

ROAD

DOCKET No. 6

Number

7

Term

Feb. SS

Year

1939

Woodward Township--Petition to Vacate

part of a Public Road

Versus

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 **three** notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

7th day of **March**, A. D. 19**39**, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the ~~Arbitration~~ **Grand Jury** Room in the Court House, in Clearfield,

Pa., on the **10th** day of **March** A. D., 19**39**, 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 **David A. Mease, Artie Baughman, John P. McDermott, Ashley Martin and Geo. W. Ralston,**

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Arbitration~~ **Grand Jury** Room in the Court House, in Clearfield, Pa., on the **10th** day of **March**,

A. D. 19**39**, when the parties interested in the said road were in attendance: **Ashley Martin and John P. McDermott, Supervisors of Woodward Township; Artie E. Baughman and David A. Mease; all of whom were sworn, examined and cross-examined by 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 . as a public road, to wit:
Beginning at its intersection with the Improved Road leading from Houtzdale to Blue Ball, via Jeffries, and thence running North 87 degrees West, six hundred and eighty-four (684) feet, between lands of Jerry Yarger and Mrs. Hanna Phillips; thence still thereby North 78 degrees West, one hundred (100) feet to a post; thence North 84 degrees West, between lands of David Meas and Chas. Baughman and David Richner, eight hundred (800) feet to a post; thence still by lands of David Richner and Artie E. Baughman North 83 degrees West, three hundred (300) feet to a post; thence along lands of Harbison-Walker the following courses and distances, viz: North 34 degrees West, four hundred (400) feet; thence North 37 degrees West, five hundred (500) feet; thence North 45 degrees West, four hundred (400) feet; thence North 42 degrees West, eight hundred (800) feet; thence North 25 degrees West, two hundred (200) feet; and thence North 29 degrees West, five hundred (500) feet and ending at its intersection with the Improved public road leading to Blue Ball from the Village of Sanborn.

We further find as a fact that the afore-described road has been supplied by an Improved Highway leading in to the Village of

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 third day of February in the year of our Lord, one thousand nine hundred and thirty-nine

W. Wallace Smith
By the Honorable ~~W. Wallace Smith~~, President Judge of the said Court: Upon the petition of ~~sundry~~
Supervisors
~~inhabitants~~ of the Township of Woodward, in the County aforesaid setting forth that the
State
Department of highways relocated a certain Township road leading from the
Village of Jeffries in Woodward Township to a point in the Village of
Sanborn in said Township, a distance of approximately 4743 feet, or 0.898 of
a mile. That the part of the road abandoned was originally a part of a
township road, laid out many years ago by order of the Court of Quarter Sessions,
and by the relocation of the new highway, it has become inconvenient, useless
and burdensome.

Your petitioners, therefore, pray the Court that the said road be
vacated from the Village of Jeffries to the Village of Sanborn.

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, Esq., E. D. Billotte

and T. C. McGarvey 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.

J. R. Gallagher
Clerk.

Sanborn, eliminating the "Lowe" hill. Sanborn is the principal settlement in that section of the Township, the Churches, School-house and Cemetery and social centre being located there. To close the aforesaid described road would cut off Artie Baughman and David Meas therefrom.

The Supervisors of Woodward Township, the petitioners, acting at the behest of the State Highway Department are not in favor of closing the said Road, and recommend that the same be left open as a private road in accordance with the provisions of the Act of Assembly, approved 1929, April 17, P.L. 530, in which your Board of Viewers concur and recommend that a decree be made accordingly,

Your Board further reports that due to the absence from home of Viewer, T.C.McGarvey, he was not present at the view or hearing, which accounts for his signature not appearing hereon.

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 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: **No damages claimed or assessed.**

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 11th day of April, A. D. 1939

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

..... [SEAL.]

Viewers.

No. 7 Feb. Term 1939

ORDER TO VACATE

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
E. D. Billotte	3	102	\$35.10
John Scollins	3	70	\$33.50

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

Now Sessions 19 read and confirmed Ni. Si. By the Court.

Now May Sessions 1939

confirmed absolute, and it is decreed that the vacated and abandoned public ~~By the Court~~ road shall become a private road, as provided by Act of Assembly, approved 1929, April 17, P.I. 530.

By the Court
J. R. Gallagher

Filed 19

Atty. McGrath & Smith

Fees \$1.25 paid by

FILED
APR 12 1939
W. R. GUNLAGHER
NOTARY

To The County Commissioners of Clearfield County, Pennsylvania:

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

In re: Order to view and vacate
a road for public use in the
Township of Woodward.

