

No. 3 Sept Sessions, 1917

COMMONWEALTH

VERSUS

Public Road in
Woodward Twp.

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CHARGE

Walter Welch,
District Attorney.

File No. 17649
Sept 11, 1965

Clearfield County, Pa.

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 31st. day of May in the year of our Lord one thousand nine hundred seventeen.

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

in said County, setting forth that they labor under great inconvenience for want of a public road beginning at intersection of a street with the Township road leading from Houtzdale to Madera known as the Gross-Keys intersection and distant of 1874 feet in an easterly direction from where the Amesville branch of the Pennsylvania Railroad crosses said road and ending at the intersection of a Street with the same Township Road 1680 feet in an easterly direction from the crossing of said public road by the Amesville Branch of the Pennsylvania Railroad.

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. Harry A. Reese and J. 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 fitting 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 plat 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 3 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. 1917, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 1st day of December, 1917, at 10-30 o'clock A. M. That the 3 viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view A. L. Edwards, H. A. Reese, J. W. Spangle - Viewer and John McConchie representing petitioners - No one was present opposing proposed road.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 1st day of December A. D. 1917, when the following appearances were noted: No opposition being made to proposed road hearing held & following appearances were noted A. L. Edwards, H. A. Reese & J. W. Spangle - viewers & Boulton & Forsyth representing petitioners

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not 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 Public use the following described road, to-wit: Beginning at intersection of a street with the Township Road leading from Hougtale to Madina known as the Cross Keys intersection about 1874 feet in an easterly direction from where the Ariscoe Branch of the P.R.R. crosses said road, N. 6° East 480 feet to center of a 50 foot road formed by cutting line of 50 foot road North 86° West 1560 feet to intersection of another 50 foot road thence by center line of said 50 foot road South 6° West 330 feet to point on Public Highway leading from Hougtale to Madina being ending thereof.

Kuiddly return this notice

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 lay out a Public
Road leading from Beginning at intersection of a Street with the

Township Road leading from Houtzdale to Madera known as the Cross-Keys
intersection and distant of 1874 feet in an easterly direction from where
the Amesville Branch of the Pennsylvania Railroad crosses said road

in Woodward **Township to** and ending at the intersection
of a street with the same Township Road 1680 feet in an easterly direction
from the crossing of said Public Road by the Amesville Branch of the Penn-
sylvania Railroad.

in Woodward **Township, in the county aforesaid, will**
meet at the house of at end of above described proposed road,
in Woodward **Township, on** Friday,
the 30th **day of** November **A. D. 1917**, at 2-30
o'clock p: **M., to attend to the duty assigned them, of**
which time and place aforesaid all parties interested
will take notice.

And that a hearing on the above view will be held at the
Arbitration Room of the Court House in Clearfield on
Saturday December 1st at 10-30 A.M. 1917

A. L. Edwards

H. A. Reese

J. W. Spangle

VIEWERS

November 13th, **1917.**

Now November 18th., 1917 notice of the within view and service
of the same is hereby accepted for the County Commissioners, of Clearfield
County.

L. O. Morris
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 lay out a Public Road leading from a point near the Beginning at intersection of a street with the Township Road leading from Houtzdale to Madera known as the Cross-Keys intersection and distant of 1874 feet in an easterly direction from where the Amesville Branch of the Pennsylvania Railroad crosses said road

in Woodward Township to and ending at the intersection of a street with the same Township Road 1680 feet in an easterly direction from the crossing of said Public Road by the Amesville Branch of the Pennsylvania Railroad.

in Woodward Township, in the county aforesaid, will meet at the house of at end of above described proposed road,

in Woodward Township, on Friday,

the 30th day of November A. D. 1917, at 2-30

o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

And that a hearing on the above view will be held at the Arbitration Room of the Court House in Clearfield on Saturday December 1st at 10-30 A.M. 1917

A. L. Edwards

H. A. Reese

J. W. Spangle

VIEWERS

November 13th, 1917.

1917

Now November fourteenth service of the within notice of
hearing and view is accepted by me as Supervisor of Woodward Twp.

Patrick J. Hennessy
Ashley Martin

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 (none)

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 (no private party used as present road was donated by the grantors of abutting properties)

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 we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 1st day of December
A. D. 1917.

R. L. Edwards



H. A. Reese



J. W. Sprangle



No. 3 Sept Sessions, 1917

ORDER

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.

| | DAY'S | MILES AM'T. |
|---------------|-------|-------------|
| A. C. Edwards | 3 | 58 17.90 |
| A. C. Rice | 3 | 102 20.10 |
| J. M. Spragle | 2 | 106 15.30 |

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

Session, 1917,
read and confirmed Ni. 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 County
Sughbust Bly
New York 1918
Chas. C. Reed
Reed, Boulton & Forsyth
Fees \$1.25 paid by Boulton

Filed 19
Fees \$1.25 paid by Boulton

22

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 sealing 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. 1917.



