

No. 1

Dec

Sessions, 190

COMMONWEALTH

VERSUS

Vacate and Supply
Cublin Road

in
Bed Twp.

R.S. #4 - Page 470

Charge

Part Bt 62

WILLIAM L. SWOOPES,
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. HOLLER

a. g. Gires

Chrisy

Daniel Kemmerly

623

9/1/54

7. L'omphale.

W. B. Crown

Livingston

21. 11. 2014

1941

H. B. Macomber

Blanche Herwood

R. F. M. O'Leary

Clay Wolke

H. H. Miller

2
Easter Beatz

G. K. Allen

Ly. 100.

11. 12. 13.

Exhibit 10

Q. 11. 2. 34

Robert Beatty
George M. J. E.
S. H. M. J. E.

J. E. M. J. E.
S. H. M. J. E.
S. H. M. J. E.
George M. J. E.
E. M. J. E.

J. E. M. J. E.

S. H. M. J. E.

John. H. M. J. E.

J. H. M. J. E.

Edward B. M. J. E.

J. H. M. J. E.
S. H. M. J. E.

George M. J. E.
S. H. M. J. E.
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S. H. M. J. E.
S. H. M. J. E.

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

This Sept 19, 1904, petition
read & amended Henry
Byrne, James Davis &
Wm. J. Koppin were of
limited services - to report
at next session.

By the Court:
William C. Smith
CJ

FILED
SEP 2 1904
Jmt H. Thompson,
Clerk of Court

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 Cambria & Clearfield Railway Company by filing in the trestle on that part of its line in the vicinity of that part of its line which intersects its 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.

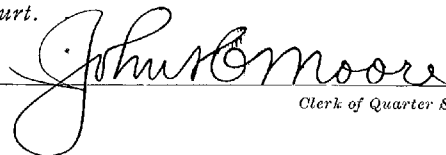
Do Report that in pursuance of the said order, they have viewed and laid out, and do return for public use, the following road, to wit: Beginning at

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 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; thence 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 Cambria 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 lane 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 marked 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 ending 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 out aforesaid
being beneficial to public, but done in part for improvements can
be made to C. & G. 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.



Clerk of Quarter Sessions.

ORDER.

ing, there to be 16 feet wide.

Fees, \$125, paid by J. H. Tanager,

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.

AMOUNT.

<i>Henry Rogers</i>	<i>Days 3</i>	<i>Miles 36</i>	<i>15.60</i>
<i>W. J. Hoffer</i>	<i>Days 2</i>	<i>Miles 36</i>	<i>7.60</i>
<i>James George</i>	<i>Days 2</i>	<i>Miles 36</i>	<i>7.60</i>

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 H. Thompson

Feb 18, 1905 confirmed and settled by the court.
Almond Smith

Filed
 Fees \$9.35
 DEC 1904
 PROTHONOTARY
 Murray & O'Laughlin,

James George

To The Honorable Alanson O. 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 therein 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
by sworn or affirmed we have viewed and laid out and do
return for public use the following roads (made necessary by neces-
sity of road hereinafter described beginning at a point on the
road from Cherry Tree to Mahaffey, near the Free School House, to wit a
post by a marked stump thence through unimproved land of Mrs. Tee
East and P & R ground North Sixty degrees fifteen minutes East
Three hundred and sixty one feet to post thence through unimproved land
of P & 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 the Free School house said branch being laid out
to furnish a way to reach said school house across Cambria and
Clearfield Railroad crossing two tracks instead of four as at pres-
ent. Thence returning to end of 2nd Course & dist (N 50° 50' E 120) main
road is continued as follows. North twenty two degrees five minutes
crossing P & R & C & R
grade through land belonging to said
Mrs. Z Mahaffey Thirteen hundred and eighty feet to post, thence
through unimproved land of said Mrs. Z Mahaffey and unimproved land of
Ecklin, Me Lee North ~~forty~~ seven degrees and five minutes East four
hundred and seventy feet to point opposite marked 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 fourth 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 thence North thirty seven and three fourth degrees East one hundred
and sixty eight and ~~two~~ tenth feet thence North twenty seven and three fourth 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 roads 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 & C R R. The said R R Company are in accordance
with understanding in petition for changes herein made, to vacate 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 supervisors of Bell Twp, Watersburg
landed this 1st day of November A.D. 1864

Harry Beyer
W. Mahaffey

Clearfield County, ss:

*At a Court of Quarter Sessions of the Peace of the
county of Clearfield, Pennsylvania, held at Clear-
field, in and for said county, on the ninth
day of September, A. D. 1904, 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 particu-
larly, 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 pro-
cure 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 Esther McLean the sum of Ten dollars
To Z. Mahaffey 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 Sandage

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 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 22, 1904

Served on us this
25th day of November
A D 1904

th
Mar County Commr

W. P. Rowles

131138

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 Byer
James Savage
W. J. Hoffer
Viewers.

Clearfield Pa Oct 22, 1904

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

Supervisors of
Bell Twp
Hearfield Co. Pa.

A. J. Ginz
G. W. Bouch

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 & M. W. R. R. 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
Viewers.

Clearfield Pa Oct 22, 1904

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

J B Muling

