

No. 6

Sept

Sessions, 1907

1907

~~COMMONWEALTH~~

VERSUS

Public Road  
in Cooper  
Township

R. S. & S. - Page 20

Charge

Part Twp. Rd  
17721

JAMES H. KELLEY,  
DISTRICT ATTORNEY

To the Honorable Allison O. Smith, President Judge of the Court of Quarter Sessions of the Peace of Clearfield County,

The Petition of the undersigned inhabitants and including the members of the School Board of Cooper township in the said County of Clearfield, and State of Pennsylvania, respectfully sheweth:- That your petitioners and particularly the children of a large number of them who are attending the public schools of said township, and who now have either to walk the railroad tracks and place themselves in danger of injury or to walk a much longer distance over the public road as at present opened, labor under great inconvenience for want of a public road or highway, in the said township of Cooper, to begin at a point on the lands of and at or near the residence of J. H. Kuester, and extending thence to a point on the public road from the village of Lanse in said township to Browns Run School House in said township, at or near the said Browns Run School House,

Your petitioners therefore pray the Court to appoint proper persons to view and lay out the same, according to law,

And they will ever pray, etc.

E. Hart  
James L. Smith  
W. W. Thompson  
M. Mc Dillen  
H. E. Conaway  
A. G. Lindberg  
J. C. Clark  
J. E. Clark  
J. W. Kuyard  
J. D. Turner  
J. W. Williams

Frank P. Peck  
Geo. F. Taylor

President of the School Board.

Secretary of the School Board

Joe Kohl  
Talley Stark  
G. E. Williams  
Charles Mussengay  
Alfred Steinbender  
George Berg  
H. J. Lipsold  
T. P. Poolman  
John A. Johnson  
L. P. Yocom  
A. H. Beeson

Charles Swony  
C.C. Edmiston  
Rees Williams  
Mrs Griffin  
J. G. Donford  
T. E. Krieg  
H. J. R.  
Wm Spence  
Sam Green Jr  
J. P. Spaulding M.D.  
Matt Schow  
John Harr  
John H. Higgins  
John Biles  
John Williams  
John Dominey Jr  
Mike Griffin  
Adam Massagney  
Alice Houston  
R. J. Houston  
E. G. McMillitt  
George Higgins  
G. H. Armstrong  
John Karr

Rain  
John Bryan  
James Clark  
Ernest Elmer  
William Johnson  
Michael M. Merritt  
Mike Wehrweck  
Edward Gustafson  
A. J. Anderson  
Wm Houston  
Thomas Sime  
F. M. Gereves  
R. M. Tamm  
Howard Lutz  
Frank Butler  
John Karr  
Henry C. Ross  
W. J. Williams  
George Quinlan  
Frank D. Hoy  
Alf Johnston Jr

John Barn  
James Denley  
Thomas Phaggs  
Brit Butler  
Geo Lawrence  
Geo Lucas  
John Denley  
Alex Popl  
J. A. Maxwell  
J. S. Smith  
W. J. Smith  
C. G. Anderson  
Gl. as Kunkle  
Chas Allquitt  
J. V. Burton  
Anderson son  
O. P. Reiss  
Jacob F. C. Ogle  
George Robath  
P. J. Smith  
John Smith  
Sheridan Ogle  
J. C. C. Ogle  
John Smith

Andrews Fuerberg  
Michael Abegg  
Jacob Fuerberg  
Aug Gustafson  
J. F. Fuerberg  
G. J. Fuerberg  
J. W. Fuerberg  
J. W. Fuerberg  
J. W. Fuerberg  
L. K. Reiss  
H. G. Jones  
John Marsh  
Edward Fuerberg  
George Fuerberg  
John Fuerberg  
John Fuerberg  
John Fuerberg  
John Fuerberg

S. H. Curtis Thompson  
John S. Brown

Lamis Meyer

Al. Fahlgren

Chas. Brodin

Aug. J. Jarry

A. C. Lindgren

Lars Jansson

J. P. Lindberg

John Redinger

Albert Spoy

Charles Jansson

Peter J. "oye"

Lincoln Spoy

A. E. Wassenaar

And. Anderson

John Warren

Walfred Johnson

Lewis Johnson

Franz Englehardt

A. C. Reber

Notice to Supervisors under Act of March 29th., 1905.

To the Supervisors of Cooper Township,

You are hereby notified that an application will be made by citizens of said township to the Court of Quarter Sessions of the Peace of Clearfield County for the appointment of viewers to view and lay out a public road in the said township of Cooper in the said County to begin at a point on the lands of and at or near the residence of J.H.Kuester, and extending thence to a point on the public road from the village of Lanse in said township to Browns Run School House in said township, at or near the said Browns Run Schoolhouse; that said application will be presented to the said Court on Monday, September 9th., 1907, when and where you may offer objections to the same if you see fit.

William J. Europe

Attorney for Petitioners.

State of Pennsylvania,

County of Clearfield, SS:-

Personally appeared before me the undersigned Justice of the peace within and for the said County, W.W.Lucas, who being duly sworn according to law, deposes and says that he served the above notice on

S.R. Green, W.W. Stewart, & Samuel Boyce.

the supervisors of the said Township of Cooper, on the 6<sup>th</sup> day of September, 1907, personally, by handing to each of them a true and attested copy thereof, and informing them of the contents thereof, in said township.

Sworn to and subscribed before me

this 6<sup>th</sup> day of September, A.D. 1907.

Harry L. Jones (seal)

J.P.

W.W. Lucas.

My Com. Expires 1st Monday in May 1912

200,000,000 tons of coal to be imported by the end of 1901.

\*000470151 +, C. 2503 100

Notice to supervisor  
Affidavit of Service,  
to be returned.

the effect of different kinds of smoke  
VOLATILE, INHABITANT, FUMIGANT, MINE  
FUMIGANT, SMOKE, SMOKE, SMOKE, SMOKE

to. 9 200.33, 1.307.

In re strict liability  
actions.

To, John H. Tracy,  
tutor, 1907,

Re: A. C. Tracy

John W. Tracy

John T. O' Hallyer

John Tracy

John Tracy

John Tracy

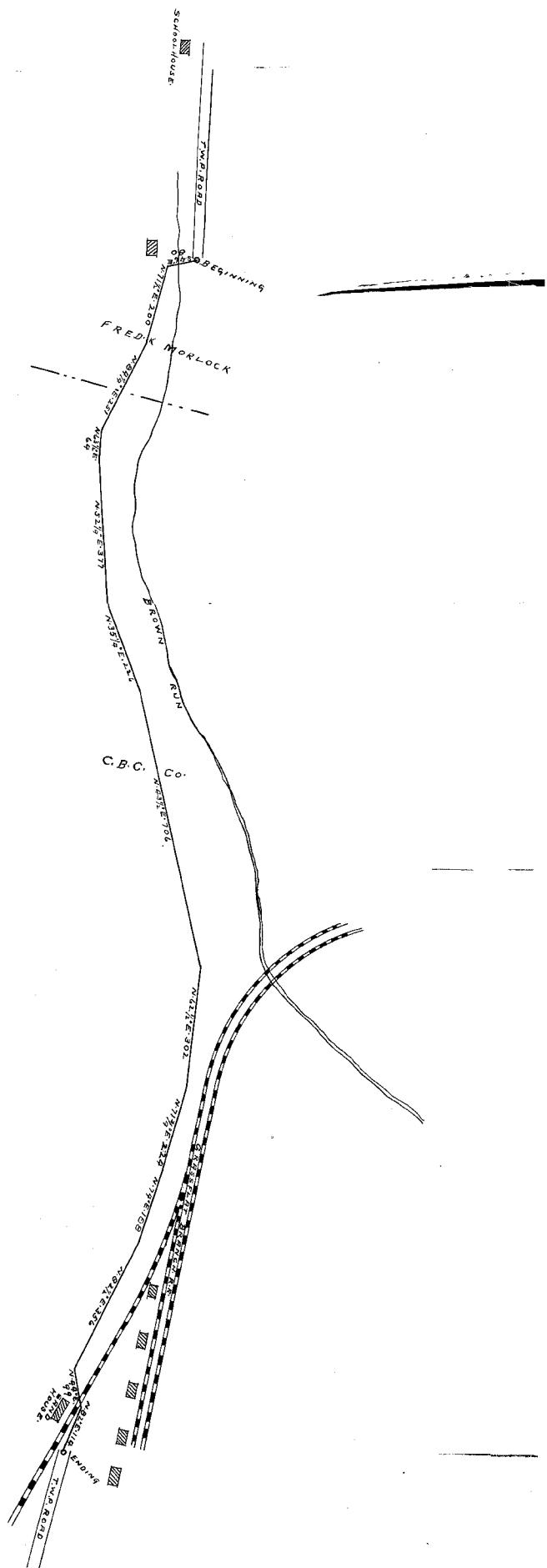
John Tracy

John Tracy

John Tracy

RECORDED

200.33, 1.307.



of house of J. H. Kuester. Which said road so as aforesaid laid out by us we are of opinion is necessary for a public road. We would further report that the road as at present laid out and traveled from the Old Plum road to the Viaduct will when the road as laid out by us is opened to travel become useless and burdensome to the tax payers and we would recommend that upon proper petition being presented the Honorable Court grant an order to view and vacate the same.

