

DOCKET No. 5

Number	Term	Year
9	May ss	1922

Petition to vacate road in  
Burnside Twp near Kelley Farm to  
New Washington near Thomas Mitchell  
farm Versus

use

X

perches; thence north twenty seven (27) degrees, west sixteen (16) perches; thence north twenty two (22) degrees, west sixteen (16) perches; thence north forty five (45) degrees, west sixteen (16) perches; thence north thirty four (34) degrees, fifteen (15) minutes, west eight (8) perches; thence north eleven degrees, thirty (30) minutes, west four (4) perches; thence north seventeen (17) degrees, west twenty four perches; to property line of Irvin & Hopkins, thence over land of the said Irvin & Hopkins, the several courses and distances, to wit; thence north eight (8) degrees forty five (45) minutes, west four (4) perches; thence north sixteen (16) degrees, thirty (30) minutes, east twelve (12) perches; thence north seventy (70) degrees east sixteen (16) perches; thence north twenty three (23) degrees, east eight (8) perches; thence north nineteen (19) degrees, fifteen (15) minutes east sixteen (16) perches; thence north eighteen (18) degrees, thirty (30) minutes east sixteen (16) perches; thence north two (2) degrees, forty five (45) minutes, east sixteen (16) perches; thence north twenty six (26) degrees, west twelve (12) perches; thence north nine (9) degrees thirty (30) minutes, east sixteen (16) perches; thence north forty three (43) degrees, thirty (30) minutes east sixteen (16) perches; thence north forty (40) degrees thirty (30) minutes, east twenty four (24) perches; thence north thirty seven (37) degrees, forty five (45) minutes, east twelve (12) perches; thence thirteen (13) degrees, thirty (30) minutes, east eleven (11) perches, to the Bell Township line at or near the Kelley farm.

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacating of said road, or over whose property said road passes or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacating thereof, and that they procured such release from: .....

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation and closing up of the said road, w<sup>t</sup>, the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: .....

Witness our hands and seals this 20<sup>th</sup> day of July, A. D. 1922  
.....A. G. Kramer..... [SEAL.]  
.....E. J. Billotte..... [SEAL.]  
.....J. S. Michaels..... [SEAL.]

No. 9 May SS 1922

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.

## ORDER TO VACATE

To view and vacate, road situate in the Township of Burnside,

Clearfield County.

Now Sept 10 Sessions 1922.

read and confirmed Ni. Si.

By the Court,  
*Smallwood, Jr.*  
Now Sept 10 Sessions 1922.

confirmed absolute.

By the Court,  
*Angelin Bell Jr.*

Filed ..... 19 .....

Atty. ....

Fees \$1.25 paid by

Miller & Hartswick, Atty's.

TO; T. R. WEIMER, JESSE, E, DALE AND M. L. FARRELL:  
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 vacate, a public road, leading from a point on the Bell Township line near the Kelley farm, in Burnside Township to a point on the public road leading from Burnside Borough to New Washington at or near the Thomas Mitchell farm in Burnside Township in the County aforesaid, will meet at the house of Thomas Mitchell farm in Burnside Township on Wednesday the 19th day of July A. D. 1922 at Ten (10) o'clock A. M. to attend to the duty assigned them of which time and place all parties interested will please take notice.

And that the public hearing 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 vacating said road, a chance to be heard by the viewers before the filing of their report in Court, will be held in the Arbitration Room in the Court House in Clearfield Pa on Thursday the 20th day of July A. D. 1922 at Nine (9) o'clock A. M, when and where all parties interested in said road may attend and be heard.

A G Kraemer  
E D Billotte  
J S Michaels

VIEWERS.

Now July the 8 1922. service accepted of the above notice for the County Commissioners of Clearfield County Pa.

L C Starns

Clerk.

TO: John. Nowrey. J. Ralph. Hutton and Frank, Beck.  
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 vacate a public road, leading from a point on the Bell Township line near the Kelley farm, in Burnside Township, to a point on the public road, leading from Burnside Borough to New Washington, at or near the Thomas Mitchell farm in Burnside Township in the County aforesaid; will meet at the house on the Thomas Mitchell farm in Burnside Township on Wednesday the 19th day of July A. D. 1922 at Ten (10) o'clock A. M, to attend to the duty assigned them, of which time and place all parties interested will please take notice.

And that the public hearing 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 vacating said road, a chance to be heard by the viewers before the filing of their report in Court, will be held in the Arbitration Room in the Court House in Clearfield Pa; on Thursday the 20th day of July A. D. 1922 at Nine (9) o'clock A. M, when and where all parties interested in said road may attend and be heard.

A G Kramer  
E P Billotte  
J S Mitchell  
VIEWERS.

Now July the 12 1922 served this notice on John Nowery  
J. Ralph. Hutton and Frank Beck the Supervisors  
of Burnside Township personally by handing to each of them a true  
and correct copy of same.

J. Ralph. Hutton

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE 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, beg leave to report as follows:

That notice of the time of the 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 said road to be vacated, that the said view would be held on the

19th day of July ——, A. D. 1922, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield,

Pa., on the 20th day of July —— A. D., 1922, at nine o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view John Nowrey and Ralph Hutton two of the Supervisors of Burnside Township and part of the time James Rorabaugh;

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 20th day of July, ——,

A. D. 1922, when the parties interested in the said road were in attendance: to wit John Nowrey a one of the Supervisors of Burnside Township

part  
And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome. That the part of the said road leading from the public road leading from Burnside to New-Washington at or near the residence of Thomas Mitchell to the property line between James Rorabaugh and W. F. Sunderlin 219 perches is all through cleared farm land and the only outlet to the people living along the said road to the mill, Church and School and is therefore a benefit to the people living along said road, they therefore recommend that said portion of said road leading from the said Township road leading from Burnside to New-Washington where said road to be vacated connects with the said Township road to the property line between James Rorabaugh and W. F. Sunderlin be not vacated. But that in the opinion of the viewers the balance of said road from the said property line between James Rorabaugh and W. F. Sunderlin to the Kelly farm has become useless, inconvenient and burdensome to the taxpayers of the township and therefore that the same be vacated as follows: to wit: Beginning at the property line between James Rorabaugh and W. F. Sunderlin; thence over the property of W. F. Sunderlin the following courses and distances: to wit: north fourteen (14) degrees, thirty (30) minutes, East twelve perches; thence north six (6) degrees forty five (45) minutes, East twelve (12) perches; thence north no (0) degrees, thirty (30) minutes, West sixteen (16) perches, thence north fourteen (14) degrees east eight (8) perches; thence north five (5) degrees, West four

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the **14th** day of **April** in the year of our Lord, one thousand nine hundred and **twenty-two**

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of **Burnside**, in the County aforesaid setting forth that **a..... certain public road in said Twp beginning at the line of Bell Twp. at or near the Kelley farm, and extending to a point on the public road leading from Burnside to New Washington, at or near the Thomas Mitchell farm, has become useless and of great expense to the township to maintain and burdensome on the Twp. In the opinion of your petitioners the said road should be vacated**

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

point from and among the County Board of Viewers **A. G. Kramer, Esq. E.D. Billotte**

**J. S. Michaels** who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

*Geo W. Ralston*

Clerk.