

DOCKET No. ⁶ Page 330.

| Number | Term | Year |
|--------|----------|------|
| 6 | Sept. SS | 1932 |

Petition to vacate public road in

Brady Township.

Versus

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

ORDER TO VACATE

No. 6 September Term, 1932.

It appearing to the court that the confirmation of the Viewers report for the present should not be confirmed until further investigation is made:

Now, December 3, 1932, Clearfield County is ORDERED to pay the costs of the viewers and no order will be made as to the confirmation at the present time. Same not to be presented to the court for confirmation until further order of court

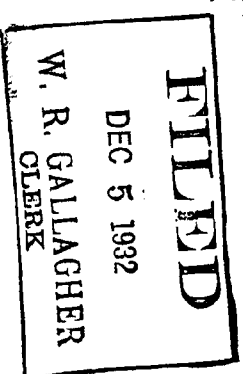
By the Court.

A. R. Chase
P. J.

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNA. *6.*

NO. 6 September Term, 1932.

ORDER TO VACATE



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 8th day of August in the year of our Lord, one

thousand nine hundred and thirty two

By the Honorable ~~Shirley D. Bell~~ ^{A. R. CHASE}, President Judge of the said Court: Upon the petition of sundry
inhabitants of the Township of Brady, in the County aforesaid setting forth that many years

ago there was layed out by authority of a view and order of this Court,
a public road wntirely within said Brady Twp. which begins in another
public road leading to the Faudie School House, near the Abe Gallentine
house, and ends just ^{East} west of the Quig Beck House in another public road
called the Manuel Bloom ~~House~~ road.

This road runs up a very steep hill and has dangerous curves in it and is
but little used and is expensive to keep in proper condition for public
travel.

It has become useless, inconvenient and burdensome to the township
generally and you petitioners therefore petition that the Court appoint
proper persons to view this road and if they find there conditions to be
true to make a report to the Court recommending its vacation.

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 Earl G. Boose, Esq J. E. Fry
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 appoint-
ment, 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 trans-
mit 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.

W. R. Gallagher
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

18th day of August, A. D. 1932, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the ~~Arbitration~~ ^{Grand Jury} Room in the Court House, in Clearfield.

Pa., on the 20th day of August, A. D., 19 32 at 9.30 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 Samuel Bennett, Denton Bloom, Christian Swoope, Harry Gallentine and other persons residing in the vicinity of the road.

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Arbitration~~ ^{Grand Jury} Room in the Court House, in Clearfield, Pa., on the 20th day of August,

A. D. 19 32, when the parties interested in the said road were in attendance: Samuel Bennett, Manuel Bloom and Christian Swoope

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has , become useless, inconvenient and burdensome as a public road. The Viewers find also that the same is convenient in some measure, as an outlet to Samuel Bennett, Christian Swoope and to a part of the Dimeling lands, if at any time mineral should be developed there. The road however is steep and in part, cut out along the hillside and is very narrow, making it dangerous unless greatly widened and fenced. This improvement would not be warranted by the present public travel on the road. The Viewers therefore recommend that the same be decreed a private road, for the use of the abutting land-owners, as is by the Act of Assembly, in such case made and provided. Considering that Samuel Bennett is the only person living along the road and that for some distance his improved land abuts both sides of the road, the Viewers are of the opinion that he should have reasonable redress for the vacation of the road as a public highway, and in lieu of the award of any damages, the Viewers recommend that if during any year hereafter, Samuel Bennett, or his successors in title to his land through which the road is layed out, shall expend labor or money in the maintainance of said private road, such amount so expended, not to exceed the amount of road taxes assessed to the land for that year, shall be allowed as an exoneration of road taxes assessed to the land, for that year, by the Supervisors of Brady Township.

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:-~~ The Viewers being of the opinion that no one, with the possible exception of Samuel Bennett, would suffer any damage by the vacation of the said road as a public highway, decline to award any damages. No damages were asked by any of the parties in interest.

~~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 22nd day of August, , A. D. 1932

Charles B. Brown [SEAL]
J. E. Taylor [SEAL]
W. H. Schuler [SEAL]

Viewers.

