

No.

to Sept

Term, 1907

Tacoto and Supply
Public Road

~~Versus~~

in

Jordan Trip

X

No 6, Sept, Sessions, 1909.

Report of re-viewers.

To the Honorable Allison O Smith, President Judge
of the Court of Quarter Sessions of Clearfield County.
We the undersigned viewers appointed by your Honorable Court to
re-view a certain road in Jordan Township, described in said order,
this day met and having been duly affirmed, reviewed the premises,
and took special pains to ascertain the sentiments in the community
as to the necessity for the change asked for; and find a very material
change of sentiment, since making our former view, as evidenced by
utter indifference on the part of many former advocates, a very
marked opposition by all who were present, shared by a majority of
the Supervisors, together with our own conclusion that the advan-
tages to be gained by the vacation and supply asked for, would not
at this time justify the expense and damage accruing therefrom,
and that the road asked for, is not, therefore a necessity, this con-
clusion being arrived at, largely from the weight of testimony ad-
verse to any change. We therefore withdraw our former recommendation.

Respectfully submitted, this 4th day of August, 1910.

3372

J.S. McCreery	6m	.60
	1d	5.00
G.W. Bell	12m	1.20
	1d	3.00
J.A. Green	6m	.60
	1d	3.00

J.S. McCreery
G.W. Bell
J.A. Green
Viewers

September Sessions 1910 re-view confirmed
Ni Si and confirmation Ni Si of former
view stricken off

By the Court
Allison O. Smith

Now December Sessions 1910 confirmed Absolute

By the Court

Allison O. Smith

Good

6 Sept. 1909

Received

FILED
AUG 6 1910
ROLL B. THOMSON
CLERK

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 26 day of May, A. D. 1909, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Jordan, in said county, setting forth that

a portion of a public road, long since laid out, and opened, leading from Penauville to Berwynville, viz: from a point on said road near the line of J. C. Drivins and James Curry Estate to a point on said road on the line between James Curry Estate and land of Geo Patterson and Wm Shaw, by reason of the grade and drift, that said road could be much improved and grade reduced by a change of its route. your petitioners therefore pray your Court to appoint persons to view, vacate and supply that portion of said road leading from Penauville to Berwynville, from a point near the line of J. C. Drivins and James Curry Estate, to a point on said road, or near the line of James Curry Estate, and George Patterson Wm Shaw land,

and therefore praying the Court to appoint proper persons to view vacate and supply the same according to law, Report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint J. O. McGee, J. W. Bell and J. H. Green, jurors who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed view the site and 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 ensembling 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 Court of Quarter Sessions of Clearfield County:-

We the subscribers appointed by Your Honorable Court, met in pursuance of attached order and according to notices served and posted according to Act of assembly, and having been affirmed, ~~renewed~~ the said Road, and are of the unanimous opinion, that the change suggested by the notes appended and draft attached, should be made, thereby, avoiding the heavy grade on the hill, as well as drifting snow in winter. We therefore recommend vacating as follows. Beginning at point C near St Irvin line on the Road from Ansonville to Berwindale; thence S. 38° W. 240 ft, S 53° 45' W 127.5', S 62° 30' W 403' to forks of Road. By LaJosa branch S. 69° 30' W 210' to line of Geo Patterson. From same point S 54° W 207' to same line. Thence S 50° W 146' at this point find grade of 8° 20' S 11° W 227' to point B.

Supplying - Beginning at point A on Berwindale Road thence through woodland of Geo Patterson, N. 29° 30' E. 105.2' N. 55° 30' E 209' to line of Jas Curry Estate (B) same bearing 45' to post. Thence still through old field of Curry Est. ^{N. 64° E. 120.7' to post} N. 54° E. 347' to post. Thence N. 48° E. 220' to post. ^{At B 234° 40' W 1220' along line} N. 34° E 125', N 24° E 124' to point C. ^{By this change} an easy grade, not exceeding 3°, is obtained, and follows the course followed in winter on account of drifts. We find less damage to property than by old route and therefore assess none.

June 28, 1909.

