

ROAD DOCKET

DOCKET No. 6

Number	Term	Year
9	Dec. SS	1936

ARTHUR R. BURFIELD

AGNES BURFIELD

Versus

CLEARFIELD COUNTY

COMMONWEALTH

In the Court of Quarter Sessions of Clearfield County

vs.

No. 9 December Sessions, A. D. 1936

ARTHUR R. & AGNES BURFIELD

Road view account damages

Indictment.

Verdict

Disposition.

Clerk

County

Sheriff.

Justice.

Wit. before J. P.

Constable on Trans..

“ Sub.

Fine.

Certified from the Record

...Clerk

L. W. Shaffer	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
N. C. Ashenfelter	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
John Shaffer	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
George Downer	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
James P. Vallely	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
	.....	Days in court at \$2.00 per day	\$2.00	
P. O. ....	.....	Miles at 6c per mile	\$2.00	
	.....	Days in court at \$2.00 per day	\$2.00	
P. O. ....	.....	Miles at 6c per mile	\$2.00	18.40

CLEARFIELD COUNTY, ss:

Personally appeared ARTHUR R. BURFIELD, who being duly sworn according to law doth depose and say that the above bill of costs is correct; that the witnesses named were present and material, and the miles actually traveled as above stated.

Sworn and subscribed before me this

day of December, 19 36.

Notary Public Clark

My Commission Expires April 12-1939.

CERTIFICATE

I, District Attorney of Clearfield County, hereby certify that the witnesses above named were subpoenaed by me and were in attendance, and were necessary for the trial of this case.

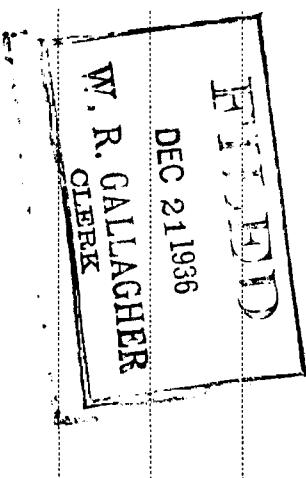
DISTRICT ATTORNEY

No. 9 Dec. Sessions, 1936

COMMONWEALTH

versus

Commonwealth Bill of Costs



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

ARTHUR R. BURFIELD and AGNES BURFIELD, : NO. 9 Dec. SESSIONS, 1936.
vs. :
CLEARFIELD COUNTY : PETITION FOR THE APPOINTMENT OF
: VIEWERS.

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT AND
SOLE JUDGE OF SAID COURT:

The Petition of Arthur R. Burfield and Agnes Burfield
respectfully shows:

FIRST: That a public road has been laid out and opened within the past three months through lands of your petitioner, under a statutory right conferred upon and by the Secretary of Highways of the Commonwealth of Pennsylvania, and the construction and improvement of a certain state highway hereinafter referred to involving a change in width, courses, and location has begun.

SECOND: The County Commissioners of Clearfield County have agreed in writing to such changes, re-location and appropriation of a portion of the lands of your petitioner in connection with the construction and improvement of said state highway.

THIRD: Said state highway is known as Legislative Route 59 on the plan of state highways of the Commonwealth of Pennsylvania, and Section 9 is situate in the Township of Brady in Clearfield County aforesaid.

FOURTH: The lands involved consist of a strip of land through your petitioners real estate hereinafter described about Fifty (50) feet in width and approximately Two Hundred (200) feet long. The lands involved were used by your petitioners as a gasoline station and structures adjacent thereto, and the change in the course and direction of the highway required the destruction of certain of the structures of petitioners upon their lands, as well as their gasoline station. The entire lands of your petitioners are described as follows:

ALL those two certain lots or pieces of ground situate in the Township of Brady, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

NO. 1.

