

To. 4 January Term, 1880

Public Road

VERSUS

Woodward & Co

Contents:

Route 1

To the Honorable the Judges of the
 Court of Quarter Sessions of the
 Peace in and for the County of Clearfield.
 The petition of the undersigned, inhab-
 -itants of the Township of Woodward, in
 the said County, respectfully sheweth;
 That your petitioners labor under great
 inconveniences for want of a public
 road or highway to lead from the line
 of the Borough of Houtzdale, at the
 Western terminus of Elizabeth Street, to
 the Catholic Cemetery in Woodward Township.
 Your petitioners therefore pray the Court
 to appoint proper persons to view and
 lay out the same according to law; and
 they will ever pray &c,

Richard Bowers	Thomas Hill
Wm. Smith	W. J. Bradley
Nicholas Walsh	John Shannon
John Kasey	Thos. Mulronee
Pat Cunningham	James W. McMahon
Daniel Burns	George Steck
Patrick Hume	Wm. B. Brown
John Lehman	John W. Jansen
Leimendinger	James McMahon
John J. Conry	Joseph Garity
John Gallagher	Michael Brennan

Nov 4 Jan 9 1880

H. H. Hartman
Frank Rogers
S. J. Hudson

Petitioners for and
to lead from the
line of the Barnum
of Hookdale at the
Western terminus of
~~the~~ ^{the} ~~line~~ ^{line}
to

The Catholic Church
in Hookdale

Filed 14th Jan 1880

Nov 21 Jan 1880 H. H. Hartman
Frank Rogers & S. J. Hudson
are appointed assessors to view
and report hereon

By the Court
p. 160

M. O'Leary

Commissioners

Clearfield County, ss.

At a Court of Quarter Sessions of the Peace of the county of Clearfield, held at Clearfield, in and for said county, on the 14th day of January A. D. 1886, before Judges of said Court, upon a petition of

sundry inhabitants of the Township of Woodward in said county, setting forth that William Smith et al asking Viewers to view and lay out public road lead from the line of the Borough of Hazleton at the Western terminus of Elizabeth Street to the Catholic Cemetery in Woodward Township

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and Report same.

whereupon the Court, upon due consideration had of the premises, do order and appoint A. H. Hartman Frank Folger D. J. Henderson

who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do least injury to private property, and state particularly whether they judge the same necessary for a public or private road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose lands said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next Court of Quarter Sessions to be held for the said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated lands through which the within road is intended to pass, of the time of the view, according to the 147th rule of Court.

BY THE COURT,

Eli. Plouffe
Clerk.

RELEASE OF DAMAGES.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, owners of the 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 the _____ at and before the sealing and delivery hereof, have remised, released and forever quit-claimed and do hereby remise, lease and forever quit-claim to the said _____ all damages that may arise to us respectively 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. 188 .



ASSESSMENT OF DAMAGES.

The following named persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned, viewers, under oath in pursuance of our duty, under the Act of Assembly do assess their damages and make report thereof, as follows :

