

No. 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 8 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 Henderson's 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 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 Conroy, 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 December, 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 Kennedy Suprs. of Woodward Prop. D. N. Barnett, Jess Barnett, Clark Barnett & Matthew Devens. (and the testimony was heard & is hereby 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 Weller appd for Jas. S. McGehee for petitioner Patrick Kennedy, Charles Anderson Suprs. A. R. Chase Esq. appd for residents a. g. D. N. Barnett, Matthew Devens, Elmer Ward, Clark Barnett, Grant Harris & Aaron Riddle (Testimony heard & heard 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 vacation of the road as desired by the petitioner, and that the same is 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 hereinbefore described, as they deem it is
necessary for the public use

(See map attached)

Vacation
Proceedings
in Woodward
Twp.

Evidence taken 7/26/16 as 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 Sartorius district. None of the signers were from the Houtzdale end of Woodward Twp. A part of this road is kept together by cables to prevent slides & is very dangerous.

ross Chase - By Mr. Chase ~~you~~ objections & 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 traveler 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 Chase's Brick House & the hill is hardly a mile long. I am not

acquainted with the number of families across the Iron Bridge in Knob 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 Sauborn settlement. I have talked to about all in the neighborhood of the Sauborn 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 no plans, concrete would cost \$2000 & concrete butments with wooden top would be \$800 each & the Twp cannot afford this expense. 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 vacated. The first time I traveled this road was in 1890 & 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 opposed to the vacating.

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 of 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, fdy & bridge bldg.

For 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 Knob Top 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 Town, Boardman & several other towns use this road. The road from Iron Bridge to Joes's Torday 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 to points toward Crowsville. 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 Sups. in Knob Top & the people hauling from Knob Top to Hutzdale which is the principal market ~~use this road~~ for the farmers on this section. I have appraised a road man & this road which is asked the 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 aise 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 Knots ^{City} use in the winter as the Chase
road drifts fearfully in the winter & is impassable.

Dear Exam.

When Chase road is blocked they go thru Boardman &
a way around thru Houtdale & back into Bristol.
I have heard a number of people in Knots ^{City} & Pike
Gap object to the vacating of this road.

Elmer Wmson - Pike Gap

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

Clark Barnett - Knots ^{City} we both corroborate the tes-
timony of Mr. Barnett & believe
Grant Harris ^{from} Knot Gap it an absolute necessity.

Aaron Parker - Knots ^{City}

I am acquainted with this road & there has been
considerable travel on it. It is a valley road up grade
& I believe it is a necessity. It takes a mighty good
team that will haul & tow 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 Durwonville Road between "The Holmen 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 Jays Fording.

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 o'clock A.M.

A. L. Edwards

Harry Bease

Jas. W. Snangle

VIEWERS

November 18th, 1916.

Nov. November 20" 1916

Service accepted by County Commissioners

Per L. C. Chonris

J. P. Hennessy ^{Chairman}

James J. McSorley ^{Supr. W. Corp.}

Charles Martin ^{Supr. W. Corp.}

Charles Martin ^{Supr. W. Corp.}

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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.

R. S. Woodward 
H. A. Reese 


No. 21 Sept. Sessions, 19 13

ORDER

To view and vegetate a road for use in the township of ~~W. O. D. I. A. C.~~ Clearfield County

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 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.

<i>John Schmitz</i>	3	72 1/86 0
<i>Harry Rees</i>	3	116 20 80
<i>Robert Henney</i>	2 7/10	
<i>John Schmitz</i>		

July Session, 1913, read and confirmed No. 81. 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
Magistrate Bill
May 16 1913 Confirmed
Abraham
John C. Tracy
Myself, Bill

Filed
Fees \$1.25 paid by —

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 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. 1913.



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 aduersley, then this obligation to be voidl otherwise to be in full force and virtue.

Walter
McMullan

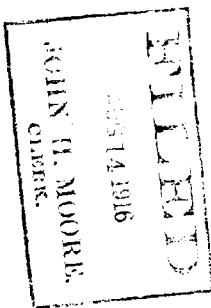
P. F. Hennessey.....(SEAL)
Ashley Martin.....(SEAL)
Chas. Anderson.....(SEAL)

11 Sept 22 1916
Mr. Gardner
Decapitated County

Was in search of a
Native road in
Woodward Township

Bond of \$100000

Nov 14th Aug 1916 Bond
affirmed
By 1st Court
Magistrate



McGraw

IN THE COURT OF QUARTER SESSION OF CLEARFIELD COUNTY, PENN'A.

To the Honorable Singleton Bell, President Judge of
the Court of Quarter Sessions of Clearfield County.

The petition of the subscribers, inhabitants of Woodward Township, respectfully sets forth:

That part of road known as the Houtzdale and Curwensville 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.

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 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.

State of Pennsylvania
Clearfield Co. Pa

Before me personally came Charles
Bader son, who being duly sworn according
to law saith that the facts contained in
the foregoing petition are true and correct,
~~to the best of his knowledge & belief.~~
(Charles Bader son)

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

Jno. McNeely - ~~ack~~
Notary Public
Corn Superior Feb 24, 1917.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY

No. 11 September Term, 1916

Petition for vacation of
Roads in Woodward Township.

Newburg, 2" 1916,
G. L. Shumway,
Harry Shum and son,
P. Grainger an offhand
man to each and present
an undivided law.

Myth Creek
Mighty Creek
Mighty Creek

ETIRED

JOSHUA McCGRATH

ATTORNEY-AT-LAW

JOHN H. MOORE
OPERA