

NO. 8 May 1917 SESSION

COMMONWEALTH
VERSUS

ROAD IN BURNSIDE TOWNSHIP

P.D. v. - Page 37c

Charge.

WALTER WELCH.
Port Twp Rd
17302 DISTRICT ATTORNEY.

In the Court of Quarter Sessions of Clearfield County, Pennsylvania.
Petition to vacate and supply a : No. 6 May Sessions, 1917
road for public use in the Town- : Viewers Report.
ship of Burnside :

The part of the road vacated as shown by the Viewers Report is as follows:

That the part of the present public road leading from the McGee School House to the Cherry Tree Borough from the intersection of the new road laid out about fifty (50) feet northwest of the lower railroad crossing to the west side of the railroad at what is known as the Notley Crossing, being supplied by the new road laid out and has therefore become useless, inconvenient and burdensome we therefore recommend that the same be vacated.

A. G. Kramer, Esq.
E. D. Billotte.
J. S. Michaels.
Viewers.

STATE OF PENNSYLVANIA : Certified from the record this
COUNTY OF CLEARFIELD : 17th day of January A. D. 1923.

Clerk

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

To the Hon. Singleton Bell, Judge of the Court of Quarter Sessions, of Clearfield County:-

The petition of the Supervisors and citizens of Burnside Township, Clearfield County, Penna., respectfully represents:-

1st.-That in the Township of Burnside is a Township highway which leads from the McGee school-house to the Bourough of Cherry Tree, Indiana County:

2nd.-That the New York Central R. R. Co. are about to construct railroad yards at, or near, Cherry Tree and in the construction of said yards in order to give proper facilities to the R. R. Company the said Railroad Co. are required to use a portion of said public highway:-

3rd.-That in order to eliminate grade crossings, one of which is on the present road, and in order to have a better and a much safer highway, your petitioners have met with the representatives of the N. Y. C. R. R. Co. and met with the Public Service Commission and at a meeting duly had it was agreed that the Railroad Co. would contribute to the construction of the new road:-

4th.-Your petitioners therefore pray that viewers may be appointed to vacate all that part of said road from a point at what is known as Notley crossing to a point at or near station 36-880 (on the N. Y. C. R. R. Co. right of way) and that the same may be supplied with a public road between said points ~~as shown on the blue print hereto attached~~:-

And they will ever pray, etc.

John B Magee
John Society
J L Brothers
M B Young
J Seydel

No May 21. 1917

July 1917 upon a
resolution of the Board
of Ed. Belote and S.
Muskals an approved
decision to make report
both to court or may
be more.

By the Court
William B.
Miller

W. C. MILLER
ATTORNEY AT LAW
CLEARFIELD, PA.

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 9 day of April in the year of our Lord one thousand nine hundred seventeen,

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Burnside in said County; setting forth that

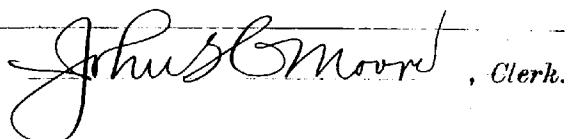
burnside is a Township highway which goes from the McGee School house to the Borough of Cherry Tree, Indiana Co. 2nd: That the New York Central R. R. Co. are about to construct railroad yards at, or near, Cherry Tree and in the construction of said yards in order to give proper facilities to the R.R. Company the said Railroad Company are required to use a portion of said public highway:- 3rd That in order to eliminate grade crossings, one of which is on the present road, and in order to have a better and a much safer highway, your petitioners have met with the representatives of the N.Y.C. R. R. Co., and met with the Public Service Commission and at a meeting duly had it was agreed that the Railroad Co. would contribute to the construction of the new road.

4th:- That your petitioners therefore pray that viewers may be appointed to vacate all that part of said road from a point at what is known as Notley Crossing to a point at or near station 36-880 (on the N. Y. C. R. R. Co. right of way) and that the same may be supplied with a public road between said points. And they will ever pray.

proposals, 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 S. 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 26th day of April, A. D. 1917, and the hearing to be held in the ~~Arbitration Room~~ Court House, in Clearfield, Pa., on the 27th day of April, 1917, at one o'clock P. M. That that the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view J. B. Magee, and J. L. Brothers two of the Supervisors of Burnside Township and Andy Russell, Aaron P. Fry, Clyde Langdon, V. O. Tonkins J. B. Sheppard, and C. W. Beam ~~and Andrew Wilson~~ assistant Engineer for the New York Central Railroad Company and parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 27th day of April A. D. 1917, when the following appearances were noted: Andrew Russell, W. D. Motley, Clyde Langdon and Nora Russell by their Attorney A. M. Liveright. Esq. in opposition to the road, and C. W. Beam assistant Engineer for and as representative of the N. Y. C. Railroad Company and H. B. Hartwick, Esq. Attorney for the Supervisors of Burnside Township: And that

