

No. 2 May Sessions, 1918

ORDER

To view
road for public use in the
township of Knox
Clearfield County

Session, 1918

read and confirmed N. Si.
Road to be opened 33 feet
wide except where there is
side hill cutting or embank-
ment and bridge, there to
be 16 feet wide.

FILED
APR 30 1918
JOHN H. MOORE

Filed

Fees \$1.25 paid by

1918

That a part of the road leading from Turkey Hill, at a point near Christy O'Conners' place to Boardman, in Knox Township of about three fourth of a mile in length has become expensive, to maintain, by reason of a heavy grade and the repairing of a wooden bridge, and that a part of the road leading from Kelly's mine to Boardman, of about three fourth of a mile in length connecting with the first mentioned road, has also become expensive and burdensome to keep up, or maintain, by reason of heavy grade and the maintaining of a wooden bridge across Potts Run.

That the grade as well as expense of maintaining said road could be overcome by the opening of a road to begin at the O'Conners' place to connect with a road from Kelley's mine at Potts Run and the building of one concrete bridge across Sals Run and extending from Potts Run to the Boardman Company barn a distance on one fourth mile.

Your petitioners therefore pray the Honorable Court to appoint viewers to view the said roads and bridges with a view to vacate the two first mentioned roads and two wooden bridges and supply the same by the shorter and more level road and a concrete bridge across Potts Run

Clearfield County, Pa.

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., on and for said County, on the _____ day of March, 1885 in the year of our Lord one thousand nine hundred eighty five

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

in said County setting forth that a part of the Township road leading from Turkey Hill, at a point near Criss, Occochee

to Boardman, in Knox Township, is about three fourth of a mile, in length

and is in need of repair

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 E. D. Billote and J. S. 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 ~~the~~ road, they shall

proceed to lay out the same, as agreeable to the desire of the petitioner, ~~as~~ ^{and vacate} ~~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 ~~making~~ ^{vacating & supplying} a public

said 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 Knox and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 23d, day of April,

A. D. 1918, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 24th, day of April, 1918, at nine 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 Alex Bloom, M C Ownes and Dr Dr E S Earhard the Supervisors of Knox township in favor and Joseph Bloom, D A Ownes, Christ O'Conners, John Furchack, John Boag, J C Snyder Fred Bishop, and Dr S J Morris against the change

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 24th day of April A. D. 1918, when the following appearances were noted: against vacating and supplying said road as follows: Fred Bishop, J C Snyder, George Charlton, L Rowles, John Furchack, Christ O'Conner, A C Robison, Lawrence Wilson, Dr S J Morris, D A Ownes, with J. M. Uray Esq Attorney for the Potts Run Land Company opposing the proposed change in said road and M C Ownes Supervisor in favor of road.

After the view and hearing above mentioned, the undersigned, ~~the majority of these~~ 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: ~~Not having seen the road as proposed, we are of the opinion that it is not necessary for a public road.~~

~~While the change of the roads intended by the Supervisors and petitioners as set out in the petition and order of court would if practicable be a saving of expense to the township by doing away with one of the two bridges across Potts Run at Boardman, but which in the opinion of the viewers is impracticable and therefore report against vacating and supplying said road for the following reasons.~~

FIRST:- Because the main part of the town of Boardman is build along both sides of the road intended to be vacated, and to vacate said road and locate a new road where intended would put the road back of the houses on one side of the road and take it away from all the houses on the other side of the road to the great inconvenience of the people living along said road.

SECOND:- Because the proposed location of the new road would cross three Railroad tracts; the main-line of the New York Central road running from Potts Run to Garnwath and two side tracts of the Boardman Coal Company used by them for shifting and standing their loaded and empty coal cars used in connection with the operation of their mines and frequently be blocked up with cars standing on said sidings.

THIRD. Because close to the present road near the Boardman station there are some twelve or fifteen houses and a number of families residing who would by vacating said road be deprived of an outlet as the new road to be laid out would be about one fourth of a mile further down the run and at least that far away from said settlement and compell them

TO:- JESSIE. E. DALE. H. H. SPENCER, AND, AUSTIN, HANEY.
COUNTY COMMISSIONERS OF CLEARFIELD, PA.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa to view, vacate and supply a public road leading from Turkey Hill to Boardman, from a point near Christ Conner's place towards Boardman, about three fourth of a mile in length; to connect with a road from Kelley's mine at or near Potts Run, in Knox Township and from Potts Run to the Boardman's Company's Barn, a distance of about one fourth of a mile in length. in Knox Township in the County aforesaid, will meet at the end of the said road at the Boardman Company Barn in Knox Township on Wednesday the 17th day of April A. D. 1918 at nine (9) oclock A. M. to attend to the duty of their appointment at 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 in said road, either in favor of or against the change suggested in said road a chance to be heard by the viewers before the filing of their report in Court will be held in the Arbitration Room in the Court House in Clearfield Pa on Thursday the 18th day of April A.D. 1918 at nine (9) o'clock A. M. when and where all parties interested may attend and be heard.

A. G. Kramer
E. D. Billotte
J. W. Spangler
VIEWERS.

Now April 5th 1918 service of this notice accepted for the County Commissioners of Clearfield County Pa.

L. C. Norris
Clerk.

TO:- Alexander, Bloom, T. H. Farran, and M. C. Ownes,
Supervisors of Knox 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 vacate and supply a public road leading from Turkey Hill to Boardman, from a point near Christ O'Connors place, towards Boardman, about three fourth of a mile in length; to connect with a road from Kelley's mine at or near Potts Run, in Knox Township and from Potts Run to the Boardman Company's Barn, a distance of about one fourth of a mile in length, in Knox Township in the County aforesaid, will meet at the end of the said road at the Boardman Company Barn in Knox Township on ~~Thursday~~ ^{Tuesday} the ~~24~~ ²³ day of April A. D. 1918 at nine (9) o'clock A. M. to attend to the duty of their appointment, at 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 in said road, either in favor of or against the change suggested in said road a chance to be heard by the viewers before the filing of their report in Court will be held in the Arbitration Room in the Court House in Clearfield Pa on ~~Thursday~~ ^{Wednesday} the ~~24~~ ²³ day of April A. D. 1918 at nine (9) o'clock A. M. when and where all parties interested may appear and be heard.

A. G. Kramer
E. D. Billotte
J. W. Spangler
VIEWERS.

Now April 16 1918 served this notice on Alexander Bloom, T. H. Farran and M. C. Ownes the Supervisors of Knox Township personally by handing each of them a true and correct copy of same.

Alex Bloom

to travel that distance over unimproved private property to get to the store, school or church.

FOURTH. To vacate, the end of the road leading from Boardman to Kelley's mines or Kelley town across Potts Run and abandon the bridge on said road would necessitate the opening of the old township road long since laid out but to all appearances never opened or long since abandoned and close up a road that to all appearances has considerable travel to and from Kelly town to Boardman and from the Turkey Hill country in Knox Township, which would increase the distance to Boardman at least one half mile; besides shut out several families who are living along this road on the opposite side of Potts Run from Boardman who by closing up said road and abandoning said bridge would probably have about half a mile further to travel to get across to Boardman to the store and to school and church. The viewers therefore report against vacating and supplying said road.

~~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 the right that might~~

~~The undersigned further report that they endeavored to procure from all the owners of the land on which the road would pass 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 entitled by the reason of the location and opening of the said road, to wit, 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

24

day of

April

A. D. 1918

A. G. Kramer
E. B. Lott
J. W. Spangle



[illegible]