

DOCKET No. 6

Number	Term	Year
3	Dec	1933

petition to vacate road in

BURNSIDE TWP.

Versus

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

IN RE:
VACATION OF ROAD IN BURNSIDE
TOWNSHIP, CLEARFIELD COUNTY,
PENNSYLVANIA.

No. December Sessions,
1933.

To the Honorable A. R. Chase, President Judge of said Court:

- 1 - Your Petitioners are taxpayers of Burnside Township and they aver that there is a public road in the Township of Burnside which extends from a point at or about the McGee School House on the road leading from Glen Campbell to Patchinville, to a point at the foot of the hill near the line of Andy Russell, which is of little, or no, use to the Citizens of said Township or the traveling public and the expense necessary to keep and maintain this road should be applied on other roads which are necessary for use of the traveling public.
- 2 - The road herein sought to be vacated, is as follows:

Beginning at a point at the Southwest corner of John McGee's farm to Andy Russell's line, being a portion of the road leading from the McGee School House to Stifflertown, said road is approximate one and one-half miles in length.
- 3 - There are no homes, business establishments, school houses or other structures of any nature or description along the portion of road herein sought to be vacated.

WHEREFORE, your Petitioners pray that your Honorable Court will take such prompt action as in your discretion may be necessary to cause this section of road to be vacated.

NAME

OCCUPATION

NAME

OCCUPATION

Dugan Fry	Farmer	Cherry tree
W. M. Piers	"	" "
S. L. Wilson	Grocery	" "
Edward Johnson	car lmt	Cherry tree
Alfred King	timber	Cherry tree
Carlton King	Farmer	Cherry tree
Smith King	Farmer	Cherry tree
Joe Fuller	Merchant	Cherry tree Pa
Pa. L. Shaffer	Farmer	Western
Joe C. Galt	Sabon	Cherry tree
R. F. D. 700		Cherry tree
Rondouton		Cherry tree
Jeannette M. Nelson	Housew.	Cherry tree Pa.
Mary E. Koff		(Cherry tree)
John M. Koff		
Miss L. E. Johnson		
Harry Koff		
A. J. Bringer		Cherry tree
J. M. Stiffler		Cherry tree
W. B. McCallister	Blacksmith	Cherry tree Pa.
Geo. Jonkin		Cherry tree Pa.
E. A. Nelson		Cherry tree Pa.
Glenn Johnson		Cherry tree
J. M. Nelson	car lmt	Cherry tree Pa.

NAME

OCCUPATION

Earl Walker
Vivian Walker
Edward Patchin
J W Johns
E P Roff
L J Somerville
Howard Hill
Chas Ross
W. Shankle

Painter:

Cherry Tree Pa
Cherry Tree
Cherry Tree Pa
Cherry Tree Pa
Cherry Tree
Cherry Tree
Cherry Tree
Cherry Tree Pa

NAME	OCCUPATION
Carl E. Taltain	Farmer
George C. Fry	Farmer
C. E. Fulton	Clerk
Jay Fry	Farmer
Gordon A. Fry	Laborer
Albert C. Lee	Laborer
B. J. Hughes	Farmer
Ed. DeFarrin	Farmer
Carl Sunderlin	Farmer
A. E. Fry	Laborer
Norman Toller	Laborer
Paul J. McCaughey	Laborer
William E. Woodside	Farmer
S. D. Fulton	Farmer

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

14th day of **November**, A. D. 19 **33**, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the ~~Appointment~~ **Grand Jury** Room in the Court House, in Clearfield,

Pa., on the **17th** day of **November** A. D., 19**33**, 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 **Jos. Nisewanger, Clark Beck and J.L. Byers, Supervisors of Burnside Township; Doyle Nisewanger, Ralph Beck, Charles Byers, J. O. Clark and R. V. Maine, Esq., Attorney for petitioners;**

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Appointment~~ **Grand Jury** Room in the Court House, in Clearfield, Pa., on the **17th** day of **November**,

