

ROAD

**DOCKET No. 6**

Number	Term	Year
20	Sept. SS	1938

Petition for Road in BURNSIDE TWP.

Versus

R E L E A S E

KNOW ALL MEN BY THESE PRESENTS:

Now, September 3<sup>d</sup> 1938, Mr. Thr

Under signed in consideration of the sum of One (\$1.00) Dollar, in hand paid to each of us, the receipt whereof is hereby acknowledged, hereby releases Clearfield County and Burnside Township from any and all damages by reason of the appropriation or laying out of a certain road in Burnside Township, Clearfield County, Pennsylvania, described as follows:

Being the same road which the Supervisors of Burnside Township and other citizens asked to have opened by proceedings to No. 20 September Sessions 1938.

IN WITNESS WHEREOF we have hereunto set our hands and seals.



Mrs. J. O. Clark (SEAL)

J. O. Clark, Jr. (SEAL)

Aaron P. Clark (SEAL)

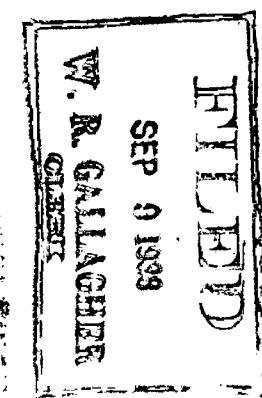
STATE OF PENNSYLVANIA :  
: SS  
COUNTY OF CLEARFIELD :

On this 3d day of Sep A. D. 1938, before  
me John St. Peter Jr.  
came the above named Mrs J. Clark Jr and  
Ann Clark and acknowledged the foregoing release  
to be their act and deed and desired the same to be recorded as  
such.

Witness my hand and official seal the day and year afore-  
said.

John St. Peter Jr.  
MY COMMISSION EXPIRES FIRST  
MONDAY IN JANUARY, 1942  
42

20 Sep 1938



R E L E A S E

KNOW ALL MEN BY THESE PRESENTS:

Now, September 2 1938, Dugan Fry, in consideration of the sum of One (\$1.00) Dollar in hand paid, the receipt thereof is hereby acknowledged, hereby releases Clearfield County and Burnside Township from any and all damages by reason of the appropriation or laying out of a certain public road and bridge, in Burnside Township, Clearfield County, Pennsylvania, said road being described as follows;

Being the same road which the Supervisors of Burnside Township and other citizens petitioned to have opened by proceedings to No. 20 September Sessions 1938.

Provided, however, that if the above described piece of road or bridge, which is now located on the property of said Dugan Fry, ceases to be a public road or bridge by reason of vacation, erection of a new bridge or otherwise, the said bridge and so much of the land occupied by said road as is now owned by the said Dugan Fry shall revert to him.

IN WITNESS WHEREOF the said Dugan Fry has attached his hand and seal.

Dugan Fry (SEAL)

STATE OF PENNSYLVANIA : : SS  
COUNTY OF CLEARFIELD : :

*L G Darr* On this 2<sup>nd</sup> day of Sept A. D. 1938 before me,  
RECODER OF DEEDS

came the above named DUGAN FRY and acknowledged the foregoing  
release to be his act and deed and desired the same to be record-  
ed as such.

Witness my hand and official seal the day and year afore-  
said.

*L G Darr*  
RECODER OF DEEDS

My commission Expires  
First Monday in January 1940

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 18th day of August in the year of our Lord one thousand nine hundred and thirty-eight

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Burnside in said County, setting forth that they labor under great inconvenience for want of a public road or highway in the Township of Burnside to be as follows:--To extend Route 303, which is a Township road, from the Mary A. Coleman line in a northerly direction through the Vincent Tonkin Estate a distance of 2724 feet to the J. O. Clark estate line; thence across the J. O. Clark estate line 487 feet to the D. Fry land; thence across D. Fry land 499.6 feet; thence across the New York Central track and bridge across the Susquehanna River to join with township road No. 202. 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 E. G. Boose, Esq., E. D. Billotte and T. C. McGarvey

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. P. 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 Burnside and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 31st day of August, <sup>1938</sup> Grand Jury, A. D. 1938, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 2nd day of September, <sup>1938</sup>, at 9.00 o'clock A. M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view D. Fry, on of the Supervisor of Burnside Township, and a landowner affected; S. J. Hughes, a Supervisor and Mr. Tonkin, representing the Vincent Tonkin Estate.

