

No. 3 Sept Sessions, 1917

COMMONWEALTH

VERSUS

Public Road in  
Woodward Twp.

P. L. #5 - Page 38 ✓

CHARGE

Walter Welch,  
District Attorney.

File Rd. 17649  
7652

**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 seventeen,

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

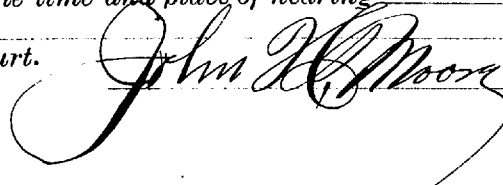
in said County, setting forth that they labor under  
great inconvenience for want of a public road beginning at intersection  
of a street with the Township road leading from Houtzdale to Madera  
known as the Cross-Keys intersection and distant of 1874 feet in an  
easterly direction from where the 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 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 or 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.

 , 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. D. Edwards, H. A. Reese, J. W. Spangh - Viewers and John Newcombe 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. D. Edwards, H. A. Reese & J. W. Spangh viewers & Boulton Spangh 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 Houtzdale to Madras known as the Cross Keys intersection about 1874 feet in an easterly direction from where the Arisconch branch of the P.R.R. crosses said road, N. 6° East 480 feet to center of a 50 foot road thence by curve line of 50 foot road North 86° West 156 feet to intersection of another 50 foot road thence by curve line of said 50 foot road South 6° West 330 feet to point on Public Highway leading from Houtzdale to Madras being ending thereof.

*Kindly 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. 191** 7, **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, **191** 7.

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 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. 191** 7 , **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 , **191** 7 .

1917

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

Patrick J. Kennedy

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)

such as present road was donated by the grantors  
(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. Spangle





No. 3 Sept Sessions, 1917

## ORDER

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

Dec Session, 1917,  
read and confirmed M. 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*  
*Sugden & Bell*  
*New Feb 27 1918 Emping*  
*clearing by the Court*  
Reed, Boulton & Forsyth Attys

Filed 19

Fees \$1.25 paid by Boulton

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.
<i>A. L. Edwards</i>	3	58	17.90
<i>A. B. Rice</i>	3	102	20.50
<i>J. W. Sprygh</i>	2	106	15.30

### 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 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\_\_\_\_\_



KNOW ALL MEN BY THESE PRESENTED:

That we Alfred Marion  
M. Phelps W. Thomas James Jones G. D. Hest  
John Tenshaw Ernest J. H. Hest

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 Pennsylvania, 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 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,

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. D. Phelps* (SEAL)  
*Chas. R. Thomas* (SEAL)  
*Ganier Jones* (SEAL)  
*W. D. West* (SEAL)  
*John Henshaw* (SEAL)  
*Frank L. Lugo* (SEAL)  
*J. H. Newcomb* (SEAL)  
----- (SEAL)  
----- (SEAL)  
----- (SEAL)  
----- (SEAL)

Lap-over Margin

Session, 1917.

IN VIEW OF ROAD IN WOODWARD  
TOWNSHIP.

B O N D

KURTZ STATIONERY STORE, CLEARFIELD, PA.

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 heretofore appointed thereon, and direct an order to issue to them to view the premises and report at the next term of Court, as required by law.

Charles Boulton & Forsythe  
Attorneys for Petitioners.

ORDER OF COURT.

And now, September, 3, 1917, the above motion is granted, 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 premises and report as required by law.

By the Court  
Engelhard Beif

No. 3 September Sessions, 1917.

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 in-  
habitants 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 Town-  
ship road leading from Houtzdale to Madera, known as the Cross-  
Keys Intersection and distant 1874 feet in an Easterly direct-  
ion 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. W. Newcombe (SEAL)

Thos. Abram (SEAL)

George Dahler (SEAL)

John H. Hagan (SEAL)

Robert Lee to be (SEAL)

Howard Crago (SEAL)

George Calbert (SEAL)

Wm Griffin (SEAL)

Joseph Griffin (SEAL)

William S. Pooler (SEAL)

T. E. Rob. Kett (SEAL)

W. J. Newcombe (SEAL)

<p> <i>In re Public Road in Woodward Twp.</i> </p>	<p> <i>Now May 9, 1917. A. L. Edwards, Harry Reed &amp; J. M. Spangh appointed Jury to view and report according to law</i> </p>	<p> <i>By W. C. Connelley Clerk Woodward Twp.</i> </p>
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LAW OFFICE OF  
 BOULTON & FORSYTH  
 HOUTZDALE, PA.

Now, May 9, 1914, we accept notice of the  
 presenting of this petition  
 Clearfield County Commissioners  
 Pres. L. C. Morris  
 J. M. McGrath, atty  
 for Woodward Twp.