BEGINNING at a post on Erie and Waterford Pike; thence by land of H. Utzinger, north, 21 perches to a post; thence east 1-1/2 perches to a post on public road; thence by said public road south 14-1/2° west 9 perches to a post thence by land of E. Ashenfelter north 75-1/4° east 9-6/10 perches to a post on line of BR&P Railroad; thence by said railroad south 13-1/4° west 11 perches to a post on said Erie and Waterford Pike; thence by said Pike south 63-3/4° west 9-1/2 perches to a post; thence by said pike south 87-1/4° west 3 perches to a post and place of beginning.

NO. 2.

BEING bounded on the north by the old Erie Pike (now the State Highway leading to Reynoldsville); on the east by BR&P Railroad Company's right-of-way; on the south by land of C. H. Goodlander; and on the west by lands of A. H. Dunlap; containing one acre and a half, more or less.

EXCEPTING a small portion therefrom heretofore released and condemned by the County Commissioners of Clearfield County for highway purposes when said lands were owned by predecessor in title thereto of your petitioner.

WHEREFORE, your petitioners pray the court to appoint three disinterested persons to view the premises and assess the damages which your petitioner may have sustained, as aforesaid.

And they will ever pray.

Arthur R. Burfield
ARTHUR R. BURFIELD and AGNES
BURFIELD,

By _____
Their Attorney.

STATE OF PENNSYLVANIA)
: SS.
COUNTY OF CLEARFIELD)

ARTHUR R. BURFIELD, being duly sworn according to law, deposes and says that he is one of the petitioners named and described in the foregoing Petition; that your petitioners, Arthur R. Burfield and Agnes Burfield, are husband and wife, and that this affidavit is made in behalf of himself and his wife, Agnes Burfield, and that the facts set forth in the foregoing Petition are true and correct.

Arthur R Burfield

Sworn and subscribed to)
:
before me this 31st day)
:
of October, A.D., 1936.)

Arthur R. Burfield
Notary Public
My Commission
expires April 12-1939

IN THE COURT OF JUDICIAL SESSIONS
OF CLEARFIELD COUNTY, PENNA.
No. 9 sessions, 1936.

MR. THOMAS BURFIELD and AGNES
BURFIELD,

vs.

CLEARFIELD COUNTY.

PETITION FOR APPOINTMENT
OF VICTIMS.

LISLE D. MCCALL
ATTORNEY AT LAW
DUBOIS, PA.

Mar. 9, 1936
This is a proceeding in
petition for appointment
of H. H. Bonnell &
H. S. Rue as
officers in the
assess damages
for H. H. Bonnell &
H. S. Rue.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,
PA., PENNSYLVANIA.

ARTHUR R. BURFILLD and AGNES : NO. SESSIONS, 1956.
BURFIELD, :
VS. :
CLEARFIELD COUNTY : PETITION FOR THE APPOINTMENT OF
: VILLERS.

TO THE HONORABLE L. WALLACE SMITH, PRESIDENT AND
SOLE JUDGE OF SAID COURT:

The Petition of Arthur R. Burfield and Agnes Burfield
respectfully shows:

FIRST: That a public road has been laid out and opened within
the past three months through lands of your petitioner, under a
statutory right conferred upon and by the Secretary of Highways of
the Commonwealth of Pennsylvania, and the construction and improve-
ment of a certain state highway hereinafter referred to involving a
change in width, courses, and location has begun.

SECOND: The County Commissioners of Clearfield County have agreed
in writing to such changes, re-location and appropriation of a portion
of the lands of your petitioner in connection with the construction
and improvement of said state highway.

THIRD: Said state highway is known as Legislative Route 59 on
the plan of state highways of the Commonwealth of Pennsylvania, and
Section 9 is situate in the Township of Brady in Clearfield County
aforesaid.

FOURTH: The lands involved consist of a strip of land through
your petitioners real estate hereinafter described about Fifty (50)
feet in width and approximately Two Hundred (200) feet long. The
lands involved were used by your petitioners as a gasoline station and
structures adjacent thereto, and the change in the course and direction
of the highway required the destruction of certain of the structures
of petitioners upon their lands, as well as their gasoline station.
The entire lands of your petitioners are described as follows:

ALL those two certain lots or pieces of ground situate in the Township of Brady, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

NO. 1.

