

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 Safford's, and to vacate the road leading from Luthersburg to Andy  
**in** 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. 191**<sup>5</sup>**, 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 23<sup>rd</sup>, **191**<sup>5</sup>.

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

Charles B. Bore  
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 Co. Pa.

Public road near Lincos School House

Beginning in the Centre of a public road  
Thence South  $27^{\circ}15'$  East, 2.600 chains,

" South  $51^{\circ}15'$  East 13. chains,

" South  $30^{\circ}25'$  East 11. chains,

" 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  $52^{\circ}00'$  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 improved lands of Elias

Smalley's heirs, (over-

25.88 chains through improved lands of  
J. B. Wood

13.92 chains through improved lands of  
Philip Suvope, heira a total  
of 65.40 chains to the middle of Public  
road twenty rods South of lines  
School house, on Philip Suvope  
heira 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 1915 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. B.*  
*H. S. MacMerrin*  
*E. H. Harmon*  
Viewers.

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

*E. S. B.*  
*Atty for Sup's 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.

B. Bogg.  
H. J. Mocklin  
E. H. Harmon  
Viewers.

Now April 7 1915, service of the foregoing notice is hereby accepted for and on behalf of the Commissioners of Clearfield County.

L. C. Harris  
Clerk

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

To W. C. Langsford, J. S. Richards and H. L. Bowman, Com-  
missioners 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.

*F. E. Boye,*  
*H. S. MacMunn,*  
*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*  
*clerk*



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

To the Supervisers 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.

