

Road DOCKET No. 6

Number	Term	Year
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2

May

1927

Petition to vacate road leading from

Village of Sterling to the State

Highway in Woodward Twp

**Versus**

X

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

To the Honorable A. R. CHASE, President Judge of the Court of Quarter Sessions of Clearfield County, Pennsylvania.

The petition of the undersigned, Supervisors of the Township of Woodward, County of Clearfield aforesaid, respectfully sheweth:

That many years ago a <sup>Township</sup> road was laid out leading from Lauthers' Mill to the eastern line of the Borough of Houtzdale; that a portion of said road was vacated upon the completion of the State Highway covering same route. That the only part of said road now in existence begins at the former location of the "Sterling stable" on the new State Highway, and ends at the eastern line of the said Borough of Houtzdale, passing through the Village of Sterling; that the portion of said road between the State Highway and the Village of Sterling passes over two railroads at grade, and crosses the Beaver Run, and is located on low marshy land, and is frequently flooded with water from the said Beaver Run; that your petitioners recently built a culvert to take the place of the condemned bridge, and conduct the water of Beaver Run under the road, but recent floods have not only made the culvert useless, but have destroyed and washed out the road in two places. Your petitioners further state that it will require a large amount of money to rebuild the road, and on account of the requirements of the State Highway Department a new bridge will be required which cannot be built for less than \$8000.00, making the Township's share almost \$3000.00; that the Township is now heavily in debt, and is without funds to repair said road or assist in the building of the bridge according to the specifications of the Highway Department. That the residents and inhabitants of that part of the Township served by the said road have free access to the State Highway by the road leading through the Borough of Houtzdale, and that your petitioners believe that the vacation of said road will not inconvenience any

of the residents or inhabitants or the traveling public. *and that the road has become useless, inconvenient and burdensome.*  
Your petitioners therefor pray the Court that the said road

may be vacated agreeably to the act of the General Assembly in such case made and provided; and they will ever pray, etc.

*Chas Anderson*  
.....  
*P. J. Drain*  
.....  
*Francis Love*  
.....

STATE OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS:

CHARLES J. ANDERSON, P. J. DRAIN and FRANCIS LOVE being duly sworn according to law say that the facts stated above are true and correct to the best of their knowledge and belief.

*Chas Anderson*  
.....  
*P. J. Drain*  
.....  
*Francis Love*  
.....

Sworn and subscribed to before me this 23rd day of March, A.D. 1927.

*W. M. McGrath*  
.....  
Notary Public.  
Commission expires Feb. 27, 1929.

ORDER OF COURT.

Now, *April 14<sup>th</sup> 1827* at a Court of Quarter Sessions

of the Peace, of the County of Clearfield, held at Clearfield, in said County on this day, upon the petition of the supervisors of the Township of Woodward, said County, stating that a portion of a road originally laid out from Lauthers' Mill in said Township to the eastern line of the Borough of Houtzdale, has become useless and inconvenient and burdensome, the Court on due consideration, do order and appoint *Sam'l Weaver Esq. J. B. Billotte and Jack Michael*

as viewers 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 as aforesaid, they shall make report accordingly to the next Court of Quarter Sessions, to be held for the said County.

BY THE COURT.

*A. B. [Signature]*  
*P. J.*

2 May 22 1927

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD  
COUNTY.

In re: Petition to vacate a  
road leading from Village of  
Sterling to the State High-  
way in Woodward Township.

FILED  
APR 3 1927  
CLERK OF COURT

JOHN B. MCGRATH  
ATTORNEY-AT-LAW  
HOUTSDALE, PA.

Harris-Smith, Inc., Buffalo, N. Y.

TO JESSE. E. DALE. T. R. WEIMER AND B. W. McCracken.

The County Commissioners of Clearfield County Pennsylvania.

