

No. 4 , May Sessions, 1905

COMMONWEALTH

VERSUS

Private Road  
in  
Burnside Twp.

Charge

WILLIAM L. SWOOPÉ  
DISTRICT ATTORNEY.

Jno M Key

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

In re view to lay out private	No. 4, May Sessions 1905.
Road in Burnside Township,	of said court.
Clearfield County, Pennsylvania.	

The petition of the CAMBRIA & CLEARFIELD RAILWAY COMPANY,  
respectfully represents:

1. That it is the owner of certain premises in Burnside Township on which it has constructed and is operating the main line of a steam passenger and freight railroad.

2. That it is informed your Honorable Court on the 11th day of September, 1905, in the above entitled case, directed that a private road be laid out over the said premises, crossing at grade the said mainline of its said railroad; that said road is not yet constructed over its said railroad.

3. That it has never had notice of the view made in said case by J. S. McCreery, Charles B. Patrick and John Stauffer, or of any other proceedings therein.

4. That the report of the viewers in the said case does not show that any notice of said view was given your petitioner; and does not show that any damages were assessed or paid to your petitioner for the portion of said road crossing your petitioner's premises; and does not show that any release of damages was obtained from your petitioner; and does not show that no damages were sustained by your petitioner, if such is the fact; and does not show that said road goes through premises belonging to your petitioner.

5. That your petitioner will suffer greatly by reason of the establishment of a grade crossing at said point, and said private road is a detriment to it and not in any way a benefit.

6. That the draft submitted with the report of said viewers is irregular and incomplete in that it does not show the character of the land through which said road passes and does not show the courses of said road.

2.

7. That the said road is not necessary to the convenience of the petitioners and Stephen Zahurskie.

8. That the said viewers contrary to law met, viewed the said road, laid out same and reported during the same term at which they were appointed.

9. That a part of said private road is laid out over a public road already in existence.

Wherefore your petitioner prays that the confirmation of the report of the said viewers and the direction of the Court to open said road be stricken off and these exceptions to said report be heard as if filed in due time, and that the court allow these exceptions to be filed nunc pro tunc as of the proper time for filing same.

CAMBRIA & CLEARFIELD RAILWAY COMPANY

By

yc

*E. J. Cleave*

Superintendent.

Cambria County Iss:

E. J. Cleave, being duly sworn deposes and says that he is the Superintendent of the said Cambria & Clearfield Railway Company, a Pennsylvania corporation, and that he is in charge of that portion of said railroad over which said private road is projected; that the facts set forth in the above petition are correct and true to the best of him knowledge, information and belief.

yc *E. J. Cleave*

Sworn and subscribed before me this  
18<sup>th</sup> day of October, A.D., 1905.

Witness my hand and official seal.

*James P. Conley*  
Notary Public  
Commission expires March 8<sup>th</sup> 1909

By the same  
William A. Smith

Device accepted, see  
back of cover

New Oct. 21st. 1905. (Accept arrival of the northern mail  
for Hutchinson and native appearance of same.)  
John M. May.

TO THE HON. ALLISON O. SMITH,

JUDGE OF THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

-:-:-:-:-

The petition of the undersigned qualified voters of the Township of Burnside, County of Clearfield, and State of Pennsylvania, respectfully represents that Stephen Zahurski labors under great inconvenience owing to there being no road or way of ingress and egress to, and from his residence in said Township to the public road leading from Burnside to Glen Campbell. Your Petitioners therefore pray that Viewers be appointed to view, lay out and assess the damages for a private road from the dwelling house of the said Stephen Zahurski to said public road leading from Burnside to Glen Campbell where the same crosses the County line between Clearfield and Indiana Counties, and they will ever pray.

Names.

Ernest E. Huffman  
J. I. McQuilkin  
J. P. Dowler  
John L. Foggatt  
David Foggatt  
Jas. A. Martin  
Otis W. White

Names.

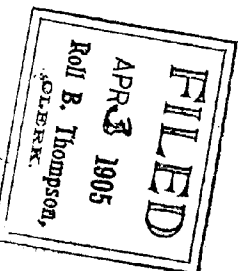
Fred J. Miller  
George E. Miller  
George Wright  
Jack Wright  
William Stancombe  
Zahurski Stefan

Dec. 4 May 28. 1905

Seton for private  
Kendall - Pennell  
Joanna Smith.

(New York, 3 1915)  
 Dear Mr. Garrison,  
 Received and considered  
~~your~~ ~~of 11/10/15~~  
 your letter of  
 11.03. Outside  
 I. I. M. Clerk  
 are informed (in some)  
 to review and have  
 and appear in court  
 and you may do so  
 and make report to  
 the pt. term of Court.