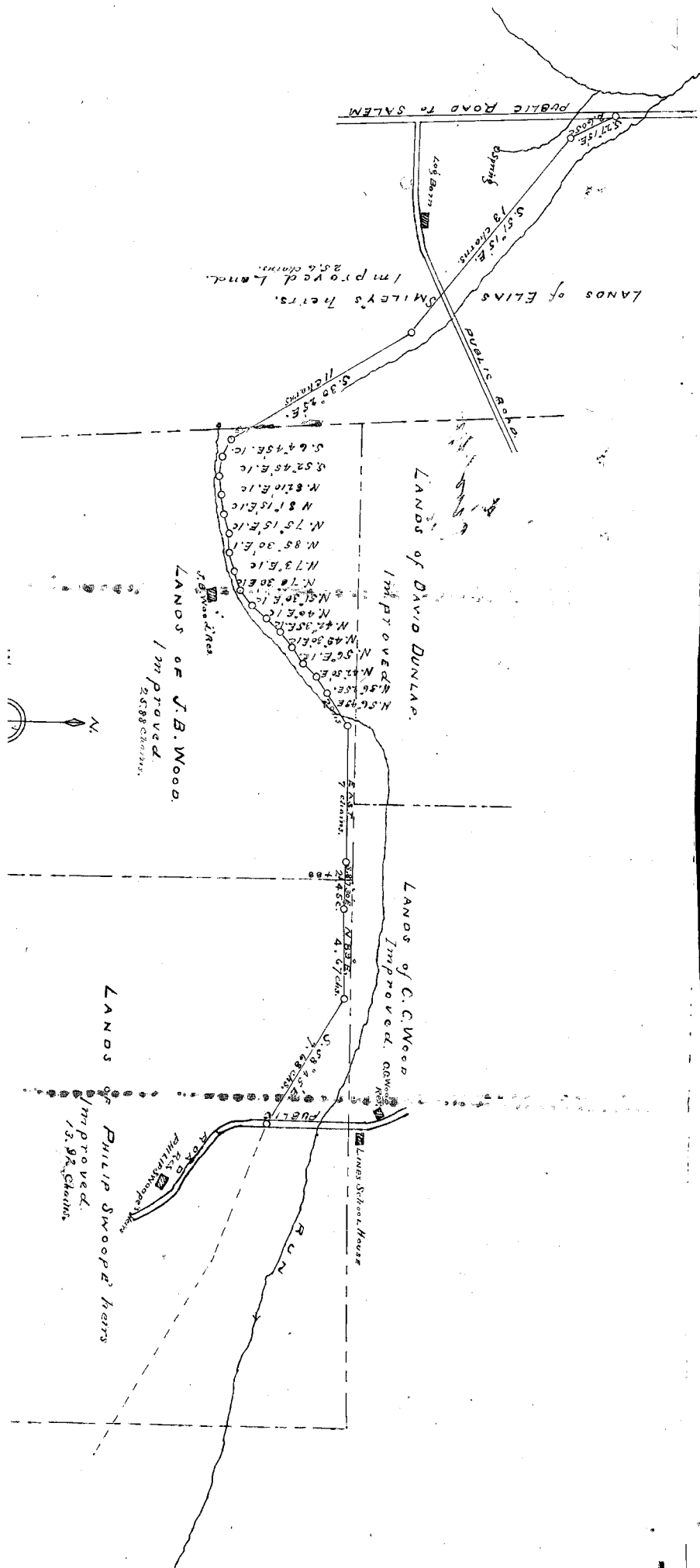
*G. B. B.*  
*H. S. MacMinn*

*E. H. Harmon*  
Viewers.

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

*Wes B. B.*  
.....

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 Lucan School House, on a public  
road leading from Luthersburg to Andy Little's farm in Brady Township, Clear-  
field 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 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 Brookes 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 impari-  
ality 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 dis-  
tance, 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 1<sup>st</sup> 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 30<sup>th</sup> 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. Kink, John P. Winghart, Bert Woods and others other citizens of said Township and of Clearfield County, said view having been continued to April 15<sup>th</sup>, 1915;

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 9<sup>th</sup> day of August, A. D. 1915, when the following appearances were noted: E. S. Boose, Secy. for Supervisors of said Township, and various citizens thereof; said hearing having been continued to August 9<sup>th</sup>, 1915, the time of returning this 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 as per 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 lands of Elmer Smiley's thence 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:

*Heirs of Philip Sworpe,*

*\$50.*

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

WITNESS our hands and seals this 7<sup>th</sup> day of August

A. D. 1915.

*E. B. Karmay*  
*H. J. Mac Minis*  
*R. B. Bogg*



# ORDER

To view by out and a road for public use in the township of Perry, Clearfield County

Sep Session, 1915, read and confirmed N. S. Road to be opened 23 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

By the Court  
Ingelin Berg

Atty Reuty

Filed 19

Fees \$1.25 paid by

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.

	DAYS	MILES	AM'T.
H. S. MacKinnon	5	6.6	28.30
E. H. Harmon	2	5.2	12.60
L. S. Boyer	4	5.6	22.80
Harvey Clayton, Owner	1		2.-
John Miller	1		2.-
Jesse Blewett	1		2.-
John E. Gray	1		2.-
H. A. Landis, Livery, DuBois, Pa.			5.-

## 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



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. Tents  
Attorney for petitioners.

*Served on us Feb. 8, 1915  
Jno. Filbinger Pres.  
Now Feb. 15 1915,  
County Commissioners accept  
service on within notice,  
L. C. Morris  
Clerk*

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

In Re  
Public Road in No. 6 May Session 1915.  
Brady Township

Now November 15<sup>th</sup> 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  
petitioners

By the Court  
Seymour Bee  
M.



A.S.

No 6 May 20 1915

In R Public Road  
in Brady Township

Order of Court  
returning Exemption

RECEIVED

MAY 1915

CLERK 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 pursuant to 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.

R. E. Boyer

H. W. Mockmire

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

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By the Court.

*Samuel B. Bell*  
*pf*

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~~ <sup>farm</sup>, 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~~ <sup>will</sup> become ~~unwholesome~~ <sup>unpleasant</sup> 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.

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-----  
Wm. M. Smith

T. B. Washburn

Frank Adams

May  
No. 188. 1915  
Letter to Belling  
and Applegate  
Road in Belling  
Don't say it says  
about how it has  
to show such a  
to show such a

Now Feb 15, 1915  
Lund and H. H. Boyer  
H. H. Boyer and H. H. Boyer  
are appointed to study  
the history and  
as a result of  
H. H. Boyer  
H. H. Boyer