

No. 41/2 December Term, 1892

*Vacate & Supply
Public Road*

Versus

Bell Township

Contents:

R. 43 10 5 12

Vacate & Supply part Bt. B.C.

In the Quarter Sessions Court of Clearfield County.
To the Hon. David L. Krebs, P.J.

We the undersigned
Citizens of Bell Township, Clearfield Co. Pa. respectfully
represent, that the public road leading from
McLure Mills to a point north of the Penna^d
North Western R.R. Crossing near the residence
of J. W. McLure has become dangerous to
further traveling said public road by reason
of two diagonal crossings now in use and
one about to be constructed by the Penn. R.R.
Co. Your petitioners request that the public
road now used which has become
dangerous as above stated be vacated
and a new one supplied, from the Village
of McLure Mills to the R.R. crossing near the
residence of J. W. McLure. Commencing at
the Village of McLure Mills, ~~then across~~
~~the back of the Penna^d North Western R.R.~~
~~to the north side, thence to south side of~~
~~said R.R. to the crossing near the residence~~
~~of J. W. McLure where it intersects the Township~~
road. The said Penna. R.R. have by their
Engineer now constructing R.R., agreed to defray
the expense of building said new road, provided
the right of way is secured and the bridge
built across Whiskey Run. Your petitioners
respectfully request that viewers be appointed
to view said road & they will ever pray &c.

Names.

H. A. Moore

James S. ...

Cliff L. ...

John ...

W. Montgomery

H. Mott

Henry Stegner

Samuel Davis

William ...

W. D. ...

W. D. ...

John ...

W. ...

H. ...

T. B. ...

B. P. ...

C. A. ...

A. L. ...

J. H. ...

George ...

E. L. ...

E. D. ...

Names.

J. R. ...

J. H. ...

Miss ...

Names:

John Black

G. W. Byers

E. E. De Haven

J. L. De Haven

James H. Hollister

Thomas W. Kelly

W. L. Mahaffey

David H. May

Riley B. May

W. L. B. B. B.

W. L. B. B.

W. L. B. B.

W. L. B. B.

W. L. B. B.

W. L. B. B.

W. L. B. B.

W. L. B. B.

W. L. B. B.

Names:

W. P. Mahaffey
E. H. Thompson
Harry Rock
Thos. W. Davidson
David Mott
J. R. Reitz
U. J. Fest
C. A. Thome
J. W. Dale
J. M. Dutra
H. H. McDonald
H. L. Evans
A. G. Simpson
George Russell
S. F. Brandy
Vally Campbell
G. K. Allen
Edgar B. Mott
J. S. Mott
Daniel Remaley
J. W. Remaley
Frank Braughden
G. S. Remaley
J. E. Dull
Timothy Sanderson
W. F. Woodman
Leah Sanderson

W. M. McGuire
John Johnson
W. B. Campbell
H. S. Barr
Samuel Schlotten
A. J. Flegal
W. B. Mott
James H. McGuire
James Brandy
Henry Borch
D. H. Fairbank
J. R. Metzger
J. J. Davidson
A. C. Sunderlin
H. W. Metzger
Joseph Work
J. H. Woodman
W. H. M. Bailey
H. Luther Mott

No 42002-561973

Relation of James P. Bell
Shop for vacation supply
of fuel wood from the
Valley of M. G. Mills

to Residence of J. H. McGee
are in Bell Township

And now 2 January 1873
Palston was also considered and
S. F. McClary, R. Clinton Thompson and
John C. A. Thorp
appointed viewers to examine
in at to the property of vacation
and supply of the same described
and to put in the Court at next
term

By the Court
O. K. Bell

2 January 1873
J. H. McGee

SINGLETON BELL
ATTORNEY AT LAW
CLEARFIELD, PENNA

- To the Hon. Judge of the Court of
Quarter Sessions, of Clearfield County;

We the undersigned persons, appointed
by the within order of Court, to View, Vacate,
and Supply, the road therein mentioned,
respectfully report.