A. D. 19 **33**, when the parties interested in the said road were in attendance: **F. G. Smith and R. V. Maine, Esqs., for petitioners; Jos. R. Nisewanger and Clark Beck, Supervisors of Burnside Township; H. W. Gardner, J. O. Clark and Aaron Clark, witnesses. Jos. R. Nisewanger, Clark Beck, H. W. Gardner, J. O. Clark and Aaron Clark, sworn, 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 a point at the southwest corner of John McGee's farm, at or near the site of the McGees school house on the road leading from Glen Campbell to Patchinville; thence along the Jos. Clark Game Park and lands of the Patchen Estate the following courses and distances, viz: South 15 minutes East 300 feet; thence South 11 degrees West 197 feet; thence South 24½ degrees West 600 feet; thence South 20 degrees West 176 feet; thence South 45½ degrees West 99 feet; thence South 26½ degrees West 124 feet; thence South 17 degrees West 140 feet; thence South 50 degrees West 243 feet; thence South 8½ degrees West 100 feet; thence South 20½ degrees East 66 feet; thence South 41½ degrees East 300 feet; thence South 29 degrees East 300 feet; thence South 32 degrees East 204 feet; thence South 5 degrees West 182 feet; thence South 12 degrees West 123 feet; thence South 50 degrees West 233 feet; thence South 30 degrees West 171 feet; thence South 10½ degrees West 254 feet; thence South 17½ degrees West 300 feet; thence South 10 degrees West 900 feet; thence South 18½ degrees West 224 feet; thence South 10 degrees West 300 feet; thence South 15 degrees West 900 feet; thence South 11½ degrees West 600 feet; thence South 2 degrees West 207 feet; thence South 27½ degrees East 300 feet; thence South 36 degrees East 300 feet; thence South 31½ degrees East 900 feet; thence South 29 degrees East 300 feet; thence South 22 degrees East 600 feet; thence South 15 degrees East 265 feet to line of lands of Tonkin Estate; thence thereby the following courses and distances, viz: South 45 degrees East 210 feet; thence South 60 degrees East 300 feet; thence South 79 degrees East 300 feet; thence South 82 degrees East 190 feet; thence North 76 degrees East 300 feet; thence South 81½ degrees East 100 feet; thence South 81 degrees East 114 feet; thence South 3½ degrees West 300 feet; thence South 9 degrees East 300 feet; thence South 0 degrees 472 feet; thence South 16 degrees East 203 feet; and thence South 7 degrees East 1552 and ending in the public road leading to Stiflertown, at the property line of Andrew Russell.

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 25th day of October, in the year of our Lord, one thousand nine hundred and thirty three:

By the Honorable ^{A. R. CHASE} ~~Singleman~~ ~~Ball~~, President Judge of the said Court: Upon the petition of ~~sundry~~ Supervisors ~~inhabitants~~ of the Township of Burnside, in the County aforesaid setting forth that

a road is unnecessary to the citizens of Burnside Township or to the traveling public Beginning at a point at the southwest corner of John Magee's farm to Andy Russels line, being a portion of the road leading from McGees School House to Stifflertown. Said road is approximately one and one half miles in length.

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 John Scollins, Esq, Harry Reese 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.

H R Gallagher
Clerk.

We further find that the aforesaid road serves no public use; there are no residents along the route thereof; no public schools or churches served thereby. That the Township of Burnside is in debt to the limit of its borrowing capacity; and no work has been done on this road for a period of some two years; and as a result of wash-outs and growth of under-brush, it is not over 12 feet in width, at divers places; and parts of it with precipitious grade of 10%, making it dangerous for public travel. Approximately one-half mile of said road is over low, marshy land with insufficient drainage.

We further find that the residents living at the extremities thereof are served by good, well kept roads; that the aforesaid road has long been discontinued as a Mail Route; and that there are at least 46.4 miles of dirt roads in said Township to repair and maintain, and that the expense of maintaining said roads made necessary by additional vehicular traffic, necessitates the vacation of roads that are useless and serve no public necessity: your Board therefore recommends the vacation of the aforesaid described road; and files herewith petitions of resident taxpayers presented at the hearing before your Board, praying said vacation.

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 vacation 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: **No damages claimed, or 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 thereof, as follows:

No damages claimed, or assessed

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

Witness our hands and seals this 1st day of December, A. D. 1933.

Wm. E. McCain [SEAL.]

