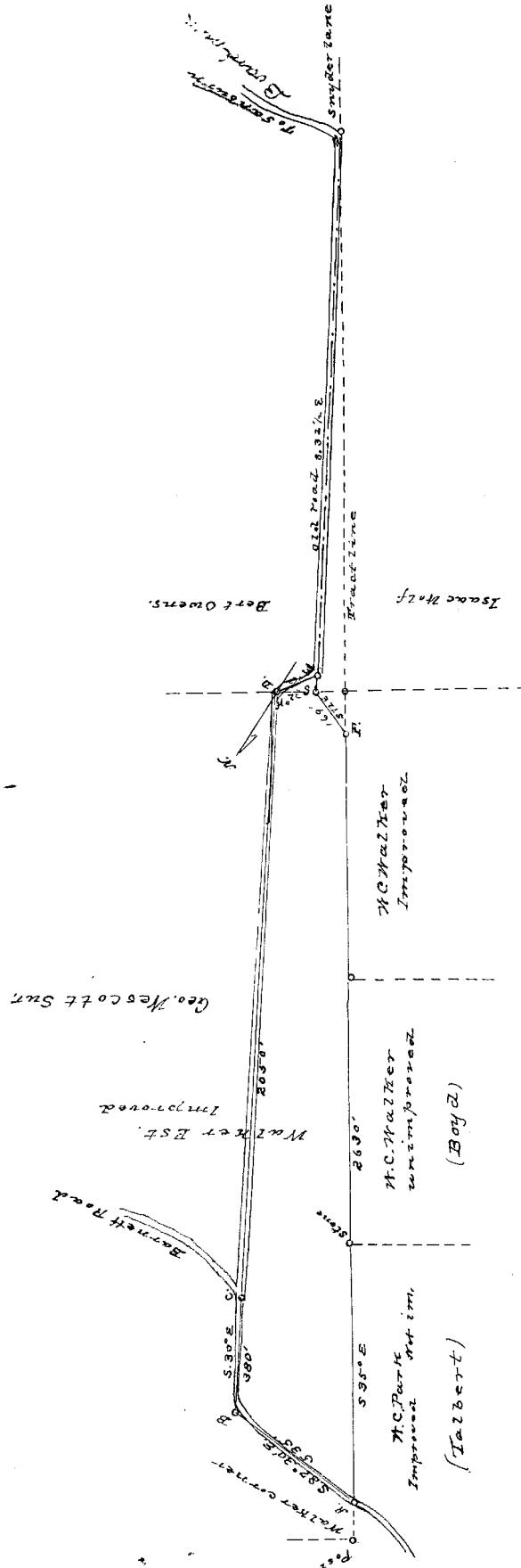


Stalley

Now Dec 28, 1903, Blahey ally for  
Reunifiers, & esp to the information  
of the writer soon for the following reasons  
1<sup>st</sup> Because proper notice was not given  
to Supervision  
2<sup>nd</sup> The proper notice was not posted  
3<sup>rd</sup> The owners did not heed all the plan  
when notice was given  
4<sup>th</sup> The change is not made for the benefit  
of the Butler but for the benefit of the  
Master -  
5<sup>th</sup> The present room is on a belt grade  
than the proposed new one  
6<sup>th</sup> The new room will be more expensive  
7<sup>th</sup> Blahey

W. Atchley  
City of Remondosa

Block Survey record No. 28, 1904, J. T. Cox Twp.  
Rearranging property along trail between 4th & 5th  
Supp. by 2nd along property line, J. S. McGehee Q.C.  
Scale - 400 ft = 1 mi.



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 6 day of October, A. D. 1903, before the Judge of said Court, upon a petition of sundry inhabitants of the township of ~~Knob~~ <sup>Knob</sup>, in said county, setting forth that

a portion of a public road long since laid out leading from Turkey Hill School House in Jordan (Knob) Township has become useless and burdensome to the inhabitants of Knob Township and should be vacated from a point at or near the North West corner of the Abram Walker farm to a point where the private road of Calvin Synder joins the same, your petitioners therefore pray your Honorable Court to appoint viewers to vacate and supply.

and therefore praying the Court to appoint proper persons to view ~~the~~ <sup>the</sup> ~~and~~ <sup>the</sup> ~~same~~ <sup>according to law</sup>, ~~Report to next term~~ <sup>Report to next term</sup> whereupon the Court, upon due consideration had of the premises, do order and appoint J. J. McCrory, John A. McCelland and W. C. Longford 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~~ <sup>View</sup> ~~Supply~~ <sup>Supply</sup> 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.

Frank J. 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 Viewers 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 County of Clearfield 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 25 day of November  
A. D. 1904.

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. 1904.

Knox Township, November 28, 1904.

By the undersigned Viewers appointed by Task  
Having this day met and being duly affirmed  
according to law, and having heard all  
the testimony available, proceeded to view  
and lay out the proposed road by actual  
survey as follows. Beginning at center of road near A. Walker  
or corner (Station "A") thence along said road S. 87 $\frac{1}{2}$  deg E. 535 ft.  
(B). still along road S. 30 deg. E. 380 ft to intersection of Barnett road  
(C). thence along new road S. 30 $\circ$  E. 2050 ft to Best Owens line.  
Thence across corner of Best Owens S. 32 $\circ$  W. 162 ft to center of old  
road ("E"). Thence along old road S. 32 $\frac{1}{2}$  E. to Snyder's  
lane. Also Beginning at station "A" for supply road, thence  
S. 35 $\circ$  E. along tract line 2630 ft to post. Thence S. 72 $\circ$  E. 169 ft to center  
of old road, thence along same 67 ft to "E." Supplying from A to E.  
Vacating that portion of the present road beginning  
at the intersection of what is known as the  
"Barnett road" (C) through the lands of A. Walker  
estate to its intersection with the old road near  
the corner of Best Owens and Isaac Wolf (E) the  
same being more fully shown on the draft  
attached. This decision is based on the assurance  
of W.C. Walker that the proposed road supplied  
be opened and constructed by him the  
said W.C. Walker without any cost to  
Knox Township, the same to be approved  
by the Supervisors who may be in office  
when the road is opened. No damage.

J. M. Creasy  
J. A. McPherson  
W. B. Langford } Viewers

Deed

No 14 Dec Sessions, 1903

**ORDER**

To view ~~lease~~ ~~make~~ ~~apply~~ a road for public use in the township of ~~Crant~~

Clearfield County

Dec Sessions, 1904,  
read and confirmed Ni. 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.

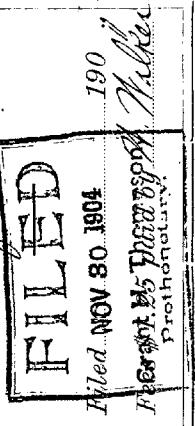
By the court

Frank Thompson  
Clerk

Jan 11/05 confirmed above  
by decree friend

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.  
Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.  
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.
Jo McCreary	Days 2 8.00
McLangford	Miles 44 4.40
	200 72.40
Jo McCreary	Miles 27 2.70
James McCreary	Days 1 2.00
	27 4.70
James McCreary	Miles 27 2.70
	200 47.00
	Days .....
	Miles .....
	Days .....
	Miles \$22.80.



