

No. *8 Sept* SESSIONS, 19*17*

COMMONWEALTH

VERSUS

Private Road
in Union Township

Charge.

WALTER WELCH.

DISTRICT ATTORNEY.

Know all Men by these Presents

THAT I, J. A. Brubaker, of Union Township, Clearfield County, Pennsylvania, am

held and firmly bound unto the Commonwealth of Pennsylvania its certain Attorney, successors or assigns

in the sum of One Hundred Dollars

lawful money of the United States of America, to be paid to the said

Commonwealth of Pennsylvania its

certain Attorney, Executors, or Assigns, to which payment well and truly to be made I do bind

myself and my

Heirs, Executors and Administrators,

firmly by these Presents, Sealed with my

Seal. Dated the 24th day of July in the year of our Lord

one thousand nine hundred and seventeen.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bounden, J. A. Brubaker

Heirs, Executors, and administrators, or any of them, shall and do well and truly

pay or cause to be paid any and all costs or damages

arising or in any manner growing out of a certain proceeding in the Court

of Quarter Sessions of Clearfield County founded upon a

petition for a private road presented by the said J. A. Brubaker through

the lands of the estate of Frederick Lininger, deceased, in Union Township, Clearfield County

without any fraud or further delay, then the above Obligation to be void, or else to be and remain in full force and virtue.

Sealed and Delivered in the Presence of us

..... J. A. Brubaker Seal
..... Seal

TO THE HONORABLE SINGLETON BELL PRESIDENT JUDGE OF THE
COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY PA.

The petition of J. A. Brubaker respectfully represents:-

That he labors under great inconvenience for want of a private road about one third of a mile in length; to lead from a point in the public leading to the village of Rockton at or near his barn in Union Township in said County, to the mouth or opening of his coal bank in said Township, over the land of Mrs Hattie Lininger widow and heirs of Frederick Lininger deceased, in Union Township in said County, with sufficient surface on the lands of the said Lininger's at or near the mouth or opening of the said coal bank necessary for the turning of wagons and teams according to the provisions of the Act of Assembly of July 9th 1897.

He therefore prays your Honorable Court to appoint proper persons qualified according to law, to view and lay out the same according to law, and make report of their proceedings to the next Term of said Court as provided by the Act of Assembly.

And will ever pray.

Clearfield County, SS.

J. A. Brubaker

J. A. Brubaker ~~was~~ being duly sworn according to law, doth depose and say that the facts set forth in the foregoing petition are true, to the best of his knowledge, information and belief.

Sworn and subscribed to before
me this 24th day of July, A.D. 1917.

J. A. Brubaker

John W. Moore
Clery

No. 8 September SS. 1917.

In re: Petition for Private
Road in Union Township.

And now, July 27, 1917, the
within petition read and con-
sidered, whereupon Adm.
Ed. Bullock & Geo. H. H. H.

_____ are appoint-
ed Viewers to view the prem-
ises and report to the Court.

By the Court
Angela J. J.
17.

FILED
JUL 27 1917
JOHN H. H. H.
CLERK

150 By any

that he labors under great inconvenience for want of a private road about one third of a mile in length; to lead from a point in the public road leading to the village of Rockton at or near his barn in Union Township Clearfield County, to the mouth or opening of his coal bank in said Township, over the land of Mrs. Hattie Lininger widow and heirs of Fredrick Lininger deceased, in Union Township in said County, with sufficient surface on the lands of the said Lininger's at or near the opening of the said coal bank, necessary for the turning of wagons and teams

report as follows:

That notice of the time of the view was duly served according to law upon the Commissioners of

Clearfield County and on each member of the Board of Supervisors of

Township, and that notices thereof were posted along the public road at and near the

