

ROAD

No. 3 Dec SS

Term, 1911

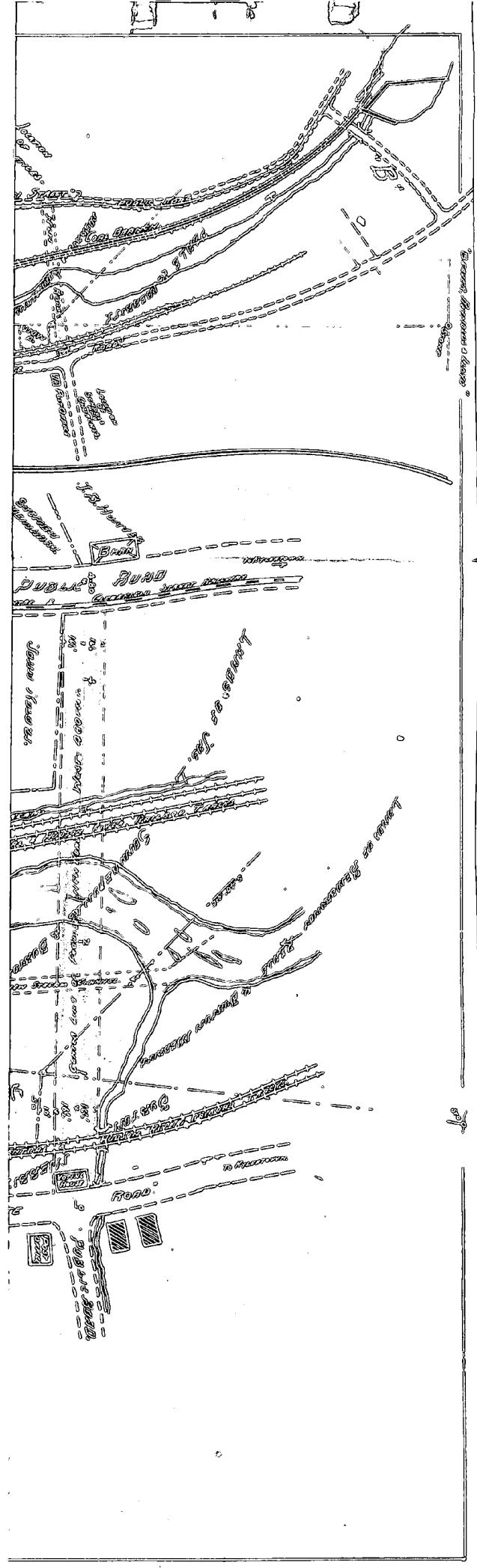
Petition to view and lay
out Public Road

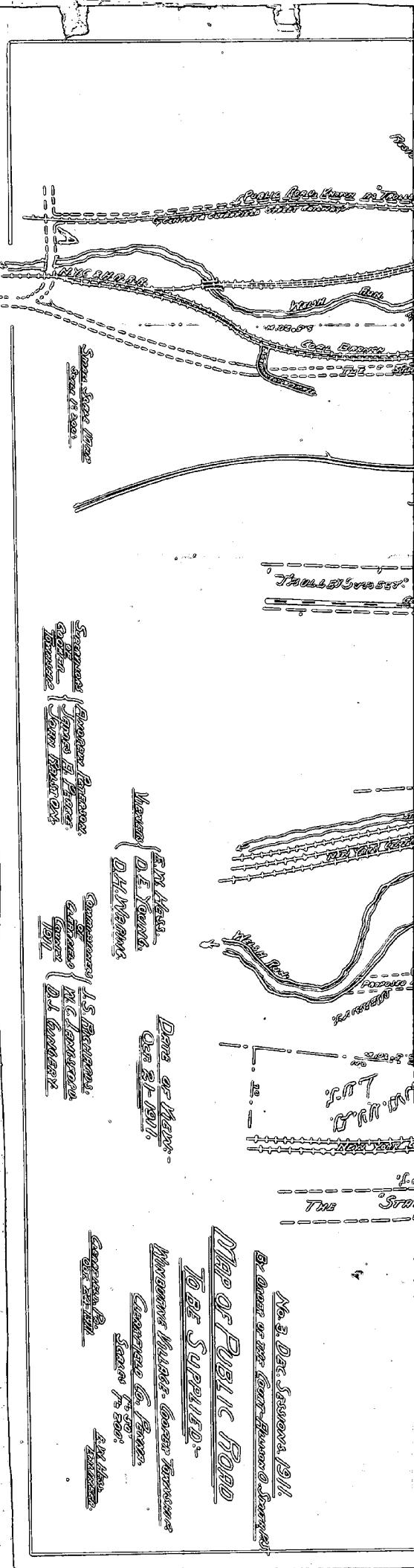
VERSUS

In the village of Winburne
Cooper Township

P. D. #5 - Page 162

Proposed st. in w.