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 6 day of Oct., A. D. 1903, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Knot

, in said county, setting forth that

a portion of a public road long since laid out leading from Turkey Hill School house in Jordan (now Knot) Twp. has become useless and burdensome to inhabitants of Knot Twp. and should be vacated from a point at or near the N.W. corner of the Abram Walker farm to a point where the private road of Galvin Snyder joins the same. your petitioners therefore pray your Honor Court to appoint Viewers to Vacate and supply the same

and therefore praying the Court to appoint proper persons to view Vacate Supply the same according to law, Report to next term of Court whereupon the Court, upon due consideration had of the premises, do order and appoint J. W. Moore, James D. Wall, Cyrus Woods 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 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.

Roll B. 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 .....

# Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the under-signed Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view to vacate and Supply Public Road leading from a point at or near the H. W. Comer, the Abram Walker farm to a point where the private road of Calvin Snyder joins same.

in Township, to

in Knob Township, in the county aforesaid, will meet at the house of Abram Walker, in Knob Township, on Friday, the 14th, day of July, A. D. 1905, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

G. B. Alexander  
James J. Wall  
Alexander Jennings  
Viewers,

July 6th, 1905.

Service accepted  
July 6, 1905  
H. H. Stevens  
Osko Compa

# Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the under-signed Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~to vacate and Supply Public~~ Road leading from a point at or near the N.W. corner of the Abraham Walker farm to a point where the private road of Calum Snyder joins the same,

in Township, to

in Knox Township, in the county aforesaid, will meet at the house of Abraham Walker, in Knox Township, on Friday, the 14th day of July, A. D. 1905, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C. B. Alexander

James D. Wall

Leander Denning  
Viewers.

July 6th, 1905.

Service Accepted.

P.B. Owners Property Holders.

John H. H. G.

Isaac Wolfe

# Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view to Vacate & Supply Public Road leading from a point at or near the n. w. corner of the Abram Walker farm to a point where the private road of Calvin Snyder joins the same

in Township, to

in Knox Township, in the county aforesaid, will meet at the house of Abram Walker, in Knox Township, on Friday, the 14<sup>th</sup>, day of July, A. D. 1905, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C. B. Alexander

James D. Wall

C. B. Alexander  
Leander Fanning  
Viewers.

July 6<sup>th</sup>, 1905.

Service Accepted  
Clark Bottom Supervisor Knob Turf.  
Robert F. High

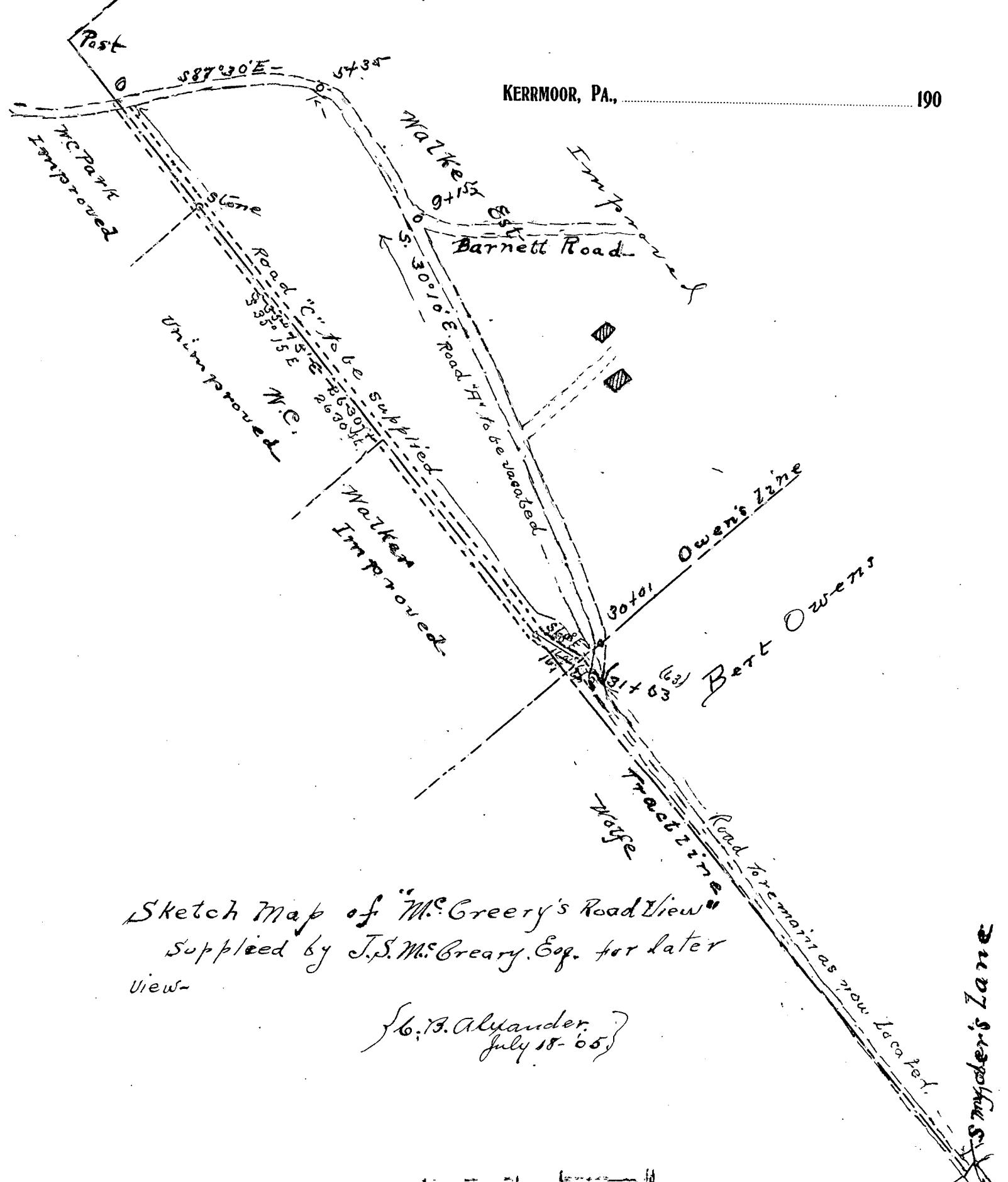
P

McCREERY  
SURVEYOR.

~~JUSTICE OF THE PEACE.~~

**KERRMOOR, PA.,**

190



McCREERY  
SURVEYOR.

JUSTICE OF THE PEACE.

KERRMOOR, PA.

