

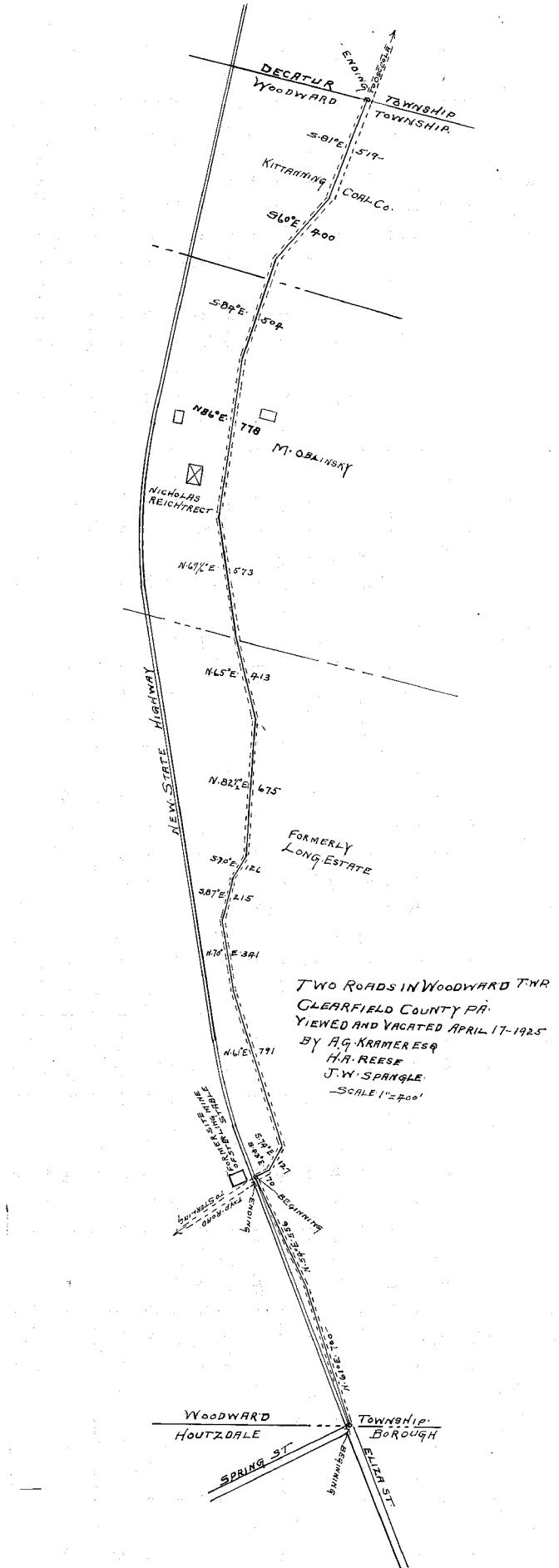
DOCKET No. 6

Number	Term	Year
6	May	1925

Petition to vacate road in

Woodward Twp

**Versus**



TO:- JESSE. E. DALE, T. R. WEIMER AND W. B. McCACKEN. County Commissioners of Clearfield County Pennsylvania.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and vacate a public road leading from a point where the same intersects with the public road leading from the Borough of Osceola to Houtzdale at or near the Lowther little stream saw mill in Woodward Township ; to the Eastern terminus of Eliza Street of the Borough of Houtzdale at the adjoining line between the Borough of Houtzdale and Woodward Township; and also vacate a road from a point on the above described road at or near the stable of the Sterling Colliery in Woodward Township to the Eastern terminus of Spring street at the borough line of Houtzdale in Woodward Township in the County aforesaid; will meet at the Eastern terminus of Eliza Street at the Woodward Township line in Woodward Township on Friday the 17th day of April A. D. 1925 at ten 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 in the said road, either in favor of or opposed to the vacating of the said roads a chance to be heard; will be held in the Arbitration Room in the Court House in Clearfield Pa on Saturday April the 18th 1925 at nine thirty (9.30) o'clock A. M. at which time and place all parties interested in

\_\_\_\_\_ and be heard.