TO:- Jessie. E. Dale, H. H. Spencer and Austin 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 to view and lay out a public road, leading from a point in the public road, leading from McGee School House, to the Borough of Cherry Tree; from at or near what is known as Notley's Crossing near the Borough of Cherry Tree: To a point at or near station No 36 - 880 on the right of way of the New York Central Railroad Company in Burnside Township.

And vacate, the public road supplied by the said proposed new road; from what is known as Notley's crossing; to said station No 36 - 880 on the right of way of the New York Central Railroad Company, in Burnside Township in the County aforesaid, will meet at Notley's crossing on said road in Burnside Township on Thursday the 26th day of April A. D. 1917 at nine (9) o'clock A. M. to attend to the duty of their appointment, of which time and place aforesaid all parties interested in said road will take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested, either in favor of or against the change of said road, a chance to be heard by the viewers, before the filing of their report, will be held in the Court House in Clearfield Pa, on Friday April 27th A. D. 1917 at one (1) o'clock P. M. at which time and place all parties interested in the said road may attend and be heard.

A G Kramer
E D Billotte
J S Michaels

VIEWERS.

11 1917 service of the foregoing notice accepted
Commissioners of Clearfield County Pa.

L C Morris
Clerk.

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
to view and lay out a public road, leading from a point in the
public road, leading from McGee School House, to the Borough of
Cherry Tree; from at or near what is known as Notley's crossing
near the Borough of Cherry Tree: To a point at or near station
No 36 - 880 on the right of way of the New York Central Railroad
Company in Burnside Township.

And vacate, the public road supplied by the said pro-
posed new road; from what is known as Notley's Crossing; to said
station No 36 - 880 on the right of way of the New York central
Railroad Company, in Burnside Township in the County aforesaid,
will meet at Notley's crossing on said road, in Burnside Township
on Thursday the 26th day of April A. D. 1917 at nine (9) o'clock
A. M, to attend to the duty of their appointment, of which time
and place aforesaid all parties interested in said road will plea-
se take notice.

And that the public hearing as required by the Act of
Assembly and the Rules of Court to be held by the viewers, in or-
der to give all parties interested, either in favor of or against
the change of said road, a chance to be heard by the viewers, be-
fore the filing of their report, will be held in the Court House
in Clearfield Pa, on Friday April 27th A. D. 1917 at one o'clock
P. M. at which time and place all parties interested in the said
road may attend and be heard.

A. G. Kramer
E. D. Billotte
J. L. Michaels

VIEWERS.

Now April ¹⁶ 1917 served the foregoing notice on John B Magee,
for the County nd J. L. Brothers the Supervisors of Burnside Town-
v by handing each of them a true and correct copy

John Nowry

A.D. 1917.

the following persons having agreed to release the damages to which they respectively entitled by the reason of the location and opening of the said road, we, the undersigned, did witness and make affidavit that the damages to be assessed to them do not exceed the amount of \$50.00.
Having considered the damages to be derived to them do assess them damages and make report thereto as follows. J. E. Notley
The advantages to be derived to them do assess them damages and make report thereto as follows. J. E. Notley
and opening of the said road, we, the undersigned witness after hearing the affidavit of the parties to this report, do assess them damages and make report thereto as follows. J. E. Notley
damages to which they respectively entitled by reason of the Loga-
tion and opening of the said road, may be entitled by reason of the Loga-
tion and opening of the said road, we, the undersigned witness after hearing the affidavit of the parties to this report, do assess them damages and make report thereto as follows. J. E. Notley
and we herewith return releases obtained and copy of the noticee.

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

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

Leaving from the Menghee School House to take Mountain of Cherry Tree Fifty (50) feet north west of the RailRoad crossing at the terminal nrae of said road laid out. We would further report, that the part of the present double road leading from the Menghee School house to the Cherry Tree Mountain crossing the intersection of the new road laid out about fifty (50) feet north west of the lower railroad crossing to the west side of the road laid out at what is known as the Notley Crossing as shown on the draft map to the right of our report being supplied by the new road never to be attached as part of our report. The new road laid out and has therefore become useless, inconveniencet and burdensome laid out and has therefore become useless, inconveniencet and burdensome we therefore recommend that the same be vacated. -

A. D. 191

Witness our hands and seals this day of

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RECEIVED
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RECEIVED

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 sue for, demand, have or receive any damages for injury or growing out of the location and opening of the road aforesaid.

