

DOCKET NO. 175

NUMBER	TERM	YEAR
335	Nov	1961

Burnside Township

School District

VERSUS

Blair Beatty

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SCHOOL DISTRICT of the TOWNSHIP of BURNSIDE, CLEARFIELD COUNTY, PENNSYLVANIA, a political sub-division	:	
-vs-	:	No. 331 November Term, 1961
ERNEST OWENS, R.D.	:	
LaJose, Pennsylvania	:	
SCHOOL DISTRICT of the TOWNSHIP of BURNSIDE, CLEARFIELD COUNTY, PENNSYLVANIA, a political sub-division	:	
-vs-	:	No. 332 November Term, 1961
FREEMAN WILEY, R.D.	:	
Cherry Tree, Pennsylvania	:	
SCHOOL DISTRICT of the TOWNSHIP of BURNSIDE, CLEARFIELD COUNTY, PENNSYLVANIA, a political sub-division	:	
-vs-	:	No. 333 November Term, 1961
WALTER SOLLEY, R.D.	:	
Westover, Pennsylvania	:	
SCHOOL DISTRICT of the TOWNSHIP of BURNSIDE, CLEARFIELD COUNTY, PENNSYLVANIA, a political subdivision	:	
-vs-	:	No. 334 November Term, 1961
ROBERT RORABAUGH, R.D.	:	
Mahaffey, Pennsylvania	:	
SCHOOL DISTRICT of the TOWNSHIP of BURNSIDE, CLEARFIELD COUNTY, PENNSYLVANIA, a political subdivision	:	
-vs-	:	No. 335 November Term, 1961
BLAIR BEATTY, R. D. #1	:	
Westover, Pennsylvania	:	

S T I P U L A T I O N

An Appeal having been filed in the above cases by the School District of the Township of Burnside from an adverse judgment rendered by Austin Curry, Justice of the Peace, it is stipulated and agreed by and between counsel for the SchoolDistrict of the Township of Burnside and counsel for the Defendants named in the

above captioned appeals that in lieu of the Complaint and Answer being filed by the respective parties that an agreed statement of facts will be prepared and submitted for consideration by the Court of Common Pleas of Clearfield County relative to the said Appeal, without prejudice to either party to raise such questions or defenses as are proper in like appeals.

John R. Bell

Attorneys for the School District
of the Township of Burnside

Dated: Jan. 12, 1962 *Bell, Silverblatt & Swartz*
by J. R. Bell, Jr.

Attorneys for the Defendants
named in the captioned appeals

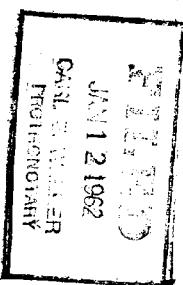
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

SCHOOL DISTRICT of the
TOWNSHIP of BURNSIDE,
CLEARFIELD COUNTY, PENNA.

-vs-

ERNEST OWENS, FREEMAN
WILEY, WALTER SOLLEY,
ROBERT RORABAUGH and
BLAIR BEATTY

S T I P U L A T I O N



JOHN B. GATES
ATTORNEY-AT-LAW
CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SCHOOL DISTRICT of the TOWNSHIP
of BURNSIDE, Clearfield County,
Pennsylvania, a political sub-
division :
VS. : No. 331 November Term, 1961
ERNEST OWENS, R. D., LaJose,
Pennsylvania :
SCHOOL DISTRICT of the TOWNSHIP
of BURNSIDE, Clearfield County,
Pennsylvania, a political sub-
division :
VS. : No. 332 November Term, 1961
FREEMAN WILEY, R. D., Cherry
Tree, Pennsylvania :
SCHOOL DISTRICT of the TOWNSHIP
of BURNSIDE, Clearfield County,
Pennsylvania, a political sub-
division :
VS. : No. 333 November Term, 1961
WALTER SOLLEY, R. D., Westover,
Pennsylvania :
SCHOOL DISTRICT of the TOWNSHIP
of BURNSIDE, Clearfield County,
Pennsylvania, a political sub-
division :
VS. : No. 334 November Term, 1961
ROBERT RORABAUGH, R. D., Mahaffey,
Pennsylvania :
SCHOOL DISTRICT of the TOWNSHIP
of BURNSIDE, Clearfield County,
Pennsylvania, a political sub-
division :
VS. : No. 335 November Term, 1961
BLAIR BEATTY, R. D. #1,
Westover, Pennsylvania :

