

DOCKET

Number	Term	Year
5	Sept. ss	1932

Petition to re-view road in Town-
ships of Union and Sandy.

Versus

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

Your undersigned petitioners would respectfully set out that they are residents of the townships of Union and Sandy and the City of DuBois, or are landowners affected by the public road hereinafter described;

That there is a certain public road situate in Union Township which was long since layed out and opened by authority of orders of the Court of Quarter Sessions of Clearfield County, which begins at the public road leading from Home Camp to Sabula, at the farm of the late George Bowersox and leads generally in a north-west direction to the State Highway at Narrows Creek, in Sandy Township;

That recently, upon petition a petition was filed asking the appointment of Viewers by this Court to vacate so much of the said public road as is within Union Township, describing the part as beginning at the southern boundary of the Bowersox place and continuing northwestward to the Township line and being known as the Narrows Creek Road;

That accordingly viewers were appointed who viewed the said part and made report to the Court at May Term of 1932, recommending that said part be vacated. The proceeding is known as No. 2 ^{Sub.} May Term, 1932.

That the road as a whole is in good condition and is much traveled. That part of the road within Sandy Township has been recently ashed and is in excellent condition. The road gives a good and short means of communication between the Home Camp district and the City of DuBois and its vacation would work a hardship upon a large number of residents.

In addition to these matters, the road leads past the Dressler Cemetery, in which many people have cemetery lots and there is continual use of this place of burial by people from many sections.

Your petitioners believe that the vacation of this road would work a hardship on many of the people and therefore petition that the court appoint proper persons to re-view this road or the part that has thus been returned for vacation. All of which is very respectfully submitted.

Archib. Petersman

F. W. Weber

O. C. Nelson

J. F. Johnson

George H. Dufford

B. E. Bloom

W. H. Foye

S. L. Kline

J. H. Smith
M. C. Sholes
S. H. Conway
W. M. Cook

Jerry Brown
G. W. Brown
Mrs. Mattie Aline
Mary L. Strong
J. H. Penty

Clearfield County,)
Pennsylvania.) SS

Before me a Notary Public commissioned in and for Clearfield county, Pennsylvania, personally came J. F. Shannon, one of the signers of the foregoing petition and being sworn according to law says that the said petition is true and correct.

J. F. Shannon

Sworn and subscribed before me
the 29 day of July, 1932.

W. R. Gallagher
Notary Public

MY COMMISSION EXPIRES
FIRST MONDAY OF JANUARY, 1936

No. 5 Sept. Term, 1932

Nov 21st 1932.

Carl S. Reese, Md. J. C.
Frank and J. K. P. and
not credited to viewers.

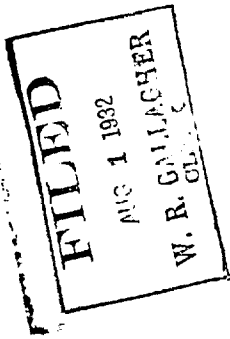
The Viewers to make report at next Term.

Term.
By the Court

Alb. Wash.

2

25.5



Your undersigned petitioners would resist that they are residents of the townships of u. and the City of DuBois, or are landowners affected by the public road hereinafter described:

That there is a certain public road situate in Union Township which was long since layed out and opened by authority of order of the Court of Quarter Sessions of Clearfield County, which begins at the public road leading from Home Camp to Sabula, at the farm of the late George Bowersox and leads generally in a northwest direction to the State Highway at Narrows Creek, in Sandy Township;

That recently, upon petition a petition was filed asking the appointment of Viewers by this Court to vacate so much of the said public road as is within Union Township, describing the part as beginning at the southern boundary of the Bowersox place and continuing northwestward to the Township line and being known as the Narrows Creek Road;

That accordingly viewers were appointed who viewed the said part and made report to the Court at May Term of 1932, recommending that said part be vacated. The proceeding is known as No. 2 Feb. Term, 1932.

That the road as a whole is in good condition and is much traveled. That part of the road within Sandy Township has been recently ashed and is in excellent condition. The road gives a good and short means of communication between the Home Camp district and the City of DuBois and its vacation would work a hardship upon a large number of residents.

In addition to these matters, the road leads past the Dressler Cemetery, in which many people have cemetery lots and there is continual use of this place of burial by people from many sections.

Your petitioners believe that the vacation of this road would work a hardship on many of the people and therefore petition that the court appoint proper persons to re-view this road or the part that has thus been returned for vacation. All of which is very respectfully submitted.

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 August
in the year of our Lord one thousand nine hundred
and thirty-two.

Judge of the same Court: Upon the petition of sundry in-
habitants of the Townships of Union and Sandy
in said County, setting forth that _____

_____pectfully set out
_____Union and Sandy

and therefore, praying the Court to appoint proper persons to re-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 Earl G. Boose, Esq.,
J. E. Frye and J. K. Michaels as Re-Viewers

who have been duly appointed by the Court and filed their oaths of office and are duly quali-
fied to perform the duties of their appointment with impartiality and according to the best of
their judgement, are to re-view the ground proposed for the said road, and if they re-view
the same, and a majority of the actual re-viewers agree that there is occasion for such road
they shall proceed to lay out 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 re-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 re-viewers aforesaid shall decide in favor of locating a public 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 re-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.

