

~~SECRET~~  
No. 6 May SESSIONS, 1911

COMMONWEALTH

VERSUS

To Vacate Road  
in Brady Twp

Charge.

X

WALTER WELCH  
DISTRICT ATTORNEY.

IN THE QUARTER SESSIONS COURT OF CLEARFIELD COUNTY;

TO THE HONORABLE, THE JUDGE OF THE SAID COURT,

The prayer of the undersigned petitioners respectfully represents;

That they, the petitioners, are residents of the Township of Brady, and Supervisors of the Road District of said Township;

That many years ago, a Public Road in said Township was duly viewed, laid out, and opened as a Public Highway, by authority of the Court of this County by lawful and proper proceeding; in the Court of Quarter Sessions;

That the said Road had as one of the termini, a point in the public Road at the house of Solomon Shafer, and as the other a point in the public Road leading from DuBois to Rockton, near the House of LaFayette Smiley and distant therefrom about two hundred feet;

That the said Road which is about one mile in length, runs in almost its entire extent, through unseated lands and much of it through swampy land which required the use of corduroy logs as a foundation;

That the said foundation is now largely decayed and has become dangerous for passage over it and to put it in proper repair would necessitate the expenditure of a large sum of money by the said Road District;

That there are no inhabitants living along the entire extent of the said Road and practically no travel on the same, your petitioners verily believing that during the last six months not more than one conveyance has traversed it, and so little travel being on the said Road that it is largely grass grown;

That if the same were to be vacated, no one would suffer any inconvenience and at the same time the Township would be saved a large expenditure of money in its maintainance and repair;

Wherefore your petitioners pray that the Court appoint Viewers to view the said Road and if they think proper, to recommend to the Court that the same be vacated. And they will ever pray etc.

*John Ellinger*

*H. F. Kirk*

*J. P. Ellinger*

County of Clearfield ss.  
State of Pennsylvania ss.

Before me, a Notary Public duly commissioned in and for the said County, personally appeared John F. Wingert, H. F. Kirk, and J. P. Ellinger, who by me being duly sworn according to law doth depose and say that the foregoing statement is true and correct to the best of their knowledge and belief.

Sworn to and subscribed this  
22nd day of April, 1914.

*Charles Boone*

My Commission Expires May 2, 1915.

*John Ellinger*

*H. F. Kirk*

*J. P. Ellinger*

CERTIFICATE.

I hereby certify that the foregoing petition is lawful and in regular form and conforms to the purposes of the petitioners.

*E.S. Boose*

Atty for Petitioners.

BOND.

KNOW ALL MEN BY THESE PRESENTS, that we, John F. Wingert, H.F.Kirk and J. P. Ellinger, Supervisors of the Road District of Brady Township, Clearfield County, Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of One Hundred dollars, to which payment well and truly to be made, we do bind ourselves and our successors in office, firmly by these presents. Sealed with our seals and dated the 27<sup>th</sup> day of April, in the year of our Lord, A. D. One Thousand Nine Hundred Fourteen.

Whereas, the Judge of the Court of Quarter Sessions of the County of Clearfield, did on the 27<sup>th</sup> day of April, upon the petition of the said Supervisors of the said Road District, appoint viewers to view and report the expediency of vacating a certain Public Road in the said District, said Road being fully described in the said petition,

Now the condition of this obligation is such that if the costs of the said view should be assessed to the said Road District, by order of the Court, then in such case the said Supervisors shall pay into the office of the Prothonotary of said County with thirty days of such order or decree the amount of such costs and this obligation to be void, otherwise in full force and effect.

Sealed in presence of

*E.S. Boose*

*Jno. F. Wingert* (LS)

*H. F. Kirk* (LS)

*J. P. Ellinger* (LS)

order  
of the day  
announcing hearing by probate court  
1161-18 March

No. 6 March 1914	Petition for issuance of Public Record in Name Jenner.		
<p>APR 2 1914 CLINTON MCGOOL, CL PROTHONOTARY.</p>			

Now 27<sup>th</sup> April 1914, petition considered and thereupon  
Louis E. Boyer, H. S. MacMinn and J. S. Michaels are  
appointed executors to make report as directed by law.

By the Clerk  
Singleton Bell  
P. J.

