

DOCKET No. 6

Number Term Year

9

Feb

1925

Petition to vacate road in Covington

Twp near W. E. Conoway's Farm

Versus

To the Hon. A. R. Chase, President Judge of the Court of Quarter Sessions of Clearfield County:-

The petition of the undersigned Supervisors of Covington Township respectfully represents:

That a certain public road in said Township, leading from a point at or near W. E. Conoway's Farm to a point at or near the residence of Leopold Guenot, in Covington Township, of about two miles in length, has become useless, is untravelled and its maintenance is burdensome upon the Township.

Your petitioners therefore pray that viewers may be appointed to vacate said road.

And they will ever pray, etc.

W. E. Conaway
Joseph Sayre
A. T. Viard

SUPERVISORS OF COVINGTON TOWNSHIP.

CLEARFIELD COUNTY, SS:

A. G. VIARD, one of the above named petitioners, being duly sworn according to law, says that the facts set forth in the foregoing petition are true and correct, as he verily believes.

Sworn to and subscribed before me this 10th day of January, 1925.

A. G. Viard

J. J. Dugay
JP

KNOW ALL MEN BY THESE PRESENTS, That we W E
Conoway, and Joseph Sayers, and A G Viard,
are held and firmly bound under the County of Clearfield, Penn-
sylvania, in the sum of Fifty Dollars (\$50.00) lawful money of
the United States, to which payment well and truly to be made,
we do bind ourselves, our and each of our heirs, executors and
administrators, firmly by these presents. Sealed with our seal
and dated this 11 day of January, A. D. 1925.

WHEREAS a petition has been presented to the
Court of Quarter Sessions of Clearfield County, by the Supervisors
of Covington Township, asking for the appointment of viewers to
vacate a public road in Covington Township, leading from a point
at or near W. E. Conoway's Farm to a point at or near the
residence of Leopold Guenot, in Covington Township, of about
two miles in length.

The condition of this obligation is such that
if the above bounden, in the event that said vacation proceedings
are dismissed, shall at all times save and keep harmless the
County of Clearfield from costs and expenses relating thereto,
then this obligation to be void, or else to be and remain in full
force and virtue.

WITNESS:

A. G. Viard (SEAL)
W. E. Conoway (SEAL)
Joseph Sayers (SEAL)

9 Feb 20 1925 -

PETITION FOR VACATION OF
ROAD IN COVINGTON TOWNSHIP
LEADING FROM A POINT AT OR
NEAR W.E. CONWAY'S FARM TO
A POINT AT OR NEAR THE
RESIDENCE OF LEOPOLD GUENOT

Mar 2nd 1925 within
petition presented and
John Scallio - E. D. Billotte
and Fred Welker
are appointed members to
view and propose vacation
and report.

By the Council
A. M. Platt
Feb 2-1925
REG. W. KALSTROM
CLERK

HARTSWICK, ARNOLD & PLATT.
MILLER & HARTSWICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

271-274

TO: THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA:

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 9 February Sessions, 1925, to view and vacate a certain public road in the Township of Covington, leading from a point at or near W. E. Conoway's Farm to a point at or near the residence of Leopold Guenot, in Covington Township, of about two, (2) miles in length, will meet at the ~~corner~~ ^{farm} of W. E. Conoway in said Township on Tuesday, the 24th day of March, A.D. 1925, at nine (9) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and 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 an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Thursday 26th ~~Wednesday~~, the ~~25th~~ day of March, A.D. 1925, at two (2) o'clock P. M., at which time and place all parties interested may attend and be heard.

John Scallion
E. S. Billotte
Geo. T. Weber
Viewers

March 4th, 1925.

Now, March 7 1925, service of the above Notice is accepted for the Commissioners of Clearfield County.

D. C. Morris
Clerk

TO: A. G. VIARD, JOSEPH SAYERS, and W. E. CONOWAY, Supervisors
of Covington Township, Clearfield County, Pennsylvania:

You are hereby notified that the undersigned
victor, appointed by the Court of Common Pleas of Northampton
County, Pennsylvania, to do so October twenty, 1888, to view
and write a certain public road in the Township of Devil's Den,
leading from a point at or near J. H. Gandy's farm to a point
at or near the residence of Joseph Knob, in Devil's Den Township,
of about two, (2) miles in length, will meet at the farm of
J. H. Gandy in said Township on Tuesday, the 4th day of April,
A. D. 1888, at nine (9) o'clock A. M., to return to the Justice
Court and sign; all parties interested will take notice.

and that the public hearing so required by section 142, and rules of Court to be held by the visitors before the filing of their report in so far as relates to the oil parties interested in the land and an opportunity to be heard will be held in the courtroom kept in the Court House in Okawville on Thursday, the 26th day of March, A.D. 1926, at the (8) o'clock ... at which time and place all parties interested may appear and be heard.

John Scallion
E. D. Billotte
Geo. K. Weber
140.50

27-2869-66, 1938.

Now, March 12th 1925, service of the above Notice
is accepted for the Supervisors of Covington Township.

N. E. Conaway
A. G. Lillard
Joseph Sayre

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa.,
and for said County, on the 2nd day of February 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 ~~the~~ ~~Surveyors~~
~~Surveyors~~ ~~of the Township of~~ Covington, in the County aforesaid setting forth that ~~a~~.....
certain public road in said township, leading from a point at or near
Conoway's Farm to a point at or near the residence of Leopold Guenot,
Covington Township, of about two miles in length, has become useless,
is untravelled and its maintenance is burdensome upon the township

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 John Scollins, E. D. Billotte, and
Geo. K. Weber 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.

Geo W Palster
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 Covington, 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

24th day of March, 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 26th day of March A. D., 19 25 at two o'clock P. 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 Joseph Sayers, A. G. Viard, Supervisors, and Leopold Guenot, Frank Guenot, Charles Rougeux, M. M. Picard, O. B. Harrington, Ernest Renoe, Henry Becker,

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 26th day of March, A. D. 1925, when the parties interested in the said road were in attendance: A. G. Viard, Joseph Sayers, W. E. Conoway, Supervisors, with John C. Arnold, Esq. as counsel: petitioners; Leopold Guenot, Frank Guenot, Chas. Rougeux, O.B. Harrington, Henry Becker, Jr., with Walter Welch, Esq. as counsel for exceptants.

Remonstrance against vacation filed by exceptants.
Witnesses sworn, examined and cross-examined.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has not, become useless, inconvenient and burdensome; From the testimony produced it is evident that this Road is the shortest distance and on a practically level grade from the Pike to the Harrington Mine; that it is traveled every day, and by 14 or 15 miners living in the vicinity of Keewaydin, Mulsonburg and along the Pike, working at the Harrington Mine; that it is convenient for hauling mine supplies and freight to the above mine and a country store from the station at Karthaus.

That a distance of 4 miles and roads of heavy grade are cut off by this Road; that very little money has been expended by the Township in the upkeep of this Road and we therefore unanimously agree and find that it is necessary for the convenience of the residents and tax-payers of the Township and that the cost of its maintenance is no burden on the Township, and that the prayer of the petitioners be denied.

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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 any way damaged by the vacating 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, we, the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof, as follows:

No damages assessed.

and we herewith return releases obtained, and copy of the notices.

Witness our hands and seals this 26th day of March, A. D. 1925.

John Scudder [SEAL]
E. B. Billotte [SEAL]

Gen. S. W. Hobbs [SEAL]

Viewers.

In Re: Petition to Vacate a public road in Covington Township.

To the Honorable, the Board of Viewers appointed on said View:

The subscribers hereto, being residents of the Township of Covington and Karthaus Townships, and persons using the public road, leading from Central Point to the property of Leopold Guenot, being two miles of road for which view is to be held to vacate, respectfully represent:

That the road is necessary for the subscribers to obtain their supplies from Karthaus stores and station, being a distance of about two miles, while if vacated, the subscribers would be required to travel more than four miles on very heavy grade; that the said road asked to be vacated has for the past few years had ten times more travel on it than at any other time in the past; that the opening of the mines in the locality has made it an absolute necessity and its vacation would bring upon the residents of the locality and the men employed at the mines undue and great hardship, by being obliged to travel more than double the distance and over hills of heavy grades;

Your petitioners therefore pray that, by reason of the distance and impassible roads rendering it impossible for petitioners to be present at the hearing, that they have due consideration in determining the necessity for said road. And they will ever pray.

Geoffrey L. Guenot	Clara Guenot
F.R. & H.L. Harrington Coal Co., by O.B. Harrington Sup't.	
Leopold Guenot	Lloyd Guenot
W.W. Picard	Cornelius Corwin
Amy L. Guenot	Albert Picard
Henry Becker Jr.	Edward Johnson

J. L. Pigeaud

J. P. Rougeux

E. G. Rougier

P. B. Gmelin

Frank Cole

Chas. J. Cooper

J. L. Kneller

H. K. Vallimont

B. O. Kongsgaard

N. L. Valmont

Frank Chisholm

J. J. Gormont

L. J. Gormont

N. J. P. K.

G. A. Gormont

John Kneller

John Vallimont

J. J. Gormont

C. B. Mignot

Joseph Vallimont

J. W. G. Gormont

No. 9. Feb. 25, 1925

In re: Petition to Vacate
public road leading from
Central Point to Farm of
Leopold Guenot in Covington
Township.

Remonstrance by Residents

Filed
March 26, 1925
John Scudder
V. C. W.

Walter Wirth
Attorney at Law
Clearfield, Pa.