W. A. Reese [SEAL.]

J. S. Michaels [SEAL.]

Viewers.

Exceptions filed

No. 3 Dec Term 19 33

ORDER TO VACATE

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

Now three Sessions 19 33

read and confirmed Ni. Si. Cou.

By the Court
Now Feb 6 Sessions 1934
confirmed absolute.

By the Court
R. Wallingford

Filed 19

Atty, Liveright & Smith

Fees \$1.25 paid by

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.

	Days	Miles	Am't.
H. A. Reese	3	176	\$31.30
J. S. Michaels	2	106	\$20.30
John Scollins	4	142	\$37.10

Filed Dec 7, 1933
W. R. Gallagher
Clerk

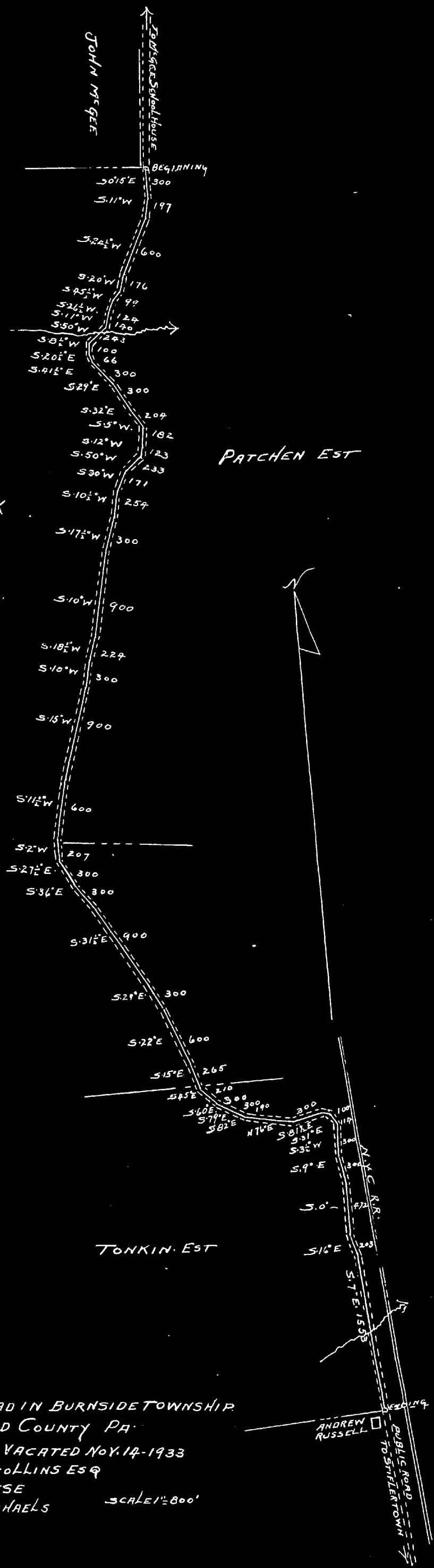
JOS. CLARK
GAME PARK

PATCHEN EST

TONKIN EST

PUBLIC ROAD IN BURNSIDE TOWNSHIP
CLEARFIELD COUNTY PA
VIEWED AND VACATED NOV. 14-1933
BY JOHN SCOLLINS ESQ
H.A. REESE
J.S. MICHAELS

SCALE 1"=800'



You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 3, December Term, 1933, to view and vacate a certain road in Burnside Township, to wit: Beginning at a point at the southwest corner of John Magee's farm to Andy Russells line, being a portion of the road leading from Magees School House to Stiffertown, approximately one and one-half miles in length, in Clearfield County, aforesaid, will meet at the southwest corner of John Magee's farm in Burnside Township on Tuesday, the 14th day of November, A. D. 1933 at eleven (11:00) 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 Grand Jury Room in the Court House in Clearfield on Friday, the 17th day of November, A. D. 1933 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.

John Collins
Harry Reese
J. L. Michaels
Viewers.

Dated, October 27, 1933.