Vacated 1560.5'
Supplied 1520.9'

J. J. McCreary
L. W. Roll
J. A. Green } Viewers

June 28 1909

No. 6 Sept Sessions, 1909

ORDER

To view Westfield a
road for Public use in the
township of Gordon,
Clearfield County

September Sessions, 1909,
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:
Alison O. Smith Jg

Filed 190

Fees \$1.25 paid by J. S. McCreary

Loggery

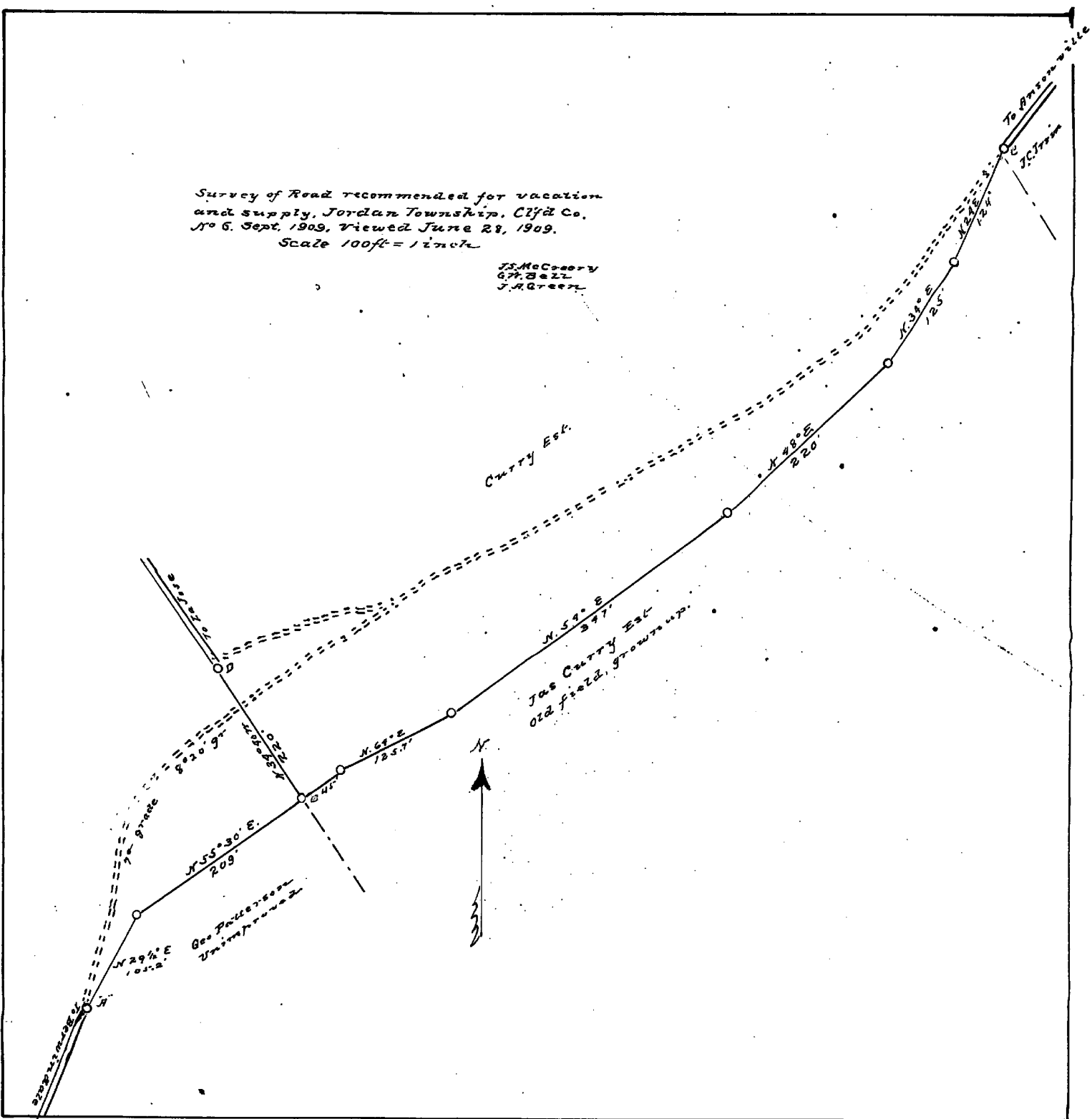
NOTE:—In case of a private road, the release must be executed in favor of the petitioner for said road.
Also—Viewers will carefully note the number of days employed, and set the amount out at the foot of their return.
Reviewers cannot interfere with damages assessed by the original viewers, except so 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.

<u>James Tamm</u>	Days	1000	AMOUNT.
	Miles	2.80	
<u>Ed. Bell</u>	Days	300	
	Miles	120	
<u>James</u>	Days	300	
	Miles	600	
	Days	(Pa) 3.60	
	Miles		
	Days		
	Miles		
	Days		
	Miles		

Review Report
attached

Survey of Road recommended for vacation
and supply, Jordan Township, Clay Co.
No 6. Sept. 1909, Viewed June 28, 1909.
Scale 100ft = 1 inch

J.S. McCaery
G.H. Bell
J.H. Green



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In re public road)
 :
in Jordan Township.)

To the Honorable, Allison O. Smith, Judge of said Court.

