

No.

4 May

Sessions, 1908

~~COMMONWEALTH~~

~~VERSUS~~

Private Road
from Mr. Naul
Farm in Peccoria
Township

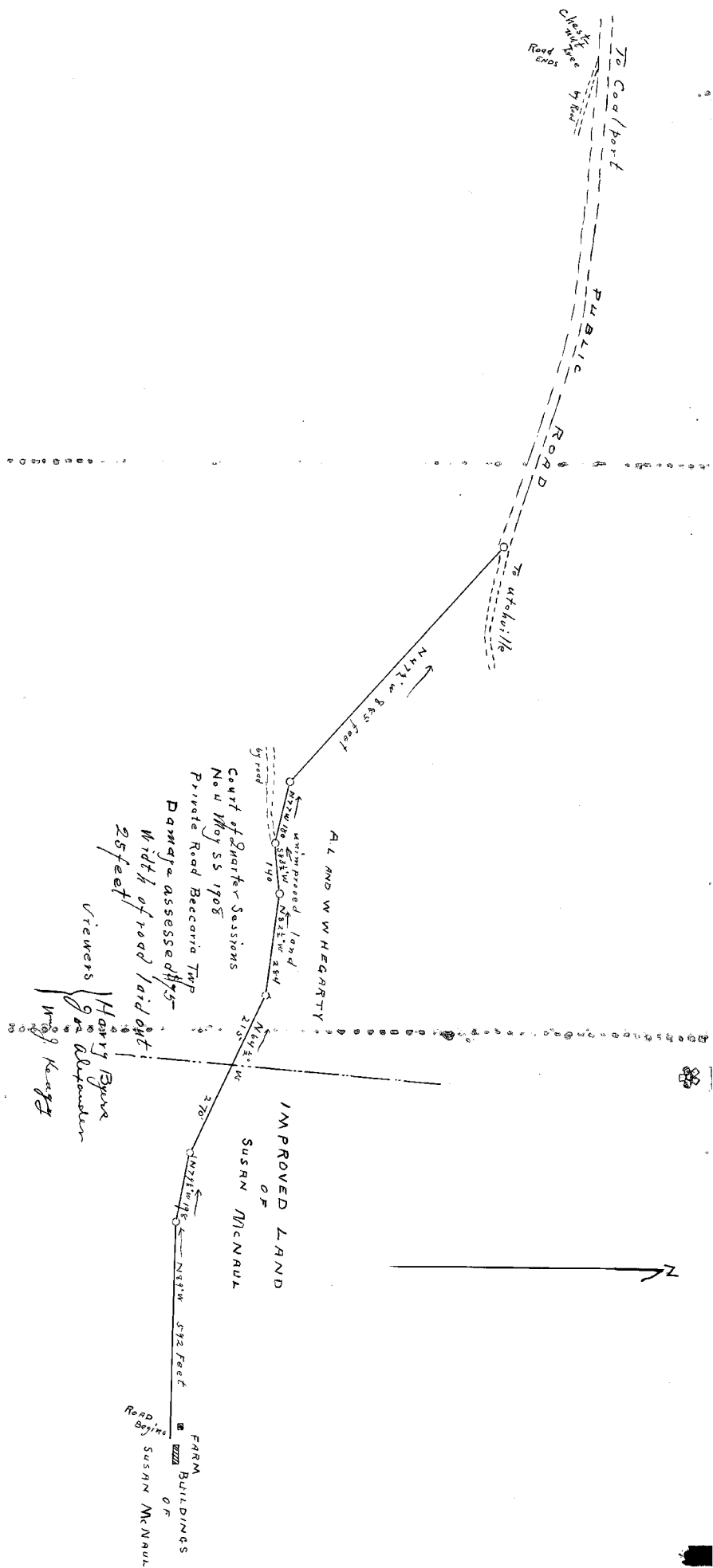
R. D. #5 - Page 43

Charge

Road

Not shown on map
Pvt. Rd

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 *Private* Road leading from *buildings on farm of Susan McHaul*

in *Beccaria* Township, to a point *near Chestnut tree on the public road leading from Coalport to Utahville*

in *Beccaria* Township, in the county aforesaid, will meet at the house of *Susan McHaul aforesaid*, in *Beccaria* Township, on *Saturday*, the *16th* day of *May* A. D. 1908, at *12³⁰* o'clock *P.* M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

Harry Byers
Joseph Alexander
W. J. Neagy
Viewers.

Clearfield Pa. May 5, 1908.

~~Deceased~~

~~Deceased~~

~~Attest~~

~~For~~

~~Deceased~~

~~Deceased~~

~~Deceased~~

Service of Notice,

Return of Constable .

Now May 7th 1908 , I served notice of time of view of private road on A. L. and W. W. Hagerly by handing personally to each of them a true and attested copy of this notice and making the contents thereof known to them.

P. L. Hagerly
Constable.

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. 1908, before the
Judge of said Court, upon a petition of Susan
McNaul of the Borough of Coalport
~~inhabitants~~ of the ~~township~~, in said county, setting forth that

she is the owner in fee of a farm situate in the twp. of Beccaria,
County of Clearfield, State of Pa., that she labors under great inconvenience
for want of a private road leading from the buildings on said farm to
the public road leading from Coalport to Utahville; that A. L. & W. W.
Hagerty are the owners of the surface of the land lying between
the farm of the said Susan McNaul and the public road leading from
Coalport to Utahville; that she has no practicable way of ingress, egress
or regress from the said buildings to the public road leading from Coal-
port to Utahville. She therefor prays the Court to appoint viewers to
lay out a private road from said farm buildings through the land of said A. L.
and W. W. Hagerty to a point near a chestnut tree on the public road
leading from Coalport to Utahville and make report to Court according
to law.

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 Harry Byers, Joseph Alexander and Daniel M. Caldwell to view,
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 ^{the}
~~lay out 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.

Reuben 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 enseatling 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 A. L. W. Hagerth the sum of Seventy-five dollars
To width proposed for road 25 feet. the sum of
To the sum of

Witness our hands this 16th day of May A. D. 1908.

Harry Byers
Joseph Alexander
Wm. J. Keagy

To The Honorable Allison D. Smith President Judge of the
Court of Quarter Sessions of Cleaveland County, Ohio. We under
signed viewers appointed by the within order of court to
view and lay out the road herein mentioned respectfully
report that we gave notice of the said view by posting
notice and serving notice hereto attached and met agreeable
to the said notice and having been severally sworn or affirmed
we have viewed and laid out and do return for private use of
Susan Mc Maul the following road to wit beginning at build-
ings on farm of said Susan Mc Maul thence through im-
proved land said Susan Mc Maul North eighty-nine degrees
West five hundred and ninety-two feet thence through same
North seventy-nine and one half degrees West one hundred and nine-
ty-eight feet thence through same North sixty-four and one half degrees
West two hundred and seventy feet to line of L & W W Hegarty
land thence continuing same course a further distance of two hun-
dred and fifteen feet through unimproved land of said L & W W
Hegarty, thence through unimproved land of same North eighty-
two and one half degrees West two hundred and eighty-four feet
thence through land of same South eighty-three and one half degrees
West one hundred and forty feet, thence through land of same North sev-
enty-seven degrees West one hundred and eighty feet to Quaking oak
thence through land of same North forty-seven and one half degrees
West eight hundred and eighty-five feet to Township road
leading from Coalport to Utahville thence following said
road one thousand three hundred and forty-seven feet to point at
chestnut tree on said road. which road is necessary in our
opinion for private road for use of said Susan Mc Maul and plot
or draft of said road so as laid out aforesaid and showing
courses distances and improvements is hereto attached.
Witness our hands this sixteenth day of May A.D. 1908

Harry Byers.
Joseph Alexander
Wm. Keagy

Now September Sessions 1908 the within report of viewers is confirmed absolutely. Upon the payment of the damages assessed, and also of all costs of this proceeding, including the costs of Viewers, the said road is hereby declared a private way for the petitioner on the course laid out by the said Viewers over and through the land of parties to whom the said damages is awarded, under and subject to all the rights, duties and liabilities provided for in the Act of Assembly in such case made and provided

By the Court

Allison O. Smith
OS

No. 4 May Sessions, 1908.	
ORDER	
To view	a
road for Private use in the township of <u>Deeana</u> , Clearfield County	
May Sessions, 1908,	
read and confirmed N. Si.	
Road to be opened <u>28</u> feet	
wide, except where there is	
side hill cutting or embank-	
ment and bridging, there to	
be 16 feet wide.	
By the Court Allison O. Smith	
Filed	190
Fees \$1.25 paid by <u>Atty.</u>	

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>Harry Dyers</i>	Days <u>2</u>	Miles <u>42</u> \$14.20
<i>Joe Alexander</i>	Days <u>1</u>	Miles <u>12</u> 4.20
<i>Wm J Keagy</i>	Days <u>1</u>	Miles <u>9</u> \$3.80
	Days	Miles
	Days	Miles

stop
Big

Clfd. Co., Beccaria Twp. (Private Road.)
Conf. absol. Sept. 1908.
25 ft --- 16 ft.

Beginning at a building on the farm of Susan
McNaul ---- to the public road from Utah-
ville to Coalport.

*Private Rd does not
show on Map*

Received Aug 26, 1908 of W.
P. McHard Seventy five
dollar being amount
allowed for damage by road
viewers for private road laid
through our lands

\$75 00

W & L P McHard

Petition for a private Road

In The Court of Quarter Session of Clearfield County.

To the Honorable Allison O. Smith, President Judge of the Court of Quarter Sessions of Clearfield County.

The petition of Susan McNaul of the Borough of Coalport County of Clearfield and State of Penna, would respectfully represent. that she is the owner in fee of a farm situated in the township of Beccaria County and State aforesaid, that she labors under great inconvenience for want of a private road leading from the buildings on said farm to the public road leading from Coalport to Utahville. that A. L. and W. W. Hagerty are the owners of the surface of the land lying between the farm of the said Said Susan McNaul and the public road leading from Coalport to Utahville. That she has no practicable way of ingress, egress or regress from the said buildings to the public road leading from Coalport to Utahville. She therefore prays the Court to appoint viewers to lay out a private road from said farm buildings through the land of the said A. L. and W. W. Hagerty to a point near a chestnut Tree on the Public Road leading from Coalport to Utahville, assess damages, and make report to the Court according to law, and she will ever pray etc.

Susan McNaul

State of Pennsylvania

SS


County of Clearfield

Public
Before me the subscriber, a ~~Justice~~ *Notary* of the Peace, in and for said County and state personally appeared the above mention Susan McNaul, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of her knowledge and belief.

Sworn and subscribed before me this 8th day of February A. D. 1908

W. Stearns
Notary Public

My Comm. expires Aug. 18, 1909.

No. 4 May 1908	Petition of Susan Mrs. Paul for Private road in Beccoria Township	Now February sessions 1908 petition read and considered and thereupon C. Evans Joseph Alexander & Dan M. Callinell appointed Viewers to view said premises and make report at next Court	in the court Allison O. Smith	 12/17/08
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Now Feb 31. 1908 J. C. Evans having declined to serve on account
of absence from home Harry E. Byrnes is appointed viewer
in his stead.

By the Court
Allison O. Smith

April 28. 1908 Dan M. Callinell having refused to serve
J. J. Hargen is substituted in his stead.

By the Court
Allison O. Smith