

Road  
No. 3 May Sessions, 1917

COMMONWEALTH

VERSUS

Private Road  
in Burnside  
Twp.

CHARGE

Walter Welch,  
District Attorney

TO THE HONORABLE SINGLETON BELL, PRESIDENT JUDGE OF THE COURT OF  
QUARTER SESSIONS OF CLEARFIELD COUNTY:-

The petition of Joseph Leamer respectfully represents,

First: That he is a citizen of Burnside Township, in the County of Clearfield.

Second: That he is the owner of a tract of land in said Township of Burnside, upon which your petitioner resides.

Third: That said tract of land is situate about 40 rods from the public road or highway leading from Cherrytree to Westover.

Fourth: That between your petitioner's land and the said public highway the lands of Winecoop are situate.

Fifth: That your petitioner has no outlet whatever from his premises to the said public road aforesaid.

Sixth: Your petitioner further represents that the said private road as prayed for is absolutely necessary.

Your petitioner, therefore, prays the Court that viewers may be appointed to view and lay out a private road from a point at or near the residence of your petitioner on his lands in Burnside Township, through the lands of Winecoop to a point on the public road aforesaid at or near the residence of Winecoop.

*Joseph Leamer  
John Atty  
Miller & Atty*

Clearfield County, SS

Joseph Learner being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct, as he verily believes.

Sworn and subscribed  
before me this 9<sup>th</sup>  
day of February A. D.  
1917.

Joseph Learner

John M. Byers  
Justice of the Peace

My Commission Expires Jan. 1st, 1918

Recd  
No 3 May 1st 1917

Partition of Joseph Deamer  
for apprehension of Vienna  
to said day into private road  
from point at or near the residence  
in Pennsylvania, Pa. to appear at or  
near residence of George  
and public road leading from  
residence to station

Mar 15 February 10 1917 partition  
presented and therefore  
G. Frank Muller Esq.  
G. D. Muller & J. Michael  
are appointed executors to  
said and by and private  
road as may be for said  
said residence as well as  
where required at said residence

By the Court  
Supreme Court

Muller  
COLE & HARTSWICK  
Opera House Bldg.  
CLEARFIELD, PA.

WILLIAMS GUMS SUPPLY CO., WATKINS

# Know all Men by these Presents,

That We, Joseph Learner and *H. E. Learner*  
 and *Earl Shankle* are held and firmly bound  
 unto Commonwealth of Pennsylvania, to heirs, executors, ad-  
 ministrators or assigns, in the sum of Two hundred

Dollars, lawful money, for the payment of which  
 sum, well and truly to be made, we do bind ourselves, our and each of our heirs, ex-  
 ecutors and administrators jointly and severally, firmly by these presents.

Sealed with our seals and dated this 9<sup>th</sup> day of February  
 A. D., One Thousand Nine Hundred and Seventeen

## The Condition of the Above Obligation is Such

Whereas, the said Joseph Learner, hath made application to the Quarter Sessions  
 Court of Cle rfield County, for the appointment of viewers to view and lay out  
 a private road from a point or at or near the residence of your petitioner on his  
 lands in Burnside Township, through and over the lands of Winecoop, to a  
 point at the public road leading from Cherrytree to Westover at or near the  
 residence of said Wyncoop.

Now the condition of this obligation is such that if the said Joseph Learner shall  
 pay all costs and charges of the court and of the viewers that may be appointed  
 as also all amounts that may be assessed for damages for land taken by said  
 private road, then this obligation to be void, or else to be and remain in full  
 force and virtue.

In presence of

*John Byers*  
*J. C. Davis*

*Joseph Learner*  
*H. E. Learner*  
*Earl Shankle*

SEAL

SEAL

SEAL

**Bond**

*To*

*New Y<sup>o</sup>. 1917.*  
*Bonachimond*  
*Broth. Com.*

# 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 13 day of February in the year of our Lord one thousand nine hundred seventeen.