TO; J, P, Drain, William, Todhunter and Charles, Anderson.  
The Supervisors of Woodward Township Clearfield County Pennsylvania.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions to view and vacate a public road leading from a point where the same intersects with the public road leading from the Borough of Osceola to Houtzdale at or near the Lowther little stream saw mill in Woodward Township; to the Eastern terminus of Eliza Street at the Borough of Houtzdale at the adjoining line between the Borough of Houtzdale and Woodward Township in Woodward Township; and also vacate a road from a point on the above described road at or near the stable of the Sterling Colliery in Woodward Township to the eastern terminus of Spring street at the borough line of Houtzdale in Woodward Township in the County aforesaid; will meet at the Eastern terminus of Eliza Street at the Township Line of Woodward Township on Friday the 17th day of April A. D. 1925 at ten (10) 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 in the said road, either in favor of or opposed to the vacating of the said roads a chance to be heard; will be held in the Arbitration Room in the Court House in Clearfield Pa on Saturday April the 18th 1925 at nine thirty (9.30) o'clock A. M. at which time and place all parties interested in either or both of said roads to be vacated may appear and be heard.

P. G. Knapp

either of said roads to be vacated may appear at

J. G. Branner

H. H. Reed

J. W. Phanale

VIEWERS.

Now April 7 1925 service accepted for the county Commissioners

of Clearfield County Pennsylvania.

L. C. Thomas

Clerk.

Now April 1<sup>st</sup> 1925 served this notice on J. P. Drain, William Tophunter and Charles Anderson the supervisors of Woodward Township personally by handing to each one of them a true and correct copy of same

VIEWERS.

J. P. Drain  
W. W. Tophunter

Chas Anderson

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the 19th day of March in the year of our Lord, one thousand nine hundred and twenty five

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Woodward, in the County aforesaid setting forth that many years ago a road was laid out beginning at the terminus of a road from the Boro of Osceola at Lawthers Little Stream Saw Mill in Decatur Twp. and ending at the Eastern terminus of Eliza St. in the Boro of Houtzdale; that all of said road is in the Twp of Woodward. That sometime later, another road was laid out beginning at a point on the above described road, at or near the Stable of Sterling Colliery in Woodward Twp. and ending at Eastern terminus of Spring St. in Boro of Houtzdale; that by reason the construction of an improved road, paved with concrete, running parallel with said described roads, the old roads have become useless and burdensome, and owing to several caves-in caused by the removal of the coal underlying said roads many years ago without leaving surface support, the said old roads have become dangerous and a menace to persons and animals passing over them.

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

point from and among the County Board of Viewers Aaron Kramer, Esq., Harry Reese and

James Spangle who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

*Ges W. Palstine*  
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE COUNTY OF CLEARFIELD, PA.

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 the 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 said road to be vacated, that the said view would be held on the

17th day of April, A. D. 1925, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 18th day of April A. D., 1925, at 9:30 o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view Besides the viewers P. J. Draine on of the Supervisors of Woodward Township;

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 18th day of April A. D. 1925, when the parties interested in the said road were in attendance: Besides the viewers P. J. Draine and William Todhunter two of the Supervisors of Woodward Township also E. Herzenmeck and T. S. Burnes;

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has \_\_\_\_\_, become useless, inconvenient and burdensome and is a bill of expense on the Township to keep the same up and would therefore recommend that the same be vacated, to wit: Beginning at the Eastern terminus of Eliza Street at the Borough line between Woodward Township and the Borough of Hourzdale Thence running over cleared land of the Sterling Coal Company the following courses and distances, to wit: North sixty one (61) degrees, East seven hundred and three (703) feet. Thence North fifty four (54) degrees, East five hundred and fifty six (556) feet; to the old Township road running to Sterling mines; Thence running South, forty three (43) degrees, East, seventy (70) feet: Thence South, seventy four (74) degrees; East one hundred and twenty seven (127) feet: Thence North, sixty one (61) degrees, East seven hundred and ninety one (791) feet: Thence North, seventy (70) degrees: East three hundred and forty one (341) feet. Thence South, eighty seven (87) degrees. East two hundred and fifteen (215) feet: Thence South seventy (70) degrees East one hundred and twenty six (126) feet. Thence North eighty two and one half (82-1/2) degrees, East six hundred and seventy five (675) feet. Thence North sixty five (65) degrees; East four hun-

dred and thirteen (413) feet to the property line of M. Ablinskey, on the south east side and land of Nicholas Keichtreck on the North West. the following courses and distances to wit: Thence North sixty nine and a half (69-1/2) degrees, East five hundred and seventy three (573) feet. Thence North eighty six (86) degrees, East, seven hundred and seventy eight (778) feet. Thence South, Eighty four (84) degrees, East five hundred and four (504) feet, to the property line of the Kittanning Coal Co. Thence over land of the Kittanning Coal Co the following courses and distances to wit: South, sixty (60) degrees, East, four hundred (400) feet. Thence South eighty one (81) degrees, East five hundred and nineteen (519) feet to the Decatur to the Decatur Township line the end of that part of the said road petitioned to be vacated.

