

6 Dec. Sessions, 1908

Vacation of Public
Road in Knox
Twp.

Road back to R.R. Post 71-72

Charge

JAMES H. KELLEY,
DISTRICT ATTORNEY.

old Bond Vacation only

For the Court of Quarter Sessions of Dauphin Co.
In re. Vacation of Public Road December 5, 1908
Road in Knox Township } See Exceptions to the
Report of Reviewers

Opinion.

At December Sessions 1908 Viewers were appointed to view and vacate a public road in Knox Township. At February Sessions 1909 said Viewers reported against the vacation of the road. Whereupon a petition was presented for the appointment of Reviewers for the same purpose. At February Sessions 1909 J.S. McClosky, Robert Boyd and G.W. Bell were appointed Viewers to review the said premises and make report at May Sessions. Said Reviewers, after going upon the premises, reported in favor of vacating a portion of this road desired to be vacated consisting of about one and one quarter miles and refused to report in favor of the vacation of the balance of the road.

To this exceptions were filed by Benjamin F. Chase, Attorney for the petitioners, to the effect that the Viewers or Reviewers had no power to disregard the prayer of the petition and vacate a portion only of the road and not the whole thereof. No authority to this

effect is cited by Counsel. We see no good reason why Viewers do not have the right and power to vacate a portion of a road, leaving another portion unvacated. It is not what the petitioners ask for that Viewers are required to favor. Viewers are a tribunal created by law to pass upon the necessities of the road for which they are appointed Viewers either to lay out or vacate. They must give public notice to the people interested and it is the desires and necessities of the whole people interested and the public generally which are to be subserved by the action of Viewers.

In this case the report is full and specific that the portion vacated is wholly unnecessary for public use for the reason that it has been supplied by another road. But that the portion which they refuse to vacate is used not only by one person, as alleged by the petitioners, but by a number of persons and is of general use and that the citizens of the Township generally desire that

it be not vacated. We are of opinion that there is no legal objection to the action taken and that the exceptions should not be sustained. We think it is clearly within their power and right to vacate a portion as well as to vacate the whole or to refuse to vacate any and that the report of the Viewers should be confirmed absolutely.

Exceptions are, therefore, overruled and the Report made to May Sessions is confirmed absolutely

By the Court
Allison O. Smith
Pf

the 6th December 1908

In re Vacant of Public
Road in Knox Twp

Due Exceptions to
Report of Revenue

Oppinion



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

In re-Vacation of : No. 6 Dec. Sess. 1908.
Public Road in Knox Twp.:

Now, 17th day of May 1908, the petitioners
by their attorney, Benjamin F. Chase, hereby file the following
exceptions to the report of Reviewers in the above case.

FIRST. The petition was for the vacation of an entire
public road leading from a particular point to another design-
ated point, and the re-viewers disregarded the prayer of the
petitioners and recommended the vacation of a portion of said
road only and leave the other portion unvacated, contrary to the
prayer of said petition and the order appointing them.

SECOND. The reviewers had no power to divide the petition
and report in favor of vacating one section of the road and
against vacating another section of the same, no matter what
their individual opinions might be, the petition being for the
vacation of the entire road.

THIRD. The report is not in accordance with the prayer
of the petition and should not be confirmed by the Court for
that reason.

I certify that I believe the above are legal
reasons why the report of the re-viewers should not be confirmed.

Benjamin F. Chase
Attorney for Petitioners.

Q.S. Pleasant

Mo. 26 the Sun. 1938

See re vacation

of
Public Roads

in
West Sonoma

Exceptions to Report

of
West Sonoma

RECEIVED
RECEIVED

Please.

IN THE COURT OF QUARTER SESSIONS OF THE PEACE
OF CLEARFIELD COUNTY.

To the Honorable Allison O. Smith, President Judge:-

The petition of the undersigned citizens of Knox Township and vicinity, in said County, respectfully sheweth:

That a road has long since been laid out through Knox Township, beginning at a point near the residence of Reuben Caldwell on a public road leading from Reuben Caldwell to the farm of the late Samuel C. Snyder; thence along Potts Run to a point on public road leading from the residence of D. H. Barnett to Clearfield Creek in said Township.

said road has by reason of obstruction and long neglect and improper location become inconvenient and burdensome to the Township, and to put it in condition to travel will require a large outlay of money at a great expense to the Township. The said road has no further use, owing to the construction of a road near the residence of D. H. Barnett to Boardman, and your petitioners therefore pray your Honorable Court to appoint viewers to view and vacate the entire road,

And they will ever pray, etc.