Grand Jury  
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 2nd day of September A. D. 1938, when the following appearances were noted: Dugan Fry, S. J. Hughes and Paris Lockard, the Supervisors of Burnside Township.

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 public 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 public use the following described road, to wit Beginning at a point on line of land of Mary Coleman; thence North, 1 Degree East a distance of 100 feet to point; thence North, 7 Degrees 30 Minutes West, 612 feet to center of bridge over Shoyrock Run; thence North, 5 Degrees, 30 Minutes West, 800 feet to a point; thence North, 14 Degrees 30 Minutes West, 100 feet to a point; thence North 13 Degrees, 10 Minutes West, 100 feet to a point; thence North, 1 Degree West, 300 feet to a point; thence North 5 Degrees West, 200 feet to a point; thence North 10 Degrees West, 300 feet to a point; thence North, 20 Degrees West, 127 feet to a point on line between lands of Vincent Tonkin Est. and J. O. Clark Est. Thence North 21 Degrees East, 100 feet to point; thence North 32 Degrees, 30 Minutes, 100 feet to point; thence North, 27 Degrees 30 Minutes East, 100 feet to a point; thence North, 9 Degrees East, 100 feet to point; thence North, 26 Degrees East, 90 feet to line of D. Fry land; thence North, 73 Degrees, 100 feet to point; thence North, 78 Degrees, 30 Minutes East to a point; thence South, 15 Degrees East, to center of right of way of N. Y. C. Ry. Co. 149 feet; thence in the same line of direction, 51 feet to end of bridge built across the Susquehanna River for use of owners of the land now owned by D. Fry; thence across the said bridge in the same line of direction, to public road in Burnside Township known as route No. 202, a total distance of 3717 feet.

Mary Odman.

W. W. Mehl  
T. C. H. Mehl

Tonkrin  
+  
Lachad.

J. C. Carter

*Draft Showing location of public Road  
Required and laid out on Burnside in "Clydefield  
Country", Pa. 31st day of August A.D. 1938.*

Sedde.  $\frac{1}{2}$  inch to 100 ft.  
Total length no road, 3719 ft.

Ed. 130034  
Ed. B. Billatte  
Thos. C. McQuarrie  
Vineyard

GOLF CLUB PROPERTY

ROUTE No. 202.

1943-1944

ANSWER

二十一

1947

✓ N.Y. 33-1974  
1982

11 886  
415

3,080.86

925<sup>3</sup> m.s.

No. 20 Sept. Sessions, 1938

## ORDER

To view and lay out a road for public use in the township of Burnside, Clearfield County

*Sept 6, 1938.*  
Sessions, 1938  
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 16 feet wide.

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	Amt.
E. G. Boose	4	228	\$51.40
Ed. Billotte	3	157	\$36.85
Thos. McGarvey	2	88	\$24.40

RECEIVED	SEP 6 1938	G.
W. R. CO. LA MIER		
FREIGHT CARRIER		

*Sept 6, 1938.*  
Sessions, 1938  
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 16 feet wide.

Filed

Fees \$1.25 paid by

Arnold & Chaplin, Attorneys

## 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 Dugan Fry, and representatives of the estates of Vincent Tonkin, Deceased, and J. O. Clark, Deceased.

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: The only other landowner affected is the New York Central & Hudson River Railroad Company, whose 66 foot right-of-way is crossed by the proposed public road, at grade, near the farm buildings of Dugan Fry. At this point however, there has

always been maintained by the railroad company, a crossing to the bridge across the river, and the appropriation of the same land for public road use, does not appear to entail any damage upon the owners of this strip of land, and no damages were asked or awarded. and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 3d. day of September,  
A. D. 1938.