The viewers would also report that having viewed the road leading from a point in the above described road at or near the former stable of the Sterling Colliery in Woodward Township to the Eastern terminus of Spring street at the line of the Borough of Houtzdale a distance of twelve hundred and thirty (1230) feet over land of the Sterling Coal Co having become useless, inconvenient and burdensome to the tax payers of the Township to keep up would therefore recommend that the same be vacated.

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in anyway damaged by the vacation of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from:

And that the following persons having in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up of the said road, yet the undersigned Viewers, after having considered the advantages to be derived to them, to assess them damages and make report thereof, as follows:

None of the abutting property owners being in the opinion of the viewers damaged any by the vacation of either of said roads therefore no damages are assessed.

REVIEWED AND APPROVED BY THE BOARD OF TRUSTEES

Witness our hands and seals this 25th day of April; -----, A. D. 1925

....A. G. Kramer... [SEAL.]

....K. A. Reese..... [SEAL.]

James W. Spangle... [SEAL.]

Viewers.

No. 6 May Term 19 25

**ORDER TO VACATE**

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

	Days	Miles	A'm't
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in the Township of Woodward  
Clearfield County.  
Now *May* Session 1932

Now May Sessions 1923  
read and confirmed Ni. Si.  
By the Court  
John Michael  
Now May Sessions 1924  
confirmed absolute.

By the Court

Address  
for

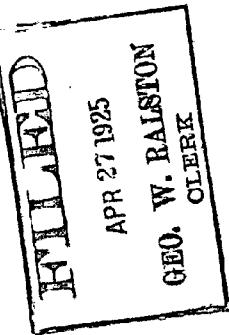
Filed 19.....

Atty,

Fees \$1.25 paid by

—

John B. McGrath, Esq.



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

To the Honorable A. R. Chase, President Judge of the Court of Quarter Sessions, Clearfield County, Pa.

The petition of the Subscriber respectfully sheweth:

That they are residents of the Township of Woodward, County of Clearfield and State of Pennsylvania; that many years ago a road was laid out beginning at the terminus of a road from the Borough of Osceola, at Lawthers Little Stream Saw Mill in Decatur Township, and ending at the Eastern terminus of Eliza Street in the Borough of Houtzdale; that all of said road is in the Township of Woodward. That sometime later, another road was laid out beginning at a point on the above described road, at or near the Stable of Sterling Colliery in Woodward Township, and ending at the Eastern terminus of Spring Street in the Borough of Houtzdale; that by reason of the construction of an improved road, paved with concrete, running almost parallel with said described roads, the old roads have become useless and burdensome, and owing to several caves-in, caused by the removal of the coal underlying said roads many years ago without leaving surface support, the said old roads have become dangerous and a menace to persons and animals passing over them.

Your petitinners therefore pray your Honor that said roads maybe vacated, according to the provisions of the Acts of Assembly in such case made and provided. And they will ever pray, etc.

Chas J. Brody .....	Just. McCormick .....
Francis Lyle .....	Daniel Rose .....
David M. Donald .....	Thomas Dunn .....
M. G. Gable .....	J. W. Palmer .....
John Gensler .....	Wm S. Burns .....
Leonard Foster .....	Richard Tonge .....
R. B. Thompson .....	Fred. Maxwell .....
W. G. Chambers .....	J. T. Dwyer .....
R. E. Longan	John Rife

STATE OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS:

Before me a Notary Public in and for said County and State personally came WILLIAM S. BURNES, who being sworn according to law says that the facts contained in the foregoing petition are true to the best of his knowledge and belief.

Wm S. Burnes

Subscribed and sworn to before me this 16th day of March, A.D. 1925.

J. P. McLaughlin  
Notary Public  
My Commission expires Feb. 27, 1929.

6 May 55 1925

IN THE COURT OF QUARTER  
SESSIONS, CLEARFIELD COUNTY.

Petition for Order to  
vacate two roads in  
Woodward Township.

Now, March 15, 1925  
service accepted for  
County Commissioners  
A. C. Thomas  
Chairman



Now, March 16, 1925, service accepted for the Board of Supervisors of  
Woodward Township, of notice of presentation of this petition.

Now, March 18, 1925, the Court on due consideration do order and appoint .....  
Messrs. Harry K. James, James G. ... who are to view the road in the  
said Petition prayed to be vacated, and to consider and judge whether it is become  
useless, inconvenient and burdensome; and if they agree that the same is become  
useless, inconvenient and burdensome, they shall report accordingly to the next  
Court of Quarter Sessions of Clearfield County.

BY THE COURT.

*John B. McGrath*

