

No. 1

Dec.

Sessions, 1903

COMMONWEALTH

versus

Vacate and Supply
Public Road

in
Bed Twp.

R.R. #4-Page 870

charge

Port Bl 62

WILLIAM L. SWOOP,
DISTRICT ATTORNEY

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

To the Honorable Allison O. Smith, President Judge of said Court,

The petition of the undersigned, citizens of Bell Township and vicinity, respectfully represents:

That a portion of the public road leading from Cherry Tree to Mahaffey has become inconvenient and burdensome by reason of the changes made and proposed to be made by the Cambria and Clearfield Railway Company, by filling in the trestle on that part of its line in the vicinity of ~~a point~~ of that part of its line which intersects with said road.

They therefore pray that viewers may be appointed to view and vacate that portion of the said road lying between McGee School House and a point about one hundred and fifty feet East of a grade crossing on the Pennsylvania & North Western Railroad and said road, with power to supply same by a new road. It being understood that the expenses of said new road will be paid by the railroad company so as to be no expense to the tax-payers of the township.

G. W. Hinch
A. J. Gring
C. M. Csy
Daniel Remaley
P. J. ...
H. J. ...
J. E. Campbell

J. P. ...
J. ...
J. ...
J. ...

H. B. ...
Blande ...
R. F. M. ...
Clay Wolfe
H. H. ...
Foster Beatz
G. R. ...
L. J. ...
J. ...
E. ...
G. ...

J. ...
E. ...
G. ...

Robert Beatty
George Miller
L. M. Miller

J. E. Miller
A. J. Sundelin
S. H. Miller
George Miller
E. M. Sundelin

Swain
S. H. Sundelin
John H. Nagle was
J. H. Kinniley
Edward Bouch
J. C. Bouch
J. H. Miller

George Miller
J. H. Miller
J. H. Miller
J. H. Miller

Petition to Vacate Public
Road in Bell Township, ~~Allegheny~~
Power to Supply

Mon Sept 3, 1904, Moline
Dad & Margaret having
Dinner, Dennis, Dennis &
Dr. J. Hopper were at
Banquet previous to departure
at night. Dennis.

By the Author
William C. Smith

KURTZ BROS., STATIONERS & PAINTERS, CLEARFIELD, PA.

OPENING ORDER.

CLEARFIELD COUNTY, SS:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, at Clearfield town, in and for said county, on 8 day of December A. D. 1908, before the Judges of said Court,

Harry Byers, James Savage and W. J. Hoffer

the persons appointed by an order of Quarter Sessions, last past, to view and lay

out a road from that a portion of the public road leading from Cherry Tree to Mahaffey has become inconvenient and burdensome by reason of the changes made and proposed to be made by the Cumbria & Clearfield Railway Company by filling in the trestle on that part of its line in the vicinity of that part of its line which intersects said road.

They therefore pray that viewers may be appointed to view and vacate that portion of the said road lying between McGee School House and a point about one hundred and fifty feet East of a grade crossing on the Penna & North Western Railroad and said road, with power to supply same by a new road, it being understood that the expense of the new road will be paid by the Railroad Company so as to be no expense to the tax payers of said Township of Bell.

Do Report that in pursuance of the said order, they have viewed and laid out, and do return for public use, the following road, to wit: Beginning at a point on the road from Cherry Tree to Mahaffey, near McGees School House to wit a post by a marked stump thence through unimproved land land of McGee Esq., and P. R. R. ground North sixty one degrees, fifteen minutes east three hundred and sixty one feet to post; thence through unimproved land of P. R. R. north fifty degrees fifty minutes East one hundred and twenty feet to a post; then to a spur or branch road North Sixty four degrees forty five minutes East one hundred and sixty feet to point near McGee School house said branch being laid out to furnish a way to reach said school house across Cumbria and Clearfield Rail road crossing two tracks instead of four as at present; thence returning to end of 2nd course and dist 50° 30' E. 120' main road is continued as follows North twenty two degrees five minutes East crossing P. & N.W Div. C & C. R. R. single tracks at grade through land belonging to said railroad and land of Mrs. Z. Mahaffey; thirteen hundred and eighty feet to post; thence through unimproved land of said Mrs. Z. Mahaffey and unimproved land of Esther McGee fifty seven degrees and five minutes East four hundred and seventy feet to point opposite market stump on road leading from Cherry Tree to Mahaffey which road is in our opinion necessary for a public road with the branch to school house aforesaid. The road now in use between said points on Cherry Tree Mahaffey road to wit; beginning at start of road aforesaid laid out; thence North eighty three degrees ten minutes East three hundred and twenty feet; thence North forty five degrees East three hundred and sixty six feet; thence North thirty eight and three fourths degrees; east six hundred and forty one feet; thence North seven degrees and fifteen minutes West one hundred and ninety one feet; thence North sixteen and one half degrees East three hundred and twenty one

