

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:

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 S 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  
Swear 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 betterment of America's Being, especially here.

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JULY 1970  
FBI - MEMPHIS

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 Frank Murphy

J. J. Toy and others

are appointed viewers as p

rayed for, to report to next

term of court

Frank Murphy

John D. Penitz

AUG 23 1921  
PENITZ & PENITZ

ATTORNEYS AT LAW

DUBOIS, PA.

### Protohontary.

COUNTY OF CLEARFIELD, SS:  
Commissioners Subpoena.

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

Eric Beard

VS.

Electrified Co.

Commissioners Subpoena.

....., Attorney

Leicester County, N.C.

B. S. Beard being sworn says he witnessed John W. Shoffner & J. H. Runne witness under oath by reading to them railroad bills set forth W. D. Beard

Done and subscribed

before me this 31 day of

Aug 25, 1921

Subscribed and sworn to before me

This 31 day of August 1921

2 J. S. Beard

Truck 4 miles \$ 80 Cts  
2 Glend 150  

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\$ 2,30

# 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 Beard Warren S. Beard, for & on behalf of his wife Erie E. ~~ex-commissioner~~ 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; that 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 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. 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 ~~Registration room, at the Court House, in Clearfield, Pa.~~ on the 29th day of August 1921, at 2 o'clock P<sup>o</sup> 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. Pentz Esq., and Warren Beard

Methodist Church in Luthersburg Pa. parties in interest. That the hearing was held in the ~~Attoration room~~ in the Court House at Clearfield, Pa., on the 31st day of August A. D. 1921, when the following appearances were noted: W. C. Pentz, Esq., Atty for petitioner, Warren Beard J. H. Reams, and John Shaffer, on the part of the petitioner and A. H. Woodward, Esq., County Solicitor, T. P. Weimer and Jesse E. Dale, County Commissioners. Geo. Whitmore and P. S. Heberling witnesses on the part of Clearfield County.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is occasion for a road as desired by the petitioner, and that the same is necessary for a 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 use the following described road; to-wit: Beginning the property of the petitioner has been damaged by reason of the change of the location of the Public Highway through the ~~town~~ of <sup>same</sup> ~~town~~ Your viewers agree in fixing the amount of damages sustained thereby at three hundred (\$300.00) dollars.

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.

Pug Pug  
Attorneys for Petitioner

J. Ed. Darr

M. L. Farrell

County Commissioners

## THEORY OF THE CLOUDS

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It is anticipated that the Loring project, if it  
is not selected as the first project submitted to the  
Senate, will be submitted to the House of Representatives  
as soon as possible. It is anticipated that the  
Senate will be in session during the month of January, and  
the House of Representatives will be in session during  
the month of February. It is anticipated that the  
Senate will be in session during the month of January, and  
the House of Representatives will be in session during  
the month of February.

PARASITIC CESTODA

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 of 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

Frank Keehn  
J. E. Firy  
Geo. Weber

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  
Mr. L. C. Morris  
Alcock

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. 1911.

*Joseph Sackett*   
*John Foy*   
*George Miller* 

**ORDER**

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

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 A.M.T.
J. E. Ery	2	16 15.80
Frank Hutton	2	16 15.80
GEO. K. Weber	1	10 8.00
J. H. Beams	1	2
John Shaffer	1	2
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 sealing 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 \_\_\_\_\_.

Sept. 21, 1921  
read and confirmed N. S.  
Road to be opened 33 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to be  
16 foot wide.

Myth Corral  
Foothills Bell  
are of 1921 improved  
Dinglewood  
Baptist

Filed E 19

Fees \$1.25 paid by

County of Clearfield

Sept. 2 1921  
Fees \$1.25 paid by  
County of Clearfield

