

No.

2 Dec. SESSIONS, 1913

COMMONWEALTH

VERSUS

In Re Public Road  
Graham & Morris

R. v. S. - Page 2

Charge

*Stuckles*

JAMES H. KELLEY,  
DISTRICT ATTORNEY.

*Vacated*

No

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SESSIONS, 191

3

COMMONWEALTH

VERSUS

In Re Public Road  
Graham & Morris

R.D. #5 - Page 223

Charge

Hubbles

JAMES H. KELLEY,  
DISTRICT ATTORNEY.

vacated

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 16th day of September in the year of our Lord one thousand nine hundred and Thirteen.  
before

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Graham and Morris.

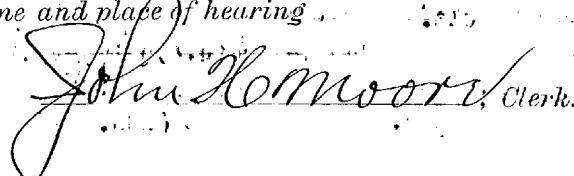
in said County, setting forth that They labor under great inconvenience for want of Public roads of Graham and Morris. to begin at a point on ~~Sep 1812~~ from Morrisdale Mines to Deer Creek at or near residence of Wm Hummel in Graham Township and to end at a point on the Snow Shoe and Packville Turnpike road. at or what is known as Anton Neuber Farm, now known as the Jacob Smutzinger place. in Morris Township

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers A, G, Kramer, H, S, Mac Minn, and J, W, Gill.

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgment, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessment, which report they shall in like manner transmit to the next Court or Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law; and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court.

  
John Kommoor, Clerk.

# RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of Graham & Morris and that 4 notices thereof were posted along the route of the proposed road, that the said view would be held on the 29th day of October, A. D. 1913, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on 21st of November, 1913, at 10 o'clock A. M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view J. Clark. Hubler, H. Bumbarger, and E. K. Smeal one of the Supervisors of Graham Township all in favor of the road.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 21st day of November, A. D. 1913, when the following appearances were noted: J C Hubler in favor of Road

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is occasion for a road as desired by the petitioner, 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 do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for public use the following described road, to-wit: Beginning at a point in the public road leading from Morrisdale Mines to Deer Creek near what was formerly the residence of William Hummel lately destroyed by fire at the junction of a private lane between the land of Hummel and C P Hoover in Graham Township. Thence following said lane, south eighty nine degrees, fifty four minutes ease forty eight (48) rods: Thence from said lane through unimproved land of Howard Bumbarger, south sixty six degrees, thirty nine minutes, east eight and eighty four one hundredths (8.84) rods to a post: Thence south thirty eight degrees, forty one minutes; east ninety three and eighty four one hundredth (93.84) rods to a post in improved lands of the said Howard Bumbarger. Thence south twenty two degrees, twenty four minutes, ease nineteen and four tenth (19.4) rods to the Morris Township line; a total distance from the beginning to the said Morris Township line of one hundred and seventy and eight one hundredths (170.08) rods: Thence continuing on said courses south twenty two degrees, twenty four minutes, east from said Township line in Morris Township, forty seven and forty eight one hundredth (47.48) rods to a post near the bank of Alder run and buildings of John and Howard Hubler, formerly the home of J M Holt.

Thence south, forty eight degrees, twenty four minutes east, through unimproved lands, one hundred and sixty five and sixty four, one hundredths (165.64) rods to a post.

Thence, south twenty nine degrees, thirty nine minutes east, forty one (41) rods to a post in the middle of the Public road leading from Clearfield to Allport and Morrisdale Mines in Morris Township in Clearfield County Pa formerly known as the Packersville and Snow Shoe Turnpike near the Jacob Smutzinger farm.

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, ~~excepting~~

when it was not practicable to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

the following persons having refused to release the damages to which they respectfully may be entitled by the reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows:

C P Hoover	\$1.00
Frank Hummel	1.00
Howard Bumbarger	1.00
John & Howard Hubler	1.00

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 21st day of November

A. D. 1913.

*A. G. Kramer*   
*J. G. Backman*   
*W. M. Sill* 

No. 2, Dec Sessions, 1913

## ORDER

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 the 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.

To view: and Lay out. a road for Public use in the township of Graham & Morris, Clearfield County Pa.

Days.	Miles A.M.T.
A. G. Graham	3 1/3 16.65
H. S. McMillan	4 1/3 26.55
J. M. Gulf	3 1/3 23.25

Reseinder Session, 19/3, 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  
Selinsior County of  
New York Ad 1914 confirmed  
Absolute Right of Way  
Highway Bill of

Filed 19

Fees \$1.50 paid by  
W.A.H. atty

## 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

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. 1911.



TO. W. C. Langsfore, J. S. Richards, and H. L. Bowman.

County Commissioners of Clearfield County Pa.

SIRS.

You are hereby notified; that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road in Graham and Morris Townships in said County as follows: Beginning at a point in a public road, leading from Morrisdale Mines to Deer Creek, at or near the residence of William Hummel in Graham Township: To a point on the Snow Shoe and Packersville Turnpike road, at or near what is known as the Anton Neuber, now known as the Jacob Smutzinger place, in Morris Township in said County. And having met as per notice previously given, on wednesday October 29th 1913 at 9 oclock A M on the premises and performed the duties of their appointment by making said view.

And that in persuance of the requirements of the Act of Assembly in such case made and provided, the said viewers will meet for the purpose of holding the public hearing required by the Act of Assembly, in the Arbitration room in the Court House in Clearfield Pa, on Friday November 21st 1913 at 10 oclock A M, when and where all parties interested, either for or against the said road may attend and be heard.

A G Kramer  
H S MaeMinn  
J W Sill  
Viewers.

Now November 7<sup>th</sup> 1913 service of the above notice accepted.

COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PA.

L C Horner  
Clerk

TO, W. C. LANGSFORD, J, S, RICHARDS, AND H, L, BOWMAN,  
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PA.

Sirs.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa; to view and lay out a public road in Graham and Morris Townships as follows: Beginning at a point in a public road leading from Morrisdale-Mines to Deer Creek at or near the residence of William Hummel in Graham Township; To a point on the Snow Shoe and Packersville Turnpike road, at or near what is known as the Anton Neuber farm, now known as the Jacob Smutzinger place in Morris Township in said County:

Will meet at the House of William Hummel in Graham Township on Wednesday October 29th 1913 at 9 o'clock A M to perform the duties of their appointment, at which time and place aforesaid you may attend if you see proper.

Clearfield. Pa October 10th, 1913.

A G Kramer  
H S MacMinn  
J W Gill

Viewers.

Now October 10 1913 service of the above notice accepted,

COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PA.

per L O Morris  
Clerk!

Wm. Deinny, Clerk of the County  
TO: E. K. Smeal & W. F. Rose and W. M. Maines

ROAD SUPERVISORS OF MORRIS TOWNSHIP CLEARFIELD COUNTY PA.

Sirs:

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road in Graham and Morris Townships in said County as follows: Beginning at a point in a public road leading from Morrisdale Mines, to Deer Creek, at or near the residence of William Hummel in Graham Township: To a point on the Snow Shoe and Packersville Turnpike road, at or near what is known as the Anton Neuber farm, now known as the Jacob Smutzinger place in Morris Township in said County.

Will meet at the house of William Hummel in Graham Township on wednesday October 29th 1913 ay 9 oclock A M to perform the duties of their appointment, at which time and place aforesaid you may attend if you see proper.

October 10th 1913.

A. G. Kramer  
H. S. MacMinn  
J. W. Gill

Viewers.

X

Wm. Deinny

Now October 10th 1913 served this notice on E. K. Smeal  
W. F. Rose and W. M. Maines

the Supervisors of Morris Township personally by handing each of them a copy of same.

J. G. Hartline

TO; S. W. Page, H. Wilson, E. R. Smeal

ROAD SUPERVISOR'S OF GRAHAM TOWNSHIP CLEARFIELD COUNTY PA.

Sira.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road in Graham and Morris Townships in said County as follows: Beginning at a point in a public road leading from Morrisdale Mines to Deer Creek, at or near the residence of William Hummel in Graham Township: To a point on the Snow Shoe and Packersville Turnpike road, at or near what is known as the Anton Neuber farm, now known as the Jacob Smutzinger place in Morris Township in said County.

Will meet at the house of William Hummel in Graham Township on wednesday October 29th 1913 at 9 oclock A M to perform the duties of their appointment, at which time and place aforesaid you may attend if you see proper.

October 10th 1913.

A. Ly Brander

H. S. MacMinn

J. W. Gill

Viewers.

Now October 17 1913 served this notice on S. W. Page  
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the Supervisors of Graham Township personally by handing each of them a copy of same.

Oct 16 1913

TO: D. M. Maines, William. Jenney, and Thomas. Harding.

ROAD SUPERVISORS OF MORRIS TOWNSHIP, CLEARFIELD COUNTY PA.

SIRS.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road in Graham and Morris Townships in ~~IN~~ said County as follows: Beginning at a point in a public road, leading from Morrisdale Mines, to Deer Creek, at or near the residence of William Hummel in Graham Township; to a point on the Snow Shoe and Packersville Turnpike road, at or near what is known as the Anton Neuber farm, now known as the Jacob Smutzinger place in Morris Township in said County. And having met as per notice previously given, on Thursday October 23d 1913 at 9 o'clock A M on the premises, and performed the duties of their appointment by making said view.

And that in pursuance of the requirements of the Act of Assembly in such case made and provided, the said viewers will meet for the purpose of holding the public hearing required by the said Act of Assembly, in the Arbitration room in the Court House in Clearfield Pa on Friday November 21st 1913 at 10 o'clock A M, when and where all parties interested, either for or against the said road may attend and be heard.

A. G. Kramer  
H. S. Mae Mine  
J. W. Hill  
Viewers.

Now November 10 1913 served this notice on D. M. Maines, William. Jenney, and Thomas Harding the above named Supervisors personally by handing each of them a copy of same.

J. G. Hubler

TO: I. W. Pase, I. G. Wilson, and E. K. Smeal.  
ROAD SUPERVISORS OF GRAHAM TOWNSHIP CLEARFIELD COUNTY PA.

SIRS.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road in Graham and Morris Townships in said County as follows: Beginning at a point in a public road, leading from Morrisdale Mines, to Deer Creek, at or near the residence of William Hummel in Graham Township; to a point on the Snow Shoe and Packersville Turnpike road, at or near what is known as the Anton Neuber farm, now known as the Jacob Smutzinger place in Morris Township in said County. And having met as per notice previously given on Thursday October 23d 1913 at 9 o'clock A M on the premises, and performed the duties of their appointment by making said view.

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A. G. Kramer  
H. S. Mae Mine  
J. W. Gull  
Viewers.

Now November 10 1913 served this notice on I. W. Pase, I. G. Wilson and E. K. Smeal the above named Supervisors personally by handing each of them a copy of same.

J. G. Huber  
Nov 10 1913

Map of Survey for  
Public Road in Morris & Graham Townships  
CLEARFIELD COUNTY  
A. G. TAYLOR  
J. S. G. L. & Civilian Attorney  
H. S. Mac Murrin  
1/24/1931  
1/24/1931  
1/25/1931  
1/25/1931

Oct 17  
Made Lenox  
Total 12 Rods  
Scale 1/2 Rod

LANDS OF HOWARD BUMSBURG

