

No. 7 Dec 1926 Term 191 A. D.

Petition to vacate
Road in Burnside
Twp

VS.

MEMORANDA

Prothonotary Office
Clearfield County Pa.

a road has long since laid out from a point on the state road Route No. 6, as shown by the attached map and marked "A" to a point on the state highway, Route No. 6, as shown by the attached blue print, and marked "B". Point "A" is on the property of the Estate of James Martin and Point "B" is on the property of John Boyer. The centre line of said road runs from point "A" in the following courses:- North $73^{\circ} 02$ minutes West 79 feet; thence over land of the Estate of James Martin and crossing at grade over the Cresson Division of the The Pennsylvania Railroad North $44^{\circ} 21'$ West 382 feet; thence continuing at grade over the said The Pennsylvania Railroad property and over land of John Boyer North $86^{\circ} 45'$ West 174 feet; thence continuing over the said Boyer lands $60^{\circ} 40'$ West 234 feet.

It is the desire of your petitioners to vacate said road in order to vacate the grade crossing over the said railroad tracks.

Your petitioners believe that the said road has become useless expensive and dangerous.

To the Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County in re: No. 7, December Sessions, 1926, to view and vacate a certain public road in the Township of Burnside, Clearfield County, Pennsylvania, beginning at a post on the property of the Estate of James Martin, the centre line of said road running in the following courses and distances: North 73 degrees 02 minutes West 79 feet; thence over land of the Estate of James Martin and crossing at grade over the Cresson Division of the Pennsylvania Railroad North 44 degrees 21 minutes West 382 feet; thence continuing at grade over the said The Pennsylvania Railroad property and over land of John Boyer North 86 degrees 45 minutes West 174 feet; thence continuing over the said Boyer lands 60 degrees 40 minutes West 234 feet to a post on the property of John Boyer: will meet at the point where said road crosses the grade over the Cresson Division of the Pennsylvania Railroad, in said Township of Burnside, on Thursday, the 30th day of December, A. D. 1926, at ten (10:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said road an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 31st day of December, A. D. 1926 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

Dated, December 14th, 1926.

John Ballard
E. J. Billotte
J. D. Michaels
Viewers

Clearfield County, SS:

Now, this 18 day of December, A. D. 1926,
service of the above notice is accepted for the Commissioners of Clearfield
County.

L. C. Morris
Clerk

To: Stanley Young, Frank Beck and J. B. Shepherd, Supervisors of the Township of Burnside, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County in re: No. 7, December Sessions, 1926, to view and vacate a certain public road in the Township of Burnside, Clearfield County, Pennsylvania, beginning at a post on the property of the Estate of James Martin, the centre line of said road running in the following courses and distances: North 73 degrees 02 minutes West 79 feet; thence over land of the Estate of James Martin and crossing at grade over the Cresson Division of the Pennsylvania Railroad North 44 degrees 21 minutes West 382 feet; thence continuing at grade over the said The Pennsylvania Railroad property and over land of John Boyer North 86 degrees 45 minutes West 174 feet; thence continuing over the said Boyer lands 60 degrees 40 minutes West 234 feet to a post on the property of John Boyer: will meet at the point where said road crosses the grade over the Cresson Division of the Pennsylvania Railroad, in said Township of Burnside, on Thursday, the 30th day of December, A.D. 1926, at ten (10:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said road an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 31st day of December, A. D. 1926 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

