

No. *7 Dec* *SS*  
Form, 1891

*Public Road*

*Versus in*  
*Burnside Township*

Contents:

In Re Public Road in Burnside township.

# 7- December Sessions, 1891.

To the Honorable David L. Krebs, President Judge of the  
Court of Quarter Sessions of Clearfield County, Penna.

We the undersigned, citizens and tax-payers of Burnside township respectfully remonstrate against the confirmation of the report of the viewers in this case for the following reasons:

1st. Because the road is unnecessary, the road now opened between said points being in good condition and is but little traveled, few people having occasion to use it.

2nd. Because said township is not able to maintain and keep in good repair the roads already opened.

3rd. Because the taxes are not sufficient to open a number of roads in said township already laid out and confirmed absolutely by the Court.

4th. Because the road is intended to benefit but one citizen and he has a good outlet from his own land to the township road at a point near the place the proposed road joins the township road.

5th. Because there are citizens residing on the road proposed to be vacated who will be left without any road unless they run private roads through their own lands to the proposed new road.

Wherefore we pray your Honorable Court that the Report of the

viewers in this case be not confirmed and that said report be marked refused.

And they will ever pray/etc:

In re Public Road in Burnside  
Township 7-December Sessions 1891  
To the Honorable David E. Siebels  
President Judge of the Court of Quarter  
Sessions of Clarke County, Iowa  
We the undersigned Citizens and tax  
Payers of Burnside Township respectfully  
remonstrate against the Confirmation  
of the report of the Viewers in this Case for  
the following reasons

- 1st Because the road is unnecessary, the road  
now opened between said points being  
in good Condition and is but little  
traveled few people having occasion to  
use it
- 2nd Because said Township is not able to  
maintain and keep in good repair the roads already opened
- 3rd Because the Taxes are not Sufficient to  
open a number of roads in said Township  
already laid out and Confirmed  
absolutely by the Court
- 4th Because the road is intended to benefit  
but one man Citizen and he has a  
good outlet from his own land to the  
Township Road at a point near the place the  
Proposed road joins the Township road
- 5th Because there are Citizens residing on the  
road Proposed to be vacated who will  
be left without any road and they  
run private roads through their own  
lands to the Proposed new Road

Wherefore we pray your Honorable  
Court that the Report of the  
Viewers in this Case be not Confirmed  
and that said report be marked  
refused

And they will ever pray Et. C.

L. W. Rowley

G. W. Korabough  
James D. Scott  
two names on  
other side

G. E. Korabough  
H. A. Korabough  
Edward Smith  
W. H. Samuels

...

...

Chiles Fulton

...

...

...

Samuel H. ...

...

...

...

George Burwell

...

...

Alexandra Thompson

John Thompson

...

John Mc ...

Fred Zimmerman

J. J. Young

James S. Riddle

Jerry Fry

Edward Lutton

W. C. Sebring

David Lutton

David S. Solley

Isaac Solley

George M. Solley

David P. Weaver

H. M. Fry

L. R. Smeed

W. S. Mardis

S. M. Brickley

John McCardell

H. S. Selders

Othello Smeed

H. A. Smeed

David Lloyd

Clark Anderson

Samuel Wagoner

Charley McCardell

A. P. Fry

John H. Green

David Fry

John Bennett

Emmanuel

N. H. Smeed

S. Fisher

A. E. Roland

O. S. Bee

John McWhain

Geo. W. Kern

M. S. Boyer

Wm. Somerville

G. H. H. H.

Joseph F. McKee

J. C. Johnson

John Sebring

James C. Seamer

No. 7. Dec. Lessons / 1891.

To view and lay out a road  
in Prairie Township.  
Vocal and supply.

Demonstration.

Alb 24<sup>th</sup> Oct 1892

AM Deam  
J. R.

Healy

To the Honorable D L Krebs, President Judge of the Court of Quarter Sessions of Clearfield County.

The petition of the undersigned respectfully represents:

That they labor under inconvenience for want of a public road, to begin at, or near Gideon Neff's lane in Burnside township, to a point on the public road leading from Mt. Joy Church to the Harmony Church, near the residence of the late Charles C Weaver in Burnside township.

The petitioners therefore pray the Court to appoint proper persons qualified according to law, to view the ground proposed for such a road, and, if they should see occasion to lay out the same, to inquire of, and vacate the public road now opened from a point at, or near Gideon Neff's lane in Burnside township to the Mt. Joy Church, which last mentioned-road will, by reason of the laying out of the proposed road, become useless; and make report of their proceedings to the next Court.

And they will pray &c.

James L. Gorman  
H. M. Terry  
C. C. Weaver  
John Lee  
Gideon D. Neff

David Sutton  
Ashrod Bennett  
James Chapman  
Jacob Bennett  
B. G. Masterson  
Isaac Snyder  
William C. Cline  
Samuel Brock  
Isaac Selley

N. B. Young  
A. W. Byers



No *7* Dec. Sess. 1891.