Warren Walker a son of Mr. & Mrs.

Al. Wiggin, of Rockwood

W. C. Walker, John Wood

John Stevens John Wood

John R. Sunday Ottie Brown

D. G. Bassett J. J. Dunlap

J. G. Rawles Grand-Father

L. E. Newpher wife

J. M. McKee wife

J. P. Quigley Ottie Price

Alf Williams Rev. Rea

Bill Fults Isaac Rea

James Grant son Mr. Rea

John Wilson W. C. Tobian

Wm. Clark Alice Brown

Albert Mackie Jerome Tobian

E. D. Codner Miss Patterson Jr.

J. M. Clark

C. J. Brown

J. H. Baden

J. W. Clark

J. E. Caples

J. H. Garrison

W. L. Brown

D. H. Barnett

James McClinton

J. S. O. ...

D. A. Morgan
J. A. Ferguson
D. B. Barnes.

Amartin H. Bloom
John B. Oller
Matthew Buckley

No. 6 Dec. A.D. 1908

QUARTER SESSIONS OF
CLIFFIELD COUNTY

In re-vacation of public road
in Knox Township

Petition to appoint viewers
to view and vacate road.

Westfield, December 6th
In re-vacation of
and re-division of
land in Harry Rogers
Lionel Downing and
Jacob Bangs
and a part thereof known as
the Chapel Hill
and the property of
John Downing & Company
and the same
by the said
John Downing
D. L. Chase.
D. L. Chase.

#6 Dec. 8, 1907

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 report Road leading from ~~the~~ ^{the} ~~front~~ ^{front} on Public Street ~~between~~ ^{between} and near the residence of Mr. A. R. Bennett

in ~~the~~ ^{the} Township, to a point on Pacific Road near (Ralls) ~~the~~ ^{the} bridge below and near the residence of Mr. C. C. Wall
in ~~the~~ ^{the} Township, in the county aforesaid, will meet at the house of Boardman ~~in~~ ⁱⁿ ~~the~~ ^{the} Township, on ~~the~~ ^{the} day, the ~~40~~ ⁴⁰ day of April, A. D. 1907, at 9 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. M. Young
Robert Boyd
D. P. Miller

Viewers.

Kennett Square, 1907.

(Copy)

Service is hereby accepted of
within Notice this first day of April
1909. For the County Commissioners

L. C. Morris }
Commissioners Clerk }

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 ~~pacate~~ ^{pacate} Public Road leading from ~~Reuben Caldwell's by farm of late Samuel C Snyder~~ ^{Reuben Caldwell's by farm of late Samuel C Snyder} trustee along Potts Run

in Knox Township, to a point on public road leading from residence of ~~D H~~ ^{D H} ~~Barnett~~ to ^{Barnett} Clearfield Creek

in Knox Township, in the county aforesaid, will meet at ~~the house of~~ ^{the house of} Board-man, in Knox Township, on Tuesday, the 19th day of January A. D. 1909, 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.

Harry Byers
Leander Denning
Jacob Burge
Viewers.

Clearfield Pa Jan 11, 1909.

Nov 15, 1909 Service of notice
accepted for J. B. Snyder.

Notag. etc.

Atty for J. B. Snyder

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 ~~public~~ Road leading from a point near the residence of Ruben Caldwell

in Knox Township, to the farm of the late Samuel C. Snyder - thence along Potts Run to a point on Public road leading from the residence of S. H. Barnett to Clearfield Creek

in Knox Township, in the county aforesaid, will meet at ~~the house of~~ Boardman, in Knox

Township, on Tuesday, the 19th day of January A. D. 1909, 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.

Harry Byers

Leander Denning

Jacob Surge

Viewers.

Clearfield Pa Jan 11, 1909.

Served on this 13th day
of January A.D. 1909.

Property owners
Samuel Tobia
Reuben Caldwell
Estate of John W. Chase
by George T. Chase, Atty.

14 Jan served on G. T. Chase

J. E. Bryan | present owner

POTTS RUN LAND COMPANY.

TRUST COMPANY BUILDING.

F. B. Kerr,
~~XXXXXX~~
GENERAL SUPERINTENDENT.

CLEARFIELD, PA., Jan. 16, 1909.

Mr. Harry Byers,
Mr. Leander Denning,
Mr. Jacob Burge,
Clearfield, Pa.

Gentlemen:

This company is opposed to the closing of the public road through the Lindsay property to the Cal Snyder property at Boardman. We will be represented at the viewing on the 19th, by our Supt. Mr. John Boag.

Yours very truly,

POTTS RUN LAND COMPANY,


Gen'l. Supt.



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 12th day of October, A. D. 1908, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Knox, in said county, setting forth that

a road has long since been laid out through Knox Township, beginning at a point near the residence of Reuben Caldwell on a public road leading from Reuben Caldwell to the farm of the late Samuel C. Snyder; thence along Potts Run to a point on Public Road leading from the residence of D. H. Barnett to Clearfield Creek in said Township.

Said road has by reason of obstruction and long neglect and improper location become inconvenient and burdensome to the Township and to put it in condition to travel will require a large outlay of money at a great expense to the Township. The said road has no further use owing to the construction of a road near the residence of D. H. Barnett to Boardman

and therefore praying the Court to appoint proper persons to view and vacate the entire road.

~~viewers~~ according to law, whereupon the Court, upon due consideration had of the premises, do order and appoint Harry BYers, Leander Denning and Jacob Burge 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.

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

To The Honorable Allison P. Smith President Judge
of the Court of Quarter Sessions of Clearfield County
Pennsylvania, we, the undersigned, members appointed
by the within order of court to view and vacate the road
therein mentioned respectfully report, that we gave no-
tice of the said road view, a notice being attached hereto
and that we met agreeable to said notice and having been sever-
ally sworn or affirmed we heard evidence for and against the
vacation of said road, of all who were interested and at place
of meeting and we viewed said road after hearing interested parties and
are of opinion that the said road has not become useless in-
convenient and burdensome and should therefore not be va-
cated. The upper end of said road leads through land not reaching
to other public roads, and although the road was needed in past
only to haul timber down Potts Run it is now useful for owners
of the land aforesaid to go down to the new mining town of Potts
Run Boardman and Railroad Station at Boardman, and as
the railroad is extended up about two thirds the length said road
above Boardman, it is our opinion that the same should not be
vacated where more coal and clay are about to be opened
up in vicinity. Felling that we have no authority to vacate a
part of the said road as the order is worded we vacate now
although about one half mile of said road below Boardman
is of no use and is occupied in part by the railroad

Witness our hands this 19th day of January A.D. 1909.

Harry Byers.

~~L. Henning~~
Jacob Burge

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.

No. 6 December Sessions, 1908

ORDER

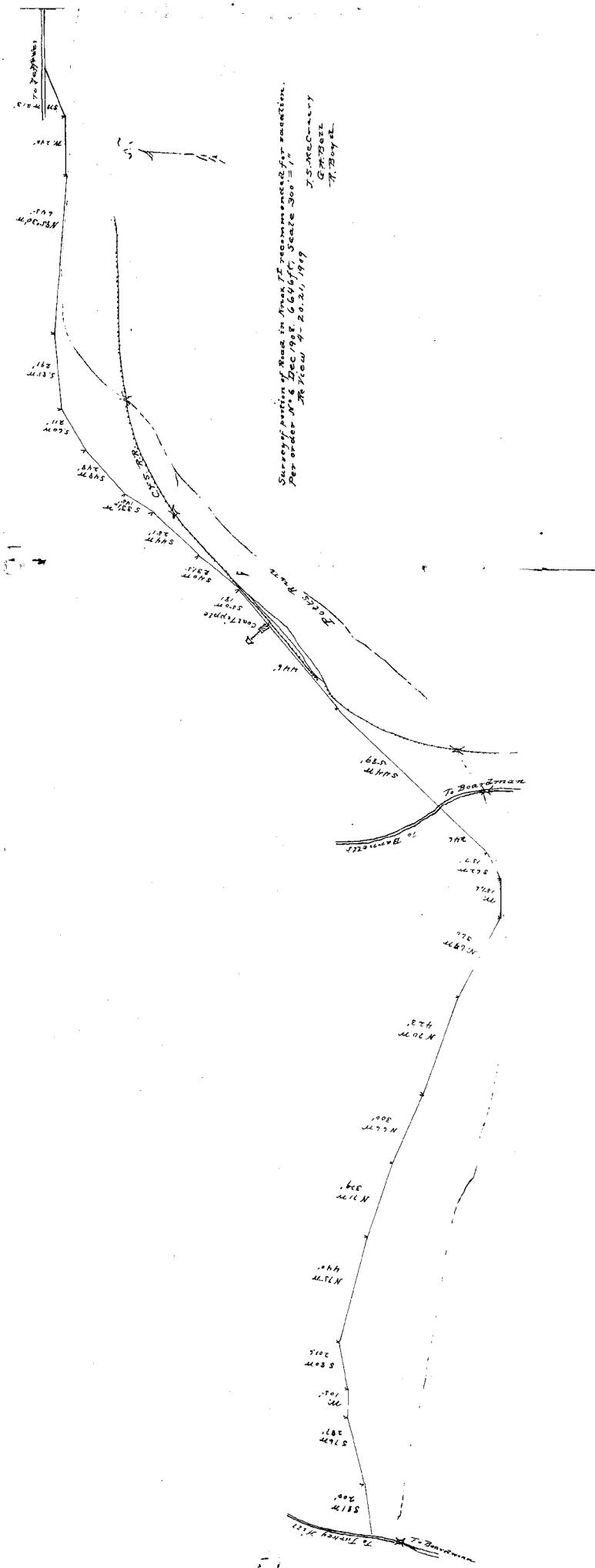
To view and vacate a road for public use in the township of Knox, Clearfield County.

