

DOCKET No. 6

Number	Term	Year
3	May	1925

Petition to vacate road in Brady Twp

Versus

X

EARLE G. BOOSE
ATTY.-AT-LAW
NOTARY PUBLIC

DUBOIS, PA.,

TWELFTH MONTH,
27th Da.
1924.

Mr. L. C. Norris.,
Clearfield, Pa.
Dear Crate:-

I enclose herewith petition of the Supervisors for the
vacation of a piece of road in Brady Township, appended to which
is the notice to the Commissioners with form of acceptance of
service by the Clerk. I also enclose the copy of the notice for
your files.

Will you kindly accept service and on Monday morning
had the petition to the Court for action. I may not be over and
if you will do this for me I will be greatly indebted to you.

Very Truly Yours,



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

To Honorable A. R. Chase, the President Judge of
the said Court:-

Your undersigned petitioners who are resident of the
Township of Brady, in said county of Clearfield, and are
respectively, the Supervisors of said Township and Secretary
of the Board of Supervisors of said Township, would respectfully
represent;

That a certain section of public road in said Township
about four thousand feet in length, beginning at the Shugart
saw mill on the State Highway between Luthersburg and Trout-
ville, and ending at a point in the public road leading from
Helvetia to the Punxsutawney road, near the old Edinger Grist
Mill, has become practically abandoned by the public as a
public highway and has become useless, inconvenient and bur-
densome;

That the Board of Supervisors of said Township at a
regular meeting of the Board held the first Monday of Decem-
ber, 1924, at which all the Supervisors were present, and
after due consideration, adopted a resolution providing for
presentation to the Court, a petition to appoint Viewers to
view and vacate the said section of public road.

Your petitioners therefore pray that the court may
appoint proper persons as viewers to view and vacate the
said section of public road agreeably to the Act of Assembly
in such case made and provided; and they will ever pray Etc.

S. H. Bonsall
Supervisor

H. C. Nables
Supervisor

James Snyder
Supervisor

J. F. Rist
Secretary of the Board of
Supervisors

CLEARFIELD COUNTY,)
PENNSYLVANIA.) SS;

On the 26 day of December, 1924 before me, the subscriber, a Justice of the Peace in and for the County of Clearfield, personally came H. F. Kirk, one of the petitioner to the foregoing petition, and being duly sworn according to law deposes and says upon his said oath, that he is cognizant of the matter set forth in said petition and that the same is true and correct.

H. F. Kirk

Sworn and subscribed before
me the 26 day of December,
1924.

H. F. Kirk
Justice of the Peace.

SEARCHED
INDEXED
FILED
FEB 1 1924
FIFTH MORTGAGE RECORDS
CLEARFIELD COUNTY, PENNSYLVANIA

B O N D.

KNOW ALL MEN BY THESE PRESENTS that we, H. W. Bonsall, H. E. Nolder and James Snyder, all of the Township of Brady, Clearfield County, Pennsylvania are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of One Hundred Dollars, to the payment of which, well and truly to be made and done, by us jointly or severally, we and each of us are held and firmly bound.

Witness our hands and seals hereunto affixed this twentieth day of December, A. D. 1924.

WHEREAS, the said obligors above named have become petitioners to the Court of Quarter Session of Clearfield County, Pennsylvania praying that the Court appoint viewers to view and vacate a certain section of public road in Brady Township, Clearfield County, Pennsylvania, beginning at the Shugart Saw Mill on the State Highway between Luthersburg and Troutville, and ending at a point in the public road leading from Helvetia to the Punxsutawney road, near the old Edinger Grist Mill,

Now the condition of this obligation is such that if the cost of said view or any part thereof should be by decree of the said court imposed upon the said petitioners, they and each of them are hereby bound and do covenant and agree that such cost or part thereof which should be imposed upon them by order of court, shall be by them forthwith paid into the hands of the Clerk of the said court for proper application according to law, within ten days from date of the making of said order and in that case this obligation to be null and void, otherwise to be and remain in full force and virtue. In testimony whereof the said obligors have affixed their respective hands and seals the day and year above written.