July 15

190 ✓-

C. B. Alexander C.E.

Dear Sir: I hastily send you copy of notes of Survey in Knox Twp Nov 27, 1903  
Beginning at point in center of road leading from New Milford to Daffies, on tract line of Talbert & Boyd Tracts. Thence along road  $587^{\circ}30' E$ , 535 ft -  $S 30^{\circ}10' E$  380 ft to "Barnett" road (9+15) (30+01.) Thence  $S. 32^{\circ} W$  162 ft to center of old road, <sup>see below</sup> Thence along same ~~800-300-67 ft to intersection of road recently in-~~ 532 $^{\circ}30' E$  1667 ft to J.C. Snyder line, intersecting tract line. (required in Court order) Skipping instead of portion of road from station 9+15 to 31+63 to be vacated, Survey as follows Beginning at "0" as before, Thence  $535^{\circ}15' E$  along tract line 2630 ft to post Thence  $560^{\circ} E$  169 ft to center of road known as Abram Walker road, Thence along same 67 ft to point of intersection at 31+63.

The diagram herewith is not to scale, but I do not have time to make it now any better, I trust this will answer. Your survey will naturally vary somewhat from mine but the main points are all you need.

Respectfully,

McCreery

TO THE HONORABLE ALLISON O. SMITH, PRESIDENT JUDGE OF THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

We the undersigned Viewers appointed to view to vacate and supply public road herein mentioned respectfully report that we gave good and lawful notice of said view to the County Commissioners of Clearfield County, to the Supervisors of Knox Twp; to the property holders along said road view; and notices were posted along the route of said view all according to law. Copies of notices with signatures of acceptance are herewith attached.

On July 14th. as per notices given your viewers met as appointed, and all being present, were severally affirmed, and proceeded to receive testimony and to view to vacate and supply the public road as herein mentioned.

Your viewers found a road of good grade and fair road bed had been opened through the Abram Walker place fields on what is claimed to be the original survey for said road. For Convenience we will call this road "A".

Near what is given as the tract line of the original Abram Walker farm as run by Thos. Moor County Surveyor, we found an old road bed now abandoned. This road bed had been so placed by Abram Walker deceased, many years ago in an effort to remove the road to the edge of his property.

We will call this road "B".

Close to this old road bed and on same for a portion of the distance and divided by the tract line as run by Surveyor T.W.Moor is a road for the most part already fenced and on which much work has already been done to prepare it for travel. We will call this road "C".

As the roads "B" and "C" are close and nearly parallel and the grades differ but little, and further road "B" has been fenced in and abandoned, your viewers do not believe it holds sufficient advantages to order its reopening.

There therefore remains the question of supporting or not supporting the decision of your previous Viewers, Messers McCreary, Langsford, and McClelland in favor of opening road "C" and closing road "A".

Road "A" is now in fairly good condition with good grade, Road "C" with a little more work could be put in good condition.

Road "A" is not fenced by the property holders bordering on same and would have to be done so by Mr. Walker at considerable expense. Road "C" is already almost entirely fenced.

Road "A" is longer but does not drift in winter, however were fences built as Mr. Walker would probably of necessity do, road "A" would apparently drift as much as road "C".

The 33 ft. roadway of road "A" is taken through Mr. Walker's fields cutting off a narrow strip of his farm, which Mr. Walker claims to be a great inconvenience, his farm being already traversed by another public road.

Road "C" is located on what seems by Moor's survey to be the division line of the properties. Mr. Walker owns land on both sides of this tract line a greater part of the distance considered and will give the roadway here willingly.

As the grades on this entire road from Turkey Hill to Madera are heavy your viewers do not think the difference between the grade of Road "A" and "C" are important.

For the above reasons your viewers feel that they should support the two reports of your previous viewers to vacate road through the fields of the Abram Walker Est. and place road along tract line as more fully shown on maps attached.

The original map and report of Mr. McCreary's view having been misslaid, we attach herewith a sketch map and data supplied by Mr. McCreary to take the place of the original.

WITNESS our hands this 18<sup>th</sup> day of July A.D. 1905.

VIEWERS.

C. B. Alexander,  
L. K. Manning  
James D. Wall

Cleared Pa Dec 5 1905

Exceptions are filed as follows to the Report

First: Said Report is not a legal report for the reason that ReReviewers did not rely upon their own judgment as to what should be done with this Road but went upon the ground with the notion as they state as to whether they should support or not support a former view which is foreign to the duties of said Reviewers as they are sent to make out their own Report without regard to what former Reviewers have done and this aid the Court in arriving at a just judgment.

Second: They made no survey of the said road but "accepted" a sketch made by Mr. McCrea as true without knowing whether it was by an actual survey made without evidence that it was so.

Third: Because said Order was an order to review when therefor purpose to be all Review.

Fourth: Because said report does nothing but "support the former report" while the ReReviewers should have made their report setting out the Road by "Courses and distances" to find that they simply support former report unsupported at all.

S. W. Wilson

Albion & Plants

Dr. Parkman

May 25, 1905. I do, in view of viewers having declined  
to serve I hereby appoint C. B. Alexander to serve  
in place of Lewinsohn.

Powers of viewers enlarged to meet same.

By the Compt.

W. H. Thompson

Alexander  
Dunning  
Ware

Review  
No. 14. Date Sessions, 1903

**ORDER**

To view ~~the state and supply~~ a  
road for ~~public~~ use in the

township of ~~Frank~~,  
Clearfield County

~~John H. Alexander~~ Sessions, 1903,  
read and confirmed by 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.

By the Compt.  
W. H. Thompson  
C. B. Alexander  
Accepted and  
Approved:

Filed **FILED** 190  
Fees \$1.00 paid by  
R. L. H. Thompson  
C. B. Alexander

N. S.

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, ~~expended~~,  
and set out at the foot of their return.  
Reviewers cannot interfere with damages assessed by the  
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.

	Days	Miles	Amount
John H. Alexander	1	1.5	\$3.50
W. H. Thompson	2	1.5	\$3.50
	Days	Miles	

In the Court of Quarter Sessions of Clearfield County  
In the matter of vacating and supplying a portion of a Public road  
in Knox Township .-

To the Honorable the Judge of said Court

We the undersigned citizens of Knox Township respectfully represent  
that viewers were appointed to view vacate and supply a portion of  
a township road, leading from Turkey Hill school House in Jordan now  
Knox township and ending at or near the house of Samuel Shoef in  
Bigler township, through the farm of Abram Walker, That said viewers  
field a report changing said road as petitioned against a remonstrance  
of the people who signed the petition for said change .- That the  
road as changed is much steeper will drift in winter and will cost  
the Township of Knox considerable money to make the same .- That the  
present road as laid out is almost level easy to keep in rapir and  
free of drifts .- Your petitioners therefore pray your Honorable Court  
to order a review and appoint viewers to review the same and make  
report to next Term of Court

And they will ever pray &c

A. B. Davis  
Mark Fox  
J. C. Snyder  
J. G. Peck  
Jno French  
W. W. Battast  
J. J. Dunlap  
Grand Gathcask  
H. F. Rowles  
George Rowles  
Lewis J. Dunlap

Parley Smith  
John S. R. Dunlap  
M. C. Duvast  
W. B. Dunlap  
D. P. Davis  
J. H. Barnett  
E. S. Erhard.