CLEARFIELD COUNTY, SS:

Now, this 28th day of Oct. A. D. 1933,
service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Norris
Clerk

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

In re:
VACATION OF ROAD IN BURNSIDE : No. , December Sessions, 1932
TOWNSHIP, CLEARFIELD COUNTY, :
PENNSYLVANIA :

To the Honorable A. R. Chase, President Judge of said Court:

The petition of the supervisors of Burnside Township respectfully represents:

1. Your petitioners are the supervisors of Burnside Township, and they aver that they have had to repair and maintain a great number of miles of road, and by reason of the constantly decreasing returns from taxes received, and the increased care required on said roads due to additional vehicular traffic, it is desirable that all roads not necessary to the traveling public be vacated.

2. There is a ^{public} road in the Township of Burnside which extends from a point at or about McGees school house on the road leading from Glen Campbell to Patchinville to a point at the foot of the hill near the ~~residence of Douglas Fry~~ *Line of Andy Russell*, which is of little use to the citizens of said township or the traveling public, and the expense to keep and maintain the same should be applied on the more travelled roads.

3. The Township desires to be relieved from any possible damage from accident that may or might possibly occur to persons traveling said road..

4. Your petitioner's aver that the road hereinbefore identified is burdensome on the Township of Burnside, unnecessary to the citizens of said Township or to the traveling public, and pray that an order be made directing the vacation of the same.

5. The road herein sought to be vacated is as follows:
beginning at a point at the southwest corner of John Magee's farm to ~~a point at the foot of the hill near the residence of Paul D. Fry~~ *Andy Russell's line*, being a portion of the road leading from McGees school house to Stiffertown. Said road is approximately one and one.

WHEREFORE your petitioners pray that viewers be appointed to view said property and after hearing to report to your honorable court with recommendation for the vacation of said road.

J. L. Byers
Clark Buck
J. R. Newberger

Before me the subscriber hereto personally appeared J. L. Byers, Clark Beck and J. R. Nisewonger, who depose and say that they are the supervisors of Burnside Township, petitioners above named, and that the facts set forth in the foregoing petition are true and correct to the best of their information, knowledge and belief.

Witness my hand and seal the ^{December} 14th day of ~~September~~, 1932.
John E. McArthur, J.P.

MY COMMISSION EXPIRES
FIRST MONDAY IN JAN. 1934

TO: J. L. Byers, Carlk Beck and J. R. Nisewonger, Supervisors
of Burnside Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania,
in re: No. 3, December Term, 1933, to view and vacate a certain road in
Burnside Township, to wit: Beginning at a point at the southwest corner of
John Magee's farm to Andy Russells line, being a portion of the road leading
from McGees School House to Stifflertown, approximately one and one-half miles
in length, in Clearfield County, aforesaid, will meet at the southwest corner
of John Magee's farm in Burnside Township on Tuesday, the 14th day of November,
A. D. 1933 at eleven (11:00) 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 Grand Jury Room in the
Court House in Clearfield on Friday, the 17th day of November, A. D. 1933
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.

John Collins
Harry Reese
J. J. Michaels
Viewers.

Dated, October 27, 1933.

CLEARFIELD COUNTY, SS:

Now, this 31st day of October A. D. 1933,
service of the above Notice is accepted for the Supervisors of Burnside Town-
ship.

J. L. Byers
Carlk Beck
J. R. Nisewonger
Supervisors

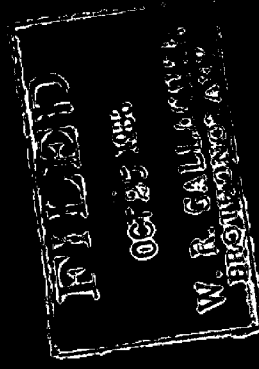
IN THE COURT OF QUARTER SESS.
OF CLEARFIELD COUNTY, PENNA.

No. 3 DECEMBER T. 1933

In re:

VACATION OF ROAD IN BURNSIDE
TOWNSHIP, CLEARFIELD
COUNTY, PENNSYLVANIA

PETITION FOR VACATION OF
PUBLIC ROAD.



ORDER OF COURT

Now the 24th day of October, 1933, the within
petition having been presented and considered, thereupon
John, Collins Esq and Harry
Reese and Jack [unclear] are appointed viewers to view the
road described in the annexed petition, take testimony and
report to the Court with recommendation as to vacation, as
required by Act of Assembly.

