

No. *7*, *Dec* Sessions, 190*6*

COMMONWEALTH

versus

*Vacate & Supply*  
*Public Road*  
*in*

*Bradford Twp.*

*Rd 4 page 539*

Charge

*N Y*

*Part Twp. Rd. 17611*

WILLIAM I. SWOOPE,  
DISTRICT ATTORNEY.

To the Honorable Allison O. Smith, Judge of the Court of  
Quarter Sessions of the county of Clearfield.

The petition of the undersigned inhabitants of the town-  
ship of Bradford, in the county of Clearfield, and state of  
Pennsylvania, respectfully represents:

That they labor under great inconvenience for want of a  
public road to begin at the top of the hill at the corner of  
William Wilson's field on road leading from Pleasant Valley  
through to Shiloh, and to end at a point about thirty rods west  
of Fletchey Shirey's dwelling house on public road leading  
from Shiloh to Woodland, in the township of Bradford. The  
petitioners therefore pray the Court to appoint three persons,  
qualified according to law to view the ground proposed for  
such road, and, if they see occasion to lay out the same to  
inquire of and to vacate the public road now opened from the  
cross roads at or near the farm house of William Livingston  
in said township, to the top of the hill at the corner of said  
William Wilson's field, where the said new road begins in  
said township, which said last mentioned road will, by reason  
of laying out of the proposed road, become useless, and make  
report of their proceedings to the next term of Court.

Is to Jor c  
James Pore  
C L Smith  
John L. [unclear]  
F. A. Kyle  
Crichton Wilson  
Jacob Hummel  
W. Spachman  
A. C. Lanson

H C Hiles  
A. L. Torrey  
John E. [unclear]  
Bourgar [unclear]  
[unclear] Michals  
Hadden Cross  
L. J. [unclear]  
Orin Shirey  
Dm. [unclear]



Robert Graham

W. C. Wallace

J. H. Wilson

J. J. Shirley

J. M. McDowell

G. J. Shirley

James Miller

J. H. Wilson

J. R. Miller

Alb. Garrison

C. J. Wilson

George Kepler

W. H. Garrison

G. W. Luzier

J. C. Graham

Arch. Gaines

W. H. Garrison

W. H. Garrison

Thos. B. Buck

Wm. B. Buck

H. R. Buck

James Graham

Miller Shirley

Curtis Shirley

J. M. Hunter

W. C. Wilson

C. G. Luzier

W. B. Garrison

W. L. Garrison

George Henry Hoof

R. G. Banger

Chas. F. Garrison

J. B. Shirley

J. H. Mitchell

D. L. Garrison

W. B. Shirley

Matt. H. Garrison

J. M. Garrison

W. H. McDowell

Milton C. Garrison

F. Thompson

J. A. Thompson

David Dale

R. E. Dale

J. G. Main

D. A. Garrison

David J. Shirley

No 2 Dec. 20 1906

Petition ~~from~~ and  
Necata Public  
Road in Bradford  
Township

For and all the petitioners  
I hereby certify that the  
petitioners and their  
representatives have  
been admitted to the  
road and have  
been given the same  
as requested.

By the Clerk  
William A. Smith  
(2)

PROBONO VARY
SEP 5 1906
FILED

Wm. A. Smith

2 Dec 1906

Now, April 26th, 1907, it having been agreed between Oscar Mitchell, representing the Petitioners, and W. A. Hagerty, Attorney for W. H. Wilson, the Exceptant, that if the within road was referred back to the same Viewers, with direction to hear the Exceptant and pass upon the question of his damages in taking of the land for the road in question, all other exceptions would be withdrawn, it is hereby ordered and decreed, that the within Report be referred back to the same Viewers, they to give notice to the County Commissioners and to the Supervisors of Bradford Township, as well as to W. H. Wilson or his Attorney, and to hear and determine on the question of the amount of damages, if any, to which the said W. H. Wilson is entitled, and make report at the next Court of Quarter Sessions.

By the Court,

Alvin C. Smith  
P. J.

May 11, 1907 powers of the viewers  
extended to next term for the  
purpose of the above reference.

By the Court  
Alvin C. Smith  
P. J.

Aug 14/07. James Savage of  
appointed in place of Robert Buge  
By the Court.