To _____ the sum of _____

To _____ the sum of _____

To _____ the sum of _____

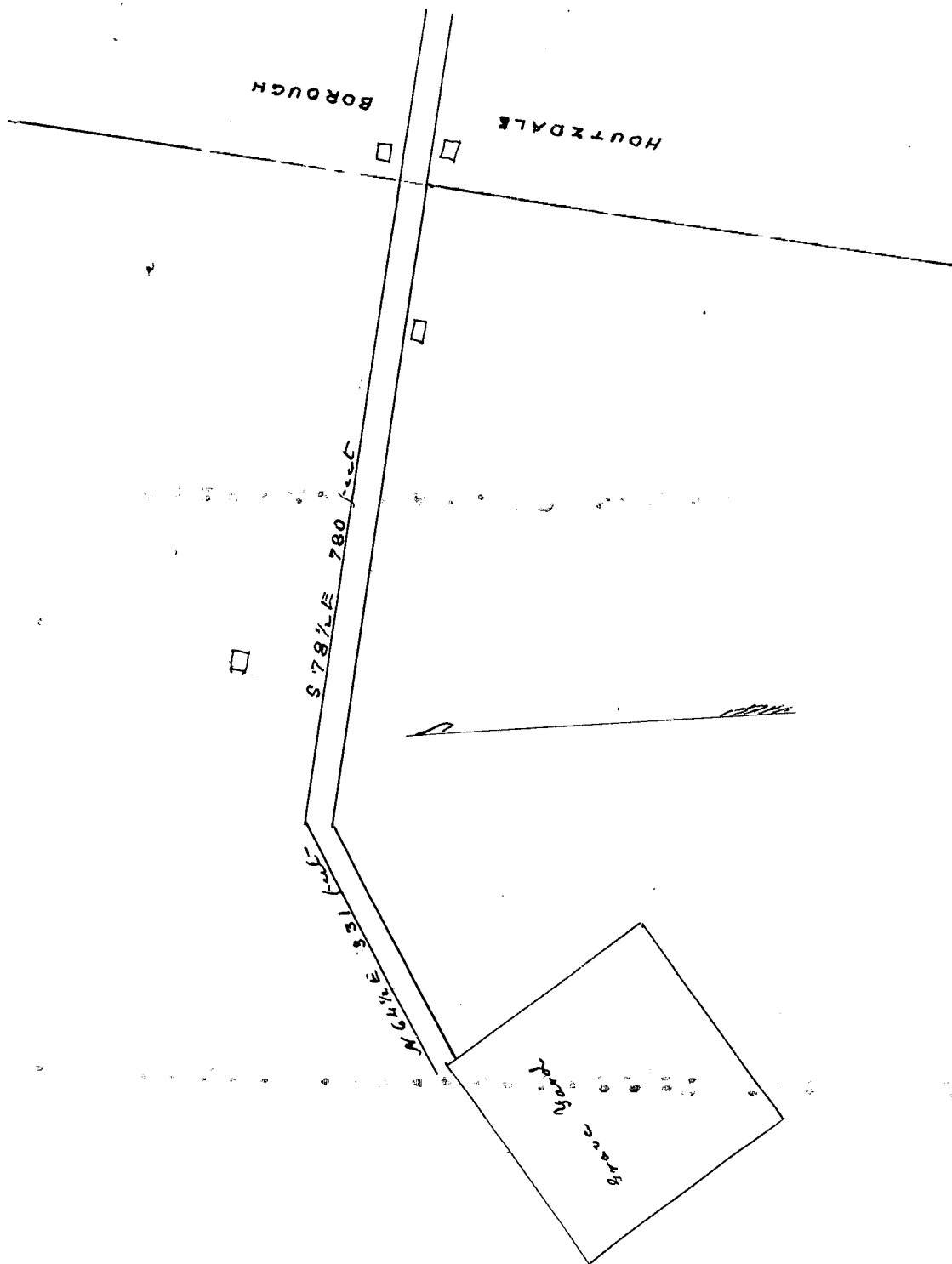
Witness our hands this _____ day of _____ A. D. 188 .

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 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.



To The Honorable Judges within named,

We, the undersigned persons appointed by the within order of Court, to view and lay out the Road therein mentioned, respectfully report: That having been present at the view of the ground proposed for such road, and having all been first severally sworn or affirmed, in pursuance of the said order we have viewed and laid out and do return for public use, the following road to wit: Beginning at the North ~~East~~ corner of Catholic Cemetery and running North sixty four and one half ($64\frac{1}{2}$) degrees East Three hundred and thirty one (331) feet to post; Thence South seventy eight and one half ($78\frac{1}{2}$) degrees East ~~Sixty~~ hundred and eighty (880) feet to post at the line of the Borough of Houtzdale at the Western terminus of Elizabeth Street, a plot or draft whereof is hereto annexed. Which road so as aforesaid laid out, we are of opinion is necessary for a public road.

Witness our hands this Twelfth day of March
A. D. 1880

H. H. Hartman
Frank Bolger
S. J. Henderson

} viewers

No. 4 *Henry* Session, 1886

ORDER

To — view and lay out a Road

For *South* ~~the~~ *use* in the township

Of *Southward* ~~the~~ *near* field county.

Report Confirmed *March 26* ~~the~~ *road* to be ~~containing~~ *opened*
88 feet wide except where there
is cutting or bridging then
to be 16 feet wide

By the Court
John H. McAllister

Report Confirmed
March 26 ~~the~~ *road* to be
88 feet wide except where there
is cutting or bridging then
to be 16 feet wide

Specifying order given to *McAllister*
to ~~open~~ *open* ~~the~~ *road* ~~to~~ *be* ~~opened~~ *opened*

Filed *15* *March* 1886

FEES \$1 ²⁵/₁₀₀ Paid by

NEAUM, LOAN PRINT.

James Bell

H. H. Hartman

mm 1
slong 2

F. B. Bolen

mm 1
long 1

mm 1
long 1

mm 2
long 1

John H. McAllister { *Chainman* *3.00*
H. McAllister { *#101, 40*

Recd June 8 1886
Fifteen dollars and

Party called from E. L.
B. Bolen

1886

RULE TO TAKE DEPOSITIONS.

CLEARFIELD COUNTY, ss:

In the Matter of Public
Good Learning from
the Verdict of Grand
Jury to Mr. Lech's
in Woodward Supp
Cep'd Co. Pa.

In the Court of Common Pleas of Clearfield County, Pennsylvania:

NO TERM, 18

AND NOW, to wit, the 25 day of May, in the year of our Lord one thousand
eight hundred and eighty, the Eighty enter a rule to take the Depositions
of ancient, infirm and going witnesses, to be read in evidence on the Argument
of this case.

Ex parte Rule of Reunuchota on 10 days' notice.

Ed. Plowing
Prothonotary.

To J. I. McGowan Esq.:

You will please take notice, that in pursuance of the foregoing rule, Depositions will be taken before
R. McManis or some other person authorized to admin-
ister oath or affirmation in Pennsylvania, in and for the county of Cep'd, at the
office of R. McManis, in the 2nd of June, in
the county of Cep'd, and State of Pennsylvania, on the 2 day
of June, A. D. 18 87, between the hours of 9 o'clock, A. M. and 7
o'clock, P. M., when and where you may attend and cross-examine.

Clearfield, Pa., _____, 18

W. H. Reunuchota

Shirley accept
them on the with
Rule, and Cuthbert
W. A. Chase Wolfman
and George Elam
also were all before
Exposition

May 25th 1880

J. F. McKeen

Atty Gen.
~~Reid~~ Reids

In the Matter of Public
Road Leading from the
terminus of Good Street
to Michael Leach's in
Woodward Township
Clearfield County
Penna

In the Court of ~~Commons~~ Sessions
of Clearfield Co
of June Term

Depositions of Witnesses taken before
R McNamara Esq Justice of the
Peace of said County at his office
in the Borough of Houtzdale on
the 2^d day of June A D 1880
by virtue of the annexed rule
and in accordance with the
annexed notice

George Sivank witness produced by
the remonstrators being duly sworn deposes
as follows, viz. I am about the age of
Thirty Nine by occupation Stone Mason
I live in the Borough of Houtzdale
Clearfield Co
I am one of the signers ^{to a petition} for Public Road

Leading from the terminus of Good Street
in the Borough of Houtzdale to Michael
Leach in Woodward Township I have
occasion to use the Public road from
Houtzdale to Houtzville in Woodward
Township I use it frequently for driving
another road is necessary for the use
of the Public There is another road leading
from Houtzdale to Houtzville around the
hill which is further, It is a good road
Vandusen asked me to sign the petition
I own no team or conveyance

Cross Examination

There could be a better road made from the
terminus of Good St to the residence of
Michael Leach than the present road I
signed the petition because the road would
be better for the accomodation of the Public,
There is not so much of a Hill it is a
leveler road I could get hauling done
from Houtzdale to Houtzville for half price

George Shwents

203
Witness Sworn deposition
read over to him and
subscribed before
R. McNamara J.P.

Isaac M Livingood witness produced by
the remonstrators being duly sworn deposes
as follows viz I am about Thirtyfive years
of age by Occupation Weigh Master I live
in Woodward Township Clearfield Co
I have never any occasion ^{to use} the Public road
for driving purposes between Houtzville &
Houtzdale or in Woodward Township I own
no real Estate Horses or vehicles I think
another road is necessary for Travelling
Public, Vandusen requested me to sign the
petition for the road

Cross Examination

I purchase all my suptis in Houtzdale
Borough I seen the petition and signed
it & read it and would have signed it
without a request

Witness sworn deposition
read over to him and
Subscribed before
R. M. Namora J. P.

J. M. Livingood

John Parker witness produced by the
remonstrators being duly sworn deposes
as follows. viz, I am Sixtythree years of
age by Occupation Laborer I live in Houtzdale
Borough Clearfield Co
I am one of the signers to the petition for
the new road leading from the terminus

of Good Street to the residence of Michael Seak
in Woodward Township I am not in favor
of having this new road laid out When
I went into Vandusen's Store he asked me
to sign a petition and asked me if I
would like to have work during the summer
I told him I would He said I am
going to make a new road to Houtzville
and said that he would give me work if
I would sign the petition I signed the
petition under a misrepresentation If I
had known ^{its contents fully} I would not have signed it
at all, I knew the road was not necessary
but signed it in order to get work
A new road would ~~only~~ be unnecessary and
would be putting cost on the Township

Cross Examination

I can read and write I did not read
the petition I am no enemy to Vandusen or
any other man I