Signed, sealed and delivered in presence of

H. W. Bonsall (SEAL)
H. E. Nolder (SEAL)
James Snyder (SEAL)

H. F. Kirk

To Jesse E. Dale, T. R. Weimer and Blake McCracken, the Commissioners of the County of Clearfield;

Please take notice that H. W. Bonsall, H. E. Nolder and James Snyder the Supervisors of Brady Township, Clearfield County, Penna., will present in open court at ten o'clock A. M. on Monday, the 29th day of December, 1924, a petition for the appointment of viewers to view and vacate a certain section of public road situate in Brady Township aforesaid, the said section being about four thousand feet in length and beginning at the Shugart Saw Mill on the State Highway between Luthersburg and Troutville, and ending at a point in the public road leading from Helvetia to the Unxsutawney road, near the old Edinger Grist Mill, the said petition setting forth that the said road has been practically abandoned by the public as a public highway and that the said road has become useless, inconvenient and burdensome.

Attorney for Petitioners.

Now, December 27 1924, the foregoing notice served upon the Commissioners of Clearfield County by copy and service of the said notice is hereby accepted.

L. C. Morris
Clerk of County Commissioners.

IN THE COURT OF QUARTER SENSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

May 1, 1925.
No. 3

Petition for appointment of
Viewers to view and vacate a
Public Road in Brady Township.

Filed Dec 29, 1923

Geo M. Radtke
Brady

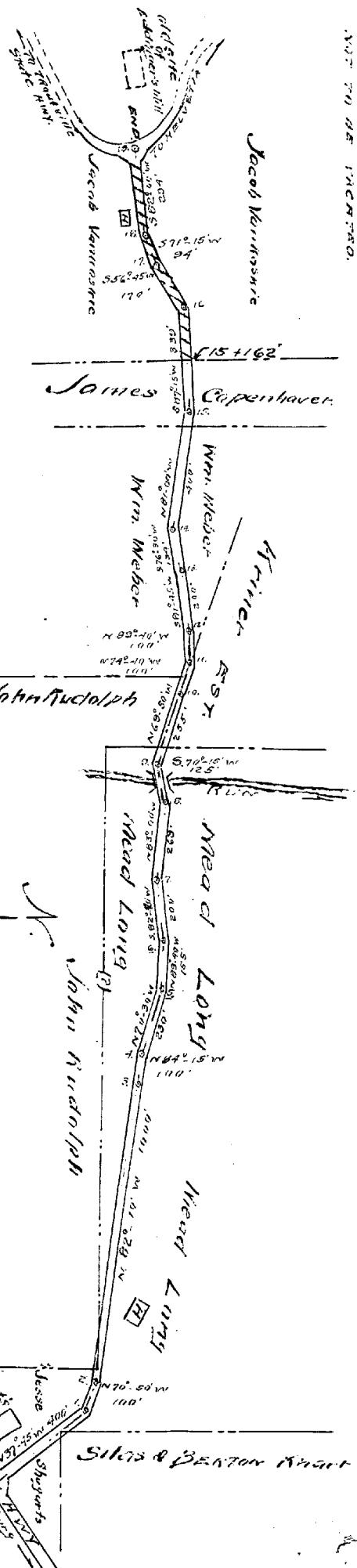
Now, December 29th 1924, the
within petition read and consider
ed, and the court does appoint
Frank A. Hether, George Keller
and John C. Miller as Viewers for
the purpose as prayed for; the
Viewers to view the premises and
make return the first Monday of
February, 1925. By the Court,

John C. Miller, Jr.

EARLE G. BOOSE
DUBOIS, PA.

2. 75 - G.

ROAD IN CLOUDY MOUNTAIN DISTRICT
VIEWED FOR VACATION, APRIL 2-1925.



PUBLIC ROAD IN CLOUDY MOUNTAIN DISTRICT
VIEWED FOR VACATION, APRIL 2-1925.

FRANK HUTTER
GEORGE WEBER
J. E. FIRK
WENERS.

SCALE 1" = 400'

Distance to be vacated from
beginning to Jacob Koenigsmire's East line
Distance not to be vacated from
Jacob Koenigsmire's East line to end.
Total Length

3930 ft.
235 ft.
4665 ft.

TO THE ROAD SUPERVISORS OF BRADY TOWNSHIP, CLEARFIELD COUNTY, PA.

You and each of you are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa. to view for vacation a public road leading from the Shugart Saw Mill, on the State Highway between Luthersburg and Troutville Borough in Brady Township to a point in the public road leading from Heltzia to the Punxsutawney road, near the old Edinger Grist Mill in said Brady Township, in the County aforesaid, will meet at the Shugart Saw Mill in said Township on Thursday the second day of April 1925 at nine o'clock A.M. to attend to the duty assigned them.

