

No. 3 Dec.

COMMONWEALTH
VERSUS

Action for Road
in Bradford Twp.

J. A. 45 - Page 224

Charge

Part Twp. Bd
17612

JAMES H. KELLEY,
DISTRICT ATTORNEY.

In the Court of Quarter Sessions of Clearfield County

To the Honorable the Judge of said Court

We the undersigned citizens of Bradford Township respectfully
Represent that we satnd in need of a public road in said
Township to commence on a public road leading from Barrett
Station to the Pleasant Valley Church at or near what is
known as the Independent School House and to end at a point
on a public road leading from the said Pleasant Valley ~~Church~~ ^{Church} ~~School~~
~~House~~ to the Susquehanna River at or near the barn of A B Lans-
berry .- a distance of a bout three fourths of a mile.-

We therefore respecffully request your Honroable Court to
appoint viewers to view and lay out the same and make report
to the next Term of Court

And we will ever pray & c

A. B. Lansberry
Ed. ~~July~~
Thommer Lewis
C. C. Lansberry
George Glace
Wilkes Mayhew
George Warren
Fred ~~June~~ ¹⁸
H. E. Mains
W. Jordan
Leanne ~~John~~
John Johnson
John Lane
J. N. Palmer
Thomas Mains

W. A. Galloway
Paul Shirey
George Gaffris
Alfred Gaffris
Luf Lansberry
Henry Graham
J. C. Wilson
Luf Gaffris
A. E. Walker
W. F. Gaffris
A. H. Wilson
W. D. Dailedo
W. H. ~~John~~
J. H. ~~John~~
Isaac Graham

Mr. M. M. McDowell
S. H. Shirey.
James Miller
C. L. Peters
J. W. Shirey
J. L. McDowell
S. F. Mitchell
John Conkles
Guy Shirey
Terry McDowell
J. F. Thompson
Guy Shirey
Henry Glack
J. W. Miller

Sept 14 1913
3 Dec. 1913

Filed for answer
in Magistrate's Court

Wm. Depp M. 1913

action taken and
and concurred in
A. G. Kramer, H. A. Reese
and Adolph Gottschall
E. V. Harriman

by attorney for
plaintiff

Agree, Sam S. The
Kublitz, Esq.

By the Court
Alison O. Smith, Jr.

Know all men by these presents that we A B Lansberry and

Ed L Shirley

of the County of Clearfield and State of Pennsylvania are held
and firmly bound unto the Commonwealth of Pennsylvania in
the sum of one hundred dollars lawful money to be paid to the
said Commonwealth to which payment well and truly to be made
we do bind ourselves, our heirs, executors and administrators
jointly and severally firmly by these presents .- Sealed with
our seals and dated the first day of September A D 1913

Whereas an application has been made by the citizens of
Bradford Township for the laying out of a public road in said
Township of Bradford to commence at a point on public road
running from Barrett Statition to Pleasant Valley Church at
or near the Independent school house and to end at a point
on public road leading from Pleasant Valley Church to Susquehanna
River at or near the barn of A B Lansberry .-

Now the condition of this obligation is such that if
the said A B Lansberry shall and will pay all costs that may
be adjudged by the Court to be paid by him or the petitioners
for said road then this obligation to be null and void or else
to be and remain in full force and virtue .-

Seal

A B Lansberry

Seal

Ed L Shirley

Seal

NO 3 DEPT 13

Bond

FILED
SEP 30 1913
MCEN H. MORRIN
CLERK.

In the Court of Quarter Sessions of Clearfield Co
Inre application for a public road in Bradford Township
To the Supervisors of Bradford Township

You are hereby notified that an application
for the appointment of viewers to view and pay out a public
road in said Township of Bradford viz To commecne at a point
on the public road leading from Barrett Station to Pleasant
Valley Church at or near Independent School House and to end
at a point on public road leading ffrom Pleasant Valley Church
to the Susquehanna River at or near the barn of A B Lansberry
a distance of about three quarters of a mile.- will be made
to the said Court on Monday the 8th day of September A D 1913
at 9,30 A M in the morning of said day at which time you can
file objections if you so desire.-

We hereby accept noti e of the presentation of said applica-
tion

P. E. Dale
David Dale
J. M. Palmer
Supervisors of Bradford Twp

Service accepted for Commissioners
of Clearfield County -

L. C. Morris
Sept 16, 1913
Clerk

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 16th day of September in the year of our Lord one thousand nine hundred and Thirteen, before the

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Bradford.

in said County, setting forth that they stand in need of A Public Road in said Township to commence at A public road leading from Barrett. station to the pleasant valley Church. at or near ~~or~~ what is known as the Independent School House an to ~~or~~ xxxx end at a point on a, public road leading from said pleasant valley Church, to the susquehanna River at or near the barn of A.B.Lansberry, a distance of about three fourth of a mile.

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers A, G, Kramer, H, A, Reese, and Adam Gould.

A. G. Kramer
who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgment, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; 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 place where, they should meet, to view and lay out 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 the Court of Quarter Sessions of the Peace for the County of Clearfield:

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 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 Bradford and that four notices thereof were posted along the route of the proposed road, that the said view would be held on the 21st day of October, A. D 1913, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 21st day of November, 1913, at 10 o'clock A. M. That the said viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view David Dale one of the Supervisors of Bradford Township and A. B. Lansberry, Ed. Jury, G. W. Jury, and J. R. Wilson, all in favor of the road,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 21st day of November A. D. 1913, when the following appearances were noted: A. B. Lansberry and Ed Jury and their Attorney W. A. Hagerty Esq in favor of the road and J. N. Palmer one of the Supervisors of the Township and their Attorney Oscar Mitchell Esq opposed to the road.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not 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 do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for public use the following described road, to-wit: Beginning at a point in the Public road, leading from Barrett Station to the Pleasant Valley Church near the Independent School House in Bradford Township; Thence running through improved farm land of Ed Jury north, three degrees, west nineteen hundred and sixteen feet to line of land of A B Lansberry; Thence running north, six degrees thirty minutes; west fourteen hundred and seven feet through unimproved land of A B Lansberry, to a point in a private road where the mine tram road of the said A B Lansberry crosses said private road; Thence along said private road over improved land of the said A B Lansberry, north five degrees, west fifty five and eight tenth feet to a point in the public road leading from the Pleasant Valley Church to the Susquehanna River near the barn of the said A B Lansberry in Bradford Township.