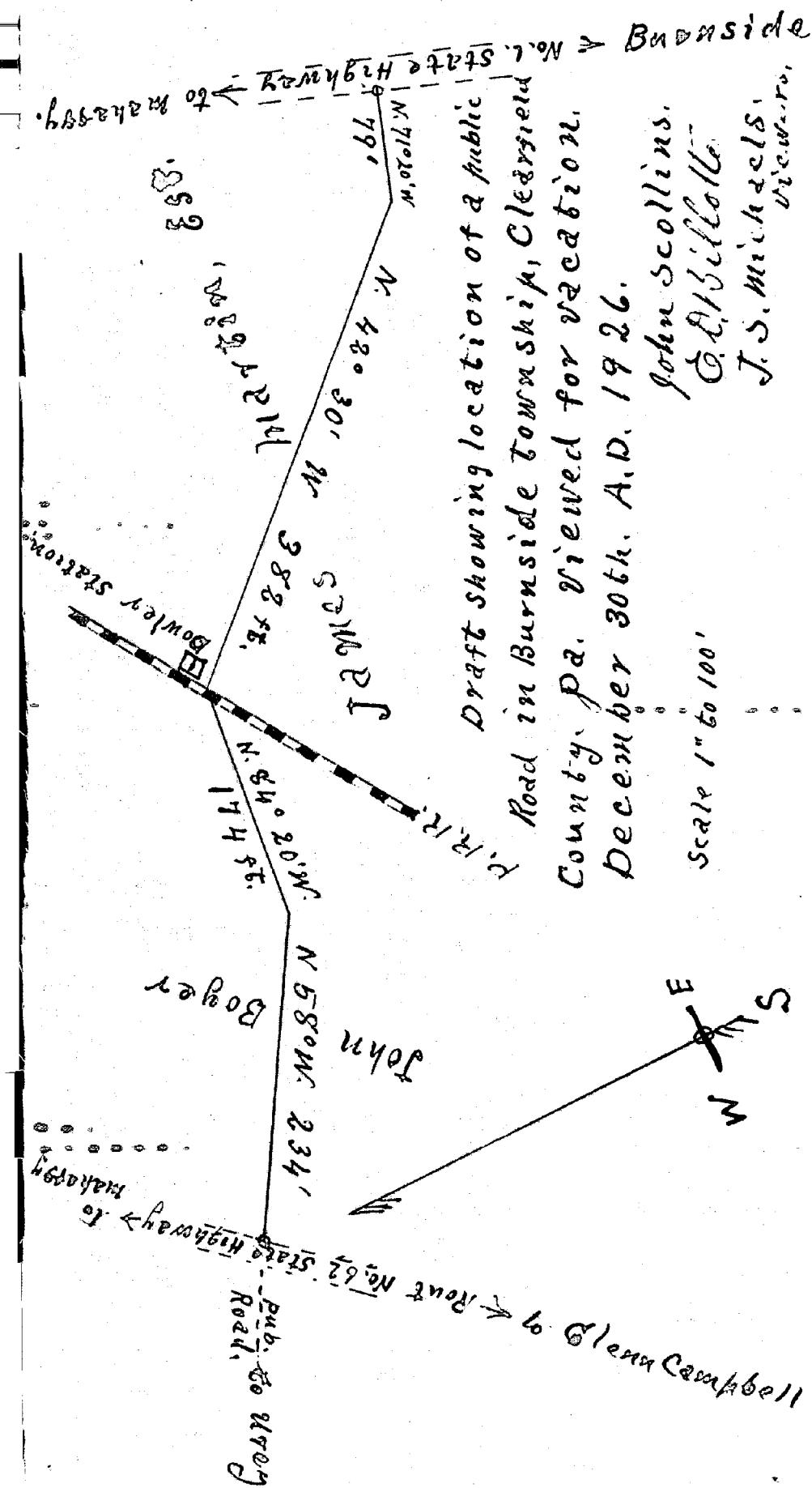
Dated, December 14th, 1926.

Clearfield County, SS:

Now, this 24th day of December, A.D. 1926, service of the above Notice is accepted for the Supervisors of Burnside Township, Clearfield County.

Stanley Young
E.S. Billotte
J.D. Michaels
Viewers

Stanley Young
J.B. Shepherd



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 15th day of November in the year of our Lord, one thousand nine hundred and twenty six

A. R. CHASE
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

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 John Scollins, Esq., Ed. Billotte
and Jack 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.

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

30th day of December, A. D. 1926, 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 31st day of December A. D., 1926, at 10 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 S. S. Young, J. B. Shepherd, Supervisors; A. A. Pennington and M. Martin

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 31st day of December,

A. D. 1926, when the parties interested in the said road were in attendance: S. S. Young and J. B. Shepherd, Supervisors of Burnside Township, with M. L. Silberblatt, Esq., of the office of Jas. P. O'Laughlin, Esq.

S. S. Young and J. B. Shepherd, produced, affirmed, examined and cross-examined by counsel and your Board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome, to wit: Beginning at the line of the right-of-way of State Highway Route No. 6, leading from Mahaffey to Burnside, along property lines of the Estate of James Martin, the centre line thereof running thence North 71 degrees 20 minutes West 79 feet; thence North 42 degrees 30 minutes West 382 feet to right-of-way and crossing at grade over the Cresson Division of the Pennsylvania Railroad Company, at Dowler Station; thence North 84 degrees 20 minutes West 174 feet along lands of John Boyer; and thence North 58 degrees West 234 feet to line of right-of-way of State Highway Route No. 62, leading from Mahaffey to Glen Campbell.

That the aforesaid Road is expensive to maintain; and the crossing at grade over the Railroad is dangerous to public travel, and is useless except as a short cut between two improved highways, converging at the Junction a few hundred feet East thereof.

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:~~

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:

To Estate of James Martin, the sum of One (\$1.00) Dollar; to John Boyer, the sum of One (\$1.00) Dollar

and we herewith return releases obtained, and copy of the notices.

Witness our hands and seals this 27th day of January, A. D. 19 27

John Scerina [SEAL.]

E B Billotte [SEAL.]

J S Michaels [SEAL.]
Viewers.

No. 7 Dec Term 19 26

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 foot of their return.