Received from the record the 14 Aug. 1907  
Robert Buge

FILED  
JUN 23 1997  
FBI  
OFFICE

SUPPLEMENTARY REPORT OF ROAD VIEW IN BRADFORD TWP. CLEARFIELD  
CO.3---NO. 2 DEC. SESSIONS 1906.

TO THE HONORABLE ALLISON O. SMITH, PRESIDENT JUDGE OF THE COURT  
OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

We the undersigned Viewers to whom the within mentioned road  
view, previously made on Nov. 10th. 1906  
was referred by agreements attached and Court order do report that  
notices were given to the County Commissioners of Clearfield County, to  
the Supervisors of Bradford Twp. and to W.H.Wilson as per agreement and  
Court Order. Notices of view were also served on other parties who might  
be interested and notices of view were also posted along route of said  
view. Robert Boyd, one of the previous viewers on within road and reap-  
pointed for the review by agreement and order, being out of the county  
on date set for this review, was substituted for by James Savage per  
second agreement and Court Order as attached. Copies of notices served  
and signed are herewith attached and made a part of this report.

This review being made relative to the assessment of damages  
that may result from proposed Public Road to W.H.Wilson, your Viewers met  
as appointed on Thursday the 15th. day of August<sup>1907</sup>, and after being affirm-  
ed and the said W.H.Wilson being present, proceeded with the examination  
and hearing for possible damages if any.

Your Viewers after consideration of said matter and the bene-  
fits and damages to Mr. Wilson of the proposed road have decided that  
Mr. W.H.Wilson is entitled to damages to the amount of Thirty-Five Dol-  
lars (\$35.00).

Your Viewers also believe it proper and equitable to allow to  
Mr. Ed. Shirey and to Mr. W.M.McDowell whose properties are also af-



Page 2.

feeted the sum of Ten Dollars(\$10.00) each, and so we recommend.

Witness our hands this 24th. day of August A.D. 1907.

VIEWERS:

*C. B. Alexander*  
*L. Benning*  
*James Savage*

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania,

to view <sup>for Public Road</sup> Road leading from top of hill at corner of Wm. Wilson's field on road leading from Pleasant Valley to Shiloh and to end at a point about 30 rods west of Fletcher Shirey's dwelling house on Public Road leading from Shiloh to Woodland

in Bradford Township, to and vacate Public Road now open from Cross Roads at or near the house of Wm. Livingstons to the top of the hill at the corner of the said Wm. Wilson's field where the said new road begins

in Bradford Township, in the county aforesaid, will meet at the house of Fletcher Shirey

, in Bradford Township, on Thursday, the 15th.

day of August, A. D. 1907, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C.B. Alexander

L. Denning

Robert Boyd

Viewers.

Clearfield, Pa. Aug. 7, 1907, 1907.

Service accepted on within Notice.

Ed L Shing.

Mr. J. M. S.

J. M. M. D. S. & J. E. M. S.

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Township, on Thursday, the 15th.

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G. B. Alexander

L. Denning

Robert Boyd

Viewers.

Clearfield, Pa. Aug. 7 1907, 1907.



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, in Bradford

Township, on Thursday, the 15th.

day of August, A. D. 1907, at 10 o'clock

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C.B.Alexander

L.Denning

Robert Boyd

Viewers.

Clearfield, Pa. Aug. 7, 1907, 1907.

Accept service of  
County Commissioners  
August 8<sup>th</sup> 1907  
L. C. Norris  
Clerk

C. B. Alexander } Days 3  
(3076) } Miles 12 1620

L. Penning } Days 1  
(3078) } Miles 12 420

Raymond } Days 1  
(3077) } Miles 12 420

W. McQuay } Days 2  
Miles 1 310

Supplementary Report

on Public Road View

Bradford Twp. Clayfield Co. Pa.

No. 2 Dec. Session 1906

Sept 28, 1907 confirmed a liability  
By the Com. E.  
William D. Smith  
P.

FILED  
AUG 24 1907  
RECEIVED



Geo Boyd Airzona, Pa.

3227-6. ave

Miss M. McDowell

R.F.D.

Woodland Pa

Robert W. Boyd

Wyalusing Pa.

% Mrs Anna Brown.

---

NOTICE.

