

No. 3, May Sessions, 1908

~~COMMONWEALTH~~

~~VERSUS~~

Vacate & Supply
Road in

Bell Twp.

Charge

.....

X

JAMES H. KELLEY,
DISTRICT ATTORNEY

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* Road leading from *McGees Mills*

in *Bell* Township, to a point on *Sidney Road at Ind County line (not opened) Supplying by a Road from a point on Smithfork Road near private Road of Blake Sunderland to a point on Sidney Road at County line*

in *Bell* Township, in the county aforesaid, will meet at the house of *McGees Mills*, in *Bell*

Township, on *Monday*, the *20* day of *July*, A. D. 1908, at 11 o'clock A.M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

J. M. Grooms

G. M. Bell

Guy R. Tozer

Viewers.

Termwood Pa July 1, 1908.

Service accepted for the Commission this 30,
day of July 1908

County Commissioners
per L. L. Morris
Clerk

3 May 22 1908

1650
200
2.20

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 & supply* Road leading from *McGees Mills*

in *Bell* Township, to a point on *Sidney Road on Ind. Co. line, (not opened)* Supplying by a Road from a point on *Smithport Road near private Road of Blake Sunderland* to a point on *Sidney Road at County line*

in *Bell* Township, in the county aforesaid, will meet at the house of *McGees Mills*, in *Bell*

Township, on *Monday*, the *20* day of *July*, A. D. 1908, at 11 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

J. M. Guernsey
G. M. Bell
Guy P. Fozzard
Viewers.

Approved 7/1, 1908.

We the undersigned Supervisors of Bell
Township, hereby accept service of
within notices this 10 day of July 1908

Mack Davidson

U. J. Frost

} Supervisors

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 30th
day of January, A. D. 1908, before the
Judge of said Court, upon a petition of sundry
inhabitants of the township of Bell
in said county, setting forth that

by virtue of certain proceedings had in this Court a
public road was lately laid out and confirmed in the
Township of Bell leading from a point in McGee's Mills
at the Bear Run Bridge to a point on the Sidney road
on the County line which road has not yet been opened.
The petitioners further represent that they are a majority
of the original petitioners for the said road resident within
said County and that in their opinion the said road if
opened would be very burdensome to the taxpayers if opened
as laid out. They therefore pray the Court to vacate the same
and appoint proper persons to view and lay out a road to supply
the above cited road if vacated, the supply to begin at a point on the
Smithport road near the private road of Blake Sunderline to a
point on the Sidney Road at the County line crossing
and therefore praying the Court to appoint proper persons to view

~~the same and lay out a road,~~

whereupon the Court, upon due consideration had of the premises, do order and
appoint J. S. McGee, G. W. Bell and Guy P. Tozer
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.

Robert 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..... the sum of.....

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

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

Witness our hands this..... day of..... A. D. 190 ..

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TO the Honorable Allison O. Smith, Judge of the Court of Quarter Sessions.
of Clearfield County:-

NO. 3, MAY Ss. 1908. REPORT OF VIEWERS.

We the undersigned viewers appointed by your Honor, to view, vacate and supply a certain road in Bell Twp, as per attached order, Respectfully report, that we gave good and lawful notice of time and place of meeting, met in accordance therewith, and having been affirmed according to law, viewed the route laid out under order No 8, Sept. 1908, and find that no part of this road has been opened to travel. That to open same would require over two miles of expensive construction: That the N.W. terminous of same does not connect with any public highway, and to do so would require about 1500 feet of road in Banks Twp, Indiana County, involving an expansive bridge, and R.R. crossing, without any material advantage to the citizens of said County, and that the said citizens decline to take the matter up. We therefore recommend the vacation of said road as petitioned. Regarding the proposed supply, the same conditions exist, namely, that it is impossible to reach any public highway at this point, in Clearfield County, and without the concurrence of the adjoining County, we cannot under the law recommend the construction of a road, the terminous of which cannot be reached by the travelling public. That ^{in our opinion} at the present time there is no necessity for such road, and we respectfully decline to recommend same, and report adversely to this part of petition.

Witness our hands this 20, day of July, A.D. 1908.

J. M. Brown
W. R. Bell
Gay P. Fozzer } Viewers

No. 3 May Sessions, 1908

ORDER

To view, vacate and ~~and~~ ^{open} a road for public use in the township of Bell, Clearfield County

September Sessions, 1908, read and confirmed N. Si. Road to be opened 32 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide

By the Court
William J. Smith J.

December Sessions 1908 confirmed absolutely.
 By the Court
William J. Smith J.

Filed _____, 1908
 Fees \$1.25 paid by W. J. Smith

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. S.—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.	
<u>DeMottum</u>	Days <u>2</u>	<u>10.00</u>	
	Miles <u>2.6</u>	<u>260</u>	
<u>G. W. Bell</u>	Days <u>1</u>	<u>3.00</u>	
	Miles <u>1.1</u>	<u>110</u>	
<u>Chas. P. Jorg</u>	Days <u>1</u>	<u>3.00</u>	
	Miles <u>10</u>	<u>1.00</u>	
	Days		
	Miles		
	Days		
	Miles		

To the Court of Quarter sessions of Lefld Co,
The Petitioners of the undersigned respectfully
represents, that by virtue of certain proceedings had in
this Court, a Public road was lately laid out and Conferred
in the Township of Bell, leading from a point in McGees
Mills at the Bear Run bridge, to a point on the Sidney
Road on the Co line, which road has not yet been opened,
your Petitioners further represent, that they are a majority
of the regional petitioners for the said Road resident within
said Co, and that in Their opinion the said road if opened
would be very burdensome to the Tax payers if opened
as laid out. They therefore pray the Court to Vacate the
same, and further Pray the said Court to appoint
qualified Persons to view and lay out a Road to supply
the the above cited road if vacated, the supply to
begin at a point on the Smithport Road near the Private
Road of Blake Sunderlins, to a point on the Sydney
Road at the Co line Crossing, they therefore pray
the Court to Vacate and supply the same, and that
proceedings for the purpose of such vacation and supply
may be taken as directed by the act of assembly in
such cases made and provided,

and they will ever Pray &c:

U. J. Hart - supervisor
R. A. Moser
D. E. Baird
Co. T. H. - Sunderland

W. W. Miller
J. J. West
W. H. Campbell
C. B. H. - Sunderland

Wm. B. Ruggles
J. F. Gumbert

A H Ainghaung
Fred Abbott
Joseph L. Campbell
Edw Davidson
W. A. Smith
H. J. Knobelger

4
 Lb. Luther Matt
 D. H. Rowley.
 Bolser H. H. H. H.
 H. H. H. H.
 another with gelatin
 carb.

Franklin Lewis
George F. Davidson
J. B. Miller
Dr. H. V. Adams
J. A. Davidson
James Feltz

John C. C.
James H. H.
E. L. Moore
James H. H.
Island Sherman
J. S. Moore
Red Sunderland
H. S. Moore
Hugh Sunderland

Petition to Vacate and Supply
the Bear Run Road

May 11/1908 process of review enlarged to suit
Term -

By the Court -
Alison P. Smith
P.S.

No. 3 May 22 1908

Now February Session
1908, within petition
presented and considered,
and thereupon J. S.
McCreary, J. M. Bell and
Wm. P. Styer are appointed
viewers to view the
premises and make
report at the next
session

By the Court
FILED
MAY 11 1908
Alison P. Smith
P.S.

Served upon G. K. Ueber of the
Supervisors of Bell Twp - Calfd Co Pa.

January 1 - 1908 by Reading the within
Notice to him and Informing him of Contents
so answers Const on oath.

Samill Davis

Sworn and subscribed to this

1st day of January 1908

my Commission Expires
May 2, 1910.

U. J. Hert J.P.

Served upon W. S. Mahaffey & U. J. Hert - Supervisors
of Bell Twp - Calfd Co Pa.

January 4 - 1908 by Reading the within Notice to
them and Informing them of the Contents
so answers

Sworn and subscribed to this

Samill Davis Const

4th day of Jan 1908
my Commission Expires
May 2, 1910.

U. J. Hert J.P.

To the Supervisors of Belle Township:

You are hereby

Notified that a petition to vacate and supply
a certain road in the Township of Belle County of
Clearfield Pa leading from a point in the
McGhee mill at Bear Run Bridge to a
Point on the Sidney Road on the Cincly
line in said Township will be presented
to the Court of Quarter Session of Clearfield
County on Monday, the 27 day of July 1908
at 10 am.

(we except service)

H. B. Mahaffey R.
U. J. Gert - sec