

No. 4 May Term, 1913

Petition to vacate
Road in Bigler Twp

VERSUS

X

KNOW ALL MEN BY THESE PRESENTS That we
T. E. Pursey L. G. Steers & C. L. Cornely

are hold and firmly bound unto the Commonwealth of Pennsylvania
for the use of Clearfield County, in the sum of one hundred dollars
lawful money of the United States, for which payment well and truly
to be made, we do bind ourselves, our and each of our heirs "fir-
mly by these presents. Sealed with our seals and dated the 18th
day of March 1913.

WHEREAS, a petition has been presented to the Court of
Quarter Sessions of Clearfield County, asking for a vacation of a
certain road in Bigler Township, which petition has been
filed to No. May Session 1913.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that in
case of the failure of the petitioners to sustain said petition,
if the above bounden shall save and keep harmless the County of
Clearfield from any and all costs connected therewith, then this
obligation to be void, or else to be and retain in full force
and virtue.

T. E. Pursey ----- (SEAL)
L. G. Steers ----- (SEAL)
C. L. Cornely ----- (SEAL)

The Petition of the undersigned citizens of Bigler Township, Clearfield County, Pennsylvania, respectfully represents;

That an ancient public road existed in said Township, Beginning at point therein where the said is intersected by road from residence of William McGara upon lands known as the "Wallace Lands" and extending through said lands and lands of F. E. Pusey, to a point on Wallace lands where said road intersected the road running past the residence of F. E. Pusey and now vacated. That said road does not end at any public road nor at any dwelling house or place of public resort and is practically unused by the travelling public. That it is not necessary as a public road and its maintenance in a proper condition would be burdensome.

Your petitioners therefore, pray that said road be vacated and that viewers be appointed to view the same and make report according to law,

And they will ever pray.

W. A. Brown E. Cawley
W. W. Newling L. C. Stevens
Ralph Patterson
A. M. Herdman
Shenidor Kunzman
Fred Kunzman
Mrs. G. Gile
Dr. M. Wolff
C. L. Carnely
J. J. Pusey
Geo. Bowen

Clearfield County, SS

F. E. P^Usey, being sworn, according to law, doth depose and say that the facts stated in the foregoing petition are true and correct as he verily believes.

Road

to 4 May At 1913.		
Petition to vacate Road in Bigler Township		

Now 6th March At 1913
Petition presented and considered
and rejected Woodward
J.S.M. secretary and for Mr. Tiele
an appointed overseer to review
the said road and make a report
as required by law.
By the Court
Allison J. Smith (P)

Bechtel & Ward
KONTZ BROS., CINCINNATI, OH

171-67 acy

Notice is hereby given that the following are to present to the Court
on Monday March 3rd 1913.

Service accepted for
County Commissioners
March 3rd 1913

L. D. Morris
Clerk

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 6th day of March in the year of our Lord one thousand nine hundred and thirteen upon petition before the said

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Citizens of Bigler Township

in said County, setting forth that an ancient road or Public road existed in said Township Beginning at a point therein where the said road intersects by road from residence of William McGara upon land known as the Wallace lands and extending through said lands and lands of F.E. Pusey. to point on Wallace lands where said road intersected, the road running past the residence of F.E. Pusey. and now vacated that the said road does not end at any public road nor at any dwelling house or place of public resort and is practically unused by the traveling public. That it is not necessary as a public road and its maintenance in a proper manner or condition would be burdensome. and should be vacated.

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 H.B. Woodward.

J.S. McCreary. and J.W. 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 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 Kemmer, 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 Commissioners of Clearfield County and the Board of Supervisors of the Township of Bigler and that five notices thereof were posted along the route of the proposed road, that the said view would be held on the 22nd day of April, A. D. 1913, ~~and the hearing to be held in the Arbitration room at the Court House in Clearfield~~ ~~PA~~ ~~on the xxxxxxxx day of xxxxxxxx 19xx at xxxxx o'clock xxxxx m.~~ That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view F. E. Pusey, and William McGara. That there were no objections or remonstrances against the vacation of said road.

~~parties in interest. That the hearing was held in the Arbitration Room at the Court House, at Clearfield, Pa., on the xxxxxxxx day of xxxxxxxx 19xx, when the following appearances were made:~~

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~~ ^{the described} 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 have ~~and~~ ⁱⁿ ~~the~~ ^{the} ~~best~~ ^{best} ~~number~~ ^{number} ~~as~~ ^{as} shall do the least injury to private property and as far as practicable agreeably to the desires of the petitioner, and do return ~~xxxxxx~~ use the following described road to the ~~xxxxxx~~ ^{beginning} ~~xxxxxx~~, but is useless and burdensome. Said road was found to be practically abandoned, covered with brush, briars and undergrowth, and obstructed by fallen trees, wherefore the viewers appointed by your Honorable Court respectfully recommend that the same be vacated in accordance with the prayer of the petition.

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.

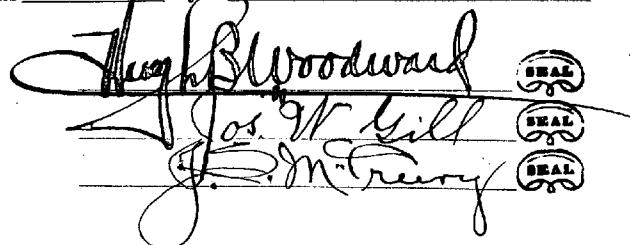
The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from _____

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: _____

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

WITNESS our hands and seals this _____ day of

A. D. 191____.


Hugh Woodward
Jos. W. Gill
J. M. Tracy

SEAL
SEAL
SEAL

No. 46 May Sessions, 19/3

ORDER

To view Wacade a road for use in the township of Pegler, Clearfield County Pa.

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.

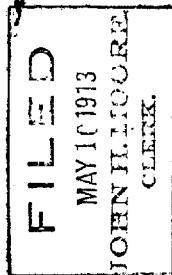
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	Days.	Miles A.M.T.
<u>J. W. Gill</u>	1	14 6.40
<u>J. S. McTigue</u>	1	16 6.60
<u>H. Woodward</u>	2	40 14.00

March Session, 19/3, 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 Allison J. Smith

Now seth is 1913 confirmed
absolte
By the Court
Allison J. Smith

Filed 19/3.
Fees \$1.25 paid by J. B. H.



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 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 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.

