

No. 4 Sept 1914

Petition to Vacate
Public Road in

VERSUS
Howard Prop.

X

TO THE HONORABLE SINGLETON BELL, President Judge of Court
of Quarter Session, of Clearfield County.

The petition of the undersigned respectfully represents,
that by virtue of certain proceedings had in this Court the Public Road
was lately laid out and confirmed in the Township of Woodward, leading
from a point in the public street where lot of late John
Farrar in West Mountdale abuts on same, and said point being 1260 feet
the distance from the intersection of said public street with the public
road leading from Mountdale to Wadara and ending at point in public road
opposite the Ocean School Building and at the intersection of Two public
roads leading from Henderson's and intersecting or forking so as to lead
into the Borough of Brinswin, the one by the West side and the other by
the North side; which road has not yet been opened.

Your petitioners further represent that they are a majority
of the original petitioners for the said road, resident within said County,
and that in their opinion the said road, if opened as laid out and confirmed
would be dangerous, inconvenient and burdensome. They therefore pray the
Court to vacate the same, and that proceedings for the purpose of such va-
cation may be taken as directed by the act of assembly in such case made and
provided.

And they will ever pray etc.

Wm. Thompson
or. West

Joe Griffin

John Polyzoff

John W. Jones

W. E. Rockett

Samuel B. Boush

Samuel Boush Jr

Thomas Mc Siltom

Samuel Otter

Thomas Tharley

Deluge Sanderson

Emile Easthouse

Louisa Truh

Louis Gibson Jr.

Louis Gibson Jr.

Harry Mearns

Michael Tratin

Amil Pks.

Samuel Pks.

Laurence Nelson

Andrew Anderson

Fred Anderson.

Wm Phelps

W. L. Kumbarger

John Mills

A. J. Martin

P. F. Hennessy

R. Madigan

John Mcagher

State of Penna. }
County of Clearfield.

We Phelps, P. F. Hennessy and A. J. Martin being sworn according to law
saith that the facts contained in foregoing petition are true as stated and that
the above named petitioners are a majority of the petitioners who signed the
original petition for said road.

Sworn and subscribed to
before me this 16th day of
May, 1914.

John Mcagher
Notary Public

Comm. Exp. Feb 16, 1917.

Wm Phelps
P. F. Hennessy
A. J. Martin

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Sept 20 1914

Petition to vacate
Doubt's Bond in
Mossman's case

Bond was returned

Nov 21st May 1914, following
Consent of A. G. Krummer,
Harry Reed & J. S. Michael
an affidavit was made to make
Mossman's bond a nullity
By the Court
Singular's Bond

RECEIVED
CLERK

J. B. MCGRATH
ATTORNEY AT LAW
HOUTSDALE, PA.

ROBERT BROS., CLEARFIELD, PA.

[illegible]

To; W. C. Langsford, J. S. Richards and H. L. Bowman, County Commissioners of Clearfield County Pa.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Session of Clearfield County Pa; to view and vacate a public road lately laid out and confirmed by the Court in Woodward township, leading from a point in the public street where lot of the late John Farran in West Houtzdale abuts on same; Said point being 1260 feet distant from the intersection of said public street, with the public road leading from Houtzdale to Madera, and ending at a point in public road opposite the Osceola School Building, at the intersection of the two public roads, leading from Hendersons to the borough of Brisbin. Which said road has not been opened. And claiming that if opened that said road would be dangerous, inconvenient and burdensome, and that the petitioners are a majority of the original petitioners for said road.

That the viewers after viewing said road are of the opinion that that part of said road from where it crosses the old branch Railroad, to where it intersects with the public road leading to Brisbin some 1921 feet could be build with safety, and would be a great convenience and benefit to a number of people living close to and along the route of said road who have no public road or means of getting out or to school except by trespassing over other peoples land, and ought therefore not to be vacated but should be opened, but that the balance of said road should be vacated as in the opinion of the viewers it being useless.

You are therefore hereby notified, that the public hearing required by the Act of Assembly and the rules of Court, requiring the viewers to give all parties interested either for or against the road a chance to be heard before the filing of their report, will be held in the Arbitration Room in the Court House in Clearfield Pa, on Friday August 28th 1914 at 10 o'clock A M at which time and place all parties interested, either for or against the vacating of said road may appear and be heard.