At and before the enjoining and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-

know all claim by these presents, that we, the undersigned, owners of lands through which the road located by the trustees, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

RELEASE OF DAMAGES.

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.

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No. 8 May Sessions, 1917

ORDER

To view, clear & supply a road for public use in the township of Bunnison, Clearfield County

May Session, 1917,

read and confirmed V. S.

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 Com
Mustard Bell
Seth S. G. Gurney, P.
Chairman

John M. Jones
Reuben Sage
Filed 19

Fees \$1.25 paid by

TO:- Jessie, E. Dale, H. H. Spencer and Austin 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 to view, vacate and change part of the public road, or supposed public road long since used as such, from a point in the public road, leading from Clearfield to Karthaus, at the hand-boards near the Murray Graveyard, in Girard Township to a point in the public road, leading from Shawville to the Knobs, at or near the residence of F. S. Shope in Girard Township in the County aforesaid will meet at the end of the said road near the Murray Graveyard in Girard Township on Wednesday the 27th day of June A. D. 1917 at two (2) o'clock

P. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report, in Court in order to give all parties interested, either in favor of or against making the proposed change in the location of the said road a chance to be heard by the viewers before the filing of their report in Court, will be held in the Court House in Clearfield Pa on Friday 29th day of June A. D. 1917 at nine (9) o'clock A. M. at which time and place all parties in any way concerned in said road may attend and be heard.

A G Kramer
E W Billotte
J S Michaels

VIEWERS.

Now June 18 1917 service of the above notice accepted for the County Commissioners of Clearfield County Pa.

L C Morris

Clerk.

TO:- Ashley. Kyler, Alexander. Billotte and Alfred. Krise,
Supervisors of Girard Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to view, vacate and change part of the public road, or supposed public road long since used as such, from a point in the public road, leading from Clearfield to Karthaus, at the hand boards near the Murray Grave-Yard in Girard Township, to a point in the public road, leading from Shawville to the Knobs, at or near the residence of F. S. Shope in Girard Township in the County aforesaid, will meet at the end of the said road near the Murray Grave-yard in Girard Township on Wednesday the 27th day of June A. D. 1917 at two (2) o'clock P. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested, either in favor of or against the proposed change in the location of the said road a chance to be heard by the viewers before the filing of their report, will be held in the Court House in Clearfield Pa, on Friday the 29th day of June A. D. 1917 at nine o'clock A. M. at which time and place all parties in any way concerned in said road may attend and be heard.

A G Kramer

E D Billotte

J S Michaels

VIEWERS.

Not June 14th 1917 served the above notice on Ashley Kyler and Alfred Krise and on June 15th 1917 on Alexander Billotte personally by handing each of them a true and correct copy of same.

Ashley Kyler

RELEASE OF DAMAGES.

KNOW ALL MEN BY THESE PRESENTS:-- THAT we the undersigned owners of lands through which the public road lately laid out leading from a point at the hand board, on the public road leading from Clearfield to Karthaus, near the Murray Creve-Yard in Girard Township, and extending to a point on the public road, leading from Shawville to the Knobs, near the residence of F. S. Shope in Girard Township in pursuance of the attached order of Court passes: for and in pursuance of the benefit that we will derive by the construction of said road; hereby release, remise and forever quit claim any and all claim or claims to any damages that we may have or 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 aforesaid road.

Witness our hands and seal's this the 21st day of July
A. D. 1917.

Rebecca P. Smith (SEAL)

W E Graham (SEAL) Alfred V. Kriese (SEAL)

John Graham (SEAL) Elmer Kriese (SEAL)

A. B. Smith (SEAL) Dennis Jones (SEAL)

annie Smith (SEAL) F. H. Sherry (SEAL)

Dad Smith (SEAL) P. W. Mains (SEAL)

Ernest Martell (SEAL) M. Graham (SEAL)

Henry Beck (SEAL) Ashley Tyler (SEAL)

Michael Green (SEAL) (SEAL)

H. T. Stewart (SEAL) (SEAL)

D. C. Bradford (SEAL) (SEAL)

Mary re Coulter (SEAL) (SEAL)

----- (SEAL)

----- (SEAL)

----- (SEAL)