

ROAD

DOCKET No. 6

Number

1

Term

May SS

Year

1938

WOODBARD TOWNSHIP--Laying out a

Public Road

Versus

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 15th day of March in the year of our Lord one thousand nine hundred and Thirty-eight

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Woodward

in said County, setting forth that they labor under great inconvenience for want of a public road in Woodward Township, Clearfield County, Pennsylvania, leading from the public highway which passes through the Village of Morann in said township, to the Village of Hale in said township.

That said public road is necessary for public travel and is greatly needed by the inhabitants of the Village of Hale, to furnish a means of ingress and regress.

and therefore, praying the Court to appoint proper persons to 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 E. G. Boose, Esq., H. A. Giles and Harry Reese

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioner 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 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 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 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.

H. 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 Woodward and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 26th day of March ¹⁹³⁸ A. D. ~~192~~, and the hearing to be held in the ~~Arbitration Room~~ ^{Arbitration Room} in the Court House, in Clearfield, Pa., on the 28th day of March, ~~192~~ ¹⁹³⁸, at 9.30 o'clock A.M. That all of the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view John P. McDermott and Ashley Martin, Supervisors of Woodward Township; Fred Boulton for the Houtzdale Water Department; Thomas Morgan, representing the mine operators at Hale, Andrew Bazilla, and other citizens of Woodward Twp., parties in interest. That the hearing was held in the ~~Arbitration Room~~ ^{Arbitration Room} in the Court House, at Clearfield, Pa., on the 28th day of March A. D. ~~192~~ ¹⁹³⁸, when the following appearances were noted: J. Howard Smith Esq., counsel for the petitioners; John P. McDermott and Ashley Martin, Supervisors of Woodward Township; Fred Buolton, for the Houtsdale Water Company; Thomas F. Morgan, for the mine operstors at Hale; Andrew Bezillo, John Rokoski and numerous citizens of Woodward Township.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is occasion for a road as desired by the petitioner, and that the same is necessary for a public 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 public use the following described road, to wit
Beginning at a point in the public road in Woodward Township, leading from the improved State Highway from Houtzdale, through the village of Morann, as shown on the draft hereunto attached; thence from said point in said public road, S. 35½ degrees E., 385 feet; thence S., 49 degrees E., 300 feet; thence S. 52 degrees E., 900 feet; thence S. 48 degrees E., 300 feet; thence S., 41 degrees E., 283 feet; thence S., 22 degrees E. 300 feet; thence S., 32 degrees E., 520 feet; thence S., 14 degrees E., 300 feet; thence S., 16 degrees E., 583 feet; thence S., 28 degrees W., 300 feet; thence S., 44 degrees W., 177 feet; thence S., 3 degrees W., 300 feet; thence S. 9 degrees W., 341 feet; thence S., 22 degrees E., 175 feet; thence S., 70 degrees E., 103 feet; thence N., 72½ degrees E., 411 feet to banks of the Moshannon Creek, the boundary line between the counties of Clearfield and center at this point.

No.....Term 190.....

Versus

Bill of Costs

For.....Term 190 ...

Date..... 190.....

Amount - - - \$

IN THE COURT OF Quartermasters OF CLEARFIELD COUNTY.

Of May Term, 1938
No. 1

Versus

Bill of Costs
At Term, 190....

			Dollars	Cents
<u>Fred Koulton</u>	<u>1</u>	Days in attendance... <u>27</u> Miles direct travel	<u>3</u>	<u>62</u>
<u>Thomson W. Morgan</u>	<u>1</u>	Days in attendance... <u>27</u> Miles direct travel	<u>3</u>	<u>62</u>
<u>Charles K. Bynell</u>	<u>1</u>	Days in attendance... <u>27</u> Miles direct travel	<u>3</u>	<u>62</u>
<u>John R. Mahan</u>	<u>1</u>	Days in attendance... <u>27</u> Miles direct travel	<u>3</u>	<u>62</u>
<u>John P. McE. Dwyer</u>	<u>1</u>	Days in attendance... <u>27</u> Miles direct travel	<u>3</u>	<u>62</u>
<u>Leahy Martin</u>	<u>1</u>	Days in attendance... <u>27</u> Miles direct travel	<u>3</u>	<u>62</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		
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		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>21</u>	<u>72</u>

CLEARFIELD COUNTY, SS:

Personally appeared before me John R. Mahan, 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.