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 5th day of FEBRUARY
A. D. 1902.


Berton Merritt 

James L. Dummerall 



ASSESSMENT OF DAMAGES.

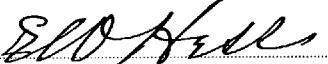
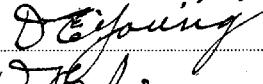
The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To REMARKNOT PEALE - the sum of ONE DOLLAR - (\$1.00)

To the sum of

To the sum of

Witness our hands this 6th day of FEBRUARY A. D. 1902


E. D. Felt
You are 
D. C. Young
I am 
D. H. Warren

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 28 day of Sept., A. D. 1901, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Cooper, in said county, setting forth that

they desire to have the road which intersects the state road at the Post Office extended to intersect the road known as Trolley Street in the Village of Wimberly.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, whereupon the Court, upon due consideration had of the premises, do order and appoint E. W. Hess, D. E. Young, A. H. Waring 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 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 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.

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.

Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the 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
<i>E.W. Hess</i>	<i>Days 4 20.00</i> <i>Miles 23 2.30</i>
<i>D.E. Young</i>	<i>Days 3 9.00</i> <i>Miles 1.50</i>
<i>D.H. Warner</i>	<i>Days 2 6.00</i> <i>Miles 7 0.70</i>
	<i>Days Miles</i>

No. 3 Dec. Sessions, 1901

ORDER

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

F. Johnson Sessions, 1901,
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, all in County.

Decree accepted by
Sept. 29, 1901
J. C. Johnson
Chairman County
Commissioners, —
Filed Oct. 1901
Fees \$1.25 paid by J. C. H.

KNOW ALL MEN BY THESE PRESENTS, That we,

are held and firmly bound into the County of Clearfield, in the sum of Fifty Dollars, (\$50.00) lawful money of the United States of America, for which payment we do bind ourselves, our heirs, administrators and Executors firmly by these presents.

Sealed with our seals and dated the fifteenth day of September, A. D. 1911.

WHEREAS certain Citizens of Cooper Township have petitioned the Court asking for appointment of viewers to view and lay out a public road from a point where public road intersects the State road at the post office in the Village of Winburne, Cooper Township, to a point so as to intersect the road known as a Trolley street in said Village.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bounden shall save and keep harmless the County of Clearfield from all costs and expenses connected therewith in the case the road asked for shall be refused by the Court, upon the final report of the viewers, then this obligation to be void and of no effect, else to be and remain in full force and virtue.

P. W. Farmer (SEAL)
J. M. Nelson (SEAL)

(SEAL)

Honorable Allison O. Smith,

President Judge of Courts of Clearfield County.

We the undersigned, property owners and citizens of the village of Winburne, Clearfield County, Pennsylvania, respectfully submit the following petition viz:--

We wish to have the road which intersects the State Road at the Post Office, extended to intersect the road known as Trolley Street. (A distance of approximately two hundred yards).

We consider this road necessary for the following reasons.

First. There is no connection with Trolley Street and the State Road within a distance of about one third of a mile in one direction, and one half of a mile in the other direction from the Post Office.

Second. The children going to and from the school building (The grounds of which adjoin the Post Office property), are compelled to climb over or crawl under the cars, or else take a long unnecessary walk to get to school.

Third. Three of the churches of the village are reached by passing between the Post Office and School Building.

Fourth. The fire fighting apparatus of the village is kept in a building on the State Road directly opposite the Post Office, and in case of fire on Trolley Street must be taken to one of these intersecting roads to get to the fire, and generally arrives too late to be of any service.

Fifth. There is enough material between the points of intersection of the proposed road to make the road very cheap of construction.

J. Mahyolyn Laurie
J. P. Herbst
Audrene A. Dahl
Jas R. Hunter
W. R. Duckman
Ladd Johnson
Harry Conway
J. R. Weym
J. J. F. Huston
S. Bilesh
Warden J. McLean (Pharmacist)
John Barr
George H. Weller
Tom Takash
George Evans
Karel Trumbo
Mary West Strain
Andrew Nordstrom
P. E. West
John E. Galt
Howard Barr
Charles A. Carlson
John F. Galt
George T. Leach
Steve Long, Jr.
Geo. L. Galt
Frank Galt
R. H. Lightfoot

Jay Bowersox
E. E. Merritt
John Wickman
Frank Butler
Andrew Lippman
F. Frank Stoele
And Anderson
G. H. Gaudley
Simon Orolan
A. G. Holmstrom
Gust Erickson
Aug. Johnson
Joseph Duff
John W. Wilcox
Robert Erickson
G. Carlson
John Mierhacer
John Brodbeck
G. J. Lewis
Joe Lewkes
J. H. Duff
Geo. M. Merritt
Geo. L. Hall
Julius Branda
John Mason
Lars Dahlquist
E. M. Johnson
Fred J. Ingquist
H. Bowersox

