

No. 6 May Sessions, 1917

COMMONWEALTH

VERSUS

Vacate Public

Road in

Graham Township

CHARGE

X

Walter Welch,
District Attorney

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re vacation of that part of public)
highway in The Township of Graham from)
at or near the Old Forcey Store at)
Grahampton to the Old Saw Mill.)

No. September Term 1916

PETITION.

To the Honorable President Judge of said Court:

The petition of the undersigned residents of the Township of Graham, County of Clearfield, respectfully represents:

That a portion of a public road in said Township, to wit, that part of the road leading from at or near the old Forcey Store at Grahampton to the Old Saw Mill in said Township, a distance of about a mile, is no longer of use for public purposes, is in bad repair and has not been kept up and maintained as a township road for some years;

That the said Forcey store has been abandoned and is not now in existence and that the Old Saw Mill has also been abandoned and that the purposes of said road have long ceased to exist;

That the keeping and maintaining of said road would be burdensome to the said Township of Graham and that the maintenance of said road would serve no useful purpose, and they therefore pray your Honorable Court to grant an order to vacate said road and that said road may be vacated according to law;

And they will ever pray,

Dayle D. Snell
W. A. Spruall
Bird Bobble
Raymond Webster
J. W. Snell
Geo. Bobble
J. W. Snell
Vaughn Snell
B. D. Tyler
L. W. Harwood
Wm Burley
Geo. J. Dale
Lester Lansbury

IN THE COURT OF QUARTRER
SESSIONS OF CLEARFIELD COUNTY, PA.

PETITION FOR VACATION
OF ROAD IN GRAY TOWNSHIP.

Moat Feb 12th 1917
A. G. Knaur - Esq. Plaintiff
E. G. Michaels and
John Michaels are
opposed to
new road grants
to be made
from the
Proprietary
of the
Proprietary

A. H. WOODWARD
ATTORNEY AT LAW
CLEARFIELD, PENNA.

Baltimore Office Supply Company, Baltimore, Md.

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 22 day of May in the year of our Lord one thousand nine hundred seventeen,

Judge of the same Court: Upon the petition of Barbara C. Heverly sundry inhabitants of the Township of

Becaria

in said County, setting forth that she labors under inconvenience for want of a private road to lead from her dwelling house in said township to a point in the public road at or near the lane of H. C. Heverly through the land of C. W. Heverly. Your petitioner represents that a road has been in existence and used on the line of the proposed private road for a great many years, having been established in the lifetime of W. P. Heverly, the husband of your petitioner, but no written evidence of said road either by agreement or otherwise is in existence so far as your petitioner known and by reason of the same the rights of the parties thereto are not properly and sufficiently defined 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, Esq., 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 ~~private~~ 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 G. 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 parties through whose land said road passes~~ (3) ~~Nov 10~~ thereof were posted along the route of the proposed road, that the said view would be held on the 8th day of August _____, A. D. 1917, and the hearing to be held in the ~~Court House~~ in Clearfield, Pa., on the 9th day of August 1917, at 9.30 o'clock A. M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view C. M. Heverly, C. W. Heverly J. P. Oshall, F. J. Dunlap and C. Peacock.

parties in interest. That the hearing was held in the ~~Court~~ Room, in the Court House, at Clearfield, Pa., on the 9th day of August A. D. 1917, when the following appearances were noted: Barbara C Heverly with her Attorney A. H. Woodward Esq with C. M. Heverly, Howard Peterson and Alexander Troxell witnesses and C. W. Heverly with his Attorneys Liveright & Krebs and Port Oshall witness

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is occasion for a road as desired by the petitioner, and that the same is necessary for a private 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 private use the following described road, to-wit: Beginning at the wagon shed near the dwelling house of the said Barbara C Heverly in Beccaria Township Clearfield County Pa on land of the said Barbara C Heverly, thence over improved land of the said Barbara C Heverly, seventy nine (79) degrees, east two hundred and eighty two (282) feet to line of land of C W Heverly, thence over improved land of the said C W Heverly north eighty six (86) degrees, thirty minutes, east three hundred and forty two (342) feet; thence north eighty five (85) degrees east five hundred and sixty (560) feet; thence north eighty five (85) degrees thirty (30) minutes, east six hundred and sixty four (664) feet thence south eighty six (86) degrees, thirty (30) minutes, east one hundred and ten (110) feet. Thence over unimproved land on or near the line between the properties of the said C W Heverly and C M Heverly south six (6) degrees and thirty (30) minutes, west nine hundred (900) feet to a point in the public road, leading from Coalport to Utahville near the lane of H C Heverly in Beccaria Township in said County. Said road to be eighteen (18) feet in width.