By the Clerk  
Almon Smith  
By -



To the Honorable Alison D. Smith  
President Judge of the Court of  
Common Pleas of the County of Char-  
field now composing a Court of  
General Quarter Sessions of the Peace in  
and for said county.

The petition of divers inhabitants of  
Burnside Township in said County  
respectfully sheweth.

That a private road long since  
granted to one Steven Zakowski to be  
an outlet for him from Penn. P.R.  
right of way to Township road near  
and between lands of Jos. Sunderland  
and Emory Hufferdun together with  
Frank Volinski, has become use-  
less by reason of said P.R.  
not granting crossing and said  
Steven Zakowski obtaining outlet  
by another way. We your petitioners  
do petition & Pray Your Honor  
to revoke said order for opening  
said road and issue a new  
order to vacate same and we  
will ever pray.

John Hoogstra

Allen S. Hoogstra

John H. Patchin

John McKopp

A. B. Shepherd

John S. Hoogstra

John Young

David, Fort

Daniel Gulton

J. J. K. Hoogstra

S. A. Campbell

A. P. Hoog

S. M. Hoogstra

J. E. Jolley

P. E. Smith

John McCondlus

Wm H Campbell

E. B. Patchin

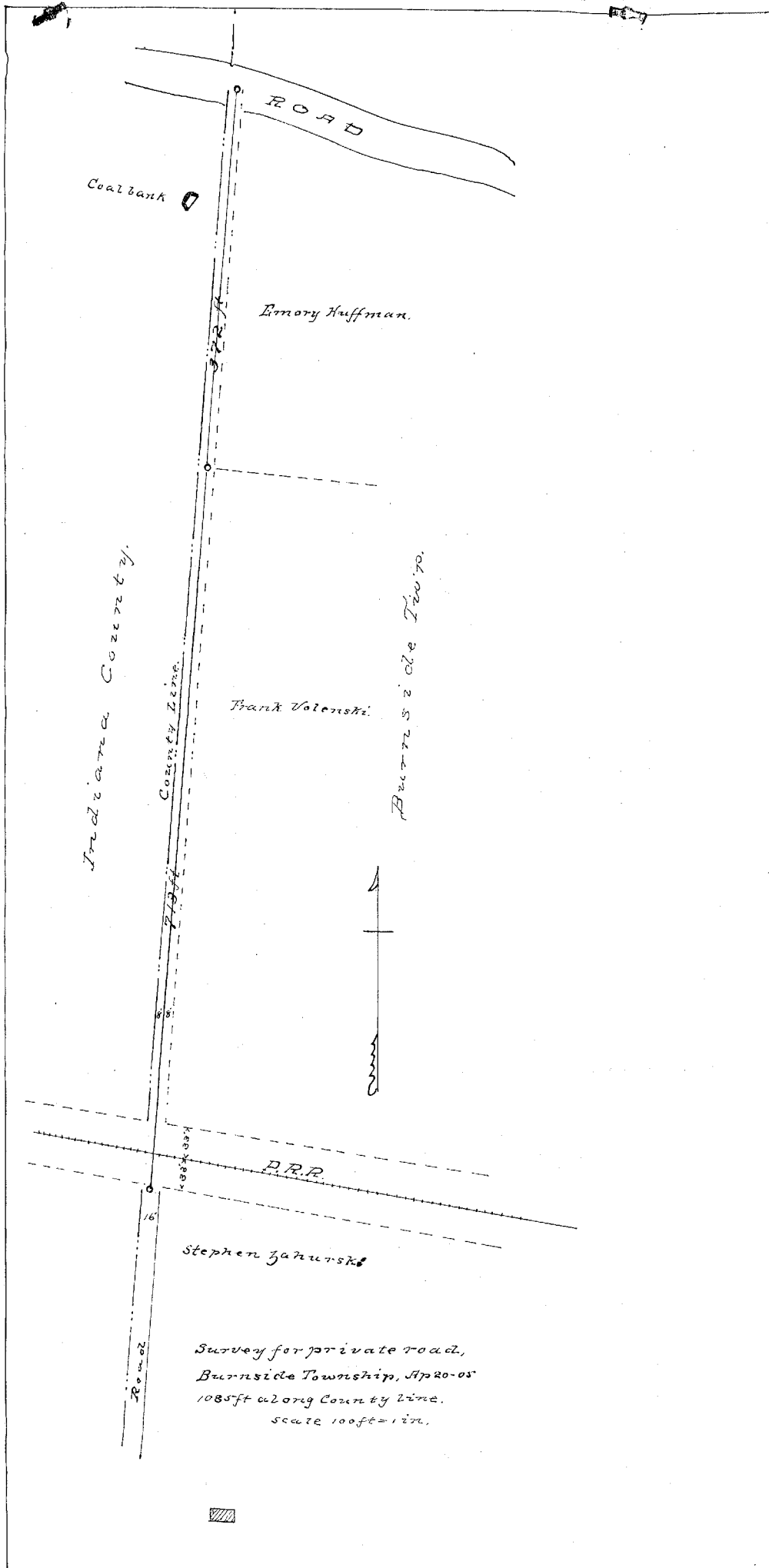
en re brate  
Road in  
Bumside deep.

