

No. 9, Sept Sessions, 1905

~~COMMONWEALTH~~

~~versus~~

Public Road in
Barnside Loop End
New Washington Road

Charge

X

WILLIAM I. SWOPE,
District Attorney.

In the Court of Quarter Sessions of the County
of Clearfield, Penna.

In Re Public Road } No 9 Sept 20 1902
in New Washington } Road
Borough + Bernside Twp } }

Now 6th Dec A.D. 1902, John F. Gallagher
and other citizens of New Washington Borough
and of Bernside Township, by their attorney
Singleton Bell file the following exceptions.

- 1st The termini of the proposed road are not sufficiently described in the petition.
- 2nd The proceedings expired by limitation of law and the order of Sept. 16th, 1902 was powerless to enable the view to act subsequently.
- 3rd The report and attached draft do not set out the supposed lands through which said road passes.
- 4th The time of holding of said view is not stated in the report.
- 5th That proper legal notice of the view was not given.

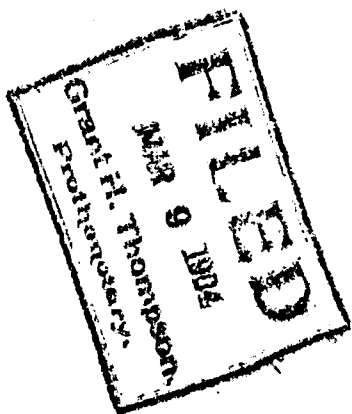
Now 9th March AD 1904, Exceptants file the further
 Exception that the course of the road as set out
 within the plot does not agree with that shown by
 the draft.

Singhlu Bee
 exceptants ally

No 9 Sept 20 1902

Road

Exceptions.



Chief

It is certified that the above names with the
 names above not in conformity.
 Singhlu Bee
 exceptants ally

Singhlu Bee
 ally of F. H. Thompson
 others

6th That the proceedings are irregular and
 illegal

In Re

Public Road

in

Burnside Loop

New Washington Borough

No. 9 Sept AD 1902

Now, 5th April AD 1904, by agreement of Counsel, on account of variance between the report and the draft, the report is re-committed to the views, the exceptions to stand until the case is disposed of on the merits.

By the Trust

William D. Smith

af

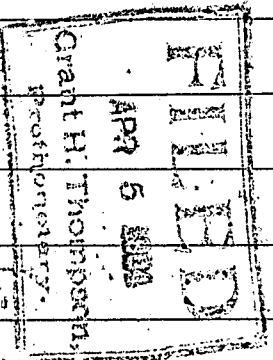
No 9 Sept 20, 1902

Little Rock

in

Bermuda Islands

Order Re Committing



To the Honorable Cyrus Gordon, Judge of the Court of Common Pleas of the County of Clearfield.

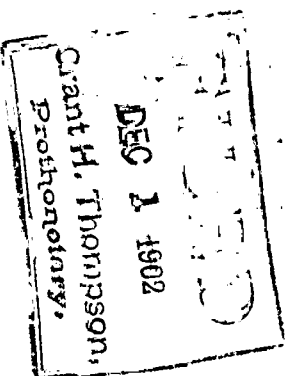
The petition of the subscribers, citizens of the borough of New Washington in the said county respectfully represent;- That a public road has been lately laid out by order of the Court leading from a point near the Methodist Episcopal Church in said borough to a point in Burnside township near John Lee's lane; that the said road runs nearly parallel with a public road now opened and in use many years from the same point to the same point in Burnside township, and that the distance from the point in New Washington where the road so laid out starts to the point at Lee's lane is is but little, not supposed to be over one fourth of a mile; your remonstrators represent that the road if confirmed would be a serious burden on the tax payers of the borough of New Washington, and that they feel that they are unable to pay the expense necessary to open said road, and that it would (if opened) not benefit any of the tax payers except those having a pecuniary interest in the coal mines near the point in Burnside township; your remonstrators there urge, and pray the Court not to confirm the the said road. And they will pray.

{ Jno. H. Cummings, Councilman.
C. H. Mahaffey, Councilman.
J. F. Gallaher, Pres.
Irvin C. Haag, J. C. Rorabaugh
Mary H. Murray, Jeff. Trostle, Councilman.
Jm. Keith
B. Mitchell
Simon Shesley
J. R. McMurray
Dr. C. Kirk
E. W. Shesley
W. H. Warner
Adam Beeth
L. W. Gallaher
John Haag
L. S. [Signature]

Chas. H. Calver
J. W. Riddle
Phin Hutton

No 9 Sept. 1902
Rosa New York
in Borough.

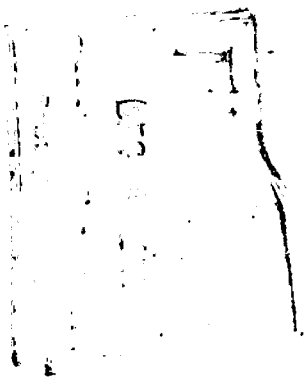
Reverend



Recd

No 9 Sept Nov 1902
Purd
Road in Burnside town
Ship.

Burnside



Bees

To the Honorable Cyrus Gordon, Judge of the Court of Quarter Sessions of the County of Clearfield.

The petition of the undersigned, inhabitants of the borough of New Washington and vicinity, and of the township of Burnside in said county, respectfully represents: That your petitioners labor under great inconveniences for want of a public road or highway, to lead from a point on Church street, (First Street) in the said borough of New Washington to intersect with the public road leading from Ja. Jose Pa. to Hutton's cross-roads in Burnside township at, or near Clearfield Colliery No. 1.

Your petitioners therefore pray the Court to appoint proper persons to view and lay out the same. And they will ever pray.

Robt V Armstrong James G. Ruffner
Adam Beeth Wm Selders
B Kimble
W. J. Beatty Wm Carter

C. C. E. H. H. H.

B. F. Rymer,

J. O. Young.

Jas. H. Cummings.

Jas. C. Purdon

Mary M. Murray

T. B. McMurray

Edith Mahaffey

A. L. Rowe

J. T. Fleming

Simon Shultz

T. W. G. Stricker

M. Hebel

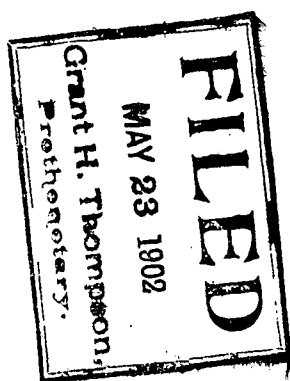
Thomas Mahaffey

Now Sept 16th 1902, former of viewee
enlarged and continued to Dec Term 1902.

By the Court
Cyrus Gardner
P2

Sept. 9th 1902
Cable Road Mc
New Washington
Borough with
Barnstable St.

Rehiring



KELLEY
Attorney at Law,
Granfield, Pa.

Now May 23 1902, Rehiring read and considered
and the Court affords

S. F. McDoskey And J. H. Byers & Jacob B. Beth viewee
to view the proposed road site and
make report at Sept Session 1902.