Mr 14 Dec - St. 1903

Now March 13, 1905, on west  
of Victoria's River, N.W.T.  
Crows & Woods, as apprehended and  
substituted in place of Herring  
which is on the far west.

in place I wanted  
by the time I  
left. Yours & wife

Miss 28th Oct 5 - Given  
to Mr. Holden of Worcester  
I sincerely hope you will be  
able to do something to  
serve the purpose of  
the 1st and 2nd in particular  
of our old friends

May 21, 1915. T. W. Moore - one  
of the visitors, having declined  
to name his party, apparently  
a group of sportsmen.  
John B. Alvin Anderson

To answer an inquiry  
of J. W. M. Morris,  
of *Principles of Medicine enlarged*  
to meet *Principles*.

By Mr. George  
H. Smith

John Trull st. 1905 - picture for  
Marion Munster - send to  
Thompson - J. W. Moore - of  
Amherstville - Sunapee -  
11 - in Woods & Country.

By the author  
of "The  
Philosophy of  
Literature."

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**FEB 12 1969**

In Re. Petition to View,      ) In the Court of Quarter Sessions  
Vacate and Supply Public    ) of Clearfield County.  
Road in Knox Township.       ) No. 14 December Sessions, 1903.

Sur Exceptions to Report of Re-viewers.

OPINION.

On the 26th of September 1903 a petition was presented to the Court of Quarter Sessions, asking for the appointment of viewers to view, vacate and supply a piece of road in Knox Township. Whereupon J. S. McCreery, J. A. McClelland and W. C. Langsford were appointed viewers, who made their report to December Sessions 1903 in favor of vacating and supplying that portion of the road involved in the petition. To this report a remonstrance and numerous exceptions were filed in Court. These exceptions were passed upon by the Court June 16th 1904, and as the burden of the exceptions was as to the want of notice required by law and the Rules of Court, the whole subject was referred back to the same viewers in an opinion filed. This original report seems to be lost, as it is not now before us in the papers in this case. The same viewers to whom the case was again referred made a subsequent report to December Sessions 1904, confirming the prior report. Both of these reports vacated a portion of the public road designated in the draft as from "C" to "E" running through the Walker farm, and supplying it by a public road on the tract line designated on the draft as from "A" to "E".

At February Sessions 1905, some or all of the persons who objected by remonstrance or exception to the original report presented a petition to the Court for a review, which was granted and viewers accordingly appointed. Some of these viewers failed or declined to serve and their places were filled and the powers enlarged from time to time until at May Sessions the

the viewers appointed were C. B. Alexander, James D. Wall and Lenader Denning, who made a report to September Sessions 1905, in which they support the previous two reports, vacating a portion of the old road through the Walker farm and supplying it by a new road on the tract line. To this report the exceptions are filed.

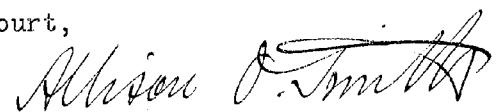
These exceptions, four in number, are all to the effect that this report is defective in that it does not report that the viewers failed to act on their own judgment but simply adopted the action of the previous viewers. The point was made in the argument that the order which went out from the Court of Quarter Sessions to these viewers was not in terms a review, but was a direction to view, vacate and supply and that therefore the viewers violated their sworn duty in simply going upon the ground and adopting the action of the previous view in the words and language in which they did so adopt it. The trouble with this contention is, that the petition itself upon which the appointment of viewers was made purports to be a re-review. It is not, as was argued by Counsel, a re-review but simply a review. It is true that the prior viewers reviewed their own work, but that was because of a reference back to them. They were the same viewers who had originally been appointed and made a report and the reference back to them was occasioned by the fact that they had not given sufficient and proper notice in compliance with the law and Rules of Court. The second order of view, to ~~xxxxx~~ the report of which these exceptions are filed, is a review and is so named in the order of the Court upon the petition of the acceptant himself, who asked for such review. The order as it left the Clerk's office is headed "review". Said order, of course, directs the viewers to "view, vacate and supply", but this is simply definitive of

their duties. The report itself of these viewers is clear as to what they intend to do, that is, to sustain the prior reports made. To this is appended a sketch or draft, which is a copy of the sketch or draft of the previous view. The judgment or opinion of these viewers coincided with that of the previous viewers in every respect, and they say so in their report. Had they differed in any respect it would have been of course obligatory upon the said viewers to make a new description by courses and distances and a new sketch or draft, but not having so decided they fulfilled the purposes of their appointment, when having decided that a part of the said road should be vacated and supplied in exact conformity with what had been done by the previous viewers, they adopted that report as a whole. They do report a sketch or draft and they do append thereto a description by courses and distances. We do not think, therefore, that the exceptions can be sustained. At best they are purely technical, and, even if sustained, the Court would still have to pass upon the prior views and decide whether or not the second report of viewers, or that made to December Sessions 1904, in this case should be sustained. To this report of viewers there is neither exception nor objection. The review which we granted, and which resulted in the report to which the exceptions are filed, was the method by which those objecting to this road as laid out by those viewers desired to reach a conclusion. Whatever mistakes these viewers made technically in their report, if any were made, should not operate to destroy the effect of their actual opinion, as shown by their report, that they agreed with their predecessors in the view that should be taken of vacation and supply. In our view, therefore, whether these exceptions could be sustained or not, the second report to December Sessions 1904 should now be confirmed absolutely and an opening order to that effect go out. In other words, the exceptions filed to

(4)

this review are ineffective, even if sustained. They are, therefore, overruled and the report made in this case to December Sessions 1904 is confirmed absolutely.

By the Court,



Alison O. Smith

P. J.

No. 14 December Sessions, 1903.

In Re.

Petition to View, Vacate and  
Supply Public Road in Know Town-  
ship.

Sur Exceptions to Report of Re-  
viewers.

OPINION.

11  
W. R. THOMPSON,

In Re. View to vacate and supply )  
a public road in Knox Township. ) : No. 14 December Sessions 1903.

Exceptions.

In this case the following exceptions were filed:

1. Because proper notice was not given to the supervisors.
2. The proper notice was not posted.
3. The viewers did not meet at the place where notice was given.
4. The change is not made for the benefit of the public but for the benefit of W. C. Walker.
5. The present road is a better grade than the proposed new one.
6. The new road will be more expensive to keep up.

Exceptions 4, 5 and 6 are more properly for the consideration of the ~~viewers~~ and are really not legal exceptions.