and three tenth feet; thence north thirty seven and three fourth degrees and three fourth degrees east one hundred and sixty eight and two tenths feet; thence North twenty seven and three fourth degrees East Three hundred and eighty eight feet to endin point of road laid, which road has in our opinion become useless inconvenient and burdensome and should be vacated a plot or draft of roads as vacated and laid out is hereto annexed; It being understood that the road laid our aforesaid being beneficial to public, but done in part for improvements can be made to C. & C. R.R. the said R. R. Company are in accordance with understanding in petition for changes herein made, to make the road laid out under the within order of court, and cuts and fills thereon to be as per draft of Company attached hereto with substantial and permanent bridges and every part of said road to be made to satisfaction of supervisors of Bell Township: Witness our hands this 1st day of November A. D. 1904

a plot or draft whereof is to the said Report annexed, which report being read the first time at Dec. Sessions, 19⁰⁴, and the second time on the day of Feb. 19⁰⁵, the Court approves of and confirms the said road for public use, and orders and directs that it be entered of record, and opened and cleared off the breadth of feet, except where digging or bridging is necessary, and there to be feet, agreeable to the courses and distances aforesaid, of which the Supervisors of the highways of the townships through which the said road runs are to take notice.

By order of the Court.


John R. Moore

Clerk of Quarter Sessions.

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 reviewers, 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.

AMOUNT.
Days.....
Miles.....

No. 1 Dec. Sessions, 190 4

ORDER.

To view and open a road for public use in the township of Ezell
Clearfield county 4 Sessions, 190 4
D-2,
read and confirmed Ni. Si. Road to be opened 35 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

Filed 1.50
Fees, \$1.25, paid by J. S. Isenb

190

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.

No. 1 December Sessions, 1904

ORDER

To view, vacate and supply a road for public use in the township of Bell, Clearfield County, Penna.

Dec. Sessions, 1904,
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.

By the Court

Grant St. Thompson
July 1, 1905 confirmed and
at no time to be altered or modified.

FILED	DEC 5 1905
FEES PAID	PROTHONOTARY

Murray & O'Laughlin,

18000 words

To The Honorable Alanson J. Smith President Judge of the
Court of Quarter-Sessions of Clearfield County Pa. We the
undersigned viewers appointed by the within order of Court
to view vacate and supply the road herein mentioned respect
that we gave good and lawful notice of the said road view
by posting three notices in public places in vicinity of said road
more than five days before view, serving also notices attached
hereto, and having been present at view and having been several
days sworn or affirmed we have viewed and laid out and do
return for public use the following roads made necessary by reas-
on of vacating of road hereinafter described beginning at a point on the
road from Cherry Tree to Mahaffey, near Mc Gee School House, to wit a
point by a marked stump thence through unimproved land of Mr. T. Mc
Est and P.R.R. ground North Sixty-four degrees fifteen minutes East
three hundred and sixty-one feet to first thence through unimproved land
of P.R.R. North fifty degrees fifty minutes East one hundred and twenty
feet to a post. thence a spur or branch road North Sixty-four
degrees forty-five minutes East one hundred and sixty feet
to point near Mc Gee School house said branch being laid out
to furnish a way to reach said school house across Cambria and
Clearfield Rail road - crossing two tracks instead of four as at pres-
ent. thence returning to end of 2nd Course & dist ($1.50' 50'E 120$) main
road is continued as follows. North twenty-two degrees five minutes

crossing P.R.R. line ~~at~~ C.R.R.
grade through land belonging to said re-
Mrs Z. Mahaffey Thirteen hundred and eighty feet to post, thence -
through unimproved land of said Mrs Z. Mahaffey and unimproved land of
Eddie Mc Gee North fifty seven degrees and five minutes East from
hundred and seventy feet to point opposite marked stump on road
leading from Cherrytree to Mahaffey, which road is in our opinion necessary for a
public road with the branch to school house aforesaid. The road now in use between
said points on Cherrytree - Mahaffey road to wit beginning at ~~start~~ of road aforesaid laid out
thence North Eighty-one degrees ten minutes East three hundred and twenty feet thence North
forty-five degrees East three hundred and sixty-six feet thence North thirty-eight and three fourths de-
grees East Six hundred and forty-one feet thence North seven degrees and fifteen minutes East one hun-
dred and ninety-one feet, thence North sixteen and one half degrees East three hundred and twenty-
one feet three tenth feet thence North Thirty seven and three fourths degrees East one hundred
and sixty-eight and ~~one~~ tenth feet thence North Twenty-seven and three fourths degrees East
three hundred and eighty-eight feet to ending point of road said which road has in
our opinion become useless inconvenient and burdensome and should therefore be vacated
a plot or draft of road as vacated and laid out is hereto annexed. It being understood
that the road laid out aforesaid being beneficial to public, but done in part for improve-
ments can be made to C.R.R. The said R.R. Company are in accordance
with understanding in petition for changes herein made, to make the road laid out
under within order of court, and cuts and fills thereon to be made as per draft
of Company attached hereto with substantial & permanent bridges and ~~every~~ part
of said road to be made to satisfaction of supervisor of Bell Twp. Wm. M. Morris our
Chandler this 1st day of November A.D. 1854

Henry B. Jr.
W. M. Morris

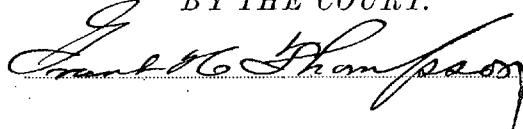
Clearfield County, ss:

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 ninth day of September , A. D. 190 4, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Bell , in said county, setting forth that

That a portion of the public road leading from Cherry Tree to Mahaffey has become inconvenient and burdensome by reason of the changes made and proposed to be made by the Cambria & Clearfield Railway Company. by filling in the trestle on that part of its line in the vicinity of that part of its line which intersects with said road. They therefore pray that viewers may be appointed to view and vacate that portion of the said road lying between McGee School House and a point about one hundred and fifty feet East of a grade crossing on the Pennsylvania & North Western Railroad and said road, with power to supply same by a new road. it being understood that the expenses of said new road will be paid by the Railroad Company so as to be no expense to the tax-payers of the said Township of Bell.

and therefore praying the Court to appoint proper persons to view vacate and supply the same according to law, whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers, James Savage, and W. J. Hoffer. 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 view vacate and supply 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 land 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 land 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.


James H. Thompson
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 for and in consideration of the sum of ONE DOLLAR to us respectively paid by the 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 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. 190.....

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 Estheer Mc Gee the sum of Ten dollars
To Z. m. aloffey the sum of Twenty-five
To the sum of

Witness our hands this 1st day of November A. D. 1904

Harry Byers
W. J. Coffer
James Sandiford

Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view Vacate and supply public Road leading from Mc Gee School house

in Bell Township, to a point about one hundred and fifty feet East of a grade crossing on the P & W RR and said road with power to supply the same with a new road, said road being a part of the road leading from Cherry Tree to Mahaffey in Bell Township, in the county aforesaid, will meet at the ~~house of~~ Mc Gees Mills Hotel, in Bell Township, on Tuesday, the 1st day of November, A. D 1904, at 8 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Harry Byers
James Savage
W. J. Hoffer

Viewers.

Clearfield Pa Oct 22, 1904

Served on us this
25th day of November
A D^o 1904
For County Causes
W.P. Rawles

31.30

Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view *Vacate and supply Public Road leading from*
Mc Gee School House

in Bell Township, to a point about one hundred and fifty feet East of a grade crossing on the P. & N. W. R.R. and said road with power to supply the same with a new road (said road being a part of the road leading from Cherry Tree to Mahaffey) in Bell Township, in the county aforesaid, will meet at the ~~house of~~ *Mc Gees Mills Hotel*, in Bell Township, on *Tuesday*, the *1st* day of *November*, A. D 1904, at 8 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Harry Byers
James Savage
W. J. Hoffer

Viewers.

Clearfield Pa Oct 23, 1904

Served on us this
day of October ^{26th AD 1904}

Supervisors of { A. J. Ging
Bell Twp G W Bough
Clearfield Co., Pa.

Road Viewers' Notice!

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~Vacate and supply Public~~ Road leading from Mc Gees School house

in Bell Township, to a point about one hundred and fifty feet east of a grade crossing on the P & N. W. RR and said road with power to supply same by a new road (said road being part of public road leading from Cherry Tree to Mahaffey) in Bell Township, in the county aforesaid, will meet at the ~~house of~~ Mc Gees Mills Hotel, in Bell Township, on Tuesday, the First day of November, A. D 1904, at 8 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Harry Byers
James Savage
W. J. Hoffer

Clearfield Pa Oct 22, 1904

Viewers.

I hereby accept service of
within Plaintiff this 24th
day of Oct 1904

J B Miller

McGees Mines Village

76の問題。十位の9を10に見て、9999999999。

THE BOSTONIAN

To Chao
PUBLIS

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To Cherry Tree
Dubois

ROAD

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