

DOCKET No. 6

Number	Term	Year
8	May	1933

Petition to vacate and supply :

in Bell Twp

Versus

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD  
COUNTY, PENNSYLVANIA

*8 May 1933*

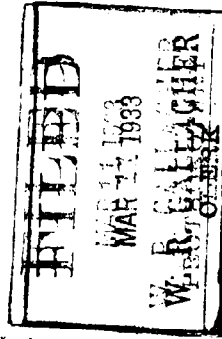
IN RE: VACATION AND

SUPPLIES OF ROAD IN BELL

TOWNSHIP

PETITION

*From Mr. over 11<sup>th</sup> 1933*  
*Earl*



F. CORTEZ BELL  
DISTRICT ATTORNEY  
CLEARFIELD, PENNA.

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

IN RE: VACATION AND :  
:   
SUPPLIES OF ROAD IN BELL :  
:   
TOWNSHIP :

TO THE HONORABLE A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

We, the undersigned citizens of Bell Township, Clearfield County, Pennsylvania, hereby petition your Honorable Court to appoint viewers to pass on the vacation and supplies of certain roads in Bell Township, as follows:

For the vacation of that section of the old State Route No. 36, abandoned when the new route from McGees Mills to Punxsutawney was constructed, beginning at a point near McGees Mills where the old road leaves the present road as now constructed, and following the old road to what was known as the Peace place at the intersection of the Newtonburg road, being a distance of two and three-fourths (2 3/4) miles, more or less;

To supply an extension to the Nicodemus road of approximately Thirteen Hundred (1300) feet, more or less, from the point where it intersects with the old State road, thence through the Mott land to connect with the present State road.

That a paper containing the signatures of your petitioners has been circulated through Bell Township, and is attached hereto and made a part hereof.

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

Before me, the subscriber hereto, came

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 their knowledge and  
belief.

H. M. Kauffman

Sworn to and subscribed  
before me this 6<sup>th</sup> day  
of March A.D. 1933.

H. R. Gallagher  
Prothonotary

ORDER OF COURT

Now, March 16<sup>th</sup> 1933, the within petition  
having been read and considered Paul Brose Esq.,  
Ed Billotte and Jack Michaels  
are appointed viewers to pass upon the necessity and  
advisability of the vacation and supplies of the roads  
that are herein prayed for, to go upon said premises,  
view the same, and after said view, to hold public hearing,  
after due notice is given thereof, and report to this  
Court as provided by the Act of Assembly in relation there-  
to.

BY THE COURT

A. R. Brose  
P.J.

Wherefore, your petit.     - pray that an  
order be made directing appointment of appraisers to  
pass upon the vacation and supplies of said roads.

And we will ever pray.

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to economize as much as possible in our Township road expense and at same time serve all our citizens with best possible outlets to hard roads respectfully pray that the Supervisors of Bell Township be instructed to vacate that section of old State Route 36 located in Bell Township turned back to the township by the State and running parallel with present State Route 36 between McGees Mills and Punxsutawney. Beginning at point above McGees Mills where old road leaves present State Route 36 and following old route old what is known as the Old Peace Place at the intersection of Newtonburg Road, a distance of two and three-fourth miles more or less.

Further: That Supervisors of Bell Township be instructed to open up a Township Road as an extension of the Nicodemus Road, beginning where it intersects with the old State Route 36 and running through the Mott land to the present State Route 36 a distance of 1300 feet, more or less.

This contemplated change in roads will not increase the length of dirt road for any of its patrons but on the contrary will shorten the road for the majority and eliminate approximately two and one-half miles of road.

NAME	ADDRESS	OCCUPATION	DATE
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Paul Sunderland  
Attn. Kaufman  
Supt

loners

Walter Blatty  
P. J. Strucker McEus Pa.

Oliver Hollen McGeese

Francis Bush Mahaffey Pa

Joel Larson Mahaffey Pa

Clayton Kaufman  
Vere Hollen Mahaffey

E. C. Lee Mahaffey Pa

A. B. Gearhart McEus Mills Pa

Wm Gearhart McEus Mills Pa

Wm Gearhart

W. L. Webster

B. A. Keener McEus

E. B. Magle McEus Mills Pa

Ralph Weaver McEus Mills Pa

R. H. Shaffer Mahaffey R. 1

John McEugr Mahaffey Pa

Dr. S. Dull Mahaffey R. 3

Wm. Keap Mahaffey Pa

Lynn Lyons Mahaffey Pa R. 1



Wm. O'Leary Mahaffey R.D.  
Wm. Davidson Mahaffey R.D. 1  
John Davidson Mahaffey R.D. 1.  
Geo. Kitchen and Gees  
August Peace MC Gees.

J. H. Nicodemus Mahaffey  
Charles Nicodemus  
Frank Craft Mahaffey R.D.  
B. D. Sherwood McGee Pa  
J. L. Trout MC Gees Mills  
W. E. Sample Mahaffey R.D.  
John O'Leary MC Gees Mills.  
Edward Passmore Mahaffey  
J. H. Kauffman Mahaffey  
Marl Snyder  
D. L. Kauffman Mahaffey  
J. W. Lee Mahaffey  
Gas Breth Mahaffey  
J. B. Breth Mahaffey  
Ben. Gee Mahaffey  
W. H. Snyder Mahaffey  
Al. Marshall Mahaffey  
Samor Bennett  
G. W. Bennett  
Lewis H. Marshall Mahaffey  
Ernest Breth Mahaffey  
Jimmie Masato Mahaffey Pa.  
Ernest Bennett Mahaffey Pa.  
Jos. C. Bennett Mahaffey Pa.  
Isaac Bennett Mahaffey Pa.  
Paul E. Bennett Mahaffey Pa.  
H. B. Mahaffey " "

W.C. Sunderland McGeer  
J.C. Sunderland McGeer  
Jack Byers Mahaffey  
Lloyd Bouch Mahaffey  
George Beall McGeer Millers

W & Rudolph " "  
Paul Rogers McGeer  
M.L. Lock McGeer Mills Pa  
Lloyd Bauch McGeer Mills Pa  
Chas Miller Mahaffey Pa B D I  
J N Work McGeer Mills  
Henry Bauch McGeer Mills  
F. R. Hatzel McGeer Mills

W. Z. Campbell McGeer Mill  
Ralph Bouch McGeer Mills Pa  
C. J. ... ..

Harry Sharp Mahaffey Pa  
Zack Byers Mahaffey Pa  
Al Mahaffey Mahaffey Pa  
A. W. Kauffman Mahaffey Pa  
J. R. Gee Mahaffey

Milton Griffith Mahaffey  
C. F. Foster Mahaffey

J. W. Mahaffey Mahaffey Pa  
B. L. Sharp Mahaffey Pa  
L. A. S. Long Mahaffey  
C. M. Walker Mahaffey

Harvey Campbell Mahaffey  
J. S. Bennett Mahaffey Pa

Sam Hochberger Mahaffey  
Edmond Miller Mahaffey  
George Suttle Mahaffey Pa  
Foster Beatty Mahaffey Pa  
Joe Freedline Mahaffey  
Howard Freedline Mahaffey

M. J. Maher  
 J. M. Rose Mahaffey Pa  
 Tom Chesley Mahaffey Pa  
 James Maher Mahaffey Pa  
 J. J. Mahaffey Mahaffey Pa  
 Robert C Johnston - Mahaffey Pa.  
 John Johnston Mahaffey Pa.  
 C. L. Johnston Mahaffey Pa.  
 H. E. Johnston Mahaffey Pa.  
 J. M. Miller Mahaffey Pa.  
 A. C. Miller Mahaffey Pa.  
 Al. C. Miller Mahaffey Pa.  
 Howard Hoover Mahaffey Pa.  
 J. J. Maher Mahaffey Pa.  
 Walter L. Bennett Mahaffey Pa.  
 Paul Miller Mahaffey Pa.  
 Dallas Miller Mahaffey Pa.  
 J. L. Harter Mahaffey Pa.  
 J. L. Harter Mahaffey Pa.  
 H. L. Harter Mahaffey Pa.  
 Harry De Harmer Mahaffey Pa.  
 R. O. De Harmer Mahaffey Pa.  
 W. H. De Harmer Mahaffey Pa.  
 H. H. De Harmer Mahaffey Pa.  
 C. J. De Harmer Mahaffey Pa.  
 C. J. De Harmer Mahaffey Pa.  
 H. L. De Harmer Mahaffey Pa.  
 C. J. De Harmer Mahaffey 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 11th day of March in the year of our Lord, one thousand nine hundred and thirty three

A. R. CHASE

By the Honorable ~~Shirley Bell~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of BELL, in the County of ~~Clearfield~~ ~~Clearfield~~ ~~Clearfield~~ to appoint viewers to vacate and supply certain roads in Bell Twp. as follows:

For the vacation of that section of the old State Route No. 36, abandoned when the new route from McGees Mills to Punxsutawney was constructed, beginning at a point near McGees Mills where the old road leaves the present road as now constructed, and following the old road to what was known as the Peace place at the intersection of the Newtonburg road, being a distance of 2 3/4 miles more or less. and

To supply an extension to the Woodemus road of approximately 1300 feet, more or less, from the point where it intersects with the old State Road, thence through the Mott land to connect with the present State road.

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 Earl G. Boose, Esq. Ed. Billotte

and Jack 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.

