

No. ~~11~~ ¹¹ SEPTEMBER.

COMMONWEALTH

VERSUS

PETITION FOR VACATION OF
WOOD WARD TOWNSHIP

Charge.


WALTER WELCH.

DISTRICT ATTORNEY.

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 2 day of
August in the year of our Lord
one thousand nine hundred sixteen.

Judge of the same Court. Upon the petition of
sundry inhabitants of the Township of—
Woodward

in said County, setting forth that a part of road
known as the Houtzdale and Curwensville road, originally beginning
at Thomas Hendersons in Woodward Township to a point at Curwensville
Borough and all the road beginning at Potts Fording and ending at Jays
Fording, both points being in Woodward Township, laid out years ago
have become useless, burdensome and inconvenient; Your petitioners
therefore pray that that portion of the road known as the Houtzdale and
Curwensville road between "The Holman Road leading from said road to
Chases Brick house and Jays Fording, and that portion of the road being
at Potts Fording (now called the Iron Bridge) and Jay Fording be
vacated.

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. L. Edwards, Esq. Harry Reese
and Jas. W. Spangle

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 impari-
ality 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 dis-
tance, 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.

RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

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 November, A. D. 1916, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 2nd day of December, 1916, at 10-30 o'clock A. M. That

2 viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Chas. Anderson & Patrick Hummer, Suprs. of Woodward Twp. D. N. Barnett, Jess Barnett, Clark Barnett & Matthew Owens. (and the testimony was heard & is hereto attached)

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 2nd day of December A. D. 1916, when the following appearances were noted: Walter Welch appeared for pro B. M. Grady for petitioner, Patrick Hummer & Charles Anderson Suprs. A. R. Chase Eng. appeared for respondents as follows D. N. Barnett, Matthew Owens, Elmer W. Warden, Clark Barnett, Grant Harris & Aaron Romles (Testimony heard & hereto attached)

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an occasion for ^{the} ~~a~~ road ^{to be vacated} ~~desired by the petitioner~~, and that the same is ne necessary for a Public road; And ~~having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for~~ use the following described road, to-wit: Beginning

That said viewers are opposed to the vacation of the road heretofore described, as they deem it is necessary for the Public Use

(See map attached)

Vacation
Proceedings
in Woodward
Twp.

Evidence taken 7/2/16 at hearing

Patrick Hennessy sworn - I am a Supervisor of Woodward Township. The distance of the road to be vacated is approximately $1\frac{1}{2}$ to $1\frac{3}{4}$ miles. There are no persons on or living on this road. There are three bridges on the road in question & 2 of these must be rebuilt to use this road & there is another road which is somewhat hilly which is about a mile longer which begins at the same point & ends at the same point as the road asked to be vacated. There were about 25 signers on the petition for vacation & all of these from Sanborn district. None of the signers were from the Northdale end of Woodward Twp. A part of this road is kept together by cables to prevent slides & is very dangerous.

Cross Exam - By Mr. Chase ~~again~~ objection & vacation is because of expensive to keep up & build bridges. I have known of this road for 4 years. I live 5 or 6 miles from this road & have been over it 5 or 6 times. From my own observations I do not know of any travel on said road. I can not name any signers on petition of my own knowledge & do not know whether any of said signers had any means of observing the travel. It is about $1\frac{1}{2}$ miles from Iron Bridge to Chases Brick House & the hill is hardly a mile long. I am not

acquainted with the number of families across the
Iron Bridge in Knox Twp who would use this road which
is asked to be vacated. Of my own knowledge I do not know of any
families near the Iron Bridge in Woodward Twp. who use or
would use this road which we ask to be vacated.

> Charles Anderson being sworn says - I am a Supr.
of Woodward Twp & live about 3 miles from this road in
question & live in the Sautter settlement. I have talked
to about all in the neighborhood of the Sautter settlement
& they are anxious that this road be vacated as it is
a very expensive proposition. One bridge is washed away
& the other is in bad shape. The State Highway gave us
plans, concrete would cost \$2000 & concrete buttments with
wooden top would be \$800 each & the Twp cannot afford
this expense. I worked a couple of days there last summer
a couple of days & it took about 2 days to get a wheelbarrow
load of dirt but this was not right on the part to be va-
cated. The first time I traveled this road was in 1890 I
average about 1 day times a year in going over this road.
The bridge will require about 32 feet stringers. As Supr.
I took this matter up with most of the citizens in that end
of the Township & they were all anxious to have the road
vacated & I know of no one in Woodward Twp who is op-
posed to the vacation.