200
Witness sworn deposition read
over to him and subscribed before

R. McNamee J.P.

John Parker

George Porman (Witness pro

George Poorman witness produced
by demonstrators being duly sworn affirmed
deposes as follows viz I am thirty one
years of age Teamster by occupation
I live in Houtzdale Borough Clearfield
Co I am acquainted with the road
leading from Houtzdale to Houtzville
in Woodward Township I use it daily
The road is not in very good repair but
with a little repair could be made a good
road a better road than the new ^{road proposed} which
is laid out I have used this road for four
Years I do not think another road is
necessary it would only be adding expense
to the Township. The only parties that
would be benefited by this new road would
be to the people living on Good Street
in Houtzdale Borough I think the old road
is a better grade than the new one could
be made

Cross Examination

I do not know where the old view was I was
not one of the viewers But I know where the
old road ran I own no property in Woodward
Township nor pay any Taxes there

I do not know where the new view is positively

I do not know the Causes and Distances

220
which is
Witness sworn deposition read
over to him and subscribed before
R McNamee J.P.)

George Poorman

J M Lehman Esq witness produced
by the remonstrators being duly sworn deposes
as follows viz I am about forty nine years of
age by occupation Justice of the Peace in
Woodward Township I live in Houtzville
Woodward Township Clearfield Co

I am acquainted with the road leading
from Houtzdale to Houtzville with a little
repair I believe the road could be made
as good as any road in the Township
I do not consider another road necessary
for the use of the Traveling Public If this
new road should be built it would almost
^{be} parallel with the old road It would be
^{only} three hundred and twenty feet distant at the
farthest point It would be an additional
expence to the Township I do not know any
persons that would be benefited by this road
except ~~a~~ few Business men living on
Good St. Houtzdale Borough There is
no Business man living on Good Street
except Vandusen Woodin & Parker

Cross Examination

I do not think the new ~~is~~ road is necessary
I do not ^{know} any one it would benefit in the Township
I do not own any property in Woodward Township
I am taxed for property in Woodward Township

Witness sworn depositions read
over to him and subscribed before

R. M. Namara J. P.

but do not own any real Estate I do not
all the property I am taxed for is a cow
J. M. Lehman

Jesse Diggins Witness produced by the remon-
strators being duly affirmed I am about
Thirty nine years of age by Occupation Lumber
~~Business~~ I live in Woodward Township
Clearfield Co

I am acquainted with the road leading
from Houtzdale to Houtzville. I have
known it since it was first opened when
the old road was layed out it was put on
the best ground ~~that~~ location that
could be found across the hill and the
lowest gap in the hill The road is a good
road if properly kept in repair I am acquainted
with the location of the ^{new} road I know this from
hearsay I think the old road was opened in
Eighteen Hundred and Sixty Nine I do not think
another road would be necessary It would only
be an additional expence to the Township
The Tax payer of Woodward Township as
far as I know are opposed to the opening
of a new road from Michael Leachs to
Good Street I know the terminus of the
new road at Michael Leachs connects
with no other Township road.

The only persons benefited would be the people living on Good Street. The principal ones would be Vandusen, Woodin & Parker. The viewers were Theodore Vandusen, Don St G Fraser, G H Woodin who located this new road. I am to hear of tax payers in Woodward Township.

Cross Examined

I do not know the exact location of the new road. But I do know the terminus at McLeaches and Good Street. I do have occasion to use the old road in hauling goods from the Rail Road Station to my mill and elsewhere. In hauling Lumber from my Mill I use the road leading around the hill to Eureka Mines. I use the road around the hill because it is a better Grade and ~~shorter~~ ^{shorter} I seldom use the road leading from my Mill to Bristol Street for Hauling Lumber.

321

Witness sworn deposition
read over to him and
subscribed before

R McNamara J P

W H Diggins

Dr. ^{Test} Todd witness produced by
remonstators being duly sworn deposes as
follows viz I am thirty years of age ^{Test}
practitioner Physician I live in Houtzdale Borough
Clearfield Co Pa I am acquainted with
the road leading from Houtzdale to Houtzville
I use the road almost daily I use some of
the other roads in the Township This road
compares favorably with other roads of the
Township with little repair could be made
a ^{first class} ~~good~~ road and kept in good condition
I believe that another ^{road} is unnecessary

Cross Examined

I reside on Boston Street Houtzdale Borough
I am interested in defeating the road into Good
Street My reason for this is that I believe that
the new road is gotten up for the benefit of a
few parties on Good St and I think it
would depreciate the value of property on Boston
Street I own property in Woodward Township

182
Witness sworn deposition
read over to him and
subscribed before

R McNamara JP

Dr. Todd

H. H. Hartman Witness produced by administrator
being duly sworn deposes as follows viz:
I am about thirty five Years of age Civil
Engineer by ~~Occupation~~ I live in Houtzdale
Borough Clearfield Co

I have made a draft of the two roads and
a profile and produced (Drafts produced
and marked A & B)

Witness Sworn deposition
read over to him and
Subscribed before

R McNamara J.P.

H. H. Hartman

Frank Bolger Witness produced by administrator
being duly sworn deposes as follows viz:
I am thirty six Years of age Liveryman by
occupation I live in Houtzdale Borough
Clearfield Co I am acquainted with the road
leading from Houtzdale to Houtzville I have used
the road ever since it was made The road ~~with~~
is as good a road as the generality of roads and
with a little repair can be made a good road
I believe another road would be unnecessary this
road is sufficient for the accomodation of the
public The new road is almost parallel with
the old road the greatest distance between them
being three Hundred and twenty feet and I
don't think this road would be any benefited
to the people of Woodward Township

The only persons benefited would be the people living on Good Street

Cross Examined

I reside on Bristol Street Houtzdale Borough. I own property on Bristol Street I have also an interest in property on Good Street. I have a Goates interest on Bristol Street. I am interested in the getting up of this remonstrance and expect to pay my share of the expence of the remonstrance

200
Witness sworn deposition read
over to him and subscribed
before

R McNamara J.P.

Frank Bolger

Thomas Henderson witness produced by remonstrators being duly affirmed deposes as follows viz I am sixty years of age Farmer by occupation I live in ¹⁴⁰³Woodward Township Clearfield Co I am acquainted with the road leading from Houtzdale to Houtzville and have occasion to use it every time I go to Houtzdale I have hauled a great deal over this road I believe it is about as good a road as the majority of the roads in the Township I think that another road would be unnecessary and would be only putting expence on the Township I am a regular Tax payer in the Township My only reason for being opposed to this new road is because I think

wholly unnecessary I made an examination
of the roads to day I wanted to see whether
there could be any improvement made on the
old road I come to the conclusion that it
could not be ~~made~~ better by making the
new road The old road is as good a road
as can be made across the Hill

Cross Examined

I reside four miles from Hutzdale Borough
I was not present at the view of this new road
I don't know exactly where it is located
I know the terminus of the road, I am not a
signer to the remonstrance of the road In passing
to and from Hutzdale I always use this road
Re examined

I stated in my cross examination
that I did not know the exact location of
the new road I meant by that that I did not
know the course and distances I do know
the termini of the road and I went over
the ground from one end to the other this
morning

Re cross ex I was over the ground from Aachen
to the end of Lord Street I don't know the
exact location of road on the ground but I
kept as near the location as I thought
they would lay a road

Thomas Henderson

Witness Sworn deposition
read over to him and
Subscribed before

R McNamara J.P.

R M Hunt witness produced by remonstrators
being duly sworn deposes as follows viz
I am twenty three Years of age clerk
by occupation I am a resident of Philadelphia
at present am Boarding at The Arlington
House Houtzdale Clearfield co
I believe I signed a petition for a public
road from the Terminus of Good Street
to Mr Leach's I signed at the request
of Mr Vandusen I am not interested
in the roads of Woodward Township. I cannot
swear that an other road is necessary between
Houtzdale & Houtzville

90
Witness Sworn Deposition
read over to him and
subscribed before
R M McNamara.

R M Hunt.

Clearfield County S.S,

I, R M McNamara above named a Justice of the Peace
of said County of Clearfield do certify that Geo Schwenk,
J M Livingston, John Parker, Geo Poorman, J M Schmar,
Jesse Diggins, Ferd Todd, H H Nottman, F Bolger, Thom
Henderson R M Hunt above named witnesses
produced by the Remonstrators in the above case
were sworn and there foregoing depositions taken
and subscribed before me at my office in the Borough
of Houtzdale and County of Clearfield on the second
day of June A D 1880 between the hours of nine A C

and Eight O. C. P. M. of said day in the
presence of W H Patterson of Council with the
Remonstrators and W A Chase of Council for
the Petitioners

Witness my hand and seal the 2^d day of June
A D 1880

R McNamara S.S.

DB

New Road ——— Good Street

Old Road

Vertical Scale — 30 Feet to Inch

Horizontal Scale — 200 Feet to Inch

Reed St

0 1 2 3 4 5 6 7 8 9 10 "

1 Page

Old Road in black
New Road in brown

Ms-4 June 7/88

Deceptive

Reverend

In the Matter of the
Public Road leading
from the entrance of
Road at the Bay
of St. John to the
Landing in the
vicinity of

Ms-4 June 88

Commissioner of
the Land Office
of the State of
Maine

Ms-4

