

No.

Dec

58

Term, 1891

Public Road

~~versus in~~

Burnside Township

Contents:

X

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~~:

On a Public Road in Burnside
Township 7-December Sessions 1891
To the Honorable David C. Sibley
President Judge of the Court of Quartered
Sessions of Clergy County
we the undersigned Citizens and tax
Payers of Burnside Township respectfully
remonstrate against the Confirmation
of the report of the Surveyor 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
run 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
Surveyor in this Case be not confirmed
and that said report be marked
refused

And they will ever pray etc.
C. W. Rondeau

J. W. Korabough
Limer. D. Scott
L. E. McCormick
J. H. A. Rockingham
Edward Abbott

W. H. Smith

John H. Smith
John H. Smith
John H. Smith

John H. Smith
John H. Smith
John H. Smith

John H. Smith
John H. Smith
John H. Smith

John H. Smith
John H. Smith
John H. Smith

two names on
other side

S. G. Gidley

Fred Zimmerman
T. J. Young
James S. Riddle
Ferry Terry
Edward Fulton
W. C. Deering
David Fulton
David Solley
Isaac Solley
George Motley
David P. Weaver
H. M. Fry
L. R. Sneed
W. S. Mardis
S. M. Brickley
John McCardell
H. S. Selders
O. Mills Sneed
H. B. Sneed
David Lloyd
Isaac Anderson
Samuel Wagoner
Covarley McCardell
A. P. Terry
John R. Gidley
Daniel Terry
John Bennett
Emerson
H. Holloman

A. E. Roland
O. S. Bee
John McSwain
Geo. McLean
W. L. Boyce
Wm. Somerville
G. H. Moore
Joseph P. McKee
J. C. Johnson
Dolan Deering
James E. Gidley

Mr. J. Kee. Session 1921.

To view and copy out a copy
in Brumfield Journal.
Recall and supply.

Demonstrance.

John
C. Brumfield
1921 Oct 1922

Yellow

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. Tug
D. P. Weaver
John Lee
Gideon D. Neff

N. B. Young
A. W. Byers

David Sutton
Ashrod Bennett
James Chapman
Jacob Bennett
P. G. McQuarrie
Isaac Sayler
William Wilson
Samuel Trope C
Isaac Solley

C
S. T. McElroy
Austin Curry
James McGee

No 7 Dec. Sess. 1891.

Petition

To vacate and supply road in
Burnside Township.