STIPULATION OF FACTS

A Stipulation of Facts entered into by and between VASIL FISANICK, Esq., and JOHN B. GATES, Esq., attorneys for the School District of the Township of Burnside, Clearfield County, Pennsylvania, a political subdivision and Plaintiff, and F. CORTEZ BELL, Esq., attorney for Ernest Owens, Freeman Wiley, Walter Solley, Robert Rorabaugh and Blair Beatty, Defendants, all residents of the Township of Burnside, Clearfield County, Pennsylvania, for consideration of the Court.

(1). That the School District of the Township of Burnside is a Fourth Class District by virtue of the provisions of the School Code of the Commonwealth of Pennsylvania.

(2). That Ernest Owens, Freeman Wiley, Walter Solley, Robert Rorabaugh and Blair Beatty were residents for the years 1960 and 1961 of the Township of Burnside.

(3). That the Board of School Directors, at their regular meeting held, June 6, 1960 adopted, by roll-call vote, a resolution of intention to adopt a One (1%) per cent tax on wages, salaries, commissions and other earned income of individuals, who were residents of the said Township by virtue of the Act of Assembly.

(4). On June 6, 1960, the Board of School Directors of Burnside Township did levy a tax on real estate in the amount of thirty (30) mills.

(5). Pursuant to the said Resolution adopted by the Board of School Directors of the Township of Burnside, notice of intent to adopt the said Resolution was advertised in the Clearfield Progress, a newspaper of general circulation within the

County of Clearfield, on July 2, 9, 16 and 23, 1960, and further provided that the Board of School Directors intended to adopt such resolution at a Special Meeting to be held by the Board of School Directors of the Township of Burnside on July 25, 1960 at 7:30 P.M. DST at the Harmony Joint High School Building.

(6). The said notice, as provided in Paragraph four (4), was also published in the Barnesboro Star, a weekly newspaper of general circulation at Barnesboro, Cambria County, Pennsylvania, on July 7, 14, and 21, 1961.

(7). That a Special Meeting was called by the Board of School Directors of the Township of Burnside to be held July 25, 1960 to consider the adoption of the said Resolution.

(8). That the Board of School Directors, at the Special Meeting to be held July 25, 1960 in accordance with the notice given and in accordance with the Resolution of the said Board of School Directors on July 6, 1960, was continued until the next regular meeting held August 1, 1960.

(9). There were no taxpayers nor other persons present at the Special Meeting held July 25, 1960 to oppose the said taxing resolution.

(10). The said tax was imposed for the purpose of paying increased operating expenses of the said School District of the Township of Burnside because of the insufficiency of the real estate and personal taxes and state appropriation to meet budget requirements of the said School District.

(11). The Resolution, copy of which is attached hereto and made a part hereof, levying a One (1%) per cent tax

as described in Paragraph three (3), was adopted by roll-call vote of all the Board of School Directors of the Township of Burnside on August 1, 1960, without dissent.

(12). That the budget adopted by the Board of School Directors of the Township of Burnside, provided for the receipts of anticipated revenue from wage taxes, etc., in the sum of Four Thousand (\$4,000.00) Dollars and which item of revenue was necessary to meet the budget requirements of the said School District.

(13). The Defendants named herein failed to pay the said tax or to file any returns as provided in the said Resolution imposing the tax.

(14). That the Board of School Directors of the Township of Burnside, at a Special Meeting held October 10, 1960, appointed Don Beck as wage tax collector.

