

DOCKET No. 5

Number Term Year

10 May ss 1922

petition to vacate road in Burnside

Twp near A. W. Patchin residence to

N. Y. C RR Station

Versus

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 a point on State Highway, about 450 feet south of the residence of Mrs. A. W. Patchin and crossing the Susquehanna River and extending to a point at or near the New York Central Railroad Station, all in said Twp. has become useless, and burdensome to the tax payers of said Twp. that the said bridge over the said Susquehanna River is greatly out of repair and in a dangerous condition

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

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 Ralstone

Clerk.

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

18th 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 Patchin, Carl Patchin, Arthur Fry, George M Young, P. E. Smith, Elmer Leasure and others; -----

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: John Patchin, Carl, Patchin, Arthur Fry, George M Young, P. E. Smith and Elmer Leasure parties opposed to vacating said road and John Nowery one of the Supervisors with W. C. Millier Esq, of Millier and Hartwick Attorneys for the Supervisors of Burnside Township: -----

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has not, become useless, inconvenient and burdensome; They find the facts as follows. That this is a short piece of road, not over one third of a mile in length, and not an expensive road to keep up; the only objection to keeping up said road or reason why the Supervisors wish to have said road vacated is on account of a bridge on said road across the Susquehanna River which has been in arbad condition; said bridge is about fifty(50) feet in length and the Supervisors claim they are not in a financial condition to repair said bridge and put it in a good safe condition; said road leads from the State Highway near Patchinville which leads from Burnside to the Town of Cherry Tree to the Railroad Station of Patchin, on the New York Central Railroad on the oposite side of the river from the village of Patchinville and a general settlement in that vicinity and the only road to the said Railroad Station and the only side track or shipping point between Burnside and Cherry Tree a distance of nine miles, and a very convenient point for shipping out of mine ties, mine props and other material and for the farmers living on the East side of the river for shipping in lime and other furtilizers; Besides; parties residing in Patchinville and in that vicinity will not have much over one third of a mile to the Railr oad Station but if vacated or done away with they will have over a mile

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 to view and vacate a public road leading from a point on the State Highway about 450, feet south of the residence of Mrs A. W. Patchin in Burnside Township to a point at or near the Railroad Station on the New York Central Railroad in Burnside Township in the County aforesaid: Will meet at the aforesaid Station of the New York Central Railroad in Burnside Township on Tuesday the 18thday of June A. D. 1922 at nine o'clock A.M to attend to the duty assigned them of which time and place aforesaid, 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 A. M. when and where all parties interested in said road may attend and be heard.

A G Kramer
E D Billotto
J L Michaels

Viewers.

Now July, 8 1922, service accepted for the County Commissioners of Clearfield County Pa

L C Morris
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 to view and vacate a public road, leading from a point on the State Highway about 450, feet south of the residence of Mrs A, W. Patchin in Burnside Township to a point at or near the Railroad Station on the New York Central Railroad in Burnside Township in the County aforesaid; will meet at the aforesaid Station of the New York Central Railroad in Burnside Township on Tuesday the 18th day of July A. D. 1922 at nine (9)o'clock A. M, to attend to the duty assigned them of which time and place aforesaid, 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 o'clock A.M. when and where all parties interested in said road may attend and be heard.

A G Kramer

Ed Billotte

J S Michaels

VIEWERS.

Now 13 the July 1922 served this notice on John Nowrey 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.

John Nowrey

and a walk to the nearest station and no shipping point at that as there is no sidetrack and impossible to get one on account of the curve in the railroad. so that in order to retain the road the Citizen's in that community have agreed at their own expense to put said bridge in proper repair so as to put it in a safe condition.

The viewers therefore see no good reason for vacating said road as the expense of keeping up the same is not very heavy on the Township and that the same from all the information they have are of the opinion is needed and is not useless, inconvenient or burdensome upon the taxpayers to keep up: They therefore recommend that said road be not vacated. --

~~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 now to 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 properties 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 vacation 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, we, the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof, as follows:

~~and we have with return dates obtained, and copy of the notices.~~

Witness our hands and seals this 20th day of July, -----, A. D. 1922.