NO. 7, February SS., 1939

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and vacate a road for public use in the Township of Woodward, leading from the Village of Jeffries in said Township to a point in the Village of Sanborn in said Township, a distance of approximately 4743 feet, or 0.898 of a mile, in the County aforesaid, will meet at the intersection of said road with the Improved State Highway, near the Jeffries Post-office, in said Township of Woodward, on Tuesday the 7th day of March, 1939 at 10:00 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

And that the public hearing required by 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 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 10th day of March, 1939 at 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.

Dated: February 18, 1939.

CLEARFIELD COUNTY, SS:

Now, this 21st day of February, 1939, service of the above Notice is accepted for the Commissioners of Clearfield County.

John Collins
E. S. Billotte
T. C. McGarvey
Viewers

Myra E. Lucas
Clerk

TO: Ashley Martin, John McDermott and James Yarger,
Supervisors of Woodward Township, Clearfield County:

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

In re: Order to view and vacate
a road for public use in the
Township of Woodward.

NO. 7, February SS., 1939

You are hereby notified that the undersigned Viewers,
appointed by the Court to the above number and term, to view
and vacate a road for public use in the Township of Woodward,
leading from the Village of Jeffries in said Township to a point
in the Village of Sanborn in said Township, a distance of approxi-
mately 4743 feet, or 0.898 of a mile, in the County aforesaid,
will meet at the intersection of said road with the Improved
State Highway, near the Jeffries Post-office, in said Township
of Woodward, on Tuesday the 7th day of March, 1939 at 10:00
o'clock A. M., to attend to the duty assigned them, of which
time and place aforesaid, all parties interested will take notice.

And that the public hearing required by 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 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 10th day of March, 1939 at 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.

Dated: February 19, 1939.

CLEARFIELD COUNTY, SS:

Now, this 18th day of February, 1939, service of
the above Notice is accepted for the Supervisors of Woodward
Township, Clearfield County.

Orin Scollins
E. D. Billotte
T. C. McGarvey
Viewers

John P. McDermott
Ashley Martin
James Yarger
Supervisors

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

In re:

Petition to Vacate Part
of a Public Road

:
:No. 7 Feb. Ssns. 1938.
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To The Honorable W. Wallace Smith, President Judge of said Court:

Your petitioners respectfully represent:

(1). That they are the Supervisors of the Township
of Woodward, County of Clearfield and State of Pennsylvania.

(2). That the Department of State Highways relocated
a certain Township road leading from the Village of Jeffries in
Woodward Township to a point in the Village of Sanborn in said
Township, a distance of approximately 4743 feet, or 0.898 of a
mile, fully described and shown on the attached drawing.

(3). That the part of the road abandoned was originally
a part of a township road, laid out many years ago by order of
the Court of Quarter Sessions, and by the relocation of the new
highway, it has become inconvenient, useless and burdensome; that
there is but one dwelling house on the said road and that the
occupants of said dwelling will have easy access to the main
highway, even after the part of the said road has been abandoned.

Your petitioners, therefore, pray the Court
that the said road may be vacated, from the village of Jeffries
to the village of Sanborn, as provided by the several Acts of
Assembly in such case made and provided, and that Viewers be
appointed for said purpose.

And, they will ever pray, etc.

John P. McVernatt
Charles Monroe
James J. Jones

STATE OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD :

Ashley Martin, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

Subscribed and sworn to
before me this *30th* day
of November, 1938.

Ashley Martin

[Signature]
NOTARY PUBLIC

Houtzdale, Pa.

COMMISSION EXPIRES MAY 11, 1940

D E C R E E

NOW, the 3rd day of February, 1938, the foregoing petition presented, read and considered and it appearing that the part of the said road which is desired to be vacated is inconvenient, useless and burdensome, the Court does hereby appoint John Scollins, Esq., E. D. Hillitt, and J. C. McGraw, of the Board of View of said County, to go upon the premises and view said road, and if they find that the said road is burdensome, to report the same to the next term of the Court of Quarter Sessions.

BY THE COURT,

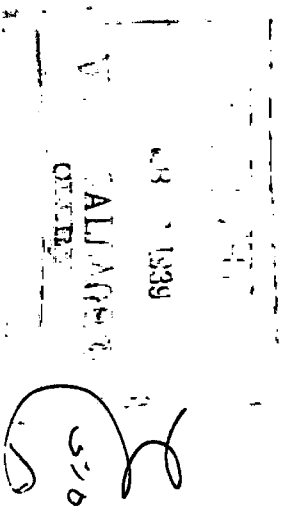
H. Walter Smith

P.J.

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

NO. *7* *Feb.* Ssns. 1938

In re: Petition to Vacate Part
of a Public Road



McGrath & Smith
Attorneys at Law
Houtzdale, Penna.