BEGINNING at a post on Erie and Waterford Pike; thence by land of H. Utzinger, north, 21 perches to a post; thence east 1-1/2 perches to a post on public road; thence by said public road south 14-1/2° west 9 perches to a post thence by land of E. Ashenfelter north 75-1/4° east 9-6/10 perches to a post on line of BR&P Railroad; thence by said railroad south 13-1/4° west 11 perches to a post on said Erie and Waterford Pike; thence by said Pike south 63-3/4° west 9-1/2 perches to a post; thence by said pike south 87-1/4° west 3 perches to a post and place of beginning.

NO. 2.

BEING bounded on the north by the old Erie Pike (now the State Highway leading to Reynoldsville); on the east by BR&P Railroad Company's right-of-way; on the south by land of C. H. Goodlander; and on the west by lands of A. H. Dunlap; containing one acre and a half, more or less.

EXCEPTING a small portion therefrom heretofore released and condemned by the County Commissioners of Clearfield County for highway purposes when said lands were owned by predecessor in title thereto of your petitioner.

WHEREFORE, your petitioners pray the court to appoint three disinterested persons to view the premises and assess the damages which your petitioner may have sustained, as aforesaid.

And ~~h~~ecyimllbeyevoprpray.

ARTHUR R. BURFIELD and AGNES BURFIELD,

By _____
Their Attorney.

STATE OF PENNSYLVANIA)
; SS.
COUNTY OF CLEARFIELD)

ARTHUR R. BURFIELD, being duly sworn according to law, deposes and says that he is one of the petitioners named and described in the foregoing Petition; that your petitioners, Arthur R. Burfield and Agnes Burfield, are husband and wife, and that this affidavit is made in behalf of himself and his wife, Agnes Burfield, and that the facts set forth in the foregoing Petition are true and correct.

Sworn and subscribed to)
;
before me this 31st day)
;
of October, A.D., 1906.)

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the Ninth day of November in the year of our Lord one thousand nine hundred and thirty-six

Judge of the same Court: Upon the petition of ~~sundry~~ ~~inhabitants of the Township of~~ Arthur R. Burfield and Agnes Burfield of Brady Township in said County, setting forth that

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers A. B. Shaw, Esq., H. W. Bonsall and H. E. Reese

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; 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 place where, they should meet, to view and lay out said road, and the time and place of hearing

By order of the Court.

W. R. Gallagher, Clerk.

RETURN OF VIEWERS

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

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, be leave to report as follows:

That notice of the time of 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

Brady and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 5th day of December A. D. 19236 and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 8th day of December, 19236, at 10:00'clock A.M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Arthur R. Burfield, the petitioner.

⁷² Court
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 8th day of December A. D. 19236, when the following appearances were noted: Mrs Agnes Burfield, together with her attorney, L.D. McCall, Esquire of DuBois and the following witnisses for the petitioners, Geo W. Downer, J.P. Vallee, John Shaffer, N.C. Ashenfelter, and L.W. Shaffer. Robert Maine Esquire appearing for A.M. Liveright, County Solicitor.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that ~~there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a road.~~ And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner and do return for ~~the following described road, to wit~~ Beginning damage has been sustained by Arthur R. Burfield and Agnes Burfield, the petitioners, by reason of the construction and relocation of State Highway Route #59, Sec. 9 through their premises. That a very small part of the petitioners property has been taken and appropriated by reason of the construction and relocation of said Highway. However in view of the fact that this property had been used as a gas station, and further because of the fact that gasoline service pumps must be located a certain distance from the center of the Highway, necessitates that they be moved back a short distance from the present Highway as well as the small frame service station located thereon.

The amount of damage claimed by Arthur R. Burfield and Agnes Burfield, the petitioners, and as testified to by their witnisses, ranges from \$1500.00 to \$900.00. After viewing the premises and the conditions surrounding the same and taking into consideration the special benefits accruing thereto by reason of the construction of an improved Highway past this gasoline service station, your viewers are of the opinion that the foregoing estimates are excessive, but that the said Arthur R. Burfield and Agnes Burfield should be compensated for the land taken and occupied and the damage and inconvenience caused them in the construction and relocation of said Highway and do assess to the said Arthur R. Burfield and Agnes Burfield, damages in the amount of Two Hundred \$ 200.00 Dollars.