Respectfully submitted

W. A. Reese }  
Jas. W. How } viewers  
J. E. Phillips }

To the Honorable  
The Judge of the Court of Quarter Sessions  
of Clearfield County Penna.

We the undersigned persons appointed  
by the within order of Court to view and  
lay out the road therein mentioned respect  
fully report that after having given due  
public notice by three written and  
printed Notices put up near the location  
of the said road of the time and place  
of meeting to view and lay out the same  
and also having sent proper notice to  
the County Commissioners and the  
Supervisors of Cooper Township of the  
said time and place of meeting  
we met at the house of J. H. Kester in  
Cooper Township on Thursday October  
tenth A.D. 1907 and after having been  
duly affirmed in pursuance of the within  
order we proceeded to view and lay  
out and do return for public use the  
following road to wit: Beginning at  
a point at Eastern end of public road  
running from the old Plum road past  
Brown river school house to the end  
of the private road leading to the house of  
Fritz Morlock thence south forty-six degrees

East eighty feet. Thence North seventy one  
and one half degrees East two hundred  
feet. Thence North eighty-four and one fourth  
degrees East two hundred and fifty-one  
feet. Thence North sixty-three and one half  
degrees East sixty-four feet. Thence North  
fifty-two and one fourth degrees East three  
hundred and seventy-seven feet. Thence  
North thirty-four and one fourth degrees  
East two hundred and twenty-six feet  
Thence North forty-three and one half degrees  
East seven hundred and six feet. Thence  
North sixty-two and one half degrees East  
three hundred and two feet. Thence along  
right of way of Grassflat branch of New York  
Central rail road North seventy-one and  
three fourth degrees East two hundred  
and twenty-four feet. Thence North seventy  
four degrees East one hundred and eighty  
eight feet. Thence North eighty-two and  
one half degrees East three hundred and  
fifty-six feet. Thence crossing the said  
rail road North forty-four degrees East  
Ninety-nine feet. Thence North eighty-  
two degrees East one hundred and  
fourteen feet to a point in public  
road about three hundred feet west

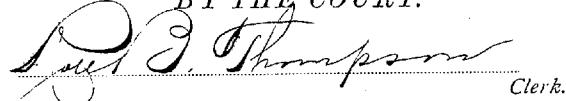
Clearfield County, ss:

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 16<sup>th</sup> day of Sept., A. D. 1907, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Cooper

, in said county, setting forth that your petitioners and particularly the children of a large number of them who are attending the Public Schools of said Township and who have either to walk the railroad tracks and place themselves in danger of injury or to walk a much longer distance over the public road at present opened, labor under great inconvenience for want of a public road or highway, in the said Township of Cooper to begin at a point on the lands of and sit or near the residence of J. H. Kuester and extending thence to a point on the public road from the village of Lanse in said Township to Brown's Run School House in said Township at or near the said Brown's Run School House.

and therefore praying the Court to appoint proper persons to view <sup>to lay out</sup> the same according to law, whereupon the Court, upon due consideration had of the premises, do order and appoint K. A. Reese, John W. Howe and Joseph L. Phillips 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 <sup>to lay out the same</sup> 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.

  
D. J. 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 F. C. Morlock the sum of One Dollar  
To Cleo field Beluminous Calc the sum of One dollar  
To ..... the sum of .....

Witness our hands this tenth day of October A. D. 1907.

J. A. Reese

Jno. H. Town

Jno E. Phillips

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.  
Petitioners cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the new viewers.  
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.

AMOUNT.	Days 2.....	Days 1.....				
\$2.00	Miles 6.0	Miles 6.0	Miles 1.1	Miles 1.1	Miles 2.5	Miles 2.5
\$6.00						
\$2.00	Miles 1.1	Miles 1.1	Miles 2.5	Miles 2.5	Miles 4.5	Miles 4.5
\$6.00						

*W. A. Reece* } Miles 2.....  
*J. W. Moran* } Miles 1.....  
*J. L. Phillips* } Miles 1.....  
*Deceased Sessions, 1907* } Miles 1.1.....  
 read and confirmed Ni. Si.  
 Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

*By the Court*

*W. H. Evans J. M. Smith  
July 10, 1908  
Clerk and Notary  
30th and 1st  
Almon D. Smith*

*190  
Fees \$1.25 paid by*