

11<sup>th</sup>, May <sup>Term, 1894</sup>

Jaegate & Supply  
Public Road

versus

Brady Township

Contents:

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 18<sup>th</sup> day of July, A. D. 1894, before Judge 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 change in the public road known as the Luthersburg public road in the Village of Helortia that said public road was long since laid out & opened & that said Village has since been laid out & built & that said public road has become one of the streets thereof & that the route of said road may be changed by laying out a public road, beginning at the back East corner of Second street in the Village of Helortia where said Luthersburg road intersects with the Trouton road thence in a North Easterly direction to intersect said road where a small stream of water crosses said road known as Kriegs run which point is between Second & Third Street in said Village of Helortia & that portion of said public road between said points designate ~~has become useless & burdensome and should be vacated~~ and therefore praying the Court to appoint proper persons to view and lay out the same according to law, To make Report at Sept Sessions 1894 whereupon the Court, upon due consideration had of the premises, do order and appoint Geo C Kirk Dan Goodlander & D G Scott 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 the 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 reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose land 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 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 land through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

B Y THE COURT.

CLERK.

*J. Gingrey*

## 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..... at and before the ensealing and delivery hereof, 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 recieve 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. 189 .

Seal

Seal

Seal

Seal

## ASSESTMENT OF DAMAGES.

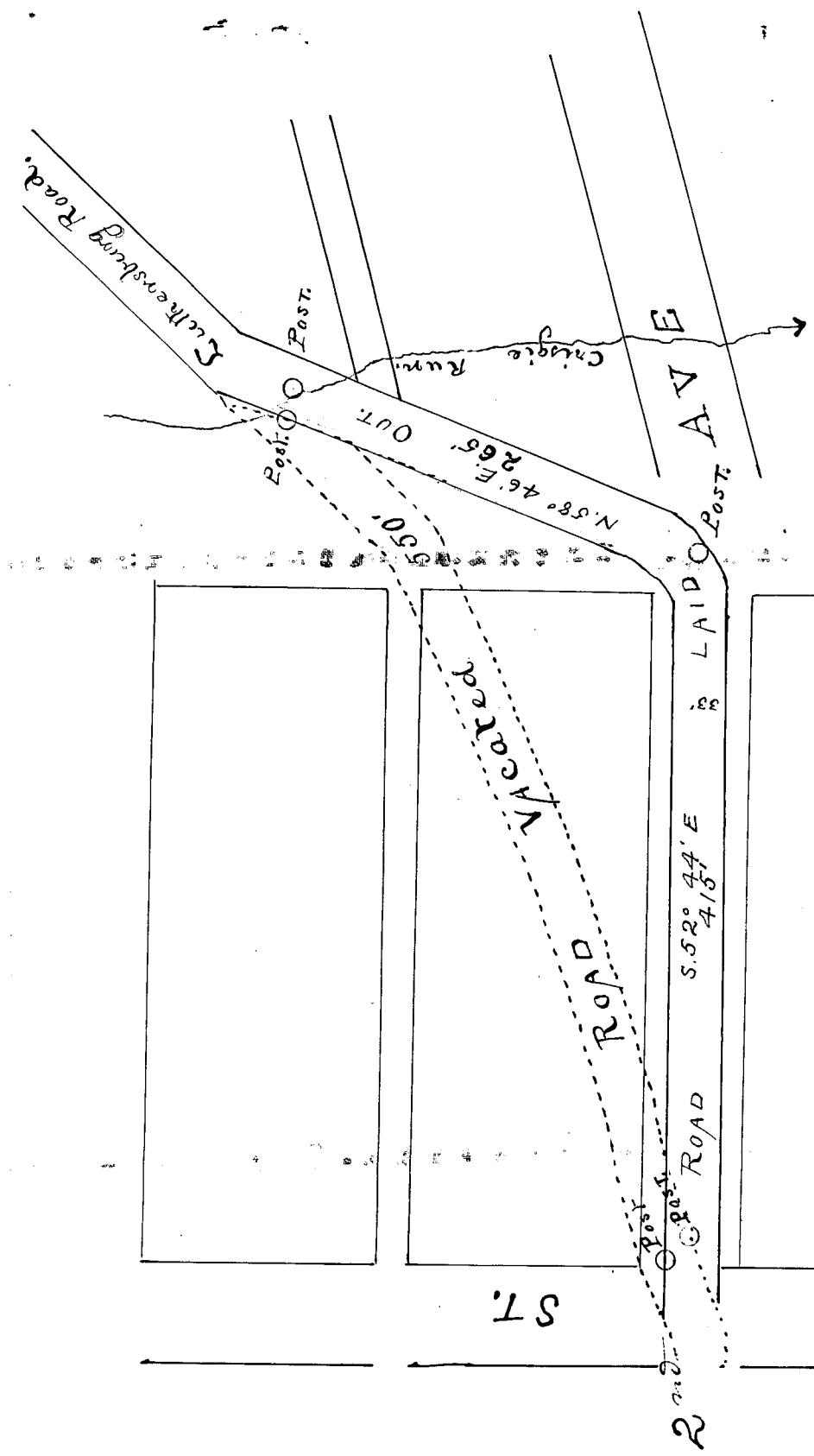
The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their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