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned, Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, on the 9th day of November, A.D., 1936 to assess the damages and benefits, if any, by reason of the construction and relocation of State Highway Route #59 Sec 9 through the premises of Arthur R. Burfield and Agnes Burfield, situate in the Township of Brady, Clearfield County, Pennsylvania, will meet on the premises on Saturday the 5th day of December, A.D., 1936 at 11:00 o'clock A.M. to attend the duties assigned them, and that a public hearing as required by Act of Assembly and Rules of Court to be given by the Viewers prior to the filing of their report in Court, in order to give all parties interested in said road an opportunity to be heard, will be held in the Law Library in the Court House at Clearfield, on Tuesday the 8th day of December, A.D., 1936 at 10:00 o'clock A.M., at which time and place all parties interested may attend and be heard, if they so desire.

A.B. Shaw

H.A. Reese

H.W. Bonsall

Viewers.

Now this 10th day of November, 1936, service of the above notice is hereby accepted by copy.

Myra Lucas
Clerk.

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by
the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Road or

assess damages, leading from ~~the~~ ~~December 20, 2000, to~~ ~~the~~ ~~date~~ ~~of~~ ~~the~~ ~~accident~~
~~and~~ ~~subsequent~~ ~~to~~ ~~the~~ ~~accident~~ ~~date~~ ~~of~~ ~~the~~ ~~accident~~ ~~and~~ ~~subsequent~~ ~~to~~ ~~the~~ ~~accident~~
~~to~~ ~~December 20, 2000, and~~ ~~from~~ ~~December 20, 2000, to~~ ~~the~~ ~~date~~ ~~of~~ ~~the~~ ~~accident~~

