

No. 2, May Sessions, 1905

COMMONWEALTH

versus

Public Road  
in  
Bell Twp

Rd #4 - Page 491

Charge

Down east side of  
Whiskey Run - Vacated  
WILLIAM I. SWOOPE,  
DISTRICT ATTORNEY.

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 13  
day of Feb'y, A. D. 1905, before the  
Judge of said Court, upon a petition of sundry  
inhabitants of the township of Bell  
\_\_\_\_\_, in said county, setting forth that

your petitioners labor under great  
inconveniences for want of a public road  
or highway, to lead from a point at the  
East end of Whiskey Run Bridge in the  
Village of Newtonburg to intersect the  
public road leading from the S. S.  
Mott farm to the Pungentawoney Road  
on J. M. Davidson farm at a point  
about 15 rods west of J. M. Davidson  
Barn in said Twp.

and therefore praying the Court to appoint proper persons to view and lay  
out the same according to law, Report to next term  
whereupon the Court, upon due consideration had of the premises, do order and  
appoint Geo. C. Kirk, Cyrus A. Woods, Phineas Sutton  
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  
and lay out 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.

Roll B. 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 enrolling 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.

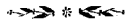
Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 190\_\_\_\_\_.

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 Reuben Rupert the sum of Fifteen dollars.  
To \_\_\_\_\_ the sum of \_\_\_\_\_  
To \_\_\_\_\_ the sum of \_\_\_\_\_

Witness our hands this 20<sup>th</sup> day of May A. D. 1905.

Geo. C. Kirk.  
Phineas Hutton  
C. A. Woods

To the Honorable, the Judge within named: We the undersigned, appointed by the annexed order do report: That in pursuance thereof, after having been severally duly sworn, all the viewers appointed by said order, viewed the ground proposed for the within mentioned road, and we do agree that there is occasion for a road as desired by the petitioners, and that the same is necessary for a public road. And having had respect to the shortest distance and the best ground for such road, we have laid out in such manner as shall, in our opinion, do the least injury to private property, and as far as practicable agreeably to the desire of the petitioners, and do return for public use the following described road; to wit:— Beginning at a point at the public road leading from the S. S. Mott farm to the Sunpsutawney road, near F. M. Davidson's barn. Thence N. 56½° W. through woodlands of said F. M. Davidson, 303.5 ft. to a post, thence N. 35° W., 100 ft. to a post, thence N. 1½° E., 257 ft. to a post, thence N. 21½° E., 380 ft. to a post, on woodlands of Esther Magee, thence N. 23° E., 565 ft. to a post, thence N. 33¼° E., 538 ft. to a post, thence N. 4½° W., 221 ft. to a post, thence N. 1½° W., 1345 ft. to a post, thence N. 34½° E., 662 ft. to a post on woodlands of Austin Beaty, thence N. 4½° W., 335 ft. to a post, on woodlands of James Magee, thence N. 7¾° N., 298 ft. to a post, thence N. 26½° W., 162 ft. to a gum, thence N. 7° W., 139 ft. to a post, thence N. 20° E., 378 ft. to a post, on woodlands of Joseph Young, thence N. 26° E., 492 ft. to a chestnut, thence N. 26½° E., 318 ft. to a post, thence N. 21° E., 545 ft. to a post, thence N. 29½° E., 211 ft. to a post on improved lands of Reuben Rupert, thence N. 7¾° E., 490 ft. to a post at the east end of Whiskey Run Bridge, in the Village of Newtonburg.

We further report that there are no damages accruing to any of the owners of the lands through which said road passed, except Reuben Rupert, by reason of the opening of said road, and therefore, having taken into consideration the advantages as well as the disadvantages to be derived to the said Reuben Rupert, from the road passing through his land, we have assessed the damages sustained by the said Reuben Rupert, at Fifteen (\$15.00) dollars, that before the said view, public notice of the time and place of the meeting of the viewers was given by advertisements put up in the vicinity of said road, and also having given due notice to the supervisors of Bell Township, the County Commissioners and the owners of lands through which said road passed of the time and place of said meeting. (The notice served upon the supervisors, County Commissioners and property owners, with the affidavit of Austin Beaty, as to service of same, having been attached to the former report, cannot be attached hereto.) And we annex a plot or draft of said road laid out, stating the courses and distances, and noticing briefly the improvements through which the same passes.

