

No. 13 Sept Term, 1881

Public Road

versus

Brady Township

Contents:

Not certified

Rule to take Depositions.

CLEARFIELD COUNTY, SS:

In the matter of
a Just. Good in
Brady vs. Leaning
versus
from Robert Smith
to Eric Pike.

Just. Leas.

In the Court of Common Pleas of Clearfield County, Pa.

No

TERM, 1881

And now to wit, the 4th day of March, in the year of our
Lord one thousand eight hundred and eighty-2
the Remittors enter a rule to take the Deposi-
tions of ancient, infirm and going witnesses, to be read
in evidence on the argument of this case.
Exparte Rule of Remittors on our day's notice

James Kerr
Prothonotary

To J. J. Broadbent, Esq.,

You will please take notice that, in pursuance of the foregoing rule, Depo-
sitions will be taken before C. Keown, or some other
person authorized to administer an oath or affirmation in Pennsylvania, in and
for the county of Clearfield, at the office of A. G. Harris,
in the town of Clearfield of Clearfield
in the county of Clearfield and State of Pennsylvania, on the
4th day of March, A. D. 1882, between the hours of
9 o'clock A. M. and 12 o'clock M., when and where you
may attend and cross-examine.

Clearfield, Pa., March, 1882

Frank O'Sullivan
Atty for Remittors

Service Accepted
J. L. Broadbent
Atty for Defendant

Depositions of witnesses produced & sworn
and examined by me this 3^d day of March 1882
at the Office of Frank Hoffman between the hours
of 9 A.M. & 12 M. by virtue of the annexed rule
of Court of Justice bearing and notice hereto at-
tached for the examination of witnesses in
a certain cause depending in said Court
in the matter of a Public Road in Brady Tp.
and on the part of the Remonstrators.

now 4th March 1882

Personally appeared before me John a Justice of the
C of Campbell Says I live in Brady Township
Clearfield County Pa I live on the line of the
Supposed new Road from Hobert Luthers
to the Erie Pike William S Wright adjoins
me on the west this new Road is located on
the line between me and Wright I own
about four acres of Land which the said Road
the viewers told me the proposed Road would
cut off about eighty rods of my Land in length
the new Road as laid out does run thru
my Garden. It does also run thru my
dove yard the Road will run thru a Row
of Fruit Trees which I think would spoil them
as most of them are too large to transplant
the new Road will run thru William Wrights

No 13 Sept Decm 1881

In the name of a
Patent Road in
Pratt St,

Superintendence of Re-
modeling,

Costs

Bay Store 100 paid
by E. J. Campbell,

Wm 20 in an '882
Decker

Heavis

Depositions of witnesses produced, sworn and examined by me, the 3^d day of April A.D. 1882 at the office of F. L. Harris Esq. at Cheasfield Pa. between the hours of 9 o'clock A.M. and 9 o'clock P.M. by virtue of the annexed rule of Court of Quarter Sessions and notice hereto attached for the examination of witnesses in a certain cause depending in said Court, in the matter of a Public road in Brady Tp. leading from Herbert Luthers to the Erie Pike,

M. J. Clark, - Produced, ^{affirmed} ~~sworn~~ and says: - My home is in Brady Tp. this County. I am 52 Years of Age,

I am acquainted with the old road leading from the Pike to Herbert Luthers. I have known the road since 1850. I hauled bark on the road in 1851. They have been travelling on it since 1851. The grade is about the same as on other roads in Brady Tp.

Cross Examination,

The hill in the road at John Baileys is the only one I think of is steeper than this, there may be others that are steeper than this old road, - The road that I travelled on in 1851 has since

been changed a little,

Re-Examined,

I know George Kirk the Surveyor, he is a cousin of Herbert Luthers. When I speak of the Road being moved, I mean to say it has been moved about two rods at the Pike, I don't know that it has been changed at the other end, and I don't know what effect it may have had on the steepness of the road,

Re-Cross Exp.

Some part of the time since I hauled there the road has been fenced up. What I mean there was a pair of bars at the Pike,

M. S. Clark

Wm. S. Wright, - Produced and Sworn. I reside in Brady Tp,

The proposed new road will run on the line between Mr. Campbell & me. I am acquainted with the old road that has been used by Luthers. The proposed new road begins at Herbert Luthers house and ends at the Erie Turnpike, at Mr. Campbell's house. The grade on the old road is considerably heavier than on the new road. The distance by the old road is 74 Rods or about,

I wouldn't take \$500. and sell the right of a road through where the new road is laid, It runs through part of my Barn Yard,

Cross Examined.