in Township to

in Township, in the County aforesaid, will
~~..... on the 1st instant~~

meet at the house of

in Township, on
the day of, A. D. 192..., at

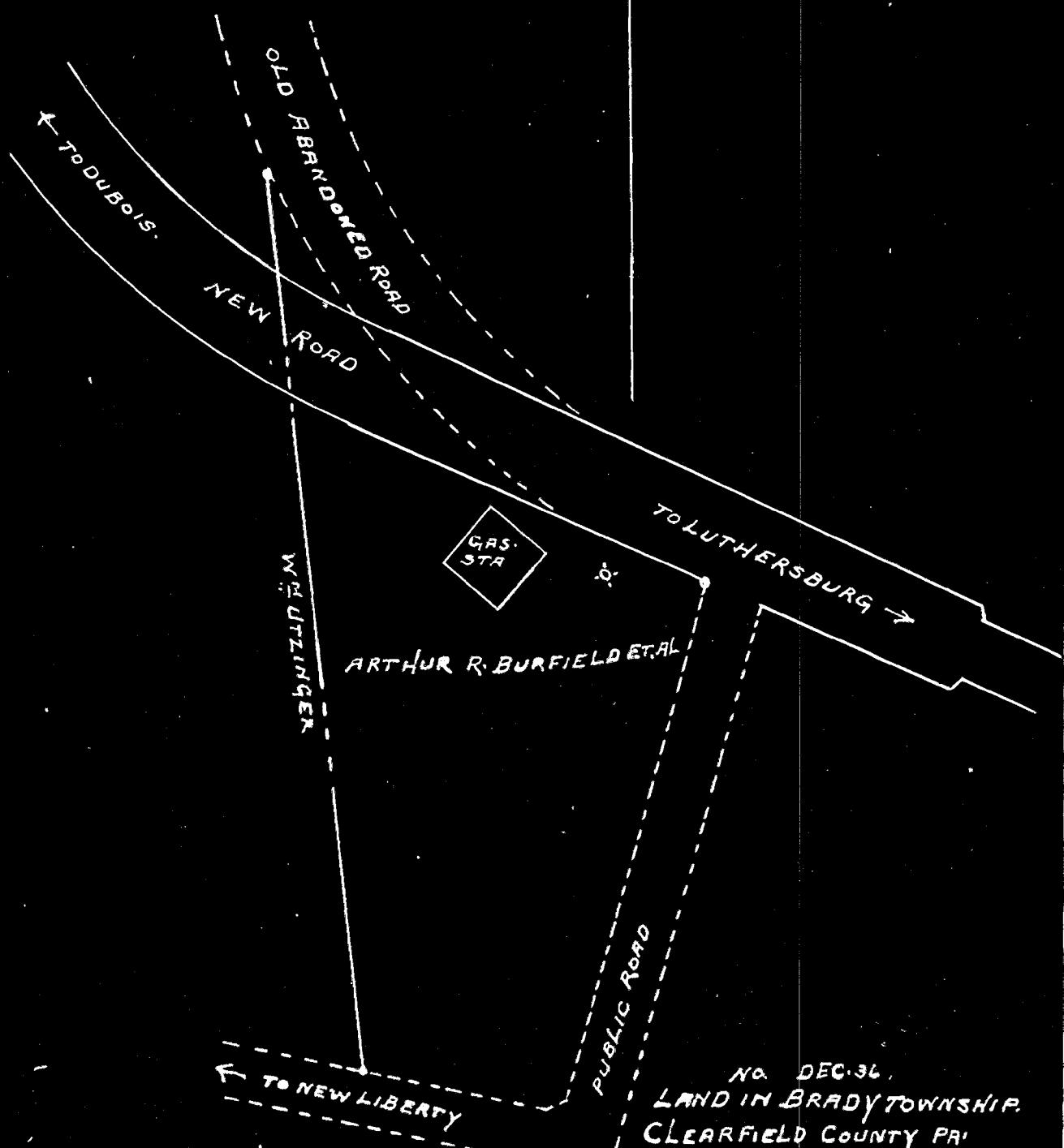
o'clock . . . M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

10. *Leucosia* (Leucosia) *leucostoma* (Fabricius) (Fig. 10)

REVIEWS 123

10

.....
VIEWERS



ORDER

To view and award damages to
road for ~~lith~~ R. ~~Surfield~~ use in the
township of Brady
Clearfield County

Oct 2 Sessions, 1937.
read and confirmed Ni. Si. Road to be
opened 33 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 36 feet wide
By the Commissioner of Highways
of the Commonwealth of
Pennsylvania

Mar. 17, 1937. 2d against
plaintiff for ~~lith~~ having adopted
confirmed ~~lith~~ of ~~lith~~ ~~Surfield~~ prop.
Filed 19

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.

	DAY	MILES	AMT.
A. B. Shaw	5	40	20.00
H. J. Reese	3	143 27 40	143 27 40
W. J. Zonsuill	2	68 25 00	68 25 00

RELEASE OF DAMAGES

Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by _____

at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said _____

all damages that may arise to us respectfully by reason of the location and opening of the said road, so that neither we nor any af us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____
A. D. 192 _____

Seal

Seal

Seal

Seal

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, ~~said road being at an elevation not exceeding five degrees, excepting~~

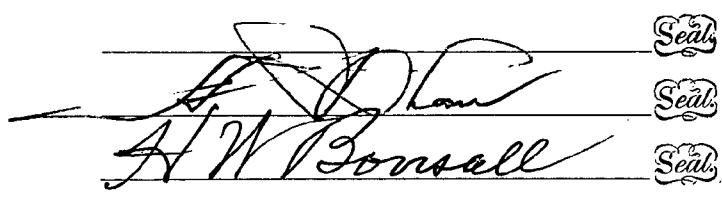
~~when it was not practical to preserve it within that limit.~~

~~The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from~~

~~the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening 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 herewith return releases obtained and copy of the notices.~~

WITNESS our hands and seals this 11th day of December
A. D. 1936.


Seal. 
Seal. 
Seal. 
Seal. 