

Quarter Sessions

In the Court of Common Pleas
OF CAMBRIA COUNTY, PENN'A.

In the matter of the Petition
of Catherine M. Clooney for
a jury to assess damages
caused by opening a
street in Gallitzin Borough

Of December Term, A. D. 1885, No. 5 P.D.

Petition of Catherine M. Clooney.

And now, to-wit, the 13th day of January, A. D. 1886, Read
the within petition read and a Rule is granted upon the
Burgess & Town Council of Gallitzin Borough to show cause why
a jury to assess the damages done to the property of the within
named Petitioner should not be granted.

By the Court.

CAMBRIA COUNTY, SS.

Extract from the Record of said Court. Certified the 13th
day of January, A. D. 1886.

H. A. Shoemaker Prothonotary.

No. 5 December Term, 1885
Road Docket.

In the Matter of the Petition
of Catherine M. Clasky
for Jury to assess damages
caused by opening a
Street in Gallatin Bor-
ough.

Rule to show Cause &c

10 Mar 1886 Continued -
Returnable at Argument Court
By the Court.

16 Apr. 1886 Continued -
Returnable at June Term 1886
By the Court.

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Quarter Sessions

In the Court of Common Pleas
OF CAMBRIA COUNTY, PENN'A.

*In the Matter of the Petition
of Catherine McLoskey for
Jury to assess damages
caused by opening a street
in Gallitzin Borough.*

Of *December* Term, A. D. 1885, No. *5. P. D.*

Petition of Catherine McLoskey

And now, to-wit, the *13th* day of *January*, A. D. 1886, *Read*
the within petition read and a rule is granted upon the *Burgess*
and *Town Council* of *Gallitzin Borough* to show cause why a
jury to assess the damages done to the property of the within
named Petitioner should not be granted.

By the Court.

CAMBRIA COUNTY, SS.

Extract from the Record of said Court. Certified the *13th*
day of *January*, A. D. 1886.

H. A. Shaeemaker Prothonotary.

No. 5 December Term, 1885
Road Docket.

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of Catherine M. Clasky for
jury to assess damages
caused by opening a
street in Gallitzin Bur-
ough.

Rule to show cause &c

10 Mar 1886 Continued
Returnable at Argument Court
By the Court

(Copy)
16 Apr 1886 Continued
Returnable at June Sess 1886
By the Court

Schler

To the Honorable the Judges of the Court
of Quarter Sessions of Cambria County.
The petition of Catharine McCloskey,
by her Attorney, ~~Wm. H. H. H.~~ respectfully
represents, That she is the owner and
with her husband John R. McCloskey
occupies three lots or parcels of ground
situated in Gallitzin Borough, in said
County of Cambria. That by a regulation
enacted Dec 8th 1884 by the direction of
the Burgesses and Town Council of said
Borough, Peter Burns, then Street Com-
missioner for said Borough of Gallitzin,
in the down and did destroy the fence
enclosing the lands of the said Catharine
McCloskey. And from that day to the
present the said lands and parts of
lots have been used, as one of the
streets of said Borough. That provision
was made by said Burgesses and Council
in accordance with ^{the Act of Assembly} to provide for the open-
ing, widening or straightening the streets
of said Borough. Your petitioner further
represents that there was no pub-
lic necessity for the opening of ~~said~~ a
street or alley over her lands, that
the same has been done without the
Burgesses and Town Council endeavoring

to have the right to use said property
obtained according to law.

That no donation to the land taken by the
Borough authorities to public use had
~~ever~~ been made. — That the taking
of the real estate of your petitioner was
the taking of private property for the use
and purpose of the Municipal Corpora-
tion of the Borough of Gallitzin without
the consent of the owner thereof and
before any just compensation had been
made therefor, according to the laws
of this Commonwealth.

The complainant therefore prays the
Court to make such order as may be
just and reasonable in the premises.

And she will &c

Catharine McCloskey
by her Atty Wm. H. Schuler

Learned County - ss -

John R. McCloskey being
duly sworn says the facts set forth
in the above petition are just, true
and correct. To the best of his
knowledge and belief.

Sworn and subscribed

This 2nd day of Jan'y 1886
H. A. Shoemaker, Notary.

John R. McCloskey

To: S. Mrs. Saml. 1885

Belknap of Col. Tharner
McClintock in a letter

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By the Court

Spec. Jan. 13. 1885.

Belknap

To the Honorable the Judges of the Court
of Quarter Sessions of Cambridge County. —

The petition of Catharine McCloskey
and John R. McCloskey respectfully
represents, That on Jan'y, 13th 1886, a petition
was presented to your Honorable Court
by the counsel of your petitioners and
signed by him, setting forth that the
authorities of the borough of Gallitzew had
destroyed the fence around certain prop-
erty of your petitioners and had been
using a portion of their said property
as a public alley, and praying the
Court to make ^{such} an order as would be
just and reasonable in the premises;
That your Honors thereupon granted a
rule on the Burgess and Town Council of
Gallitzew borough, to show cause why a jury
should not be appointed to assess dam-
ages done to property of your petitioners.
Your petitioners further showing that
there have been no further proceedings,
that the rule granted as aforesaid has
never been served, and that ^(they believe) the proper
remedy in the premises is not by assess-
ment of damages, would respectfully
request your Honorable Court to grant
them permission to withdraw said pe-

and to direct that the rule granted as aforesaid be discharged at the costs of your petitioners

And they well ever pray &c.

John R. McCloskey

Carthamus ^{her} McCloskey
monk

Cambria County S. D.

Before me a Justice of the Peace in and for said county personally appeared John R. McCloskey and Carthamus McCloskey, who being duly sworn according to law say that the facts set forth in the foregoing petition are just and true to the best of their knowledge and belief. —

Sworn and subscribed

before me June 4th 1886

Geo W. Hughes

Justice of the Peace

John R. McCloskey

Carthamus ^{her} McCloskey
monk

No. 5 Worcester Term 1885
In the Superior Courts
of Cambridge County

No. 5 Worcester Term 1885
No. 5 Worcester Term 1885

Petition of John R.
McClintock and Catherine
McClintock, -

And, now June 7th 1886
petition read and pay-
or granted, and rules
advised in Gallien Ben
discharged and leave
granted. Then to witness
petition as prayed for.
By the Court

Filed June 7. 1886

Book -