Sessions, 191

COMMONWEALTH

VERSUS

In Re Petition to Vacate & Supply a Public road in Knox Twp.

R.D. [redacted] - Page [redacted]

CHARGE

Part of Rt. 17037

Walter Welch,
District Attorney

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 4 *day of* SEPTEMBER *in the year of our Lord one thousand nine hundred* SIXTEEN,

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of KNOX *in said County, setting forth that* A PUBLIC ROAD leading from New Millprt to Carnwath in Knox Township and known as the New Millport road, was long since laid out and opened; that a part of said road, beginning at or near the Fred Patterson Property and extending to a point where said road intersects with the Ansonville road (a distance of less than a mile) has become inconvenient and burdensome on account of excessive grade and washouts and your petitioneres believe that said road would be much improved by a change of route, beginning at the Fred Patterson place and connecting with the said Ansonville road at or near the Perry Norris Porperty, which would shorten the distance and avoid grade

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 Harry Reese and DJ. S. Michaels *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 assessments; which report they shall in like manner transmit to the next Court of 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 K. Moore, *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 Knox ---------- and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 27th day of September, A. D 1916, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 29th day of September, 1916, at nine o'clock A. M. That ---------- viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Alex Bloom and M C Ownes two of the Supervisors of Knox Township and Alvin, Earhard, Jerome Tobias, Mart Caldwell and Erastus Earhard all in favor of said road ----------

parties in interest. That the hearing was held in the Arbitration Room in the Court House, at Clearfield, Pa., on the 13th day of October ---- A. D. 1916, when the following appearances were noted: having been adjourned over from September 29th of which all parties concerned or interested in said road had due notice; when the following appearances were noted: Alex Bloom and T H Farran Supervisors and Snyder Bloom, W. L. Shoening, L W Bell, Clark Patterson, Thomas Fox, Clark Holden and Ira McCracken. ----------

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an occasion for a road as desired by the petitioner, and that the same is ------- neccessary 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 known as the New-Millport road in Knox Township; leading from New-Millport to Carnwath, near the Fred Patterson property; Thence running over improved land of Enoch Earhard estate and George Earhard the following courses and distances, to wit; North twenty nine (29) degrees, west one hundred and forty one (141 feet, thence north thirty one (31) degrees, thirty (30) minutes, west six hundred and twenty seven (627) feet, thence north seventeen (17) degrees west two hundred (200) feet, thence north thirty two (32) degrees west six hundred (600) feet, thence norty forty two (42) degrees west one thousand nine hundred (1900) feet;- Thence through uninproved land of Greenwood Bell the following courses and distances to wit: North eleven and one half (11-1/2) degrees west one hundred and eighty two (182) feet, thence north one (1) degree west ninety nine (99) feet, t' thence norty twenty three (23) degrees east seventy five (75) feet, thence north fifty four (54) degrees east one hundred and eight (108) feet, thence north thirty eight (38) degrees east eighty (80) feet, thence north ten (10) degrees east seventy eight (78) feet, thence north twenty two (22) degrees west one hundred and twenty two (122) feet, thence north eight (8) degrees west one hundre and six (106) feet, thence north five (5) degrees east eighty two (82) feet, thence north fourteen (14) degrees east three hundred and fifty (350) feet, thence west fifteen (15) degrees east ninety five (95) feet, thence north twenty five (25) degrees east one hundred and sixty (160) feet, to the inter-

REPORT, OF, VIEWERS: ON RE-VIEW.

To the Honorable Judge of the Court of Quarter Sessions of Clearfield County Pa.

In the matter of the proceedings to vacate and supply a public road in Knox Township Clearfield County Pa to No,3, December Session 1916 which said proceedings in view of exceptions filed by John Bell and Mail Bell two of the property owners through whose land said road as laid out passes, to the confirmation of the report of the viewers for the reason that they had no notice of the time of the making of said view and as to the amount of the damages assessed and as to the party to whom the damages are assessed, being assessed to Greenwood Bell their father instead of to them who are now the owners of said land. Whereupon the matter having by your Honorable Court been referred back to the viewers on the matter of notice and the question of assessment of the damages to the said John and Mail Bell: In persuance whereof the majority of the viewers,(to wit, A G Kramer and J S Michaels after personal notice served on the said John Bell and Mail Bell the exceptants, and on the County Commissioners and the Supervisors of Knox Township and by three posters posted along the route of the said proposed road, setting forth the time and place ~~se~~ the viewers would meet to make said re-view of the portion of the road passing through the property of the said John and Mail Bell marked on the draft of the original view as the property of Greenwood Bell; whereupon the said viewers met at the house of George Earhard in Knox Township on Monday the 24th day of september A. D. 1917 at one o'clock P. M. the time fixed for the said re-view, and that there were present besides the said viewers at the said re-view, Alex Bloom one of the Supervisors of Knox Township and Alvin Earhard and John Bell and Mail Bell the exceptents and that the said viewers accompanied by the said parties present went over and made a re-view of that portion of said road passing over the land of the said John and Mail Bell's and then on account of the absence of H A Reese one of the viewers and his inability to attend on Tuesday September the 25th the day set for the hearing, the hearing was prosponed until Tuesday October 2d 1917 at

one o'clock P. M. When the viewers all being present met in the Arbitration Room in the Court House in Clearfield Pa at one (I) o'clock P. M. for the public hearing, and were attended by John Bell and Mail Bell the exceptents with their Attorney H B Hartswick Esq, and Alex Bloom and T H, Farran two of the Supervisors of Knox Township and Alvin Earhard with Walter Welch Esq Attorney for the Supervisors of Knox Township and that the viewers after the re-view and the hearing of the testimony produced at the hearing and taking into consideration the advantages derived by the said John and Mail Bell by said road do assess to the said John and Mail Bell jointly the sum of seventy five ($75.00) dollars instead of the fifty ($50.00) dollars damages assessed in the original proceedings by mistake in the ownership of the property to Greenwood Bell which said former assessment of fifty ($50.00) dollars to Greenwood Bell is therefore hereby canceled. And we herewith return hereto attached copy of the notices served in the said re-view.

WITNESS our hands and seals this the second day of October A. D. 1917.

A G Kramer (SEAL)

K A Reese (SEAL)

J S Michaels (SEAL)

VIEWERS.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

IN THE MATTER OF VACATING AND SUPPLYING OF A PUBLIC ROAD IN KNOX TOWNSHIP	No. 3 December Sessions 1916.

Now the 1st day of September 1917 comes one of the attorneys for the petitioners and asks that a re-view be ordered in this case as the exceptions filed to the report of the viewers are well taken.

Walter Welch

Attorney for Petitioners.

Now Aug. 1st, 1917, in consideration of the fact that proper notice was not given to all parties concerned this proceeding is referred back to the viewers, whose powers are enlarged to Dec 1st 1917

By the Court

Ingelhart Bell

P.J.

In the Court of Quarter Sessions of Clearfield County

No 3 Dec. Sess 1916
Roads

In the matter of vacating and supplying a public road in Knox Township

Filed by
Walter Welch +
Jas P Laughlin
Attys for Petitioners

TO:- Jessie. E. Dale, H. F. Spencer and Austin Haney, County Commissioners of Clearfield County Pa.

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, leading from a point in the public road at the Fred Patterson place in Knox Township; to a point in the Ansonville road, near the Perry Norris property in said Township: And whereas, after said view having been made and the report filed in Court, the matter was referred back to the viewers for a re-view, in order to give more specifis notice to John Bell and Merl Bell who are now the owners of the property through which said road passes set out in the Draft attached to the report of the viewers filed, as the property of Greenwood Bell.

And that therefore, in persuance of said order od Court the said viewers will re-view that portion of said road, from the property line of George Earhard, over the land of the said Bells to the Ansonville road, to at or near the Perry Norris Property, in Knox Township in the County aforesaid, and will therefore meet at the house of George Earhard in Knox Township, on Monday the 24th day of September A. D. 1917 at one (I) o'clock P. M. to attend to the duty assigned them, at which time and place aforesaid, all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court will be held by the viewers in order to give all parties interested, either for or against said road a chance to be heard by the viewers before the filing of their report in Court, will be held in the Court House in Clearfield Pa on Tuesday the 25th day of September A. D. 1917 at nine (9) o'clock A. M. when and where all parties concerned in said road may attend and be heard.

A G Kramer

H A Reesl

J L Michaels.

VIEWERS.

Now Sept 12 1917 service accepted for the County Commissioners of Clearfield County Pa.

L O Morris.

Clerk.

TO:- M. C. OWNES, ALEXANDER. BLOOM AND T. H. FARRAN, Suprtvisors of Knox Township Clearfield County Pa.

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, leading from a point in the public road at the Fred Patterson place in Knox Township; to a point in the Ansonville road, near the Perry Norris property in said Township: And whereas, after said view having been made and the report filed in Court, the matter was referred back to the viewers for a re-view, in order to give more specific notice to John Bell and Merl Bell who are now the owners of the property through which said road passes set out in the Draft attached to the report of the viewers filed, as the property of Greenwood Bell:

And that therefore, in persuance of said order of Court the said viewers will re-view that portion of said road, from the property line of George Earhard, over the land of the said Bells to the Ansonville road, to at or near the Perry Norris property, in Knox Township in the County aforesaid, and will therefore meet at the house of George Earhard in Knox Township, on Monday the 24th day of September A. D. 1917 at one (I) o'clock P. M. to attend to the duty assigned them, at which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court will be held by the viewers in order to give all parties interested, either for or against said road a chance to be heard by the viewers before the filing of their report in Court; will be held in the Court House in Clearfield Pa on Tuesday the 25th day of September A. D. 1917 at nine (9) o'clock A. M. when and where all parties concerned in said road may attend and be heard.

A G Kramer

H A Reese

J S Michaels

VIEWERS.

Now Sept 12, 1917 served this notice on M. C. Ownes, Alexander Bloom and T. H. Farran the Supervisors of Knox Township personally by handing each of them a true and correct copy of same.

Alex Bloom

TO:- JOHN BELL AND MERL BELL.

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, leading from a point in the public road at the Fred Patterson place in Knox Township; to a point in the Ansonville road, near the Perry Norris Property in said Township: And whereas; after said view having been made and the report filed in Court, the matter was referred back to the viewers for a re-view, in order to give more specific notice to John Bell and Merl Bell who are now the owners of the property through which said road passes set out in the Draft attached to the report of the viewers filed, as the property of Greenwood Bell:

And that therefore, in persuance of said order of Court the said viewers will re-view that portion of said road, from the property line of George Earhard, over the land of the said Bells to the Ansonville road, to at or near the Perry Norris Property, in Knox Township in the County aforesaid. and will therefore meet at the house of George Earhard ---------- in Knox Township on Monday the 24th day of September A. D. 1917 at one (I) o'clock P. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested either for or against said road a chance to be heard by the viewers before the filing of their report in Court; will be held in the Court House in Clearfield Pa on Tuesday the 25th day of September A. D. 1917 at nine (9) o'clock A, M, when and where all parties concerned in said road may attend and be heard.

A G Kramer

H A Reesl

J S Michaels

VIEWERS.

Now Sept 12 1917 served this notice on John Bell and Merl Bell personally by handing to each of them a true and correct copy of same

Alex Blume

TO:- JESSIE. E. DALE, H. H. SPENCER AND AUSTIN HANEY, COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PA.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Session of Clearfield County Pa, to view and lay out a public road leading from a point in the public road known as the New Millport road, leading from the village of New Millport; to Carnwarth, at or near the Fred Patterson place in Knox Township; To where said New Millport road intersects with the road known as the Ansonville road, near the property of Perry Norris in Knox Township:--

And to vacate that part of the said public road known as the New Millport road, supplied by the said proposed new road to be laid out, from the said Fred Patterson place, to where the said New Millport road intersects with the said Ansonville road, near the property of Perry Norris, in Knox Township in the County aforesaid will meet at the end of the proposed road to be laid out at the intersection of the said New Millport and the Ansonville roads in Knox Township on wednesday the 27th day of September A. D. 1916 at nine (9) oclock A. M. to attend to the duties of their appointment, at which time and place aforesaid all parties interested may attend.

And that the public hearing required to be held by the Act of Assembly and the rules of Court, to give all parties interested, either for or against the change of said road a chance to be heard by the viewers, before the filing of their report, will be held in the Arbitration Room in the Court House in Clearfield Pa on Friday September the 29th 1916 at nine (9) oclock A. M. when and where all parties interested in the change of said road, either for or against the same, may appear and be heard.

A G Kramer
H H Reese
J S Michaels
VIEWERS.

Now SEPT 12 1916 service of this notice accepted for the County Commissioners of Clearfield County Pa.

L. C. Norris.
Clerk.

TO:- Alex, Bloom, T. H. Farran and M. C. Owens
Supervisors of Knox Township Clearfield County Pa.

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, beading from a point in the public road known as the New Millport road, leading from the village of New Millport, to Carnwarth, at or near the Fred Patterson place in Knox Township: To where said New Millport road intersects, with the road known as the Ansonville road, near the property of Perry Norris in Knox Township:-

And to vacate, that part of the said public road known as the New Millport road, supplied by the said proposed new road to be laid out, from the said Fred Patterson place, to where the said New Millport road intersects with the said Ansonville road, near the property of Perry Norris, in Knox Township in the County aforesaid will meet at the end of the proposed road to be laid out, at the intersection of the said New Millport and the Ansonville roads in Knox Township on wednesday the 27th day of September A. D. 1916 at nine (9) oclock A. M. to attend to the duties of their appointment, at which time and place aforesaid all parties interested may attend.

And that the public hearing required to be held by the Act of Assembly and the rules of Court, to give all parties interested, either for or against the change of said road a chance to be heard by the viewers, before the filing of their report, will be held in the Arbitration Room in the Court House in Clearfield Pa on Friday September the 29th 1916 at nine (9) oclock A. M. when and where all parties interested in the change of said road, either for or against the same, may appear and be heard.

A G Kramer
H A Reese
J L Michaels.
VIEWERS.

And now Sept 16" 1916 served this notice of Alex Bloom, T. H. Farran and M. C. Owens the Supervisors of Knox Township personally by handing each of them a copy of same.

T H Farran

N O T I C E.

TO WHOM IT MAY CONCERN:- Notice is hereby given, to all parties concerned; in the public roads, recently surveyed by the undersigned viewers, The one leading from a point in the public road, leading from Ansonville to New-Millport near a bridge across a small stream above the corner of lands of Ira McCracken and George Patterson Estate; to a point in the public road, leading from Ansonville to the May Hill School House, on land of Thomas Witherow estate.

And the other one, from a point in the public road leading from New-Millport to Carnwath at the Fred Patterson place to a point in the Ansonville road, at or near the Perry Norris property, both in Knox Township.

That the public hearing which had been scheduled to be held on the 29th of September, having been prosponed on account of the death of Mr Patterson; will be held in the Arbitration Room in the Court House in Clearfield Pa, on Friday the 13th day of October at ten (10) oclock A. M. at which time and place all parties concerned in either of said roads, may attend and be heard.

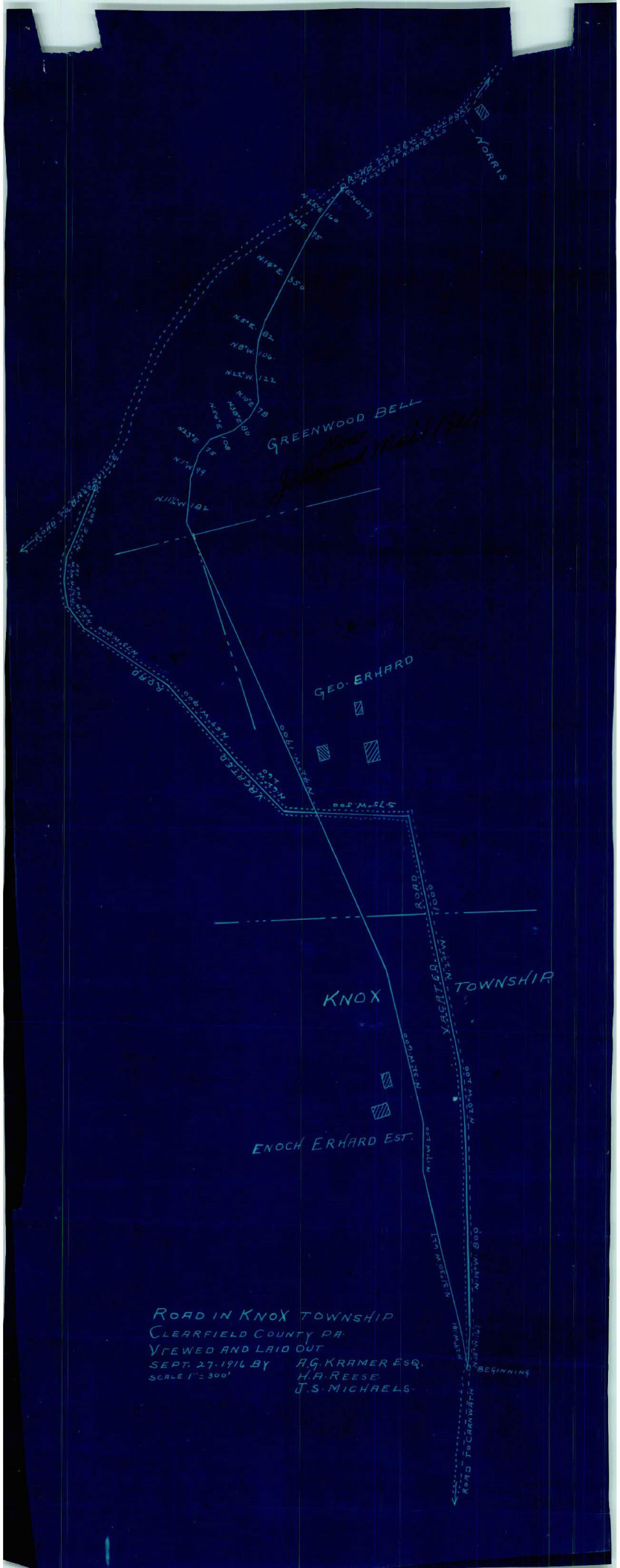
A. L. Kramer

H. A. Reese

J. L. Michaels

VIEWERS.

Sept 30th 1916


NORRIS
GREENWOOD BELL
GEO. ERHARD
VACATED ROAD
KNOX TOWNSHIP
VACATED ROAD
ENOCH ERHARD EST.
ROAD TO CARNEGIE
BEGINNING
ROAD IN KNOX TOWNSHIP
CLEARFIELD COUNTY PA.
VIEWED AND LAID OUT
SEPT. 27-1916 BY A.G. KRAMER ESQ.
H.A. REESE
J.S. MICHAELS.
SCALE 1" = 300'

No. 3 DECEMBER Sessions, 1916

ORDER

To view VACATE AND SUPPLY a road for PUBLIC use in the township of KNOX, Clearfield County

July Session, 1917 (7th Jdl) 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. See order relating back

By the Court
Singleton Bell
P.J.

Filed ____ 19 .

Fees $1.25 paid by Report of viewers on Re-View attached.

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.

	DAYS.	MILES	AM'T.
A G Kramer ... view and hearing	4	67	$23.25
D A Reed ... view and hearing	4	148	$22.00
J S Michaels ... view and hearing	3	133	21.65

Coston Narrow

	Days	miles	Total
A G Kramer	3.-	39	$16.95
D A Reed	1.-	48-	7.40
J S Michaels	2.-	96-	14.75

Dec 28 1917. 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 as per order.

By the Court
Singleton Bell

Feb 28 1918 Confirmed absolutely

By the Court
Singleton Bell
P.J.

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 receipt whereof, 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. 191 .

_____ SEAL
_____ SEAL
_____ SEAL
_____ SEAL

section of the public road known as the New-Millport and Carnwath road on thence down said public road north forty two (42) degrees east one hundred and ninety (190) feet, thence north forty eight (48) degrees east three hundred and twenty (320) feet to the watering trough along said public road on the Perry Norris property in Knox Township in the County aforesaid----------

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:

Enoch Earhard Estate	$10.00
George Earhard	$10.00
~~Concord Bell~~	~~$50.00~~
John & Mail Bell	$75.00 on Re-view

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

WITNESS our hands and seals this 13th day of October

A. D. 1916.

A. G. Kramer SEAL

H. A. Reese SEAL

J. S. Michael SEAL