

NO. 6 May SESSIONS, 191

COMMONWEALTH

VERSUS

Vacating & Supplying
Public Road in
Brady Twp. at Lyons
School House to Clear
Smiley farm.

Charge.

X

WALTER WELCH

DISTRICT ATTORNEY.

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned
Viewers, appointed by the Court of Quarter Sessions of
Clearfield County, Pennsylvania, to view A Public
Road leading from the dividing line between C.G.Woods and
Philip Swoope and opposite the Lyons School House, on a public road
leading from Luthersburg to Andrew Little's farm in said Township, and
to end in a public road leading from New Salem to Brook's School
House on the Elias Smiley farm, opposite the public road leading to
James Stafford's, and to vacate the road leading from Luthersburg to Andy
Little's farm at a Township to point on the Zortman place,
and to end in a public road leading from New Salem to Brook's School
House at a point on the Elias Smiley line, -south of the farm buildings

in Brady **Township, in the county aforesaid, will**
meet at the house of above location, at the Lyons School House.
in Brady **Township, on** Thursday
the first **day of** April **A. D. 1915**, at 2
o'clock P. M., to attend to the duty assigned them, of
which time and place aforesaid all parties interested
will take notice.

L. E. Boyer.

H. S. MacMinn

E. H. Marmon

VIEWERS

February 23rd, 1915.

And now February 23rd. 1915 service of the
within notices hereby accepted for and on behalf of
the Supervisors of Brady Township.

James B. Moore
Attorney for Supervisors.

And now February 23rd. 1915 service of the within
notices is hereby accepted by the Commissioners of
Clearfield County.

L. G. Morris
Clerk

Public Road view in Brady Township
Clearfield County, Penna.
leading from a Public Road leading from
Brooks School House to Salem to a
Public road near Lincs School House.
Beginning in the Centre of a public road
Facing South $27^{\circ} 15'$ East, 2.605 chains,

"	South	$51^{\circ} 15'$ East	13. chains.
"	South	$30^{\circ} 25'$ East	11. chain.
"	South	$64^{\circ} 45'$ East	1 chain.
"	South	$52^{\circ} 45'$ East	1 chain.
"	North	$82^{\circ} 10'$ East	1 chain.
"	North	$81^{\circ} 15'$ East	1 chain.
"	North	$75^{\circ} 15'$ East	1 chain.
"	North	$85^{\circ} 30'$ East	1 chain.
"	North	$73^{\circ} 00'$ East	1 chain.
"	North	$70^{\circ} 30'$ East	1 chain.
"	North	$51^{\circ} 30'$ East	1 chain.
"	North	$40^{\circ} 00'$ East	1 chain
"	North	$42^{\circ} 35'$ East	1 chain
"	North	$49^{\circ} 30'$ East	1 chain
"	North	$56^{\circ} 00'$ East	1 chain
"	North	$42^{\circ} 50'$ East	1 chain
"	North	$56^{\circ} 25'$ East	1 chain
"	North	$56^{\circ} 45'$ East	2 chains
"		East	7 chains.
"	South	$87^{\circ} 30'$ East	2.45 chains
"	North	$89^{\circ} 00'$ East	4.67 chains.
"	South	$58^{\circ} 45'$ East	7.68 chains

A total distance of 65.405 chains
25.605 chains through unpoored lands of Elias
Smaleys heirs, (over)

25.88 chains through improved lands of
J. B. Wood

13.92 chains through unimproved lands of
Philip Durooper herein a total
of 65.40 chains to the middle of Public
wood twenty rods south of lines
School house, on Philip Durooper
herein lands.

TO HENRY F. KIRK, JOHN P. WINGERT & J. P. ELLINGER
SUPERVISORS OF BRADY TOWNSHIP, CLEARFIELD COUNTY.

Gentlemen:-

You hereby have notice that we the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County for the purpose of holding a road view in Brady Township, Clearfield County under proceedings pending in said Court to #6 May 1, Sessions 1915 will hold a hearing thereon in the Arbitration Room at the Court House, Clearfield, Pa., on Friday the 30th day of April at 10 A. M. when and where you may appear and be heard.

J. B. Boos

H. S. MacMinn

R. H. Harmon

Viewers.

