

No. 4 May 1st Term, 1913

Petition to vacate

Road in Bigler Twp

VERSUS

X

KNOW ALL MEN BY THESE PRESENTS That we

F. E. Pusey, L. C. Stearns & 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 firmly 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 remain in full force and virtue.

F. E. Pusey (SEAL)
L. C. Stearns (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. C. Bloomer *B. W. Cowler*
W. W. Newling *L. C. Stearns*
Ralph Patterson
A. W. Herdman
Shenidon Kunzman
Fred Kunzman
Geo. G. Gille
T. M. Shoff
Ch. Carney
J. J. Pusey
Joe 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

No 4 May 1913.	Petition to vacate Road in Beglen Township		Now 6 th March 1913 Petition presented and con- sidered and H.B. Woodward Jd. McCree and J.W. Lile an appointed viewers to view the said road and make report as required by law. By the Clerk Allison C. Smith	Recd of H. Woodward KURT BROS. CLEARFIELD, PA. 1913 by any
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Notice is hereby given that this petition will be presented to the Court
on Monday March 3rd 1913.

Service accepted for
County Commissioners
March 3rd 1913
L. W. 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 inter
sected, the road running past the residence of F.E. Pusey. and now vacad
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 travel
ling public. That it is not necessary as a public road and its mainten
ance 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 impariati
-ity 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.

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 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 29th day of April, 1913, at 10 o'clock A. 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, in the Court House, at Clearfield, Pa., on the 29th day of April, 1913, when the following appearances were noted:

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for the road as 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 we have laid out in such manner as shall do the least injury to private property and as far as practicable agreeably to the desires of the petitioner, and in return for the following described road, to wit: Beginning, 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

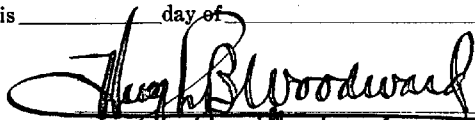

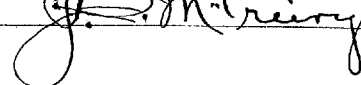
when it was not practicable to preserve it within that limit.

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_____.




SEAL SEAL SEAL

No. 4 May Sessions, 1913

ORDER

To view Vacate
road for use in the
township of Beagle
Clearfield County Pa

May 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

William D. Smith

Now Sect. ss 1913 confirmed
absolute

By the Court.

Alison D. Smith

Filed 1913.

Fees \$1.25 paid by B. D. H.

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.
J. W. Giel	1	14	6.40
J. M. Giel	1	16	6.60
W. Woodward	2	40	14.00

FILED
MAY 10 1913
JOHN H. MOORE
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

at and before the ensealing 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

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