The Bridge leading into my Barn floor faces the proposed new road, In driving into my Barn floor from the Pike I now pass through the stable yard & around the end of my Barn, I have about 40 acres of land, all on that side of the Pike, Mr. Smith from what I have been told has about 14 or 15 acres,

Re-Examined.

I know of no objections by the land owners there to the old road leading to the Pike, Mr. Roth told me that he was no fine Cent man, that he would rather pay five dollars than to ask damages, Mr. Luther has lived there about three years.

W. J. Wright

I hereby Certify that the above witnesses were duly qualified and examined at the time and place stated in the above Caption, and subscribed their depositions in my presence,

Wm. Radabaugh
Notary Public,

Clearfield County, ss:

In the name of
a Public Road in
Muddy Sp. Creek
from Herbert Suters
to the Erie R.R.



In the Court of ~~Common Pleas~~ of Clear-
field County, Penn'a.

Quarter Session

No.

Term, 1882.

And Now, to wit, the 30 day of March, in the year of
Our Lord, One Thousand Eight Hundred and Eighty-two
the Remonstrators enter a Rule to take the Depositions
of ancient, infirm and going witnesses, to be read in evi-
dence on the Argument of this case.
Ex parte Rule of Remonstrators on 5 day's notice.

James Kerr
Prothonotary.

To S. J. Brookbank, Esq.:

You will please take notice that, in pursuance of the foregoing Rule, Depositions will be taken before Wm. Radabaugh J.P., or some other person authorized to administer an oath or affirmation in Pennsylvania, in and for the county of Clearfield, at the office of A. G. Harris, in the Town of Clearfield in the county of Clearfield and State of Pennsylvania, on the third day of April, A. D., 1882, between the hours of 9 o'clock A. M., and 9 o'clock P. M., when and where you may attend and cross-examine.

Clearfield, Pa., March 30, 1882.

Frank G. Harris
Atty for Remonstrators

And now March 30, 1882 being accepted as of
March 29, 1882.

S. J. Brookbank
Atty for Petitioner

No 2. 1851
See Deed of Conveyance

See the matter of a
public Road in
May 2d.

Propositions of Removals.

See Exchange Fee #150
Paid by W. S. Wright

W. S. Wright

Depositions of witnesses pronounced sworn or affirmed and examined at the Office of J. Hamilton a Justice of the Peace in and for Clearfield County Pa. on the 13th day of March A.D. 1882, between the hours of 9 A.M. and 3 P.M. of said day in obedience to the rule of Court and notice hereto attached, to be read in a cause depending in said Court in the matter of a Public Road is (vs) Brady Tp. from Herbert Luther to Eric Turnpille

H. M. Seylre being called and affirmed on the part of the Plff. Saith:- I reside in Brady Tp. Clearfield County Pa. Am 35 years of age. Was on the ground. Surveyed for road between Luther & Campbell. Also on the line between J. W. Corp & J. C. Smith land. Question by Plff. Which is the nearest way to Sutersburg The new road, or the line between Smith and Corp. Objected to on the part of the Resp- ondent, for the reason. That the road in dispute does not extend to Sutersburg, but only from Luther to the Rice. Witnesses Answer, The nearest is on the new Survey on the line between Campbell & Wright,

It is about a quarter of a mile nearer on the new Survey than it would be on line between Corp & Smith, The new Survey

would make a good road. The line between
Corps & Smith would not make a good
road. The Hill is too steep. I measured the
Hill and found it from the steepest part of
the Hill. first two rods about six & a fourth
feet of a rise, second two rods nine and a
fourth feet, rise. Third two rods nine feet of
a rise, & the fourth two rods six and three
fourths feet rise, making thirty-one and a fourth
feet of a rise in the eight-rod, if ever neces-
sary the new road can be put through to the
Coal Hill road, I think that ~~the~~ ^{Public} should have
a road, The old road is from eight to twelve
rods from the line between Corps & Smith.
Cross Examined

Don't know where the line between
Corps & Smith is only as told & shown by
James Smith, & Herbert Luther, found a
road running from the Pike down to Herbert
Luthers fence, about thirty five rods from
Herbert Luthers house, found the road from
the Pike to Herbert Luthers fence a steep grade,
find it to compare an average with other
Public roads in Brady Tp. as to dryness.