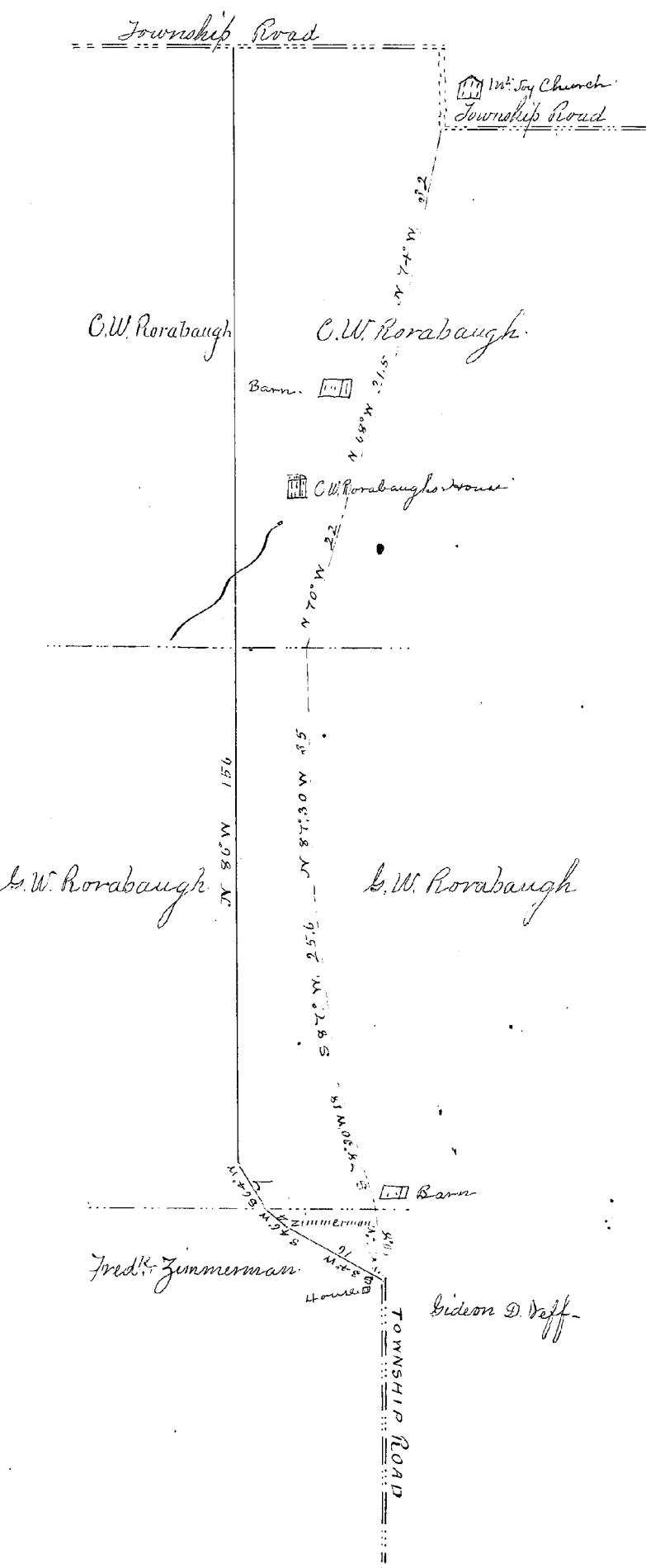
Filed

Now Dec. 7th 1891 Petition
read and considered and S. T.
McElroy, Austin Curry and
James McGee, are
appointed Viewers, to view and
report upon the propriety of
granting said petition.

By the court

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

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



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

We the undersigned Viewers, Appoin-
ted by the Within Order of Court, to View,
Vacate and Supply the Road Therein Men-
tioned, 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 fol-
lowing Road. Viz: Beginning at a Post
in the Township Road leading from "Mt. Joy"
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;
Hence South forty six degrees west; four per-
ches to a Post in land of G. W. Rorabaugh. Hence
through his land, South sixty four degrees west.
seven perches to a Post. Hence 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. Rorabaugh-
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 Town-
ship. This road, as aforesaid we are of opinion
is not necessary for public use and we therefore
declare it vacated.

Witness our hands the 8th day
of April A.D. 1892.

B. J. McClosky.
Austin Bunn
James M. Geeson } Viewers

public use. A Plot or draft of which is here-
unto 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. Rorabaugh, through whose land
the said Road passes, is entitled to receive
Fifty dollars (\$50.00) damage. And the said
C. W. Rorabaugh, through whose land the said
Road passes, is entitled to receive fifty dollars
(\$50.00) damage.

That part of said road which is bur-
dened to the Taxpayers, and to the traveling
Public, (being hilly, and very steep) is shown
on the annexed draft in red ink. And is de-
scribed as follows. Viz: Beging at the Post of be-
ginning of the above described Road and run-
ning along the old road. Through land
of G. W. Rorabaugh. on line between Freder-
ick Zimmerman, and Gideon St. Jeff. South eighty
seven and a quarter degrees west. Ten and eight
tenths perches to a Post. Hence through land of
the said G. W. Rorabaugh. South Seventy eight
and a half degrees west. Eighteen perches. South
eighty seven degrees west. Twenty five and six
tenths perches. Hence 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. 1891, 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 Neff's land in Burnside Twp, to a point on the public road leading from Mt. Joy Church to the Harmony Church, near the residence of the late Charles Colbeaver 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 J McCloskey, Austin Lowry & 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, o and in consideration of the sum of ONE DOLLAR to us respectively paid by the 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. 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. M. Clark
Austin L. Clark
James McGehee

NO. 7 See SESSIONS, 1891.

ORDER

To view and lay out a road for

Public use in the township of
Pennsade, Clearfield Co.

Major Sessions 1891, ~~1892~~ ¹⁸⁹² ~~1891~~ ¹⁸⁹²

read and confirmed Mr. Si.

Road to be opened 33 feet wide,
except where there is side hill,
cutting or embankment and
bridging, there to be 16 feet
wide.

Re McCourt

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. Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed.
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.

S. T. McElroy } Days 3 Miles 21 ~~14~~ 10

Austin Curry } Days 1 Miles 3 2.30

James Magee } Days 1 Miles 8 2.80
(Cut ~~1000~~)

James Linnan } Days 1 Miles 1.50

Chammon } Days 1 Miles 1.50
John Cormier

Filed 15th April, 1892
Fees \$1, paid by John Cormier

Public Square Print.

Sworn