To ..... the sum of .....

To ..... the sum of .....

To ..... the sum of .....

Witness our hands this ..... day of ....., A. D. 189 .



Map showing Road Laid out, and also road vacated, in the  
village of Helvetia, in Brady Twp., Clearfield Co., Pa.  
Augt. 17th. 1894.

Chas. D. Knott, Surveyor

To the Honorable, the Judge, within named: We the undersigned, appointed by the annexed order do report, That in consequence thereof, after having been severally sworn, all the viewers appointed by said order, viewed the ground proposed for the within mentioned change of road, and we do agree that there is occasion for a change, 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 in the Suthersburg road in Second Avenue, thence along the center line of said Second Avenue, S. 52° 44' E., four hundred and fifteen (415) feet to a post, thence N. 58° 46' E., two hundred and fifty-five (265) feet to a post at said Suthersburg road. We further report, that John McLeavy, Sup't. of Helvetia Mines was present at the time of the said view, and that there are no damages accruing to Adrian Selin, owner of the lands through which said road passes by reason of the opening the same on the Avenue aforesaid. And we further report that we have inquired and do vacate that part of the Suthersburg public road described as follows, to wit:—Beginning at a post at the intersection of said Suthersburg road with Second Avenue, thence easterly the several courses of said Suthersburg road, five hundred and fifty (550) feet to a post at the intersection of said Suthersburg road with the above described road. That before said view, public notice of the time and place of the meeting of the viewers was given by advertisements put up in the vicinity, and that notice was given to John McLeavy, Sup't. of Helvetia Mines, for Adrian Selin, and that written notice was also given to the County Commissioners, and we annex a plot or draft of said road laid out, stating the courses and and distances, and noticing briefly the improvements through which the same passes, and also a description and draft of the road vacated. Witness our hands, this Seventeenth day of August, A.D. 1894.

Geo. Kirk  
Daniel Woodlawn  
D. G. Kunkel

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 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.

No. 16 May 22, 1894

ORDER

To view and lay out a road for

Brady in the township of

Clearfield Co.  
Sept 2 1894

Sessions, 1894  
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.

By the Court

Cyrus Gandy  
Geo Sessions  
Cyrus Gandy  
J. L. Gandy

Cyrus Gandy

Geo. Gandy	Days 1	Amount 4.00
10. <u>Goldendar</u> <u>16.21</u>	Days $\frac{1}{2}$	1.00
	Miles $\frac{30}{1.30}$	
S. G. Gandy	Days $\frac{1}{2}$	1.00
	Miles $\frac{60}{6.00}$	

