

No. 4 May Term, 1919

Vacate & supply Road in

Brady Township

Versus

R. A. #5 Page 420

Part 17011

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF  
CLEARFIELD, OF THE STATE OF PENNSYLVANIA:

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To, Honorable Singleton Bell, President Judge of said Court,

The undersigned petitioners, all of whom are residents of Brady Township, Clearfield County, Penna., respectfully represent;

That a certain part of the Public Road located in the said Township of Brady, leading from the Village of Luthersburg, to and intersecting with the Troutville Road at the farm house of W. P. Aurand, has become useless, burdensome, and inconvenient and difficult to keep in proper repair because of steep grades and a tendency to wet weather springs throughout much of its course; all of said road being in Brady Twp., Clearfield Co., Pa.

That said part of the road begins at the house occupied by Jacob Moose, which said point is two hundred and sixty (260) feet South-West of the point where said road is intersected by the Public Road leading to the farm of Ellis Wingert, and ends at the Bridge in the said Public Road over the Luthersburg Branch of East Branch of Mahoning Creek, which said Bridge is distant six hundred and ninety-five (695) feet North-East from where said Public Road is intersected with the Private Road leading to the farm buildings of Elmer E. Hayes;

WHEREFORE your petitioners pray that the court persons qualified by law as viewers, to view the premises above named and described, and if the viewers deem it meet, to vacate that portion of the Public Road above described and complained of, and to supply the same by laying out a new road between the terminals named, and to return the same to the court for public use. And they will ever pray etc.

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County of Clearfield, } SS;  
State of Pennsylvania. }

Before me, a Notary Public duly commissioned in and for said County and State, personally appeared John F. Wingert Jr. who by me being duly sworn according to law doth depose and say that he is a resident of the Township of Brady, County of Clearfield, State of Pennsylvania, and that he is one of the petitioners whose names are below subscribed to the foregoing petition, and that all of the facts set forth in said petition are to the best of his knowledge and belief, true and correct.

Sworn and subscribed before  
me this 22 day of March,

1919.

*Charles J. ... N.P.*

My Commission Expires May 2, 1919

*John F. Wingert Jr.*

BOND.

KNOW ALL MEN BY THESE PRESENTS, that we and each us, whose names are hereunto subscribed, and who are residents of the Township of Brady, County of Clearfield, State of Pennsylvania, are jointly and severally bound unto the Commonwealth of Pennsylvania in the sum of One Hundred Dollars, to which payment to be fully made and done, are bound not only us and each of us, but as well, our respective heirs, administrators and executors.

Sealed with our seals and dated the 20th day of March, A. D. 1919.

Whereas, we the obligors as petitioners are about to petition the Court of Quarter Sessions of the County of Clearfield, State of Pennsylvania, to appoint viewers to view and vacate a part of the public road within Brady Township, county and state aforesaid, which said part of the public road is a part of the public road leading from the village of Luthersburg, to and intersecting with the Troutville Road at the farm house of W. P. Aurand, and beginning at the house occupied by Jacob Moose, and ending at the Bridge in the said Public Road over the Luthersburg Branch of the East Branch of Mahoning Creek, and to supply the same by laying out and returning for public use a new road between the said terminals;

Now the condition of this obligation is such that if the Court should by order or decree, impose the costs incident to said view, or any part thereof, upon the petitioners therefor, the said obligors hereto will pay into the office of the Prothonotary of Clearfield County, within ten days after such order is made, the aggregate sum of One Hundred Dollars or any such part thereof as is necessary to pay and discharge the costs of said view, in which case this obligation to be null and void, otherwise to be and remain in full force and effect.

Witness our hands and seals hereunto affixed the day and year aforesaid.

J. F. Hingert (SEAL)  
S. A. Faudie (SEAL)  
Wm. H. Hartfeld (SEAL)  
J. I. Kolb (SEAL)  
Geo. F. Hingert (SEAL)  
H. P. Ellinger (SEAL)  
Chas. J. Faudie (SEAL)  
Christ. Moore (SEAL)  
Geo. F. Hartfeld (SEAL)  
C. W. Quirkhall (SEAL)  
G. M. Valentine (SEAL)