Exceptions 1, 2 and 3, if true, present a legal ground for setting aside the report. Testimony was taken on both sides on the question of notice and of course is somewhat contradictory. The first and second exceptions are not, however, sustained by the testimony. The third exception to the effect that the viewers did not meet at the place where the notice called for, seems to be true from the testimony, although it is shown by the testimony of some of the witnesses that they did send a party to the house of Calvin Snyder, at which place they were to meet by the notice, and no one was there. One of the most active of the Exceptants in this case is Dr. W. C. Park, who claims that his land abuts upon the road as laid out and that some of it is taken by the road. He presented to the viewers a written notice that he demanded \$200. damages and that the line between him and the Abraham Walker Estate "be settled by the viewers or the County". Dr. Park, in his testimony, claims that he had no personal notice and only came on

(2)

to the ground that day by accident and served this notice upon the viewers; that he had no hearing before the viewers as to his damages or as to his claim of the location of the tract line between himself and Walker. The failure to give him written or printed notice of the view is in violation of the Rule of the Court of Quarter Sessions section 172. As the viewers did not secure a release of damages from him, he is awarded one dollar by the report. The wisdom of the requirement of the Rules of Court are shown in this case, and we are of the opinion that justice requires that the whole matter of the road, not only of the location but of the amount of damages to be assessed, be referred back to the same viewers, with enlarged powers to September Term to make further and supplemental report. Full and complete notice in compliance with the <sup>Rules of Court</sup> Acts of Assembly, to the County Commissioners, to the supervisors, and to the property owners should be given by <sup>or by the parties interested</sup> these viewers, in addition to the posted notices provided for by the special Act of Assembly relating to Clearfield County.

By the Court,

*Almon D. Smith*

P. J:

*Brook*  
No. 14 December Sessions 1903.

In Re. View to vacate and supply  
a public road in Knox Township.

Exceptions to Report of Viewers.

OPINION.

# Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view, ~~valall and supply a~~ <sup>public</sup> Road leading from ~~a point at or near the north west corner of the~~  
~~Abraham Walker farm~~

in Knox Township, to ~~a point~~  
~~where the private road of Calvin Snyder~~  
~~joins the same~~

in Knox Township, in the county aforesaid, will meet at the house of Calvin Snyder, in Knox Township, on Friday, the 27<sup>th</sup> day of November, A. D 1903, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

J. S. McCleary  
John G. McClelland  
W. G. Langford  
Viewers.

W. W. 21st

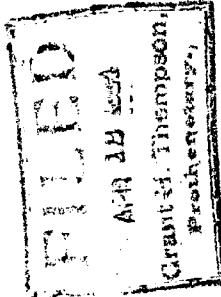
, 1903.

Clearfield County, Pa.

W. C. Walker being duly sworn according to law, doth dePOSE and say that he served a copy of this notice on Harrison Bloom, Supervisor, personally and a copy of same on Robert Wright, Supervisor, by giving a copy and making the contents thereof known to his son, B. C. Wright, an adult member of his family whom I found at the residence of said Robert Wright, and that he posted 6 copies of said notice at conspicuous places in said township. I doom and subscribe before me this 12th day of April

A. D. 1894

W. C. Walker



In the Court of Quarter Sessions of Charles Co  
Just of  
Public Record in } 14 Dec SS. 1903.  
Brook Twp.)

They SS. 1903 T. W. Moore Henry Kerns and  
Jas D. Wall are appointed receivers to view  
the premises and make report to May SS. 1905  
By the Court.

Mar 13, 1905 On account of sickness of Henry Kerns,  
Loyus Woods is appointed and substituted in  
place of Henry Kerns By the Court.

Apr. 27, 1905 Loyus Woods declining to serve  
I hereby appoint Leander Demming to  
serve as receiver in place of said Loyus  
Woods By the Court.

Ch. S.  
Certified from the records this  
27 day of April 1905  
B. D. Thompson  
Court

T. W. MOORE,

County Surveyor and Civil Engineer.

Deeds of Conveyance Executed.

Curwensville, Pa.,

April 29<sup>th</sup> 1905

Mr. W. A. Hayerty  
Dear Sir

As I wrote you as well as to the other viewers from Potter Co. that it was impossible for me to reach home in time for the Road View. as I only returned last evening... and no return can be made to the approaching Term. I enclose the Order to you... and I would greatly prefer the Court would appoint another engineer. as I am going to be away from home a great part of the summer and it will be very inconvenient for me to meet an appointment. after it is made without losing time I expect to be in Blair & Cambria for a couple of weeks & then to Forrest for the same length of time. so I wish you to have some one else appointed for that town & others

Yours very truly  
T. W. Moore

Years. We also believe that  
the said viewers have been  
unduly influenced, and  
no proper notices have been  
given to A.B. Owens and others  
much interested in said road  
as vacated and supplied  
leading from, or near a Pine  
Tree, Between the Farm of Dr  
W.C. Park and passing through  
the farm of the late Abram Walker.  
The Citizens and Tax payers of  
Knox Township, protest against

the granting of the said road  
by Your Honor, for the  
reasons set forth by the  
said Tax Payers, and we  
will ever pray

Ed. St. John  
A. C. Donbord  
Evans Brown

George Arnold

A. C. St. John

Frank Thompson  
W. H. Blasberg  
R. W. Blasberg

Frank Nicson  
Thos McMillan  
J. Lewis  
D H Barnett  
J. S. Bloom  
M. J. Teeey  
Pat Rooney.

John Boag  
Aug Dierdorff  
Joseph Avery  
James Roy  
John G. G. G.  
D. F. Ehrenstein

Alfred Williams.

John Denison

John Snyder

John P. 13 08

Frank Stratton

John F. Clark

W. L. Price

W. B. Stimpert

Robert Caldwell

McC. Baldwin

Edmund Price

New Milford, Pa, Nov 27, 1903

To the viewers appointed by  
the Court of Clearfield County  
Penns, to view a public road  
in Knox Twp, County & State  
aforesaid, and proposed to be  
located on a portion of  
My land. I hereby give you  
gentlemen, due notice that I  
demand Two Hundred dollars  
damaged, and request that the  
line between myself and  
Abram Walker Estate, be settled  
by you viewers, or the County.  
Yours W. C. Park, M.D

In the Court of Quarter Sessions of Blair-  
field, County, Pa.

Public Road in { No. 14. Dec, sess,  
Knox Township. } 1903.

Now Oct 1st, 1904, on motion of  
James B. Kelley, attorney for petitioner, the fol-  
lowers of receiver, D. S. McBray, John A.  
McClelland and W. G. Langford are  
enlarged and continued to Dec Term, 1904.

By the Court  
Allison D. Smith  
R. J.

Mr. H. Wadsworth,

Road

On the Road

in

Knox Township,

Shelby

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.

To the Honorable, the Judge of the Court of Quarter Sessions of Clearfield County:-- We, the undersigned, citizens of Knox township, in said county, respectfully represent that a portion of a public road long since laid out leading from Turkey Hill School House in Jordan (now Knox) township and ending near the house of Samuel Shoff in Bigler township has become useless and burdensome to the inhabitants of Knox township and should be vacated from a point at or near the North West corner of the Abram Walker farm to a point where the private road of Calvin Snyder joins the same. Your petitioners, therefore, pray your Honorable Court to appoint viewers to vacate and supply the same and make report thereof to the next term of court. And they will ever pray &c.

