

No. 9, Sept. Sessions, 1905

COMMONWEALTH

versus

Public Road in
Benside Twp End
New Washington Board

Charge

X

WILLIAM I. SWOOP,
District Attorney.

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

In Re Public Roads No 9 Sept 22 1902
in New Washington Road
Borough & Burnside Twp

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

RS The termini of the proposed road are not suffi-
ciently described in the petition.

2^o The proceedings expid by limitation of law
and the order of Sept. 16", 1902 was poronles
to enable the owners to act subsequently.

3^o The report and attached draft do not set out the improved lands through which railroad passes.

4 The time of hollowing of sand were not stated
see the report.

5^o That proper legal notice of the crew was not given.

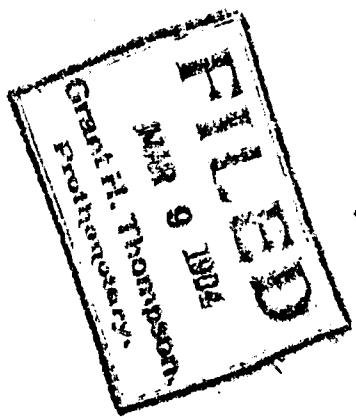
Now 9th March 1904, exceptants file the further
exception that the centre of the road as set out
in the report does not agree with that shown by
the draft.

Sieglin Buel
exceptants ally

Mar 9 Sept 1903

Road

Exceptions.



copy

the following
are computing
the progress of the
work in view of the following
order
and the following
are computing
the progress of the
work in view of the following
order

In Re
Public Road
in

Burnside Lwp
Newark in the Borough

S No. 9 Sept 25 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 review,
the exceptions to stand until the case
is disposed of on the merits.

By the Clerk
Wilson D. Smith
P.S.

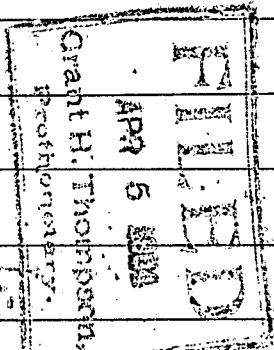
no 9 Sept 1912

Public Law

no

Bureau of Internal Revenue

Order ReCommitting



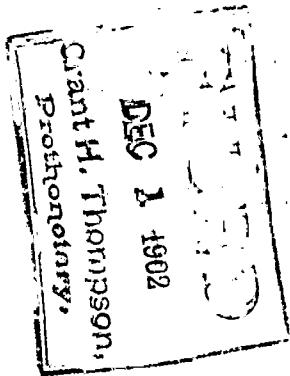
To the Honorable Cyrus Gordon, Judge of the Court of Common Pleas of the County of Clearfield.

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 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.

(Irv. H. Cummings, Councilman.)
C. H. McHugh Councilman
J. T. Gallaher Pres. =
Irvin Haag J. C. Robabough
Mary H. Murray Jeff Frost, Councilman
John Heath
L. B. Mitchell
Simon Shesley
J. R. Mc Murray
Dr. C. Kirk
G. W. Shesley
W. H. Warner
Adam Breth
L. W. Gallaher
John Haag
L. S. Goffeller

no 9 John Ferguson
Row
Roslyn New York
Long Island.

Rememberance



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 township of Burnside in
the County of Clearfield respectfully represent; That a public road has
been lately laid out by order of the Court leading from near the Metho-
dist Episcopal Church in New Washington Borough to a point near John Lee's
lodge in Burnside township; that the said road runs nearly parallel with
a public road now opened in use from the said Borough of New Washington
to the same point as the road viewed, the distance of the two roads be-
ing nearly equal, at least so by not over one fourth of a mile, and that
road if confirmed would be a serious burden on the tax payers of the said
township, and that it would be of no use to your petitioners whatever.
Your petitioners therefore remonstrate against the confirming of the
report of the viewers, And they will pray.