Petition

To vacate and supply road in  
Burnside Township.

*Filed*

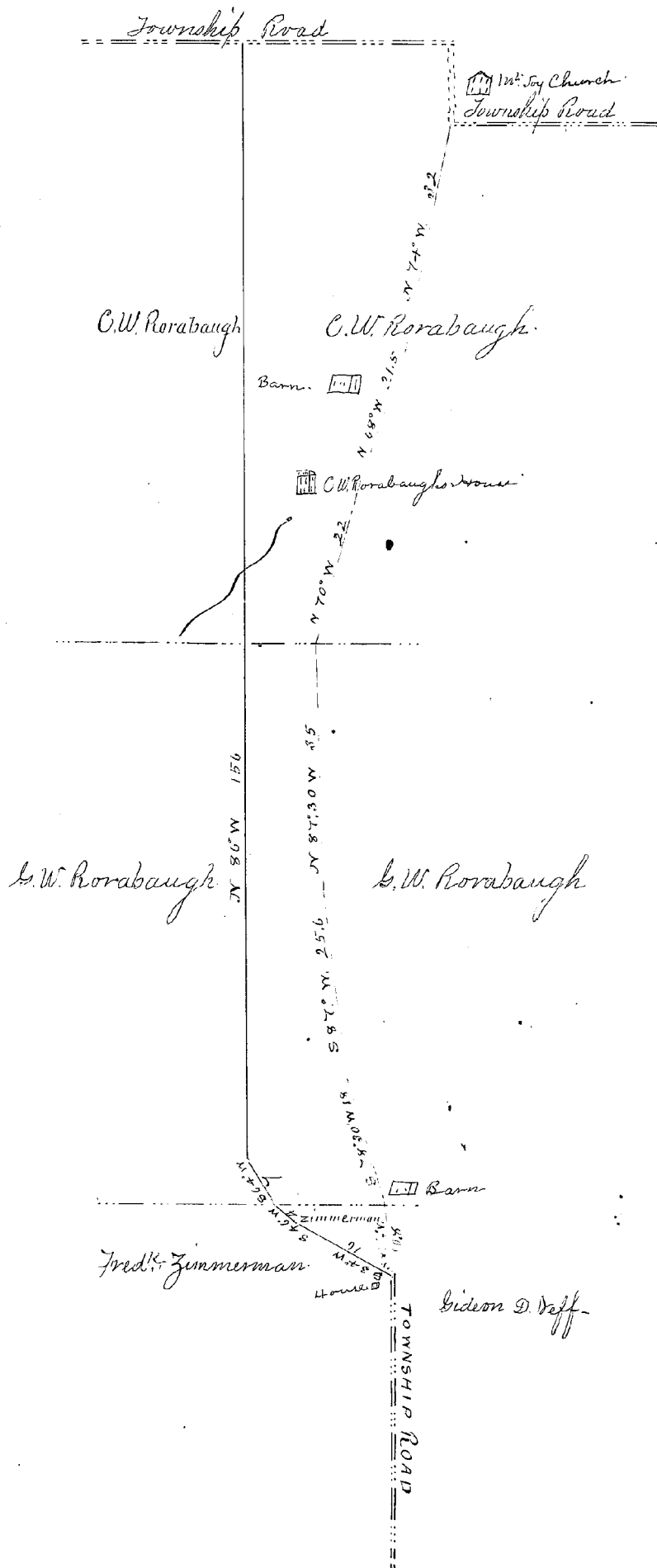
Now Dec. *Sep* 1891 Petition  
read and considered and *S. J.*  
*McBloskey, Austin Curry and*  
*James M. Gee, are*  
appointed Viewers, to view and  
report upon the propriety of  
granting said petition.

*By the Court*

ROLAND D. SWOOPE,  
Attorney and Counselor at Law,  
CURWENSVILLE AND CLEARFIELD, PA.

John C. Clark & Sons, 230 Dock Street, Philadelphia.

*S. J. McClellan*  
*Austin Curry*  
*James M. Gee*



To the Hon Judges of the Court of  
Quarter Sessions of Clearfield County.