*Jacob Hummel*  
To ~~George Knepp~~, Walter Knepp, and Bish Lansbery, Supervisors,

You are hereby notified that an application will be made to the Court of Quarter Sessions of Clearfield county for the appointment of viewers on Monday the 3rd day of September 1906 at 1:30 o'clock P.M., to view the public road in Bradford township, Clearfield county, Pennsylvania, to begin at the top of the hill at the corner of William Wilson's field on road leading from Pleasant Valley through to Shiloh, and to end at a point about thirty rods west of Flethner Shirey's dwelling house on public road leading from Shiloh to Woodland, in the township of Bradford. The petitioners therefore pray the Court to appoint three persons, qualified according to law to view the ground proposed for such road, and, if they see occasion to lay out the same to inquire of and to vacate the public road now opened from the cross roads at or near the farm house of William Livingston in said township, to the top of the hill at the corner of said William Wilson's field, where the said new road begins in said township, which said last mentioned road will, by reason of laying out of the proposed road, become useless, and make report of their proceedings to the next term of Court, at which time you may be present if you see fit.

*Oscar Mitchell*  
*Atty. General*

Now, the *Third* day of August 1906, I hereby accept service on this notice.

*Jacob Hummel*

Now the *Third* day of August 1906, I hereby accept service on this notice.

*Wm. Knepp*

Now the *aug 14* day of August 1906, I hereby accept service on this notice.

*A. B. Lansbery*

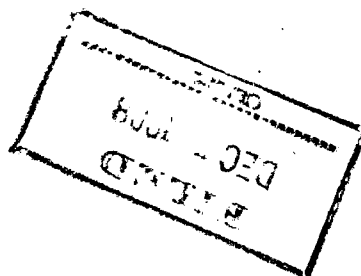
Woodland  
Penn

Dec 5 1908

This is to certify that  
a new Road in Bradford  
Township has been  
beginning at a point  
on public Road leading  
from Woodland to Shick  
near Elton, Shick  
+ leading to a point near  
W. H. Wilson is complete  
and open to the accomo-  
dation of the public and  
is here to be used by the  
road.

A. B. Lonsberry  
James H. Hafford

Road  
2 Dec 1909



Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the  
county of Clearfield, Pennsylvania, 1 1 1 1 1 1

held, in and for said county, on the 5

day of Sept, A. D. 1906, before the

Judge of said Court, upon a petition of sundry  
inhabitants of the township of Bradford

, in said county, setting forth that

they labor under great inconvenience for  
want of a public road to begin at the top of the  
hill at the corner of Wm Wilsons field on road  
leading from Pleasant Valley through to Shiloh and to end  
at a point about 50 rods West of the tower Shieps  
dwelling house on public road leading from  
Shiloh to Woodland, in the Township of Bradford.  
The petitioners therefore pray the Court to appoint three persons  
qualified according to law to view the ground proposed  
for such road, and if they see occasion to lay out the  
same to inquire of and to vacate the public road now  
opened from the Cross roads at or near the farm house of  
Wm Livingston in said Twp, to the top of the hill at the corner of said  
Wm Wilsons field, where the said new road begins in said Twp, which  
said last mentioned road will by reason of laying out of the  
proposed road become useless

and therefore praying the Court to appoint proper persons to view Vacate  
and supply the same according to law, report to next term  
whereupon the Court, upon due consideration had of the premises, do order and  
appoint C. B. Alexander, L. Denning and Jacob Burge  
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 View Vacate

and supply 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 particu-  
larly, 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 pro-  
cure 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.

BY THE COURT.

Roll B Thompson  
Clerk.

## 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 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. 190 .....

Seal

Seal

Seal

Seal

## ASSESSMENT 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. 190 .....

Wm M. M<sup>c</sup> Dowell answers for the  
M<sup>c</sup> Dowell estate that no damage will be  
asked for converting the private road already ex-  
isting thro' these premises into a public road.  
Aug. 24 1907. By the Viewers.

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania,

to view Public Road leading from top of hill at corner of Wm Wilson's field on road leading from Pleasant Valley to Shiloh and to end at a point about 30 rods west of Fletcher Shireys dwelling house on Public Road leading from Shiloh to Woodland

in Bradford Township, to and to vacate Public Road now opened from Cross Roads at or near the house of Wm Livingston to the top of the hill at the corner of the said Wm Wilson's fields where said new road begins

in Bradford Township, in the county aforesaid, will meet at the house of Fletcher Shirey, in Bradford

Township, on Saturday, the 10<sup>th</sup> day of November, A. D. 1906, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C. B. Alexander

L. Demming

Jacob Burge

Viewers.

