

No. 2 Sept Sessions, 191 3

COMMONWEALTH

VERSUS

In Pt To Vacate
Supply Road in
Beauregard Twp

P.D. #5 - Page 211

Charge

JAMES H. KELLEY,
DISTRICT ATTORNEY.

Part Twp. Bd. 17546

To Hon. Allison O. Smith, President Judge of the Court of
Quarter Sessions of Clearfield County, Pennsylvania.

The petition of the undersigned, inhabitants of Beccaria
Township in said county, respectfully represents:

That your petitioners labor under great inconvenience on
account of the excessive grade on part of the public road run-
ning from Irvona to Glen Hope by way of W. K. Lull's residence.

Your petitioners therefore pray that viewers be appointed
to view and lay out, at a better grade, a public road in Beccaria
Township, beginning at a point near the Hammond Watering Trough*
on said road running from Irvona to Glen Hope, and ending at
a point in the same road near the residence of W. K. Lull, and
to vacate the present public road between said points.

1	Philip A. Dyer	Irvona	15	A Spindle	Blaine City
2	S. G. Warrick	Utahville	16	George Asker	
3	Harry B. Frew	Utahville	17	A. J. Mosher	
4	Thos. H. ...	Amoke Run	18	W. K. Lull	
5	Thomas J. Brown		19	Andrew X. Mosher	his Coalport Pa mark
6	H. C. Hollingsworth	Irvona	20	W. D. Geyle	Coalport Pa
7	G. J. Hollingsworth		21	A. B. G. G. C.	Roseport Pa
8	M. B. Banniff		22	C. P. Wild	Utahville Pa
9	John C. ...		23	J. H. ...	
10	...		24	Geo. A. ...	
11	...		25	James ...	
12	...		26	John ...	
13	
14	

27	4 St. Harper MD	Javona, Pa.
28	S. J. Montgomery	" "
29	Charles Dotts	" "
30		Glen Hope
31	Jonas Croyle	Glen Hope
32	Dan McLeish	
33	J. M. Smith	Ironia
34	A. R. Hunter	" " "
35	J. H. McGaughey	
36	John C. Bess	Pon Roselud Pa
37	Harvey Smail	" "
38	W. H. Lyle	Coalport Pa
39	He R. C. Cartmire	Coalport Pa
40	Isaac Welker	Blain City
41	Albert Welker	Blain City
	William Gates	

Clearfield County, SS.

I Philip S. Dotts being duly sworn according to law
deposes and says that the facts set forth in the above petition
are true and correct to the best of his knowledge and belief.

Philip S. Dotts

Sworn and subscribed before me

this 22nd day of April A. D. 1913,

J. M. Smith
Justice of the Peace

My Commission Expires January 1st, 1918.

Bond.

We, the undersigned, are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of Fifty Dollars, conditioned for the payment of all costs that may be imposed upon the petitioners in this case.

Philip S. Dotts (Seal)

Mrs Henry Dotts (Seal)

Clyde Dotts (Seal)

Now May 19 1913 bond approved

By the Court

Alvin E. Smith PQ

Now April 24 1913, on behalf of the County Commissioners of Clearfield County, I accept service of notice of the presentation of the above petition to the Court on May 5, 1913.

L. B. Morris
Clerk

Notice to Supervisors.

In re-petition to vacate and sup- (In the Court of Quarter
ply public road in Beccaria Township. (Sessions of Clearfield
County, Pa.
No. SS. 1913.

To *Wm Gates, L. J. Newling and N. D. Lyle*
Supervisors of Beccaria Township, Clearfield County, Pa.

You will please take notice that an application will be made to the Court of Quarter Sessions of Clearfield County, on Monday May 5, 1913, at 10 o'clock A. M., for the appointment of viewers to view and lay out, at a better grade, a public road in Beccaria Township, beginning at a point near the Hammond Watering Trough on the public road running from Irvona to Glen Hope, and ending at a point in the same road near the residence of W. K. Lull, and to vacate the present public road between said points.

John M. Urey
Attorney for Petitioners.

Now April *29th* 1913, service of above notice accepted.

William Gates
L J Newling
N D Lyle

Supervisors of Beccaria Township.

No. SS. 1913.

In re-petition to vacate and
supply public road in Beccaria
Township.

Notice to Supervisors.

No. *2. Sept.* SS. 1913.

Petition to Vacate and Sup-
ply Public Road in Beccaria
Township.