We the undersigned Viewers, Appointed by the Within Order of Court. to View, Vacate and supply the Road therein mentioned, respectfully report. That having, given notice of the time, and place of meeting, according to the act of assembly, and being all present, at the View of the Road proposed to be vacated, and supplied, and being all sworn, or affirmed in pursuance of the said Order; we attended to the duties of our appointment. and do return the following Road. Viz: Beginning at a Post in the Township Road leading from "Mt. Grey" Church, to "five Points" Chest-Creek, near Gideon Neff's lane. and of Frederick Zimmerman. South thirty four degrees west; sixteen perches to a Post; Thence south forty six degrees west; four perches to a Post in land of G. W. Rorabaugh. Thence through his land, south fifty four degrees west. seven perches to a Post. Thence through land of the said G. W. Rorabaugh, and land of C. W. Rorabaugh. North eighty six degrees west. One Hundred and fifty six perches to a Post in the Township Road, near Charles C. Weaver's late Residence. Which said road as above described we are of opinion is necessary for

To a Post Thence through land of C.W. Korabaugh  
North seventy degrees west, Twenty two perches.  
North sixty eight degrees west. Twenty one &  
five tenths perches. North seventy four degrees  
west. Thirty two perches to the Township  
Road, at Mt Joy Church, in Burnside Tow-  
nship. This road, as aforesaid we are of opinion  
is not necessary for public use and we therefore  
declare it vacated.

Witness our hands the 8<sup>th</sup> day  
of April A.D. 1892.

L.J. McClosky.  
Austin Curry  
James McGee } Viewers

public use. a Plot or draft of which is hereto annexed.

And we are of opinion further that Frederick Zimmerman, through whose land the said road passes, is entitled to receive Twenty dollars (\$20.00) damage. And the said G. W. Korabaugh, through whose land the said Road passes, is entitled to receive Fifty dollars (\$50.00) damage. And the said C. W. Korabaugh, through whose land the said Road passes, is entitled to receive fifty dollars (\$50.00) damage.

That part of said road which is burdensome to the Taxpayers, and to the traveling Public, (being hilly, and very steep) is shown on the annexed draft in red ink. And is described as follows. Viz: Beging at the Post of beginning of the above described Road and running along the old road. Through land of G. W. Korabaugh. on line between Frederic Zimmerman, and Eideon S. Deff. South eighty seven and a quarter degrees west. Ten and eight tenths perches to a Post. Thence through land of the said G. W. Korabaugh. South seventy eight and a half degrees west. Eighteen perches. South eighty seven degrees west. Twenty five and six tenths perches. Thence north eighty seven and a half degrees west. Thirty five perches.

Clearfield County, ss.

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the day of Dec, A. D. 189/, before Judge of said Court, upon a petition of sundry inhabitants of the township of Burnside, in said county, setting forth that

*That they labor under inconvenience, for want of a public Road to begin at or near Gideon Neffs, land in Burnside Tp, to a point on the public Road leading from Mt. Joy Church to the Harmony Church, near the residence of the late Charles McBeaver in Burnside Twp,*

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, And Report to next Court whereupon the Court, upon due consideration had of the premises, do order and appoint S F McCloskey, Austin Gwinn & James McGee who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do the least injury to private property, and state particularly, whether they judge the same necessary for a PUBLIC or PRIVATE road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose lands said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated lands through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

A M Blooming

Clerk.

## 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, do and in consideration of the sum of ONE DOLLAR to us respectively paid by the ..... at and before the enrolling 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. 189 .

Seal

Seal

Seal

Seal

## ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To Frederick Zimmerman the sum of \$20-Twenty Dollars  
To G. W. Rorabaugh the sum of 50-Fifty Dollars.  
To C. W. Rorabaugh the sum of 50-Fifty Dollars.

Witness our hands this Eighth day of April, A. D. 1892.

J. F. McCloskey  
Austin Leury  
James McGee

NO. 7 *See* SESSIONS, 1891

ORDER

To view and lay out a road for  
Public use in the township of  
Quemada, Clearfield Co.  
May Sessions, 1891,  
 read and confirmed Ni. St.  
 Road to be opened 33 feet wide,  
 except where there is side hill,  
 cutting or embankment and  
 bridging, there to be 16 feet  
 wide.  
*By the Court*

Filed 15th *above*, 1892.  
 Fees \$1.25 paid by *Pat. & Leonard*

PUBLIC SIGHT PRINT.

*Remuneration filed on any other*

NOTE.—In case of a private road the release must be ex-  
 counted in favor of the petitioner for said road.  
 Also—Viewers will carefully note the number of days em-  
 ployed and set the amount out at the foot of their return.  
 Reviewers cannot interfere with damages assessed by the  
 original viewers, except so far as the location may be chang-  
 ed 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.

		AMOUNT.
<i>St. McElroy</i>	Days 3	
(Cut #1082)	Miles 2.1	\$14.10
<i>Austin Curry</i>	Days 1	
	Miles 3	2.30
<i>James McEe</i>	Days 1	
(Cut #1077)	Miles 2.	2.80
<i>James Lerman</i>	Days 1	
	Miles	1.50
<i>Chambers</i>	Days 1	
<i>Geo Lerman</i>	Miles	1.50

*Swope*