Nov. 2, 1906.

Service accepted

Nov 2, 1906,

County Commissioner  
By ~~Adolf~~  
en,



# ROAD VIEWERS' NOTICE

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in Bradford Township, to and to Vacate

Public Road now opened from Cross Roads at or near the house of Wm. Livingston's to the top of the hill at the corner of the said Wm. Wilson's fields where said new road begins

in Bradford Township, in the county

aforesaid, will meet at the house of Fletcher Shirey Bradford

, in

Township, on Sa Saturday, the 10th.

day of November, A. D. 190<sup>6</sup>, at <sup>10</sup> o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C. B. Alexander,

L. Denning,

Jacob Burge

Viewers.

Nov. 2 1906., 190 .

Signature of property holders  
along route of Vicksburg  
Ee & Shing.

83 11  
291

~~Wm. S. Wilson~~  
~~Eliza M. Wilson, Est~~  
~~J. M. McDowell & Co~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

TO THE HONORABLE ALLISON O. SMITH, PRESIDENT JUDGE OF THE COURT  
OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

We the undersigned Viewers for the Public Road herein mentioned respectfully report that we gave good and lawful notice of said view to the County Commissioners of Clearfield county, to the Supervisors of Bradford Twp., to the Property owners along route of said view, and notices were posted in the vicinity of view all according to law. Copies of notices with signatures are herewith attached.

On Nov. 10th. 1906. as per notices given your Viewers met as appointed, Mr. Robert Boyd having been appointed to serve as substitute for Mr. Jacob Burge, and being severally affirmed, proceeded to receive testimony and to view for and to vacate Public Roads as mentioned.

Your Viewers found on about 4/7th of the proposed route of new road a passable travelled road of good grade and on the remainder of the distance the road as desired was located on a good grade mostly through cleared fields. No claims for damages were made and your Viewers believe that the benefits of this new road would be of more value to the land-owners concerned than the ground occupied by said road and assess no damages.

Regarding that part of view to vacate adjacent Public Road, your Viewers have found this road to have a very steep grade and not much travelled, however your Viewers have found a citizen residing on this piece of road and some objection has been made to its vacation. Your Viewers would therefore not recommend the immediate closing of this road, but would suggest that should the new road be opened and prove satisfactory to the travelling public, that this hilly piece of road be later vacated, except a short distance necessary as an outlet for the above mentioned resident.

Your Viewers would then recommend that said new road be opened as follows: Beginning at top of hill at corner of Wm. Wilson's field on road leading from Pleasant Valley to Shiloh; Thence S. 66-55 E. 837'; Thence S. 63-35 E. 337'; Thence S. 62-30 E. 529'; Thence S. 63-50 E. 459'; Thence S. 61-30 E. 335'; Thence S. 68-15 E. 715'; Thence N. 86-30 E. 383'; Thence S. 80-00 E. 254'; Thence S. 71-15 E. 392'; Thence S. 75-30 E. 170'; Thence S. 49-00 E. 284'; Thence S. 60-35 E. 277'; Thence S. 54-00 E. 256'; Thence S. 69-10 E. 261'; Thence S. 54-45 E. 240'; Thence S. 60-00 E. 153'; Thence S. 37-30 E. 103'; Thence S. 40-45 E. 472'; Thence S. 30-30 E. 220'; Thence S. 27-45 E. 277'; Thence S. 6-00 E. 162'; Thence S. 6-15 W. 155'; Thence S. 8-15 W. 234' to a point about 30 rods west of Fletcher Shirey's dwelling house on Public Road leading from Shiloh to Wood-land.

A Plot of this road is herewith attached and made a part of this report.

WITNESS our hands this 13th. day of November A.D., 1906.

VIEWERS.

C. B. Alexander.  
R. Boyd.  
L. Humming.

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 employee 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.

AMOUNT.  
(30' 6") Days 3  
6.13 Alexander Miles 12 \$13.2

Days 1  
L. Penning Miles 12 \$3.2

Days 1  
R. Boyd Miles 12 \$3.2

Days 2  
W. McDowell Miles 1 \$3.1

Days  
Miles

The case being brought before the jury by agreement of Counsel. After view of the facts before the jury, and after deliberation, the jury find in favor of the petitioners and award damages to the extent of \$11.25.  
W. H. H. H.  
Att'y for M. H. H.