A. G. Warner
H. A. Reese
J. S. Michaels
Viewers.

Now August 11 1914 service of this notice accepted for the County Commissions of Clearfield County Pa.

L. C. Morris
Clerk.

TO; W. C. Langsford, J. S. Richards. and H. L. Bowman
County Commissioners of Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, upon the petition of the majority of the original petitioners to vacate a public road lately laid out but not opened in Woodward Township, leading from a point in the public street where lot of late John Farrar in west Houtzdale abuts on same, said point being 1260 feet, ~~the~~ distance from the intersection of said public street with the public road leading from Houtzdale to Madera, and ending at point in public road opposite the Ocean School Building, and at the intersection of two public roads leading from Henderson's and intersecting or forking so as to lead into the Borough of Brisbin, the one by the west side and the other by the North side. For the reason that in the opinion of the petitioners if said road is opened as laid out and confirmed would be dangerous, burdensome and inconvenient.

You are therefore hereby notified, that the said viewers will meet for the discharge of the duty of their appointment at the end of the said road to be vacated near Houtzdale on Tuesday June 30th 1914 at at nine (9) o'clock, A.M, when and where you may attend if you see proper.

A. G. Kramer
Harry A. Reese
J. S. Michaels
VIEWERS

Now June 12 1914 service of the above notice accepted.

COUNTY COMMISSIONERS OF CLEARFIELD COUNTY.

L. B. Morris
Clerk.

To; William. Phelps, P. F. Hennessy, and Ashley. Martin
Supervisors of Woodward Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Session of Clearfield County Pa; to view and vacate a public road lately laid out and confirmed by the Court in Woodward township, leading from a point in the public street where lot of the late John Farran in West Houtzdale abuts on same: Said point being 1260 feet distant from the intersection of said public street, with the public road leading from Houtzdale to Madera, and ending at a point in public road opposite the Ocean School House, at the intersection of the two public roads leading from Hendersons to the Borough of Brisbin. Which said road has not been opened. And claiming that if opened that said road would be dangerous, inconvenient, and burdensome, and that the petitioners are a majority of the original petitioners for said road.

That the viewers after viewing said road are of the opinion that that part of said road from where it crosses the old branch railroad, to where it intersects with the public road leading to Brisbin, some 1921 feet could be build with safety, and would be a great convenience and benefit to a number of people living close to and along the route of said road who have no public road or means of getting out or to school except by tresspassing over other peoples land, and ought therefore not to be vacated but should be opened, but that the balance of said road should be vacated as in the opinion of the viewers it being useless.

You are therefore hereby notified, that the public hearing required by the Act of Assembly and the rules of Court, requiring the viewers to give all parties interested, either for or against the road a chance to be heard before the filing of their report, will be held in the Arbitration Room in the Court house in Clearfield Pa on Friday August 28th 1914 at 10 oclock A M at which time and place all parties interested either for or against the vacating of said road may appear and be heard.

A. G. Kramer
H. A. Reese
J. S. Michaels
Viewers.

Now August 15th 1914 served this notice on William Phelps, P. F. Hennessy and Ashley Martin the Supervisors of Woodward Township personally by handing each of them a copy of same.

J. M. McEgahan

TO: Wm Phelps, P. F. Heunery and Ashley Martin

Supervisors of Woodward Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, upon the petition of the majority of the original petitioners to vacate a public road lately laid out but not opened in Woodward Township, leading from a point in the public street where lot of late John Farrar in West Houtzdale abuts on same, said point being 1260 feet, distance from the intersection of said public street with the public road leading from Houtzdale to Madera, and ending at a point in public road opposite the Ocean School Building, at the intersection of two public roads, leading from Hendersons and intersecting or forking so as to lead into the Borough of Brisbin, the one by the west side and the other by the north side. For the reason that in the opinion of the petitioners if said road is opened as laid out and confirmed would be dangerous, burdensome and inconvenient.

You are therefore hereby notified, that the said viewers will meet for the discharge of the duties of their appointment, at the end of the said road to be vacated, near Houtzdale, on Tuesday June 30th 1914 at nine (9) oclock A, M, when and where you may attend if you see proper.

A. G. Kramer
Harry A. Reese
J. S. Michaels

VIEWSERS.

I hereby certify that on

~~Nov~~ June 22nd 1914 served this notice on P. F. Heunery and Ashley Martin
~~Wm Phelps~~ accept service June 29/14 the Supervisors of Woodward Township personally by handing each of them a copy of same.