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting

~~where it may be practicable to preserve it with the limits~~

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes, releases in writing of all claims to damages that may arise, from opening the same, and that they procured such releases from

the following persons having refused to release the damages to which they respectfully may be entitled by the reason of the location and opening 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: A. B. Lansberry \$1.00 one Dollar
Ed Jury \$200.00 dollars

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

WITNESS our hands and seals this 21st day of November

A. D. 1913.

A. G. Kramer

SEAL

H. J. Reese

SEAL

E. H. Harman

SEAL

ORDER

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 based on 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 lay out a road for Public use in the township of Bradford, Clearfield County Pa.

	Days.	Miles A.M.T.
A. G. Brown	2	10.90
H. H. Beest	2	17.10
C. H. Harmon	1	8.70
General hearing		
H. H. Beest / day	18 miles	77.00
C. H. Harmon / day	"	7.90

December Session, 19/2, read and confirmed Vi. 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
December 19/2, 19

Now this 20/14 and being
absolute Right and
Jugement made of

Filed
Fees \$1.25 paid by
W. H. Beest acy

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

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. 191



To, R. E. Dale, David, Dale, and J. M. Palmer, Supervisors of Bradford Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road in Bradford Township in said County, from a point in a public road, leading from Barrett Station to the Pleasant valley Church, at or near what is known as the Independent School House; to a point in a public road leading from said pleasant valley Church, to the Susquehanna River at or near the barn of A B Lansberry, a distance of about three fourth of a mile.

Will meet at the Independent School House in said Township of Bradford in the County of Clearfield Pa on Tuesday October 21st 1913 at 2 oclock P M to discharge the duties of their appointment, at which time and place aforesaid you may attend if you see proper.

October 8th 1913.

A G Kramer
H A Rees
E H Harmon

Viewers

Now October 8 1913 served this notice on R E Dale, David Dale and J M Palmer the Supervisors of Bradford Township personally by handing each of them a copy of same.

A B Lansberry

To, R. E. Dale, David. Dale, and J. M. Palmer; Supervisors of Bradford Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road in Bradfore Township in said County, from a point in a public road, leading from Barrett Station, to the Pleasant Valley Church, at or near what is known as the Independant School House; to a point in a public road leading from said Pleasant Valley Church, to the Susquehanna River at or near the barn of A. B. Lansberry, a distance of about three fourth of a mile. And having met as per notice previously given on Tuesday October 21st 1913 at 2 oclock P M on the premises and performed the duties of their appointment by making said view.

And that in persuance of the requirements of the Act of Assembly in such case made and provided, the said viewers will meet for the purpose of holding the public hearing required by the said Act of Assembly, in the Arbitration room in the Court House in Clearfield Pa, on Friday November 21st 1913 at 10 oclock A M, when and where all parties interested, either for or against the said road may attend and be heard.

A. G. Kramer

H. A. Reese

E. H. Harmon

Now November 10 1913 served this notice on R E Dale, David Dale, a and J M Palmer the above named Supervisors personally by handing each of them a copy of same.

A. B. Lansberry

TO. W. C. LANGSFORD, J. S. RICHARDS, AND H. L. BOWMAN
County Commissioners of Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and lay out a public road in Bradford Township in said County from a point in a public road leading from Barrett Station to the pleasant valley Church at or near what is known as the Independent School House to a point in a public road leading from said pleasant valley Church, to the Susquehanna River at or near the barn of A B Lansberry a distance of about three fourth of a mile.

Will meet at the Independent School House in said Township of Bradford in the County of Clearfield Pa on Tuesday October 21st 1913 at 2 oclock P M to discharge the duties of their appointment, at which time and place aforesaid you may attend if you see proper.

Clearfield. Pa, October, 7th 1913.

A G Kramer

H A Rees

E N Harmon

Viewers.

Now October 7th 1913 service of the above notice accepted

COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PA.

L C Morris

Clerk.

TO, W. C. Langsford, J, S, Richards, and H, L. Bowman.

County Commissioners of Clearfield County Pa.

SIRS:

You are hereby notified; that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road in Bradford Township in said County from a point in a public road leading from Barrett Station to the Pleasant valley Church at or near what is known as the Independent School House to a point in a public road, leading from the said Pleasant valley Church, to the Susquehanna River, at or near the barn of A B Lansberry, a distance of about three fourth of a mile. And having met as per notice previously given on Tuesday October 21st 1913 at 2 o'clock P M on the premises and performed the duties of their appointment by making said view.

And that in pursuance of the requirements of the Act of Assembly in such case made and provided, the said viewers will meet for the purpose of holding the public hearing required by the said Act of Assembly, in the Arbitration room in the Court House in Clearfield Pa on Friday November 21st 1913 at 10 o'clock A M. when and where all parties interested, either for or against the said road may attend and be heard.

A G Kramer

A A Reese

E H Harmon

Viewers.

Now November 7th 1913 service of the above notice accepted.

COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PA.

L C Morris

Clerk.