W. P. Hingert (SEAL)  
S. Q. Wirth (SEAL)  
J. F. Storr (SEAL)  
Wm. Oswald (SEAL)  
O. C. Beck (SEAL)  
W. P. Aurand (SEAL)  
E. E. Hayes (SEAL)  
E. E. Hayes (SEAL)  
D. H. Hornick (SEAL)  
F. E. Hornick (SEAL)  
J. B. Shafer (SEAL)

J. F. Klingert	Mar. 21, 1919
G. A. Eaudie	Mar 21, 1919
	Mar 21 1919
Mr. H. Hartzfeld	Mar 21 1919
J. I. Korb	Mar 21, 1919.
Gus F. Wingert	Mar 21 1919
J. P. Ellinger supervisor	Mar 21 1919
Chas F Eaudie	Mar 21 1919
Christ Sorensen	Mar 21 1919
Geo. F. Hartzfeld	Mar 21. 1919
Edm Marshall	Mar 21. 1919
G W Galentus	March 21 1919
W. P. Wingert	March 21 1919
S. B. Smith	March 21 1919
J. F. Storer	March 21. 1919
Mr Oswald	March 21-1919
B. E. Beck	March 21 1919
W. P. Aurand	Mar 21 1919
E. C. Hager	Mar 21 1919
E. C. Hager	Mar 21 1919
Robert Smith	Mar 21 1919
at 21 1919	Mar 21 1919
J. B. Shaper	Mar 21 1919
H. B. Shaper	Mar 21 1919
Amos Brook	Mar 21 1919
H. R. Kirk	Mar 21 1919
E. B. Haucker	" " "
John Klingert Supervisor	" " "
Terry L. Smith Supervisor	" " "

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

To John F. Wingert, Henry F. Kirk, and  
Jack Ellinger, Supervisors of the  
Township of Brady of Brady:

You will please take notice that John F. Wingert Jr. and divers other citizens of the Township of Brady, of the County of Clearfield, State of Pennsylvania, will present in open court, to the Judge of the said Court of Quarter Sessions of Clearfield County, on Monday, the 24th day of March, 1919, at ten o'clock A. M. on said day, a petition praying that the court appoint viewers to view and vacate a part of a certain public road within the said Brady Township, and to supply the same by laying out a new road and return the same to court for public use.

The particular piece of said public road which said petitioners desire to have vacated and supplied by a new piece is a part of the public road leading from the Village of Luthersburg, to and intersecting with the Troutville Road at the farm buildings of W. P. Aurand and begins at the house occupied by Jacob Moose, which said point is two hundred and sixty (260) feet South-West of the point where said road is intersected by the public road leading to the farm of Ellis Wingert, and ends at the Bridge in said Public Road over the Luthersburg Branch of East Branch of Mahoning Creek, which said Bridge is distant six hundred and ninety-five (695) feet North-East from where the said Public Road is intersected with the Private Road leading to the farm buildings of Elmer E. Hayes.

Ed. B. Burch  
Atty. for Petitioners.

Now, March 22 1919, notice of the above proceeding is given us and copy of said notice filed with us and the said service is accepted.

Henry F. Kirk  
John F. Wingert  
Jack Ellinger

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

To Irvin E. Dale, H. H. Spencer, and  
Quinton Harry, Commissioners of the  
County of Clearfield.

You will please take notice that John F. Wingert Jr. and divers other citizens of the Township of Brady, of the County of Clearfield, State of Pennsylvania, will present in open court, to the Judge of the said Court of Quarter Sessions of Clearfield County, on Monday, the 31<sup>st</sup> day of March, 1919, at ten o'clock A. M. on said day, a petition praying that the court appoint viewers to view and vacate a part of a certain public road within the said Brady Township, and to supply the same by laying out a new road and return the same to court for public use.

The particular piece of said public road which said petitioners desire to have vacated and supplied by a new piece is a part of the public road leading from the Village of Luthersburg, to and intersecting with the Troutville Road at the farm buildings of W. P. Aurand and begins at the house occupied by Jacob Moose, which said point is two hundred and sixty (260) feet South-West of the point where said road is intersected by the public road leading to the farm of Ellis Wingert, and ends at the Bridge in said Public Road over the Luthersburg Branch of East Branch of Mahoning Creek, which said Bridge is distant six hundred and ninety-five (695) feet North-East from where the said Public Road is intersected with the Private Road leading to the farm buildings of Elmer E. Hayes.

Edw. P. Bruch

Atty. for Petitioners.