Now May 19th 1913, the within
petition presented, read and
considered, and thereupon A. J.
Kramer, Jr. & A. Reed and
Wm. G. Lee

are appointed viewers to view
the premises, and report to
next Term of Court.
By the Court,

Wm. C. Smith

FILED
MAY 19 1913
John Kramer

Supervisors of Beccaria Township.

Clearfield County

H. P. COWEN, Sec. and Treas.

UTAHVILLE, PA., *Aug. 1st* 1914

The New Public Road
built by Supervisors of Beccaria
Twp. was open for travel
the 1st of July. This road runs
through land owned by W. H.
Tull.

B. E. Oshell } Supervisor
Thomas Dawson } of Beccaria
Twp. —

RECEIVED
NOV 28 1914
JOHN H. MOORE,
CLERK.

Nov 28 1913

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 19th day of
May in the year of our Lord
one thousand nine hundred Thirteen 1913.
Allison O Smith.

Judge of the same Court: Upon the petition of
sundry inhabitants of the Township of
Peccaria.

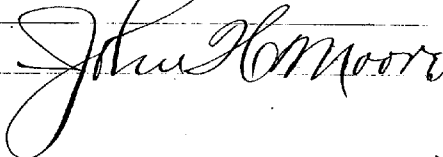
in said County, setting forth that Your petition
ers labor under great inconvenience on account of excessive grade
on part of the Public road running from Irvona to Glen Hope, by way
of W.K. Lull's residence. and Beginning at a point near the hammond
watering trough on said road running from Irvona to Glen Hope.
and ending at a point in the same road near the residence of W.K.
Lull, and to vacate the present public road between said points.

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.G. Kramer. H.A. Reese.
and J.F. Gill.

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 impari-
tality and according to the best of their judgment, 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 dis-
tance, 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 or 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.

 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, beg 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 Commission of Clearfield County and the Board of Supervisors of the Township of

Beccaria 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 August, A. D. 1913, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 21st day of August, 1913, at 10 o'clock A. M. That the said viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view L. Z. Meyling one of the Supervisors of Beccaria Township and P. S. Dotts who were in favor of the road and W. K. Lull who is in favor of a change of the road, but opposed to the location as laid out by the viewers

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 21st day of August A. D. 1913, when the following appearances were noted: J. M. Urey Esq representing the petitioners and Mildred Bratton representing John Bratton

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is _____ occasion for a road as desired by the petitioner, and that the same is _____ 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 in the public road running from Irvona to Glen Hope at or near what is known as Hammond Watering trough; thence running south seventy nine degrees, east three hundred and sixteen feet through unimproved land of J. G. Smith; thence through unimproved land of said J. M. Smith and D. M. Caldwell and improved land of W. K. Lull north eighty nine degrees east two hundred and fourteen feet; thence north sixty four degrees fifteen minutes east five hundred and twenty four feet through improved land of W. K. Lull; thence through improved land of John Bratton, north forty seven degrees, east three hundred and ninety feet; thence north twenty three degrees, east four hundred feet through improved land of W. K. Lull to a point in the said public road running from Irvona to Glen Hope near the residence of W. K. Lull.

The viewers further report, that in persuance of the laying out and opening of the proposed new road that that part of the present road running from Irvona to Glen Hope supplied by the proposed new road from the Hammond watering trough to the point where the proposed new road intersects with the same near the residence of W. K. Lull will by reason of being supplied by said proposed new road become useless, inconvenient and burdensome, and would therefore recommend that the same be vacated.

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 practicable 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 the 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:

W K Lull	\$85.00
John Bratton	25.00
D M Caldwell	1.00
J G Smith	1.00

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 21d day of August
A. D. 1913.

A. G. Kramer 
W. A. Reese 
J. W. Sill 

No. 2,000 Sessions, 1913

ORDER

To view: Route and Supply a
road for Public use in the
township of Peccaria,
Clearfield County Pa.

Sep 11 Session, 1913,
read and confirmed Ni. Si.
Road to be opened 33 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

By the Court
Almon D. Smith
December Session 1913
confirmed, absolutely
By the Court
Almon D. Smith

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.

	DAYS	MILES AM'T.
A. G. Kramer	3	74 18.70
A. R. Reed	3	97 19.85
J. W. Gill	1	14 5.70
J. W. Gill	1	80 9.00
		\$53.25

RELEASE OF DAMAGES.

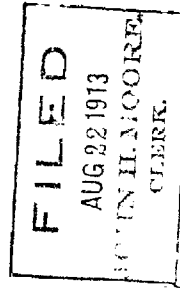
Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

at and before the enrolling and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-mise, 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. 191_____.



CLEARFIELD, PA. JULY. 21st, 1913.

Sirs:

You are hereby notified that the undersigned, viewers duly appointed by the Court of Quarter Sessions of Clearfield County Pa to view and change that part of the public road running from Irvona to Glen Hope in Becaaria Township in said County from a point at or near the Hamond Watering trough on said road to a point ^{near} the residence of W K Lull on said road and vacate the present public road between said points on account of the excessive grade of the present road between the said points.

That we the said viewers will meet for the discharge of our duties ~~XXXX XXXX~~ at the Hamond watering trough at the proposed starting on said road on Tuesday August 5th 1913 at 9 o'clock A M, when and where you may attend if you see proper.

TO

W. C. Langsford

J. S. Richards

H, L. Bowman

County Commissioners
of Clearfield County

A. G. Kramer

H. A. Reese

J. W. Gill

VIEWERS.

Now this 21st day of July, 1913, service of the above notice accepted

COUNTY COMMISSIONERS OF CLEARFIELD COUNTY

L. C. Shorris

Clerk.

To W C Langsford, J S Richards, and H L Bowman, County
Commissioners of Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa; to view and lay out a public road from a point in a public road running from Irvona to Glen Hope in Deccaria Township from at or near the Hamond Watering trough to a point in said road at or near the residence of W K Hull on said road running from Irvona to Glen Hope; and vacate the present public road between said points, on account of the excessive grade of the present road between said points.

And that the view having been made on the said road on the 5th day of August 1913 and that the said viewers will hold the public hearing as required by the Act of Assembly in the Arbitration room in the Court House in Clearfield Pa on Thursday the 21st day of August 1913 at 10 oclock A M, when and where all persons interested for or against the said road may attend and be heard.

A G Kramer
H A Reese
J W Gill
Viewers.

Now this the 15th day of August 1913 service of the above notice
accepted for the County Commissioners.

L C Morris
Clerk

CLEARFIELD. PA. JULY. 21th. 1913

To L. Z. Newling & N. S. Lyle

Supervisors of Becaria Township Clearfield County Pa

SIRS.

You are hereby notified, that the undersigned, viewers duly appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and change that part of the public road running from Irvona to Glen Hope in Beccaria Township in said County from a point at or near the Hamond Watering trough on said road to a point near the residence of W. K. Lull on said road, and vacate the present public road between said points on account of the excessive grade of the present road between the said points.

That the said viewers will meet for the discharge of our duties as said viewers at the Hamond watering trough at the proposed starting point on the said road on Tuesday August 5th 1913 at 9, oclock A M when and whereyou may attend if you see proper

A. G. Kramer
H. A. Reese
J. W. Gill
VIEWERS.

Now July 25th 1913 served a copy of the above notice on L. Z. Newling
N. S. Lyle
the Supervisors of Beccaria Township

Philip A. Dotts

TO WHOM IT MAY CONCERN.

Notice is hereby given, that the undersigned viewers appointed by the Court of Quarter Session of Clearfield County, to view and lay out a public road from a point in a public road running from Irvona to Glen Hope past the residence of W K Lull, from a point at or near the Hammond Watering trough on said road running from Irvona to Glen Hope to a point in said road near the residence of W K Lull, and vacate the present public road between said points, and having met as per notice previously given on tuesday the 5th day of August on the premises at 9 oclock A M and performed the duties of their appointment by making said view.

And that in persuance of the requirements of the Act of Assembly in such case made and provided, the said viewers will meet for the purpose of holding a public hearing in the Arbitration room in the Court House in Clearfield Pa on Thursday the 21st day of August at 10 oclock A M at which time and place all persons interested in said road may attend and be heard.

TO

A. G. Kramer
H. A. Reese
J. W. Gill
Viewers.

Now Aug 15th 1913 served this notice on W K Lull personally by Copy and on Jno. M. Bratton and Jno. B. Smith by mailing a copy and served on Sam. M. Caldwell personally by Copy served on each personally by Copy and also on Le. Z. Keyling and N. S. Lytle Supervisors of Becaria Township and on others interested by posting Copies thereof at the starting and ending of the proposed road five days before the day set for the general hearing
Philip. S. Dotts