location of said bridge, giving notice that the view would be held on

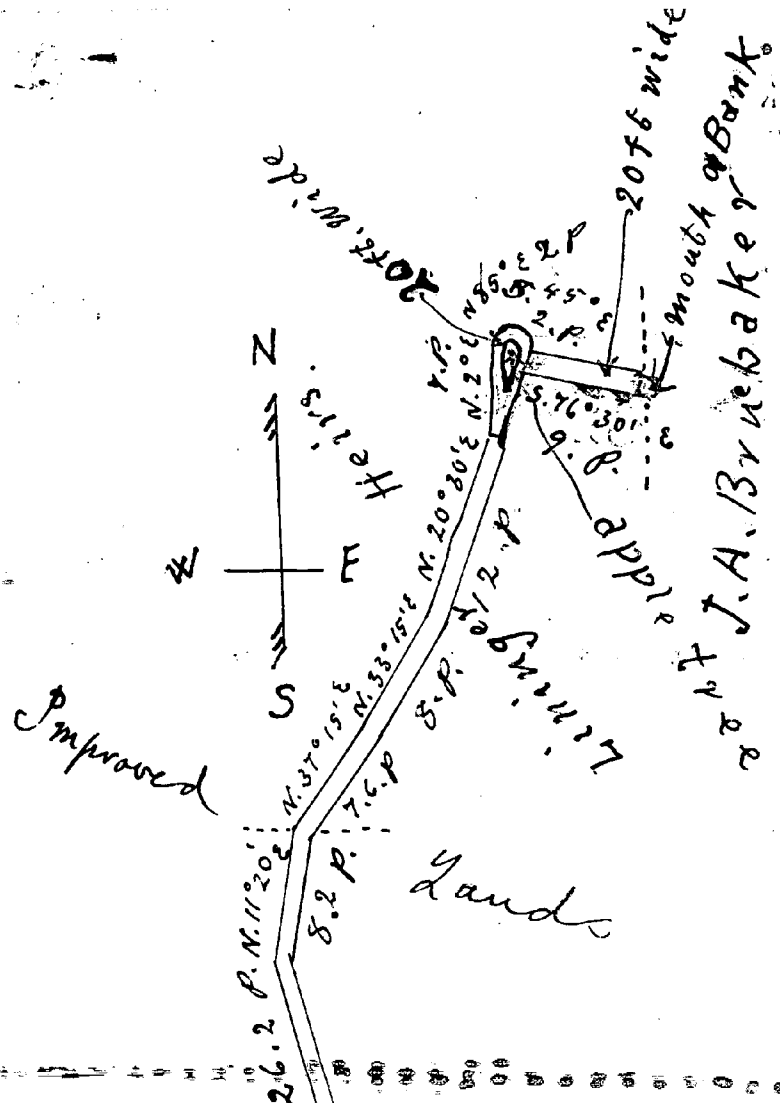
the day of A. D. 191, at

o'clock M. And that the public hearing as required by the Act of Assembly and the Rules of Court

would be held in the Appraisal Room, in the Court House in Clearfield, Pa., on

at

Ry



J. A. Brubaker

Surveyed and
laid out Aug 14th.
A.D. 1917.

Draft Showing location
of private Road leading from
Public Road near ~~the barn~~
of J.A. Brubaker to Coal Bank in
union tp. Eld. co. Pa. By.
A.C. Keamer } views
E.O. Billotte }
Geo. H. Weber }

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 27th, day of
July in the year of our Lord
one thousand nine hundred seventeen,

Judge of the same Court: Upon the petition of
J. A. Brubaker
~~State of Pennsylvania~~ of the Township of Union

in said County, setting forth that

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, E.D. Billotte, and
Geo. Weber

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~~ 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~~ private
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 man-
ner 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 D. 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 Union, on J. A. Brubaker the petitioner and Mrs. Hattie Lininger widow and the heirs of Fred Lininger and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 14th day of August, A. D. 1917, and the hearing to be held in the Court House, in Clearfield, Pa., on the 15th day of August, 1917, at 8.30 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 J. A. Brubaker the applicant for the road and Mrs. Hattie Lininger widow and Mrs. J. B. Bloom and her husband J. B. Bloom and Miss Effie Lininger George Lininger James Lininger and Frank Lininger the widow and heirs of Fred Lininger deceased. parties in interest. That the hearing was held in the Court House, at Clearfield, Pa., on the 15th day of August, A. D. 1917, when the following appearances were noted: J. A. Brubaker the petitioner with his Attorney Walter Welok Esq. in favor of the road and Mrs. Hattie Lininger widow and Miss Effie Lininger and Mrs. J. B. Bloom opposed to the road and on the question of the amount of damages to be assessed,

