

No. 5 Dec

S.S.

Form 189

Public Road

Versus

Picaaria Township

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1892-1893

Part Twp. B. 17.539

To the Hon Judges of the
Court of Quarter Sessions of Clear-
field County Pennsylvania

We the undersigned persons
Appointed by the within Order of Court
to View, and lay out the Road therein Men-
tioned. respectfully report.

That having given notice of the time and
place of Meeting, according to the act of Assem-
bly, and being all present at the view of the
ground proposed for the said road, and
being all sworn or Affirmed, in pursuance
of the said Order of Court; We have viewed,
and laid out; And do return the following.
Road to wit, Beginning at a Point in the
Township Road leading from Utahville
to Coalport. in land of John Davis six feet
South west of his Bar-post. and running through
his land North Twenty six degrees East. Twelve
perches to a Post by a Rock. Thence North Thirty
degrees East. Twelve perches, North Thirty
seven and a half degrees East. six perches.
North Fifty three degrees East. sixteen per-
ches to a Beech. Thence North Twenty five de-
grees East. Eleven and seven tenths perches to a
White pine stump. North Fifty five and a
half degrees East sixteen perches to a Post
in land of Wells Heins. Thence through

land of the said Weldo Deins north fifty
three degrees east three perches to a Post. Thence
north Twelve and a half degree east. Fifty
Eight and four tenths perches to a Sugar tree
Thence through land of Abram Dewling north
Seven degrees West. Thirty seven perches to a
Post. North 9. Nine degrees East. Seventeen
perches to a Stump. Thence north Twenty sev-
en. Degrees East. Eight perches to a Hemlock
North. Seventy two degrees East. Six and
Six tenths perches to a Post. Thence north
Seventy Seven degrees East Ten perches. South
Sixty Six degrees East. Fourteen perches
to a Post. North. Seventy five degrees East
Eight perches. North fifty Nine degrees
East. Twenty perches. North Thirty eight
degrees East. Seven and Six tenths perches to
a Post. North forty Six degrees East. Six
and three tenths perches to a Maple. Thence
through land of Frank Smith north fifty
three degrees East. Eight perches. Thence East
Thirty five perches to a Post. Thence South fifty
five degrees East. Six perches to a Post. Thence
North Twenty degrees East. four and three
tenths perches to a Post. Thence, through
land of Frank Smith, and land of Ashley
Weldo. North forty five and a half deg-
rees East. Fifteen and Six tenths per-

Ches to a Hemlock. Thence North Seventy
degrees East. Five and Seven tenths per-
ches to a Post in Weldo's fields. Thence Still
through land of the said Ashley Weld, North
Fifty eight East. Seventy two perches to
the Township Road leading from Glenhope
to Utahville. Near Abraham Dealings. a
Plot or draft of which is hereunto annexed
Which said road as aforesaid laid out
and herein described. in our opinion is
Necessary for Public use.

No damage was claimed by any persons pre-
sent; through whose land the said Road
passes, and it is our opinion that no one
is entitled to receive any damage.

Witness our Hands the 22^d day of March 1892.

L. F. McClosky.
Oscar J. Blum } Viewers
David Johnston }

Clearfield County, ss.

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the ~~12~~ 7th day of ~~Dec~~, A. D. 1891, before Judge of said Court, upon a petition of sundry inhabitants of the township of Beccaria, in said county, setting forth that

they labor under great inconvenience for want of a Public road to Commence at or near the residence of Abraham Neuling & running to a point on public road extending from Mahville to Coalport

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, ~~and make report to the Court~~ whereupon the Court, upon due consideration had of the premises, do order and appoint S. F. McEliskey Isaac Bloom & David Johnson who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do the least injury to private property, and state particularly, whether they judge the same necessary for a PUBLIC or PRIVATE road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose lands said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated lands through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

A. M. Bloom
Clerk.

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 the at and before the en sealing 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 respectively by reason of the location and opening of the said road, so that neither we nor any of 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. 189 .

..... Seal.

..... Seal.

..... Seal.

..... Seal.

ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows :

To the sum of

To the sum of

To the sum of

Witness our hands this day of , A. D. 189 .

NO. 5 *the* SESSIONS, 1891.