Judge of the same Court: Upon the petition of Joseph Leamer and inhabitants of the Township of BURNSIDE

in said County, setting forth that he is the owner of a certain tract of land situate in the Township of Burnside upon which the petitioner resides. That said tract of land is situate about 40 rods from the public road or highway leading from Cherrytree to Westover. That between your petitioners land and the said public highway the lands of Winecoop are situate. That your petitioner has no outlet whatever from his premises to the said public road aforesaid. That your petitioner further represents that the said privat road is absolutely necessary. Your petitioner, therefore, prays the Court that viewers may be appointed to view and lay out a private road from a point at or near the residence of your petitioners on his lands in Burnside Township through Winecoop to a point on public road at and therefore, pending 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 Frank Hutton, E.D. Billotte  
J. S. Michales

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 C. 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:

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 Bushfield and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 19<sup>th</sup> day of June, A. D. 1919, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 29 day of June, 1917, at 10 o'clock A M. That Three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Aug. Joseph Leamer and Edward Wine Corp Jr

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29 day of June A. D. 1917, when the following appearances were noted: No Appearances of any of the parties in interest

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 Private 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 Private use the following described road, to-wit: Beginning at a boundary line between Joseph Leamer and Edward Wine Corp near, lying on line of Joseph Leamer's property East of barn owned by Joseph Leamer; thence South 23° 25' West, for hundred and Ninety (490) feet to public Road leading from Cherry Tree to Leamer's residence near Edward Wine Corp The post set at each end of the road to be considered as the end of said road, the said road as layed out to be twenty feet wide, or ten feet from line running from the post to post;

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~~ *No exception*

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~~ *they* ~~refused~~ *were refused by*  
*Ed Lorne Cook the sole owner of the land over which*  
*said road is layed out*

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:

*Ed Lorne Cook damages for land taken*  
*and to balance from the sum of twenty five*  
*(75<sup>00</sup>) dollars*

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

WITNESS our hands and seals this 29 day of *June*

A. D. 1917.

*Frank Heaton*



*E.B. Billotte*



*J. S. Michaels*



## ORDER

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.

To view private road for ~~private~~ use in the township of Burnside, Clearfield County

DAYS. MILES AM'T.

Ed Bellote	5	66 33.80
J. A. Michaels	2	44 14.60
Frank Kellom	3	82 23.20

Session, 1917  
read and confirmed Vi. Si.  
Road to be opened ~~10~~ feet  
wide, except ~~where there is~~  
side hill cutting or embank-  
ment and bridging, there to  
be 16 feet wide.

By the Court  
Angus Bell  
Sic is 1917 Confirmed  
absolutely  
Per the Court Bell  
Angus Bell Jr.

Filed 19

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

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



# 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 PRIVATE Road leading from A POINT AT OR NEAR THE RESIDENCE OF JOSEPH LEAMER, ON HIS LANDS IN BURNSIDE TOWNSHIP, THROUGH THE LANDS OF WINECOOP

in BURNSIDE Township to A POINT AT OR NEAR THE RESIDENCE OF SAID WINECOOP TO INTERSECT A PUBLIC ROAD LEADING FROM CHERRY TREE to WESTOVER

in BURNSIDE Township, in the county aforesaid, will meet at the house of JOSEPH LEAMER, in BURNSIDE Township, on TUESDAY, the 19th day of JUNE A. D. 1917, at one o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

*Frank Hallen*  
*E. D. Bellavia*  
*J. S. Michaels*

VIEWERS

DUBOIS PA. MAY 29th, 1917.

Now May 31 1917 Service of this notice is hereby accepted by  
the Commissioners of Clearfield County, Pennsylvania

Allen Anthony  
County Solicitor

Now May 31 1917 Service of the within notice is hereby ac-  
cepted for the Supervisors of Burnside Township, Clearfield County, Pa.

Allen Anthony  
Atty for  
Burnside Twp

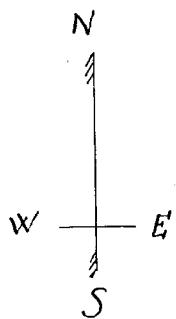
barn

Jos. Leamer,

Division line

Burnside  
20 ft.

E.D. WINE COOP,



Public Road to Westover

South  
Private  
Road

290 feet.  
Laid out

Draft Showing Location  
of a private Road viewed  
and laid out in Burnside  
township, Clearfield County,  
Pennsylvania, on the 19th. day  
of June A.D. 1917.

E.D. Winecoop.



Frank Hutton,  
E.D. Billotte,  
J.S. Michaels,  
viewers.