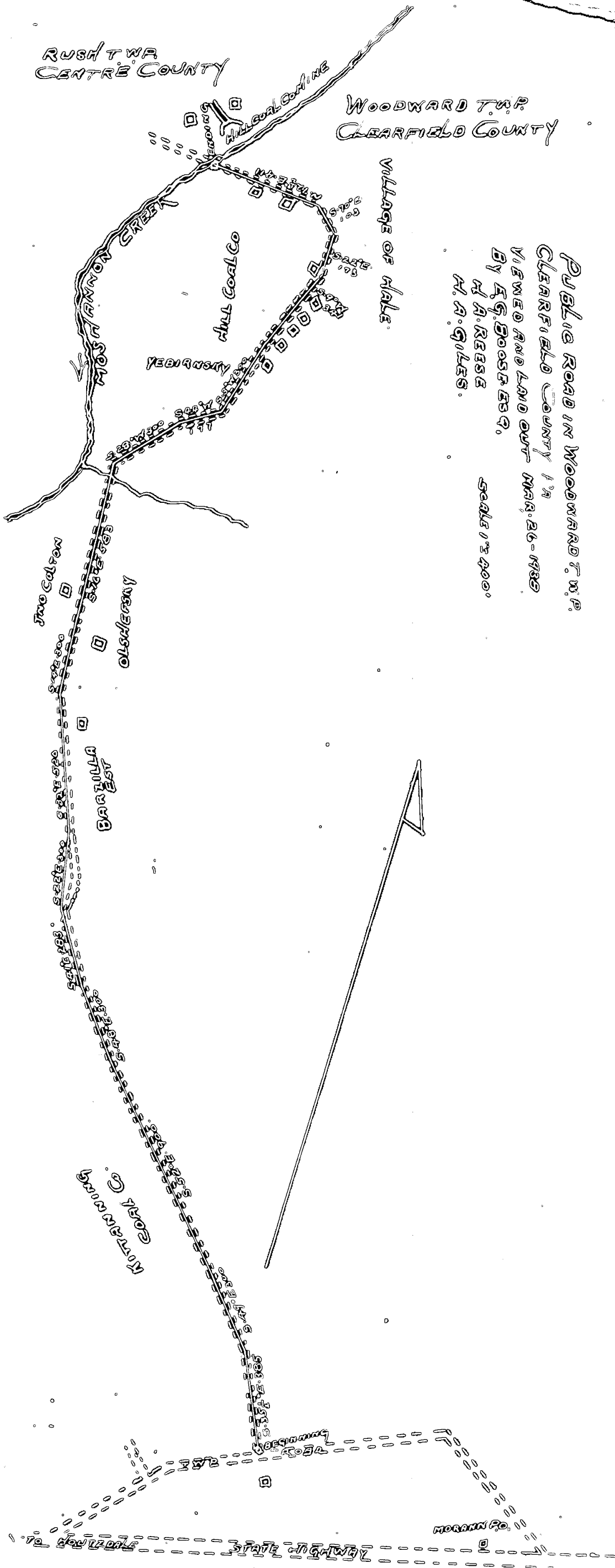
Sworn to and subscribed before me this 4th day of April, A. D. 1938
W. R. Gallagher, Prothonotary

RUSH TWP
CENTRE COUNTY

WOODWARD TWP
CLEARFIELD COUNTY

Village of Hale

PUBLIC ROAD IN WOODWARD TWP.
CLEARFIELD COUNTY PA
VIEWED AND Laid OUT MAR. 26-1938
BY E. G. BOOSER
H. A. REESE
H. A. GILES.
SCALE 1" = 400'



VIEWS' NOTICE

Notice is hereby given that the undersigned, who have been appointed by the Court of Quarter Sessions of Clearfield County, Penna., to view on a Petition to **view and lay out**

~~an extension of~~ a Public Road in **Woodward** Township, County and State aforesaid, which said ~~section of~~ Public Road is described in the Petition as follows:

"Leading from the public highway which passes through the village of Morann in said township, to the village of Hale in said township"

The Viewers will meet to view, at the first named termini, that is at **the Post Office in the village of Morann, Pa.**.....
on **Saturday**, the **26th** day of **March, 1938**, ~~1937~~, at **ten** o'clock **A.M.**

, or as soon thereafter as the same can be reached.

The Public Hearing in the premises provided for by law and the Rules of this Court, will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on **Monday**, the **28th.** day of **March, 1938**, ~~1937~~, beginning at **9.30** o'clock **A. M.**., at which time and place all parties in interest may appear and be heard.

E. G. Boose

H. A. Giles

Harry Reese.

Viewers.

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

RE; Application for laying out : Of May Sessions, 1938.
a Public Road in Woodward : No. 1.
Township. :

To the Supervisors of Woodward Township, and the Commissioners
of Clearfield County:

Pursuant of sundry inhabitants of Woodward Township, Clearfield,
County, Pa., setting out that they labor under great inconvenience
for want of a Public Road to lead from the public highway which
passes through the village of Morann in said township to the village
of Hale in said township, the Court has appointed the undersigned
as Viewers to view and if found necessary, to lay out a public road
between the points mentioned.

The Viewers will meet for purpose of viewing the premises, at
the Post Office in the village of Morann aforesaid, on Saturday, the
26th. day of March, 1938, at ten o'clock in the morning and proceed
to the view.

The public hearing provided by law, in the premises will be held
in the Court House at Clearfield, Pa., on Monday, the 28th. day of
March, 1938, at 9.30 o'clock in the morning, at which time and place,
all parties in interest may appear and they will be heard.

E. G. Boose-----

H. A. Giles-----

Harry Reese-----

Now, March 21 1938, the above notice served upon us and
copy thereof delivered, and service is hereby accepted.

Myra E. Lucas

For the County Commissioners

John P. McFerratt

For Supervisors of Woodward Twp.

J. Howard Smith

For the Petitioners.

No. 1 May Sessions, 19 38

ORDER

To view and lay out a
road for public use in the
township of Woodward,
Clearfield County

May Sessions, 1938,
read and confirmed Ni. Si. Road to be
opened 33 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide. 27

W. R. Gallagher

FILED
APR 4 1938
W. R. GALLAGHER
PROTHONOTARY

W. R. Gallagher
W. R. Gallagher

Filed 19
Fees \$1.25 paid by

J. Howard Smith, Attorney

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.
Harry Reese	3	70	\$33.50
H. A. Giles	2	84	\$24.20
E. G. Boose	4	292	\$54.60

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 af 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_____.

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 No one asked for any damage arising from appropriation of land for the proposed road, or otherwise, and the Viewers being of the opinion that the benefits accruing from that said road to the landowners affected, would be more than any damage sustained, no damages were accordingly awarded.~~

~~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 29th day of March,
A. D. 192 1938.

Wm. B. Boush Seal

H. A. Reese Seal

H. A. Giles Seal

Seal

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: :
LAYING OUT A PUBLIC ROAD :
IN WOODWARD TOWNSHIP, : No. May Sessions, 1938
CLEARFIELD COUNTY, :
PENNSYLVANIA :

PETITION

To the Honorable W. Wallace Smith, President Judge of said Court.

The petition of the undersigned inhabitants and/or taxpayers of Clearfield County, Pennsylvania, respectfully represents:

1. That they labor under great inconvenience for want of a public road in Woodward Township, Clearfield County, Pennsylvania, leading from the public highway which passes through the Village of Morann in said township, to the Village of Hale in said township. The termini, course and length of said proposed public road more fully appear from the blue print annexed hereto and made a part hereof.

2. That said public road is necessary for public travel and is greatly needed by the inhabitants of the Village of Hale, to furnish a means of ingress and regress.

3. Petitioners are inhabitants and/or taxpayers of Clearfield County, Pennsylvania.

WHEREFORE, petitioners pray your Honorable Court to appoint a Board of Viewers to view and lay out the said proposed public road.

James J. Junker

Robert B. Randolph

Hjalmar Olson

Thomas Zimmerman

Orville Adams

Ralph White

Morann, Pa.

Houtzdale, Pa.

Houtzdale, Pa.

Houtzdale, Pa.

Hale Penna.

Hale Penna.

Raymond Randolph	Hale
Alex Tamarak	Hale
Dwight Jones	Hale
Benjamin A. Jones	Hale
Glyde Randolph	Hale
John Yeburnetap	Hale
Peter Henshaw	Hale
Thomas Ymerick	Whiterside
Joe Ymerick	Whiterside
August Courtis	Houtzdale
George Bezilla	Hale
Steve Bezilla	Hale
D. Malligan	Houtzdale Pa
Mr. J. Gaffney	Houtzdale Pa
James B. Rail	Houtzdale Pa.
Edmond C. Baulton	Houtzdale, Pa.
Chas. Leger	Houtzdale Pa.
John P. McDermott	Houtzdale Pa
Cirley Martin	Houtzdale Pa
R. L. Williams m 15	Houtzdale Pa
John S. Nail	Houtzdale Pa

(3)

Andrew Beille Hale
Leonell Stanley Sinter
George Stanley Sinter

STATE OF PENNSYLVANIA :
: :
COUNTY OF CENTRE : SS:
~~CLEARFIELD~~ :

Cashley Martin being duly sworn according to law,
deposes and says that he is one of the petitioners in the
foregoing petition and that the facts set forth in said petition
are true and correct.

Cashley Martin

Sworn and subscribed before me
the 28th day of February, 1938.

James H. Huggins
Notary Public
My Commission expires March 7, 1941.

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

No. 1 May Sessions, 1938

IN RE: LAYING OUT A PUBLIC
ROAD IN WOODYARD TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA

PETITION

Now, the 15th day of *March*
1938, the within petition having
been presented, read and
considered by *E. G. Barr, Esq.*
H. A. Bick and
Harry Russell Esq.
are appointed a Board of Viewers,
to view the premises and report
to the Court as provided by law,
at the next term of court.

By the Court,
E. G. Barr
P. J. *Smith*

J. HOWARD SMITH, ESQ.
Houtzdale, Pa.