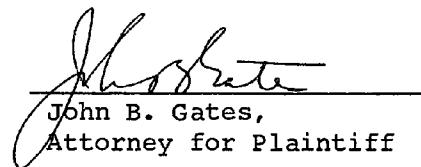
(15). At the regular monthly meeting of the Board of School Directors of the Township of Burnside held September 5, 1961, Don Beck was authorized to proceed to collect the delinquent tax imposed by the Resolution adopted on August 1, 1960.

(16). That Don Beck, Tax Collector, instituted proceedings before Austin Curry, a Justice of the Peace in and for the County of Clearfield, against the Defendants: Ernest Owens, Freeman Wiley, Walter Solley, Robert Rorabaugh and Blair Beatty for collection of the said tax.

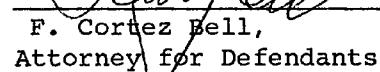
(17). That Austin Curry, Justice of the Peace, as aforesaid, on December 13, 1961, declared the said taxing

Resolution of the School District of the Township of Burnside,
invalid and gave Judgment in favor of the Individual Defendants.

Respectfully submitted,


John B. Gates,
Attorney for Plaintiff

Vasil Fisanick
Attorney for Plaintiff


F. Cortez Bell,
Attorney for Defendants

SCHOOL DISTRICT OF BURNSIDE TOWNSHIP

R E S O L U T I O N

BE IT RESOLVED by the Board of Directors of the School District of the Township of Burnside, Clearfield County, Pennsylvania, in special meeting assembled, and it is hereby resolved by authority of the same that in pursuance of authority granted School Districts of the Fourth Class in the Commonwealth of Pennsylvania, by an Act of General Assembly known as Act No. 481, approved the 25th day of June, 1947, and amendments thereto, as follows:

SECTION I

The following terms shall have for the purpose of this Resolution the meaning herein indicated:

(a) RESIDENTS: An individual, co-partnership, association or other entity domiciled in the School District of the Township of Burnside.

(b) PERSON: Every natural person, co-partnership, fiduciary, association or corporation (except any corporation which is exempt from this tax under the Act of Assembly, No. 481, approved June 25, 1947). Whenever used in any clause prescribing and imposing a penalty the term "person" as applied to association, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

(c) EMPLOYER: An individual, co-partnership, association, corporation, governmental body or unit or agency, or any other entity who or that employs one or more persons on a salary, wage, commission or other compensation basis.

(d) TAXPAYER: A person whether an individual, co-partnership, association or any other entity, required hereunder to file a return of earnings or net profits or to pay a tax thereon.

(e) BUSINESS: An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit whether by an individual, co-partnership, association or any other entity.

(f) NET PROFITS: The net gain from the operation of a business, profession or enterprise, after provision for all costs and expenses incurred in the conduct thereof, either paid or accrued in accordance with the accounting system used and without deduction of taxes based on income.

(g) TAX COLLECTOR: The tax collector appointed by the School District of the Township of Burnside.

(h) SALARIES, WAGES AND COMMISSIONS AND ALL OTHER COMPENSATION: All money earned by reason of employment or while engaged in any transaction for profit, but shall not include authorities, pensions, or any earnings which are now subject to a state tax or license fee.

SECTION II

That the School District of the Township of Burnside, Clearfield County, Pennsylvania, levy, assess and impose the following tax for general revenue purposes to become effective on the first day of September, 1960, and to continue in effect until the first Monday of July, 1961.

(a) A tax of one per centum on all salaries, wages, commissions and other compensation earned on or after the first day of September, 1960, until the first Monday of July, 1961, by residents of the Township of Burnside.

(b) A tax of one per centum on the net profits earned on or after the first day of September, 1960, until the first Monday of July, 1961, of businesses, professions or other acitivities conducted by residents of the Township of Burnside.

The tax levied under (a) shall relate to and be imposed upon salaries, wages, commissions and other compensation paid by an employer or his behalf to any person who is employed or rendered services to him. The tax levied under (b) shall relate to and be imposed on the net profits of any business profession or activity carried on by any person or owner or proprietor either individually or in association with some other person or persons.