After the view and hearing above mentioned, the undersigned, the undersigned viewers, do agree that there is an occasion for a road as desired by the petitioner, and that the same is necessary for a private 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 private use the following described road; to-wit: Beginning at a point in the public road leading to the village of Rockton near the barn of J. A. Brubaker in Union Township; thence through improved land of the said J. A. Brubaker, north fifteen (15) degrees west twenty six and two tenth (26.2) perches, thence north eleven (11) degrees twenty (20) minutes, east eight and two tenth (8.2) perches to line of land of the widow and heirs of the Fredrick Lininger Estate, thence through improved land of the said Hattie Lininger widow and Mrs. J. B. Bloom, Miss Effie Lininger, George Lininger, James Lininger and Frank Lininger heirs of the said Fredrick Lininger Estate the following courses and distances, to wit, north thirty seven (37) degrees fifteen (15) minutes east seven and six tenth (7.6) perches, thence north thirty three (33) degrees fifteen (15) minutes, east eight (8) perches thence north twenty (20) degrees thirty (30) minutes, east twelve (12) perches, thence north two (2) degrees east seven (7) perches, thence north eighty five (85) degrees, east two (2) perches, thence south forty five (45) degrees east two (2) perches, thence south seventy six (76) degrees thirty (30) minutes east nine (9) perches to the mouth or opening of the coal bank of the said J. A. Brubaker in Union Township, this includes sufficient ground at the turn of the road around the apple tree for the turning of wagons and teams near the tipple of the bank; said road to be twenty (20) feet in width.

TO:- Jessie. E. Dale, H. H. Spencer and Austin Haney,
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 private road, leading from a point in the public road leading to the village of Rockton, at or near the barn of J. A. Brubaker in Union Township, to the mouth or opening of the Coal bank of the said J. A. Brubaker, over the land of Hattie Lininger widow and the heirs of Fredrick Lininger deceased, with sufficient surface on the lands of the said Lininger's, at or near the mouth or opening of the said Coal bank, necessary for turning of wagons and teams; in Union Township in the County aforesaid, will meet at the barn of J. A. Brubaker in Union Township on Tuesday the 14th day of August A. D. 1917 at eight thirth (8.30) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, before the filing of their report in Court, in order to give all parties interested, either in favor of or against said road a chance to be heard, by the viewers, will be held in the Court House in Clearfield Pa on Wednesday the 15th day of August A. D. 1917 at eight thirty (8.30) o'clock A. M. at which time and place all parties concerned, in said road may appear and be heard.

A. G. Kramer

E. D. Billotte

Geo. K. Weber

VIEWERS.

And now August / 1917 service of the above notice accepted for
the County Commissioners of Clearfield County Pa.

L. C. Morris

Clerk.

TO:- Hattie, Lininger, widow and heirs of Fredrick Lininger deceased, of Union 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 private road, leading from a point in the public road leading to the village of Rockton, at or near the barn of J. A. Brubaker in Union Township to the mouth or opening of the Coal bank of the said J. A. Brubaker, over the land of the said Hattie Lininger widow and the heirs of Fredrick Lininger deceased, with sufficient surface on the lands of the said Lininger's, at or near the mouth or opening of the said Coal bank, necessary for turning of teams and wagons, in Union Township in the County aforesaid; will meet at the barn of J. A. Brubaker in Union Township on Tuesday the 14th day of August A. D. 1917 at eight thirty (8.30) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in the Court, in order to give all parties interested either in favor of or against said road, a chance to be heard by the viewers, will be held in the Court House in Clearfield Pa, on Wednesday the 15th day of August A. D. 1917 at eight thirty (8.30) o'clock A. M. at which time and place all parties concerned in said road may appear and be heard.

A. G. Kramer
E. D. Billotte
Geo. H. Weber
Viewers.

Now August 3 1917 served the foregoing notice on Hattie Lininger personally by handing her a true and correct copy of same and on the heirs of the said Hattie Lininger by informing them of the contents thereof.

J. A. Brubaker



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,

~~and that it was not practicable to procure it within that time~~

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:

Mrs Hattie Lininger widow	\$10.00
Mrs J B Bloom a daughter	5.00
Miss Effie Lininger a daughter	5.00
George Lininger a son	5.00
James Lininger a son	5.00
Frank Lininger "	5.00

James and Frank Lininger being minors in the care and keeping of their mother Mrs Hattie Lininger we would therefore suggest that the share awarded them in order to save the expense of the appointment of a Guardian be paid to their mother Mrs Hattie Lininger for their support and keeping

WITNESS OUR HANDS AND SEALS this the
15th, day of August A. D. 1917.

A. G. Kramer
E. B. Billette
Geo. H. Meier



No. 8 Sept, Sessions, 1917

ORDER

To view and layout a Private
road for private use in the
township of Union
Clearfield County

Sept Session, 1917,
read and confirmed N. Si.
Road to be opened 28 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

By the Court
Angela B. Bell
Dec 22 1917 Comptroller
absolutely
By the Court
Angela B. Bell

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.
A. E. Kramer	2	\$10.00
G. D. Biddle	4	102.25.10
G. W. Meher	2	76.13.80

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 re-
mise, 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 _____