And that the Public Hearing required to be held, will be held in the Court House, in the Borough of Clearfield, Pa. on Friday the ^{9:30} third day of April 1925 at ~~nine~~ o'clock A.M. at which times and places you may attend and be heard if you so desire.

DuBois, Pa. March 14th 1925

Frank Suelin
George R. Weber
J. E. F. M.

Viewers

Now March 14 1925 service of the above notice is accepted for the Road Supervisors of Brady Township.

Geo. Bause atty

To The COMMISSIONERS OF CLEARFIELD COUNTY, CLEARFIELD, PA.

You and each of you are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pa. to view for vacation a road leading from the Shugart Saw Mill, on the State Highway between Luthersburg and Troutville Borough in Brady Township to a point in the public road leading from Hevetia to the Punxsutawney Road, near the old Edinger Grist Mill, in Brady Township, in the County aforesaid, will meet at the Shugarts Saw Mill in said Brady Township on Thursday the second day of April 1935 at nine o'clock A.M. to attend to the duty assigned them.

And that the required Public Hearing will be held in the Court House, in the Borough of Clearfield, Pa. on Friday the 3rd day of April 1935, ~~at 9:30 o'clock A.M.~~ of which times and places you will take due notice and may attend and be heard, if you so desire.

DuBois, Pa. March 14th 1935

Frank Sullivan
George R. Leber
J. E. Fry

Viewers

Now March 14, 1935 service of the above notice is accepted for the Commissioners of Clearfield County.

L. C. Morris,
Clerk

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 29th day of December in the year of our Lord, one thousand nine hundred and twenty five

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of ~~the~~ ~~Supervisors~~
~~inhabitants~~ of the Township of Brady, in the County aforesaid setting forth that
a certain section of public road in said Twp about four thousand feet in length, beginning at the Shugart Saw Mill on the State Highway between Luthersburg and Troutville, and ending at a point in the public road leading from Helvatis to the Punxsutawney road, near the old Edinger Grist Mill, has become practically abandoned by the public as a public highway and has become useless, inconvenient and burdensome.

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, Esq., George Weber and J. E. Frye 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,

Geo W Palster
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** notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

second day of **April**, A. D. 1925, 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,

Pa., on the **third** day of **April**, A. D., 1925, at **nine** o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view **H. E. Nolder, James Snyder and Harry Bonsall, Supervisors of Brady Twp. Mead Long, Jesse Shugarts and Jacob Vankoskie citizens of Brady Twp interested**

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 **third** day of **April**, A. D. 1925, when the parties interested in the said road were in attendance: **as follows, Harry Bonsall, Supervisor, only**

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has in part become useless, inconvenient and burdensome to wit:- That portion from its intersection with the State Highway, near the saw mill of Jesse Shugarts thence extending its several courses and distances, as shown by the draft filed herewith and attached to this report to the line dividing the lands of James Copenhaver and Jacob Vankoskie a distance of 3930 feet from said dividing line between said Copenhaver and Vankoskie a distance of 735 feet to the Public Road at a point near what is known as the old Edinger Grist Mill that the said road asked to be vacated is neither useless nor burdensome and in the opinion of your viewers should not be vacated

and that a plan, or draft, of said road to be vacated 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:

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation 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 ~~award~~ them damages and make report thereof, as follows:

~~to Mead Long, the only property owner who resides along said vacated road~~
~~the sum of Sixty (\$60.00) Dollars.~~
~~To Jessie Shugarts \$1.00. To John Rudolph \$1.00. To William Weber \$1.00~~
~~To the Kriner Estate \$1.00~~

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

Witness our hands and seals this **fourth** day of **April**, A. D. 19 **25**

Frank Shugart [SEAL.]

Frank K. Weber [SEAL.]

J. E. Fug [SEAL.]

Viewers.

No. 3 May Term 19 25

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

--

By the Court.

John H. Moore
1875

19
Filed

... Atty.

Fees \$1.45, paid by

Earle G. Boose, Atty.,

most before figure

ORDER TO VACATE

To view and vacate road situate
in the Township of Brady

Clearfield County.

Now May Sessions 1928
and June 1928. I.M. S.

1

By the Court,
H. H. H.
Left ~~1~~ Sessions 1928
Now ~~1~~

confirmed absolute