

DOCKET No. 5

Number	Term	Year
2	Dec SS	1923

Petition to vacate public road

in Burnside Twp

**Versus**

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, Clearfield County, respectfully represents:

That a certain public road in the said Township of Burnside, which extends from a point at or neat the cross-roads at the Murray Boyce farm at East Ridge, to a point at or near the farm of .....Johnson in said Township, has become burdensome, useless and inconvenient and of great expense to the Township to maintain. Your petitioners therefore pray the Court that said road may be vacated agreeably to the Act of Assembly in such case made and provided, and they will ever pray, etc.

John Fowey  
J. Ralph Hutton  
Brauk Beck

Clearfield County: ss:

J. Ralph Hutton, one of the Supervisors of Burnside Township, being duly sworn according to law says that the facts set forth in the foregoing petition are true and correct.

J. Ralph Hutton

Sworn and subscribed before me this 8<sup>th</sup> day of October, 1923.

H. H. Smith  
justice of the peace

My Com. is sum ..  
First Inst. Jan. 1<sup>st</sup>

KNOW ALL MEN BY THESE PRESENTS, that we .....  
.....and .....and .....are held and firmly bound unto the  
County of Clearfield in the sum of Fifty (\$50.00) Dollars, lawful  
money, to the payment of which we do bind our heirs, executors and  
administrators firmly by these presents, sealed with our seals and  
dated the .....day of October, 1923.

WHEREAS, the above bounden, being the Supervisors of  
Burnside Township, Clearfield County, have petitioned the Court for  
the appointment of viewers to vacate a certain public road as  
described in said petition hereto attached.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if the  
above bounden in the event of the said vacation being refused by  
the Court shall save and keep harmless the County of Clearfield  
from all costs and expenses, then this obligation to be void, or  
else to be and remain in full force and virtue.

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

Frank Beck \_\_\_\_\_  
(SEAL)

2 Dec 22 1923

Petition for Appointment of  
Miner to new and make  
public road in DuBois  
Township, from a point at or near  
the cross roads at the Mtns  
Range from East Ridge to a point  
or near the junction of — Johnson

Show testator S.S. 1923  
the written petition presented  
and by, Kramer, E. D.  
Bellard & J. S. Whipple  
represented miners to  
miners and miners report  
as to condition of road for  
them.

At the Court

John H. Biggs

277 OCT 9 1923  
M. A. MILLER & HARTSWICK  
ATTORNEYS AT LAW  
CLERK'S OFFICE  
CLEARFIELD, PA.

2 12 by atty

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

23th day of October-----, A. D. 1923, 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 25th day of October, ----- A. D., 1923, 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 Adam Beck one of the Supervisors of Burnside Township and  
L. Murray Boyce and Johnson; -----

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 25th day of October,  
A. D. 1923, when the parties interested in the said road were in attendance: John Nowery and  
Adam Beck two of the Supervisors of Burnside Township with their  
Attorney H. B. Hartwick Esq of Millier and Hartwick. -----

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has -----, become useless, inconvenient and burdensome as follows. Beginning at the cross roads near the barn on the Murry Boyce farm in Burnside Township Clearfield County Pennsylvania; thence running over the land of the said Murray Boyce the following courses and distances: South eighty eight (88) degrees; East six hundred (600) feet; thence south seventy eight (78) degrees, East one hundred (100) feet; thence south sixty nine (69) degrees East two hundred (200) feet, thence south sixty four (64) degrees; East Two hundred and thirty eight (238) feet, to the property line on the east side of the road of the Parcella Coal Company and on the west side of the road by land of C. F. Brothers; thence on the dividing property line of the said Precilla Coal Company and C. F. Brothers, the following courses and distances, to wit: South sixty four (64) degrees, thirty three (33) minutes. East two hundred (200) feet, thence south sixty five (65) degrees East three hundred (300) feet, Thence south fifty nine (59) degrees thirty (30) minutes East two hundred (200) feet; Thence south seventy two (72) degrees, thirty (30) minutes, East one hundred (100) feet; Thence south eighty (80) degrees, east two hundred (200) feet, Thence south eighty six (86) degrees, fifteen (15) minutes, East four hundred (400) feet; thence