No. 7 Dec Sessions, 1906

ORDER

To view the petitioners' proposed road for public use in the township of Clearfield, Clearfield County.

Sept. Sessions, 1906, read and confirmed. N. S. 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: William D. Smith (J.)

Filed 1906  
Fees \$1.25 paid by W. H. H. H.

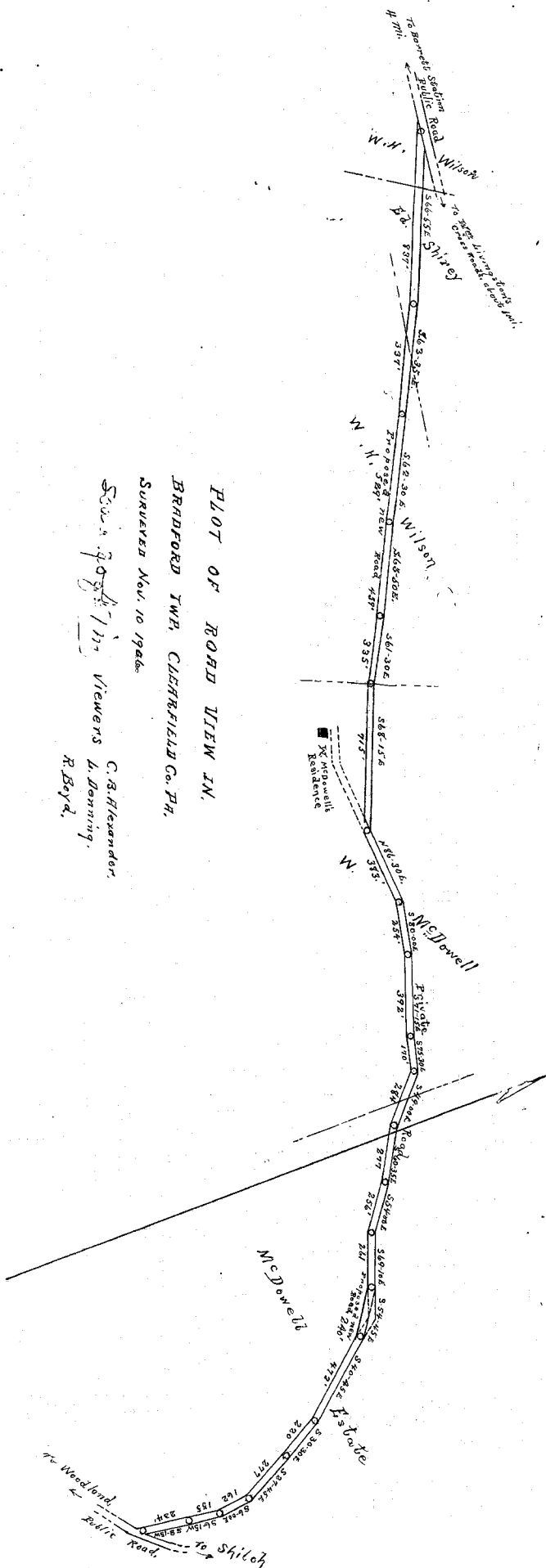
Now Nov. 11, 1906 Jacob Burge having declined to serve Robert Boyd is substituted in his stead.

By the Court:  
William D. Smith (J.)

Now Dec 31 1906. Matter is set for M. H. H. H. & Co. to confirm the view report and assign the following reasons.

- 1<sup>st</sup> Reason. The Supervisors failed to give notice to the petitioners of the meeting as required by law, so that they were not able to appear and explain the objections to the report.
- 2<sup>nd</sup> Reason. Being failed to give notice to the petitioners they neglected to have the same shown by the property owners.
- 3<sup>rd</sup> Reason. The road the location and the supply do not call for same to be opened.

M. H. H. H.  
Att'y for M. H. H. H.



PLOT OF ROAD VIEW IN.  
 BRADFORD TWP, CLEARFIELD Co. PA.  
 SURVEYED Nov. 10 1926.  
 C. B. Alexander.  
 S. B. Boyd.  
 R. Boyd.