❖ ORDER ❖

To view and lay out a road for
Public use in the township of
Beecana, Clearfield Co.
~~the~~ *the* Sessions 1891,
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. *By the Court*

Sept Sess 1892 Confirmed by the Court

Filed 7 April —, 1892.

Fees \$1, paid by *W. H. Hagerdy*

PUBLIC SPIRIT PRINT.

Hagerdy

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 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	AMOUNT
<i>B. J. McClosky</i>	3	
<i>Cert #1074</i>	Miles 20	\$14.00
<i>Isaac Bloom</i>	3	
<i>(Cert #1088)</i>	Miles 6	6.60
<i>David Johnson</i>	2	
<i>(Cert #1113)</i>	Miles 7	4.70
<i>Frank Smith</i>	2	
	Miles	3.00
<i>Paul Newling</i>	2	
	Miles	3.00

Andersonville Pa 4th 11th 1864
Friend Jas a note

The six years 's bus in Eleven bud
pls go into a ~~the~~ Bloom gro and breed—
him for the amt of four ²⁰/₁₀₀ costs
On Good men in Georgia
Yours respectfully Isaac H. Bloom

In Rel Petition of } In the Court of
Public Road. } Quarter S.S. of Clearfield
in } County Pa
Becaria Township }
No. 5, Dec. S.S. 1891

And now 13th July 1893 Petition presented
and Rule granted to show cause why
Exceptions should not be filed. Returnable
to August 29th 1893 It is further ordered
that the Supervisors of Becaria Township
stay further proceedings in opening said
Road pending the determination of this rule
By the Court
D.L. Krebs C.J.

Certified from the Records this 13th
day July A.D. 1893
J. Guigay
Prody

Servants on Supervisors.

Arrived personally. and the supervision of-
 Beccaria - Sup - viz: Matthew Crow and
 S. H. Styles. July - 18th 1893. the return Rule of
 Exports: by Reading and imposing this of the
 cons. So. Aus. J. H. Davis. arrived upon
 water.

Arrived before on this } J. W. Davis
 24th Sept. July. 1892.
 J. S. Styles
 J. H.

No 5-1000 20 8/12

Public Road

Beccaria Sup

River

Chas. B. Lowrey

W. H. Bratton

Mass Smith

John D. Spofford

Benj. F. Swan

W. A. Miller

George Brownell

W. B. McCartney

Samuel H. Hargrave

W. F. Swan

W. P. Hensley

S. B. Smith

W. L. Bailey

John W. Hargrave

Le. P. Barker

John B. Smith

Jonas Stettin

Edw. Eselman

Sam. Smith

L. Landry

J. A. Adams

W. P. Galer

Frank E. Roney

Geo. D. Roper

Jos. Rhoads

Jacob Eselman

John B. Smith

D. P. Roney

Thos. M. Sanborn

G. A. Barker

G. Bennett

Willard Lendley

John M. Steel

Jesse Williams

Geo. H. Bratton

Franklin B. Smith

Thos. Smith

B. F. Michling

James D. Doty

To The Honorable David L. Strobs
Judge of the Court of Quarter Sessions
of Cheshire County.

We the undersigned Citizens
of Baccara Twp. Respectfully
Represent that they are greatly in
need of public Road. & have commenced
at a point on public Road at
or near the residence of Abner
Hosking and running to a point
on public Road extending from
Utahville to Coalport. - They therefore
pray your Honorable Court to
appoint suitable persons to view
and lay out the same.

And they will ever pray.

A. L. Harrick	Joseph W. Bost
A. Harrick	J. H. Hinkle
W. D. Rummery	J. A. Hickey
A. K. Green	Thompson
J. B. Rummery	John Kindness
J. Brown	John Datto
A. M. Long	John Glasgow
L. A. Stiles	Harvey Glasgow
Epho. Morgan	Wm. D. D. S.
W. L. Dickman	W. J. Moore
Philip Tubbs	Gerri Swangle
Wm. Hollingsworth	J. S. Spangle
J. W. Kerstner	R. Thompson
J. W. Smith	James Higgins
Edy Lickershoof	M. J. Smith
A. B. Barr	J. G. Miller
James Withrow	

1	H. F. Wagner	
2	E. M. Ford	John Leilean
3	J. J. Patton	Edward McKelvey
4	S. H. Warrusky	Dan M. Caldwell
5	F. D. Perry	
6	W. R. M. Graw	
7	J. W. Sill	
8	R. A. Holden	
9	E. S. Bartholomew	
10	J. M. Lantorn	Coastport Pal
11	R. H. Lantorn	"
12	Geo W. Hallinan	"
13	J. E. Hason	"
14	F. M. Flanagan	
15	William Penninger	
16	S. J. Swang	
17	Webb Kimble	
18	Robert Johnson	
19	Geo W. Hall	
20	A. J. Barker	
21	J. W. Shingly	
22	Martin Guinader	
23	L. S. Newling	
24	Abraham Newling	
25	Ed. Sherfield	
26	Harvey Witherow	
27	Ashley Wild	
28	John B. Ball	
29	J. D. Davis	
30	W. M. Davis	
31	John Lind	
32	William Ford	
	Philip Lott	

In the Court of Quarter Sessions of Clearfield County., Pa.

In re Petition for Public
Road,

No. 5. Dec. Sessions 1891.

in

Beccaria (?) Township.

To the Honorable David L. Krebs, President Judge of the said Court:-

The petition of Martha M. Davis and John W. Davis her husband, by their attorneys Geo. M. Bilger and Singleton Bell, respectfully represents:-

That in pursuance ~~had in~~ of proceedings had in said Court, in the above case, the finding of the viewers in favor of a road was confirmed absolutely at Sep. Sessions 1892 and an opening order issued.

That the proceedings had in the premises are fatally defective for matters appearing of record.

The petitioners would therefore pray the Court to allow the exceptions herein-contained, to be filed, nunc pro tunc, and to strike off the confirmations of said proceedings

and set aside the same; and that, pending final disposition of the case, an order be made rescinding the opening order issued, and they will ever pray &c.

EXCEPTIONS.

First:-It does not appear from the record that the Court had jurisdiction, neither the Township or the County being set forth in the petition or in the report of viewers; and while it might be urged that the district is fixed by the allegation that it is a petition of citizens of Beccaria Township, the petition itself shows that some of the petitioners reside in the Borough of Coalport, and, as a matter of fact, not over fifty per cent, of the signers reside in said Township, the balance being from Coalport and Glen Hope Boroughs, Jordan and Gulich Townships and from the County of Blair.

Second:- That the view was made without authority of law, the order by virtue of which the viewers claimed to act, not being under the seal of the Court.

Third:-That the termini of the road are not sufficiently defined in the petition not in the draft and report of viewers. 4 1/2-1 1/2 95 + 1235

Fourth:-That no improvements are noted on the draft nor in the report of viewers, although the greater part of the land through which the road runs is improved, and is so recognized by the report. 1 Aug 2, 124.

Fifth:- That more than one term elapsed between the date of confirmation ni si and confirmation absolute, as appears from the record.

Sixth:- That the records do not show that notice was given to the County Commissioners nor to the owners of seated land along the proposed road as required by Rule of Court No. 172.

Seventh:- That the report of viewers does not show that the viewers were severally sworn or affirmed as required by the Act of Assembly, nor that they were sworn or affirmed before the said view was made.

Eighth:- That the report of viewers fails to show when the said view was made.

Martha M. Davis

Jno W. Davis

By their attorneys

Geo M. Pilger

Emile Bell

Now July 10th 1893, we, do hereby certify that in our opinion there are legal grounds (reasons) why the report should not have been confirmed, for facts appearing on the face of the proceedings.

Geo M. Pilger

Emile Bell

Attorneys

Now July 17th 1893. Answer & Rule
accepted for Petition and answer
Answer waived

Rt Haggerty
Atty for Petitioner

Now for \$8.1891

In Re Petition for
Public Road

on

Deceased Township

Now the 13th Aug 1893.

Petition presented and rule
granted to show cause why
acceptance should not be placed
under protest. At 10 to 12
Aug 1893. It is further ordered
that the Supervisor of
Deceased Twp. lay further
proceedings in opening and
maintaining the determination
of the rule

By "H. Court"
Filed 10 July 1893 D. L. K. 1893
D. Haggerty P. J.
Belger & Bell