

road

DOCKET No. 6

Number Term Year

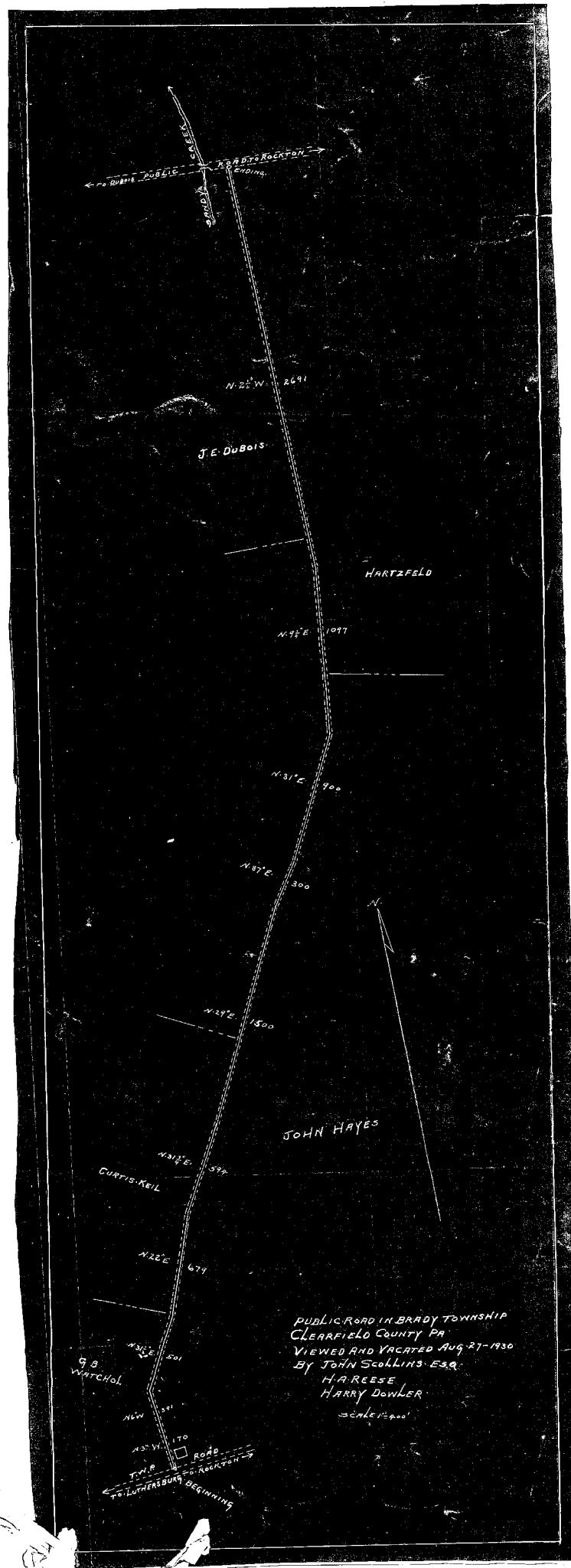
4 Sept 1930

Pet. to vacate road in

Brady Twp.

Versus

X



To:- H. E. Molder, W. H. Bonsall and James H. Snyder, Supervisors of Brady Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 4, September Sessions, 1930, to view and vacate a certain public road in the Township of Brady, beginning at the house of John Hayes, Jr., and leads generally northeasterly past the Solomon Shafer Buildings, to the public road leading to DuBois, the point of intersection of said roads being near the bridge in the public road over the Luthersburg branch of Sandy Lick Creek, near the farm house of Emma Smiley, in the Township of Brady, in the County aforesaid, will meet at the house of John Hayes, Jr., in said Township on Wednesday, the 27th day of August, A. D. 1930 at one (1:00) o'clock P. M., to attend to the duties assigned them: all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested in the said road an opportunity to be heard, will be held in the Arbitration Room in the Court House at Clearfield on Friday, the 29th day of August, A. D. 1930 at ten (10) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scollins
Harry Reese
H. R. Molder
Viewers

CLEARFIELD COUNTY, SS:4

Dated, August 16th, 1930. Now, this 20th day of August, A. D. 1930, service of the above notice is hereby accepted for the Supervisors of Brady Township, Clearfield County.