Ray Roussey
Eds Johnson
R. H. Heppwood
L. Butter
H. W. Merritt
James Heppart
L. W. Butter
H. Braumgardner
N. Heffler
Charles J. Nordstrom
John Monroe
Edwin C. Lee
R. S. L. ~~Conrad~~
A. G. Johnson
Samuel Goldberg
Walter Stewart
James L. Lommerville
Andrew Jacobson

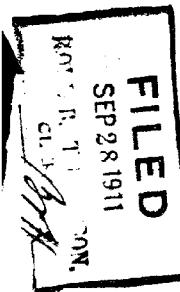
George E. Weston
Geffenel Brothers
Kirkbride Bargain Store
Howard W. Putz
Winnipeg Mat Co.
Andrew Mcleijown
D. Maxwell
D. Mclellan
John A. Dahl
James Bagshaw
Chat C. Howz
E. Palmgren
Frank A. Howe
Maurice Farad
Rolf Formanek
Sommerlee Co.
Pasture Summit Co.
Frank Gugstone
C. A. Weisgerber, Pin Schools.
Carmelia Holston, Teacher.
Nellie E. Bigelow Teacher
Nettie J. Balfour Teacher. 6th G.
Mary E. Blashaw Teacher 8th
Laura Williams Teacher 7th
Elizabeth Merritt Teacher
Ida Keffler Teacher
Elvira Dickey Teacher
Cathay Branson Teacher
Martha Mudge Teacher.

1
3 Dec SS 1911

Petition for attachment
of horses to exec
lay out a pasture road
in Custer Tp. Village of
Winona from a point
a State road at the Park
Office to a point on Trolley
Street in said Village of
Winona

Now Subm'd. 1911 with the following
jurisdiction and said commissioners
thereupon S. H. Steel & Ed
D. S. Young of Keweenawland
and D. H. Morris of Winona
proposed said road to be
granted to said Comittee from
said road number aforesaid
for said Ad. 13 of the last.

John W. Smith



ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view A PUBLIC Road leading from the intersection of a public road with a State road.

at the Postoffice in the Village of Winburne

in Cooper Township to intersect the road known as Trolley

Street. (a distance of, approximately, two-hundred yards)

in Cooper Township, in the county aforesaid, will meet at the ~~Postoffice~~ ^{Winburne} Postoffice

in Cooper Township, on Friday, the 16th day of August, A. D. 1912, at 9:30 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

Hugh B. Woodward

J. S. McCreary

E. H. Harmon

VIEWERS

August 1st, 1912.

Now this 2nd day of August, A. D. 1912, service of within
Notice is hereby accepted for Commissioners of Clearfield County.

*L. S. Shoring
Olema*

Ind
Now this day of August, A. D. 1912, service of the within
Notice of view is accepted by and for the Supervisors of Cooper Township.

Bell Hartwick

Now this 6th day of August, A. D. 1912, service of the within
Notice is hereby accepted by the following property owners, over whose property
the proposed road may pass.

*James L. Somerville
Bertram McEvitt*

State of Pennsylvania }
County of Clearfield } ss

Before me the subscriber, a Notary Public
in and for Clearfield Co. Pa. personally appeared Malcolm
Laurie who being duly sworn according to law, deposed
and said that the within notice of view was served
upon R. H. George, Agent and representative of Rembrandt
Peale at Winburne Pa. on Aug. 10th, 1912 in
his office at Winburne Pa. by handing him this
notice and making known to him the contents thereof.
Sworn and subscribed before
me this 16th day of Aug. 1912

*C. T. Duffiman
Notary Public*

Malcolm Laurie

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view Public

Road leading from THE STATE ROAD,
AT THE POST OFFICE,
WINBURN,

in COOPER Township to INTERSECT
"TROLLEY STREET"
WINBURN

in COOPER Township, in the county aforesaid, will meet at the house of FIRST NATIONAL BANK, in WINBURN, COOPER Township, on SATURDAY, the 21ST day of OCTOBER A. D. 1911, at 10 o'clock A M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

E. W. HESS.

D. E. YOUNG.

D. H. WARING

VIEWERS

CLEARFIELD PA

SEPT. 30 - 1911.

REPORT OF ROAD VIEWERS.

To the Hon. Allison O. Smith, P. J.

Court of Quarter-Sessions,

For Clearfield County, Penna.

We, the undersigned, persons appointed by the within Order of the Court to View and Lay Out the Public Road therein mentioned, do respectfully report as follows:-

That having given due and timely notice to all persons concerned, as shown by attached "Road Viewers Notice", similar notices having been posted a sufficient time in conspicuous places in the vicinity of the proposed Road:-

That we met on the day fixed, and being first affirmed according to law, we proceeded to view the location of the Road as prayed for by the petitioners, and made a survey of the same upon the ground and a Map of the same is hereto attached and made a part of this Report

That having laid out the Road, we proceeded to hear the statements of citizens, tax-payers, and persons interested for or against the opening of the Road, and gave careful consideration to all such statements:-

That the chief argument for the Road is, that in this part of the village of Winburne, a large number of the inhabitants live on the west side of the valley of Welsh Run, a total number of residences of about 40: and that the Stores, Churches, School-houses, and the Post Office are, on the east side of the valley of Welsh Run: That to get to the said Stores, Churches, Schools and Post Office, the men, women and especially the children, are compelled to travel by the high ways to the cross-road to the south, marked "A" and return, or to the cross-road to the north, marked "B" and return, as on the small scale map submitted, a total distance from the west end of the proposed Road to the east end of the same, of 3200 feet in the first case, and of 2660 feet in the second case, while by the proposed Road, the total distance would be 480 feet in all. All these distances have been measured on the ground by your Viewers:

And, in many cases, they do not now travel around by the highways mentioned, but will cross the tracks and the stream, at the great risk of life or limb:- and that the opening of the Road would make a highway for the direct travelling of the people:-

That the population of Winburne Village is about 1800, living mainly on the east side of the valley, and this Road would be a great convenience to many of them to get to the Trolley:- An advantage to Teamsters as being a shorter road and better grade, and to the public generally.

That the argument against the opening of the said Road would be the obstruction to traffic on the two Branch Railroads used as Coal Railroads only, as shown on the Maps, and the necessity of keeping the Road open and free from Cars at all times with the possible danger from Car movements, to travellers at times:-

We have considered the expense of opening said Road, and as it lies wholly across the nearly flat valley of Welsh Run, requiring filling for which material is convenient, and the building of a Bridge of about sixteen feet span (preferably of Concrete) over Welsh Run, and perhaps one other small culvert, we consider the cost of opening to be not excessive.

We have therefore located the Road as shown on the Maps, and as described as follows:- Beginning at a point in the "State Road" at the Post Office, and running thence: WEST, FOR A DISTANCE OF FOUR HUNDRED AND EIGHTY FEET to a point in the Road known as "Trolley Street", at the intersection of said "Trolley Street" with the line between the properties of J.R.Hunter and Stephen Neinhart:-

We find that the Road crosses the following properties, none of which are improved or under cultivation, being mainly swamp land or covered with the waste washed from the Coal operations:-(1) Burton Merritt 0.06 acres: (2) Peale & Merritt, 0.02 acres: (3) Sommerville & Merritt, 0.22 acres, or three tenths of an acre in all. We secured release of damages from Mr. Merritt and from Mr. Sommerville, but did not from Mr. Peale and have assessed his damages at \$ 1.00. We were informed that the railroad company had the right to lay and operate tracks shown on the Map, but was not possessed of the real estate on which they were laid.

We, your Viewers, are of the opinion that the proposed Road is a necessity to the public, and should be opened as described.

Signed this 6th. day of
February, A. D. 1912.

G.W. Bell
D. C. Young
D. H. Waring

It was found necessary to return to the ground after the day of the View, to locate the properties correctly.

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

In re road in
Cooper Township

| No. 3 December SS. 1911.

EXCEPTIONS:

New York Central & Hudson River Railroad Company, the Beech Creek Railroad Company and Rembrandt Peale, by their attorneys, Murray & O'Laughlin, except to the report of viewers filed in the case, and specify among other reasons, the following ones:

1. The said report does not state affirmatively that five days written or printed notice was given to the County Commissioners, of the time of the view and the assessment of damages to the owners along the route of the proposed road, as is required by Rule 172 of Rules of Court of Clearfield County.

2. The said report does not show a compliance with the Act of Assembly approved 3 April 1899 P.L. 26 Sec. 1, in regard to notice to the County Commissioners or their clerk.

3. The said report does not show a compliance with the Act of Assembly approved 29 March 1905 P.L. 69, with regard to notice of time and place of the view being given to the Supervisors of Cooper Township.

4. The said report does not show that notice was given to the property owners over which the proposed road passes, of the time and place of view and assessment of damages as required by law.

5. The petition upon which said view was ordered is defective and illegal in that notice was not given to the Supervisors of Cooper Township of the time of making said application or of the presentation of said petition, as required by Act of Assembly approved 29 March 1905 P.L. 69.