Now April 16th 1915, services of the foregoing notice is hereby accepted for and on behalf of the Supervisors of Brady Township.

E. G. Boos

Atty for Appls. Brady Twp.

TO W. C. LANGFORD, J. S. RICHARDS & H. L. BOWMAN,
COMMISSIONERS OF CLEARFIELD COUNTY,

Gentlemen:-

You hereby have notice that we the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County for the purpose of holding a road view in Brady Township, Clearfield County under proceedings pending in said Court to # 6 May Sessions 1915 will hold a hearing thereon in the Arbitration Room at the Court House, Clearfield, Pa., on Friday the 30th day of April, 1915, at 10 A. M. when and where you may appear and be heard.

A. S. Boys

H. J. MacKinnon

E. H. Farmer

Viewers.

Now April 17, 1915, service of the foregoing notice is hereby accepted for and on behalf of the Commissioners of Clearfield County.

L. B. Morris
Clerk

In Re : Q. S. Clearfield County, Pa.
Road in Brady Township. : No. 6 May Sessions, 1915.

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

You hereby have notice that a hearing will be had in above entitled matter before the undersigned Viewers at the Arbitration Room of the Court House, Clearfield, Pa., on Monday the 9th day of August, 1915, at 10 A. M., when and where you may attend and be heard if you so desire.

*P. B. Boyce,
H. S. MacMinim,
E. H. Harmon,
Viewers.*

Now, July 24th, 1915, service of the above notice accepted for and on behalf of the Commissioners of Clearfield County.

*L. C. Morris
Witness*

In re : C. S. Clearfield County, Pa.
Road in Brady Township. : No. 6 May 35., 1915.

To the Supervisors of Brady Township:

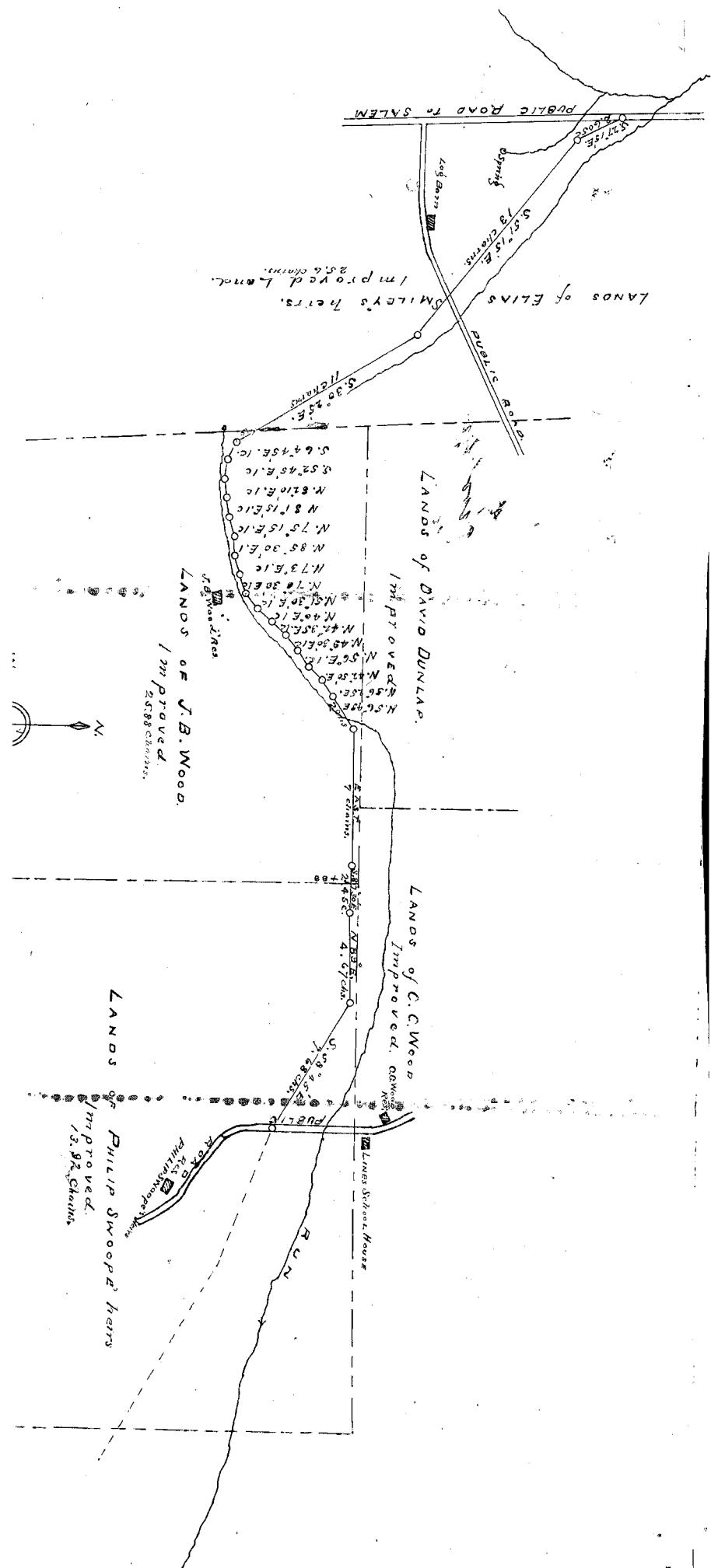
You hereby have notice that a hearing will be had in the above entitled matter before the undersigned Viewers at the Arbitration Room of the Court House, Clearfield, Pa., on Monday the 9th day of August, 1915, at 10 a. m., when and where you may attend and be hear if you so desire.