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,

~~when it was not practicable to procure 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, ~~when the following parties~~ being the only parties effected by the laying out and opening of said road notified the viewers that in view of the advantages that said road will be to each of them that they claimed no damages namely Barbara C Heverly, C W Heverly and C M Heverly therefore no damages assessed.

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 25 day of August 1917
A. D. 1917.

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

No. 6 SEPT. Sessions, 19 17

ORDER

To view a road for private use in the township of Beccarie, 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 relievers.

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 A.M.T.
A. G. Kanner	4 1/2 25.30
H. A. Reed	4 1/2 24.40
J. S. Michaels	2 1/2 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 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. 1911

Sept Session, 19 17,
read and confirmed Ni. Si.
Road to be opened $1\frac{1}{2}$ feet
wide, except where there is
sides hill cutting or embank-
ment and bridging, then to
be 16 feet wide.
By the Town
Ringbliss Coal
Co. 1911 Confirmed
absolutely
by the Court
President of C.

Filed 19
Fees \$1.25 paid by - A. H. W.



TO:- Jessie. E. Dale. H. H. Spencer and Austin, Haney;
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; to view and lay out a private road, from the Dwelling House of Barbara. C. Heverly, in Beccaria Township, over land of C. W. Heverly; to a point in the public road at or near the lane of H. C. Heverly; in Beccaria Township, in the County aforesaid, will meet at the house of Barbara, C, Heverly in Beccaria Township on Wednesday the eighth 8 day of August A. D. 1917 at 9. 30 o'clock A.M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested, either in favor of or against the laying out of said road a chance to be heard by the viewers before the filing of their report in Court; will be held in the Court House in Clearfield Pa, on Thursday the ninth (9) day of August A. D. 1917 at nine (9) oclock A. M. at which time and place all parties in any way concerned in said road may attend and be heard.

A G Kramer
H D Reese
J S Michaels

VIEWERS.

Now July 24 1917 service of the above notice accepted for the
County Commissioners of Clearfield County Pa

R. C. Morris
Clerk

TO:- C. W. Heverly.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa; to view and lay out a private road, from the dwelling House of Barbara, C, Heverly, in Beccaria Township, over land of C. W. Heverly; to a point in the public road at or near the lane of H. C. Heverly, in Beccaria Township, in the County aforesaid, will meet at the house of the said Barbara, C. Heverly in Beccaria Township on Wednesday the eighth (8th) day of August A. D. 1917 at nine thirty o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid, all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report, in order to give all parties interested, either in favor of or against the laying out of said road a chance to be heard by the viewers before the filing of their report in Court; will be held in the Court House in Clearfield Pa, on Thursday the ninth (9th) day of August A. D. 1917 at nine (9) o'clock A. M. at which time and place all parties in any way concerned in said road may attend and be heard.

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

VIEWERS.

Now July ~~August~~ 1917. served this notice on C. W. Heverly personally by handing him a true and correct copy of same.

Barbara, C. Heverly

TO:- Barbara, C, Heverly.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa; to view and lay out a private road, from the Dwelling House of Barbara C Heverly, in Beccaria Township, over land of C. W. Heverly; to a point in the public road at or near the lane of H. C. Heverly, in Beccaria Township, in the County aforesaid, will meet at the house of the said Barbara C Heverly in Beccaria Township on Wednesday the eighth (8th) day of August A. D. 1917 at 9.30 o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested, either in favor of or against the laying out of said road a chance to be heard by the viewers before the filing of their report in Court; will be held in the Court House in Clearfield Pa, on Thursday the ninth (9th) day of August A. D. 1917 at nine (9) o'clock A. M. at which time and place all parties in any way concerned in said road may attend and be heard.

N G Kramer

A A Rees

J S Michaels

VIEWERS.

Now July ~~august~~ 1917 the above notice served on me personally by handing me a true and correct copy of same.

Barbra C Heverly

C. M. HERVEY

C. M. HERVEY

C. W. HERVEY

C. M. HERVEY

S. 6.30 W. 7.00

PRIVATE ROAD IN BECCARIA TOWNSHIP
CLIFFFIELD COUNTY PA.
VIEWED AND LAD OUT
ARG. 8-197 BY H. G. KRAMER ESE.
SCALE 1" = 5000
U. S. MICHIGAN

C. W. HERVEY

S. 6.30 W. 7.00

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 Graham _____ and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 17th day of April _____, A. D. 1917, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 18th day of April _____, 1917, at (9) o'clock A. M. That the said viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Jacob, Williams, Isaac, Pace Novl Smeal, the Supervisors of Graham Township and James B Graham.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 18th day of April _____ A. D. 1917, ~~when the following~~ ^{when the following} ~~appearances were noted~~ There being no appearances at the hearing

And 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 recommend to locate~~ the following described road, to-wit: Beginning at the intersection of the public road leading from Shilo to Kylertown past Grahamton at a point near what is known as the old Forcy store house at Grahamton, in Graham Township to the old saw mill in said township a distance of 4362 feet as shown by the draft hereto attached as part of our report.

