

Road
No. 3 *May* Sessions, 1917

COMMONWEALTH

VERSUS

Private Road
in Burnside
Twp

CHARGE

X
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 pre-
mises 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 afore-
said at or near the residence of Winecoope.

Joseph Leamer
By his atty
William H. Hubert

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 9th
day of February A. D.
1917.

Joseph Learner

John M. Byers
Justice of the Peace

My Commission Expires Jan. 1st, 1918

Post

No 3 May 11. 1917

Platton of Yorkdeaner
in application of views
to visit stay out, private road
from point at or near the road
in Riverside St. to a point at or
near residence of Wagoner
on public road leading from
Elm Grove to Main St.

Was February 10, 1917, further
petitioned and therefrom
C. Paul Miller, Esq.
C. D. Miller & S. S. Michaels
are appointed referees to
view and lay out private
road as herein for and
make report at next session.

By the Court.
Sunglin Bell

Miller LAW OFFICES
COTTE & HARTSWICK
OPERA HOUSE BLOCK
CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE

May 11. 1917. Petition of Wagoner
ending at Sept. 1917
Sunglin Bell

Know all Men by these Presents,

That We, Joseph Leamer and *H. E. Leamer*
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 9th day of February
A. D., One Thousand Nine Hundred and Seventeen

The Condition of the Above Obligation is Such

Whereas, the said Joseph Leamer, 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 Winecoop.

Now the condition of this obligation is such that if the said Joseph Leamer 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 M. Byers
J. C. Lewis

Joseph Leamer
H. E. Leamer
Earl Shankle



Bond

To

Nov 26. 1917
Bond returned
By the Court

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 12 day of
February 1911 in the year of our Lord
one thousand nine hundred seventeen.

Judge of the same Court: Upon the petition of
~~Joseph Leamer~~
~~sundry 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 private
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 land of Winecoop to a point on public road at
and therefore, pray 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 impartial-
ity 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 dis-
tance, 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 or 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 R. 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 Burnside and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 19th day of June, A. D. 1917, 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 And Joseph Leumer and Mrs Edward Wine corp &c

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 from the parties in interest

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 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 at dividing line between Joseph Leumer and Edward Wine corp near spring on land of Joseph Leumer about 1/4 mile East of barn of said Joseph Leumer; thence South 23° 125' West, four hundred and ninety (490) feet to public Road leading from Cherry Tree to Wolfers near residence of Ed Wine corp the point set at each end of the Road to be considered as the center of said Public Road. The said Road as layed out to be twenty feet wide, or less feet from line running from the point to point.

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 procured~~ such releases ~~from~~ *were refused by Ed Corncoop 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 Corncoop, damages for land taken and to balance of farm the sum of twenty five (\$25.00) dollars*

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

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

A. D. 191*7*

Frank Hutton

E. B. Billotte

J. S. Michael



ORDER

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

Sept. Session, 1917
read and confirmed N. Si.
Road to be opened ~~22~~ feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

By the Court
Angeline Bell
filed 1917 Confirmed
almsbury
By the County
Angeline Bell

Filed 19

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 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	AM'T.
Ed Bell	5	88	33.80
J. A. Michaels	2	48	14.80
Frank Miller	3	82	23.20

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 enrolling and delivery hereof, have remisad, 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 lacion 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. 191_____.



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 RESI-

DENCE 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 Hutton
E. D. Bellon
J. S. Michaels
VIEWERS

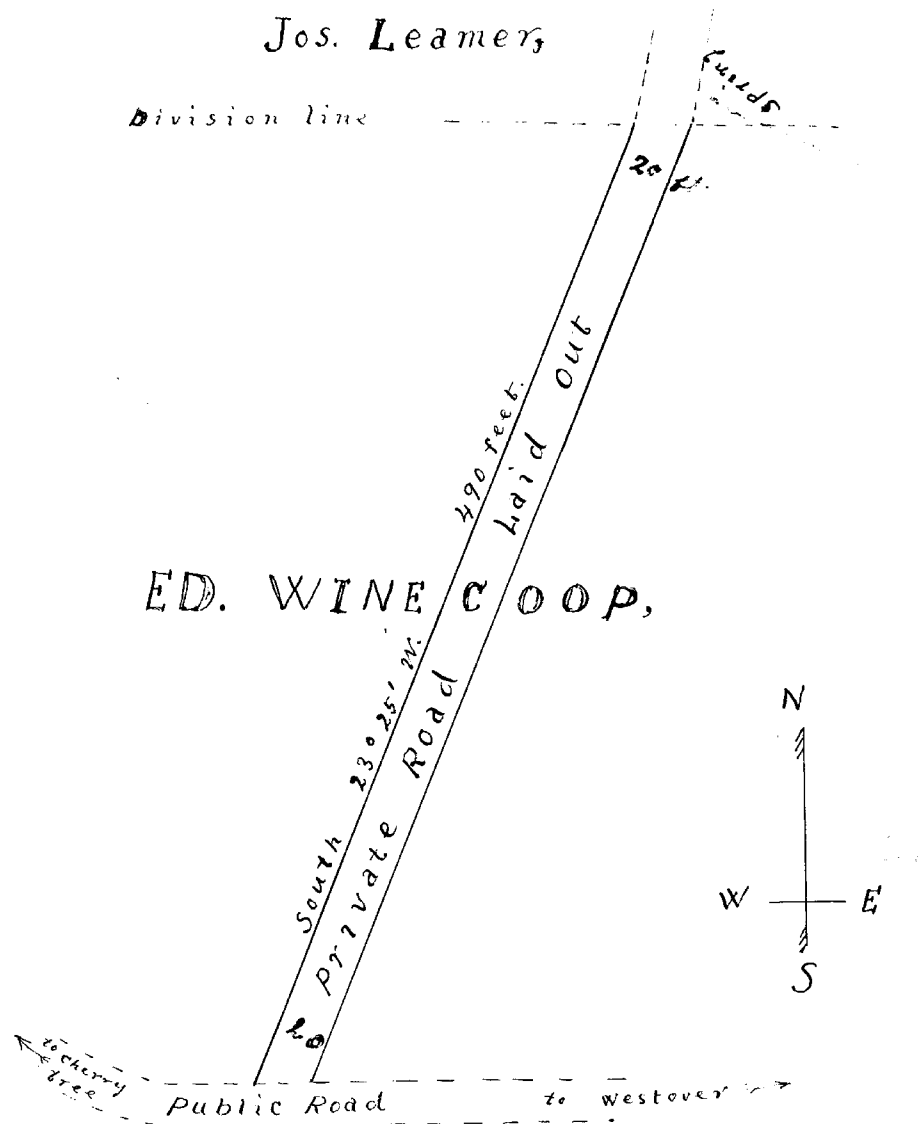
DUBOIS PA. MAY 29th, 1917.

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

Allen H. Anthony
County Solicitors

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

Allen H. Anthony
Atty for
Burnside Twp



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.

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