By the Court,

A R Chase
P. J.

Stiffletown, Pa. Nov. 23, 1933
The Honorable A.R. Chase,
President Judge of Clearfield County.

A remonstrance against vacating a township road
in Burnside Township, Clearfield County, Starting
at property line of Andy Russell and extending to
property line of John McGee, approximately one and one
half miles.

The following are names of citizens of the
immediate vicinity who wish to have this road
maintained.

Name	Occupation
M. J. Loukin. Ex. V. Loukin Est.	
H. W. Loukin	Florist.
Vivian T. Longacre	
Andy Russell	Farmer
Naura Russell	Housewife
Iris Berringer	Housewife
Leone L. Walls	Housewife
J. E. Longacre	Farming
Mabel Huff	Housewife
A. W. Keller	Brickman
Sidera Russell	Housewife.
Mollie M. Patchen	Housewife
Mr. Claw Russell	laborer
Mrs. Andy Andrews	Housewife
Mr. Andy Andrews	Section Foreman
Thos. L. Bailey	laborer

J. L. Butterbaugh Labor
H. W. Johnson George M. M.
Jeannette Graham Home keeper
H. F. D. Tiffner.

A. H. Johnson

Edward Patchin Cherry Tree Pa.

In signing the former petition the party
who presented it to me misrepresented
the facts in the case and I
wish my name ^{taken} off the latter petition
Earl Thalker & Wife the same as
above when road in use.

Mrs. Alfredo Romagna Farmer

Mrs. Sandra Romagna housewife

Edward Hubert labor

Roy Huff Labor

Edward Wells Labor

H. M. Stewart Labor

Mrs. H. M. Stewart housewife

Earl Stewart

A. B. Kopp Labor

Mrs. A. B. Kopp Housewife

Mr & Mrs. Bude Sutton Cherry Tree Pa (merchant)

In signing the former petition
the party who presented it to me
misrepresented the facts in the
case and I wish my name taken

off the other petition

Ora Walls Cherry Tree Pa ^{Merchant}
am signing the former petition
the party who presented it to me
misrepresented the facts in the case
and I wish my name taken off
the other petition

Clair Bowden labor

I am signing the former petition
The party who presented it to me
misrepresented the facts in the
case and I wish my name
taken off the former petition
John Fuller Merchant

Earl Buterbaugh Cumberman
Mrs Earl Buterbaugh: Housewife
Julia Nelson: Housewife
Myrina Buterbaugh
Olyde Buterbaugh

Mrs. J. M. Stiffler merchant

I am signing the former petition the party who presented it to me misrepresented the facts to me and I wish my name taken off of the former petition
J. M. Stiffler

I am signing the former petition the party who presented it to me misrepresented the facts to me and I wish my name taken off of the former petition

Jno Tomlin

I am signing the former petition I did not understand the circumstances leading up to this petition so wish my name & husband's name taken from other petition.
signed { Jeannette M Nelson Housewife
Stanton M Nelson Carpenter

The former petition was misrepresented to me as wish my name withdrawn from former petition. (Glenn Forney)
Labor

Irma Forney (house wife)

Ressie Langdon (house wife)

Chad Lydie P. R.

W. J. Lydie (house wife)

H. C. Duvall Labor

Nov 25 Howard Hill Painter Cherry Tree

I ask the Court of Clearfield Co to Cancel my signature
on the offset petition to vacate the road from
Andy Russell to John McGeer

Samuel P. Stewart Miner

Mrs. Samuel Stewart housewife

A. M. Stewart Farmer

Mrs. Arthur Stewart, Teacher

Mrs. Matilda Sebring house wife

Mrs. Lester Brown Labor

Mrs. Lester Brown housewife

Mrs. Emma Hall house wife

M. L. R. Brown Labor

P. E. Smith Farmer

J. B. Day Farmer

John Rorbaugh Farmer

Having hastily signed petition
to vacate. Add upon careful
consideration I desire to
be considered as favorable
to petition to which this
is attached. Sincerely
S. M. King

3 Dec 1933

FILED
NOV 27 1933
W. R. GALLAGHER
CLERK