N. R. Gallagher, 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, be 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 Union and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 12th. day of August, ¹⁹³² A. D. 1932, and the hearing to be held in the ^{Grand Jury} ~~hearing~~ Room, at the Court House, in Clearfield, Pa., on the 15th day of August, ¹⁹³² at 9.30 o'clock A M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view G. W. Brown, J. F. Shannon, John Peterman, Geo. Gifford, Mrs. Geo. Gifford, Hon. N. L. Strong, Mary Strong, John Nelson, Mrs. John Nelson, William Miller, H. G. Dressler, Fred Weber and divers other persons, parties in interest. That the hearing was held in the ^{Grand Jury} ~~hearing~~ Room, in the Court House, at Clearfield, Pa., on the 15th day of August, ¹⁹³² A. D. 1932, when the following appearances were noted: J. H. Riddle, Supervisor of Union Twp., and with him, W. Wallace Smith Esq., Solicitor for the township, proponents for the vacation of the road. For remonstrants against the vacation there appeared, J. F. Shannon, Geo. Gifford, Geo W. Brown, John Peterman, Sherman Smith, William Miller, Hon. N. L. Strong and others.

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 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 ~~use the following described road; to wit~~ Beginning they are unable to agree with the findings of the original Board of View, which recommended the vacation of this road. From an examination of the marks of travel on this road, of recent origin, and from observation of the traffic on the road while engaged in the view, and from the testimony offered by many witnesses, this Board of view is convinced that there is a very considerable volume of traffic on the road; that it is very easily maintained and that its vacation would not be justified under existing conditions. The Board therefore respectfully recommends that no vacation of the road be decreed.

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

In the Matter of the : Of September Sessions,
ReOView of Vacation of : 1932.
Narrows Creek Road in :
Union Township . : No. 5.

To the Petitioners; the Supervisors of Union Township, and
the Commissioners of Clearfield County;

You and each of you will hereby take notice that upon peti-
tion of divers citizens of Union Township and elsewhere in the
county of Clearfield, setting out that a part of a public road in
said Union Township, commonly known as the Narrows Creek Road, and
which piece begins at the southern boundary line of the farm of the
late George Bowersox and continuing northwestward to the township
line, had been recommended for vacation by a Board of Viewers, in
the Board's report to February Term of this Court, 1932, docketed
as No. 2 February Sessions, and that such vacation would work a
hardship on many of the people of Union Township and in Clearfield
County, and upon a petition for a re-view of the matter, the Court
has appointed the undersigned as Viewers to re-view the said vacated
section, with order to report at September Sessions of the Court of
the year 1932. The Viewers will accordingly meet at the Levi Dressler
place in said Union Township, which is near the first named termini
of the said section of road, to re-view the said road, on Friday,
the twelfth day of August, 1932, at 1.30 o'clock P. M., and will hold
the public meeting as required by law and the rules of this court,
in the Grand Jury Room of the Court House at Clearfield, Pa., on
Monday, the fifteenth day of August, 1932, at 9.30 o'clock A. M.,
at which latter named time and place, all parties having any interest
in the matter may appear and be heard.

Aug. 5, 1932.

Charles Bower.....
J. F.
Jack Michaels.....
Viewers

Now, August 5th, 1932, the above notice served upon us, with a copy
of same delivered, and service is hereby accepted.

Amel & Smith.....
Solicitors for Union Twp.
L. C. Morris...Clerk...
For the County Commissioners
J. F.
For the Petitioners

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view re-view part of a certain public.....
Road leading from the southern boundary line of the farm of the late George Bowersox.....
in Union..... Township, to the township line, between Union and Sandy Townships, commonly known as the Narrows Creek Road in Union..... Township, in Clearfield County, aforesaid, will meet at the Levi Dressler place.....
in Union..... Township, on Friday, the twelfth day of August,..... 19 32 at, 1.30..... o'clock, P. M.
to attend the duty assigned them, of which time and place aforesaid all parties interested will take notice.

The Public Hearing in the matter required by the Act of Assembly, and the Rules of the aforesaid Court, to be held by Viewers, will be held in the.....
..... Grand Jury Room of the Court House at Clearfield, Penna., on Monday,..... the fifteenth..... day of August,..... 19 32, at 9.30..... o'clock A. M..