February Sessions, 1909,
read and confirmed Ni. Si.
Road to be opened 38 feet
wide, except where there is
sidehill cutting or embank-
ment and bridges, there to
be 18 feet wide.

By the Court of Justice
of Alison

Days	Days	Days	Days
2	2	2	2
3 1/2	3 1/2	3 1/2	3 1/2
Miles 21	Miles 21	Miles 21	Miles 21
\$ 10	\$ 10	\$ 10	\$ 10

File a copy of this order
Fees \$1.25 paid by Jacob Biegel
190



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 to determine~~ the Road leading from ~~the point on State Road below~~ and ~~the residence of~~ D. T. ~~and~~ ~~the residence of~~ D. T. ~~and~~

in May Township, to a point
on Public Road, 1 mile from village
of Central (Cuddeback).

in ~~Shaw~~ Township, in the county
aforesaid, will meet at ~~the house of Boardman~~
, in ~~Shaw~~
Township, on ~~Wednesday~~, the 20
day of ~~April~~, A. D. 190~~6~~, at 1 o'clock
A. M., to attend to the duty assigned them, of
which time and place aforesaid all parties interest-
ed will please take notice.

Franklin
Method (Pump
System)

January 18, 1907.

Viewers.

The within notice was served personally
on Wm. D. Culp and L. Dowling, Superintendents
of Trux ~~Yuk~~ by

John Strong Newell

he is a qualified elector and tax payer of said Township and interested in procuring the vacation of said road owing to its being useless and also because it damages his private property. That at December Sessions, 1908 your Honor appointed Harry Byers, Leander Denning and Jacob Burge as Viewers to view and vacate a certain road in Knox Township extending from a point on a public road leading from Daniel H. Barnett's residence to Clearfield Creek, near the mouth of Potts Run about midway between said places and extending to a place at or near the residence of Reuben Caldwell, a distance of about three miles, for reasons set forth in said petition.

That said Viewers met at Boardman on January 19", pursuant to notice and reported against the vacation of said road as is shown by their report filed. That said Viewers disregarded the testimony taken by them which was uncontradicted that said road had not been in use for several years, and had not been in a passable condition for a great many years, except a very short distance recently put in use by one citizen, and that it would cost the Township of Knox at least \$2500. to put the said road in condition for travel, and also failed to examine the said road by going along any part of the same and without giving the matter due consideration or investigation did refuse to recommend the vacation of the said road. That at least two of the Viewers had never been along the line of the said road, or at least not in recent years, and one other said he had been over the line about sixteen years before and not since, and any investigation by them would have shown the conditions of said road to be as set forth in the original petition.

Your petitioner would therefore pray Your Honorable Court to appoint other Viewers to review said road and make full investigation and report in accordance with the twenty-fifth section of the Act of June 13, 1836 and refuse to confirm the report of the Viewers already filed.