SECTION III

The tax collector of the School District of the Township of Burnside is hereby authorized and empowered to collect and receive the taxes, fines and penalties imposed and costs incurred by this Resolution and to make returns thereof as required by Act of Assembly. It shall also be his duty to keep a record showing the amount received by him from each taxpayer and the date of receipt.

SECTION IV

The tax collector is charged hereby with the administration and enforcement of the provisions of this Resolution, and is here-

By authorized and empowered by and with the consent of the Solicitor of the said School District, to prescribe, adopt, promulgate and enforce the rules and regulations relating to any matter pertaining to and administration and enforcement of this Resolution, including provision for the re-examination and correction of returns, and payments alleged or found to be incorrect or as to which an overpayment is claimed or found to have occurred.

SECTION V

Each employer who resides within the School District of the Township of Burnside, or who resides outside the School District but employs persons within the School District, employing one or more persons on a salary, wage, commission or other compensation basis, shall deduct monthly or more often than monthly, at the time of payment thereof, the tax of one per centum of salaries, wages, commissions or other compensation due by said employer to said employee and shall make a quarterly return or or before the last day of the month following the termination of the first three quarters for which the return is made, and on the last day or 30th day of June, 1961, for the fourth quarter, said quarters to terminate on September 30, 1960, December 31, 1960, March 31, 1961 and June 30, 1961, and pay to the tax collector, the amount of the tax so deducted. Said returns shall be on a form or forms furnished by or obtainable from the tax collector and shall set forth the name and residence of each employee or said employer during all or any part of the preceding quarter, the salaries, wages, commissions or other compensations earned during the preceding quarter by each of said employees together with pertinent

information as the tax collector may require, provided, however, that the failure or omission by any employer, either residing within or outside of the Township of Burnside to make such returns and/or pay such tax, shall not relieve the employees from the payment of such tax and compliance with such regulations, with respect to making returns and payment thereof, as may be fixed in this Resolution or established by the tax Collector; and in the event of failure of the employer to make such returns, the taxpayer shall make return of the salary, wages, or commissions or other compensation earned during the period beginning the first day of September, 1960, until the first Monday of July, 1961, on or before the last day of June, 1961, and pay the taxes due thereon.

SECTION VI

The return of the employer or employers, showing the amount of tax deducted by said employer or employers from the salaries, wages, commissions or other compensation of an employee, and paid by him or them to the tax collector, shall be accepted as the return of the employee whose sole income, subject to the tax or taxes under this Resolution is such salary, wages, commission or other compensation.

SECTION VII

Every taxpayer who anticipates any income which is not subject to withholding by his employer as more particularly set forth above, shall file a declaration of the estimated tax for the taxable year beginning the first day of September, 1960 and ending the first Monday of July, 1961. Such declaration shall be

filed on or before the 2nd day of September, 1960 upon a form furnished by the tax collector. Such declaration of estimated tax to be paid to the School District of the Township of Burnside shall be accompanied by a payment of at least one-fourth ($\frac{1}{4}$) of the estimated tax for the taxable year and at least a similar amount for such year shall be paid on or before the first day of Sept., 1960, the first day of December, 1960 and the first day of March 1961. Provided, however, that such estimate may be amended at the time of the making of any quarterly payment and further provided that on or before the 2nd day of July, 1961, a final return shall be filed and any balance which may be due the School District shall be paid therewith. Should it then appear that such taxpayer has paid more than the amount of tax which the School District would be entitled under the provision of this Resolution, a refund of the amount so overpaid shall be made.

SECTION VIII

Q The tax collector is hereby authorized to inspect and examine, either in person or by representative, the books, papers and records of any employer, or supposed employer of any taxpayer hereunder, or supposed taxpayer, in order to verify the accuracy of any return made, or if no return was made to ascertain the tax imposed by this Resolution. Each employer or supposed employer, or taxpayer or supposed taxpayer, or his duly authorized agent or employee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized. The tax collector is hereby authorized to examine any person under oath concerning any income which was or should have been returned for

taxation; and to this end may compel the production of books, papers and records and the attendance of all persons before him, whether as parties or witnesses, whom he believes to have knowledge of such income.