The petition of the undersigned, citizens of Jordan Township, respectfully represents;

That a portion of a public road, long since laid out, and opened, leading from Ansonville to Berwinsdale, viz; from a point on said road near the line of J. C. Irvin and James Curry Estate, to a point on said road on the line between James Curry Estate and lands of Geo. Patterson and William Straw, by reason of the grade and drifts, has become inconvenient and burdensome, and that said road could be much improved and grade reduced by a change of its route.

Your petitioners therefor pray your Court to appoint persons to view, vacate and supply that portion of said road, leading from Ansonville to Berwindsdale, from a point at or near the line of J. C. Irvin and James Curry Estate, to a point on said road, at or near the line of James Curry estate and George Patterson and William Straw land, and make return of same to next term of Court.

And they will ever pray,

3
H. Smith
Names
C. A. Sawyer
J. D. Wiley
W. H. R. E.
George Palmer
W. C. Strong
Andrew Jackson
Andrew G. Ecklund
Chas. Ecklund
Archib. Clark
Harry Clark
Chas. Stevens
H. R. Clarke
R. Clark
C. E. Frederick
J. M. Klingner
Martin Selfridge
Ash. D. Klingner
Hermon Johnson
H. L. Patterson
Chas. Sly
E. E. Garman
Remondus
Warren Smith
H. A. Smith
Frank. Stronging
S. Johnston
Carl. Patrusquid
A. L. Johnston

Names
David McEwen
Andrew Dalquist
Harry Graham
Thos. A. Hester
Abram Pearce
Walter A. Irvine
Nestor Valda
Harry J. Hiltunen
Alfred P. My
H. L. Strong
W. J. Klingner
Daniel Inger
Ansoni Swan
John W. Garong
Wm. J. Jacum
G. E. Swann
H. A. Smith
H. A. Smith
A. A. Packer
M. J. Brown
L. E. Lober
Charles, David
James B. My
Michael Smith
Steve Beale
A. Egler
Arthur
Annis Strong

Names
J. B. Strong

Names

— Addition to vacated and
unimproved portion of
Public road in for-
estern Townships.

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O. 15. 18. 18. 18. 18.

Messrs May, 1909, within
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 sidered and J. A. McDerm
 W. O. Bell and J. G. Allen
 of Boston

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to visit and make
report of same to
next term of Council.

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

IN RE PETITION TO)	No. 6 Sept. SS, 1909.
VACATE AND SUPPLY)	
PUBLIC ROAD IN)	
JORDAN TOWNSHIP.)	

John S. Curry, of Punxsutawney, Pa. who is one of the owners of the land designated in the foregoing proceedings as "James Curry Estate", by his Attorneys, Bell & Hartswick, hereby files the following exceptions to the report of viewers.

First:- The viewers have located the southern terminus of the new road 373 feet from the southern terminus fixed in the petition and order to view.

Second:- The distance of the proposed new road are not stated either in the report or the accompanying draft.

Third:- The courses and distances stated in the report do not agree with those stated on the draft and are incorrect.

Fourth:- The owners of seated land, viz; the heirs of James Curry were not given notice of the view as required by Rule of Court.

Fifth:- No road is laid out by the viewers, and they do not "state particularly whether they judge the same necessary for a public or private road".

Sixth:- The viewers have undertaken to vacate and supply a road not mentioned in the petition or order to view.

Seventh:- The viewers have reported that less damages by this road than by old road "and therefore assess none", which is not a compliance with the law, especially when done without notice to the owners affected and without a hearing on the merits.

Beeler Hartman
Excerpted from

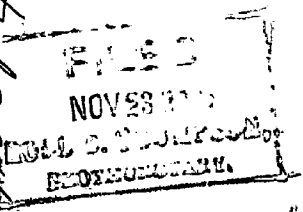
Nov. 6. Sept. 12. 1909.

In Re

Johnston & Sons

Stephens

Dec 17 1909



In the Court of Quarter Sessions of Clearfield County.

In Re. Petition to Vacate and) No. 6 september Sessions 1909.

Supply Public Road in Jordan)

Township.)

Now, June 16th, 1910, by agreement of Counsel the Report of Viewers in the above stated case is referred back to the said Viewers, for the reason, first, that most of the exceptions are such as can be corrected by a new Report.

Second. In order that the assessment of damages may be passed upon by the Viewers. Under the law governing the location and opening of roads in Clearfield County it is the duty of viewers to secure releases from the owners of lands through which the road passes, and in the absence of such release to report the damages specifically. This does not seem to have been done in this case. It is, therefore, suggested in the re-view of this road that actual notice be given to the said John S. Curry, exceptant, and that he be heard by himself or by Counsel respecting his claim of damages and if no release is given by him and the others interested in the said road, that an assessment of damages shall be made by the Viewers.