And as said road has to all appearances and the best information of the viewers, been practically abandoned, and is of no further use as a highway to the community or the traveling public, as there is no settlement along said road, and as the purpose for which said road was originally laid out and constructed, to wit; for the hauling of logs to said saw mill, and hauling of lumber from said mill and of square timber to the river; which by reason of the timber having been exhausted and the said saw mill long since taken down and moved away, and the former village of Grahamton the starting point of said road has with the exception of one house all been torn down and moved away: so that said road is of no further use, and has therefore in the opinion of the viewers, become, useless, inconvenient and burdensome, upon the taxayers of the township. They would therefore recommend that the same be vacated.

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 1st day of February 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 Graham

in said County, setting forth that a portion of a public road in said Township to wit, that part of the road leading from at or near the old Forcey Store at Grahampston to the Old Saw Mill in said Township, a distance of about a mile, is no longer of use for public purposes, is in bad repair and has not been kept up and maintained as township road for some years; That the said Forcey Store has been abandoned and is not now in existence and that the old Saw Mill has also been abandoned and that the purpose of said road have long ceased to exist; That the keeping and maintaining of said road would be burdensome to the said Township of Graham and that the maintenance of said road would serve no useful purpose

and therefore, praying the Court to appoint proper persons to view and ~~select~~
~~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, E. D. Billotte 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 ~~road~~
~~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~~
~~vacate~~ the same, as agreeable to the desire of the petitioners 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~~
~~any~~
~~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 S. Moore, Clerk.

TO:- Jessie. E. Dale, H. H. Spencer and Austin Haney,
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 to view and vacate a portion of the public road in Graham Township Clearfield County Pa from a point at or near the old Forcey store at Grahamton; to the old saw mill in said Township a distance of about one mile being no longer of any use for public purposes as both said store and saw mill have been abandoned so that said road being in bad repair is of no further use and will be expensive to keep up. The said viewers will therefore meet at the house of the old Forcey store in Graham Township at Grahamton on Tuesday the 17th day of April A. D. 1917 at nine ~~thirty~~ (9:30) o'clock A. M, to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested, either in favor of or against vacating said road a chance to be heard by the viewers, before the filing of their report will be held in the Court House in Clearfield Pa on Wednesday the 18th day of April A. D. 1917 at nine (9) o'clock A. M. at which time and place all parties concerned in said road may attend and be heard.

A G Kramer

E W Billotte

J S Michaels

VIEWERS.

Now April, 6 1917 service of the foregoing notice accepted for the County Commissioners of Clearfield County Pa.

L C Morris

Clerk.

To:- D. B. Smeal. Jacob, Williams and Isaac, Pace,
Supervisors of Graham Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and vacate, a portion of the public road in Graham Township Clearfield County Pa, from a point at or near the old Forcey store at Grahamton, to the old saw mill in said Township, a distance of about one mile, being no longer of any use for public purposes as both said store and saw mill have been abandoned so that said road being in bad repair is of no further use, and will be expensive to keep up. The said viewers will therefore meet at the house of the said old Forcey store in Graham Township at Grahamton Pa on Tuesday the 17th day of April A. D. 1917 at nine ~~7~~ ^{thirty} o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested, either in favor of or against vacating said road a chance to be heard by the viewers, before the filing of their report will be held in the Court House in Clearfield Pa on Wednesday the 18th day of April A. D. 1917 at nine (9) o'clock A. M. at which time and place all parties concerned in said road may attend and be heard.

R G Kramer
E D Billotte
J S Michaels

VIEWERS.

Now April 7 1917 served the foregoing notice on D. B. Smeal Jacob Williams and Isaac Pace the Supervisors of Graham Township personally by handing each of them a true and correct copy of same.

Isaac Pace

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,~~
~~endpoints~~ ^{is}

~~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~~

~~the following persons having refused to release the damages to which they respectfully may be en-
titled 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: The viewers are of the opinion that no
one was damaged by opening said road that
Therefore no damages have been assessed.~~

~~and we have returned the same obtained and copy of the notices.~~

WITNESS our hands and seals this 18th day of April

A. D. 1917.

A. G. Kramer 
E. D. Billoffe 
I. S. Michaels 

No. 6 May 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.

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.

To view and vacate a road for public use in the township of Graham
Clearfield County

	Days	Miles A.M.T.
A. G. Graham	3	22 16/10
Ed B. Elliott	3	42 17/10
J. J. Michaels	3	68 13 4/10

May Session, 1917,
read and confirmed N. S.
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.

My the Court
Magnum Bell
Sept 6th 1917 certified
Solemnly
by the Court
Magnum Bell
19

Filed
Fees \$150 paid by A. H. W.

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. 1911.