SECTION IX

The tax collector is hereby authorized to sue for the recovery of taxes due and unpaid under this Resolution and to enforce such judgment therein obtained as provided by law for the enforcement of judgments of like amount. Where suit is brought for the recovery of any such tax, the person liable therefore, shall, in addition, be liable for the costs of collection and the penalties herein imposed.

SECTION X

All taxes imposed by this Resolution remaining unpaid after they become due shall bear interest in addition to the amount of the unpaid tax at the rate of six per centum (6%) per year, and the persons upon whom said taxes are imposed shall be further liable to a penalty of one-half per centum (½%) of the amount of the unpaid tax for each month or fraction of a month for the first six months of non-payment.

SECTION XI

Any person who shall fail, neglect or refuse to make any return required to pay the tax and penalties imposed by this Resolution, or any person who shall refuse to permit the tax collector, his agent or employee, to examine his books, records and papers, or who shall knowingly make any incomplete or fraudu-

lent return or who shall attempt to do anything whatever to avoid payment of the whole, or any part of the tax, shall be subject to a fine or penalty of One Hundred (\$100.00) Dollars and costs for each such offense, and in default of payment of said fine and costs to undergo imprisonment for not more than thirty (30) days. Such fine or penalty shall be in addition to any other penalty imposed by any other provision of this Resolution.

SECTION XII

The failure of any employer or taxpayer to receive or procure a return form shall not excuse him from making a return.

SECTION XIII

The tax collector shall receive, as compensation for the collection of all taxes, penalties herein imposed and costs incurred compensation as specified by the Board.

SECTION XIV

The provisions of this Resolution shall not apply to any person or property as to whom or which it is beyond legal power of the School District to impose the tax or duties herein provided for.

SECTION XV

It is hereby provided that the effective date of this Resolution shall be the first day of September, 1960 and the first quarter of the taxable year shall be one month, September, 1960, thereby the payment for the quarter commencing July 2, 1961 to October 1, 1961, shall be one month. All other quarters to be as stipulated hereinabove.

SECTION XVI

The provisions of this Resolution shall be severable and that it is hereby stipulated to be the intention of the Board of Directors that should any portion of this Resolution be declared unconstitutional, invalid or illegal, the remaining provisions shall continue to have full force and effect.

SECTION XVII

This Resolution shall go into effect the first day of September, 1960.

RESOLUTION ADOPTED the 11th day of August, 1960.

SCHOOL DISTRICT OF BUCKHORN
TOWNSHIP, CLEARFIELD COUNTY, PA.

By /s/ Max Duthersbach
Max Duthersbach, President

ATTEST:

/s/ Margaret Harkless, Sec.
Margaret Harkless, Secretary

WALTER PISANICK, Esq.
Solicitor
1111 Philadelphia Avenue
Barnesboro, Pennsylvania

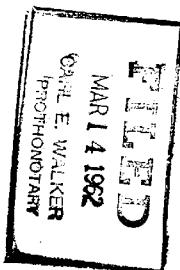
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
Nos. 331, 332, 333, 334, and
335 November Term, 1961

SCHOOL DISTRICT of the
TOWNSHIP of BURNSIDE

VS

ERNEST OWENS, et al

STIPULATION OF FACTS



JOHN B. GATES
ATTORNEY-AT-LAW
CLEARFIELD, PA.