By the Court,

Allison O. Smith P. J.

No. 6 September Sessions, 1909.

In Re. Petition to Vacate and
Supply Public Road in Jordan
Township.

DECREE.



KNOW ALL MEN BY THESE PRESENTS, That we, S. H.

WITHEROW, and W. A. HAGERTY, of the County of Clearfield, State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, its certain Attorney and assigns, in the sum of One Hundred (\$100) Dollars to be paid to the said Commonwealth, her certain Attorney or assigns, to which payment well and truly to be done, we do bind ourselves, jointly and severally, our and each of our heirs, Executors and Administrators, firmly by these presents. Sealed with our seals and dated the 25th day of May A. D. 1909.

Whereas, S. H. Witherow and other citizens of Jordan township have applied to the Court of Quarter Sessions for viewers to view, vacate and supply the portion of the township road leading from Ansonville to Berwinstale in the township of Jordan.

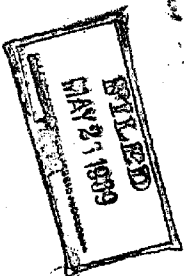
Now the condition of this obligation is such that if the said S. H. Witherow shall well and truly pay or cause to be paid any costs that may be taxes up against him, growing out of the above road case, then this Bond to be null and void otherwise to be and remain in full force and virtue.

S. H. Witherow (SEAL)

W. A. Hagerty (SEAL)

Mrs. L. Steph. 22. 1909
She is now Jordan
Township.

Hand of J. H. M. M. M.



In re application to vacate and supply a portion of a public road leading from Ansonville to Berwinsdale, in Jordan township.

To County Commissioners of
Clearfield County, Pa.

You are hereby notified that an application will be made for the appointment of Viewers to vacate and supply a portion of a public road in Jordan township, leading from Ansonville to Berwinsdale, on Saturday, May 22nd, 1909, at 10:00 o'clock A. M.

W. H. Hay
Atty for Petitioner

May 20" we hereby accept service of the filing of said application and request the appointment of said viewers.

L. C. Morris
for Commissioners of
Clearfield County,

In re application to vacate and supply a portion of a public road leading from Ansonville to Berwinsdale, in Jordan township.

To S. H. Witherow, and

J. C. Johnson, Supervisors
of Jordan Township;

You are hereby notified that an application will be made for the appointment of Viewers to vacate and supply a portion of a public road in Jordan township, leading from Ansonville to Berwinsdale, on Saturday, May 22nd at 10:00 o'clock A. M.

W. A. Hagerty
Atty for petitioner,

May 20th we hereby accept service of the filing of said application and request the appointment of said viewers.

S. H. Witherow Clerk
J. C. Johnson Secy

No 6 ~~Sept~~ 25. 1908

In the road Jordene
Townships

In re petition to

vacate & suply public

Road in Joran Twp

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No 6 Sept SS 1909

Exceptions filed to original report

First .- The viewers have located the Southern terminus of the new road 373 feet from the Southern terminus fixed in the petition and order to view.-

Second .- The distance of the proposed new road are not stated in the report or the accompanying draft .-

Third.- The courses and distances stated in the report do not agree with those stated on the darft and are incorrect .-

Fourth .- The owners of seated land viz the heirs of James Curry were not given notice of the view as required by Rule of Court

Fifth .- No road is .aid out by the viewers and they do not "state particularly whether the judge the same necessary for a public or private road "

Sixth .- The viewers have undertaken to vacate and supply a road not mentioned in the partition or order to view

Seventh .- The viewers have reported that less damages by this road than by old road and thereforeassess none " which is not a compliance with the law especially when done without notice to the owners affCcted and witho t hearing on the merits

Bell & Hartswick

exceptants Atty

ROAD REVIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to ^{Re.} view *locate and supply* Road leading from *a point on Road leading from Ansonville to Bernindale, near line between J. Irvin and James Curry Est.*

in *Jordan* Township, to *a point in said road at the foot of the hill near line of James Curry Est., on lands of Geo Patterson*

in *Jordan* Township, in the county aforesaid, will meet at the ^{place} house of *view*,

in *Jordan* Township, on *Thursday*, the *4* day of *August* A. D. 19*00*, at *10* o'clock *9* M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

J. M. Green
W. B. Bell
J. A. Green

VIEWERS.

July 18, 19*00*.

Service of within notice accepted
this 20 day of July 1910.

D. J. Gingery.

} For the
County Commissioner

Service of within notice accepted this
20th day of July '910.

Pick Hartwick
~~D. J. Gingery~~

} For John S. Cunn
Exceptant.