6. The said view proposes to construct two crossings by the proposed public road over the railroads and tracks of the New York Central & Hudson River Railroad Company and Beech Creek Railroad Company at the samegrade as are the said railroad tracks, contrary to the law in the following respects, among others:

(a) Grade crossings are prohibited by the Act of Assembly approved 7 June 1901 P.L. 531;

(b) The Court of Quarter Sessions has no jurisdiction over the construction of grade crossings or the authorizing of them to be constructed since the Act of Assembly approved 7 June 1901 P.L. 531 went into effect.

7. The said report of the viewers approves the construction of two railroad crossings at grade over ten railroad tracks (five pairs of tracks) and the proposed road is only 435 feet in length on which if established there could be at one time a blockade by five trains.

8. The said view does not show any estimate of the cost of said proposed road in the event that over grade or under grade crossings should be adjudged necessary and does not show the practicability or even the possibility of constructing over grade or undergrade crossings, though the law requires that the cost of construction be taken into consideration by the viewers and the Court in determining the desirability of the road proposed.

9. The report shows that the viewers based their opinion of the necessity and desirability of the proposed road upon the assumption that grade crossings would be constructed, whereas their opinion of its desirability or practicability might be changed if they had considered that grade crossings were prohibited by law.

10. The report shows that the recommendation of the viewers is based, at least partly, upon the fact that many people violate the law by crossing the railroad track at grade where no crossing is established rather than travel less than one-half mile by the road to an established crossing.

11. The said report of viewers is not made in compliance with the law and a very dangerous and undesirable condition or situation would be produced by opening a public road as recommended therein. Such a road as proposed would cross five pairs of railroad tracks at grade, and a trolley car line and two streams of water in the short space of 480 feet, making it not only illegal but dangerous to the public.

Murray J. O'Laughlin
Attorneys for the Exceptants.
March 29 - 1912

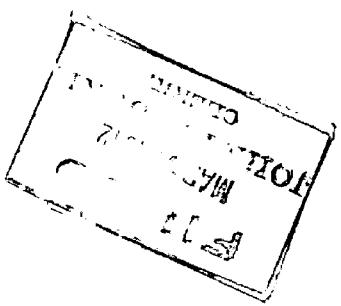
Now this 3 day of March A.D. 1912 we the said attorneys for the Exceptants do hereby certify that there are legal reasons why the report of the viewers in the said case should not be confirmed, some of which reasons are hereby given.

Murray J. O'Laughlin

No. 3 Dec. 35. '91

In re road in
Cooper Township

Exceptions to report
of viewers, trees by
New York Central & Hudson
River R & Co and
Beech Creek R & Co
and abandoned
Peach



Murray H. Langham
Attala for exceptions

IN THE COURT OF QUARTER SESSIONS OF THE PEACE, CLEARFIELD COUNTY, Pa.

In re road in Cooper Township } No. 3 December SS. 1911.

The petition of the Beech Creek Railroad Company and the New York Central & Hudson River Railroad Company respectfully represents:

1. That to the said number and term, at September Sessions
1912 this Court confirmed nisi si the return of viewers for a public
road in said township.

2. That the said road had been previously viewed and to the report of the viewers your petitioners took exception, and this Court by an opinion filed July 22, 1912 said that the report was "probably defective", and the Court referred the matter to a new board of viewers for a re-view.

3. At the first view your petitioners had an opportunity to be heard; but at the second view or the re-view your petitioners were not heard nor had they nor anyone for them any notice of the review or of the time of meeting of the Board of Viewers; nor had your petitioners any knowledge of the time or fact of re-view.

4. Your petitioners are owners of property over which the proposed road passes.

5. The proposed new road as confirmed by your Honorable Court has laid out for construction five crossings at grade over the railroad tracks of your petitioners; such grade crossings are prohibited by law; and your Honorable Court has no jurisdiction over the construction or establishment of grade crossings, nor of the authorizing of them to be constructed.

6. Your petitioners renew the objections to said grade crossing as stated in paragraph 6, 7, 8, 9, 10 and 11.

Wherefore, your petitioners pray your Honorable Court that the confirmation of the said board of viewers be stricken off and that there be a re-view of the said proposed road, at which the petitioners may be present and as to which they shall have notice; and that pending the disposal of the building of the said road be stayed.

Murray & Langhans
Attorneys for Petitioners.
April 21, 1913.

Mo. 3 Dec. 2000. 1911

In re road in
Cooper Township

Petition for review and
re-review

FILED
APR 21 1913
CLERK
MOORE

And now April 21, 1913,
Petition presented, read and con-
sidered, and thereupon the matters
contained in written petition are
referred to W.B. Woodward, G.T. McCarty
and W.H. Harmon, referees, with
direction that they review said
premises and have a hearing
after five days notice to the Railroad
Company and any other parties
interested or claiming to be interested,
said referees to make said exam-
ination at once and to report
on or before the third Monday
of May 1913.

