

No. 3 SEPTEMBER Sessions, 191

**COMMONWEALTH**

**VERSUS**

IN RE PETITION FOR BRIDGE IN

BURNSIDE TOWNSHIP ACROSS BEAVER  
RUN NEAR KINGLINGS MILL

**CHARGE**

Walter Welch,  
District Attorney

*1st*  
*mean*  

## 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 19

MAY day of 1916, A. D. 1916

before Judge of said Court, upon a petition of sundry inhabitants of the town-  
ship of Burnside in said County, setting forth  
that at a point in said Township where the road

from Cherry Tree to New Washington crosses Beaver Run, near  
Yingling Mill, there is a necessity for a new bridge, that said  
bridge would have a span of about 35 feet and would be too expensive  
and burdensome for the township to build under its present  
financial condition, and they therefore pray the Court to appoint  
viewers to view said bridge and report to the Court whether the County  
shall build it or whether or not the county should render aid to the  
township in building it.

and therefore pray 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 A. G. Kramer  
E. D. Billotte, and J. S. Michaels

who after being respectively sworn or affirmed to perform their duties impartially and to the best of their judgment, are  
to view the place proposed for the said bridge, and if they or any two of them, view the same, and any  
two of the actual viewers agree that there is occasion for such a bridge, and that the erecting of the said bridge  
would require more expense than it would be reasonable the said townships should bear, they are to make report accord-  
ingly:

and a map or plot thereof to be made, which shall accompany said report; the report aforesaid to be made to the next  
term of the Court of Quarter Sessions to be held for the said county of Clearfield.

BY THE COURT.

*John Johnson Moore*

CLERK.

### *Return of Viewers.*

To the Honorable the Judge of the Court of Quarter Sessions of the Peace in and for the County of Clearfield, Pa.

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, Pa., beg leave to report as follows:

That notice of the time of the view was duly served according to law upon the Commissioners of Clearfield County and on each member of the Board of Supervisors of Burnside Township, and that Three notices thereof were posted along the public road at and near the location of said bridge, giving notice that the view would be held on Wednesday the 28th day of June A. D. 1916, at nine (9) o'clock A. M. ~~RECORDED IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS OF BURNSIDE TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, THIS 28TH DAY OF JUNE, 1916.~~

And that the said viewers met at the location or --- the site or proposed location of said bridge, where the public road leading from Cherry Tree ----- in Burnside ----- Township to the New-Washington ----- in Burnside ----- <sup>Crosses Beaver Run</sup> Township on Wednesday the 28th day of June A. D. 1916 at nine o'clock A. M. and that there were present at the view John Nowrey, John, B, Magee and Joseph Brothers the Supervisors of Burnside Township and William Westover, Irvin Yingling and Blance Byers -----

of  
parties interested and in favor said bridge.

And that the said viewers all having been present at the view and after having made said view do agree that there is A— necessity for said bridge. at said point to replace the old wooden structure there now, which is in an unsafe and dilapidated condition. and therefore recommend, that a double reinforced Concrete bridge, Thirty six (36) feet in length with a driveway sixteen (16) feet in width twelve (12) feet in hight above low water mark with solid Concrete or stone abutments laid in cement morter, resting on solid bottom, be erected at said point where the public road leading from the town of Cherry Tree to the town of New-Washington crosses Beaver Run in Burnside Township in the County aforesaid as per draft attached as part of our report.

And that in the opinion of the viewers, the cost or expense of the erection of said bridge as recommended, including the abutments will be about sixteen hundred (\$1600.00) dollars, and as said amount owing to the financial condition of the said Township and the need of other bridges that said amount would be to heavy and burdensome upon the said township alone to bear, and would therefore recommend that sixty per cent of the cost or expense of the erection of said bridge be paid by the County and the remaining forty per cent be paid by Burnside Township.

Witness our hands and Seals this the 28th day of June A. D. 1916.

is the 28th day of June A. D. 1916.  
- *A. M. Branner* (SEAL)  
- *E. D. Billotte* (SEAL)  
- *J. Strickland* (SEAL)

To:- John B Magee, John Nowry, and J. L. Brothers;  
Supervisors of Burnside Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, upon the petition of the Supervisors of the said Township, setting forth, the necessity of a public bridge across Beaver Run where the public road leading from Cherry Tree to New Washington crosses said stream near Yingling's mill in Burnside Township; and in case said bridge is found necessary by the viewers to ascertain the probable cost or expense of the erection thereof and whether said cost or expense will be to heavy and burdensome upon the taxpayers of the said township to bear, and if so, whether said bridge shall be erected by the County as a County bridge, or whether any and if so what proportion of the cost or expense of the erection thereof shall be borne by the county and what proportion by said township.