SIRS:-

You are hereby notified, that the undersigned viewers appointed by the court of quarter sessions of Clearfield county Pennsylvania to view and vacate a portion of the public road leading from the East Borough line of the Borough of Houtzdale to what is known as the Leuther saw-mill, the portion of said road to be vacated, is that part or portion leading from a point on the State Highway at or near what is known as the Sterling stables in Woodward Township to a certain point at the East end of the said Borough of Houtzdale, through the village of Sterling in Woodland Township in the county aforesaid will meet at the end of the said road at the East line of the Borough of Houtzdale at the Woodward Township line on Thursday the twenty first (21) day of April A. D. 1922 at ten (10) o'clock A. M. to attend to the duty assigned them of which time and place aforesaid you 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, allow all parties interested in the said road either in favor of or opposed to the vacation thereof a chance to be heard by the viewers before the filing of their report in court will be held by the viewers in the Arbitration Room in the Court House in Clearfield Pa on Friday April the twenty second (22) 1927 at nine (9) o'clock A. M. at which time and place all parties interested in said road may attend and be heard.

A. G. Kramer  
E. D. Billotte  
J. S. Michalls  
VIEWERS.

Now April 12, 1927 service accepted for the county commissioners of Clearfield county Pa.

L. C. Norris  
Clerk.

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

You are hereby notified, that the undersigned viewers  
appointed by the court of Quarter Sessions of Clearfield County Pennsylv-  
vania to view and vacate a certain Public road or part thereof situate in  
Woodward Township Clearfield County Pa, leading from Lauthers Saw-Mill  
to the eastern line of the Borough of Houtzdale,, that portion of said  
road to be vacated Beginning at a point at or near what used to be the  
Sterling stables on the new State Highway and ending at the eastern line  
of the Borough of Houtzdale passing through the village of Sterling

You are therefore hereby notified, that the said viewers will  
meet at the end of said road at the Houtzdale Borough line in Woodward  
Township on Thursday April the 21, A. D. 1927 at ten o'clock A. M.  
to view and survey the portion of said road to be vacated When and  
where all parties in any way interested in said road either in favor of  
or opposed to the vacation of said portion of said road.

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 allow all parties interested in the  
said road either in favor of or , opposed to the vacation thereof a chance  
to be heard , will be held by the viewers in the Arbitration Room in the  
Court House in Clearfield Pa on Friday April the twenty second (22) at  
nine (9) o'clock A. M. at which time and place all parties interested in  
said road may attend and be heard.

A. G. Kramer  
E. D. Billotts.  
J. S. Michaels.  
VIEWERS.

Now April 13 1927 served this notice on Charles, J, Anderson P.J.  
Drain and Francis Love the supervisors of Woodward Township personally  
by handing to each of them a true and correct copy of same.

Geo. J. Tibbens  
Constable.

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY,

In re: Action to Vacate  
Public Road in Wood-  
ward Township  
Versus

Of May Term, 1927

No. 2

Exceprants' Bill of Costs

At Hearing Term, 19

				Dollars	Cents
<u>Thos. V. Gould</u>	<u>1</u> Days in attendance	<u>28</u> Miles direct travel		<u>3</u>	<u>68</u>
<u>John M. Hyder</u>	<u>1</u> Days in attendance	<u>28</u> Miles direct travel		<u>3</u>	<u>68</u>
<u>Moses George</u>	<u>1</u> Days in attendance	<u>28</u> Miles direct travel		<u>3</u>	<u>68</u>
<u>B. F. Zimmerman</u>	<u>1</u> Days in attendance	<u>28</u> Miles direct travel		<u>3</u>	<u>68</u>
<u>Earl Zimmerman</u>	<u>1</u> Days in attendance	<u>28</u> Miles direct travel		<u>3</u>	<u>68</u>
<u>Thos. McMillen</u>	<u>1</u> Days in attendance	<u>28</u> Miles direct travel		<u>3</u>	<u>68</u>
<u>John George</u>	<u>1</u> Days in attendance	<u>28</u> Miles direct travel		<u>3</u>	<u>68</u>
<u>James R. Kent</u>	<u>1</u> Days in attendance	<u>28</u> Miles direct travel		<u>3</u>	<u>68</u>
<u>M. J. Delaunsky</u>	<u>1</u> Days in attendance	<u>28</u> Miles direct travel		<u>3</u>	<u>68</u>
	Days in attendance	Miles direct travel		<u>33</u>	<u>12</u>
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Days in attendance	Miles direct travel			
	Serving subpoenas	Witness			
	Miles distance				
Whole amount of bill				<u>33</u>	<u>12</u>

CLEARFIELD COUNTY, SS:

Personally appeared before me B. F. Zimmerman who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me this

22 day of April, A. D. 1927  
Geo. W. Palston, Prothonotary

B. F. Zimmerman



Recd

No. 2 - May Term, 1924

In Re: Betham & Wente  
Recd in Rodman & Co

Versus

Excellence Bill of Costs

For Hearing Term, 19

Date 19

Amount — — — \$ 33.12

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 4th day of April in the year of our Lord, one  
thousand nine hundred and twenty seven

By the Honorable ~~Singleton Ball~~ <sup>A. R. CHASE</sup>, President Judge of the said Court: Upon the petition of <sup>Supervisors</sup> ~~inhabitants~~ of the Township of Woodward, in the County aforesaid setting forth that many....  
years ago a township road was laid out leading from Lauther's Mill to the  
eastern line of the Boro. of Houtzdale; that a portion of said road was vacated  
upon the completion of the State Highway covering same route. That the only part  
of said road now in existence begins at the former location of the "Sterling  
Stable" on the new State Highway, and ends at the eastern line of the said  
Boro. of Houtzdale, passing through the Village of Sterling; that the portion  
of said road between the State Highway and the Village of Sterling passes over  
two railroads at grade, and crosses the Beaver Run, and is located on low marshy  
land, and is frequently flooded with water from the said Beaver Run; that your  
petitioners recently built a culvert to take the place of the condemned bridge,  
and conduct the water of Beaver Run under the road, but recent floods have not  
only made the culvert useless, but have destroyed the road in two places.

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. Ed. Billotte

and Jack Michaels 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 appoint-  
ment, 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 trans-  
mit 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.

*Rev. W. Ralston*  
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 copies of said notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the 21, --- day of April ---, A. D. 19 27 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 22, day of April, --- A. D., 19 27, at nine 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 James Bieler, Alber Price, B. F. Zimmerman, Moses, George, Earl Zimmerman, Thomas Mcquillen, Dennis Hyde, James Pitchford, Michael Archer, James, Brookhammer, J. D. Walker, John, M. Hyder, John Smith. Including several others

parties interested, ~~represented~~ against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 22, - day of April,

A. D. 19 27, when the parties interested in the said road were in attendance: as follows,  
Thomas, V. Gould, John, M. Huder, Moses, George, B. F. Zimmerman; Earle Zimmerman, Thomas, Mcquillen, John, George, James, R. Kent, W. J. Delansky, with several others. Opposed to the vacation of said road.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has not, become useless, inconvenient and burdensome The viewers all being present at the view and that after a careful inspection and view of the said road are fully convinced that the vacation of said road would be a hardship and do constitute a great injury and injustice to the number of inhabitants living along and close to said road between the points specified through the village of Sterling and others which would leave them entirely without a road or an outlet to the new State road or to Hartzdale or the school all of whom are property owners and all taxpayers in said Township of Woodward.

The viewers are therefore fully convinced that the said road has not as claimed become useless, inconvenient or burdensome but as an outlet to the citizens of that section of Woodward Township is a

benefit and outlet to the citizens of said township to the State road or Highway leading from Houtzdale to Osceola and to the Borough of Houtzdale where the people living in the village of Sterling and said end of Woodwards township do their dealing, and trading.

The viewers<sup>s</sup> therefore report against the vacating of said road.

Bill of witnesses that attended at the hearing attached.

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:

and we herewith return ~~hereto attached~~ copy of the notices served and posted up as required by law

Witness our hands and seals this 25th day of April, —, A. D. 19 27.

*A. L. Krane* [SEAL.]

*E. B. Billore* [SEAL.]

*J. S. Michaels* [SEAL.]

Viewers.

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
A. G. Kramer	4	56	\$ 32.60
E. D. Billotte	3	122	28.60
J. B. Michaels	3	84	26.50

No. 2 May Term 19 27

## ORDER TO VACATE

To view and vacate road situate  
in the Township of Woodward  
Clearfield County.

Now May Sessions 19 27  
read and confirmed Ni. Si.

By the Court  
Now Left Sessions 19 27  
confirmed absolute.

By the Court.  
A. B. Moore  
P. J.

Filed 19

Atty,

Fees \$1.25 paid by

John B. McGrath, Atty.