Now, March 25 1919, notice of the above proceeding is given us and copy of said notice filed with us and the said service is accepted.

Co. Commissioners  
for  
Irvin E. Dale

In the Court of Quarter Sessions  
of Clearfield County, Penna.  
No. 4, May Term, 1919.

RE; Vacation and Supply  
of Public Road in Brady Twp.,  
Release of Damages.

Now, May 1st, 1919, for and in consideration of the benefits to me accruing from the vacation and supply of the public road in the above named proceeding, I do hereby release absolutely such of my lands for road purposes, as is included in the strip layed out for said purpose by the Viewers in this case, and do renounce any right either on my part or part of any one claiming by, through or under me for any damages or account of the laying out, of said public road on lands belonging to me or on account of the opening of said road agreeably to the report of the said Viewers if the same be by the said Court confirmed absolutely.

*Edw. C. Hayes*

RECEIVED  
APR 1 1919  
JOHN H. NOBLE,  
OWNER.

Nov. 21<sup>st</sup> 1919  
Frank Hutton,  
Tm, and J. S. Nichols  
and A. Howard Brown  
to act as friends of  
acts of country  
by the Court  
Ingelsby  
all



HERBERT A. MOORE  
ATTORNEY AT LAW  
DuBois, PA.

April 14, 1923.

Dear Sir:-

I herewith return to your files papers in  
matter of vacation and supply of road in Brady Township  
which you will find chaged to me.

Very truly yours,

*H. A. Moore*

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the 31 day of March in the year of our Lord, one thousand nine-hundred and nineteen

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Brady, in the County aforesaid setting forth that .....

✓ a certain part of the public road located in the said Township of Brady leading from the Village of Luthersburg, to and intersecting with the Troutville Road at the farm house of W. P. Aurum, has become useless, burdensome, and inconvenient and difficult to keep in proper repair because of steep grades and a tendency to wet weather springs throughout much of its course; all of said road being in Brady Township, Clearfield Co., Penna. That said part of the road begins at the house occupied by Jacob Moose, which said point is two hundred and sixty (260) feet southwest of the point, where said road is intersected by the Public Road leading to the farm of Ellis Winger, and ends at the Bridge in the said Public road over the Luthersburg Branch of the East Branch of Mahoning Creek, which said Bridge is distant 595 feet North east from where said Public Road is intersected the the Private Road leading to the farm buildings of Elmer E. Hayes:

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

point from and among the County Board of Viewers Frank Hutton, J. E. Fry and

J. S. Michaels who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

*John R. Moore*  
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE  
COUNTY OF CLEARFIELD, PA.

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 the 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~~ <sup>and supplied</sup> notices thereof were posted along the route of the said road to be vacated, <sup>and supplied</sup> that the said view would be held on the

16th day of April, A. D. 1919, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield, which hearing was, on the 16th of April, continued to April 23rd 1919 Pa., on the 17th day of April, A. D., 19, at 9:30 o'clock A.M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, <sup>and supplied</sup> and that there were present at the view W.F. Moore, Henry f. Kirk, Supervisor, J.H. Moore, E.E. Hayes, Wm. Oswald, Geo. Swope, J.P. Ellinger Supervisor, Cyrus Hayes and John F. Wingert Jr.