McKEEGAN, PHILIPS & GLASSCO, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SCHOOL DISTRICT of the
TOWNSHIP OF BURNSIDE,
CLEARFIELD COUNTY,
PENNSYLVANIA, a political
subdivision

-vs-

BLAIR BEATTY
R. D. #1
Westover, Pennsylvania

TO: WILLIAM T. HAGERTY, PROTHONOTARY

NOW, December 22, 1961, Plaintiff Appeals

By Mark Tismanick

Herb Rate

Attorneys for the School
District of the Township
of Burnside

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :
:

VASIL PISANICK, Esq. being duly sworn according to law, deposes and states that he is the attorney for School District of the Township of Burnside, the Plaintiff above named and makes this Affidavit on its behalf being authorized to do so; that the appeal in the above case is not taken by the Plaintiff for the purpose of delay but because he believes that an injustice has been done by the Justice of the Peace in rendering judgment for the Defendant.

Vasil Pisanick

Sworn to and subscribed
before me this 22nd day
of December, 1961.

Wm T. Hegerty

PROTHONOTARY
My Commission Expiring
1st Monday Jan. 1, 1962

Transcript

Burnside Twp
Clearfield Co.
VERSUS
Blair Beatty
RD#1 Westmore Pa.
COSTS OF

BACH.		TAX HERE
	Summons . . . . .	.50
	Attested Copy . . . . .	.50
	Entering Return . . . . .	.50
	Entering Action . . . . .	.50
	Affidavit of Claim . . . . .	.75
	Qualifying Const. in ea. . . . .	.25
	Oaths . . . . .	.10
	Continuance . . . . .	.30
	Subpoena . . . . .	.50
	Subpoena D. T. . . . .	.50
	Trial and Judgment	1.00
	Judgm't by Con. or Default . . . . .	.75
	Execution and Return . . . . .	.75
	Affidavit of Defense . . . . .	.75
	Bail for Stay of Execution	1.00
	Receiving and Paying over . . . . .	.25 and up
	Entering Discontinuance . . . . .	.30
	Entering Satisfaction . . . . .	.30
	Appeal, including Recogni- zance and Return	2.00
	Transcript and Cit.	1.00
	Additional Names on Sum- mons, Subpoena Capias . . . . .	.10
	Capias in Civil Cases . . . . .	.75
	Entering an Amicable Suit or Confession of Judgment . . . . .	.75
	Copy of Claim . . . . .	.75
	Opening Judgment for Re- hearing in any Case . . . . .	.50
CONSTABLE		
	Serving Summons	
	Mileage	
	Serving Execution	
	Mileage	
	Levying	
	Serving Subpoena	

Summons, issued Dec. 7 1961, to
Dean Summerwelle Constable, Returnable
the 13 day of Dec. 1961.
between the hours 7 o'clock P.M.,
and 8 o'clock P.M.
Served on Defendant by Constable Dean
Summerwelle and the defendant
was present at a hearing before
me on Dec. 13, 1961. The answer
the charge of failing to apply
to the tax land of Burnside
Twp Clearfield Co.
The defendant was represented
by Law. by Attorney Conter
Bell of Clearfield Pa.
The defendant attorney show that
a tax was to be lived at a
certain time of a year, and
that this tax was lived
in July 95. 1961. and it was
too late. I ruled in favor of the defendant
and the school Board
asked for an Appeal.

Clearfield
County, ss.

I certify that the above is a correct Transcript of the proceedings had before me in
the above suit, and of record on my docket.

Witness my hand and seal this 13 day of Dec. 1961

Augusta Burns 

No. Term, 19

u.s.

Transcript

From the Docket of

Entered and filed..... 19

Prothonotary.

Attorney.

2-16-45 John C. Clark Company, Philadelphia.

