

Road DOCKET No. 5

Number	Term	Year
14	sept	1921

Petition of Erie E. Beard for  
viewers to assess damages on  
property in Brady Twp.

Versus

X

To the Honorable the Judge of the Court of Quarter Sessions of the  
County of Clearfield:

*for and on behalf of his wife Erie E. Beard*  
The petition of Warren S. Beard, respectfully repre-

sents:

That he is the owner of a farm, situate in Brady Township, in said County, and that what is known as the "Erie Pike", a public highway, passes through, said farm: That the State Highway Department of Pennsylvania is now improving said road, under the laws of this Commonwealth and where the same passes through the farm of your petitioner the engineers of said department have changed the location of said road from its original position to the right and South of said position: That the grade of said road has also been changed, and a ditch will be dug across his land which will injure his spring; that his said farm is damaged greatly by said changes that your petitioner has tried to agree with the Commissioners of Clearfield County for the damages done his said farm but they refuse to compensate him, agree to compensate him for the damages done him

Your petitioner therefore prays the Court to appoint competent viewers under the laws of the Commonwealth to assess his damages.

And he will ever pray &c/

*Erie E. Beard*  
*by Warren S. Beard*

Clearfield County ss.

Warren S. Beard being duly sworn according to law deposes and says the facts set forth in the foregoing petition are correct and true to the best of his knowledge and belief  
Sworn and subscribed before me

this 22 day of Aug A.D. 1921

*John W. Marshall*  
NOTARY PUBLIC  
Commission expires February 19, 1925

*Warren S. Beard*

To the Honorable the Judge of the Court of Quarter Sessions of the County of Clearfield:  
 The petition of Warren S. Beard, respectfully repre-

sents:  
 That he is the owner of a farm, situate in Brady Township, in said County, and that said farm is known as the "Rite-Fire", a public highway, passes through said farm: That the State Highway Department of Pennsylvania is now improving said road, under the laws of this Commonwealth and where the same passes through the farm of your petitioner the engineers of said department have changed the location of said road from its original position to the right and south of said position: That the grade of said road has also been changed, and a ditch will be dug across his land which will injure his spring; that his said farm is damaged greatly by said changes that your petitioner has tried to agree with the Commissioners of Clearfield County for the damages done his said farm but they refuse to compensate him, agree to compensate him for the damages done him  
 Your petitioner therefore prays the Court to appoint competent viewers under the laws of this Commonwealth to assess his damages.

And he will ever pray &c.  
 Eric B Beard  
 by Shaver L Beard

Clearfield County ss.  
 Warren S. Beard being duly sworn according to law deposes and says the facts set forth in the foregoing petition are correct and true to the best of his knowledge and belief  
 Sworn and subscribed before me  
 this 22 day of Aug. 1921  
 Shaver L Beard

NOTARY PUBLIC  
 Commission expires January 1st 1922

No. 14 Sep. SS. 1921

IN Re. Petition of Erie  
E. Beard for viewers to  
Assess Damages in Bra-  
dy Township

23<sup>rd</sup> Aug. 1921. petition

read and thereupon

*James H. H. H.*

*W. J. J. J.*

*W. J. J. J.*

are appointed viewers as p

prayed for, to report to next

term of court

*with court*  
*in the case*

FILED

AUG 28 1921

PENTZ & PENTZ  
ATTORNEYS AT LAW  
BALDWIN, PA.

Commissioners Subpoena.

COUNTY OF CLEARFIELD, SS:

The Commonwealth of Pennsylvania, to

We Command you, that setting aside all manner of business and excuses whatsoever, you

be and appear in your proper person before Franklin D. Smith, Esq. at Clearfield, Pa.

Esq., Commissioner, at Clearfield, Pa. in subpoena on the 24 day of

Aug next, at 2 o'clock, P M., there to

testify the truth according to your knowledge in a certain case now pending and then and there

to be tried, wherein the State of Pa. vs. Richard L. Bell

Respondent, and

that on the part of the Respondent, and

you are not to omit under penalty of five hundred pounds.

WITNESS, the Honorable SINGLETON BELL, President Judge of our said

Court, at Clearfield, Pa., the 24 day of Aug

Anno Domini, one thousand nine hundred and twelve

Prothonotary.

No. .... Term, 191...

—  
E. E. Beard

Vs.

Clearer or

Commissioners Subpoena.

Attorney.

Leicester County, Va.