C.

No. 6 Sept Term 19 32

ORDER TO VACATE

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

Now Sessions 19
read and confirmed Ni. Si.
By the Court.

Now Sessions 19
confirmed absolute.

By the Court.
Now left SS-1882
to be presented next
Term of Court for
consideration.
By the Court

Filed
Atty, A. R. B. 1932

Fees \$1.25 paid by H. M. Broun
deputy Supr.

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 |
|----------------|------|-------|---------|
| Earle G. Boose | 4 | 142 | \$37.10 |
| J. E. Fry | 3 | 78 | \$26.40 |
| H. P. Dowler | 2 | 48 | \$17.40 |

FILED
AUG 28 1932
W. R. GALLAGHER
CLERK

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

Re; Vacation of) Of September Sessions,
Public Road in) 1932.
Brady Township.) No. 6-

To the Commissioners of Clearfield County and the Supervisors of Brady Township;

You and each of you will hereby take notice, that upon a petition signed by divers citizens of Brady Township, setting out that a certain public road in that township, beginning in a public road leading to the Faudie School House, at the house of Abe Gallentine, and ending in another public road known as the Manuel Bloom road, just east of the Quig Beck house, has become useless, inconvenient and burdensome, and praying that the Court appoint Viewers to view and vacate the same, the Court has appointed the undersigned as Viewers for the said purpose, and the Viewers will meet for said purpose at the house of Abe Gallentine aforesaid, in Brady Township, on Thursday, the 18th. day of August, 1932, at 1.30 o'clock P. M., and will hold the public hearing in the matter in the Grand Jury Room of the Court House at Clearfield, Pa., on Saturday, the 20th. day of August, 1932, at 9.30 o'clock A. M. At the public hearing, all parties in interest may attend and be heard.

Aug. 11, 1932.

E. E. Hoover
.....
J. E. Fry
.....
J. H. P. Fowler
.....

Now, August *11th*, 1932, notice above served and copy delivered, and service is accepted for the Commissioners of Clearfield County.

L. C. Morris
.....
Clerk

Now August *13th*, 1932, notice above served and copy delivered, and service is accepted for the Supervisors of Brady Township.

J. H. Snyder
.....
Supervisor

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 vacate~~ ~~a certain public~~ Road leading from ~~the road to the Faudle School House, near the house of Abe Gallentine,~~ in ~~Brady~~ Township, to ~~the public road known as the Mammel Bloom Road, just east of the Quig Book House,~~ in ~~Brady~~ Township, in Clearfield County, aforesaid, will meet at ~~the Abe Gallentine house~~ in ~~Brady~~ Township, on Thursday the 18th. day of August, 1932 at, 1.30 o'clock, P. M. to attend the duty assigned them, of which time and place aforesaid all parties interested will take notice.

The Public Hearing in the matter required by the Act of Assembly, and the Rules of the aforesaid Court, to be held by Viewers, will be held in the ~~Grand Jury~~ Room of the Court House at Clearfield, Penna., on Saturday, the 20th. day of August, 1932, at 9.30 o'clock A. M..

