

No. 8. Sept Sessions, 1918

COMMONWEALTH

VERSUS

Petition to vacate  
Public Road in  
Bill Township

CHARGE

*Snyder  
near La Jule*

Walter Welch,  
District Attorney

We the Undersigned Qualified Voters of  
 Bell Township, Burnside Township, New-  
 Washington, and Newburg Borough  
 do Petition to the Honorable Singleton Bell  
 Judge of the Courts of Clearfield County  
 State of Pennsylvania, and A. S. Barnes  
 A. D. Billotte, J. S. Michaels, witness  
 appointed by the Honorable Court  
 to Vacate a Road in the Southern  
 Part of Bell Township, from the  
 Dr. S. S. Hinsdale, Heirs Estates, from in  
 Bell Township, Clearfield County, State  
 of Pennsylvania, to the Da Rose  
 Borough line, not to Vacate the said  
 Road and will Ever Pray.

A. S. Michaels  
 Nelson Hurd  
 Asa Hurd

W. C. Burn  
 C. S. Howell

Uncle Fred

E. D. Michaels

P. E. Hurd  
 Clair F. Hurd

H. H. Hurd  
 Robert H. Hurd  
 Alonzo Hurd  
 P. H. Hurd  
 G. C. Hurd

Orvis W. Lee

E. H. Lee  
 R. W. Hurd  
 J. G. Parsons

A. D. Burley  
Jesse M. Lee  
John Lee, Sr  
Thomson  
J. P. Towner  
J. Ralph Bottom  
A. L. Hussey  
Lawrence Hoover  
Guy Wmell  
U. S. McDonald  
Ho. Co. singing  
George Mumford  
Edwin Ramsey  
Jack Ryers  
J. L. De Haven  
W. R. Jones  
J. G. Ryers  
Ed. St. John  
Samuel Kaufman  
H. E. Campbell  
L. A. Albricht  
A. M. H. Miller  
J. J. Mulliken  
H. S. Mahaffey

O  
O. E. Furd  
E. H. Kaufman  
Samuel Bennett  
Paul Marshall  
Milton Griffith  
Evan S. Lee  
Charles Dreyer  
G. L. Dreyer  
G. L. Greys  
Dorothy Johnson  
Emmanuel Oakas  
Bess Lee  
J. W. Lee  
D. E. Ross  
S. W. Lee  
A. B. L. Johnson  
J. W. Work  
F. R. Hartzel  
J. L. Simberg  
John Douch  
E. L. Mogle

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

No. \_\_\_\_\_ September Term 1918.

PETITION TO VACATE PUBLIC ROAD IN BELL TOWNSHIP.

To the Honorable, the President Judge of said Court.

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

That there is a certain portion of a public road in the said township to wit:- commencing at the land of the Snyder heirs in the said township and thence leading to the line of La Jose borough, that is useless and burdensome to the tax payers of said township, and is in a condition of dis-repair and is not used by the public at large to any great extent.

They respectfully pray the Court that the said piece of road may be vacated for public use and they will ever pray.

*James Breath*

*J. H. Baker*

*J. B. Muller*

STATE OF PENNSYLVANIA }  
COUNTY OF CLEARFIELD } SS.

James Breath, 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 AD 1918.

*James Breath*

*John W. Moore*

*Prothonotary*

No 8 Sept. 9 1918.

Petition  
to vacate public road  
in  
Bell Township.

Thursday, 26 1918

C. H. Kraemer

& A. Bellatto

J. E. Michaelian

Opposed to removing

or altering property

belonging to

the Township

of Bell Township

Aug 28, 1918  
ATTORNEY IN LAW  
C. H. KRAMER  
CLEARFIELD, PA.

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 certain portion of a public road in the said township to wit, commencing at the land of the Snyder heirs in the said township and thence leading to the line of LaJose Borough, that is useless and burdensome to the tax payers, of said township, and is in a condition of disrepair, and is not used by the public at large to any great extent.

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 ap-

point 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

21st, 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, 10, 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 besides the viewers James Breth and J. H. Baker two of the Supervisors of Bell Township in favor of vacating said road and, W. E. Hurd, Irvin Lee, R. R. Hurd, T. G. Snyder, L. J. Snyder, Charles Snyder, Doc. Johnson, Phillip Thrush, George, Worrell and Asa, Hurd,

and against ~~the~~ parties interested, ~~for the following reasons.~~ ~~vacating said road.~~ And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 22d, day of November,

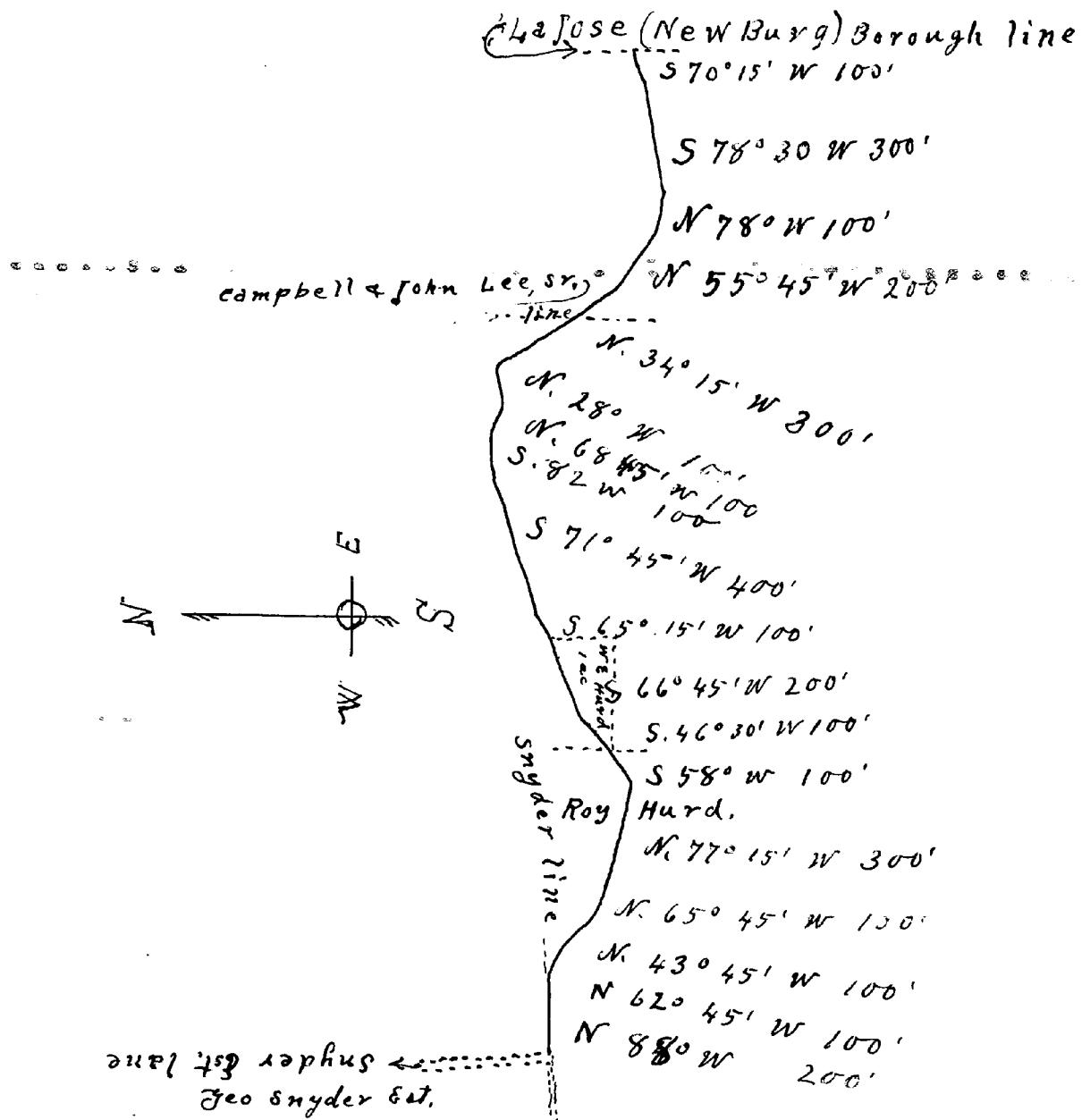
A. D. 1918, when the parties interested in the said road were in attendance: James Breth and J. H. Baker two of the Supervisors of said Township of Bell in favor of vacating said road and T. G. Snyder, Doc. Johnson, Asa Hurd, and, Irvin. Lee. parties opposed to vacating said road;

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome for the following reasons.

FIRST: Because on account of the limited amount of travel over said road as indicated to the viewers by the appearance of the road at the time of the view and the evidence produced at the hearing the township would not be justified in spending the amount of money necessary to put and keep the same in proper repair.

SECOND: For the further reason that in case the end of the road in Bell Township was in the best possible condition the road could only be traveled about two thirds of the year for the reason that the end of the road in LaJose or Newburg Borough passes over Chest Creek and there being no bridge across said creek the only way to cross said stream is by fording and as the stream is deep at said point, the only time said road can be traveled at all is in the summer when the water is low or in extreme cold weather in the winter when the creek is frozen over, solid enough to carry a team of horses with a loaded wagon or sled which only lasts a brief time; so at least one third of the time the road cannot be used.

THIRD: Because there are only one or two families living along said road and one of those families lives in LaJose or Newburg Borough which end of



scale  $\frac{1}{4}$ " to 100 ft.  
A.G. Kramer.  
E.A. Billotte } Viewed  
J.S. Michaels } 12/18/18

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 Cleaffield County, Pennsylvania, to view and vacate that portion of the public road leading from the land of the Snyder heirs; in Bell Township to the line of La-Jose Borough in Bell Township, in the county aforesaid, will meet at the end of said road next La-Jose Borough in Bell Township on Thursday the 21st 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 4 1918 service of the above notice accepted  
for the County Commissioners of Clearfield County Pa.

L C Morris

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 o f Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate that portion of the public road leading from the land of the Snyder heirs; in Bell Township to the line of La-Jose Borough in Bell Township, in the county aforesaid, will meet at the end of said road next La-Jose Borough in Bell Township on Thursday the 21st 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. D. 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

of the road is not to be vacated and therefore does not effect him as his travel is the other way to the settled part of Newburg Borough.

FOURTH: The greater part of the road to be vacated in Bell Township is down a very steep hill to Chest Creek or from Chest Creek up nearly the entire distance; part of the way is over twenty degrees elevation, making it impossible to haul any kind of a load over it either up or down, and therefore on account of the steep grade and filling in on a side hill cut a very expensive road to put and keep in proper repair; and in fact cannot without very heavy expense be put in a condition that it can be traveled by a motor truck or Automobile.

FIFTH:— And as to the signers to the remonstrance filed, the majority of which reside in Newburg Borough quite a distance from this road and have therefore no occasion to use this road as they have a far better and more convenient way out to any of the other trading points in that section of the County and therefore no need for said road.

And as to the majority of the signers to said remonstrance from Bell and Burnside Townships have no occasion to travel over said road as a question whether very many of them have ever been over or seen the road, as they about all have less distance and better roads to either Newburg, Mahaffey, New Washington, Burnside or any other point in that section of the county and therefore have no occasion to take a round about way to travel over this road.

The viewers therefore after giving due consideration to the remonstrance and the testimony submitted at the hearing and the objection raised to the vacating of said road are not convinced of the necessity of said road and therefore believe the same to be useless inconvenient and burdensome upon the taxpayers of the Township and therefore would recommend that the same be vacated.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacating of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacating thereof, and that they procured such release from: see and distances and over whose land said road passes hereto attached. And that no one in the opinion of the viewers suffering any damages, no damages are therefore assessed.

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

See

~~and enclosed with this report is a copy of the notices attached.~~

Witness our hands and seals this 22d, -- day of November ----, A. D. 1918.

A. G. Kramer [SEAL.]

E. Scillito [SEAL.]

J. S. Michaels [SEAL.]

Viewers.

No. 8 Sept. Term 1918

## ORDER TO VACATE

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 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 vacate road situated in the Township of Bell  
Clearfield County.

Now Dec Sessions 1918

read and confirmed Ni. Si.

By the County of Bell  
NOV 29 1918

Now Dec Sessions 1918

confirmed absolutely

By the Court  
NOV 29 1918  
JOHN H. MOORE,  
CLERK.

Filed 1918

Atty. A. H. Woodward.

Fees \$1.25 paid by

A. H. W.