By the Comr.

Alvin J. Smith

Alvin J. Smith
for attorney



STOP
- Forest
Winburne

Forest

Clifd. Co. Cooper Twp.
Conf. Absol. Dec. 1912 - Dec. 1913.
33 ft. -- 16 ft.

S Beginning at a point on /State Road at
Winburne post office and running thence
west a distance of 480 ft. to a point in
the road known as Trolley Sheet.

(Not located on map)

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 21st day of April in the year of our Lord one thousand nine hundred and Thirteen.

Allison O Smith P J.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Cooper Township.

in said County, setting forth that They labor under great inconvenience for want of a Public Road from a point on

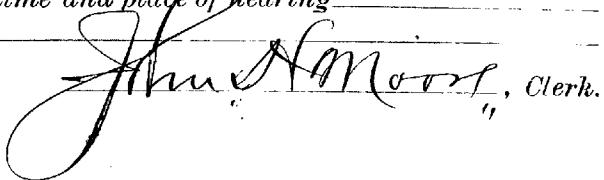
The Road that intersects the State Road at the Post Office. extended to intersect the Public Road known as the Trolley street road. A distance of approximately Two Hundred yards.

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers H.B.Woodward. J.S. Mc Creary. And E.H. Harmon.

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgment, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law, and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court.


John A. Morris, Clerk.

RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of _____ and that _____ notices thereof were posted along the route of the proposed road, that the said view would be held on the _____ day of _____, A. D. 191____, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the _____ day of _____, 191____, at _____ o'clock _____ M. That _____ viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view _____

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the _____ day of _____ A. D. 191____, when the following appearances were noted: _____

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is _____ occasion for a road as desired by the petitioner, and that the same is _____ necessary for a _____ road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for _____ use the following described road, to-wit: Beginning _____

No. 3 Dec Sessions, 1911

ORDER

Re

To view a road for public use in the township of COOPER, Clearfield County

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 the 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.

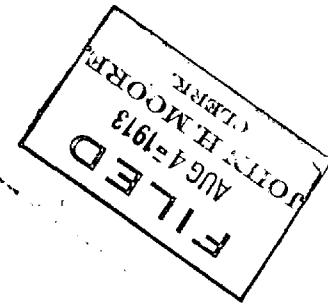
Days.	Miles A.M.T.
1	5.00
Telephone Toll	3.0

~~Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.~~

Session, 1911, read and confirmed Mr. 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.

Mon Sept 16 1913 within report confirmed Mr. Si.

By the County of Clearfield
Allison A. Smith
December second 1913
Conformed absolutely
By the County of Clearfield
Allison A. Smith
Filed
Fees \$1.00 paid by



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

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. 1911.



and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting _____

when it was not practicable to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from _____

the following persons having refused to release the damages to which they respectfully may be entitled by the reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: _____

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this _____ day of _____
A. D. 191 _____



IN THE COURT OF QUARTERSESSION.

No 3 Dec, SS. 1911. In Re Road in Cooper Twp.

Petition for stay and Re View. filed.

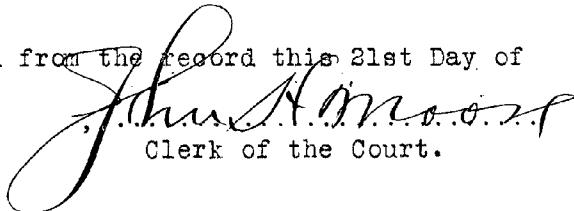
And Now April 21st 1913. Petition read and considered and thereupon the matter contained in within petition are referred to. H.B.Woodward J.S.Mc Crearry. and E.H.Harmon. reviewers with direction that they the said Viewers re view said premises and have a hearing after Five Days notice to the Rail road Company. and any other parties interested or claiming to be interested. said viewers to make said examination at once and report on or before the third Monday of May 1913.

By the Court.

Allison O. Smith. PJ

State of Penna. SS.
Co of Clearfield.

Certified from the record this 21st Day of
April AD. 1913.


John H. Moore
Clerk of the Court.

In re public road in Cooper } In the Court of Quarter Sessions
Township } of Clearfield County, Pa.
 }
 } No. 3 Dec. ss. 1911.

NOTICE OF HEARING.

The undersigned reviewers appointed by the Court in the above stated case by order of April 21, 1913, hereby give notice that they will sit for the purpose of hearing any testimony or argument which may be offered in the Arbitration Room at Clearfield, Pa., on Saturday, May 10th, at 9:00 o'clock A. M., at which hearing all interested parties may attend and be heard if they so desire.

Hugh B. Woodward

J. S. McCreery

E. H. Harmon

VIEWERS

Now, 2 May 1913, Service accepted for
Supervision of Cooper Township.

*Beel & Hulme
attorneys for Cooper Twp*

Now this 2nd day of ^{May} April, A. D. 1913, service
of within notice is hereby accepted for the New York
Central & Hudson River Railroad Company.

Murray J. Langhorne

Now this day of April, A. D. 1913, service
of within notice is hereby accepted for the petitioners.

In re Public Road in : In the Court of Quarter SS of Clear-
Cooper Township :
: field County, Pa.
: # _____ Dec. SS 1911.

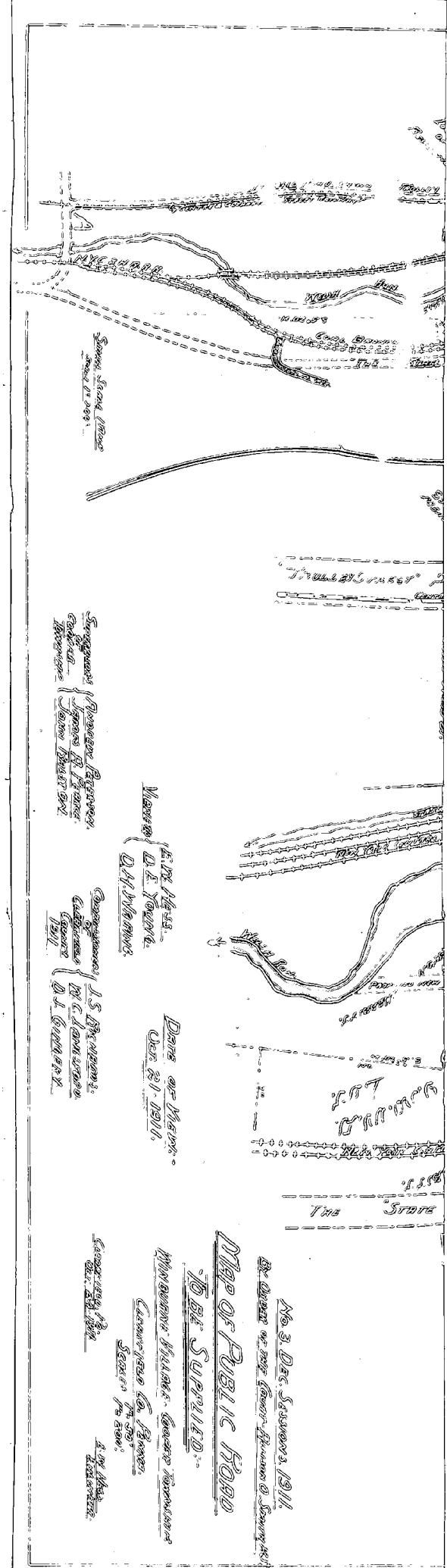
REPORT OF REVIEWERS.

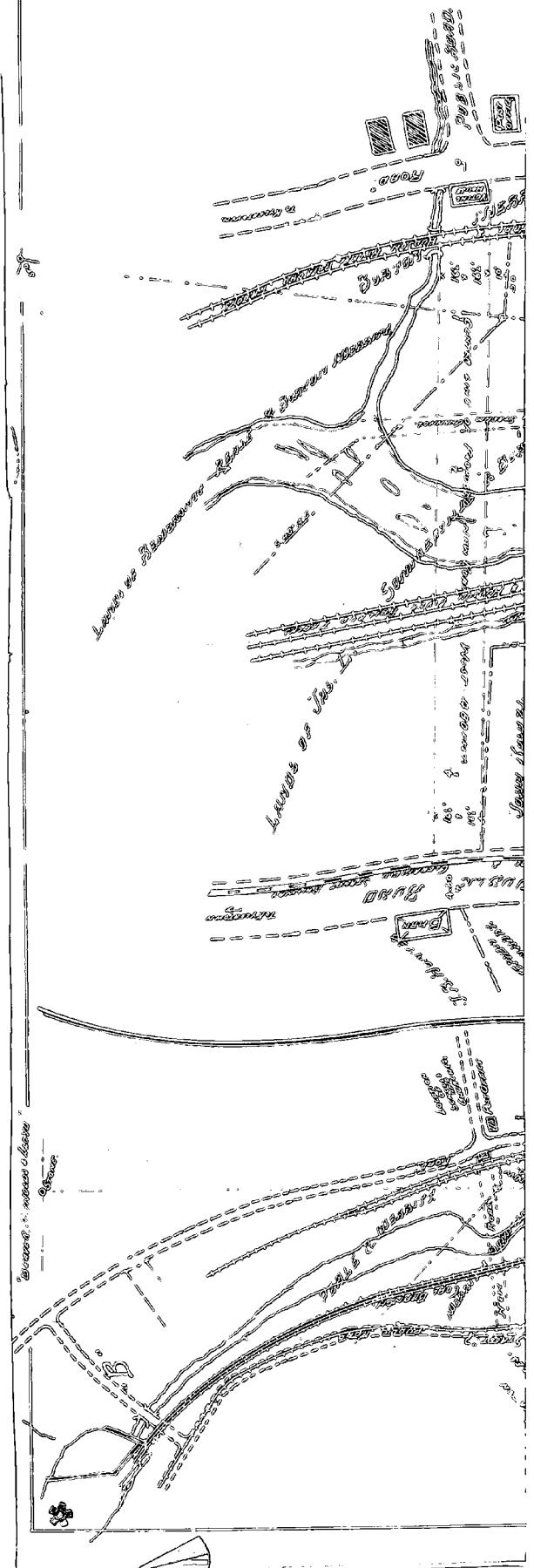
The undersigned reviewers appointed by the above entitled Court, respectfully report as follows:-