D. H. Barnett sworn

I live near this road in controversy. I do more or less hauling & have had as high as 8 or 9 teams on this road in a day in the last 4 or 5 years. I am opposed to this vacation for the reason we can haul very little up the hill road to the Chase place. I have traveled over this road hundred times & have been acquainted with this section for over 50 years. This particular road has not been in use the last year for the bridge has been away. I have lumbered considerable & know something about road bldg & bridge bldg.

In the last 30 or 35 years there have been about 3 bridges at the one place & 2 at the other one.

There is considerable travel over this road when it is in shape. In Knox Twp adjoining the Iron Bridge it is pretty densely populated for a country district & this road is an absolute necessity to haul any kind of a load. I do not know that it would be so very expensive to keep up. It is narrow but there is plenty of room to widen it. Any person traveling from Hutzdale to Maple Grove, Boardman & several other towns use this road. The road from Iron Bridge to Jags Forking was put in some time in the eighties. If this road were in proper shape I believe this road would be used exclusively from Hutzdale & points toward Currensville. The ordinary team cannot haul more than 16 to 18 hundred up this steep hill to the Chase place which is a little more than $\frac{1}{2}$ mile.

Matthew Owens sworn I am Supr. in Knox Twp & the people hauling from Knox Twp to Hutzdale which is the principal market ~~use this road~~ for the farmers in this section. I have examined across map & this road which is asked to be vacated will not be expensive to keep up & the bridges would not be expensive to rebuild. There are no persons on this petition

who would leave a use for this road, they would use the other road. There is a necessity for this road. It is the only road for the people from Knox ^{only} to use in the winter as the Chase road drifts fearfully in the winter & is impassible. Ours Exam.

When Chase road is blocked they go thru Boardman & a way around thru Houtydale & back into Bristol. I have heard a number of people in Knox Twp & Pike Twp object to the vacation of this road.

Oliver Winslow - Pike Twp

I have traveled this road considerable which is to be vacated & deem it a necessity & corroborate the testimony of Mr. Barnett.

Clark Barnett - Knox Twp } we both corroborate the testimony of Mr. Barnett & believe
Grant Harries } Knox Twp } it an absolute necessity.

Arnon Rowles - sworn

I am acquainted with this road & there has been considerable travel on it. It is a valley route grade & I believe it is a necessity. It takes a mighty good team that will haul a ton up the Chase road. I have not been there for 4 or 5 years as I do not work there now.

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

Road leading from That portion of the road known as the Houtzdale
and Curwensville Road between " The Holman Road leading from said road
to Chases Brick house and Jays Fording, and that portion of the road be-
ing at Potts Fording (Now called the Iron Bridge) and Jays For'ing.

in Woodward **Township to**

(SEE ABOVE)

in _____ **Township, in the county aforesaid, will**
meet at the house of At Iron Bridge,

in Woodward **Township, on** Thursday,

the 30th **day of** November **A. D. 1916**, at

o'clock _____ **M., to attend to the duty assigned them, of**
which time and place aforesaid all parties interested

will take notice. And a hearing on the above vacation will be held in the
arbitration room of the Court House at Clearfield on
Saturday December 2nd A.D. 1916 at 10-30 oclock A.M.

A. L. Edwards

Harry Reese

Jas. W. Spangle

VIEWERS

November 18th, **1916**.

Now November 20" 1916.

Service accepted by County Commissioners

Per L. C. Morris *Secy*

J. F. Hennessy *Supr. W. Twp.*

Chas. Anderson *Supr. W. Twp.*

Ashley Martin *Supr. W. Twp.*

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, said road being at an elevation not exceeding five degrees, excepting _____

when it was not practicable to preserve it within that limit.




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 (none)

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: (none - does not apply)

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 2nd day of December

A. D. 1916.

A. S. Edwards
H. A. Reese




No. 21 Sept. Sessions, 19 18

ORDER

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

Feb'y Session, 1917,
read and confirmed N. Pi.
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.

Engelhardt Bell

May 22 1917 Confirmed
Absolute

By the Court

Engelhardt Bell

Filed 19 17

Fees \$1.25 paid by -

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.

J. R. Edwards	3	72	18.60
Harry Reese	3	116	20.80
Peter K. Manning	1	day	2.75

Now, Sept. 6, 1916. Review of views
entertained and continued to
December 22, 1916
By the Court
Engelhardt Bell

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 ensembling and delivery
hereof, have remised, released and forever quit-claimed, and do hereby re-
mise, 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



KNOW ALL MEN BY THESE PRESENTS; That we, P. F. Hennessey, Ashley Martin and Charles Anderson, all of the County of Clearfield and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, in the sum of One hundred (\$100.00) dollars, lawful money of the United States, to be paid to the said Commonwealth, its certain attorneys or assigns; to which payment, well and truly to be made and done, we do bind ourselves, our heirs, executors and administrators, firmly by these presents. Sealed with our seals and dated the 9th day of August, 1916.

WHEREAS the above bounded, P. F. Hennessey, Ashley Martin and Charles Anderson together with other citizens of the Township of Woodward have presented their petition to the Court of Quarter Session of Clearfield County praying for the vacation of a certain public road long since laid out from Potts Run Fording to Joy's Fording and a portion of the old road from Hendersons Cross Roads to Curwensville, more particularly described in said petition, and under the Rules of Court are requested to give security for the costs of the proceedings.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said P. F. Hennessey, Ashley Martin and Charles Anderson shall pay or cause to be paid all the costs and expenses of the said View, as well as of these proceedings, if the Viewers report adversely, then this obligation to be void otherwise to be in full force and virtue.

Witness
Norman G. Galt

P. F. Hennessey..... (SEAL)

Ashley Martin..... (SEAL)

Chas. Anderson..... (SEAL)

11 Sept 22 1916
The Quarter Sessions
Barnstable County

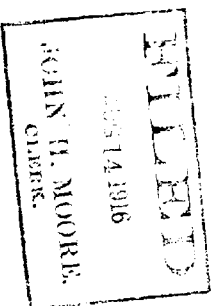
We are making a
false road in
woodland & thereby

Stand of the town

Nov 14 1916

Official

By the Court
Ingelund 3rd
on



W. S. Grant

the Court of Quarter Sessions of Clearfield County.

ward Township, respectfully sets forth:

road, originally beginning at Thomas Henderson's, in Woodward Township to a point at Curwensville Borough, and all of the road beginning at Potts Fording and ending at Jays Fording, both points being in Woodward Township, laid out years ago, have become useless, inconvenient and burdensome.

the road known as the Houtzdale and Curwensville road, between "The Holman Road", leading from said Road to Chase's Brick House, and Jays Fording, and that portion of the road being at Potts Fording, (now called the Iron Bridge) and Jay Fording be vacated, and they will ever pray, etc.

Wm. C. Baughman
Ed. Haines
S. E. Lawford
Geo. B. Linscott
Lammie Jager
Geo. Eckels
Franklin
Paul
Milt. Gault
H. C. ...
L. P. ...
J. W. S. Wilcox
Williams
Andrew ...

[illegible]

State of Illinois
Champaign Co. ILL

Before me personally came Charles
Anderson, who being duly sworn according
to law said that the facts contained in
the foregoing petition are true and correct,
to the best of his knowledge & belief.
Charles Anderson

Sworn and subscribed to before me this
29th day of July A.D. 1916.

Jno. M. McFarland
Notary Public
Comm. Expires Feb 27, 1917.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY

No. 11 September Term, 1916

Petition for vacation of
Roads in Woodward Township.

Now being 2^d 1916,

A. F. Edwards by
Harry Beer and Son,

vs. George an applicant
Brown & Co. and put
adversely and.

By the Court

negotiated

FILED

17

JOHN H. MCCRATH
ATTORNEY AT LAW
CLEARFIELD, PENNA.