W. B. Balth B.
33405 P

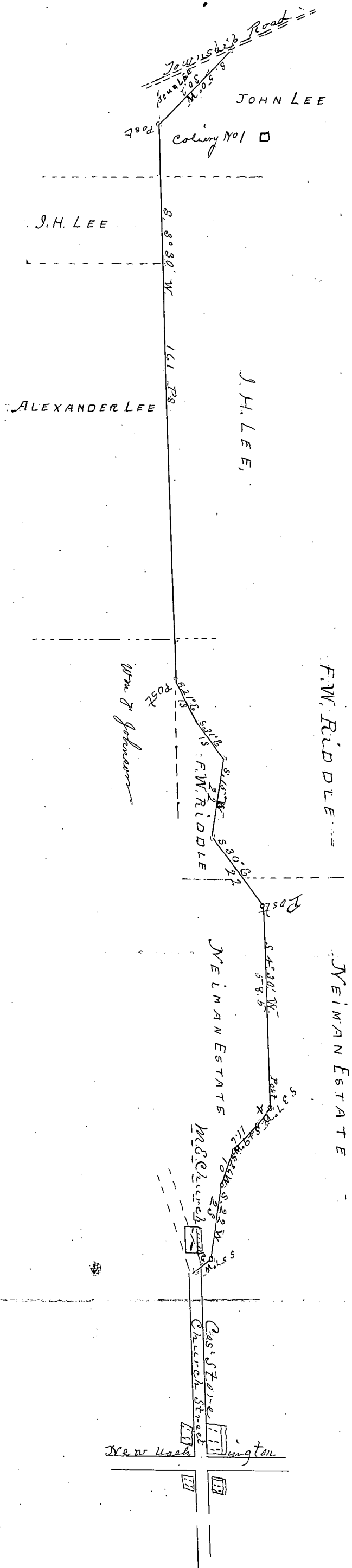
1

To the Hon Judges of Court of quarter Sessions. We the undersigned Viewers appointed by the within Order of Court, to view, and lay out 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 ground proposed for the said road, and having all been sworn, or affirmed in pursuance of the said Order of Court. We have viewed and laid out the following road: *Viz*, Beginning at an Iron Bolt driven in the ground in the middle of the Township Road leading from La. Jose to Huttons Cross Roads, by a flat Rock in land of John Lee. and running through his land, South fifty degrees West, Thirty, and two tenths perches, to a Post, in the west line of the John Stone Survey. Thence along the line between the said John Lee and Isaac H. Lee. South four, and a half degrees west, one Hundred and sixty One perches. to a Post in the line between J. W. Riddle and Gallaghers Estate now William J. Johnson. Thence through land of J. W. Riddle, South twenty one degrees East, Thirteen perches. South Thirty One degrees East. Thirteen perches. South Fifteen degrees West, Twenty two perches. to a Post. Thence still through the same, and land of Reuben Meiman's Estate South Thirty degrees East. Twenty two perches to a Post, Thence through the same South four degrees and thirty Minutes West, fifty Eight, and five tenths perches. to a Post. Thence South thirty seven degrees West, four perches. South forty nine degrees West, Eleven, and six tenths perches. to a Post. South Twenty six degrees West Ten perches to a

Post. Thence through land of the same, South twenty two degrees west, Twenty three perches to a Post. Thence by the same South Fifty Seven degrees west five perches to a Post in the Centre of Church Street in New Washington Boro. Fifty three and eight tenths perches from the Black Oak corner of John Stone Survey. A Plot, or draft whereof is hereunto annexed. Which said road, as aforesaid laid out, we are of opinion, is necessary for Public use.

Witness our hands, the twenty fourth day of
September A. D. 1902.

B. F. McCloskey.
Jacob A. Breth } Viewers
J. W. Byers. }



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 23 day of May, A. D. 1902, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Burnside^{2nd}

Bor. of N. Washington in said county, setting forth that your petitioners labor under great inconvenience for want of a public road or highway to lead from a point on Church Street (First Street) in the said borough of New Washington to intersect with the public road leading from La. Jose Pa. to Suttons Cross Roads in Burnside Twp. at or near Clearfield Colliery No. 1

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, and report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint J. McCloskey, J. W. Byers 3rd and Jacob Breth 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 view and lay out 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 land 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 land 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.

Grant H. Thompson
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 for and in consideration of the sum of ONE DOLLAR to us respectively paid by the..... at and before the ensembling 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. 190.....

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 William F. Johnson	the sum of Five Dollars	\$5.00
To John Lee	the sum of Ten Dollars	\$10.00
To Isaac H. Lee	the sum of Ten Dollars	\$10.00
To F. W. Riddle	the sum of Twenty five Dollars	\$25.00
To Reuben Neiman's Heirs	the sum of Fifty Dollars	\$50.00

Witness our hands this 24th day of Sept. A. D. 1902.

S. F. McCloskey

J. W. Byers

Jacob A. Brath

No. 9 Sept. Sessions, 1902
ORDER

To view and lay out a
 road for public use in the
 township of Summit & New,
Washington Co. Idaho,
Clearfield County

Nine Sessions, 1902,
 read and confirmed Ni. Si.
 Road to be opened 33 feet
 wide, except where there is
 side hill cutting or embank-
 ment and bridging, there to
 be 16 feet wide.

By the Court
Cyrus Smith

Filed 1902

SEP 29 1902
 Fees \$1.25
 Grant H. Thompson

Notary Public

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 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.

<u>Ed. McElvick</u>	<u>238</u>	Days 2	Amount
<u>Ed. McElvick</u>	<u>45</u>	Miles	\$12.50
<u>Wm. Bayne</u>	<u>238</u>	Days 1	
<u>Wm. Bayne</u>	<u>20</u>	Miles	\$2.20
<u>Frank A. Bennett</u>	<u>238</u>	Days 1	
<u>Frank A. Bennett</u>	<u>20</u>	Miles	\$2.20
<u>Frank A. Bayne</u>	<u>238</u>	Days 1	
<u>Frank A. Bayne</u>	<u>20</u>	Miles	\$1.50
<u>Walter C. McManis</u>	<u>238</u>	Days 1	
<u>Walter C. McManis</u>	<u>20</u>	Miles	\$1.50
<u>J. J. Howell</u>	<u>238</u>	Days 1	
<u>J. J. Howell</u>	<u>20</u>	Miles	\$2.20
			1.50