

No. 4, May Sessions, 1905

COMMONWEALTH

versus

Private Road
in
Benside Twp.

Charge

WILLIAM L. SWOOP,
DISTRICT ATTORNEY.

Jas M. Keay

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 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

me E. J. Cleave
Superintendent.

Gambria 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.

me E. J. Cleave

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

Witness my hand and official seal.

James P. Conley
Notary Public
Commission expires March 8th 1909

Nov 19th 1905 Rule
to strike off confirmation
made absolute. & everything
to appear immaterial to the
filled time from time
as proposed for.

By the Compt.

William D. Smith

No. 4. May 55. 1905.

In re private road
in Burnside Township.

Petition to strike off confirmation and allow exceptions
to be filed nine months

Nov 21st 1905
a rule is granted on
the petitioners and other
persons interested to show
cause, if any, why the
proposed rule of the petitioners
should not be granted
Rul. to next Term.
By the Compt.
William D. Smith

William D. Smith
Attala Co. Petitioner

Demise accepted, see
back of cover.

From your affec son
John W. D. Smith
Attala Co. Petitioner
Nov 21st 1905
Dear Mr. D. Smith
I have the pleasure to inform you that the
Court of Appeals has rendered its judgment in
your case. The court has held that the
rule you proposed is valid and should be granted.
I hope you will be satisfied with this decision.

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.

Emory E Huffman
J. W. McQuirk
J. P. Dowler
John Froggatt
David Froggatt
Jas. A. Martin
Otis W. White

Names.

Freel Miller
George Miller
George Wright
Jack Wright
William Stancombe
Zahurski Stefan

Apr. 4 May 1905

petition for divorce
Kendall - Burnside
to own self.

Mar 3 1905 the
within petitioner
bevined stand considered
~~other as attorney~~
John Stannifer

C. O. Patrick

J. S. McElroy
are appointed attorney
to advise and to
and appear the petitioner
and make what to
the best interest of. Do not
any other than

At the time
Alfred O. Smith

(D)

FILED

APR 3 1905

Roll B. Thompson,

CLERK.

To the Honorable Alison Smith
President Judge of the Court of
Common Pleas of the County of Beaver-
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 privilege not long since
granted to one Stevan Lukowski to be
an outlet for him from Penn. R.R.
right of way to Township road near
and between lands of Jos. Sunderland
and Emery Huffnagel together with
Frank Volniski, has become use-
less by reason of said P.R.R.
not granting crossing and said
Stevan Lukowski obtaining outlet
by another way. We your petitioners
do petition to 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 Foggia

Albert S. Foggia
John H. Patchin
John M. Kopp
A. C. Shepard
H. S. Foggia

John Foggia
Daniel Foggia
Daniel Fulton

J. F. Foggia

S. A. Campbell
G. P. Gray
J. M. Foggia
J. C. Foggia
P. E. Smith
John McConell
Wm H. Campbell

C. B. Patchin

In re Burdett

Prob in

Burke's Chancery

Petition to Vacate

in re Burdett

Nov 2, 1910

The confirmation

The great hearing has

come off this

morning as expected

and will be taken

into consideration

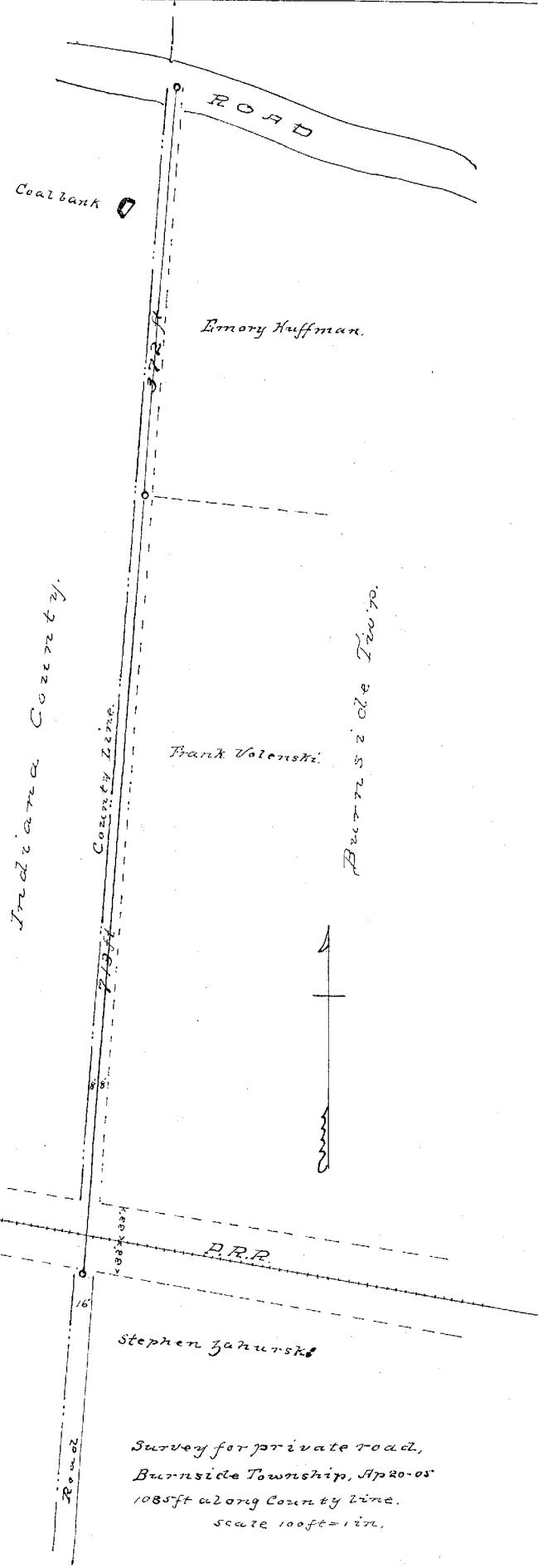
on Friday afternoon

to give the parties

63, Victoria

London, S.W. 1

William Johnson



Survey for private road,
Burnside Township, Apr 20-05
1085 ft along County line.
SCALE 100 ft = 1 in.

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 Gahurski 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 Gahurski 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. McGeeson, John Stawffer, G.B. Patrick 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 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:

To Franz Waluszki the sum of Five dollars D
To Emory Huffman the sum of Two D
To the sum of

Witness our hands this 20 day of April A. D. 1905.

J. M. Tracy
J. C. Patterson
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 fact 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 Zaburiski, and the south line of right of way of the P.R.R. East along said right of way 8 ft from centers of road, thence at 8 ft from County line N. $4^{\circ} 43'$ East through Frank Zaburiski, 713 ft to Emory Huffman line, thence same + same being 372 ft to center of public road, all being in Burnside township 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. Tracy }
 C. B. Petrich, } Viewers
 John. Stouffer }

Order to Meier

No. 4 May Sessions, 1909

ORDER

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

Med Sessions, 1905;
read and confirmed by Si.
Road to be opened ~~15~~ feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide. The County
of Marion carrying out.

Dear Dr. H. H. Holmes,
Report of an examination of
a box containing a skull and
other articles taken from the
latter's residence in the basement
of the house he occupied in the
city of Chicago, Illinois, (16) feet wide and
four feet high and roofed with
pines and larches and covered with
the following: