

No. 5 Sept. Sessions, 1905

COMMONWEALTH

Versus

Public Road in
Burnside Twp
Ches. Twp.
New Washington Boro.
Vacation

Charge

X

Kelley

WILLIAM F. SWOOPE,
DISTRICT ATTORNEY.

To the Honorable Allison O. Smith, Judge of the Court of Quarter Sessions
of Clearfield County;-

The petition of the undersigned, citizens of Burnside township, New
Washington Borough, and Chest township, respectfully represents;-

That a road has long been laid out beginning at a point on the public
road leading from New Washington to Five Points, at, or near the South-
West corner of the Borough of New Washington; thence through a part of
Burnside township, thence through a part of the Borough of New Washing-
ton into Chest township, being near one and one eighth of a mile long,
which road your petitioners conceive is now become useless, inconvenient,
and burthensome, and they therefore pray the Court that the said road
may be vacated, agreeably to the Act of Assembly in such case made and
provided. And they will pray.

J. F. Gallaher.
F. W. Estreicher.
E. W. Riddle
Thor Mahaffey
E. H. Mahaffey
Adam Both Burgess

Simon Shesby
John Haag
John H. Palmer
H. E. Tristle
John H. Feath.

James C. Glamer
H. J. Westover
J. H. Weaver
Supervisors
of Burnside town

J. M. Weaver
James Chapman
A. E. Roland
James Riddle
A. W. Byers
T. J. Marshall
William Foxell
J. P. McConnell
E. E. Curry

No. 5 Sept. Term, 1905.

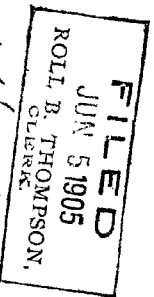
Backley & Co. v. Brown
and & Co. v. Brown
New-Orleans, Louisiana.

Petition to Revoke.

Now Ward, 1905
Petition filed and con-
sidered, and E. G.
Ward, E. W. Bell and
Alfred M. Ward.

are appointed referees
to view the land
and make re-
port at Sept. Term,
1905.

By the Court,
William H. Smith
CJ.



W. H. Bell

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 5

day of June, A. D. 1905, before the

Judge of said Court, upon a petition of sundry inhabitants of the township of Burnside, Chest

and New Washington Boro. in said county, setting forth that

a road has long been laid out, beginning at a point on the public road leading from New Washington to Five Points at or near the South West corner of the Borough of New Washington. Thence through a part of Burnside Township. Thence through a part of the Borough of New Washington into Chest Township. being near 1/8 of a mile long which road your petitioners conceive is now become useless inconvenient and burdensome.

and therefore praying the Court to appoint proper persons to view and Vacate
the same according to law, Report to next term
whereupon the Court, upon due consideration had of the premises, do order and appoint C. B. Alexander, J. W. Beas. & Blake M. Cracken
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
Vacate 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 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..... the sum of.....
To..... the sum of.....
To..... the sum of.....

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

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view ~~to vacate~~ Public Road leading from a point on the Public Road leading from New Washington to Five Points at or near the southeast corner of the Bord. of New Washington thence through a part of

~~in Burnside~~ Township, to a point

in Chest Township, in the county aforesaid, will meet at the ~~house of~~ Supply Company Store, in New Washington Bord. Township, on Thursday, the 29th, day of June, A. D. 1905, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

C. B. Alexander
G. W. Bell
Blake McCracken
Viewers.

June 29, 1905.

Shore depicted

June 21, 1906

Locality 6000

By H. H. H. H.

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania,

to view to vacate Public Road leading from a point on the Public Road leading from New Washington to Five Points at or near the Southwest corner of the Borough of New Washington thence through a part of

in Burnside Township, to a point

in Chest Township, in the county

aforesaid, will meet at the ~~house of~~ Supply
Company Store, in New Washington Boro,

Township, on Thursday, the 29th

day of June, A. D. 1905, at 10 o'clock
A. M., to attend to the duty assigned them, of
which time and place aforesaid all parties inter-
ested will please take notice.

C. B. Alexander

G. W. Bell

Blake M. S. Craker

Viewers.

June 20, 1905.

Service accepted

J. H. Weaver Supervisor of Burial & Temp.

W. J. Hunter

James D. Spencer

Phin Hutton Street Commissioner N. W. Borough

John Hagg Living residing along road
proposed for vacation.