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 **9th** day of **October** in the year of our Lord, one thousand nine hundred and **twenty three**

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 the said Twp of Burnside, which extends from a point at or near the cross-roads at the Murray Boyce farm at East Ridge to a point at or near the farm of Johnson in said Twp.** has become burdensome, useless and **inconvenient and of great expense to the Twp. to maintain.**

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-

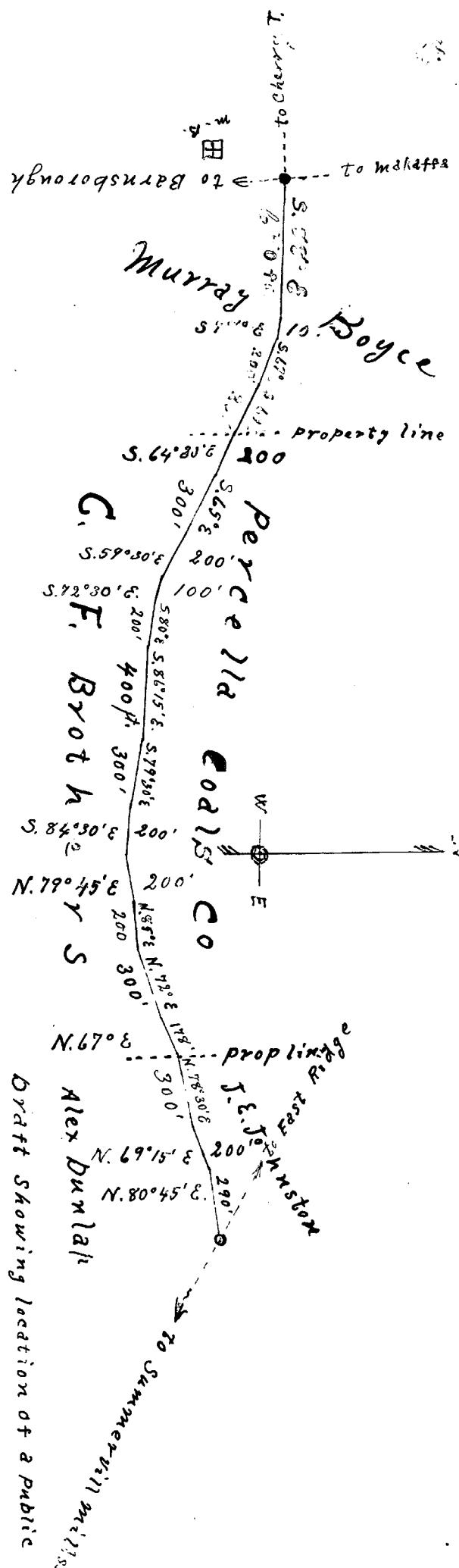
point from and among the County Board of Viewers **A. G. Kramer, Esq. E. D. Billotte, and J. S. Michaels** who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by 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.



Draft Showing location of a public  
residence Park. Clearfield Co. Pa.

Rodd in Burnside twp. Cambria Co. Pa.  
died for vacation. Oct. 23rd. A.D. 1923.

Scallop 1/4" to 100.

A. G. Kramer, *Vienners*  
Est. Billotte *Vienners*  
J. S. Michaels.

TO: T. R. Weimer, Jesse. E. Dale and M. L. Farre.  
County Commissioners of Clearfield County Penna.

You are hereby notified, that the undersigned viewer  
inted by the Court of Quarter Sessions of Clearfield County  
view and vacate a public road leading from a point in a public  
road at or near the Cross Roads at the Murray Boyce farm on East  
Ridge in Burnside Township to a point at or near the farm of

Johnson in Burnside Township, in the County aforesaid,  
will meet at the Cross roads on the Murray Boyce farm in Burnside  
Township, on Tuesday the twenty third (23d) day of October A. D.  
1923, at nine thirty (9.30) o'clock A. M. to attend to the duty  
assigned them of which time and place aforesaid all parties inter-  
ested will please take notice.