G. R. Jr.
A. S. MacMinn,
E. H. Harmon,
Viewers.

Now, July 24th, 1915, service of the above notice accepted for and on behalf of the Supervisors of Brady Township.

W. F. Bone

Attorney.



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 15 day of February in the year of our Lord one thousand nine hundred fifteen,

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

in said County, setting forth that we labor under great inconvenience for want of a public road to begin on the dividing line between C.G. Woods and Phillip Swoope, and opposite the Luon School House, on a public road leading from Luthersburg to Andy Little's farm in Brady Township, Clearfield County, Pennsylvania, and to end in a public road leading from New Salem to Brookes school house on the Elias Smiley Line, opposite the public road leading to James Trafford's, and to vacate the road leading from Luthersburg to Andy Little's farm at a point on the Zortman place, and to end in a public road leading from New Salem to Erooked School House at a point on the Elias Smiley Line, south of the farm buildings, which road by reason of the proposed road will become useless and burdensome.

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 H.C. MacLinn E.H. Harman and L.F. Boyer Esq.,

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 Brady and that 3 notices thereof were posted along the route of the proposed road, that the said view would be held on the 1st day of April, A. D. 1915, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 30th day of April, 1915, at 10 o'clock A.M. That all viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Henry J. Kirk, John P. Wingfield, Ben Woods and others other citizens of said Township and of Clearfield County, said view having been continued to April 15, 1915; -

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 9th day of August, A. D. 1915, when the following appearances were noted: S. G. Boose, Esq., for Supervisor of said Township, and various citizens thereof; said hearing having been continued to August 9, 1915, the time of returning the proceeding having been extended to first Monday of September, 1915, by order of Court filed.

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 for description and map filed herewith and made a part of this proceeding -

Your Viewers further report that they do not recommend the vacation of said road as prayed for - but do recommend the vacation of a part thereof, - to-wit: From a point where said proposed new road, as per draft attached hereto, crosses the old road on Lots of Elsie Smiley's heirs to the Public Road leading to Salem.

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:

Name of Philip Sworpe \$50.

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

WITNESS our hands and seals this 7th day of August
A. D. 1915.

E. B. Garman
H. J. MacLean
J. B. Boag.



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 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.

Clearfield County Sept. Session, 19/5, 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 Compt
Franklin B. Jr.*

Days	Miles A.M.T.
H. S. Miles, Human.	5. 66 28.3
E. H. Thompson, see +	2. 52. 12.6
L. S. Boyce	4. 56. 22.8
Harvey Christian, Queen	1. 2.
John Miller	1. 2.
Elise B. Wood	1. 2.
John S. Gray	1. 2. -
H. A. Landis, Lawyer	5. -
Dobro, Pa.	

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_____.

Four identical circular seals, each containing the word "SEAL" in capital letters, arranged vertically.