Earle G. Boose

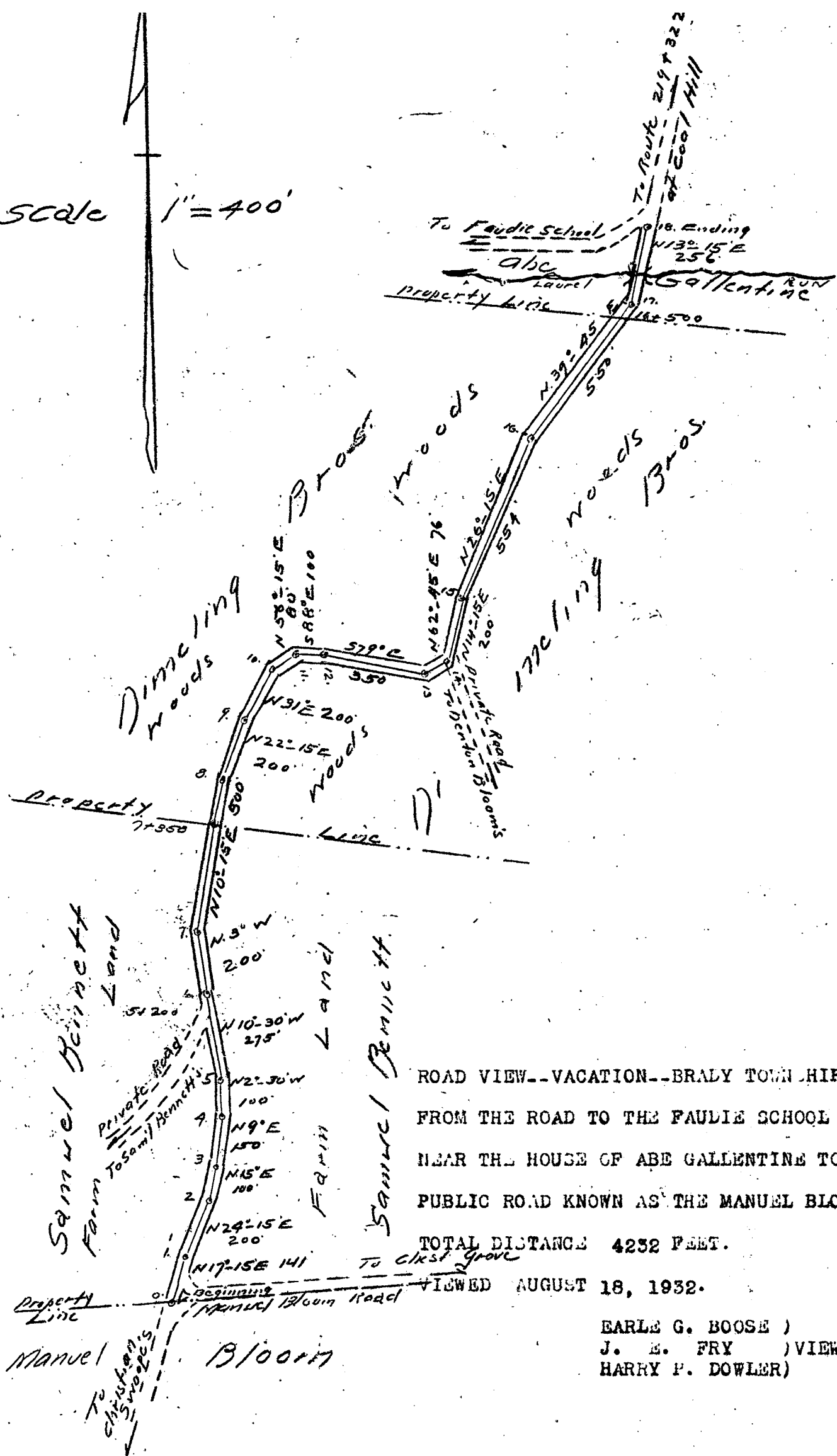
J. E. Fry

Harry P. Dowler

19 .

Viewers.

Scale 1" = 400'



ROAD VIEW--VACATION--BRADY TOWNSHIP
FROM THE ROAD TO THE FAUDIE SCHOOL HOUSE
NEAR THE HOUSE OF ABE GALLENTINE TO THE
PUBLIC ROAD KNOWN AS THE MANUEL BLOOM ROAD.

TOTAL DISTANCE 4232 FEET.

VIEWED AUGUST 18, 1932.

EARLE G. BOOSE)
J. E. FRY) VIEWERS.
HARRY P. DOWLER)

many near friends.
To The Honorable Judge of said Court
whereas a petition has been Circulated
to have a certain Road in Brady
Township. leading from the Abraham
Galentine farm to the Luig Beck
farm, vacated. We the undersigned
Tax payers. ask that said road is
not vacated and that said Brady
Township shall maintain same.

C. R. Marshall Luthersburg, P. #1.

Christ Swope Luthersburg

Lucile Swope Luthersburg Pa.

