

No. 2 Sept. 3
SESSIONS, 191

COMMONWEALTH

VERSUS

In Re the Vacate
Supply Road in
Beareria Twp.

P.D. vs. Page 2 11

Charge

JAMES H. KELLEY,
DISTRICT ATTORNEY.

Part Twp. Rd. 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	" A. Spinelli
2	S. G. Marvin	Waterville	" George Cather
3	Harry. B. Foy	Waterville	" A. J. Marker
4	Tom H. Smith	Amotekum	" W. K. Lulligan
5	Thomas J. Brown		" Andrew his mark
6	Al Hollingsworth	Irvona	" W. D. Leyce Coalport Pa
7	G. J. Hollingsworth	Pa.	"
8	M. Boardman		" A. Battigato Coalport Pa
9	Jim Custer		" C. P. Wild Waterville
10	J. P. Foy		" J. H. Garrison
11	John K. Miller	Roswell	" George Anderson Waterville
12	W. W. Brown	Pa.	" James Irvona
13	James G. Foy		" John D. Jones
14	George H. Custer	Pa.	" Irvona

27	F. T. Harper M.D.	Irvona, Pa.
28	S. T. Berryman	"
29	Charles Dotz,	"
30		Glendale
31	James Doyle	Glendale
32	Dan McLeahon	
33	J. H. Smith	Irvona
34	A. R. Hunter	" " "
35	J. H. McGahey	
36	John C. Peers	On Roseland Rd
37	Harvey Smail	" "
38	I. W. Fyle	Coalport Rd
39	He. J. K. Eastman	Coalport Rd
40	Isaac Welker	Blain City
41	Albert Welker	Blain City
	William Gates	

Clearfield County, ss.

I, Philip S. Dotz, 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.

Sworn and subscribed before me

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

J. H. Smith
Justice of the Peace

By Commission Executed 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 1913 bond approved

By the Court
Alvin E. Smith PZ

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 supply public road in Beccaria Township. (In the Court of Quarter Sessions of Clearfield County, Pa. (No. SS. 1913.

To Wm Gates, L. J. Nierling and N. S. 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. Nierling
N. S. 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 lay 19th 1913, the within
petition presented, read and
considered, and the report of
Kramer, H. A. Reese and
Mr. Gee

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

By the Court,

John C. Smith

1913

John C. Smith

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
Thomas Dawson }
Supervisors
of Beccaria
Twp.



Rec'd on 05/09/1913

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 Beccaria.

in said County, setting forth that Your petitioners 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 Clon 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.W.Cill.

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 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 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.

John H. Moore 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~~ ^{the} 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 Hevling one of the Supervisors of Beccaria Township and P S Dotts who were in favor of the road and W K Hull 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 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 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 pursuance 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. S. S. 

ORDER

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.

Viewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

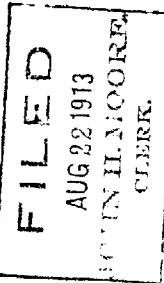
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

To view: Judge and Surveyor a road for public use in the township of Peccaria.
Clearfield County Pa.

	Days	Miles	AMT.
A. G. Kramer	3	74	18.76
H. A. Reed	3	97	19.85
J. W. Gild	1	14	5.70
General Average	1	80	9.00
Sub Total			\$53.25

Sept. 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
Affix a month of
December sessions 1913
confirmed absolutely
By the Court
Session of month of



Filed 19
Fees \$1.25 paid by John H. McQueen

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 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. 1911.



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 ~~WIXX WEEK~~ 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. Reed

J. W. Gill

VIEWERS.

Now this 21st day of July, 1913, service of the above notice accepted
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY

Z. C. Morris

Clerk.

To W C Langsford, J S Richards, and H B 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 Beccaria Township from at or near the Hamond Watering trough to a point in said road at or near the residence of W K Bull 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 o'clock 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.

H C Morris
Clerk

CLEARFIELD. PA. JULY. 21th. 1913

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

Supervisors of Beccaria 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 Hill

VIEVERS.

Now July 25th 1913 served a copy of the above notice on L Z. Nevling
N S Lyle the Suporvisors 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 o'clock 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 o'clock 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 Lull

Viewers.

Now Aug 15th 1913 served this notice on W K Lull personally by Copy and on Jno. M. Bratton and Jno. H. Smith by mailing a copy and served on Dan. M. Caldwell personally by copy served on each personally by Copy and also on L. Z. Nepling and N. S. Little Supervisor of Beccaria Township and on others interested by posting copies therefor at the starting and ending of the proposed road five days before the day set for the general hearing

Philip. S. Dotto

