

DOCKET No. 6

Number	Term	Year
8	May SS	1932

Petition to vacate road in Knox  
Township.

Versus

X

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

In re:

Vacation of Road in  
Knox Township

)  
)  
)  
)

To the Honorable A. R. Chase, President Judge of said Court:

The petition of the undersigned Supervisors of Knox  
Township Road District respectfully represents:

That a certain road beginning at the lane of Martin  
Witherow, on public road intersecting with the May Hill school  
house to Ansonville road and ending at the Jordan Township line,  
on property of Jesse Patterson, and being about one mile in  
length, together with another part of said road beginning at an  
intersection thereof and leading to the Cornwath-Fruit Hill school house  
road, being about one-half mile in length, has become useless to  
the public as expensive to maintain and no benefit to any person.

Your petitioners therefore pray that viewers be appointed to  
view and vacate the said road. And they will ever pray, etc.

A. M. Rowles

H. F. Strawn

Ben Freeman

Supervisors of Knox Township  
Road District.

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS

Ben Freeman being duly sworn according to law  
doth depose and say that the facts set forth in the foregoing  
petition are true and correct to the best of his knowledge, informa-  
tion and belief.

Sworn and subscribed before me :  
this 5 day of March, 1932. :

Ben Freeman

J. C. Snyder

:  
:  
:

Commission expires Jan 1, 1934

IN THE COURT OF QUARTER SES-  
SIONS OF CLARKEFIELD COUNTY,  
PENNSYLVANIA.

In re:

Vacation of Road in Knox  
Township

Now April 21<sup>st</sup>  
1932.

John Swell's Exr,  
Edward Bellette,  
and Jack Michael &  
associated miners  
to whom and by whom  
by the Court,  
H. H. Moore

**FILED**  
Matter Merch  
APR 23 1932  
Clarkefield Pa.

W. R. CALLAHAN

CLERK

KNOW ALL MEN BY THESE PRESENTS, That we, A. M. Rowler  
H. J. Straw and Ben Freeman  
are held and firmly bound unto the Commonwealth of Pennsylvania, its  
certain attorneys or assigns, in the sum of Fifty (\$50.00) Dollars,  
lawful money of the United States, for the payment of which sum well  
and truly to be made, we do bind ourselves, our and each of our heirs,  
executors and administrators, jointly and severally, firmly by these  
presents. Sealed with our seals and dated this 2 day of April,  
1932.

WHEREAS, a petition has been presented in the Court of Quarter  
Sessions by the Supervisors of Knox Township Road District, praying  
for the vacation of a certain road set out and described therein.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, That if the said  
petitioners shall diligently prosecute the said petition to its con-  
clusion so as to provide for all costs incurred, then this obligation  
to be null and void, otherwise to be and remain in full force and  
effect.

A M Rowler (SEAL)

H. J. Straw (SEAL)

Ben Freeman (SEAL)

6.

No. 8 May Sessions, 1932.

In re: Petition to  
Vacate Road in Knox  
Township

B O N D

*Waver April 21st  
1932.  
Bond approved  
by the Court.  
A. H. H. H. H.  
P. J.*

**FILED**  
APR 25 1932  
W. R. GALL  
CLERK OF THE COURT  
Attest my hand  
directly, Pa.

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 25th day of April in the year of our Lord, one thousand nine hundred and thirty-two.

A. R. CHASE

By the Honorable ~~Shirley B. Ball~~ President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Knox, in the County aforesaid setting forth that ..a..... certain road beginning at the lane of Martin Witherow, on public road intersecting with the May Hill school house to Ansonville road and ending at the Jordan Township line, on property of Jesse Patterson, and being about one mile in length, together with another part of said road beginning at an intersection thereof and leading to the Cornwath-Fruit Hill school house road, being about one-half mile in length, has become useless to the public as expensive to maintain and no benefit to any person.

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 appoint from and among the County Board of Viewers John Scollins Esq., Edward 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 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.

W. R. Gallagher  
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 Knox, 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

19th day of May, A. D. 1932, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the ~~Assembly~~ Grand Jury Room in the Court House, in Clearfield, Pa., on the 20th day of May A. D., 19 32, at 10:00 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 : Maywood Rowles, H. T. Straw and Ben Freeman, Supervisors of Knox Township,

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Assembly~~ Grand Jury Room in the Court House, in Clearfield, Pa., on the 20th day of May, A. D. 19 32, when the parties interested in the said road were in attendance: Walter Welch, Esq., Solicitor of Knox Township, with him H. T. Straw, Maywood Rowles and Benj. Freeman, Supervisors of said Township; petitioners Maywood Rowles, H. T. Straw and Benj. Freeman sworn, examined and cross-examined by counsel and your Board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has , become useless, inconvenient and burdensome , to wit:

FIRST:- Beginning at the intersection of the hereinafter described road (proposed for vacation) with the Township Road leading from Ansonville to Carnwath, near May Hill School House; thence South 33 degrees East along lands of Martin Witherow and Patterson Estate 600 feet to a post; thence South 10 degrees 30 minutes East along lands of Patterson Estate 100 feet to a post; thence South 6 degrees 30 minutes East thereby 300 feet to a post; thence South 9 degrees East still thereby 300 feet to a post; thence South 15-degrees East still thereby 200 feet to a post; thence South 24 degrees East, still thereby 200 feet to a post; thence South 30 degrees East, still thereby 200 feet to a post; thence South 21 degrees West still thereby 100 feet to a post; thence South 48 degrees 30 minutes West, still thereby 200 feet; thence South 14 degrees 30 minutes West still thereby 200 feet to a post; thence South 3 degrees 30 minutes West still thereby 100 feet to a post; thence South 24 degrees East still thereby 100 feet to a post; thence South 38 degrees 30 minutes East still thereby 100 feet to post on line of Joseph Witherow; thence along lands of Joseph Witherow the following courses and distances: South 35 degrees East 100 feet to a post; thence South 45 degrees East 300 feet to a post; thence South 50 degrees East 200 feet to a post; thence South 40 degrees East 130 feet to a post; thence South 41 degrees West 770 feet to a post;

thence South 20 degrees West 50 feet to a post at intersection of Road leading from the Carnwath-Fruit Hill School House road to the Jordan Township line (hereinafter further referred to); and thence South 59 degrees West along lands of Joseph Witherow 780 feet to a post; thence South 31 degrees 30 minutes East thereby 200 feet to a post; and thence South 45 degrees East still thereby 300 feet and ending at the public road on the Jordan Township line.

SECONDLY:- And that portion of the aforesaid Road beginning at its intersection herewith and the road leading to the Carnwath-Fruit Hill School House road- on lands of Jos. Witherow aforesaid (hereinbefore referred to), and thence running South 17 degrees East thereby 100 feet to a post; thence South 24 degrees East thereby 100 feet to a post; thence South 13 degrees East thereby 300 feet to a post; thence South 19 degrees East thereby 200 feet to a post; thence South 38 degrees East thereby 100 feet to a post; thence South 56 degrees East thereby 100 feet to a post; thence South 72 degrees East thereby 100 feet to a post; thence South 82 degrees East thereby 100 feet to a post; thence North 80 degrees East thereby 100 feet to a post; thence North 65 degrees East thereby 300 feet to a post; thence North 75 degrees East thereby 200 feet to a post; thence South 54 degrees East thereby 200 feet and ending at a post thereon.

THIRD:- And that portion thereof beginning at the ending of the aforesaid road, described in the "Second" paragraph hereof, and thence South 35 degrees East 600 feet to property line of James Jackson, and thence following said course- along lands of James Jackson and ending at the intersection of said Road with the Carnwath-Fruit Hill School House public road- your Board recommends for vacation as a public road by reason of non-use and no public necessity therefor; but in the opinion of your Board that portion thereof

and that a plan, or draft, of said road to be vacated, showing its 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 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, 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 claimed or assessed.

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

Witness our hands and seals this 30th day of August, A. D. 19 32.

*John F. Brown* [SEAL.]  
*E. W. Willotte* [SEAL.]  
*J. L. Michael* [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
John Scollins	2		\$15.00

No. 8 May Term 1932.

# ORDER TO VACATE

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

Now Sept Sessions 1932 read and confirmed Ni. Si.

By the Court.  
Now read Sessions 19 P. J.  
confirmed absolute.

By the Court.  
A. P. Chase  
P. J.

Filed 19

Atty. Walter Welch.

Fees \$1.25 paid by

FILED  
SEP 1 1932  
W. R. GALLAGHER  
CLERK

TO: The Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 8, May Term, 1932, to view and vacate a certain road beginning at the lane of Martin Witherow, on public road intersecting with the May Hill school house to Ansonville road and ending at the Jordan Township line, on property of Jesse Patterson, and being about one mile in length, together with another part of said road beginning at an intersection thereof and leading to the Cornwath-Fruit Hill school house road, being about one-half mile in length, in Knox Township, in the County aforesaid, will meet at the May Hill School House in said Township on Thursday, the 19th day of May, A. D. 1932 at ten (10:00) 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 Grand Jury Room in the Court House in Clearfield on Friday, the 20th day of May, A. D. 1932 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

Orin Collins  
Edward Billotte  
J. S. Michaels  
Viewers

Dated, May 6, 1932.

CLEARFIELD COUNTY, SS:

Now, this 9th day of May, A. D. 1932, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Norris  
Clerk

TO: Maywood Rowles, H. T. Straw and Ben Freeman, Supervisors of  
Knox Township, Clearfield County:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 8, May Term, 1932, to view and vacate a certain road beginning at the lane of Martin Witherow, on public road intersecting with the May Hill school house to Ansonville road and ending at the Jordan Township line, on property of Jesse Patterson, and being about one mile in length, together with another part of said road beginning at an intersection thereof and leading to the Cornwath-Fruit Hill school house road, being about one-half mile in length, in Knox Township, in the County aforesaid, will meet at the May Hill School House in said Township on Thursday, the 19th day of May, A. D. 1932 at ten (10:00) o'clock A. M., to attend to the duties assigned them: all parties interested will take notice.

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John Collins  
Edward Billotte  
J. S. Michaels  
Viewers

Dated, May 6, 1932.

CLEARFIELD COUNTY, SS:

Now, this 12 day of May, A. D. 1932, service of the above Notice is accepted for the Supervisors of Knox Township, Clearfield County.

Maywood Rowles  
H. T. Straw  
Ben Freeman  
Supervisors