May 22, 1894  
Cyrus Gandy  
Geo Sessions  
Cyrus Gandy  
J. L. Gandy

Filed 7 Sept. 1894  
Fees \$16 paid by J. L. Gandy

Cyrus Gandy  
Geo Sessions  
J. L. Gandy

TO THE HONORABLE, THE JUDGE OF THE COURT OF QUARTER SESSIONS  
OF THE PEACE FOR THE COUNTY OF CLEARFIELD :

The petition of the undersigned inhabitants of Brady,  
in the County of Clearfield, respectfully represents :

That your petitioners labor under inconvenience for  
want of a change in the public road known as the Luthersburg  
public road, in the village of Helvetia, and they represent  
that said public road was long since laid out and opened, and  
that said village has since been laid out and built, and that  
said public road has become one of the streets thereof; and  
your petitioners pray that the route of said road may be  
changed by laying out a public road, beginning at the South  
East corner of Second Street in the village of Helvetia where  
said Luthersburg road intersects with the Troutville road;  
thence, in a North Easterly direction to intersect said road  
where a small stream of water crosses said road known as  
*Thesge* Run, which point is between Second and Third Streets  
in said village of Helvetia.

And your petitioners further represent, that that  
portion of the Luthersburg public road between the points  
hereinabove designated has become useless and burdensome to  
keep in repair, that the proposed change will better accommo-  
date the public, and that by reason of the laying out of the  
proposed road the part between the said points will become  
entirely useless and burdensome, and should be vacated.

Your petitioners therefore pray the Court to appoint viewers according to law to view the ground for the proposed change in said road as herein stated, and also to view that portion thereof proposed to be vacated, and that they shall proceed to inquire of and lay out the proposed change and vacate that part of the public road now opened between the points hereinabove designated, and to make report of their proceedings to the next court.

And your petitioners will ever pray, &c.

Names.

W. Rosenberg  
John H. Leamy  
  
W. R. Cole  
A. T. T. Duff  
J. T. Morgan  
J. W. Newell  
Peter Ginn  
W. D. Morgan  
W. B. Eltinger  
G. B. Shugay  
M. B. Beatty  
E. G. Hargis

Names.

H. C. Shear  
W. A. Mitchell  
W. F. Bruegg  
C. L. Maine  
H. B. Philippi  
Peter Donahue  
Robt. Keay  
W. R. Robinson  
W. G. Sharpen  
C. Marshall  
J. Hamilton  
A. T. Shear  
J. C. Donahue

H. Toringer  
P. D. Murphy  
R. Hill  
Will Thompson  
J. D. Albert  
J. P. Kelly  
D. H. Lee  
Wm. Daniels  
J. Faure  
J. W. Dawson  
C. H. Werner  
H. C. Vandyke  
Ed. Barwell  
Moyad Wilson  
John L. Smith  
Frank Bennett  
James Graham  
Charles McGinty  
David Smith  
Adam Mark  
Robert Smith  
John Smith  
Peter Sellick  
Thos. Pyne  
Dennis Callahan  
John Pyne  
Moses Pease  
John Stapleton

Henry Flynn  
George F. Leam  
William Gallagher  
A. G. Driscoll  
E. W. Ghair  
Charles Hill  
Pat O'Conor  
John Blaard  
Joz Jacarneyer  
Patrick Gallagher  
Jack Magrue  
Robert Pyne  
William Abbott  
Robert M. F. Smith  
John Luis  
William J. Leahy  
William Blaard  
G. F. B. Anthony  
Walter F. Arms  
John F. Staley

16 May 1894  
Sessions, 1894.

Petition of citizens of Brady Township to vacate and supply a part of Luthersburg public road in Helvetia, between the S. E. corner of Second Street and a point on said road between Second and Third Streets where a small run crosses the same.

Mo. July 18<sup>th</sup> 1894 before presented and read and the Court appoints Geo C Kirk Dan Goldsborough & S G Knutz receivers, as provided by law, to view the road and report at Sept, 1st next.

By the Court  
Cyrus Gardner

16<sup>th</sup> July 1894

FRANK FIELDING,

Attorney for Petitioners.