H. S. Beard being sworn says he subscribes John  
Shoffner J. N. Remus witness under oath by reading  
them read and into set forth W. D. Beard

Given and subscribed  
before me this 31 day of  
Aug. A.D. 1921

Four 4 miles

\$ 80.00

2 Seal

1.50

Subscribed and sworn to before me  
This 31 day of August 1921

\$ 2.30

2 J. E. Leno

# 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 23rd day of  
August in the year of our Lord  
one thousand nine hundred twenty-one

Judge of the same Court. Upon the petition of <sup>Beard</sup>  
Warren S. Beard, for & on behalf of his wife Erie E.  
~~Warren S. Beard~~ of the Township of Brady

in said County, setting forth that the State Highway  
Department of Pennsylvania are improving a public highway, known as the  
"Erie Pike" which passes through the farm of the petitioner; th at said  
farm is damaged greatly by the changes made; that petitioner has tried  
to agree with the Commissioners of Clearfield County to compensate him  
for the damages done, and has failed to obtain a settlement.

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 Frank Hutton, Esq.,  
J. E. Fry and George 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 impartial-  
ity 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.

Geo W Ralston, 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 \_\_\_\_\_ and posting of ~~notices~~ waived notices thereof were posted along the route of the

proposed road, that the said view would be held on the \_\_\_\_\_ day of \_\_\_\_\_,

A. D. 191\_\_\_\_, and the hearing to be held in the ~~Arbitration Room, at the Court House, in Clearfield,~~ Town Hall in Luthersburg,

Pa., on the 29th day of August, 1921, at 2 o'clock P. M. That ~~the day of view and hearing was continued until Aug. 31st 1921~~

~~all the~~ viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view W.C. Pontz Esq., and Warren Beard

representing the petitioner

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" " " " " " " " " " " "  
IN THE MATTER OF THE "  
APPOINTMENT OF VIEWERS "  
TO ASSESS DAMAGES FOR "  
ERIE E. BEARD IN BRADY "  
TOWNSHIP " "  
" " " " " " " " " " " "

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY

NO. 14 SEPTEMBER SESSIONS, 1921.

It is hereby agreed by the petitioner and the  
Commissioners of Clearfield County that the notice for the  
time of holding the view in this case is hereby waived and  
consent that the view may be held on the 29th of August, 1921  
at eleven o'clock in the forenoon, and the testimony may be  
taken at Luthersburg on the 29th of August, 1921 at two o'clock  
in the afternoon.

*Aug. Aug.*  
Attorneys for Petitioner

*J. E. Dae*

*M. L. Farrell*

County Commissioners.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

FILED 1921

RECEIVED  
DISTRICT COURT  
1921

Aug 31 1921

It is hereby ordered by the court that the  
Commissioners of the District of Columbia  
be and they are directed to cause to be  
made a survey of the land in the District of  
Columbia which is the subject of the petition  
and to report to the court the result of such  
survey and the location of the land.

*[Signature]*

*[Signature]*

*[Signature]*

Commissioners

To T.R.WEIMER, JESSE E. DALE and M.L. FARREL, COUNTY COMMISSIONERS.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view and assess damages caused by the change of location of a public highway, known as the "Erie Pike" where same passes through the farm of Erie E. Beard in Brady Township will meet at the house Jonathan Shaffer in Brady Township, in the County aforesaid, on Monday the 29th day of August 1921 at ten o'clock A.M. to attend to the duty assigned them, of which time and place you will take notice.

And that the required Public Hearing will be held in the Town Hall in the Village of Luthersburg in said Township of Brady on Monday the 29th day of August 1921 at two o'clock P.M. when and where all parties interested, with their witnesses may attend and be heard.

DuBois, Pa. Aug 24th 1921

*Joseph Huelin*  
*J. E. Fry*  
*Geo. Lueber*

Viewers

Now Aug 25th 1921 service accepted for the County Commissioners time, posting of notices waived, and agree that Public Hearing be held, as specified in notice

*County Commissioners*  
*Per L. C. Morris*  
*Olson*

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 2<sup>nd</sup> day of Sept

A. D. 1904

Joseph Sutton  
J. C. Taylor  
George H. Fisher



No. 14 Sept Sessions, 1921

## ORDER

To view and assess damages a  
road for public use in the  
township of Brady  
Clearfield County

Sept Session, 1921,  
read and confirmed Ni. Si.  
Road to be opened 33 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 16 feet wide.

By the Court

Engelbrecht Bell

Dec 6<sup>th</sup> 1921 (Confirmed)

Engelbrecht Bell

Filed 19

Fees \$1.25 paid by

Brady & Henry Cally

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. E. Fry	2	16	15.80
Frank Hutton	2	16	15.80
Geo. K. Weber	1	10	8.00
Witnesses	1	2	
J. H. Beams	1	2	
John Shaffer	2	16	
Geo. S. Whitmore	2	16	
P. S. Heberling	2	16	

### 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. 1921