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 27th day of February, A. D. 1909, before the Judge of said Court, upon a petition of ~~John Lindsey~~ John Lindsey ~~inhabitants~~ of the township of Knox, in said county, setting forth that

Peter Bazzl

whereupon the Court, upon due consideration had of the premises, do order and appoint J. S. McCreery, Robert Boyle and G. W. Bell 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 re-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 sealed 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.

Robert 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 .

To the Honorable Court of Quarter Sessions of
Clearfield County,

We the undersigned viewers appointed by your Honos.
as per attached order No 6, Dec. sessions 1908, make
this 20th day of ~~April~~ 1909, in pursuance of said
order, and in accordance with notices
legally posted and served, and after being
sworn and affirmed, proceeded to hear
and consider the arguments of citizens for
and against said vacation, we went over
the entire road, carefully noting grade, qual-
ity of the ground, and the relation of said
road to the needs of the community and the
public, and find that a large majority of
the citizens have no objection to the vacation of
that portion of the said road connecting the
Road from D H Barnes and the road from
Turkey Hill to Boardman via Peter Davis. as
that has been supplied by road leading di-
rectly to Boardman. But in our

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.

No. 6 Dec. Sessions, 1908.

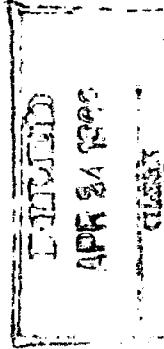
ORDER

To view and vacate a road for Public use in the township of Knox, Clearfield County.

May Sessions, 1909,
read and confirmed Ni. Si.
Road to be opened 22 feet wide, except where there is side hill cutting or embankment and bridging there to be 16 feet wide.

Big Tree Creek
Ac. from Donith
St. J. 1909 confirmed
who whetly see where
an ascertian fixed
at the mouth
William A. Smith

190.
Fees \$1.25 paid by John Landry.
APR 24 1909



In the Court of Quarter Sessions of the Peace
in and for Clearfield County, Pa.

In re vacation of

Public Road in No. 6 Dec. Sess. 1908.
Knox Township

To the Honorable Allison O. Smith, President Judge
of the above named Court:-

The petition of John Lindsay of Knox Township, would
respectfully represent that he is a qualified elector and tax-
payer of said Township and interested in procuring the vacation
of said road owing to its being useless and also because it damage-
s his private property; that at December sessions, 1908, your
Honor appointed Harry Byers, Leander Penning and Jacob Burge as
viewers to view and vacate a certain road in Knox Township ex-
tending from a point on the public road leading past Daniel H.
Arnott's residence to Clearfield Creek, near the mouth of Potts
Run about midway between said places and extending to a place at
or near the residence of Reuben Caldwell, a distance of about
three miles, for reasons as set forth in said petition.

That said viewers met at Boardman on Jan. 1st, pursuant
to notice and reported against the vacation of said road as is
shown by their report filed; that said viewers disregarded the
testimony taken by them which was uncontradicted that said road
had not been in use for several years, and had not been in a pass-
able condition for a considerable time, except a very short dis-
tance recently put in use by one citizen, and that it would cost
the Township of Knox at least \$3500 to put the said road in con-
dition for travel, and also failed to examine the said road by
going along any part of the same and without giving the latter due
consideration or investigation did refuse to recommend the vaca-
tion of the road; that at least two of the viewers had never
been along the line of the said road, or at least not in recent

years, and one other said he had been over the line about sixteen years before and not since, and any investigation by them would have shown the conditions of said road to be as set forth in the original petition.

Your petitioner would therefore pray your Honorable Court to appoint other viewers to review said road and make full investigation and report in accordance with the 25th Section of the Act of Jun- 18, 1836, and refuse to confirm the report of the viewers already filed,

And th-y will ever pray, etc.

* John Lindsey

Clearfield County, Pa.

Before me, the undersigned, a Justice of the Peace personally appeared John Lindsey; who being duly sworn says that the facts set forth in the petition are true and correct.

Sworn and subscribed before me this 18
day of February, A.D., 1909.

W. L. Nowles J.P.

RECEIVED
JULY 23 1943
S. S. B. 1943

RECEIVED
JULY 23 1943
S. S. B. 1943

RECEIVED
JULY 23 1943
S. S. B. 1943

Now only of my brother James by
Wm. H. Thompson of Belmont, ~~Belmont~~
~~Brookline~~ and SW. 19th
One approximated revenue to me
said business & made
approx. 15 trust funds
By the Comptroller
William J. Smith Jr.