That in pursuance of the order of review, they gave notice of hearing in accordance with copy of said notice attached hereto, said hearing being fixed for May 10th, 9 o'clock, A. M., but before the time for hearing, the attorneys for the respective parties, viz: Messrs. Bell & Hartwick representing the petitioners, and Messrs. Murray & O'Laughlin representing the remonstrators, agreed upon a continuance of two weeks. That before the expiration of said period of time a further continuance was agreed upon pending settlement, and finally the review was by direction of the attorneys for the respective parties, indefinitely postponed in pursuance of an amicable adjustment and settlement to be consummated between the parties. Copy of said settlement to be filed in the Court of Quarter Sessions.

Respectfully submitted.

Hugh B. Woodward





Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 28 day of September in the year of our Lord one thousand nine hundred and eleven,

Allison O. Smith
Judge of the same Court: Upon the petition of sundry inhabitants of the Township of

Cooper

in said County, setting forth that

They wish to have the road which intersects the State road at the post office extended to intersect the road known as Trolley Street, (A distance of approximately of 200 yards) in the Village Winburn, Clearfield County, pa.

and therefore, praying the Court to appoint proper persons to review and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers H. B. Woodward, Esq.,

J. S. McCraery, and E. H. Harmon,

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgment, are to review the ground proposed for the said road, and if they review the same, and a majority of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same, as agreeable to the desire of the petitioners as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law, and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing

By order of the Court.

Johnst Moore, Clerk.

RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows: and the rules of your Honorable Court

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County, ~~and~~ the Board of Supervisors of the Township of Cooper, ~~and the property owners over whose land the proposed road passes~~ notices thereof were posted along the route of the proposed road, that the said view would be held on the 16th day of August, A. D. 1912, ~~and the hearing to be held on the 16th day of August, A. D. 1912, at the Court House in Clearfield, Pa.~~ ~~on the 16th day of August, A. D. 1912, at 9:30 o'clock A. M.~~ That the REviewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view the township supervisors, and various of the petitioners

parties in interest. ~~That the hearing was held in the Administrative Room in the Court House at Clearfield, Pa., on the 16th day of August, A. D. 1912, when the following appearances were made~~

After the view and hearing above mentioned, the undersigned, the majority of the said ~~Viewers~~, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a public road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for public use the following described road, to-wit: Beginning at a point on the State Road at Winburne post-office, and running thence West for a distance of Four Hundred and Eighty Feet to a point in the road known as Trolley Street in said Township of Cooper.

This road as laid out by your reviewers is identical with the location as laid out by the original board of viewers as shown by the draft attached hereto.

Your reviewers respectfully report that they fully concur with the report of the original board of viewers as to the expediency, necessity, and cost of said proposed road.

No 3 Dec Sessions, 1911

ORDER

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

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.

Viewers cannot interfere with the 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.

	Days	Miles A.M.T.	
W.S. McPhee	1	4.5	9.50
E.M. Thandy	1	51	12.10
H. Thompson	1	2.5	12.5
	2		

December Session, 1911
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
William A. Smith of

FILED
AUG 19 1912
JOHN F. MOORE
CLERK

Fited

Fees \$1.25 paid by

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 Cooper Township

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 Cooper Township

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 16th day of August
A. D. 1912.

Robert Merritt
John L. Commerell



~~and~~ that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting

when it was not practicable to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from Burton Merritt, and James L. Sommerville

~~the following persons having refused to release the damages to which they respectively may be entitled by the raising of the location and opening of the said road, we the undersigned reviewers, after having considered the advantages to be derived to them in assessing the damages, and making report thereon as follows:~~

~~That Rembrandt Peale declined to release his right to damages, and your reviewers concur in the amount of damages assessed by the original board of view to Rembrandt Peale~~

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 16th day of August

A. D. 1912.

Hugh B. Woodward 
Sam Green 
C. H. Barnard 