

No. 16 May Term, 1893

Vacate
Public Roads

Versus
Buccaria Township

Contents:

X

To the Honorable David L. Krebs, President Judge of the Court of
Quarter Session of the County of Clearfield.

The petition of the undersigned respectfully
represents: That by virtue of certain proceedings in this Court, a
Public road was lately laid out in the Township of Beccaria, begin-
ning at or near Abraham Neulings, in said Township, along Public
road leading from Utahville to Glen Hope, and extending thence to
a point on the premises of Martha M. Davis, in said Township, and
connecting with Public road leading from Utahville to Irvona, which
road was duly approved by the Court, and an order for the opening
thereof issued: That under said order the road will be opened by the
Supervisors, That, in the opinion of your petitioners, the opening
of said road as laid out, will be attended with great and unnecess-
ary expense, and the road will be inconvenient and burdensome.
Your petitioners therefore pray the Court to vacate said road in
accordance with the Act of Assembly in such case made. and they wi-
ll ever pref &c.

John J. Diphther Edward L. Smith
James Fairman Thos C. Lee
J. A. Noel W^m Fullerton
J. W. G. Supervisor William H. Price
T. G. McPhee D. H. Garrison
John Miller Robert Johnson
J. G. D. A. J. Fitts
J. G. D. G. W. Miller
J. G. D. James Miller
J. G. D. Edward Eddy
J. G. D. J. M. Smith
J. G. D. D. T. Dix
J. G. D. John Miller

G. Mullis	James Brown
James Brown Supervisor	James Loglieri
" Evans	W.W. Estes
" " " Morrissey	J.D. Smiley
" " " St. Leger	W. J. Yarnell
John Alderman	George Nichols
James Alderman	John B. Dickey
" " " " "	E. Barrood
Harley Clegg	J. B. Lydick
" " " " "	H.H. Ferguson
G. French Clark	D. B. D. Brown
" " " " "	J. L. " "
" " " " "	Matthew Patterson
" " " " "	J. L. " "
John Sheld	J. L. " "
" " " " "	John H. Price
" " " " "	John Wilson
" " " " "	John McRoy
" " " " "	H. M. Boone
" " " " "	J. D. Kelly
" " " " "	Gas S. Cookett
" " " " "	H. L. " "
" " " " "	E. L. Amati
" " " " "	C. L. " "
" " " " "	P. E. " "
" " " " "	H. " "
" " " " "	D. J. Stull
" " " " "	W. B. Bonaparte

St. Louis May 21 1873

Answered 23 June 1873. Read
a copy of the news in full
viz. Harry Powers, Sam'l P.
Shoff and J. P. Day are ap-
pointed as drivers to speak
upon property of vacating now
mentioned and report accom-
plished. Rightly so.

Yrs. - Wm. H. D.

Wm. H. D.

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 23 day of June, A. D. 1893, before Judge of said Court, upon a petition of sundry inhabitants of the township of Pecaria, in said County, setting forth that

By virtue of a certain proceeding in this court a public road was lately laid out in the Township of Pecaria beginning at or near above meeting in said Township along public road leading from Mahonelle to Clear Hope extending thence to a point on the premises of Martha M Davis in said Township & connecting with public road leading from Mahonelle to Brownsville which road was duly approved by the Court and an order for the opening thereof issued. That under said order the road will be opened by the Supervisor that in the opinion of your petitioners the opening of said road so late will cause to accrue much and great necessary expense. & the road will be incom-
plete & burdensome your Petitioners therefore pray

The Court to Vacate said road in accordance with the act of Assembly

and therefore praying the Court to appoint proper persons to ~~view and lay out~~ vacate the same according to law, To view & report next Term whereupon the Court, upon due consideration had of the premises do order and appoint Harry B. Gees, W. P. Shoff, T. P. Terry 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~~ vacate and if they view the same and any two of the actual viewers agree that there is occasion for such ~~road~~ vacate, they shall proceed to ~~lay out~~ vacate 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 land 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 land 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.

CLERK.


D. J. Geesey

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 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 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 recieve 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

ASSESTMENT 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 .

To The Honorable David L. Krebs President Judge
of the Court of Quarter Sessions of Clearfield County
Pennsylvania. We the undersigned viewers
appointed by the within order of Court to view and
vacate the road therein mentioned respectfully
report, That we gave good and lawful notice of
said road view and met agreeable thereto on
the thirty first day of October A. D. 1891, the
undersigned having been present and having been
severally sworn or affirmed we have viewed
the said road and are of opinion, that the same
has not become useless, inconvenient and burdensome
and should not therefore be vacated. We would
recommend that Mrs. John L. Davis and John Weld
should be paid have damages assessed and paid them
to which they are entitled by reason of opening of said
road. Witness our hands this thirty first
day of October A. D. 1893

Viewers { Harry Byers
A. P. Shoff

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.

No 16 May Sessions, 1893

ORDER

Waale

To whom it may concern a road for public use in the township of Messa

Rec'd Sessions, 1893

read and confirmed Ni. Si.

Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bringing, there to be 16 feet wide.

By the Court

28 May 1894 certified also enclosed is the bill of costs in Petition by the Court of Common Pleas

AMOUNT.
Days 2 } Miles 44 \$12.40
Days 1 } Miles 10 \$ 3.00
Days } Miles

Filed 25, 1895
Fees \$1, paid by Petitioners