You are therefore hereby notified, that the said viewers will meet to make said view and discharge the duties of their appointment at the location or proposed location of the said bridge where the said public road, leading from Cherry Tree to New Washington crosses ~~mmmmmm~~ said Beaver Run near Yingling's mill in Burnside township on Wednesday the 28th day of June 1916 at (9) nine o'clock A. M. when and where you may attend if you see proper.

R G Kramer  
E D Billotte  
J S Michale

VIEWERS.

Now June 13 1916 served this notice on John B Magee, John Nowry and J. L. Brothers the Spervisors of Burnside Township personally by handing each of them a copy of same.

TO:- Jessie E Dale, H. H. Spencer and Auston Haney.  
County Commissioners of Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa upon the petition of the Supervisors of the township of Burnside setting forth, the necessity of a public bridge across Beaver Run where the public road leading from Cherry Tree to New Washington crosses said stream, near Yingling's mill in Burnside township; and in case said bridge is found necessary by the viewers to ascertain the probable cost or expense of the erection thereof, and whether said cost or expense will be to heavy and burdensome upon the taxpayers of the said township to bear, and if so whether said bridge shall be erected by the County as a County bridge, or whether ~~in~~ ~~in~~ any and if so what proportion of the cost or expense of the erection thereof shall be borne by the county and what proportion by said township. of Burnside.

You are therefore hereby notified, that the said viewers will meet to make said view and discharge the duties of their appointment at the location or proposed location of the said bridge where the said public road, leading from Cherry Tree to New Washington crosses said Beaver Run near Yingling's mill in Burnside township on Wednesday the 28th day of June 1916 at (9) nine o'clock A. M. when and where you may attend if you see proper.

A G Kramer

Ed Billotte

J D Michaels

VIEWERS.

Now June 13 1916 service of this notice accepted for the  
County Commissioners of Clearfield County Pa.

L C Manns

Clerk.

## Release of Damages.

**Know All Men by These Presents,** That we, the undersigned owners of lands upon which the bridge is 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 or building of said bridge, 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 or building of said bridge.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 191

\_\_\_\_\_  
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 building of said bridge 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: *No one being Damaged*  
*no damages were assessed*  
To \_\_\_\_\_ the sum of \_\_\_\_\_

To \_\_\_\_\_ the sum of \_\_\_\_\_

To \_\_\_\_\_ the sum of \_\_\_\_\_

Witness our hands this 28<sup>th</sup> day of June A. D. 1916

A. G. Kramer  
E. B. Billotte  
J. Sherrick

**Note:**—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 reviewees.  
X. B.—If the reviewees believe the parties are not entitled to damages taking into consideration the advantages as well as the disadvantages of the bridge, they will report to that effect.