A. G. Kramer [SEAL.]

E. B. Billotte [SEAL.]

J. S. Michaels [SEAL.]

Viewers.

No. 10 May 1922

SS

ORDER TO VACA

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.

To view and vacate road in the Township of Burnside Clearfield County.

Now Sept 1 Sessions 1922

read and confirmed Ni. Si.
By the Cou
Frankland Co
Now Sept 1 Sessions 1922
confirmed absolute.

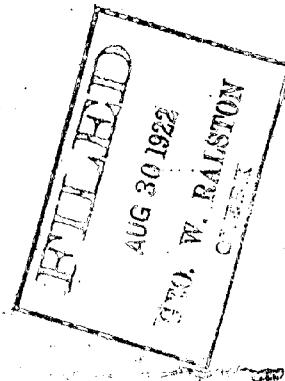
By the Co
Frankland Co

Filed

Atty.

Fees \$1.25 paid by

MILLER & HARTSWICK, A:



To the Honorable Singleton Bell, President Judge of the Court of Quarter Sessions of Clearfield County:-

The petition of the undersigned, Supervisors of Burnside Township, and citizens, of Burnside Township, respectfully represents:

That a certain public road in said Township beginning at a point on State Highway, about 450 feet south of the residence of Mrs. A. W. Patchin and crossing the Susquehanna River and extending to a point at or near the New York Central Railroad Station, all in said Township, has become useless, unnecessary and burdensome to the tax payers of said Township; that the said bridge over the said Susquehanna River is greatly out of repair and in a dangerous condition.

Your petitioners therefore pray that viewers may be appointed to vacate said road and they will ever pray, etc.

Chas. J. Mitchell S. J. Beamer
S. L. Wilson James Leamer
J. L. Bickelhaupt G. W. Ross
R. Kessell W. Rossolom
Clark Beck J. R. Wilson
S. E. Tressell Frank Leamer
J. D. Kelly C. E. Hoff
Samuel Propell John Lampkin
Belle Troxell Samuel Giswhite
Perry Snyder H. E. Leamer
Frank Garrison C. F. Brothers

M. B. Brothers
W. J. Beck
E. B. Brothers
James Brothers
J. B. Haag
J. H. Mitchell
D. J. Mitchell Jr
Ernest Riddle
J. R. Weaver
J. H. Weaver
Walter Riddle
W. H. Smith
Jesse F. Hutton

CLEARFIELD COUNTY: SS:

J. Ralph Hutton, Secretary of the Board of Supervisors
of said Township, being duly sworn according to law says the
facts set forth in the foregoing petition are true.

J. Ralph Hutton

W. H. Smith
J. P.

my commission
expires Jan 1 1922

KNOW ALL MEN BY THESE PRESENTS, that we,
..... and and
all of the Township of Burnside, County of Clearfield, are held
and firmly bound unto the County of Clearfield in the sum of
Fifty (\$50.00) Dollars, lawful money of the United States of
America, to the payment of which we do bind ourselves, our heirs,
executors and administrators firmly by these presents. Sealed
with our seals and dated the day of February, A.D. 1921.

WHEREAS, the Supervisors of Burnside Township and
citizens of Burnside Township have presented a petition to the
Court of Quarter Sessions of Clearfield County, asking for the
appointment of viewers to vacate and a public road leading from
a point on the State Highway about 450 feet South of the resi-
dence of Mrs. A. W. Patchin, crossing the Susquehanna River to
a point at or near the New York Central Railroad Station, all in
said Township.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if
the said obligors shall at all times save and keep harmless the
said County of Clearfield from any and all expenses and charges
in the event of said review application being refused then this
obligation to be void or else to be and remain in full force and
virtue.

John Young (SEAL)
J. Ralph Nutton (SEAL)
Frank Beck (SEAL)

NO 10 May 11, 1922

Petition to vacate public road in Pennsylvania from a point on State Highway above Woodchuck Gap to a point where it is joined by W.C. RR station in said town.