Aug. 5,..... 19 32

Earle G. Boose

J. E. Fry

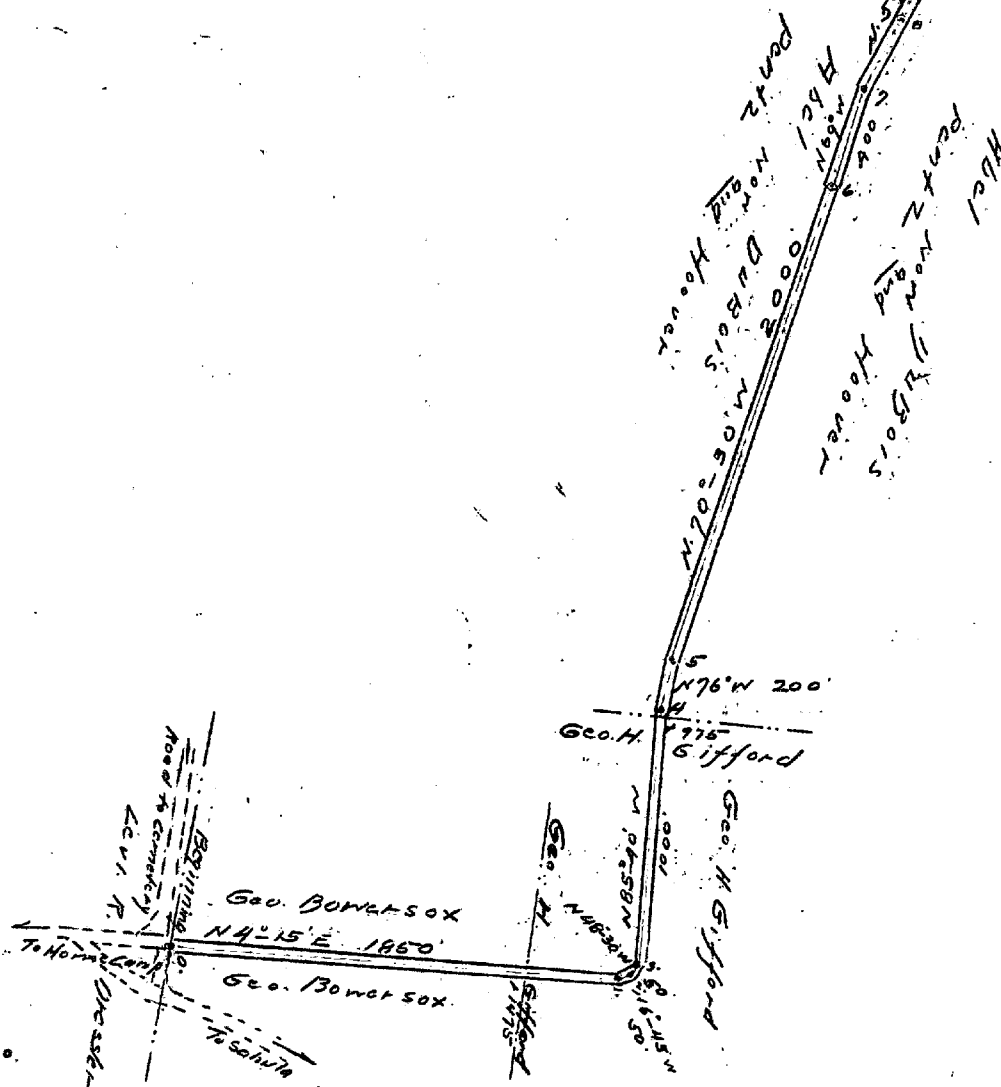
Jack Michaels

Viewers.

[illegible]

VIEWED AUGUST 12, 1932.

EARLE G. BOOSE)
J. E. FRY) VIEWERS.
JACK MICHAELS)



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 practical to preserve it within that limit.~~

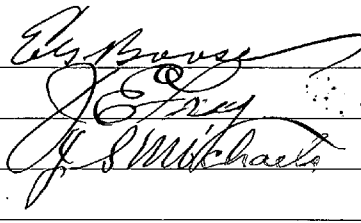

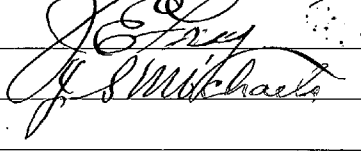

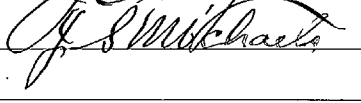

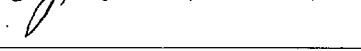

The undersigned further ~~report that they endeavored to procure~~ from all the owners of the land over which the said road ~~passes releases in writing of all claims to~~ damages that may arise from opening the same, ~~and that they procured such releases from~~ ---

~~the following persons having refused to release the damages to which they respectfully may be entitled by 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 16th day of August,

A. D. ~~1922~~ .1932.

No. 5 Sept. Sessions, 1932.

ORDER

re-
To view _____ a
road for public use in the
township of Union and Sand
Clearfield County _____

Sept. 5 Sessions, 1932.

read and confirmed Ni. Si. Re.

opened 35 feet _____

inside 1/2 in. _____

By the Court _____

W. R. GALLAGHER
CLERK

Aug 8 1932

Confessed above the
County of _____

Filed _____ 19 _____

Fees \$1.25 paid by _____

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	AMT.
Earle G. Boose	4	134	\$36.70
J. E. Fry	3	70	26.00
J. S. Michaels	2	140	22.00

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 respectfully 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. 192 _____.

Seal

Seal

Seal

Seal