Samuel Bennett Luthersburg Pa

Harriet Bloom Luthersburg Pa

Denton B. Bloom. Luthersburg Pa

~~Lucile Swope~~ Luthersburg Pa

Mt. Wm A. Beam. Luthersburg Pa.

Mrs Wm A Beam. Luthersburg Pa.

Effie Bennett Luthersburg Pa

Geo J. Wingert Luthersburg Pa

H. P. Wingert Luthersburg Pa

Signed and subscribed
to this 18th day of August 1932
MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 1933
Samuel Bennett
J. J. J. J.

To Honorable A. R. Chase, the Judge of the Court of
Quarter Sessions of Clearfield County, Pa.

Your petitioners who are residents of Brady Township, in
Clearfield County aforesaid, respectfully represent to this
Honorable Court that many years ago, there was layed out by
authority of a view and order of this court, a public road
entirely within said Brady Township, which begins in another
public road leading to the Faudie School House, near the Abe
Gallentine house, and ends just ^{East} west of the Quig Beck house,
in another public road called the "Mamuel Bloom Road"

This road runs up a very steep hill and has dangerous curves
in it and is but little used and is expensive to keep in proper
condition for public travel.

It has become useless, inconvenient and burdensome to the
township generally, and your petitioners therefore petition that
the Court appoint proper persons to view this road and if they
find there conditions to be true, to make a report to the Court
recommending its vacation.

| Name | Name |
|-----------------------|---------------|
| Geo. C. Kirk | Roy Wright |
| Wm. Morgan | H. H. Huffy |
| G. W. Shaffer | H. W. Bonsall |
| H. F. Moore | |
| S. W. Barnack | |
| L. B. Lhaverick | |
| H. H. Hiles | |
| C. A. Morgan | |
| Paul Jones | |
| Wm. Campbell | |
| C. O. Campbell | |

Clearfield County, : :
: SS
Pennsylvania. :
:

Personally came before me, a Justice of the Peace in and
for Clearfield County, Pa., *W. W. Duff*
one of the signers of the foregoing petition and being sworn
according to law, says that the matters set out in the said
petition are true and correct to the best of his knowledge
and belief.

..... *W. W. Duff*

Sworn and subscribed before me
the *6*.....day of *August*
1932.

..... *G. J. Saylor*
Justice of the Peace.

MY COMMISSION EXPIRES
FIRST MONDAY, JANUARY 1932

Sept. 1932
COURT OF QUARTER SESSIONS
OF

CLEARFIELD COUNTY -

8

PETITION TO HAVE
SEWER-APPROPRIATED
TO VACATE A PUBLIC
ROAD IN BRADY TOWNSHIP

Now the said

1932, &c. &c.

~~of~~ the

H. P. Howler are

affiliated persons

to run and work

by the court

of the

1932

W. R. GILLACHER
CLERK

250
1323
of the

No. 6 September SS 1922.

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

In re: Petition to
Vacate Road in Brady
Township

ORDER OF COURT

FILED

JUN 22 1935

W. R. GALLAGHER
CLERK

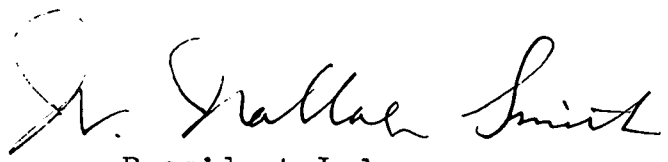
IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA..

In re: Petition to :
Vacate Road in Brady Township : No. 6 September SS 1932.

ORDER OF COURT.

NOW June 22, 1935, it appearing that the Viewers' Report recommending vacation of the road described in these proceedings was filed to September Sessions, 1932, and that on December 3, 1932 the Court made an order suspending confirmation pending further investigation; and said report having been filed for the requisite time prior to absolute confirmation it is hereby ordered that the report of the Viewers be and the same is hereby approved and confirmed, and that the road in question be vacated as therein recommended.

By the Court,


President Judge.