E. E. Bovay Seal  
E. D. Billotte Seal  
T. C. McSweeney Seal  
Seal

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

\*\*\*\*\*

To Counsel for Petitioners; the Supervisors of Burnside Township,  
and the Commissioners of Clearfield County-

Please take notice hereby, that pursuant to a petition filed  
praying that the Court appoint Viewers to view and lay out a pub-  
lic road in Burnside Township, Clearfield County, Pa., which said  
proposed road in the Order to the Viewers, is described as follows-

"To extend Route 303, which is a township road, from the  
Mary A. Coleman line in a northerly direction through the Vincent  
Tonkin Estate a distance of 2724 feet to the J. O. Clark estate  
line; thence across the J. O. Clark line 487 feet to the D. Fry  
land 499.6 feet; thence across the New York Central track and  
bridge across the Susquehanna River to join with township road  
No. 202",

The Court has appointed the undersigned as Viewers for said  
purpose.

The Viewers will meet for purpose of making the view at the  
first named termini on WEDNESDAY, the 31st. day of August, 1938,  
at ten o'clock A. M., and for purpose of holding the public  
hearing in the matter as required by law and the Rules of this  
Court, will meet in the Grand Jury Room of the Court House at  
Clearfield, Pa., on FRIDAY, the second day of September, 1938,  
at nine o'clock A. M., at which time and place all parties in  
interest may appear and will be heard.

-----E. G. Boose-----

-----Ed. Billotte-----

-----Thos. C. McGarvey  
Viewers.

Service accepted for the petitioners this 22 day of August, 1938

*Ansel Chapin*  
Counsel.

Service accepted for the Supervisors of Burnside Township this  
22 day of August, 1938. *Ansel Chapin*

Service accepted for the County Commissioners this 22nd day of  
August, 1938.

*Myra E. Lucas* Clerk.

VIEWERS' NOTICE.

\*\*\*\*\*

Notice is hereby given that the undersigned, who have been appointed by the Court of Quarter Sessions of Clearfield County, Penna., to view upon a petition to lay out a Public Road in the Township of Burnside, in said Clearfield County, which said proposed public road is in the petition described as follows-

"To extend Route 303, which is a Township road, from the Mary A. Coleman line in a northerly direction through the Vincent Tonkin Estate a distance of 2724 feet to the J. O. Clark estate line; thence across the J. O. Clark line 487 feet to the D. Fry land; thence across the D. Fry land 499.6 feet; thence across the New York Central track and bridge across the Susquehanna River to join with township road No. 202."

The Viewers will meet for purpose of viewing the premises at the first named termini on WEDNESDAY, the 31st day of August, 1938, at ten o'clock A. M., and for purpose of holding the public hearing in the matter as required by law and the Rules of this Court, will meet in the Grand Jury Room of the Court House at Clearfield, Pa., on FRIDAY, the second day of September, 1938, at nine o'clock A. M. at which time and place all parties in interest may appear and will be heard.

-----E. G. Boose-----

-----Ed. Billotte-----

-----Thos. C. McGarvey-----

Viewers

R E L E A S E

KNOW ALL MEN BY THESE PRESENTS:

Now, September 3d 1938, R D Tonkin Executor  
V Tonkin Estate in consideration of the  
sum of One (\$1.00) Dollar, in hand paid to each of us,  
the receipt whereof is hereby acknowledged, hereby re-  
leases Clearfield County and Burnside Township from  
any and all damages by reason of the appropriation or  
laying out of a certain road in Burnside Township,  
Clearfield County, Pennsylvania, described as follows:

Being the same road which the Supervisors of Burn-  
side Township and other citizens asked to have opened  
by proceedings to No. 20 September Sessions, 1938.

IN WITNESS WHEREOF we have hereunto set our hands  
and seals.

V Tonkin Estate (SEAL)  
By R D Tonkin Executor  
\_\_\_\_\_  
(SEAL)

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

STATE OF PENNSYLVANIA : : SS  
COUNTY OF CLEARFIELD : :

On this 3rd day of September A.D., 1938,  
before me a Notary Public  
came the above named R. D. Lorkin,  
Executor and acknowledged the fore-  
going release to be their act and deed and desired the same  
to be recorded as such.

Witness my hand and official seal the day and  
year aforesaid.