James H. Snyder
W. H. Bonsall
Supervisors

To:- The Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County to No. 4,
September Sessions, 1930, to view and report a certain public road in the
Borough of Drift, beginning at the house of John Hayes, Jr., and leads
generally northwardly past the Union Gasoline Building, to the public road
leading to Buffalo, the point of intersection of said roads being near the
bridge in the public road over the Luthersburg Branch of Jenny Lick Creek,
near the farm house of Tom Bailey, in the Borough of Drift, in the County
aforenamed, will meet at the house of John Hayes, Jr., in said Borough on
Wednesday, the 27th day of August, A. D. 1930 at one (1:00) o'clock P. M.,
to attend to the duties assigned them: all parties interested will be
notified.

That the public hearing as required by Act of
Assembly and Rules of Court to be held by the viewers before the filing of
their report in Court, in order to give all parties interested in the said
road an opportunity to be heard, will be held in the Arbitration Room in the
Court House at Clearfield on Friday, the 29th day of August, A. D. 1930 at
ten (10) o'clock A. M., or as soon thereafter no counsel can be heard, at
which time and place all parties interested may attend and be heard.

John Scollins
✓ Harry Reese
H. P. Dawler
Viewers

Dated, August 16th, 1930.

CLEARFIELD COUNTY, SS:

Now, this 16th day of August, A. D. 1930, service
of the above notice is hereby 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 16th day of August in the year of our Lord, one thousand nine hundred and thirty

A. R. CHASE
By the Honorable ~~Highwood~~, 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 road in said Twp. layed out and opened by an order out of this Court many years ago, has become useless, inconvenient and burdensome because it has been abandoned. Said road begins at the house of John Hayes, Jr., and leads generally northeasterly past the Solomon Shafer Buildings, to the public road leading to Du Bois, the point of intersection of said roads being near the bridge in the public road over the Luthersburg branch of Sandy Lick Creek, near the farm house of Emma Smiley

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 John Scollins, Esq. Harry Reese and H. P. Dowler 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. Ralston
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

27th day of August, A. D. 1930, 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 29th day of August A. D., 1930 at ten 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: J. H. Snyder, C. H. Nolder and H. W. Bonsall, Supervisors of Brady Township, with their Counsel, E. G. Booze, Esq.; and Fred M. Schaffer, J. A. Hartzfelt, John H. Hays, Jr. and John H. Hays, Sr.

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 29th day of August,

A. D. 1930, when the parties interested in the said road were in attendance: J. H. Snyder, H. W. Bonsall, C. H. Nolder, Supervisors of Brady Township, with their Counsel, E. G. Booze, Esq. J. H. Snyder, C. H. Nolder, H. W. Bonsall, Fred M. Schaffer, J. A. Hartzfelt, J. H. Hays, Sr. and G. B. Shugarts, sworn, examined and cross-examined by Counsel and your Board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome, to wit: Beginning at a post along the Township Road leading from Luthersburg to Rockton, between the properties of G. B. Watchol and John Hayes, and running North 3 degrees West 170 feet to a post; thence North 6 degrees West 391 feet to a post; thence North 31 $\frac{1}{2}$ degrees East 501 feet to a post at property of Curtis Keil and the said John Hayes; thence North 22 degrees East 679 feet to a post; thence North 31 $\frac{1}{2}$ degrees East 594 feet to a post; thence North 29 degrees East 1500 feet to a post; thence North 37 degrees East 300 feet to a post; thence North 31 degrees East 900 feet to a post; thence North 9 $\frac{1}{2}$ degrees East along lines of lands of J. E. DuBois and J. A. Hartzfelt 1097 feet to a post; thence North 2 $\frac{1}{2}$ degrees West 2691 feet and ending in the public road leading to DuBois and to Rockton, (across Sugar Camp Run or Troy Run), as a public road; but recommend to your Honorable Court that the route thereof be and remain a private road of the width of 25 feet for the use and benefit of the owners of lands through and along which it passes, to be maintained and used as private roads are now maintained and used under existing Laws.