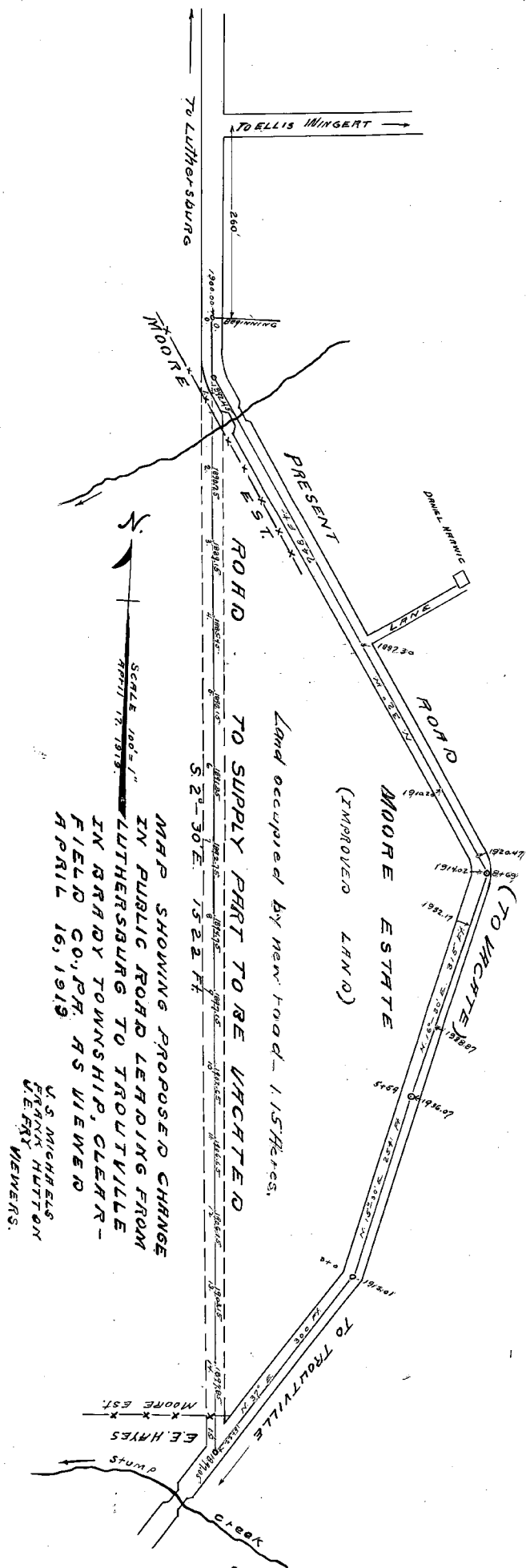
and supplying parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 23rd day of April,

A. D. 1919, when the parties interested in the said road were in attendance:

H.A. Moore Esq., Atty for Estate of R.H. Moore, J.H. Moore, Geo. B. Shugarts, Jacob Moose Witnesses against the proposed vacation and supply and Henry Kirk, a Supervisor of Brady township on behalf of the vacation and Supply, who were each separately sworn or affirmed and their evidence submitted.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that ~~there is occasion for a Public Road as desired by the Petitioners and that~~ <sup>the same is necessary for a Public Road:</sup> And having respect for the shortest distance and the best ground for such road we have layed out in such manner as to do the least injury to private property, and agreeably to the desire of the petitioners and do return for public use the following described road to wit:- Beginning at a post in the Public Road leading from Luthersburg and near the dwelling occupied by Jacob Moose and which is Two Hundred and Sixty Feet, Southwest of the point where the Public Road is intersected by Road leading to the Ellis Wingert farm; thence South two degrees and thirty minutes East Fifteen Hundred and Twenty Two (1522) feet to a post in center of Public Road near a bridge over the Luthersburg branch of the East Branch of Mahoning Creek, which Bridge is 695 feet Northeast from where said Public Road is intersected by the private Road leading to the farm building of E.E. Hayes.

And the said Viewers further report that the following described portion of the old road is burdensome and of difficult grade in parts and should be vacated: BEGINNING at a post, the last above mentioned termin in above described proposed new road thence North Thirty Seven Degrees E.



# ROAD VIEWERS' NOTICE

**NOTICE IS HEREBY GIVEN** that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view, and if deemed

expedient, to vacate and supply a part of the Public Road leading from the Village of Luthersburg to, and intersecting

with the Troutville Road at the farm buildings of W. P. Aurand, which

said part of the Public Road begins at the house occupied by Jacob Moose

which said point is two hundred and sixty feet South-West of the point

where said road is intersected by the Public Road leading to the farm of

Ellis Wingert and ends at the Bridge in said Public Road over the

Luthersburg Branch of East Branch of Mahoning Creek, which said Bridge

is distant six hundred and ninety-five feet North-East from where the

said Public Road is intersected with the Private Road leading to the

farm buildings of Elmer E. Hayes; all of said piece of the Public Road

to be viewed is in

in Brady Township, in the county aforesaid, will

meet at the house of Jacob Moose,

in Brady Township, on Wednesday,

the 16 day of April, A. D. 1919, at 9

o'clock A. M., to attend to the duty assigned them, of

which time and place aforesaid all parties interested

will take notice.

The public hearing by the Viewers required by law, for the hearing of arguments for and against the proposed vacation and supply and for the assessment of damages to the landowners, will be held in the Arbitration Room in the Court House at Clearfield, Pa., on Thursday, April 17, 1919, at 9.00 o'clock A. M.