Pelton & Maco

From April 2, 1906  
The corporation  
The road having been  
ordered by the  
Michigan road  
and will be taken  
out immediately  
my final judgment  
the corporation will  
By the Court  
William D. George

William D. George





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 3 day of April, A. D. 1905, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Burnside, in said county, setting forth that

Stephen Yahurski labors under great inconvenience, owing to there being no road or way of ingress and egress to and from his residence in said Burnside Township to the public road leading from Burnside to Glen Campbell. your petitioners therefore pray that Viewers be appointed to view, lay out and assess the damages for a private road from the dwelling house of the said Stephen Yahurski to said public road leading from Burnside to Glen Campbell where the same crosses the County line between Clearfield and Indiana Counties.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Report to May Term whereupon the Court, upon due consideration had of the premises, do order and appoint J. S. McEvers, John Stauffer, C. B. Patuck 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 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~~ 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.

Roll B. 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.

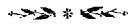
Witness our hands and seals this ..... day of .....  
A. D. 190.....

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 *Frank Valiusti* the sum of *Five dollars* *Del*  
To *Emory Huffman* the sum of *Two* " *Pa*  
To ..... the sum of .....

Witness our hands this *20* day of *April* A. D. 190*5*.

*J M Truitt*  
*C B Patric*  
*John Stauffer*

Burnside 4/20/1905.

We the undersigned Viewers appointed by the Court, having this day met as per notices legally served and posted, and being duly sworn according to law, proceeded to view proposed private road, and finding such a road very much needed, and in part already open to travel, proceeded to lay out the same as follows.

Beginning at a point on the County line between Clearfield and Indiana County, and being the corner of Stern Zolinski, and the south line of right of way of the P.R.R. East along said right of way 8 ft for center of road, thence at 8 ft from County line N.  $4^{\circ}43'$  East through Frank Zolinski, 713 ft to Emory Huffman line, through same + same being 372 ft to center of public road, all being in Burnside Twp Clearfield County Pa. All damage being assessed and paid. We recommend the granting of petition for said private road, 16 ft in width.

J. M. Green }  
C. B. Patrick } Viewers  
John. Stouffer }

Given Sept. 11<sup>th</sup> 1905, Report of viewers continued  
 absolutely and it appearing from said report  
 that all claims have been paid, the petitioners,  
 we have and arrange and directed to  
 their said road sixteen (16) feet wide and  
 fence and keep the same in repair.  
 By the Court  
 Almon S. Smith

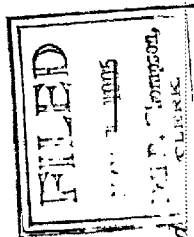
# Order to View

No. 4 May Sessions, 1905

## ORDER

To view and lay out a  
 road for Quail use in the  
 township of Burnside,  
 Clearfield County

May Sessions, 1905,  
 read and confirmed N. S.  
 Road to be opened 6 feet  
 wide, except where there is  
 side hill cutting or embank-  
 ment and bridging, there to  
 be 16 feet wide. The Court  
Almon S. Smith



Filed July 11, 1905

Fees \$1.25 paid by Geo. M. May

May atty

NOTE.—In case of a private road, the  
 in favor of the petitioner for said road.  
 Also—Viewers will carefully note the num-  
 and set the amount out at the foot of their report.  
 Reviewers cannot interfere with damages as-  
 nal viewers, except so far as the location may be  
 reviewers.  
 N. B.—If the viewers believe the parties are not enti-  
 ages, taking into consideration the advantages as well  
 disadvantages of the road, they will report to that effect.

<u>Geo. M. May</u>	Days 2	8.00
	Miles 25	2.50
		10.50
<u>Chas. B. Batine</u>	Days 1	2.00
	Miles 2	2.00
		2.00
<u>John M. Stauffer</u>	Days 1	2.00
	Miles 2	2.00
		2.00
	Days	
	Miles	
	Days	
	Miles	