From File No. 1922. The Northern Potter, Susquehanna and Allegheny Co. & operated by J.S. McDevitt are appointed Plaintiff & make their appearance for and to make report herein. Plaintiff and Plaintiff's attorney, J. H. Conroy, of the County of Clearfield, Pa.

John H. Conroy

FILED

APR 16 1922

EDO. W. RAISER
C. MILLER & HARTSWICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

ANNUAL OFFICE SURVEY CO. BUREAU

275 by attorney

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In Re

No. 10 May Sessions, 1922.

Petition to Vacate Public Road
in Burnside Township.

To the Honorable Singleton Bell, President Judge, and to the
Viewers Appointed by the Court:-

The undersigned residents of Burnside Township,
Clearfield County, respectfully protest against the proposed
vacation of the public road leading from a point on the State
highway about four hundred fifty feet South of the residence of
Mrs. A. W. Patchin to a point at or near the railroad station
on the New York Central Railroad, for the following reasons:-

(1). That said road runs from the main highway between
Burnside and Cherry Tree to a railroad siding at the station of
Patchin on the New York Central Railroad.

(2). That said railroad siding is the only one between
Burnside and Cherry Tree, a distance of nine miles.

(3). That it is essential for the interest of farmers and
others resident along said nine miles of highway and back thereof,
to have railroad facilities, and they will be denied such
facilities by vacation of the highway and will as a result be un-
able to get supplies and unable to enjoy the business and social
comforts afforded as a result of the railroad connection.

(4). That the highway is less than 1000 feet in
length and its upkeep is not burdensome to the tax payers of
Burnside Township; and the bridge over the Susquehanna river
forming a part of the highway sought to be vacated can be put in
ordinarily good condition at small expense.

	<u>J. P. Morton</u>	Burnside Pa.	Burnside
	<u>King Buckley</u>	<u>Wickoff R.D.</u>	<u>Burnside</u>
Mrs	<u>Ellen Byers</u>	<u>Mrs A. C. Lee</u>	
	<u>J. L. Bile</u>	<u>Herbert Oaks</u>	
	<u>Ernest Derganin</u>	<u>John Oaks</u>	
	<u>Ebner Frazer</u>	<u>Jula Oaks</u>	
	<u>James Croasman</u>	<u>Carl Sunderlin</u>	
	<u>Orpha Dugarmi</u>	<u>Daisy Sunderlin</u>	
	<u>Laura Leasure</u>	<u>C. E. Fulton</u>	
	<u>Mrs C. H. Patchin</u>	<u>C. E. Fulton</u>	
	<u>Harvey Foy</u>	<u>Orson C. Roff</u>	
	<u>George L. Foy</u>		
	<u>A. C. Gee</u>	<u>M. L. Rorabough</u>	
	<u>Mabel E. Foy</u>	<u>Geo. M. Young</u>	
	<u>Armonda Foy</u>	<u>P. E. Smith</u>	
	<u>Armonda Brodman</u>	<u>Edward Batherbaugh</u>	
	<u>A. E. Foy</u>		
	<u>A. E. Foye</u>	<u>G. D. Henry</u>	
Mrs	<u>Daniel Foye</u>	<u>S. E. Tressell</u>	
Mrs	<u>Nugan Foye</u>	<u>Jacob W. Trostell</u>	
	<u>Jay O. Foyl</u>	<u>Russell B. Neff</u>	
	<u>Jerry Foye</u>	<u>G. H. Neff</u>	
	<u>Blanche Foye</u>	<u>Lillie B. Neff</u>	
	<u>Gilda J. Foye</u>	<u>S. A. Neff</u>	
	<u>Wayne Shimpock</u>		
	<u>John Lee</u>		
	<u>Ethel Thompson</u>		

In the Court of Quarter
Sessions of Glenfield
County, Pennsylvania.

No. 10 May Sessions, 1922

In Re

Petition to Vacate Public
Road in Burnside Township.

Protest Against Vacation
of Highway in Burnside
Township.