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view ~~to vacate~~ Public Road leading from a point on the Public Road leading from New Washington to Five Points at or near the southwest corner of the Boro of New Washington thence through a part of ~~in~~ Burnside Township, to a point

in Chest Township, in the county aforesaid, will meet at the ~~house of~~ Supply Company Store, in New Washington Boro Township, on Thursday, the 29th, day of June, A. D. 1905, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

G. B. Alexander

G. W. Bell

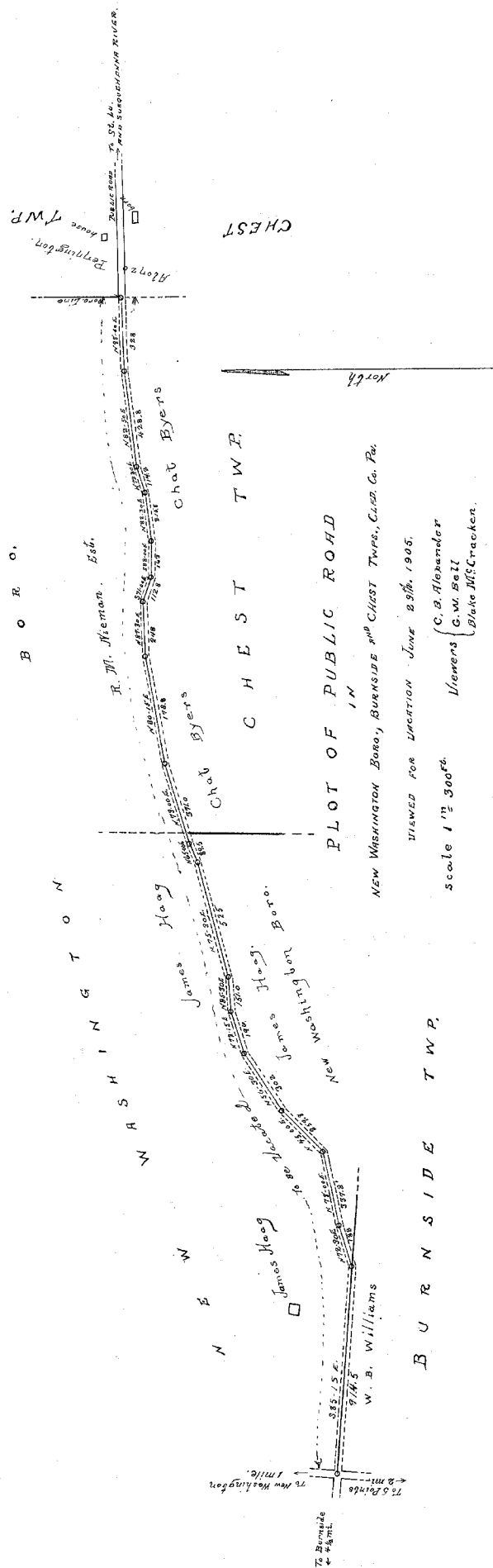
Blake M. Crocker

Viewers.

June 20, 1905.

Service accepted.

John Killian Supervisor of Sheet Pile
G. M. Campbell Supervisor of Sheet Pile



TO THE HONORABLE ALLISON O. SMITH, PRESIDENT JUDGE OF THE
COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

We the undersigned viewers appointed to view to vacate public road herein mentioned, respectfully report that we gave good and lawful notice of said view to the County Commissioners of Clearfield county, to the Street Commissioner of New Washington Boro., to the Supervisors of Burnside and Chest Townships, to citizens living along said road, and notices were posted all according to law. Copies of said notices to view with acceptance of service being herewith attached and made a part of this report.

On the 29th. day of June 1905 your viewers met agreeable to said notices, and being severally affirmed proceeded to, receive testimony, survey and view to vacate said road.

Your viewers found this road to be in very bad condition, appearing to have been abandoned for travel for some time, and that it could only be repaired and made fit for use at great expense. On the portion of the road which we viewed for vacation we found only one citizen living on or near said road. This person being Mr. John Haag who having another outlet was agreeable to the vacation.

No testimony adverse to vacating this road was offered your viewers, and believing its vacation would be a benefit to the aforementioned Borough and Townships, relieving them from needless expense in repairing a piece of road which seems to be abandoned and useless, we would respectfully recommend its vacation.

A map of said road is herewith attached and made a part of this report.

WITNESS our hands this 30th. day of July A.D. 1905.

VIEWERS.

C. P. Alexander

G. W. Bell
Blake M. Cracken

No. 5 Sept. Sessions, 1905
ORDER

To view and locate a road for use in the townships of Clearfield and Clearfield County.

Adm Sessions, 1905, read and confirmed N. St. Road to be opened 22 feet wide, except where there is side hill cutting or embankment and bridging there to be 16 feet wide.

By the Clerk
 Attest: My commission expires Dec. 31, 1905
 J. H. McNamee
 Clerk
 Filed
 Fees \$1.25 paid by

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. R.—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.

W. B. Bell Days 2 \$16.20
 Miles 4.2

G. W. Bell Days 1 \$3.50
 Miles 1.5

Black (H. Crockett) Days 1 \$3.50
 Miles 1.0

John Bell Days 1 \$1.50
 Miles .5

Days 2
 Miles .5

Kelley