W. H. J. S.

P. S. Rawles  
W. H. MacDonald  
Frank Bloom  
Dr. Ferguson  
Parley Stoll  
Andrew Larson  
James H. Lee  
B. F. Bell  
W. M. Fink  
G. E. Eckard  
J. S. May Jr.  
H. J. Strand  
Lewis Kenner  
Henry B. Shugart  
C. W. Brown  
P. May Jr.  
Isaac May  
Edward Miss  
A. L. Brown  
George Webster  
Robert Webster  
D. H. Webster  
Tos Wittenow  
John E. Wittenow

Bonap. Baker  
J. H. Goshow  
W. C. Tubbias  
W. L. Dowling  
C. L. Bloom  
J. C. Thorne  
D. D. McElroy  
George Brown  
John E. Hale  
J. H. Fink  
Isaac Parsons  
James G. Parsons  
C. H. Leight  
John G. Dix  
Robert Webster  
W. A. Caldwell  
W. H. T. S.  
Percival C. C.  
Thomas. McLean  
J. B. Snyder  
W. B. Ong  
D. P. May Jr.  
G. W. Leight

Tim May  
William B. Knobell  
W. C. Brown  
Jonathan Miller  
Harvey Walker  
John C. Brown  
A. G. Rowles  
Bill Rowles  
H. J. Rowles  
Jas. Soulsby  
J. F. Brindall  
J. D. Duntap  
J. W. Baughman  
H. T. Farrel  
Dr. Skawles  
Matt Burkay  
W. H. & Donald  
Aaron B. Rowles  
Arch. Moyer  
J. H. Rowles  
S. S. Gandy  
L. G. Bauman  
Jack Morell  
B. H. Johnson

Daniel G. Bauman  
Charles Stevens  
C. G. Walker  
E. D. Coder  
Ever. Lewis  
L. J. Lewis  
Sam Gandy  
E. Gandy  
Robert Black  
Chasid Richardson  
John Davidson  
Wm. Bauman  
A. B. Johnson  
Daniel Bauman  
Ales Rowles  
John Weir  
John Moore  
B. T. May  
L. G. Bauman  
Chasid Richardson  
John Bauman  
Henry Clark  
Wm. Bauman

LIBRARY STAFF

---

Gene F. Edwards  
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Frank Hadden  
Burt Kelly  
W. G. Mayo  
J. A. Babbitt  
L. G. Robbins  
R. A. Sloppy  
Alvin Erhard  
M. R. Lewis  
E. D. Brown  
F. M. Anderson  
Gus Arnold  
E. Sloppy  
H. E. Strunk

Ms. A. 11 Decatur 165  
Public Library of  
New Haven

Dear Mr. & Mrs. Pe-  
nnington and Captain  
and Mrs. McCarty  
Colonel & Mrs. Colley  
& Mr. & Mrs. George  
One informed viewer  
indicates much  
interest to have these  
165.

For the Capt  
Capt. George  
George

Oct 16, 1803

Attn: Mr. & Mrs. Pe-  
nnington, New Haven

K. of Officers.

G. R. Thomas

Thos French - Liverman  
William High  
Chris Colman  
Doro & Robison

First Enclosure  
Dec 1<sup>st</sup> 1904.

To The Honorable A. O. Smith,  
President Judge of the several  
Courts of Clearfield County, Pa.  
Whereas a public road has  
recently been vacated and  
supplied by Stevens, McCreary  
and Others, in the Township of Knob,  
County of Clearfield, Pennsylvania,  
who were duly appointed by  
the Court, the said owners have  
located the supply road on  
ground that is not suitable  
and would be too much expense  
the tax payers and could not be  
made a good road for mail

X. G. Davis  
A. B. Owens  
W. G. Battall  
J. B. Battall  
John R. Gentry  
Wade Brownlee  
J. Ferguson  
James Catheart

H. A. Owens  
D. G. Richardson  
H. J. Rowles  
Bill Rowles  
George Rowles  
Bob Baumhart  
L. G. Dunlap  
Bob Brown Super Visor  
A. M. Rowles  
Tom Blotz

H. G. Johnson  
D. R. or Rowles  
Marvin Paulus  
A. F. Bloom  
L. G. Dunlap  
J. J. Dunlap  
C. B. Rowles  
R. G. Dunlap  
W. B. Gentry

David Richter  
M. G. Owens  
B. Gentry  
E. L. Eoder  
John Luff  
Otis Carson  
O. G. Stover  
Daniel Connors  
Jacob Meier  
W. P. Battall

In the Court of Quarter Sessions of Clearfield County Penna  
In the matter of vacating and supplying a public road in Knox Township  
leading from near Turkey Hill School House to Samuel Shoffs in Bigler  
Township .-

To the Honorable the Judge of the Court of Quarter Sessions  
We the undersigned citizens respectfully remonstrate against the  
vacating of the portion of the above mentioned public road leading  
through the farm of Abram Walker estate for the following reasons  
First .- Because the road as laid out at the present time is on a  
better grade than what the proposed supply will be  
Second.- Because the proposed change is only for the benefit of the  
said Walker estate and not the travelling public .-  
Third.- Because Abram Walker was allowed to change this road in  
his lifetime to what he considered his line and the chil  
dren closed it up and compelled the township to open the  
original road  
Fourth.- Because the changing of the road again will entail a large  
and useless expense on the taxpayers of Knox township to  
Knox Township tax payers which is not justified in this  
case the township already being heavily in debt .-

R. Dink  
A. C. Park  
Frank Shugart  
Henry J. Shugart  
E. H. Edwards  
Evans Hickman  
George G. Glancy  
Orvis Eshard  
Hoffmann  
J. J. Lamm

Ellis J. Goss  
C. L. Goss  
J. Patterson  
D. A. Wiss  
Calona Johnson  
J. P. Bryant  
A. B. Oliver  
Samuel Gobey  
J. L. Wickam  
R. D. Clegg

lester bloom  
Jas Bloom  
J. S. Berry  
H. A. Owen  
J. P. Dennis  
J. H. Barnett  
B. D. Barnett  
John R. Dunlap  
H. K. Gathcart  
W. B. Dunlap  
J. J. Dunlap  
J. S. Gathcart  
R. B. Dunlap  
J. Dunlap  
H. C. Owen  
Isaac Wolfe  
Grant Gathcart  
C. nos Bloom  
Jesse Brown  
J. P. Owen  
Oris Brown  
James Grant

Gus bederhatine  
J. C. Snyder  
William H. Jackson  
B. C. High  
J. C. High  
Orie Bowles  
R. O. Waterson  
L. W. Bowles  
S. C. Snyder  
W. W. Snyder  
Conrad Baker  
W. F. Matheson  
Wm. Matheson  
John J. Patterson  
B. M. Etherton

In the Court of Quarter Sessions of Clearfield County Penna  
To the Honorable the Judge of the said Court of Quarter Sessions  
We the undersigned citizens of Knox Township respectfully represent  
that after the suit of the Supervisors against W W Walker  
the said Walker came to us with a petition asking us to sign the  
same to vacate the road as reopened by the Supervisors and to  
supply the same by having the road placed on the road laid out  
by their Father. - That instead of so doing the road had been  
placed on the road laid out by said W W Walker. - We therefore  
remonstrate against the approving of the said road as laid out  
for the reason that it was not placed where it was to go which  
could have been done without any expense to the township and  
it is adding a useless burden on the taxpayers of the township  
to have build a new road. -

Loring Rowles  
H. J. Rowles  
Dill Roads  
J. May  
E. D. Carter  
Parley Scott  
J. H. French  
R. E. S.  
J. H. Dill

H. H. Hinrik  
J. M. Ferguson  
M. A. Caldwell  
Reuben Caldwell

Edward Ellis  
George Critcher  
H. B. Shuford  
J. S. Mays.