Your Board finds that the aforesaid road is of no public use, but is convenient to and accessible to the farms of John Hayes, Sr. and John Hayes, Jr., the Saw-mill of Curtis Kiel, and the timber tract of J. A. Hartzfelt; that a portion of it is of low

elevation, and serves as an outlet when the main traveled roads drift with snow in the winter season, though to reach that portion of it in such seasons the users are required to pass over farms in the hilly portion of it. From the testimony before your Board, we find that it is inexpensive and easily kept up, and inasmuch as we find that there is no public necessity for said road, we recommend that it be retained for the private interests that it serves, as provided by Act of Assembly approved the 17th day of April, 1929, PL 530.

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 vacation 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:

No damages claimed or assessed.

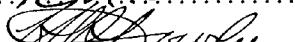
And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up of the said road, we, the undersigned Viewers, after having considered the advantages to be derived to them, do 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 30th day of August, A. D. 19 30

 [SEAL.]

 [SEAL.]

 [SEAL.]

Viewers.

No. 4 Sept Term 19 30

ORDER TO VACATE

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
H. P. Dowler	1	10	\$8.00
H. A. Reese	2	10	\$15.50
John Scollins	2	10	\$15.50

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

Now Sept Sessions 19 30

read and confirmed Ni. Si.

By the Court
H. P. Dowler
Now Sept Sessions 19 30

By the Court

H. P. Dowler

Filed 19

Atty, Earl G. Boose

Fees \$1.25 paid by

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.

In Re Petition for Viewers : Of September Sessions,
to view and vacate part of : 1930,
a public road. : No.-----

To the Honorable, the President Judge of the said Court;

Your undersigned petitioners, Supervisors and citizens of
Brady Township, Clearfield County, Pa., would respectfully repre-
sent:-

That a certain public road in said Township of Brady, layed
out and opened by an order out of this Court many years ago, has
become useless, Inconvenient and burdensome to the said township
because that it has for a long time been abandoned by the traveling
public generally and the upkeep of said road imposes upon the town-
ship an unnecessary expense.

Said road begins at the house of John Hayes Jr., and leads
generaly northeasterly past the Solomon Shafer buildings, to the
public road leading to DuBois, the point of intersection of said
roads being near the bridge in the public road over the Luthersburg
branch of Sandy Lick Creek, near the farm house of Emma Smiley.

Your petitioners would therefore respectfully pray that
the Court appoint Viewers to view and to vacate the said public
Road, And they will ever pray.

H. W. Binsall Supervisor

C. H. Nolder

J. H. Snyder

Ella Clark

Hazel A. Shaffer

J. V. Shaffer

S. M. Smith

Gottlieb Krach

A. H. Kinner Jr.

J. R. Potter

Ester Krach

C. W. Clark

William C. Krach

Victor Henry

George Krach

CLEARFIELD COUNTY,)
PENNSYLVANIA.) SS

On the ninth day of August, 1930, before me, a Notary Public personally came James H. Snyder, one the petitioners whose name is subscribed to the foregoing petition; and he being by me duly sworn according to law, deposes and says that the matters therein set forth are true and correct.

J. H. Snyder.

Sworn and subscribed before me
the day and year above written.

Charles B. Boush
Notary Public

My Commission Expires Apr. 12, 1931.

4 Septembe 1930

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY.

OF September Sessions

1930

No. ____

Petition for Viewers to
View and Vacate a public
Road in Brady Township.

Now, August 11, 1930, the
within petition read, and
considered, and the Court
appoints John J. Selle
Henry Hall
and W.H. Ralston
Viewers; the Viewers to
view and make report to
the Court on the first
Monday of September next.

By the Court
P.J.

FILED
AUG 16 1930
GEO. W. RALSTON
CLERK

Patric G. Moore
Attorney-at-Law
Robins, Pa.

HENRY HALL PRINT. INDIANA, PA.

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