Matthew B. Cameron

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

In re: Road in Burnside :  
Township, Clearfield County, : No. , Ssns. 1938.  
Pennsylvania. :

PETITION

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

The petition of the undersigned Road Supervisors and citizens of Burnside Township respectfully represent:

(1). The petitioners labor under great inconvenience for want of a public road or highway in the Township of Burnside to be as follows:- To extend Route 303, which is a Township road, from the Mary A. Coleman line in a northerly direction through the Vincent Tonkin Estate a distance of 2724 feet to the J. O. Clark estate line; thence across the J. O. Clark estate line 487 feet to the D. Fry land; thence across D. Fry land 499.6 feet; thence across the New York Central track and bridge across the Susquehanna River to join with township road No. 202. A map showing the proposed road is attached hereto.

(2). The proposed road is necessary inasmuch as it will facilitate traffic and will avoid delay inasmuch as traffic is tied up considerably over the present available route by reason of coal being weighed over the present route, blocking traffic for a considerable time. The proposed road will furnish a more direct route for a considerable portion of the traffic in the vicinity of the proposed road.

Your petitioners, therefore, pray the Court to appoint proper persons to view and lay out the same according to law.

And they will ever pray,

Jos H. Hemes  
H. C. Dunlap  
A. W. Allen  
Emmie Chaffey  
John Chaffey  
William Shankle  
G. M. Stewart  
F. J. Somerville  
Carl Shankle  
John Fuller  
A. C. Lee  
Robert Fry  
Jay Fry  
John Werry  
Carl Sundelin  
A. L. Yaager  
C. Somerville  
C. J. Leamer  
S. C. Bee  
Stant Nelson  
Jeannette Nelson  
Eric C. Rickard  
C. A. Kolbe  
J. R. Wisewanger

B. J. Hughes  
Paris Lockard  
Dugan Fry  
Supervisors of Burnside  
Township.  
Mrs J. L. Clark  
Forest Walls  
R. J. Fontain  
Ord Fontain  
Hay Kipp  
G. H. Thompson  
Carl Kipp  
J. H. Johnson  
Charles Ross  
Armedy Andrus  
G. W. King  
W. L. Johnson  
Clara Johnston  
H. R. Bee  
Edward Walls  
Harvey Fry

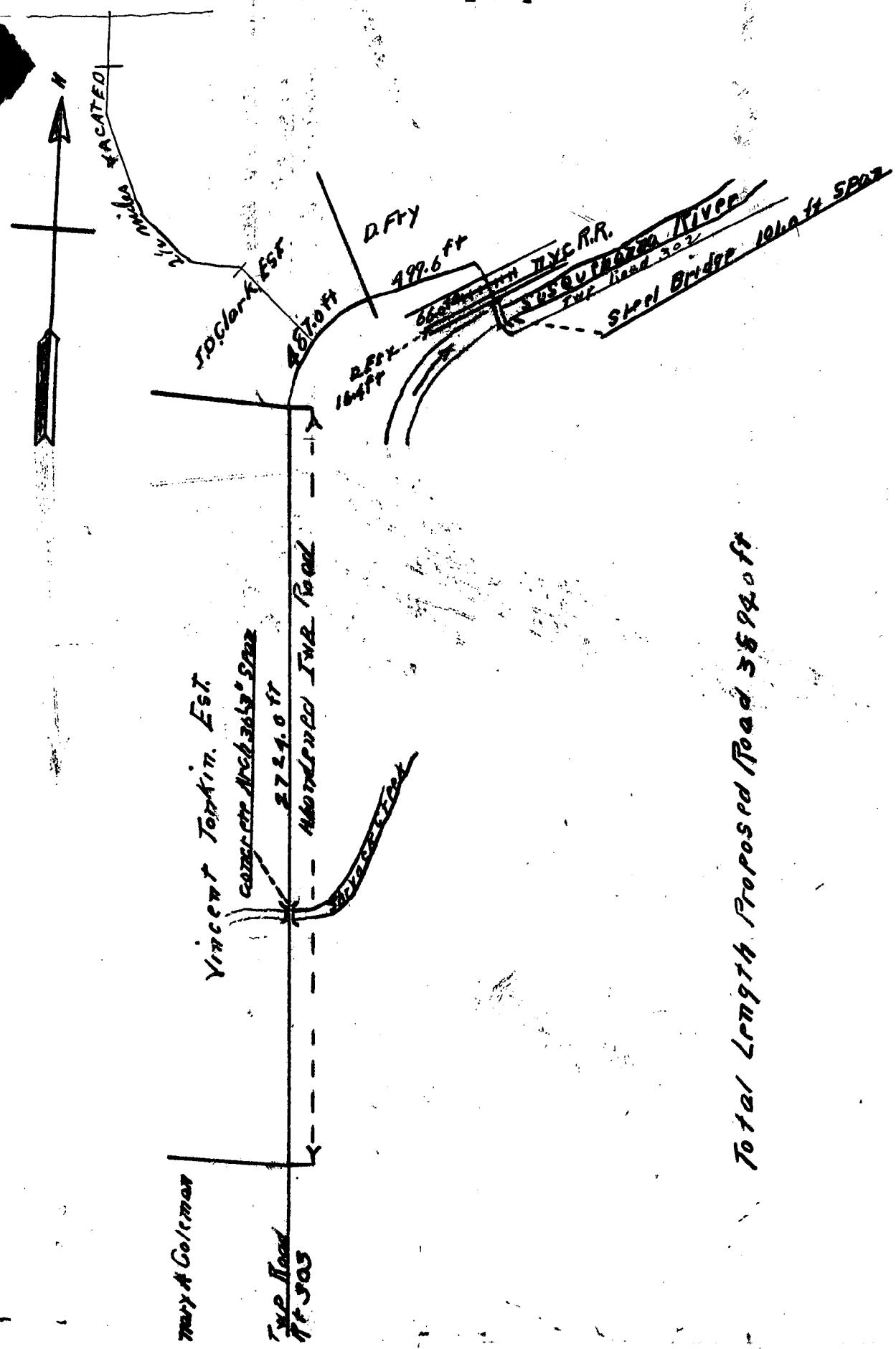
STATE OF PENNSYLVANIA :  
COUNTY OF ~~Indiana~~ : SS:

Paris Lockard being duly sworn,  
according to law, deposes and says that he is one of the Supervisors  
of Burnside Township and that the facts set forth in the foregoing  
Petition are true and correct.

Sworn and subscribed before :  
me this 30th day of ~~July~~, : Paris Lockard.  
A. D. 1938. :

John W. Myers, Jr.  
My Com. Exp. 1st. Mon. Jan. 1940

P. E. Smith Westmore Pa  
O E Fry Cherry Tree Pa #1  
Olyde Buttsbaugh Cherry Tree Pa  
Oscar Buttsbaugh Cherry Tree Pa  
D E Kopp Cherry Tree Pa  
J Anderson Cherry Tree Pa  
W. E. Anderson Cherry Tree Pa  
Mrs W. E. Anderson Cherry Tree Pa  
Boyd Anderson Cherry Tree Pa  
Mrs Boyd Anderson Cherry Tree Pa  
Mrs T. M. Anderson Cherry Tree Pa  
Elsworth James Cherry Tree Pa  
Roy Mersel Cherry Tree Pa  
Sister June Russell Cherry Tree Pa  
Andy Russell Cherry Tree Pa  
H. M. Stewart Cherry Tree Pa  
Alfredo ~~Stiffen~~ Cherry Tree Pa  
J. M. Stiffen Cherry Tree Pa  
Karl Peltier Cherry Tree Pa  
Don Farmer Cherry Tree Pa  
Mollie M. Peltier Cherry Tree Pa  
Edward Peltier Cherry Tree Pa  
M E Stiffen Cherry Tree Pa  
Sam Stiffen Cherry Tree Pa  
Sister Russell Cherry Tree Pa  
Ed Stiffen Cherry Tree Pa  
Frank Lewis Cherry Tree Pa



Total Length Proposed Road 38.920 ft

Proposed Road Burnside Twp. Chautauque County  
Old Turnpike

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA	
No. 20, Sept. 1938.	
IN RE: ROAD IN BURNSIDE TOWNSHIP, CLEARFIELD COUNTY PENNSYLVANIA.	
PETITION	
<p style="text-align: center;">J. R. CALHOUN PROTHONOTARY</p> <p style="text-align: center;">Aug 1938</p> <p style="text-align: center;">Service accepted by County Treasurer J. L. Peterson</p> <p style="text-align: right;">G</p>	
<p>LAW OFFICES ARNOLD &amp; CHAPLIN CLEARFIELD, PA.</p>	

2nd meeting of the  
1st Aug 18, 1938, postponed  
and then Aug 18, 1938, postponed