And that the public hearing required by the Act of As-  
sembly and the Rules of Court to be held by the viewers before the  
filling of their report in court, in order to give all parties  
interested, either in favor of or against the vacating of the said  
road a chance to be heard by the viewers before the filing of thei  
r report in court will be held by the viewers in the Arbitration  
Room in the Court House in Clearfield Pa on Thursday the 25th day  
of October A. D. 1923 at nine (9) o'clock A. M. at which time and  
place all parties interested, either in favor of or against the  
the vacating of the said road may attend and be heard.

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

VIEWERS.

Now October 13 1923 service accepted for the County Commis-  
sioners of Clearfield County Pa.

J. C. Morris,  
Clerk.

TO: John Mourey, J. Ralph. Hutton and Frank, Beck: 11.

The Supervisors of Burnside Township Clearfield County

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 in a public road at or near the cross Roads at the Murray Boyce farm on East Ridge in Burnside Township to a point at or near the farm of Johnson in Burnside Township, in the County aforesaid; will meet at the cross roads at the Murray Boyce farm in Burnside Township on Tuesday the twenty third (23) day of October A. D. 1923 at nine thirty (9.30) 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 the vacation of the said road, a chance to be heard by the viewers before the filing of their report in Court will be held by the viewers in the Arbitration Room in the Court House in Clearfield Pa on Thursday the 25th day of October A. D. 1923 at nine (9) o'clock A. M. at which time and place all parties interested, either in favor of or against the vacating of the said road may attend and be heard.

A G Kramer  
E D Billotte  
J J Marshall

VIEWERS.

Now October 15<sup>th</sup> 1923 served this notice on John Mourey, 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.

south seventy nine (79) degrees, thirty (30) minutes; East three hundred (300) feet, thence south eighty four (84) degrees thirty (30) minutes East two hundred (200) feet, Thence north seventy nine (79) degrees, forty five (45) minutes, East two hundred (200) feet, Thence north eighty five (85) degrees East two hundred (200) feet, Thence north seventy two (72) degrees East three hundred (300) feet, Thence north sixty seven (67) degrees, East one hundred and seventy eight (178) feet to the property line of Alex Dunlap on the west and J. E. Johnson East, Thence on the dividing property line of the said Alex Dunlap and J. E. Johnson the following courses and distances, to wit; North seventy eight (78) degrees, thirty (30) minutes, East three hundred (300) feet, thence north sixty nine (69) degrees, fifteen (15) minutes, East two hundred (200) feet; thence north eighty (80) degrees, forty five (45) minutes; East two hundred and ninety (290) feet to a point in the public road leading from East Ridge to Summerville Mill in Burnside Township Clearfield County Penna. near the house of J. E. Johnson. And therefore recomment that the same be vacated as pрад for.

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 vacation 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:

*That in the year the opinion of the viewers none of the abutting property owners are damaged by the vacating of said road therefore no damages are assessed.*

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 hereof as follows:

~~RECEIVED IN THE OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS~~

Witness our hands and seals this 13th day of November , A. D. 1923

*A. G. Kramer* .... [SEAL]

*E. B. Billotte* .... [SEAL]

*J. S. Michael* .... [SEAL]

Viewers.

No. 2 Dec Term 1923

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*ORDER TO VACATE*

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 root 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 situate  
in the Township of Burnside  
Clearfield County.

## Clearfield County.

Now ~~one~~ Sessions 1923  
read and confirmed Ni Si.

By the Court.  
Angela Bell J  
Sessions 19  
Now .....

Now..... Sessions 19..... confirmed absolute.

By the Court.

Feb 6 1924  
C. G. and G. H.

Filed

.A.11

Fees \$1.25 paid by

Miller & Hartwick, Attns.