3.3.5 - 1961

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. November Term, 1961

SCHOOL DISTRICT of the
TOWNSHIP OF BURNSIDE,
CLEARFIELD COUNTY,
PENNSYLVANIA, a political
subdivision

APPENDIX

JOHN B. GATES,
ATTORNEY-AT-LAW
CLEARFIELD, PA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

SCHOOL DISTRICT of the TOWNSHIP of BURNSIDE, CLEARFIELD COUNTY, PENNSYLVANIA, a political sub- division	:	
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-vs-	:	No. 335 November Term, 1961
BLAIR BEATTY, R. D. #1	:	
Westover, Pennsylvania	:	

A P P E A L

TO THE HONORABLE JOHN J. PENTZ, President Judge of said Court:

The Petition of the School District of the Township of
Burnside, Clearfield County, Pennsylvania, by its attorney, John
B. Gates, Respectfully represents:

JOHN B. GATES
ATTORNEY AT LAW

1. The School District of the Township of Burnside is a political subdivision in the Commonwealth of Pennsylvania.

2. The School District of the Township of Burnside by Resolution adopted July 25, 1960 levied a tax of One (1%) Per Centum on all salaries, wages, commissions, net profits and other compensations earned on or after September 1, 1960 until the First Monday of July, 1961 on the residents of the Township of Burnside. The said Resolution was enacted by the authority granted to the School District of the Fourth Class by Act of Assembly, No. 481, approved June 25, 1947 and amendments thereto.

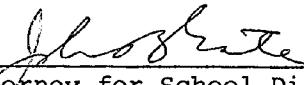
3. That the Defendants listed in the caption are residents of the Township of Burnside and have failed to comply with the provisions of the said Resolution.

4. That the School District of the Township of Burnside, filed a suit in Assumpsit before Austin Curry, Justice of the Peace, LaJose, Pennsylvania, Clearfield County, against the named Defendants for their failure to pay the tax imposed by the said Resolution aforesaid.

5. That Austin Curry, Justice of the Peace, on December 13, 1961, gave judgment for the individual Defendants in each of the cases captioned herein by declaring the said Resolution of the School District of the Township of Burnside invalid.

WHEREFORE your Petitioner by its attorney, John B. Gates, requests your Honorable Court to permit an appeal from the

various judgments entered by the Justice of the Peace in the said
captioned cases.



Attorney for School District of
the Township of Burnside

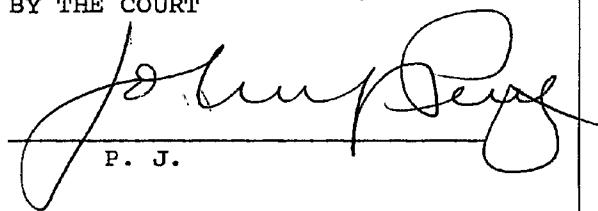
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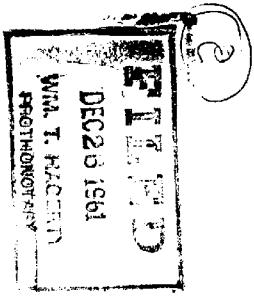
O R D E R

NOW, December 26, 1961, the within Petition having been considered, it is ordered and decreed that the said Appeal be allowed from the judgment rendered by the Justice of the Peace, Austin Curry, it appearing the plaintiff in any action, not summary, before a Justice of the Peace, has the right to appeal to an orderly court.

BY THE COURT

P. J.


John Peay



PETITION FOR APPEAL

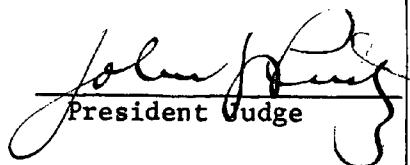
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

SCHOOL DISTRICT OF THE :
TOWNSHIP OF BURNSIDE :
VS : No. 335 November Term 1961
BLAIR BEATTY :
:

O R D E R

NOW, June 27, 1962, appeal of the School District of the Township of Burnside is dismissed, as per Opinion filed in School District of the Township of Burnside vs. Ernest Owens, to No. 331 November Term 1961.

BY THE COURT


John F. Hause
President Judge

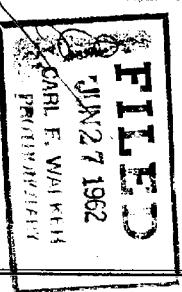
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 335 November Term 1961

SCHOOL DISTRICT OF BURNSIDE
TOWNSHIP

VS

BLAIR BEATTY

ORDER



JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA