

No. 7 Sept Sessions, 1918

COMMONWEALTH

VERSUS

Petition to vacate  
Public road in  
Bele Township

CHARGE

*Relley & Sunderland*

*X*

Walter Welch,  
District Attorney

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the **Twenty -sixth** day of **August**. in the year of our Lord, one thousand nine hundred and **Eighteen**.

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of **Bell**, in the County aforesaid setting forth that .....  
**there is a portion of public road in the township of Bell leading from**  
**Burnside Township line at the line of the Kelly place, thence down to the**  
**farm of Timothy Sunderlin, now Sunderlin heirs. That the said road is**  
**no longer useful for Public travel, and is burdensome to the township to**  
**maintain, and is in condition of bad repair and ought to be vacated.**

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers **A.G. Cramer. Esq. E.D. Billote.**

**and J.S. Michaels.** who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

*John H. Moore*  
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE  
COUNTY OF CLEARFIELD, PA.

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 the 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 Bell, -----, and that Three, ----- notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

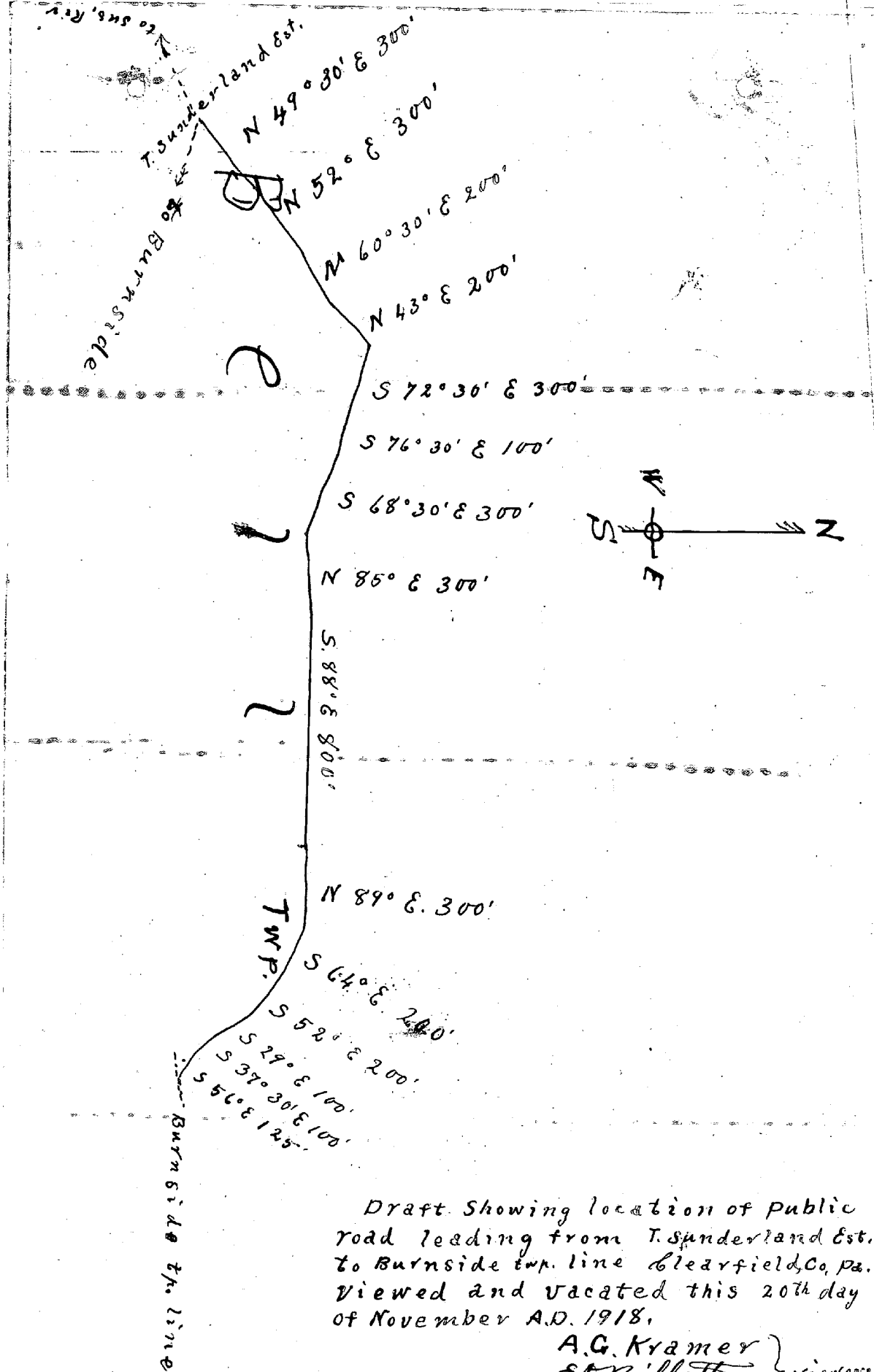
20th day of November ----, A. D. 1918, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield.

Pa., on the 22d day of November ---- A. D., 1918, at ten, o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view James, Breth and J. H. Baker: two of the Supervisors of Bell

Township in favor of vacating said road no one appearing opposed thereto,

~~And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 22d, -- day of November, A. D. 1918, when the parties interested in the said road were in attendance: James Breth and J. H. Baker two of the Supervisors of Bell Township: -----~~ And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 22d, -- day of November, A. D. 1918, when the parties interested in the said road were in attendance: James Breth and J. H. Baker two of the Supervisors of Bell Township: -----

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has -----, become useless, inconvenient and burdensome and therefore recommend that the same be vacated according to the: -----



Draft Showing location of public road leading from T. Sunderland Est. to Burnside twp. line Clearfield Co. Pa. Viewed and vacated this 20th day of November A.D. 1918.

A.G. Kramer  
 E.A. Billotte } viewers  
 J.S. Michaels.

Scale 100' to 1/4"

To:- Jesse, E. Dale, H. H. Spencer, and Austin Haney,  
County Commissioners of Clearfield County Penn'a.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate that portion of the public road leading from a point on the Burnside Township line at the line of the Kelley place; in Bell Township to the farm of Timothy Sunderlin, now the Sunderlin heirs, in Bell Township in the county aforesaid, will meet at the end of the road next the Sunderlin farm in Bell Township, on Wednesday the 20th, day of November A. D. 1918 at 9 o'clock A. 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 to give all parties concerned in said road a chance to be heard by them before the filing of their report in Court will be held in the Arbitration room in the Court House in Clearfield Penn'a. on Friday the 22, day of November A. D. 1918 at 10, o'clock A. M. when and where all parties concerned may appear and be heard.

A. G. Krasser  
E. W. Billotte  
J. S. Michaels  
VIEWERS

Now November 4 1918 service of the above notice accepted  
for the County Commissioners of Clearfield County Pa.

L. C. Norris  
Clerk.

James Breth, J. H. Baker, T. B. Miller; Supervisors of Bell Township Clearfield County Penn'a.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate that portion of the public road leading from a point on the Burnside Township line at the line of the Kelley place; in Bell Township to the farm of Timothy Sunderlin, now the Sunderlin heirs, in Bell Township in the county aforesaid, will meet at the end of the road next the Sunderlin farm in Bell Township, on Wednesday the 20th, day of November A. D. 1918 at 9 o'clock A. 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 to give all parties concerned in said road a chance to be heard by them before the filing of their report in Court will be held in the Arbitration room in the Court House in Clearfield Penn'a. on Friday the 22, day of November A. D. 1918 at 10, o'clock A. M. when and where all parties concerned may appear and be heard.

A. G. Kramer  
E. W. Billotte  
J. S. Michaels  
VIEWERS

Now November 7<sup>th</sup> 1918 served the above notice on J. H. Baker, James Breth, and T. B. Miller the Supervisors of Bell Township personally by handing each of them a true and correct copy of same.

J. H. Baker

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in any way damaged by the vacation of said road, a release in writing of all claims or damages that may arise from the vacation thereof, and that they procured such release from: .....

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation and closing up 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: .....

Witness our hands and seals this 22d, -- day of November ---, A. D. 19 18.

..... J S Michaels ..... [SEAL.]

Viewers.

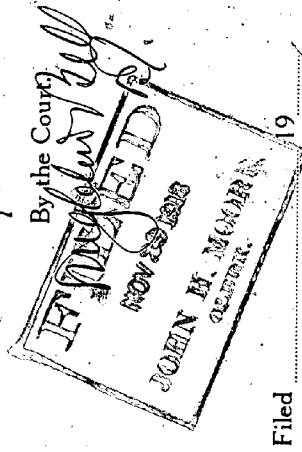
No. 7 Sept. Term 1918

## ORDER TO VACATE

To view and vacate road situate  
in the Township of Bell  
Clearfield County.

Now Dec Sessions 1918  
read and confirmed Ni. Si.

By the Court.  
Myself and J. A.  
Now Feb Sessions 1919  
confirmed absolutely



Filed 19

Atty, A. H. Woodward.

Fees \$1.25 paid by

A. H. Woodward.

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
<u>A. G. Kramer</u>	<u>4</u>	<u>80</u>	<u>24.00</u>
<u>E. D. Billette</u>	<u>4</u>	<u>115</u>	<u>25.25</u>
<u>J. S. Michaels</u>	<u>2</u>	<u>80</u>	<u>14.00</u>



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

No.            September Term 1918.

PETITION FOR THE VACATION OF PORTION OF PUBLIC ROAD IN  
BELL TOWNSHIP, AFORESAID.

To the Honorable, the President Judge of said Court:-

The petition of the undersigned being the supervisors  
of the said township of Bell, respectfully represents:-

That there is a portion of public road in the township  
of Bell, leading from Burnside township line at the line of the  
Kelley place; thence down to the farm of Timothy Sunderlin, now  
Sunderlin heirs. That said road is no longer useful for public  
travel and is burdensome to the township to maintain, and is in  
the condition of bad repair and ought to be vacated.

Your petitioners respectfully pray that the Court may  
order and direct vacation of said portion of public road, and  
~~they will ever pray.~~

STATE OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS.

James Breth, President of the board of supervisors of  
Bell township, being duly sworn according to law, deposes and  
says that the facts stated in the foregoing petition are true and  
correct according to the best of his knowledge and belief.

Sworn and subscribed to before me this 29th day of July A.  
D. 1918.

John H. Moore

Prothonotary

James Breth  
J. H. Baker  
W. B. Miller

James Breth

No. 7 Sept. 7. 1918.

*Police*  
To vacate *judicial*  
the  
see *simultaneously*.

Now Aug 26 1918

At. Kansas City  
to Belknap and

J. S. Michaels are  
agreed to receive  
vacates forward

by law *my* the Court

*My* *the* *the*

A. H. WOODWARD  
ATTORNEY AT LAW  
AUG 26 CLEARFIELD, PA.