J. S. Michaels

J. E. Fry

Frank Hutton

**VIEWERS**

April 4, 1919.

Now, April 4, 1919, Notice received and service accepted.

*J. S. Michaels*

*J. E. Fry*

*Frank Hutton*

HERALD PRESS, CLEARFIELD

Supervisors of Brady Township.

# ROAD VIEWERS' NOTICE

**NOTICE IS HEREBY GIVEN** that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and if deemed

expedient, to vacate and supply a part of the Public Road leading from the Village of Luthersburg to, and intersecting

with the Troutville Road at the farm buildings of W. P. Aurand, which

said part of the Public Road begins at the house occupied by Jacob Moose

which said point is two hundred and sixty feet South-West of the point

where said road is intersected by the Public Road leading to the farm of

Ellis Wingert, and ends at the bridge in said Public Road over the

Luthersburg Branch or East Branch of Manomining Creek, which said bridge

**in** Township to

is distant six hundred and ninety-five feet North-East from where the

said Public Road is intersected with the Private Road leading to the

farm buildings of Elmer E. Hayes; all of said piece of the Public Road

to be viewed is in

**in** Brady **Township, in the county aforesaid, will**

**meet at the house of** Jacob Moose,

**in** Brady **Township, on** Wednesday,

**the** 16th **day of** April **A. D. 191** 9, **at** 9.00

**o'clock** A. **M., to attend to the duty assigned them, of**

**which time and place aforesaid all parties interested**

**will take notice.**

April 4, 1919.

The public hearing by the Viewers required by law, for the hearing of arguments for and against the proposed vacation and supply, and for the assessment of damages to the landowners, will be held in the Arbitration Room in the Court House at Clearfield, Pa., on Thursday, April 17, 1919, at 9.00 o'clock **191** 9 A. M.

J. S. Michaels

J. E. Fry

Frank Hutton

**VIEWERS**

Now, April 4, 1919, notice received and service accepted.

L. C. Norris, Clerk for Commissioners of Clearfield Co.

HERALD PRESS, CLEARFIELD

Three Hundred Feet to a post; thence North Fifteen degrees and Thirty minutes east two hundred and fifty four feet to a post; thence North Sixteen Degrees and Thirty Minutes East, Three Hundred and Fifteen feet to a post; thence North Thirty Two Degrees West, Seven Hundred and Forty Eight feet to a post near the House of Jacob Moose, the first mentioned termini of the the proposed new Road

and that a plan, or draft, of said road to be vacated <sup>and supplied</sup> showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from: Elmer E. Hayes

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation <sup>and supply</sup> of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up 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:

R.H. Moore Estate damages at the rate of One Hundred dollars per acre  
for such land as may be taken. Acreage taken 1.15 acres  
To Daniel Harmick, Fifty dollars damages caused by the vacation of that  
portion of old road Northwest from the intersection of his private Road  
with said Old Road

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

Witness our hands and seals this 28th day of April, A. D. 1919

Mark Hutton ..... [SEAL]

J. E. Fry ..... [SEAL]

J. S. Michaels ..... [SEAL]

Viewers.

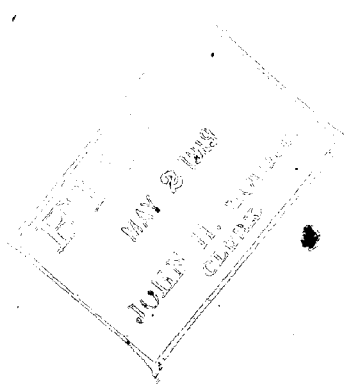
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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
J. S. MICHAELS	3	101	\$25.10
J. E. FRY	3	35	18.50
FRANK HUTTON	3	35	18.50



No. 4 May Term 1919

## ORDER TO VACATE

*See apply*  
*and 3 apply*

To view and vacate road situate  
in the Township of \_\_\_\_\_  
Clearfield County.

Now *May* Sessions 1919  
read and confirmed Ni. Si.

By the Court.  
*Singmaster*  
Now *Sept* Sessions 1919  
confirmed absolute

By the Court.  
*Singmaster*

Filed \_\_\_\_\_ 19

Atty, \_\_\_\_\_ 0032

Fees \$1.25 paid by \_\_\_\_\_