The grade of the road from Herbert Luthers
house to the Pike at Corps Orchard is heavier
than it is on the Pike from Luthersburg
to Corps Orchard. The proposed road

leading from Pile at Campbell's house to
Herbert Suthers house does not connect
with any other road,
Examined by Plff.

Since it ^{about} fifty rods leading
along the old road from the Pile to Herbert
Suthers fence, The road closed at both ends,
I don't consider the new road would be a
material damage to Mr Wright, I consider
a road along the line between Wright &
Campbell, a benefit to Mr Wright, and
no great damage to Mr Campbell.

Cross Examined The road would be an advantage
to Mr Wright, to drive his stock on,
The new road would be about forty dollars
of a damage to Mr Campbell,

H. M. Saylor

J. L. Weber being called and sworn on the part of the Plff. Saith - I reside in Brady Co Clearfield County Pa and 42 years of age. Was on the ground surveyed for road between Luther & Campbell, it would make a good road. The line between Corp & Smith that Mr Luther showed me would be too steep for a good road. That route to Luthersburg would be about 85 rods, further than the route by Campbells, Mr Campbells fruit trees is not too large to replant,

Cross Examined.

I found a road leading from the Pike to Luthers field, a distance of about fifty five rods. Found the road dry and a medium grade. The road was not rocky, but stony, the road as to dryness and grade will average with other roads in Township. From the appearance of the road it is twenty years old, the proposed new road from Pike at Campbells Rest to Herbert Luthers does not connect with any other road, I found two swamps on Proposed new road, but don't think they would interfere in making a new road.

Reexamined by Plff

The old ^{road} between Corp & Smith is closed at both ends, with Barr, road runs on land of Corp & Smith & Mr Luther

is shut-in. If necessary to extend the proposed
new road to Coal Hill road. I think it can
be done. The new road will be no damage
to Mr Wright - except moving his fence. I
consider the road would be a benefit to
Mr Wright.

Cross Examined

I think the new road would
be about fifty-dollars of a damage to Mr
Leampbell
Jacob L Weber

Lewis Schoch in Proance and Affirmance
on the part of the Pff. South Troutville
I reside in Troutville, Clarfied County,
Pa. Am 37 years of age, & I did not know
that George C. Wisk was a Cousin to Herbert
Suster at the time we viewed the road,
If I had known that George C. Wisk was
a Cousin of Herbert Susters, at the time of
viewing road, it would not have had any
bearing or influence on me, in laying out
road & signing report. There was no objection
made to me by either Wright or Campbell
to laying out said road,

Lewis Schoch

John Holder being called and sworn on
the part of the Pff. Smith. I reside in
Brady Twp Clearfield County Pa. And 67 years
of age. I have been Supervisor for Brady
Twp. for 22 years. I was along the new road
and also along the line between Corp & Smith.
The nearest way for Herbert Luther to
come to Sutherlandburg is by the proposed road
by Campbell & Wright. It will cost about
35 or 40 dollars to open the new road and
grade it. It would cost about seventy five
dollars to open ^{& grade} a road on the line between
Corp & Smith. A road along the line betw-
een Corp & Smith would be to steep a grade
to haul a load up. A road along the route
between Wright & Campbell would not be
a material damage to Wright. The new road
between Wright & Campbell would not be a
great damage to Campbell. The old road
between Smith & Corp. is from 12 to 15 rods
from Corps line. (A road on line between
Smith & Corp would be a damage. error)
Corrected. A road along the old road between
Smith & Corp would be a damage to
Smith & Corp. J. W. Corp showed me the
line between ~~his~~ his land and Smith's
land. The fruit trees belonging to Campbell
could be transplanted,

Geo. Kirk called and sworn on the part of the Pff. Deuth. I reside in Brady Twp, Clearfield County, Pa. Am 45 years of age. There was none of the parties who own the land over which this road passes made any objections to us laying out the road. I have had to move apple trees & other fruit trees by reason of roads being laid out on my land. The most of the trees that I moved were larger than Mr Campbell's, except one Cherry tree belonging to Mr Campbell. I think it was no material damage to the trees I moved.

Cross Examine.

The distance from John Campbell's house at the Pore, to where we run the road at Herbert Suthers house, is about eighty six rods. It does not connect with any public road at Suthers house. I was the Surveyor of the road. I was not Chairman of the view. I made out the papers as directed by the other two viewers, in their presence.