Witness our hands this 20th. day of May, A.D. 1905.

Geo. C. Kirk.

Phineas Hutton

E. A. Wood

viewers

*Duplicate*

No. 2 May Sessions, 1905

ORDER

To view and lay out a  
road for Public use in the  
township of Bell  
Clearfield County

May Sessions, 1905;  
read and confirmed N. S.  
Road to be opened 33 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 16 feet wide.

By the Court  
William C. Smith

Sep. 24, 1905 confirmed  
advertis. By the Court

William C. Smith

Filed 190

Fees \$1.25 paid by

FILED  
SEP 11 1905  
ROLL B. THOMPSON,  
CLERK

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 origi-  
nal 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 dam-  
ages, taking into consideration the advantages as well as the  
disadvantages of the road, they will report to that effect.

AMOUNT.

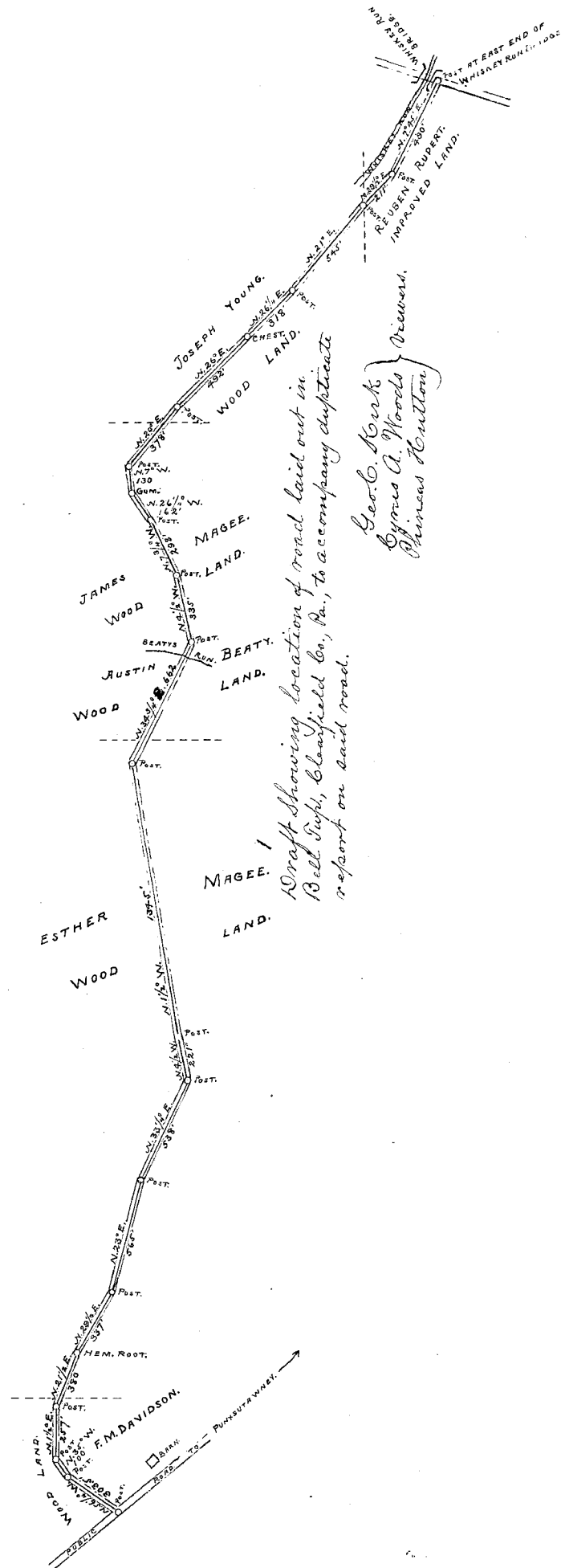
Geo. C. Kirk } Days  
Miles 13.60

Cyrus A. Woods } Days  
Miles 5.60

Phineas Sutton } Days  
Miles 4.90

Duplicate } Days 4.00

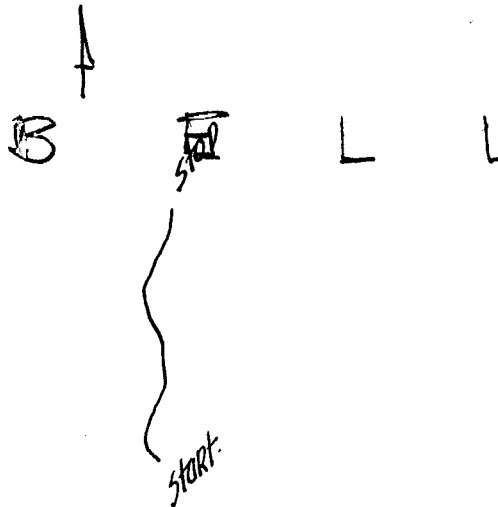
Geo. C. Kirk } Days  
Miles



Draft showing location of road laid out in  
 Bell's, Clayfield Co., Pa., to accompany duplicate  
 report on said road.

Geo. C. Kirk  
 Cyrus A. Woods  
 Phineas Hutton

POST AT EAST END OF  
 WHISKEY RUN IN 1802.  
 REUBEN RUPERT  
 IMPROVED LAND.



Clfd. Co., Bell Twp.  
Conf. Absol. Sept. 1905.  
33 ft. -- 16 ft.

Beginning at a point in the public road leading from S.S. Mott's farm to the Punxy Road --- to a point at the east end of the Whiskey Run Bridge in the village of Newtonville.

— — —

BURNSIDE  
BORO

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 13  
day of Feb, A. D. 1905, before the  
Judge of said Court, upon a petition of sundry  
inhabitants of the township of Bell  
in said county, setting forth that

*your petitioners labor under great inconveniences  
for want of a public road or highway, to lead  
from a point at the east end of Whiskey Run  
Bridge in the Village of Newtonburg to  
intersect the public road leading from  
the ss. Mott farm to the Purschutanney  
road on J. M. Davidson farm at a point  
about 15 rods west of J. M. Davidsons  
Barn in said Twp.*

and therefore praying the Court to appoint proper persons to view *and lay  
out* the same according to law, *Report to May Term*  
whereupon the Court, upon due consideration had of the premises, do order and  
appoint *Geo. C. Kirk, Cyrus Woods, Phineas Hutton*  
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 *View and  
layout 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 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.

*Roll B. 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 enrolling 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 Reuben Rupert the sum of Fifteen dollars.

To ..... the sum of .....

To ..... the sum of .....

Witness our hands this 21st day of April A. D. 1905.

Geo. C. Koike.  
Phineas Hutton

# ROAD VIEWERS' NOTICE.

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view public Road leading from a point at the east end of Whiskey Run Bridge, in the Village of Newtonburg

in Bell Township, to intersect the public road leading from the S. B. Mott farm to the Dunxsutawney road, on the farm of F. M. Davidson, at a point about 15 rods west of F. M. Davidson's barn,

in said Township, in the county aforesaid, will meet at ~~the house of~~ Newtonburg, in Bell Township, on Thursday, the 20th. day of April, A. D.

1905, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Geo. C. Kirk  
Cyrus Woods  
Phineas Hutton.

VIEWERS.

April 6th, 1905.

April The 10<sup>th</sup> 1905

I Austin Beatty do hereby certify that

Ruben Rupert one of the elected land owners  
J. M. Davidson one of the elected land owners

John McRadecamus Supervisor of Bell Township

Simon B. Miller Supervisor of Bell Township

Sworn and subscribed before me this

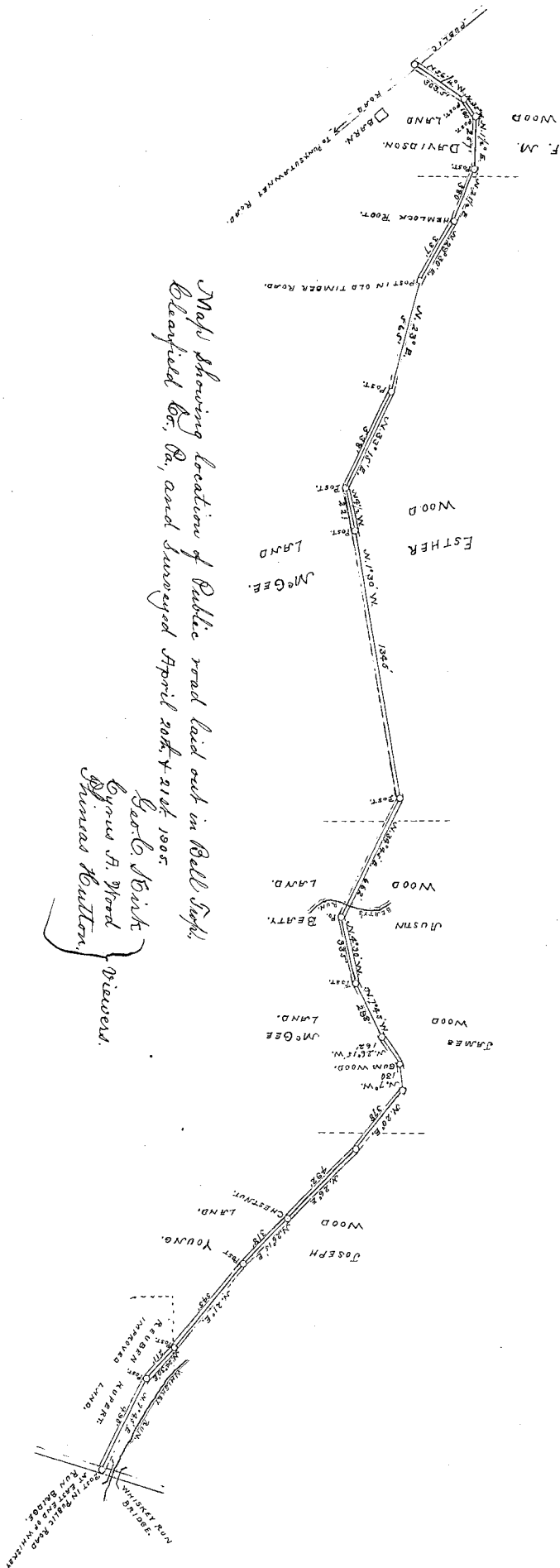
14th day of April 1905

O. N. Byers J. P.

Austin Beatty (Seal)

my commission expires May 1st 1905

O. N. Byers J. P.



Map showing location of Public road laid out in Bell County, Texas, April 20th & 21st 1905.

Booth, Bick  
Byrnes, F. Ward  
Thomas Houston  
Viewers.

# ROAD VIEWERS' NOTICE.

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view public Road leading from a point at the east end of Whiskey Run Bridge, in the Village of Newtonburg,

in Bell Township, to intersect the public road leading from the S. S. Mott farm to the Suxutawney road, on the F. M. Davidson farm at a point about 15 rods west of F. M. Davidsons barn,

in said Township, in the county aforesaid, will meet at ~~the house of~~ Newtonburg, in Bell Township, on Thursday, the 20th day of April, A. D. 1905, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Geo. C. Kisko  
Cyrus Woods  
Phineas Hutton

VIEWERS.

April 6th, 1905.

To the Honorable, the Judge within named: We the undersigned, appointed by the annexed order do report; That in pursuance thereof, after having been severally duly sworn according to law, all the viewers appointed by said order, viewed the ground proposed for the within mentioned road, and we do agree, that there is occasion for a road as desired by the petitioners, and that the same is necessary for a public road. And having had respect to the shortest distance and the best ground for such road, we have laid out in such manner as shall, in our opinion, do the least injury to private property, and as far as practicable agreeably to the desire of the petitioners, and do return for public use the following described road, to wit: - Beginning at a post in the public road leading from the S. S. Mott farm, to the Pumpoutwney road on the F. M. Davidson farm, at a point about 15 pds. west of said F. M. Davidson's barn, Thence N. 56 1/4° W. through wood, or unimproved lands of said Davidson 303.5' to a post. Thence N. 35° W. on same, 100' to a post. Thence N. 1 1/2° E. on same 207' to a post. Thence N. 21 1/2° E., 65' to the line between lands of said Davidson, and unseated wood lands of Esther Magee, 380' to a Hemlock root, Thence N. 29 1/2° E. on unimproved lands of said Esther Magee, 337' to a post in the old timber road. Thence N. 23° E., on same, 565' to a post. Thence N. 33 1/4° E. on same, 535' to a post. Thence N. 4 1/4° W. on same 221' to a post. Thence N. 1 1/2° W. on same, 1345' to a post. Thence N. 34 1/2° W. at 150' crossed Magee & Beaty line, at 582' crossed Beaty's run, 662' to a post. Thence N. 4 1/2° W. to a post in said timber road. Thence N. 17 1/2° W., 298' to a post. Thence N. 26 1/2° W. 162' to a post on unimproved lands of Jas. Magee. Thence N. 7° W., 130' to a post. Thence N. 20° E. at 263' crossed line between lands of said Jas. Magee, and Joseph Young, 375' to a post on unimproved lands of said Young. Thence N. 26° E., 492' to a post. Thence N. 21 1/2° E. 545' to a post. Thence N. 24 1/2° E. at 8' crossed line between lands of said Young, and Reuben Rupert, 211' to a post on improved land of said Rupert. Thence N. 7 1/2° E. on improved land of said Rupert 490' to a post in the public road at the east end of Whiskey run Bridge, in the village of Newtonburg, in said Township of Bell, said road being at an elevation not exceeding five degrees. We further report that there are no damages accruing to any of the owners of the land over which said road passes, by reason of the opening of the same, except the said Reuben Rupert, and therefore, having taken into consideration the advantages as well as the disadvantages, to be derived to the said Reuben Rupert, from the road passing through his land, we have assessed the damages sustained by the said Reuben Rupert, at the sum of Fifteen dollars. And we further report, that before the said view, public notice of the time and place of the meeting of the viewers was given by advertisements put up at three of the most public places in the vicinity - at least ten days before said meeting. That notice was given to John Nickademus and A. J. Ling, Supervisors of Bell Twp., in the County of Clearfield, as well as on Reuben Rupert, and F. M. Davidson, owners, or reputed owners of the seated lands over which said road passes. Notice was also mailed to the County Commissioners, on the 6th day of April, A.D. 1905. And we annex a plot or draft of said road laid out, stating the courses and distances, and noticing briefly the improvements through which the same passes, and herewith return a copy of said notices, with the affidavit of Austin Beaty, as to the service of same on the parties therein named.

Witness our hands, this 21st day of April, A.D. 1905.

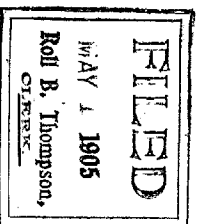
Geo. C. Kirk  
 Phineas Hutton  
 Cyrus Hood

2  
 views

No. 2 *May* Sessions, 1905  
ORDER

To view and lay out a  
road for *Gable* use in the  
township of *Beck*  
Clearfield County

*May* Sessions, 1905,  
read and confirmed Ni. St.  
Road to be opened 33 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 16 feet wide. *by The Court*



Filed 190  
Fees \$1.25 paid by

*Mitchell*

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 origi-  
nal viewers, except so far as the location may be changed by the  
reviewers. If the viewers believe the parties are not entitled to dam-  
ages, taking into consideration the advantages as well as the  
disadvantages of the road, they will report to that effect.

*Geo. E. Rank* } Days 3 \$12.00  
Miles 16 1.60

*Lynna A. Woods* } Days 2 4.00  
Miles 16 1.60

*William Houston* } Days 2 4.00  
Miles 9 .80

Days  
Miles

Days  
Miles } 24.10

# PETITION FOR TOWNSHIP ROAD.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace in and for the County of Clearfield.

The petition of the undersigned, inhabitants of the Township of Bell, in the said county, respectfully sheweth: That your petitioners labor under great inconveniences for want of a public road or highway, to lead from a point at the east end of the Whiskey Run bridge in the village of Newtonburg to intersect the public road leading from the S. S. Mott farm to the Punxsutawney road on F. M. Davidson farm in said 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.

Arthur Beatty

Willis C. Beatty

Daniel Bowen

Reuben Ruffert

W. B. Ward.

A. B. Simpson

O. M. Bynum

Daniel Stegner

Russell Ramsey

W. S. Rhodes

James H. Harnes

Foster Beatty

S. M. Davidson



Ar a Court of Quarter Sessions of the Peace held *at Clearfield* on the

*13<sup>th</sup>*

day of February A.D. 1905 before

Honorable Allison O. Smith, President Judge of said Court: The petition of divers citizens of the township of Bell, county of Clearfield, and state of Pennsylvania, was presented setting forth that they labor under great inconvenience for the want of a public road or high way to lead from a point at the east end of Whiskey Run bridge in the village of Newtonburg, said township, to intersect the public road leading from the S. S. Mott farm to the Punxsutawney road on F. M. Davidson farm at a point about fifteen rods west of F. M. Davidson's farm in said township, and praying the Court to appoint proper persons to view and lay out the same, qualified according to law, and if they see occasion, lay out the same and make report of their proceedings according to law: Whereupon the Court upon due consideration do appoint *George C. Kirk, Cyrus Woods and Phineas Hutton* three persons qualified as aforesaid, who being respectively sworn or affirmed to perform their duties impartially and according to the best of their judgment and to view the ground proposed for said road, and if they, or the majority of them, agree that there is occasion for such road they shall proceed to lay out the same, having respect to the distance, and the best ground for road, and in such manner as shall do the least injury to private property, and also as far as practicable agreeably to the desire of the petitioners; and if practicable the viewers shall lay out the said road the

elevation not exceeding five degrees, except at the crossing of ravines and streams, whereby moderate filling and bridging the declination thereof may be preserved within that limit; and before said view public notice of the time and place of meeting of the viewers shall be given by advertisements put in or more of the most public places in the vicinity, at least ten days before said meeting, and a written or printed notice of said time and place of meeting shall be given to the Supervisors of Bell township, to one of the County Commissioners and to each of the owners or occupiers of cleared and improved property through which said road may pass, at least ten days before said meeting of the viewers. The said viewers shall make report at next term of Court stating particularly who of them were present at the view, whether they were severally sworn or affirmed, and whether said notices above required of view were given, and whether said desired road be necessary for public or private road, and shall also annex to their report and return to the Court a plot or draft of said road, stating the courses and distances and noting briefly the improvements through which it may pass. If the viewers shall decide in favor of locating public road they shall also endeavor to procure from the owners of land over which it shall pass releases in writing of all claims to damages that may arise from opening the same and if they fail to procure such releases, they shall assess the damages, if any to be done thereby taking into consideration the advantages to be derived from the road pass-

ing through said lands and return the same together with the releases obtained to the Court.

By the Court  
William P. Smith  
W.P.S.

Newtonburg Pa. 11/28/05  
Mr Roll B Thompson  
Clearfield Pa.

Dear Sir:-

I enclose certificate  
of Supervisors, in regards to  
the opening of road in Bell  
Twp.

Please send check to me  
and I will hand to Mr Rupert.

Yours Resp.

O. W. Byers.

Hope you are well and doing  
well.

Colonel,

Road No 2 May 1905.

We the undersigned Supervisors of Bell Co  
do hereby certify that the public road  
heretofore laid out from east end of Whately  
Creek bridge in the village of Northbury  
to a point on Dm Dandons farm,  
has been actually opened for public use.

W. H. Wood  
Jas B. Miller  
A. J. Goring  
Supervisors

FILED  
NOV 28 1905  
ROLL B. THOMPSON,  
CLERK

No. 2, 1905-

Public Post

in

Bel Sup.

FILED  
FEB 13 1905  
Roll B. Thompson,  
CLERK.