That having given notice of
the time, and place of Meeting according to
The Act of Assembly, and being all present at
the View of the Road proposed to be vacated
and supplied, and being all sworn or affirm-
ed in pursuance of the said Order of Court,
We have viewed, vacated, and supplied the
following road, to wit, Beginning at a point
in the Township Road leading from McGee's
Mills to Cumminsville, by a marked Telephone pole
and running along the said road, through
land belonging to Thomas A. McGee's Estate
South seventy eight degrees East, eleven per-
ches, Thence North eighty two, and a half degrees
East, twenty nine perches, crossing the Cosh Creek
Rail Road. North forty seven degrees East
thirteen, and six tenths perches, North thirty
eight and a half degrees East, twenty eight
and four tenths perches. North twenty four
degrees East, forty one and six tenths perches,
crossing the Pennsylvania Rail Road. Thence

North Ten degrees East, Twelve perches.
Thence North Twenty Seven degrees East
Thirty perches, Crossing the Belle Gap, or
Pennsylvania and North Western Rail Road
to a point in the Township Road near
the Residence of James W. McGee, The above
described road is shown on the annexed draft
in red ink, And is in our opinion a very dang-
erous piece of road for public use, and we
therefore declare it Vacated.

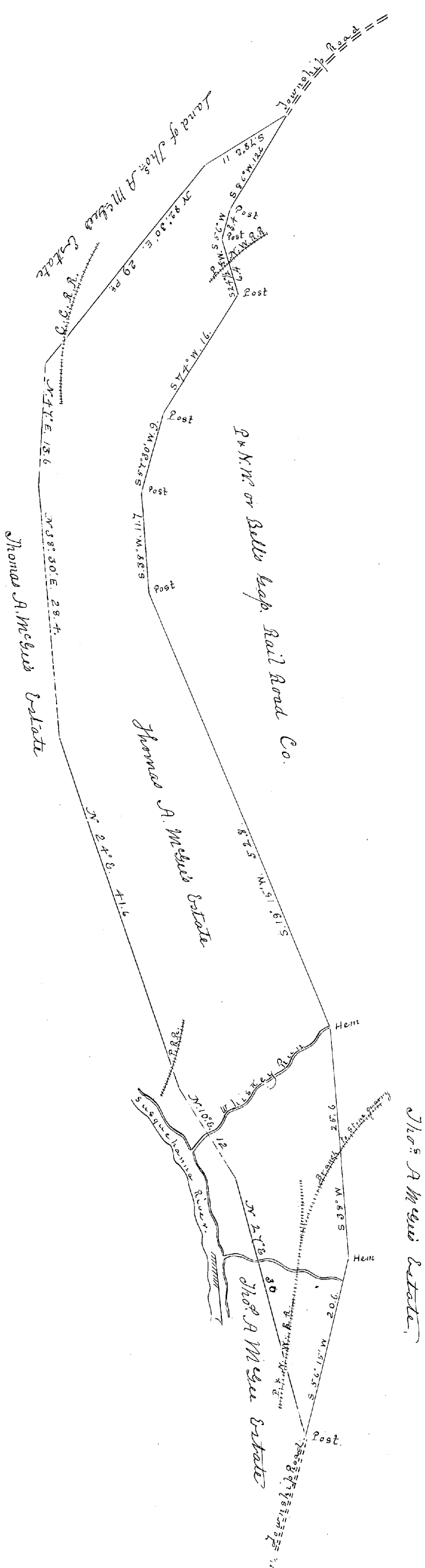
- And we supply the same by the following
road Viz. Beginning at the point last men-
tioned in the old Township road at a Post.
and running through land of Thomas A. McGee's
Estate, South Fifty six and a quarter degrees
West Twenty and six tenths perches to a marked
hemlock. South Thirty Eight degrees west Twen-
ty five and six tenths perches, (Crossing a branch
Rail Road, to a stone quarry,) to a Hemlock on
the North Bank of "Whiskey Run"; Thence through
land of the Belle Gap Rail Road Company,
South nineteen and a quarter degrees west fif-
ty two and eight tenths perches to a Post.
South Thirty Eight degrees west eleven
and seven tenths perches to a Post. South
fifty Seven and a half degrees west Nine
perches to a Post. South Seventy four de-

degrees west fifteen perches to a Post. Thence South twenty four and a half degrees West, six and four tenths perches, (Crossing the Pennsylvania & North Western Rail Road) to a Post. Thence South fifty six degrees West, three and four tenths perches to a Post. Thence through land belonging to Thomas A. McGee's Estate, South eighty six degrees west. Twelve, and six tenths perches, to the Beginning, Point of Vacation. Which said last described Road, as laid out to supply the part vacated, and as shown in the annexed diagram, in Black Ink. We are of opinion is necessary for public use.

And we are further of the opinion that no person, or persons through whose land the said road passes, as aforesaid laid out, is entitled to receive any damage.

Witness our hands, the 13th day of February A.D. 1893.

B. J. McClosky
J. A. Thorpe
R. C. H. } Viewers



Clearfield County, ss.