W. R. Gallagher

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

22nd day of April, A. D. 1933, 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 24th day of April, A. D., 1933, at 10.30 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 Supervisors David Diem and H. M. Kaufmann, of Bell Township,  
Messrs Miller, Davidson and other citizens of Bell Township,

ties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 24th day of April,

A. D. 1933, when the parties interested in the said road were in attendance: H. M. Kaufmann, Supervisor, Messrs Davidson, Ifert, Miller and a number of other citizens of Bell township.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that ~~said~~ part of the said road has become useless, inconvenient and burdensome; that is such part as lays between the house of George Davidson and the Peace place, at the intersection of the Newtonburg Road, the last named of the termini in the petition, and the viewers have therefore returned for vacation the part of the said road, beginning at a point in the road opposite the house of George Davidson; thence, S. 67° W., 300 ft; thence S. 81° W., 200 ft; thence N. 70° 30' W. 200 ft; thence N. 49° 30' W., 200 ft; thence N. 21° W., 100 ft; thence N. 1° 30' W., 600 ft; thence N. 14° E., 100 ft; thence N. 25° E., 300 ft; thence N. 5° 30' E., 400 ft; thence N. 5° W., 300 ft; thence N. 15° W., 357 ft; thence N. 15° W., 343 ft; thence N. 2° 30' W., 820 feet, to point of intersection of the Newtonburg Road, the Terminal. That part of the ~~said~~ road described in the petition as beginning at the point of divergence of the new and old roads, and ending at the John Nicodemus Road has already been returned for vacation by this Board of Viewers, No. 7 May Term, 1933, quarter Sessions of Clearfield County and was not dealt with in this proceeding. The public road which the petitioners prayed be layed out beginning at the intersection of the John Nicodemus

Road, thence through the Mott lands to the present state road, was layed out by this same Board of Viewers, No. 7 May Term, 1933, Quarter Sessions Court of Clearfield County, and is not dealt with in this view. The remainder of the old state road No. 36, which the petitioners prayed be vacated by this proceeding, extending from the John Nicodemus Road to the house of George Davidson, is yet in too general use by the people of that community, to warrant its vacation at the present time. along this section of road is located the Methodist Protestant Church which is in use and is attended by people coming to it from both directions on the piece of road sought to be vacated by this proceeding. The Viewers therefore decline to return for vacation that section of the old state road No. 36, beginning at the John Nicodemus Road, thence toward and past the Methodist Protestant Church; the residence of John Vite, and ending at the house of George Davidson, a total distance of 6200 feet, the courses and distances thereof being shown on the map of the whole of the piece sought to be vacated, which is hereunto attached and made a part of this report.

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

~~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 to damages that may arise from the vacation thereof;~~

~~that they procured such release from:~~ The Viewers being of the opinion that no one has suffered tangible or real damage from the vacation of that part of the road which is hereby returned for vacation, they have awarded no damages to any of the parties in interest.

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:

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

Witness our hands and seals this 26th day of April, A. D. 1933

*Charles B. Bower* [SEAL]

*Ed. Willotte* [SEAL]

*J. S. Michael* [SEAL]

Viewers.

No. 8 May Term 19 33

## ORDER TO VACATE

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

Now May Sessions 1933  
read and confirmed Ni. Si.

By the Court.  
Now Sept Sessions 1933  
confirmed absolute.

By the Court.

Filed

19

Atty. Bell, O'L & Silbertlatt

Fees \$1.25 paid by

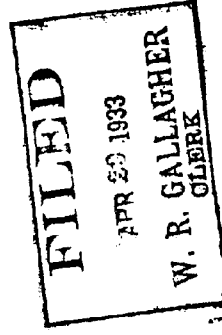
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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
Jack Michaels	2	78	\$18.90
Ed. Billotte	3	91	27.00
Earl G. Boora	3	122	28.60



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

Re; Vacation and Supply ) Of May Sessions, 1933  
of Public Roads in ) No. 8.  
Bell Township. )

VIEWERS' NOTICE.

To the Commissioners of Clearfield County and the Supervisors of Bell Township-

You and each of you will hereby take notice that upon petition of divers inhabitants of Bell Township, the Judge of this Court has appointed the undersigned as Viewers to view and to vacate a certain section of the old State Route No. 36, leading from McGees Mills to Punxsutawney; which said section begins at a point near McGees Mills, where the old road leaves the present road as now constructed, and following the old road to what is known as the Peace place at the intersection of the Newtonburg road, being a distance of 2-3/4 miles, more or less, in Bell Township, and to supply an extension to the Nicodemus road of approximately 1300 feet, more or less, from the point where it intersects with the old State Road, thence thru the Mott land to connect with the present State Road.

The Viewers have fixed upon Saturday, the twenty-second day of April, 1933, as the time for viewing the premises and for that purpose will meet on that day, at the Post Office at McGees Mills, Pa., in Bell Township aforesaid, at 9.00 o'clock A. M.

The public hearing provided for by law and the Rules of this Court will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on Monday, the 24th. day of April, 1933, at 10.30 o'clock A. M. at which time and place all parties in interest may appear and be heard.

April 12-1933.

*James B. ...*  
*Ed. ...*  
*Jack ...*  
Viewers.

Now, April 12, 1933, notice received, with copy thereof delivered, and service thereof is accepted for the Commissioners of Clearfield County.

*L. C. ...*  
Clerk

Now, April 15, 1933, notice received, with copy thereof delivered, and service thereof is accepted for the Supervisors of Bell Township.

*H. M. ...*  
Supervisor.



# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the

Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and to vacate a certain section of the old State Route No. 36, leading from McGees Mills to Punxsutawney; which said section begins at a point near McGees Mills, where the old road leaves the present road as now constructed, and following the old road to what is known as the Peace place at the intersection of the Newtonburg road, being a distance of 2-3/4 miles, more or less, in Bell Township, and to supply an extension to the Nicodemus road of approximately 1300 feet, more or less, from the point where it intersects with the old State Road, thence thru the Mott ~~xx~~ land to connect with the present State Road.....

in Bell..... Township, in Clearfield County, aforesaid, will meet at the Post Office at McGees Mills, Pa., ..... in Bell..... Township, on Saturday the 22nd. day of April,..... 1933, at, nine..... o'clock, A. M. to attend the duty assigned them, of which time and place aforesaid all parties interested will take notice.

The Public Hearing in the matter required by the Act of Assembly, and the Rules of the aforesaid Court, to be held by Viewers, will be held in the Grand Jury ..... Room of the Court House at Clearfield, Penna., on Monday,..... the twenty-fourth..... day of April,..... 19 33 at 10.30 o'clock A. M.

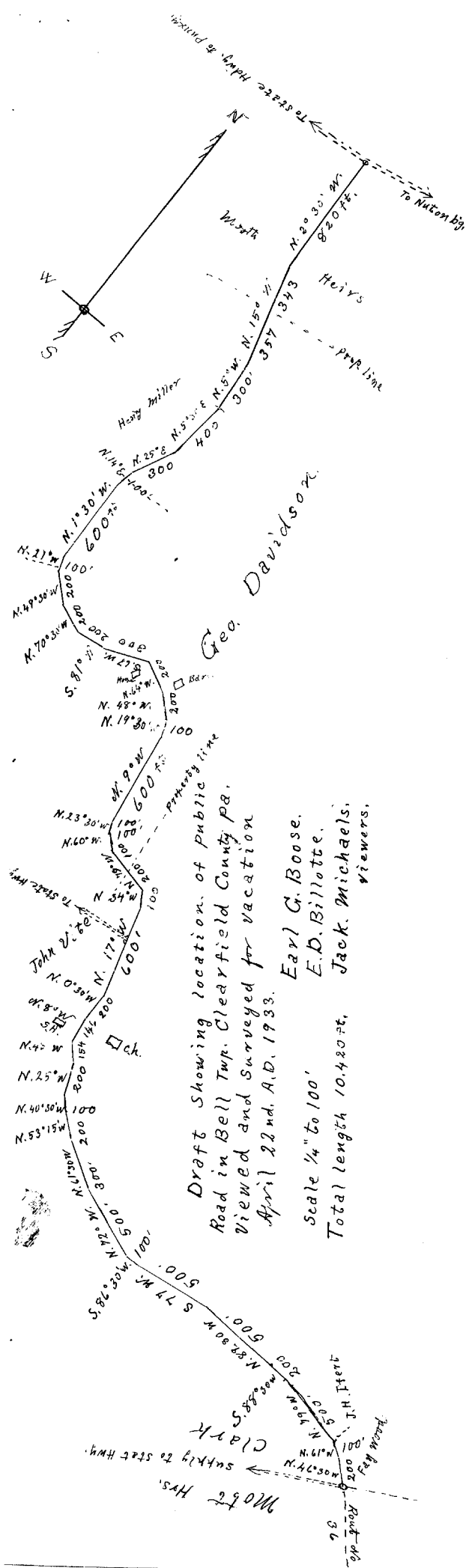
Earle G. Boose

Ed. Billotte

April 15- 1933.

Jack Michaels

Viewers.



Draft Showing location of Public  
Road in Bell Twp. Clearfield County Pa.  
viewed and surveyed for vacation  
April 22nd, A.D. 1933.

Earl G. Boose.

E. D. Billotte.

Jack. Michaels,  
viewers.

Total length 10.420 ft.