Received  
No 14 Dec 2 1905

Remember  
yours & dear

May 20

In the Court of Quarter Sessions of Clearfield County.

IN RE APPLICATION FOR PUBLIC ROAD IN KNOX TOWNSHIP.

We, the undersigned Attorneys for the petitioners and exceptants, hereby agree that the testimony taken in the above stated case and hereto annexed shall be read in evidence, on argument of said case, with the same force and effect as if a rule had been regularly issued, served upon the parties and said testimony taken in accordance with the rules of Court.

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## IN RE APPLICATION FOR PUBLIC ROAD IN KNOX TOWNSHIP.

Testimony taken at New Millport, Friday, May 13th, 1904.

W. A. Hagerty, Attorney for Exceptants.

Jas. H. Kelley, Attorney for Petitioners.

Witnesses called by Exceptants.

Robert Higle called and sworn.

Live in Knox Township. Nearly sixty-three years of age. Was Supervisor last year of Knox Township. I was Supervisor at the time the application was made to vacate and supply a road through the Walker farm. I travel almost every day the road in that section. I only saw one notice posted a couple or three days prior to the time of the view. This notice was posted on the lower side of the tree. It was posted on the lower side of what is known as Barnett road. This notice could not have been seen by people traveling along the highway. I did not see any other notice along the highway until the morning of the view. I saw one notice the morning of the view. That was on a stump at the Burt Owens line. There was fresh tracks through the snow to the stump and pine tree that morning. I do not travel this road and cannot say whether it was there before or not. I did not see any other notice. These were the only two notices with the exception of one left at my place. I traveled the roads once in a while as Supervisor at this time. I traveled this particular road going back and forward to Boardman frequently during this time. The viewers did not ~~ever~~ meet at the place designated in the notice. I saw Dr. Park going over to the meeting place and supposed Owens and Wolf would be there. If I had not met one of the viewers on the road I would not have known of

them holding the view. The change of this road will not benefit the traveling public but only the Walker family. The road as located now is better than new one. To make the new road as good as the present one will cost a good deal of money. There are several ravines to be filled in. The road as in present use is a much better grade than the proposed supply. The new road will be more expensive to keep up than the one as located now.

Cross-examination by Mr. Kelley.

I saw the notice that was left at my house. I knew the day and time of meeting. I was present at the place where the viewers met that day. I understood that the viewers sent a man over to Calvin Snyders to notify the people that the viewers were there. I saw Dr. Park there while viewers were still there. Walkers have opened part of this road and some people drive through.

Re-direct by Mr. Hagerty.

When Abram Walker was Supervisor, he changed the present road through his place and made a new road. That was opened and used from 1883 to 1902. That road was afterwards closed by W.C.Walker. The new road as laid out by the viewers follows the Abram Walker part way, then leaves the same and goes over new ground. The road as originally laid out by Abram Walker was better than the one laid out by the present viewers. It had a better grade.

Re-cross by Mr. Kelley.

I made a road through the field last summer. There is very little difference in the length of the road.

Dr. W. C. Park called and sworn.

Reside in Knox Township. Age 47. Practising physician. I travel these roads about every day going to see patients. My practice calls me about every day to the town of Boardman. That takes me past the route of this proposed road. I did not see any notices prior to the view posted along the route of the road. Never saw notices posted along any of the other highways in that part of the Township. I never saw any notice posted in village of Millport. The morning of the view, I saw a notice posted on a stump in off of the public highway. This notice could not be seen from the public road. There might have been one posted at John Dunlaps the night before the meeting of the view. It was not there the day before. I was along the road the day before. I had heard of the meeting of viewers, never had any notice. There was no one came there to notify me of the viewers being on the ground. I was coming home towards noon when I saw the viewers on this survey. As far as I can see, the change of this road is only for the benefit of Walkers and not for the benefit of the traveling public. The present road is the better grade of the two. The proposed would be the most expensive to keep up. The proposed road, as I understand it, is only laid part way on what was known as Abram Walker road. That was the road made by Abram Walker in 1883.

Cross-examination by Mr. Kelley.

I went in where the viewers were. I served a written notice on the viewers claiming damage for the road going through my land at that point. Don't know where I prepared that notice, probably at home, had it in my pocket when I got there. I don't know whether the Supervisors talked of it or not. Never used the spring; the road was put there before I came.

Re-direct by Mr. Hagerty.

The proposed road cannot be used all the time during the winter. I do not know a winter since I came here that a portion of the proposed road has not been shut up. The present road will not drift.

Re-cross- by Mr. Kelley.

I don't think that this new piece that Mr. Walker made drifts much.

Re-direct by Mr. Hagerty.

Twenty or thirty rods of the proposed road that is laid out over the old Abram Walker road drifts every winter that there is snow. The drifts are as high as the fences. Either had to have it shoveled out or drive over my fields or the Walker's.

Re-cross- by Mr. Kelley.

There are a good many roads in Knox Township that drift shut in Winter.

Isaac Wolf called and sworn.

Reside in Knox Township. Age 58. I live on one end of the proposed new road, that is along what is called the Abram Walker or new road. I was living there in December, 1903. I did not see any notices of the road view posted in that vicinity. At that time, I was hauling props whenever I could get through. During this time, I went down to Olanta past Dr. Park's and Cathcart's place to Olanta. These places are all handy to the proposed road. One end of this road comes out on the public road. Did not see any notices along this route. I don't think the general traveling public would be benefited by changing

the public road. Part of the proposed supply is drifted about three months in the year, that is in a winter like last winter when there is plenty of snow, and has to be shoveled out. The present road does not drift. To the grade of the two roads, I can only answer by what I hauled. On the present road, that is the 1883 road, I can haul a larger load than on the proposed supply. In my opinion, it would not be good road making to vacate a road that does not drift with a fair grade and supply the same with a road that does drift and has a heavier grade. I think the present road can be kept up with a good deal less money. It certainly saves the shoveling.

Cross-examination by Mr. Kelley.

There are no fences along the old road. The road would probably drift if they were to put up a rail fence along their land. Don't think it would drift to hurt. Shoveled snow on this road last winter. I hauled snow on sled and put on this road. The wind had blown the snow off. I am not prepared to swear that there were no notices put up.

Re-direct by Mr. Hagerty.

At the time we used the Abram Walker road, that is the road of 1883, when present road was closed, there was a wire fence along the same and it drifted then. There might have been notices posted along the road; I haven't very good eyes. I might have seen a notice of the size of the road viewerst, if there had been any posted.

Westley Cathcart called and sworn.