John McGrath

Service accepted June 29, 1914
Time waived.
William Phelps sup

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 21st day of May in the year of our Lord one thousand nine hundred and fourteen,

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Woodward

in said County, setting forth that the public road that was lately laid out and confirmed in the Township of Woodward leading from a point in the public ~~road~~ street where lot of late John Parlar in West Houtdale abuts on same, and said point being 1260 feet the distance from the intersection of said public street with the public road leading from Houtzdale to Madera and ending at point in public road opposite the Ocean School Building and at the intersection of Two public roads leading from Henderson and intersecting or forking so as to lead into the Borough of Brisbin, the one by the West side and the other by the North said; which road has not been opened. Your petitioners further that they are a majority of original petitioners for said road, and that in their opinion said road if opened would be dangerous, inconvenient and burdensome, therefore pray the Court to vacate same, and proceedings for such purpose be taken and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers A.G. Kramer, Harry Reese, and J.S. Michaels

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgment, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees; except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law, and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court.

John H. Moore, Clerk.

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We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of

Woodward and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 30th day of June.

A. D 1914, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield,

Pa., on the 28th day of August, 1914, at 10 o'clock A. M. That the viewers appointed by the said order viewed the road proposed to be vacated and the same is hereby approved for the above named road.

and that there were present at the view P F Hennessy, Ashley Martin & Wm
helps Supervisors of Woodward, township in favor of vacating said road

and Lewis Christy, of the Pakatzi, Lepson, Chukchore, and a few others, who were
of the same race, were the only ones who were not of the same race. The
other people, who were of the same race, were the only ones who were not of the same race.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at

Clearfield, Pa., on the 28th day of August A. D. 1914, when the following

appearances were noted: William Phelps, Parrick Hennesy, and Ashley G

Martin the Supervisors of Woodward Township, and Peter Sakutny, and

Steve Christoff.

After the view and hearing above mentioned, the undersigned, ~~the majority of the said~~
viewers, do agree ~~that there is a reasonable basis for a real estate tax on the property of the~~

As to the historic and the best ground for such road, we have laid out in such manner as shall not be
 in the least injurious to the interests of the people, and as far as practicable, in accordance with the desire of the
 people of the town of XXXXXXX use the following described road to wit: to begin at

That a part of said road would in the opinion of the viewers if opened be practically useless, and on account of the ground being undermined by the coal having been taken out and the surface thereof sinking down, would if opened be unsafe to travel and be expensive to open and keep in proper repair therefore burdensome upon the taxpayers of the township, and of very little benefit. The viewers would therefore recommend, that, that part of said laid out road, from where it intersects with the public road leading from Houtzdale to Madera near the Rankin Run School House, to at or near the coal tipple near the side track or branch of the Penna Railroad some 3536 feet, as shown by the red line on the draft attached be vacated as prayed for.

But that the balance or remainder of said road, from the said coal tipple, to where this road intersects with the public road leading from Brisbin to the Ocean School House some 2111 feet as shown by the white line on the draft, being on comparative safe ground and a benefit and convenience to a number of taxable property owners living along said side tract of the Penna Railroad and along the line of this road, who at present have no outlet to any public road or to school, without trespassing over private property. We would therefore recommend, that this part of said road be not vacated, but be opened as laid out.

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, ~~and said plan or draft is not exceeding five acres~~
~~and said plan or draft is not exceeding five acres~~

~~whereas the undersigned have been unable to procure from all the owners of the land~~

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

That no one in the opinion of the viewers being damaged by the chances recommended in said road we have assessed no damages

the following persons having refused to release the damages to which they respectfully may be entitled by the reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows:

~~and said plan or draft is not exceeding five acres~~

WITNESS our hands and seals this 31, day of August

A. D. 1914

A. G. Kramer
W. A. Reese
J. S. Michael



No. 4 SEPT. Sessions, 1914

ORDER

To view and vacate a road for use in the township of Woodward, Clearfield County

Sep. Session, 1914, read and confirmed N. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

By the Court
Engelhardt
1914, confirmed
Absolutely By the Court
Engelhardt
1914

Filed 19

Fees \$1.25 paid by McGrath

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 the 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.

	DAYS	MILES	AM'T.
A. G. Wanda	4	64	\$23.20
A. A. Rees	4	112	\$25.60
Joe Michael	3	176	\$24.80

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

at and before the enrolling 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. 191