KNOW ALL MEN BY THESE PRESENTED:

That we alfred marion
W. Phelps W. R. Thomas James Jones G. D. Test
John Penshaw George J. H. Newcornbe
are held and firmly bound unto the Commonwealth of Pennsylvania,
in the sum of Two Hundred Dollars, lawful money of the United
State of America, to be paid unto the said Commonwealth of Penn-
sylvania, its certain attorney or assigns, to which payment well
and truly to be made, we bind ourselves, our heirs, executors,
and administrators, firmly by these presents. Sealed with our
seals and dated the 9 day of May A. D., 1917.

WHEREAS, a petition has been presented to the Court of
Quarter Sessions of Clearfield County to No. ,
Sessions, 1917, for the appointment of viewers to view and lay
out a public road in the Township of Woodward beginning at the in-
tersection of a street with the Township Road leading from Houtz-
dale to Madera, known as the Cross Keys intersection and distant
1874 feet in an Easterly direction from where the Amesville Branch
of the Pennsylvania Railroad crosses said Public Road and ending at
the intersection of a Street with the same Township Road 1680
feet in an Easterly direction from the crossing of said public
road by the Amesville Branch of the Pennsylvania Railroad,

AND WHEREAS, under the Act of Assembly approved April 4, 1907,
the Court has required that a bond be filed by the petitioners
to secure the payment of the costs of said proceedings as the
Court may direct;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That
if the said petitioners shall pay or cause to be paid into the
County Treasury all costs which the Court may order and direct
them to pay, and shall indemnify and save harmless the County of
Clearfield against any and all costs which may be paid by it in
said proceeding as provided by law, then this obligation to be

(2)

void and of no effect, otherwise to be of full force and virtue.

Signed, sealed and
delivered in the presence of

Alfred Marion (SEAL)
W. S. Phelps (SEAL)
Wm R. Charles (SEAL)
James Jones (SEAL)
W. D. West (SEAL)
John Hensham (SEAL)
Frank Largo (SEAL)
J. W. Newlin (SEAL)
----- (SEAL)
----- (SEAL)
----- (SEAL)

Session, 1917.

IN VIEW OF ROAD IN WOODWARD
TOWNSHIP.

BOND

In re Public Road : In the Court of Quarter Sessions of Clear-
in : field County.
Woodward Township. : No. 3 September Sessions, 1917.

And now, September 3, 1917, the Petitioners by their
counsel move the Court to extend the order to Viewers in the
above proceeding from the September Term, 1917, to the first day
of the next term, to wit:- the December Term, 1917, or that the
Court re-appoint, on the petition on file, the same Viewers here-
tofore appointed thereon, and direct an order to issue to them
to view the premises and report at the next term of Court, as re-
quired by law.

Red, Bouton & Joseph
Attorneys for Petitioners.

ORDER OF COURT.

And now, September, 3, 1917, the above motion is grant-
ed, and the order to Viewers, viz:- A. L. Edwards, Harry Reese,
and J. W. Spangle, who are hereby re-appointed as Viewers on said
Petition, is extended to the first day of the December term next,
and order directed to issue to them accordingly to view the pre-
mises and report as required by law.

Bryant Court
Myrlene Bell

No. 3 September Sessions, 1911.

In re Public Road

in

Woodward Township

Motion to Extend Order to

Viewers, etc.,

and

Order of Court thereon.

Reed, Boulton & Forsyth,
Attys. for Petitioners.

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

The petition of the undersigned residents, tax payers and inhabitants of the Township of Woodward, respectfully represents,

That they labor under great inconvenience for the want of a public road beginning at intersection of a street with the Township road leading from Houtzdale to Madera, known as the Cross-Keys Intersection and distant 1874 feet in an Easterly direction from where the Amesville Branch of the Pennsylvania Railroad crosses said Public Road and ending at the intersection of a Street with the same Township Road 1680 feet in an Easterly direction from the crossing of said public road by the Amesville Branch of the Pennsylvania Railroad.

Wherefore they pray your Honorable Court to appoint viewers to view and lay out a public road between the points aforesaid.

J. J. Newcombe (SEAL)

Thos. Abram (SEAL)

George Dahler (SEAL)

John H. Wagner (SEAL)

Robert Hartman (SEAL)

Howard Crago (SEAL)

George Calbet (SEAL)

Wm. Griffin (SEAL)

Joseph Griffin (SEAL)

William S. Poole (SEAL)

J. E. Rickett (SEAL)

H. J. Newcombe (SEAL)

In re Public Road
in Woodward
Twp -

Now May 9th 1917.
A. P. Edwards, Harry Black
& J. P. Shantz approved
return to Woodward
accarding to law.

By W. T. Clegg
Prothonotary

LAW OFFICE OF
BOULTON & FORSYTH
HOMEDALE, PA.

Now, May 9, 1917, we accept notice of the
presenting of this petition

Clearfield County Commissioners

Per. J. C. Morris

clerk

John Negroni, Atty
for Woodward Twp.