No. 3 SEPTEMBER 19: in  
BRIDGE BURNSIDE TOWNSHIP

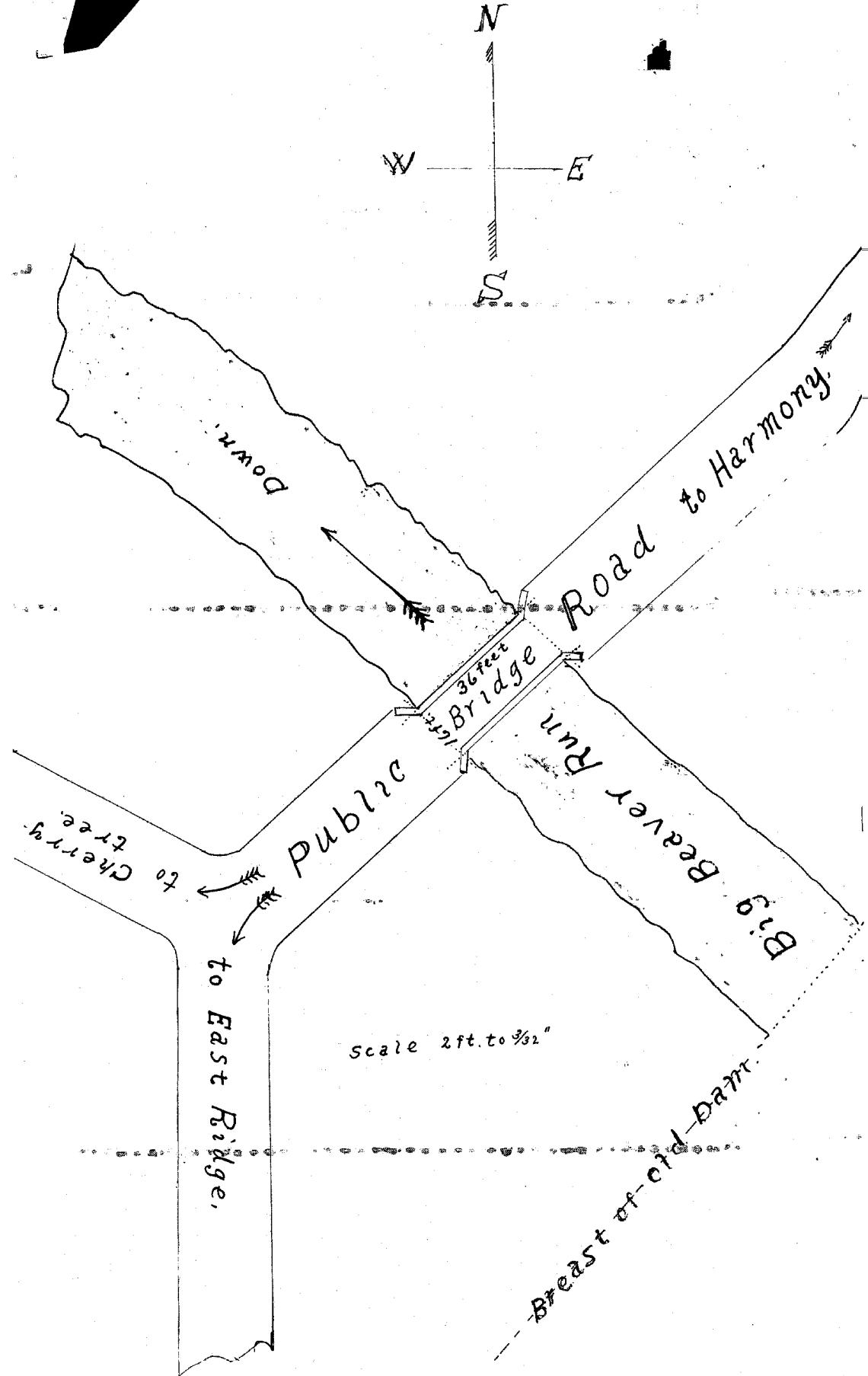
*ORDER TO VIEW  
BRIDGE.*

Michael Davis...3 15.00  
Miles 40. 2.00 7.00  
Total Sept 6 M. 1916  
The Southern Report  
of various subversive  
agitators in connection with  
that case of crime  
be divided 50% to

50% J. G. Otter  
10.2

Book & Walden  
Attorney.

2



Draft Showing location of a Bridge in Burnside  
township, Clearfield County, Pa.

Viewed and laid out June 28th. 1916.

By A. G. Kramer,

E. D. Billotte, and.

J. S. Michaels.

TO THE HONORABLE THE JUDGE OF THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY:

The petition of the supervisors of Burnside Township respectfully represent:

That at a point in said Township where the road from Cherrytree to New Washington crosses Beaver Run, near Yingling's Mill, there is a necessity for a new bridge, that said bridge would have a span of about 35 feet and would be too expensive and burdensome for the Township to build under its present financial condition, and they therefore pray the court to appoint viewers to view said bridge and report to the Court whether the County shall build it or whether or not the county should render aid to the Township in building it.

And they will ever pray.

John B Magee      { Supervisors  
John Wooley      of  
I L Brothers      Burnside Township  
                            Clearfield Co

State of Pennsylvania      { Pa  
County of Clearfield      { S.S.

Personally appeared before me a Justice of the Peace in and for the County aforesaid.

J. L. Brothers one of the Supervisors of the Township of Burnside, and upon oath duly administered do depose and say the facts set forth in the above Petition are true and correct.

Swear and subscribed to this

29 day of April 1915.

John M. Byers, J.P.

My Compt. for J. L. Brothers, 1915.

J L Brothers

No 2 Sept 1896

Petition of citizens of  
Pennsylv. Trans. to make  
appointment of men to  
over public bridge across  
Barber Run near Grindley  
mill in public road  
leading from Cherry Tree to  
West Washington

New May 9<sup>th</sup> 1916, postmarked

Presented otherw<sup>th</sup> by  
G. A. Biddle, A. G. Moore  
and J. S. Michaels  
are appointed委員會  
men said bridge and  
make report shortly

John Clegg  
Rutherford, Pa.

May 19 1916

J. S. Michaels

COLE & HARTSWICK  
LAW OFFICES  
CLEARFIELD, PA.