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 27th day of January, A. D. 1893, before Judge of said Court, upon a petition of sundry inhabitants of the township of Beell

, in said county, setting forth that

The public road leading from McGees Mill to a point north of the Penn^a North Western Railroad Co Crossing near the residence of Dr. McGee has become dangerous to parties traveling said public road by reason of two diagonal Crossings now in use and one about to be constructed by the Penn^a RR Co and request that the public road now used which has become dangerous as above stated be vacated and a new one supplied from the Village of McGees Mills at the present public road. The said Penn^a RR Co by their Engineer agreed to defray the Expenses of Surveying of said new road ~~from said~~ ^{for said} the right of way is secured and the Bridge built across Huskey run

and therefore praying the Court to appoint proper persons to view ^{Vacate & Supply} ~~and lay out~~ the same according to law, ^{Make report at May Term 1893} whereupon the Court, upon due consideration had of the premises, do order and appoint J. M. Cliskey R. Clinton Thompson & A. Thorp who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view, ^{Vacate & Supply} 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 ^{View Vacate & Supply} ~~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 the 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 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.

D. Gentry
Clerk.

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, or and in consideration of the sum of ONE DOLLAR to us respectively paid by the _____ at and before the ensembling 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 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. 189 .

Seal

Seal

Seal

Seal

ASSESSMENT OF DAMAGES.

The following 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. 189 .

In Re. Proceeding to } In the Court of Quarter
vacate and Supply }
Public Road } Sessions of Clearfield County.
in }
Bell Township. } N^o 4 Dec 25 1893.

2 Jan'y 1893 Viewers Appointed.
25 July " Report of Viewers filed
22 May " " Not Confirmed.

Now 22 May 1893 Pennsylvania &
Northwestern Railroad Company except
to above stated Road proceeding and
object to the confirmation of the Report
of viewers therein for the following
reasons, viz:-

- 1:- Because the Petition for said Road
to be vacated and Supplied not
only fixed the termini thereof, but
also certain intermediate points.
The clause fixing said intermediate
points is now erased, but Exemptants
believe and expect to be able to prove
that said erasure was not made
until after the petition was signed.
- 2:- Because in the petition it is al-
leged that the "Penna RR have
by their Engineer now constructing

RR agreed to defray the expense of building said new Road provided the right of way is secured and the Bridge built across Whiskey^{Run} thereby tending to ~~im-~~properly induce persons to become petitioners.

3: - Because said brewers did not make Report at the next Term of Court after their appointment as required by law. And because said Report was not ~~been~~ confirmed nisi, one Court ~~at least~~ having intervened since said brewers were appointed, and because not appointed at a regular term of Court.

4: - Because the Report of brewers does not state that five days written or printed notice of the time of view was given the County Commissioners, as required by ~~the~~ 172 of Rules of Court.

5: - Because such notice was not, in fact, given to the Commissioners as is evidenced by the

following endorsement on said
Report "I accept Service for County
Commissioners and waive
Time - Geo D Thompson"

5:- Because the Report of Viewers
does not state when and where
they met to make the view. What
Township the Road in question
is located in. The owners of lands
through which it passes. Nor the
Improvements upon the same.

6:- Because Exceptants would be
seriously damaged by reason of
the occupancy of their lands by
the Road ~~proposed~~ to be supplied
in said Report, and said Report
does not show that the Viewers
considered and passed upon the
question of damages to their said
lands.

7:- Exceptants Remonstrate against
the Confirmation of said Report for
the following Reasons:-

(A). Because the Road sought to be
vacated and supplied occupies
a good location, and if desired
can be raised so as to be beyond
the probable reach of all floods.

at a small part of the expense necessary to construct the ^{new} road recommended in said Report.

(b) Because said new Road occupies ~~exceptants~~ ground intended for yard and Sidings for a distance of over 700 feet, practically destroying the entire strip because what is left of it is too short for the purposes intended.

(c) Because it runs through and occupies their ground intended for a Y and destroys it for that or any other railroad purposes. That while no Y has, as yet, been constructed there, ~~Exceptants~~ contemplate doing so. That it was intended for that purpose and it is expected it was needed and required therefor in the near future. That said ground is important for the purpose at that point and no other suitable ground can be obtained in the neighborhood.

(d) Because danger ^{and inconvenience} to travel both on the Township Road and the

railroads would be increased
instead of diminished by the
proposed change of location
(c) Because great damage will
result to Exemptants by reason
of the construction of said proposed
new road.

Murray & Gordon
Solicitors for Petitioners

No 4 Wre SS 1890.

In Re - Application to
recreate and supply
Public Road

in

Well Township.

Exceptions to Proceeding
and Report of Jereus

May 23 1893
J. J. Langford

Wm. E.

