

No.

3, May Sessions, 1908

~~COMMONWEALTH~~

~~VERSUS~~

Vacate & Supply  
Road in

Bell Twp.

Charge

X

JAMES H. KELLEY,  
DISTRICT ATTORNEY

W. B. Haas, Session

# 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 Smithport Road near private Road of Blake Sunderlin 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. Evans

W. M. Bell

Guy R. Torg

Viewers.

Afternoon of July 1, 1908.

Savina accepted for the commissioners this 3d,  
day of July 1968

County Commissioners  
per L. L. Thomas  
Clark

May 25 1968

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0	0	0	1
0	0	0	1
0	0	0	1

# 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 *M. Gees 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 Sunderslin to a point on Sidney Road at County line in *Bell* Township, in the county aforesaid, will meet at the house of *M. Gees 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. Green*

*J. M. Bell*

*Gus P. Foyard*

Viewers.

*Armonot Pa 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 } Supervisor

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 30<sup>th</sup> 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 McGees 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 Sunderland 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 according to law, whereupon the Court, upon due consideration had of the premises, do order and appoint J. S. McGeery, G. W. Bell and Guy P. Lozer 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.

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

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

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

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

.....

.....

.....

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

NO. 3, MAY 1908. REPORT OF VIEWERS.

Q

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. <sup>in our opinion</sup> That 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. Cram  
W. R. Bell  
G. P. Tozer

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.

Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.

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 2 <u>1000</u>
Days 2 <u>26</u> Miles <u>26</u> <u>2.60</u>
Days 1 <u>3.00</u>
Miles 1' <u>1.10</u>
Days 1 <u>3.00</u>
Miles 10 <u>1.00</u>
Days ..... Miles .....
Days ..... Miles .....
Days ..... Miles .....

No. 3 May Sessions, 1908

ORDER

To view, locate and survey a road for public use in the township of Bell, Clearfield County.

September Sessions, 1908,  
read and confirmed Ni. Si.  
Road to be approximately 32 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 18 feet wide.

By the Court  
John W. Smith  
December 29th 1908

December Sessions 1908  
confirmed absolutely.  
By the Court  
John W. Smith  
December 29th 1908  
Fees \$1.25 paid by W. D. Fert

To the Court of Quarter sessions of Ldld Co,  
The Petitioners of the undersigned respectfully  
represent, that by virtue of certain proceedings had in  
this Court, a Public road was lately laid out and Conformed  
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 original 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:

W. J. Hart - supervisor  
R. A. Moseley

D. E. Baird  
(a. T. H. - L. and R. L.)

W. W. M. G. Lee  
J. J. Work  
W. F. G. Gandy  
C. D. N. Gandy

John B. Burt  
John C. Clegg  
J. B. Peacock  
J. F. Bamberg  
John C. Langough  
Fred Oberst  
Joseph G. Dauphille  
John Davidson  
W. A. Smith  
" J. Knobell  
J. B. C. House  
John Luther Mott  
D. G. Crowley  
Borden Hatfield  
H. H. M. Case  
Archibald Christie  
Ogle  
John Lewis  
George H. Davidson  
J. B. Miller  
Dr. H. Macdonald  
C. Harrison  
James Feltz

John Cicero  
John C. Peacock  
E. G. Moyle  
Frank Thompson  
Eland Sherwood  
John G. Stevenson  
Red Sunderland  
W. S. Morrissey  
Hugh Sunderland

Petition to Vacate and Supply  
the Bear Run Road

May 31, 1908 powers of review enlarged to next  
Term -

By the Court  
Wilson D. Smith P.J.

No. 3 May 31 1908

Now February Sessions  
1908, within Petition  
presented and considered,  
and thereupon J. J.  
McCreary, G. R. Bell and  
Eug. O. Vogel are appointed  
Reviewers to review the  
premises and make  
report as the next  
Sessions

By the Court

FILED
May 31, 1908
2

McLean

Served upon G. K. Uber one of the  
Supervisors of Bell Tuft - Olfd Co. Pa.

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

Daniel Davis

Sworn and subscribed to this

1<sup>st</sup> day of January 1908

My Commission Expires May 2, 1910 U. J. Fert J.P.

Served upon W. S. Mahaffey & U. J. Fert - supervision  
of Bell Tuft - Olfd Co. Pa.

January 4<sup>th</sup> - 1908 by Reading the within Notice to  
them and Informing them of the Contents  
so answers

Sworn and subscribed to this

Daniel Davis const

4<sup>th</sup> day of Jan 1908

My Commission Expires May 2, 1910 U. J. Fert J.P.

To the Supervisor of Bee Township:

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

} we except service)

H. S. Mahaffy &  
U. J. Fert - see