# 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 27 day of April in the year of our Lord one thousand nine hundred fourteen,

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Brady

in said County, setting forth that many years ago a public road in said Township was duly viewed, laid out, and opened as a Public Highway. The said Road has its termini at a point in the Public Road at the House of Solomon Shafer and as the other at a point in the public road leading from DuBois to Rockton, near the House of Lafayette Smiley a distant therefrom about 200 feet, said road being about one mile in length,

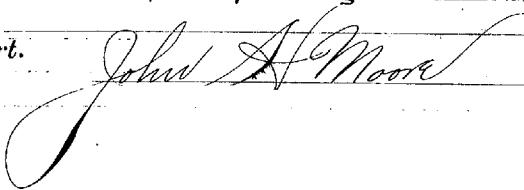
and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers Louis E. Boyer, H.S. MacMinn and

J.S. Michaels

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 or 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 A. 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 Brady, and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 20<sup>th</sup> day of July, A. D. 1914, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 17<sup>th</sup> day of August, 1914, at 10 o'clock A.M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view John J. Winger and Henry J. Kirk, Supervisors of Brady Township and E.G. Boose, Esq., their counsel; John H. Hayes

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 17<sup>th</sup> day of August A. D. 1914, when the following appearances were noted: Henry Kirk, Supervisor of Brady Township, and E.G. Boose, Esq., attorney for Supervisors of said Township

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for the vacation of said 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 use the following described road, to-wit: Beginning

That the road in question as now located on the ground is 48 47 feet in length, the same having been laid out and returned May 26<sup>th</sup>, 1896;  
That the Viewers are unanimously of the opinion that said road should be retained and remain open and kept in order for public purposes.

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~~

when it was not practicable to preserve it within that limit.

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:

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

WITNESS our hands and seals this 17<sup>th</sup> day of August

A. D. 1914.

B. B. B. -  
H. MacKinnon  
J. S. Michael  
Viewers.



No. 6 May Sessions, 1914

## ORDER

*To view and vacate a road for yzvzvzvzvuse in the township of Brady, Clearfield County,*

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

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.

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Days.	Miles Am't.
3	196
3	68
3	68

## 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\_\_\_\_\_.*



Filed ..... 19  
Fees \$1.25 paid by .....

E. G. Roose Atty.

In the Court of Quarter Sessions of Clearfield County, Pa.

No. 6 May Sessions, 1914.

To J. S. Richards, W. C. Langsford and H. L. Bowman,  
Commissioners of Clearfield County, Pa.:

You hereby have notice that in pursuance of a view  
had on the 20th day of July, 1914, for a road  
vacation of  
in Brady Township, Clearfield County, a hearing  
will be held by the Viewers of the same at the Arbitra-  
tion Room in the Court House at Clearfield, Pa., on the  
17th day of August, 1914, at 10:00 a. m., when and where  
any party at interest may appear and be heard;

The said road is briefly described as follows:

The said road beginning at a point in the Public  
Road at the Solomon Shaffer House in Brady Township, and  
ending at a point in the Public Road from Du Bois to Rock-  
ton, near the house of Lafayette Smiley and distant there-  
from about two hundred feet, and being entirely within  
Brady Township.

*J. S. Boyer,  
H. S. McMinn,  
J. P. Michalek  
Viewers.*

Now, August 3rd, 1914, acceptance of said notice is  
hereby made.

*L. W. Morris Clerk  
to the County Commissioners.*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

NOTICE TO ABUTTING LAND OWNER.

To Charles F. Taylor, Executor of the Last Will and Testament of Mary Jane Evans, late of DuBois Borough, deceased:-

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for the said County, on the 27th day of April, 1914, the Judge of the said Court did upon the petition of sundry inhabitants of Brady Township of the said County, appoint the undersigned as Viewers to VIEW AND VACATE a certain Public Road in the said Township.

We have accordingly fixed upon Monday, July 20, 1914, at ten o'clock A. M. as the time, and the House of Lafayette Smiley in Sandy Township, near one of the terminals of the said Road, as the place of meeting, and as the legal representative of the estate of Mary Jane Evans, deceased, through which estate the said Public Road runs, you have notice of the time and place of the meeting of the Viewers for attending to their duties, and if you so desire, you can attend at this time and place.

The said Public Road is located in the Township of Brady, and that section which is proposed to be vacated begins at the House of Solomon Shafer, deceased, in said Township, and ends at a point in the Public Road leading from DuBois to Rockton, near the House of Lafayette Smiley and distant therefrom about 200 feet, the said section of Public Road being about one mile in length.

The time of the Public hearing in the premises to be held at Clearfield, Pa., will be fixed upon and notice given all parties at the time of the view.

L. E. Borey

H. S. MacKinn

J. S. Michaels

ACCEPTANCE OF SERVICE.

Now, July 9, 1914, notice of the time and place of the view given me by reading to me the above notice and giving me at the same time an exact copy of the same, by

C. F. Taylor

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

NOTICE TO ABUTTING LANDOWNER.

To John E. DuBois:- At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for the said County, on the 27th day of April, 1914, the Judge of the said Court did upon the petition of sundry inhabitants of Brady Township, of the said County, appoint the undersigned as Viewers to VIEW AND VACATE a certain Public Road in the said Township.

We have accordingly fixed upon Monday, July 20, 1914, at ten o'clock as the time, and the House of Lafayette Smiley in Sandy Township, near one of the terminals of the said Road, as the place of meeting, and as one of the owners of land over which the said Public Road runs, you have notice of the time and place of meeting and can attend if you so desire.

The said Public Road is located in the Township of Brady, and that section which is proposed to be vacated begins at the House of Solomon Shafer, deceased, in said Township, and ends at a point in the Public Road which leads from DuBois to Rockton, near the House of Lafayetts Smiley and distant therefrom about 200 feet the said section of Public Road being about one mile in length.

The time of the public hearing in the premises to be held at Clearfield, Pa. will be fixed upon and notice given all parties at the time of the view.

-----L. E. Boyer-----

-----H. S. MacMinn-----

-----J. S. Michaels-----

ACCEPTANCE OF SERVICE.

Now, July 9, 1914, notice of the time and place of the view given me by reading to me the above notice and giving to me at the same time an exact copy of the same, by *John E. DuBois*

*W. D. Dug*  
*John E. DuBois & Son*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

To J. S. Richards, W. C. Langsford and H. L. Bowman,  
Commissioners of the County of Clearfield:-

You will please take notice that the undersigned Viewers appointed by the Judge of the Court of Quarter Sessions of Clearfield County, to VIEW AND VACATE a certain Public Road in Brady Township, of the said County, will meet at the House of Lafayette Smiley near one of the termini of the said Road, on Monday, July 20, 1914, at ten o'clock A. M., for the purpose of attending to the duty assigned them and if you desire you can attend the meeting at the time and place designated,

The said Public Road beginning at a point in the Public Road at the Solomon Shafer House in Brady Township, and ending at a point in the Public Road leading from DuBois to Rockton, near the House of Lafayette Smiley and distant therefrom about 200 feet, and being entirely within Brady Township.

The said proceeding being known to the Record as No. 6, May Session, 1914.

L. E. Boyer,  
H. S. MacMinn,  
J. S. Michaels

DuBois, Pa.

VIEWERS.

July 9, 1914.

ACCEPTANCE OF SERVICE.

Now, July 9, 1914, notice of the time and place of the view is given us by E. G. Boose Esq., by filing with us an exact copy of the said Notice, and service by us is hereby accepted.

*County Commissioners  
of Clearfield County  
See. L. L. Morris  
clerk*

CERTIFICATE OF CLERK.

I hereby certify that the foregoing Notice of Viewers is an exact copy of the Notice as filed with the Commissioners of the County of Clearfield.

*L. L. Morris*

July 9, 1914.

CLERK.

*Copies of Public's notice*

ROAD VIEWERS' NOTICE.

NOTICE IS HEREBY GIVEN that the undersigned viewers, appointed by the Court of Common Pleas of Clearfield County, Pennsylvania, to view and witness certain public Road leading from the colored timber line in Brady Township, to a point in the public Road leading from Shelo to Roseton, near the house of Zadigottt Shiley and distant therefrom about 200 feet, the last named terminus being also in Brady Township, in the County aforesaid, will meet at the house of Zadigottt Shiley on Friday, the 20th day of July, 1886, at ten o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

H. H. Major,

H. C. Mc Inn,

J. C. Micheals

Shelo, Pa.

July 9, 1886.

V. C. A.