Viewers 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.

	Days	Miles	Amt
E. D. Billotte	3	106	\$27.80
J. S. Michaels	2	82	\$21.10
John Scollins	3	136	\$29.30
Witnesses:			
S. S. Young			\$6.70
J. S. Shepherd			\$6.70

Now Feb Sessions 19 17
read and confirmed Ni. Si.
By the Court,
A. McNamee

Now Mar Sessions 19 20
confirmed absolute.
By the Court.
A. McNamee

Filed 19
FEB 16 1977 Atty,
ERIC O. LEWIS
Fees \$1.25 paid by
.....

Jas. P. O'Laughlin, Atty.

To The Honorable A. R. Chase,

Judge of the Quarter Sessions of the Peace
in and for the County of Clearfield, Pennsylvania.

The Petition of the undersigned inhabitants of the Township of Burnside, in said County, respectfully sheweth:-

(1). That a road has been long since laid out from a point on the state road, Route No. 6, as shown by the attached map and marked "A" to a point on the state highway, Route No. 6, as shown by the attached blue print, and marked "B". Point "A" is on the property of the Estate of James Martin and Point "B" is on the property of John ~~W.~~ Boyer. The centre line of said road runs from point "A" in the following courses:- North 73 degrees 02 minutes West 79 feet; thence over land of the Estate of James Martin and crossing at grade over the Cresson Division of The Pennsylvania Railroad Company North 44 degrees 21 minutes West 382 feet; thence continuing at grade over the said The Pennsylvania Railroad Company property and over land of John ~~W.~~ Boyer North 86 degrees 45 minutes West 174 feet; thence continuing over the said Boyer lands 60 degrees 40 minutes West 234 feet.

(2). It is the desire of your petitioners to vacate said road in order to vacate the grade crossing over the said railroad tracks.

(3). The Pennsylvania Railroad station is now near the said crossing and for convenience of citizens it is proposed to move the same to point "C", as shown on the said blue print.

(4). Your said petitioners believe that the said road has now become useless, inconvenient, burdensome, expensive and dangerous.

(5). Your petitioners therefore pray the Court that the said road may be vacated agreeable to the Act of Assembly in such cases made and provided.

John S. Taylor	Brownville Rd.
James Brown	Reservoir Rd.
Mrs. J. L. Martin	Brownville Rd.
Mary L. McLaughlin	Township
Lyle L. McLaughlin	Township
Edward Yarnoski	"
John Yarnoski	"
Walter L. Martin <u>Alma</u>	"
Lorraine B. Martin	"
John Ballou	"
Walter John Boyer	"
S. J. Yarn	"
John Yarn	"

Stanley Bunn T.V.R.
Leroy Pethick Board: Foreman
V. C. Dan ~~Board~~ ^{Chair}
Elton Ecclell Miller
John H. Evans ~~Chairman~~ ^{Secretary}
A. H. Lewis ² Miller
A. R. Weaver Farmer
J. Harry Werner Farmer
Mrs. J. Harry Weaver ~~Weyerville~~
Census: P. 1418 Tax Collector
James D. ¹⁴¹⁸
W. J. S. Utton ~~Chairman~~
Paris, Lockard

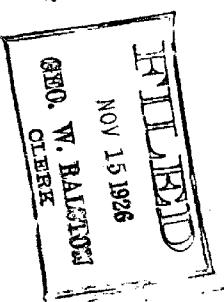
Wm. J. Johnson
W. Board - *President*
John Cook - *Clerk*
A. Sterling *Booker*

Feb. 12, 1900. - *Reindeer*
in Baffin Is.

IN THE COURT OF QUARTER SESSIONS OF THE PEACE IN AND FOR CLEARFIELD COUNTY, PENNSYLVANIA.

7 Dec 26 1926

Petition to vacate road in
Burnside Township, Clearfield
County, Pennsylvania.



At the Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, in and for said County, on the 19th day of November, 1926, before A. R. Chase, President Judge of the said Court.

Upon the petition of divers inhabitants of the Township of Burnside, in said County, the Court, on due consideration of the said petition, does hereby order and appoint John Collins Esq. and Ed. Bellotte and Jack Michaels, who are to view the said road in said petition prayed to be vacated and to consider and judge whether it has become useless, inconvenient, burdensome, expensive and dangerous as aforesaid and they shall make report accordingly to the next Court of Quarter Sessions to be held for the said County.

By the Court

A. R. Chase
.....
P.J.

TO GLEN CAMPBELL

STATE

HIGHWAY

JOHN

- CUSHAKE C. M. CO'S. SIDING

TO GLEN CAMPBELL

MAIN TRACK

CRESSON

WATER TUB
GLEN

P.R.R.
214.

JAMES

MAIN
TRACk

LOCATION

BURNSIDE TWP.

CLEARFIELD CO., PA.