Filed 19
Fees \$1.25 paid by -

Supervisors of Brady Township:

You are hereby notified that a petition will be presented to the Court of Quarter Sessions of Clearfield County, on Monday the 15th day of February, 1915, at 10 o'clock in the forenoon, for the laying out of a road from Lyon's School House to intersect with road leading from Brook's School House to Salem near the James Spafford road. You can appear at that time if you so desire.

Feb. 5, 1915.

W. C. Tandy
Attorney for petitioners.

Served on us Feb. 8, 1915
John F. Bunting Pres.
Now Feby 15 1915,
County Commissioners accept
service on within notice,

L. C. Morris
Clerk

In the Court of Quarter Sessions of the
County of Clearfield, Pennsylvania

In Re

Public Roads in No. 6 May Sessions 1915.

Brady Townships

Now November 15th 1915, it being stated at bar
by attorney for petitioner, that the Seventh Exception
is well founded and is fatal, the other excep-
tions need not be considered, and the
Seventh Exception is sustained and the pro-
ceedings are set aside at the costs of the
petitioner

By the Court
Siegler Bess
M.J.

R.S.

No 6 May 22 1913

In Re Public Roads
in Brody Township

Order of Court
excluding Exempt

Order of Court

1913

Order of Court

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

IN RE ROAD IN BRADY TOWNSHIP) No. 6 May Sessions, 1915.
)

TO THE HONORABLE SINGLETON BELL, JUDGE OF SAID COURT:

The petition of the undersigned viewers appointed by your Honorable Court under proceedings pending in said Court to No. 6 May Sessions 1915, respectfully represents: that on account of various road views now pending and in which your petitioners are concerned and on account of the large amount of work etc., involved in the same and the difficulties encountered in selecting a location pursuance of the order of your Honorable Court as well as on account of various other reasons, your viewers are not able to make a return or file a report in said view to the first Monday of May, 1915;

Wherefore, your petitioners pray that the time for filing the same may be enlarged so that they may file the same to the first Monday of September, 1915.

And they will ever pray, etc.

L. E. Boyer

H. D. MacKenzie

E. H. Harmon

COUNTY OF CLEARFIELD. SS.

L. E. Boyer being duly sworn according to law says that the facts set forth in the foregoing petition are true and correct.

L. E. Boyer

Sworn and subscribed before me this
28th day of April, 1915.

Singleton Bell
Notary Public.

D E C R E E.

And now May 3rd 1915, the within petition
placed, read and considered and it is hereby ordered that the time
for filing said report of viewers by enlarged and extended so that
the same may be filed to the first Monday of September, 1915.

By the Court.

John Bell
of

TO THE HONORABLE, THE JUDGE OF THE COURT OF QUARTER SESSIONS:

The undersigned citizens and inhabitants of Brady Township, Clearfield County, Pennsylvania, respectfully represent:-

That we labor under great inconvenience for want of a public road to begin on the dividing line between C. C. Woods and Philip Swoope, and opposite the Lyon School House, on a public road leading from Luthersburg to Andy Little's farm in Brady Township, Clearfield County, Pennsylvania, and to end in a public road leading from New Salem to Brook's school house on the Elias Smiley ~~line~~, opposite the public road leading to James Spafford's, and to vacate the road leading from Luthersburg to Andy Little's farm at a point on the Zortman place, and to end in a public road leading from New Salem to Brook's School House at a point on the Elias Smiley line, South of the farm buildings, which road by reason of the proposed road ~~has~~ ^{will} ~~become~~ ^{unrelessome} become ~~unwholesome~~ and burdensome.

Your petitioners, therefore, pray your Honorable Court to permit viewers to be appointed to view, vacate and lay out said road and to vacate the other road,

And they will ever pray, etc.

My name is

T.B. Wachob
Frank Hulme

May 15, 1915
No. 58. 1413

Relation to Belvoir
and Appleton Pebble
Road in 1860s
Dredging at Sepper
Schoolhouse to clear
to allow survey team

Nov 15, 1915 Relation
Cassius and H. E. Brown of
H. S. MacMunn and E. W. Hartman
an opposition to dredging
to widen and straighten
as previously used,
Mystic Town
Mystic River