Geo. C. Kirk

I certify that the above witnesses were
duly qualified and examined at the time and
place stated in the caption, and subscribed
their depositions in my presence before
me this 13th day of March A.D. 1882.

Witness my hand and seal.

J. Hamilton J. L. 

Rule to take Depositions.

CLEARFIELD COUNTY, SS:

In the Matter of
a Public Road

versus

Brady & Son
Herbert Luster & Eric H. H. H.

In the Court of Common Pleas of Clearfield County, Pa.

No 13 Sept. TERM. 1882

And now to wit, the 7 day of March, in the year of our

Lord one thousand eight hundred and eighty-two

the Petitioners enter a rule to take the Deposi-

tions of ancient, infirm and going witnesses, to be read

in evidence on the Argument of this case.

Ex parte Rule of Petition on 8 day's notice

James Kerr

Prothonotary

To Frank M. M. Esq.,

You will please take notice that, in pursuance of the foregoing rule, Depo-

sitions will be taken before John H. H. or some other

person authorized to administer an oath or affirmation in Pennsylvania, in and

for the county of Clearfield, at the office of John H. H.

in the Township of Ross, in the county of Clearfield

and State of Pennsylvania, on the

13 day of March, A. D. 1882 between the hours of

9 o'clock A. M. and 3 o'clock P. M., when and where you

may attend and cross-examine.

J. B. B. H.

Clearfield, Pa., Mar 7, 1882

Atty for Petitioners

Service accepted for Remuneration
March 7th, 1882 Anna G. H. H.

No 13 Sept Decm 1881

Cash -
Hamilton J.P. \$385
John Smith (paid) 1.30
Leaves School " 1.30
Jacob Smith " 1.18
At M. Doyle " 1.12
John Smith " 1.06
Geo. E. Smith " 1.06
Total \$10.87

The above -
Leaves paid into
Office by check.
J. Hamilton J.P.

Public road
in
Bradley Sup

Nevers Report

Henry Mason



To the Honorable the Judges of the Court
of Quarter Sessions of the Peace in and for
the County of Cleaveland

The petition of the undersig-
ned inhabitants of the Township of
Brady in the said County respectfully
sheweth: That your petitioners labor
under great inconvenience for want of a
road or highway to lead from H. J. Luther
to the Erie & Watford Turnpike at or
near John Campbells.

Your petitioners therefore humbly
pray the Court to appoint proper persons
to view and lay out the same according
to Law and they will ever pray &c.
Luthersburg Pa Aug. 16th 1881

Names

Daniel Woodlancer

G. M. Thompson

E. O. Hayes

W. S. Reems

William Winget

John Reams

Wm. Dwyer

E. G. Hayes

J. C. Smith

J. W. Corp

Thos. Borsale

Names

J. H. Bailey

A. M. Draucker

Chas. Passmore

B. H. Kirk

J. K. Dwyer

Charles Schum

Hugh Kelly

B. V. Spackman

Jonathan Shaper

J. Hamilton

James T. Hebel

No 13 Sept Term 1881

Petition for appointment
of Viewers for Public
road in Braclightup-
from Herbert Luthers
to point on Erie & Waterford
Swampyke near Jno Campbells

And now Oct 7th 1881
Petition heard and Geo
W. Kirk John Smith of Bloom and
Lewis Bloch
are appointed Viewers.
By the Court at 4

Filed 6th Oct 1881
J. A. Kest
Clerk

Done

Clearfield County, ss.

At a Court of Quarter Sessions of the Peace of the county of Clearfield, held at Clearfield, in and for said county, on the 7th day of Oct A. D. 1881, before Judges of said Court, upon a petition of sundry inhabitants of the Township of Brady in said county, setting forth that they labor

under great inconvenience for want of a Public Road to lead from Herbert Luthers to point on Erie Turnpike near John Campbells

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and make Report to the Court whereupon the Court, upon due consideration had of the premises, do order and appoint Geo C Kirk John Smith and Lewis Schoch who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do least injury to private property, and state particularly whether they judge the same necessary for a public or private road, together with a plot or draft of the same, with the courses and distances and referencē to the improvements through which it passes, and shall also procure releases of damages from persons through whose lands said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next Court of Quarter Sessions to be held for the said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated lands through which the within road is intended to pass, of the time of the view, according to the 147th rule of Court.

BY THE COURT,

James Kerr
Clerk.
per auct

RELEASE OF DAMAGES.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, owners of the 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 _____ at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed and do hereby remise, lease 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. 1888



ASSESSMENT OF DAMAGES.