W. S. Graddis T. J. Hutton

McElvin Wilson

J. J. Meekley

John A. Gallatin

Wm. Watterson

H. B. Morrison

J. O. Johnson R. J. Meekley

R. Burrow

James B. White

J. S. Wilson

H. S. Mitchell

W. V. Wilson

Thomas Meekley

E. J. Hutton

W. A. Johnson

David Grader

E. H. Gee

Isaac H. Gee

Leslie Lee

Jasper R. Lee

Thomas Rauffmon

No 9 Sept 1890
Dined
Rasme Burnside Jones
8th.

Remmick

Beek

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 La. Jose Pa. to Hutton's cross-roads in Burnside township at, or near Clearfield Colliery No. 1.

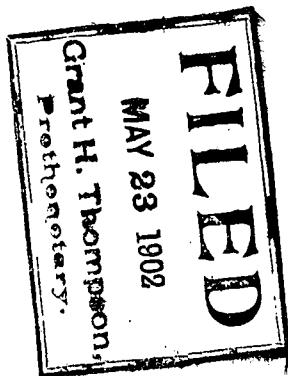
Your petitioners therefore pray the Court to appoint proper persons to view and lay out the same. And they will ever pray.

Robt V Armstrong James G. Ruffus
Adam Breth Wm Selders
Kimbble
W. Beatty Wm Carter

C. Cathtrice
R. F. Byrne,
J. Young,
Geo. W. Cummings.
Jas. C. Pardon

Mary M Murray
T. R. McMurray
Edith Mahaffy
A. L. Rose
J. T. Fleming
Simon Shesler
T. W. Ostriker
W. Hebel
Thomas Mahaffy

Now Sept 16th 1902, power of review
enlarged and continued to the Term 1902.
By the Court
Cyrus George Jr



KELLEY
Attorney at Law,
Granfield, Pa.

Sect. 9. May 23, 1902
On the Road in
New Washington
Borough and
Unionville Twp.

Rehlin

Now May 23 1902, Rehlin read and considered
and the Court affords
S. S. McDooley and J. H. Boyer & Fader Bach review
to view the proposed road site and
make report at next Session 1902.

W. Ball B.
334058

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 the Buttons 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. Hence 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. Hence 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. Hence still through the same, and land of Ruben Neiman's Estate, south thirty degrees east, twenty two perches to a Post, Hence through the same south four degrees and thirty minutes west, fifty eight, and five tenths perches, to a Post. Hence 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 land out, we are
of opinion, is necessary for Public use.

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

B. T. McClosky
Fac't of a. Breth, Vieners
J. W. Beyers

F. W. RIDDLE

REIMAN ESTATE

New Wash ington

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 and Boro. 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 Rose Pa. to Sutton's Cross Roads in Burnside Twp. at or near Coalfield 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 A. McCloskey, J. W. Byers 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 to 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.

Frank 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 ensealing 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:

William T. Johnson	the sum of Five Dollars	\$5.00
To John Lee	the sum of Ten Dollars	\$10.00
To Isaac T. Lee	the sum of Ten Dollars	\$10.00
T. W. Riddle	the sum of Twenty five Dollars	\$25.00
To Reuben Deemans Heirs	the sum of Fifty Dollars	\$50.00

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

B. T. M. Glosky

J. W. Bryant

Jacob A. Bentz

No. 9. Sept. Sessions, 1902

ORDER

To view and lay out a road for public use in the township of Orange, Pa., Washington, Clearfield County.

RECE Sessions, 1902,
read and confirmed N. 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 Clerk
Cyrus Surveyor

NOTE:—In case of a private road, the release must be executed in favor of the proprietor 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.

FILED 1902
S. H. M. G. 23885 Days 2

Walter C. McMurtry 23885 Miles 45 \$12.50

J. W. Byers 23885 Miles 2 \$2.00
Jacob A. Barth 23885 Days 1 Miles 2 \$2.20

J. W. Byers 23885 Miles 1 char. 23885 Days 1 char. 23885 Miles \$1.50

Walter C. McMurtry 23885 Miles \$1.50

J. G. Boose 23880 \$2.00 1/100

FILED	1902
Filed	
1902	
Fees \$1.25	Paid by James H. Kelly
Grant H. Thompson	Prothonotary