Reside in Know Township. Age 44. Live about one-half mile around to the one end of the proposed road. I live on the road leading from Olanta to New Millport. The proposed comes into the Potts Run

road a short distance from where the Potts Run road comes into the Millport and Olanta road. I travel the road from my house to Olanta frequently. Do not come so often to New Millport. I did not see any notices posted along the main road leading from New Millport to Olanta. I had no notice, don't think I even knew of the meeting of the viewers on this Walker road. I think the grade of the present road is by far the best. I traveled it last winter a good bit. The present road was not drifted while the supply road was drifted. I do not think the traveling public would be benefitted by changing the present road.

Cross-examination by Mr. Kelley.

Can't say whether I traveled around much during the week preceding the 27th of November or not.

Calvin Snyder called and sworn.

Reside in Know Township. Age 31. I was living in the boarding house at Boardman in November 1903 about one mile from the proposed road. The line of my farm is between a quarter and a half mile from the proposed road. I went from Boardman to my farm sometimes once a week and sometimes once every two weeks during last November. I did not go over any portion of the proposed road at that time that I recollect of. I generally went over the Potts Run bridge and through Mr. Owen's woods. I did not see any road viewers notice posted at Potts Run bridge or along that road. I have no recollection of seeing a notice of the meeting of viewers of this road. I did not have any knowledge of the meeting of viewers for this road until some one told me on the day of the view that there was to be a meeting of viewers at my place. I did not see any body there that day. If the new road goes where the Walkers have laid it out I think the present road would

be the easier kept up. I never saw any drifts on the 1840 road. Part of the proposed new road drifts bad. I taught school two years at Turkey Hill and could not get through walking. I only mean a portion of the time.

Cross-examination by Mr. Kelley.

I am not prepared to swear that the notices were not up. Won't be positive that I was out that road at all.

Peter Owens called and sworn.

Age 64. Live in Knox Township. Reside within quarter mile from the proposed road. I had no notice of the time of the meeting of viewers in this case. I did not see any notice posted. I was not at the meeting of the viewers. I travel the roads in that section probably once a week. The first notice I had of the meeting of the viewers was in the evening. Mr. Wolf told me the viewers had been on the road.

## Witnesses called by Petitioners.

W. W. Joy called and sworn.

I live in Knox Township on the road from Millport to Turkey Hill, in the neighborhood of one mile from the new road. I saw a notice posted on my barn, of the view, previous to the day of the view. It was there a week or ten days before; did not pay particular attention to the length of time. I know the location of the old road and of the Walkers' road and was told that the new view went along the Walker road or very near it. For my own traveling, I would choose the Walker road by all odds. Dr. Park has a rail fence along his farm. If that fence were removed or replaced by a wire fence, it would not drift so much.

Cross-examination by Mr. Hagerty.

Of late years I have not traveled the Abram Walker road very frequently, sometimes once a month, sometimes once a week. The Walker road, where the wire fence is, drifted a little but I don't think to hurt anything. I was not on the Walker road this winter; can't say. I was not over the old original road in the last two years, can't say whether it drifts or not. I can't say who posted the notice of the road view on my barn. I can't say whether it was there for a week or ten days. Will Walker might have said something to me about it, don't remember.

Re-direct by Mr. Kelley.

Know it was there at least a week or ten days.

W. C. Walker called and sworn.

I posted the notices in the early part of the week before the view took place. I posted one at Mr. Henry Shugarts' at the forks of the road and one on W.W. Joy's barn, and one on the fence of John J.

Dunlap at the cross roads about one mile from Olanta, and one on a pine tree near the bridge at Olanta on the Knox Township side, along William Cathcart's wire fence, and one at each end of the proposed new road. The notice I put on the pine tree was either torn down or blew down and I put another one up in the place of it. I saw tracks leading in to it. I served notices on the Supervisors, went to Harrison Bloom's house and handed him the notice. I gave a notice to Mr. High's son which he said he would give to his father. This son was a single man, a voter, living with his father.

Cross-examination by Mr. Hagerty.

I put the notice on the pine tree on the side facing the road, the tree being forked, you could see it coming only one way. I put up the second notice a little further around on the tree. I put up the second notice the morning after I put up the first. I am positive the notices were all put up ten days prior to the meeting of the viewers. The notice at Dunlap's would be a quarter mile from Westley Cathcart's house. He would have to pass that spot, going to Olanta if he used the direct road. I don't remember of seeing any other notices on the fence where I posted this notice. Where I had the notice, anybody passing would see it if they were looking that way. This notice would be right at the line between Dunlap's and Cathcart's.

Harvey Walker called and sworn.

Was present on the day of the view. I was sent by the viewers to Calvin Snyder's house to notify any persons who might be there, that they were on the ground ready to make the view. I went to Calvin Snyder's house and asked his wife if there were any persons

present who were interested in that view and she said not. I saw two of the notices, at each end of the road. I can't say how long before the view. I saw Dr. Park the day of the view, about 10:00 o'clock as near as I can tell, on the road between Boardman and the place of the view. This was about a mile or 1 1/4 mile from the place where the view was held. He was going towards the view. Had no conversation with him.

Cross-examination by Mr. Hagerty.

I can't say whether it was one day or two before the view that I saw notices. Dr. Park, when I met him, was coming towards his home at Millport. There is only one road, and that would bring him to where the viewers were. I did not say anything to him about the road. I knew he had land close to the proposed road. I am a brother of W.C. Walker.

W.C. Walker recalled.

I offered to give bond to the Township to bear the expenses of opening part of this road and am still ready to carry that out.

Cross-examination by Mr. Hagerty.

I made this offer to the viewers and they put it on their returns. The viewers did not ask it, I made the offer voluntarily.

W.B. Arnold called and sworn.

Live in Knox Township. I have driven over the road that Walker boys made themselves. To make a good road, take the water off as it should be taken off, in my judgment, the new road is the better road.

Cross-examination by Mr. Hagerty.

Cross-examination by Mr. Hagerty.

I know of my father traveling the road within three or four weeks. I don't know of anyone else. I have heard of them traveling.

Milton Mays called and sworn.

I live in Knox Township. I signed the petition of Walkers for this new road. Mr. Robert High the Supervisor came to get me to sign a remonstrance. He told me that they proposed to vacate the road from the pine tree to the road that leads to Barnetts through Walkers' farm. The Walker petition did not call for this as represented to me by Mr. High. I refused to sign his remonstrance.

Cross-examination by Mr. Hagerty.

I am not a property owner in Knox Township. When Mr. High talked to me about signing the remonstrance, he showed it to me, but I didn't read it; told him I didn't have time to read it.

Westley Cathcart recalled. By Mr. Hagerty.

I don't think it is 100 rods from my house to where Mr. Walker said he posted a notice. I would average at least twice a week passing that place. During that ten days I did not see a notice on that fence. I most generally see notices of that size.

Robert High recalled. By Mr. Hagerty.

The vacation, or rather, supply, is laid out by the viewers on the Northwest corner as I represented to Mr. Mays, if I understand the petition right.

IN RE  
APPLICATION FOR PUBLIC  
ROAD IN KNOX TOWNSHIP.

Testimony taken at New

Millport, Friday, May 13,  
1904.

W. A. Hagerty, Esq.,  
Attorney for Exceptants.

Jas. H. Kelley, Esq.,  
Attorney for Petitioners.