The following named persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned, viewers, under oath in pursuance of our duty, under the Act of Assembly do assess their damages and make report thereof, as follows:

To E. J. Campbell the sum of Thirty dollars.
To M. S. Wright the sum of Fifteen dollars.
To _____ the sum of _____

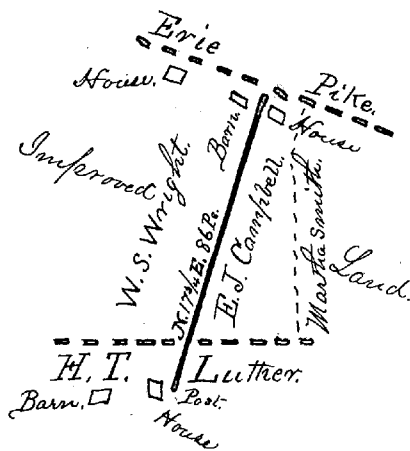
Witness our hands this Fifteenth day of Decr A. D. 1888.

Geo. C. Kirk
Wm. J. Smith
Louis Schor

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 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.

We the Honorable the Judges within named: We the undersigned, appointed by the annexed order do report: That in pursuance thereof, after having been severally duly sworn according to law, all the viewers appointed by said order, viewed the ground proposed for the within mentioned road, and we the undersigned, do agree that there is occasion for a road as desired by the petitioners, 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, in our opinion, do the least injury to private property, and as far as practicable agreeably to the desire of the petitioners, and do return for public use the following described road, to wit: Beginning at a post at H. T. Luther's House, thence north 17 1/4 East, fifteen perches, through improved land of said H. T. Luther, and on line between lands of W. S. Wright and E. J. Campbell, eighty six perches to a post in the Erie Turnpike, at said E. J. Campbell's said road being at an elevation not exceeding three degrees. We further report, that before the said view, public notice of the time and place of the meeting of the viewers was given by advertisements put up at three of the most public places in the vicinity, ten days before said meeting. Written notices were given to W. S. Wright and E. J. Campbell, the parties land over which said road passes, of the time and place of said meeting. And we annex a plot or draft of said road laid out, stating the courses and distances, and noticing briefly the improvement through which the same passes. Witness our hands this fifteenth day of Decr A.D. 1881.

Geo. C. Kirk
 John Smith } Viewers
 Lewis Schrock



May 24th 1882. Recommended to Viewers for correction.

By Attestant
C. A. M.

Sept 29. 1882. Confirmation refused

By Attestant

C. A. M.

No. 13 Sept. Session, 1881	
ORDER	
To view and lay out a Road	
For Public Use in the township	
Of Brady Clearfield county.	
Geo. C. Smith	1 1/2
John Smith	1
John Smith	1
John Smith	1
John Smith	1
16 th June 1882 to and around the road to be opened by the state to the highway, the is required to be laid out by the state.	
H. C. Smith	
H. C. Smith	
Filed 19 Dec 1881	
FEES \$7.00 Paid by Geo. C. Smith	
REPUBLICAN PRINT	

Brookhaven

Adam Finnan
Jacob E. Kuntz
P. Schoepf
J. M. Schoepf

Michael Shugarts
David E. Gardner
David Herrmick
Mr. S. Wright
E. J. Campbell

93 names.

Guendert Nüßlin
John Carlee
Jacob G. Knorr
L. A. Wier
L. B. Weber
O. A. Dursch
George Beckman

St. Hieronymus

To the Honorable, the Judges of the Court of
Quarter Sessions in and for the County
of Bedford:-

The undersigned citizens of Brady Town-
ship in said County respectfully and
earnestly remonstrate against the con-
firmation of a public road to lead from
Herbert Fuch's house to the Erie Turn-
pike for the following reasons:-

1st Herbert Fuch has now in use a pri-
vate road, shorter than the proposed new
road, which has been in use for more
than 21 years.

2nd The new road if laid out on the present
view will be very inconvenient & cause
much damage to those citizens through
whose land it must pass.

3rd Herbert Fuch being the only person
who will have occasion to use said
road, it will be burdensome to the
tax payers and useless to your fute-
lours, And we will ever pray &c.

Ms 13 Sept 1881

du the matter of a
Justice Road in
Bridges St.

Reconstruction

Since 20 March 1882
Dawson
Ck

Attn