

No. 4 Sept Term 19 24

ORDER TO VACATE

REVIEW
To ~~view~~ and vacate road situate

in the Township of Beccaria
Clearfield County.

Now May Sessions 19 25

read and confirmed Ni. Si.

By the Court.

Now Seph ANOL
see Sessions 19 25

confirmed absolute.

By the Court.

ARb
P.J.

to a map
at 11:11

Filed _____ 19 25

Atty, _____

Fees \$1.25 paid by _____

W. A. Hagerty, Atty.

In the Court of Quarter Sessions of Clearfield County, Penna.

Petition to vacate a portion : No. 4 September Sessions, 1924
:
of Public road in Beccaria : Amended petition by Citizens of
:
Twp : Beccaria Township

They therefore pray your Honorable Court to be allowed to amend said petition so as to read " To vacate that portion of the foregoing road "Beginning at a point on said road at or near the house of Jack Root in said village of Beccaria and ending at a point on said road at or near the foot of Ab Davis Hill on said above mentioned road. This will include the piece mentioned in the petition asking to be vacated and also the other part that was intended to be included in said petition

By the Court,

A. R. Chase, P. J

STATE OF PENNSYLVANIA : Certified from the record this
:
COUNTY OF CLEARFIELD : 2nd day of March A. D. 1925.


Clerk

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa.,
in and for said County, on the 2 day of June in the year of our Lord, one
thousand nine hundred and twenty four

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry
inhabitants of the Township of Beccaria, in the County aforesaid setting forth that on the
8th day of May 1896 a public road was confirmed in said Twp of Beccaria and
ordered opened leading from a point in public road in the village of Beccaria
and ending at a point on public road at or near the house of Jacob Mathews. That
before said road was opened a petition was presented to said Court at Sept. ss
1896 to vacate that portion of said road not yet opened from a point at or near the
house of George Alinskey and ending at a point in said public road 100 feet north
the division line of lands of Robinson and Shoff. That viewers were appointed
and survey made and report changing the location of the first mentioned road
was duly confirmed and opening order granted. That no portion of as changed under
the report of the viewers has ever been laid out, that the same is useless and
of no benefit to the traveling public.

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the
points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-
point from and among the County Board of Viewers John Scollins, Esq., Harry Reese and

J. S. Michaels who have been duly appointed by the said Court on the
County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the
County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appoint-
ment, with impartiality and according to the best of their judgment; are to view the said road, and after
having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they
shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report
thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether
there is any necessity for said road, or whether the same should be vacated; and the reason why, together
with a plot, or draft, thereof showing the courses and distances with reference to the improvements through
which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from
the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating
of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the
owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers
shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from
the vacation of said road; and make report of such assessment; which report they shall in like manner trans-
mit 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

Geo W Polatawiec
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE
COUNTY OF CLEARFIELD, PA.

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 the 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 **Beccaria**, and that **three** notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

22nd day of **April**, A. D. 19**25**, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield,

Pa., on the **24th** day of **April** A. D., 19**25**, at **ten** o'clock **A. M.**, and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view **Andrew O'Donnell, John Burchill, John M. Robeson, George Koehler, Peter Nemish, Emory Hewling, Jm. Hellet and others in favor of vacating the road; And John Grego, Andrew Machen, Mike Franko, James W. Ruffner and others opposed to vacating said road.**

~~parties interested, either in favor of or against vacating said road.~~ And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the **24th** day of **April**,

A. D. 19 **25**, when the parties interested in the said road were in attendance:

W. A. Hawerty, Esq., for petitioners, and John M. Chase, Esq., for exceptants, and seven witnesses sworn, examined and cross-examined on both sides.

And that after the view and hearing above mentioned, the undersigned Viewers do ~~agree that said road has~~ **unanimously find and agree:**

First: That that portion of said road leading from a point in said road at or near the (Hotel or) house of Jack Root in said Village of Beccaria, in Beccaria Township, to the South side of the School House Lot (the "Boringing" as shown on the plan hereto attached) has never been opened; no families residing along the route thereof without an outlet; would require a bridge or large culvert across the Run and a rail road crossing; and that this portion of the said road is useless, and that this portion of the said Road be vacated.

~~Second: That that portion of said road leading from a point in said road at or near the (Hotel or) house of Jack Root in said Village of Beccaria, in Beccaria Township, to the South side of the School House Lot (the "Boringing" as shown on the plan hereto attached) has never been opened; no families residing along the route thereof without an outlet; would require a bridge or large culvert across the Run and a rail road crossing; and that this portion of the said road is useless, and that this portion of the said Road be vacated.~~

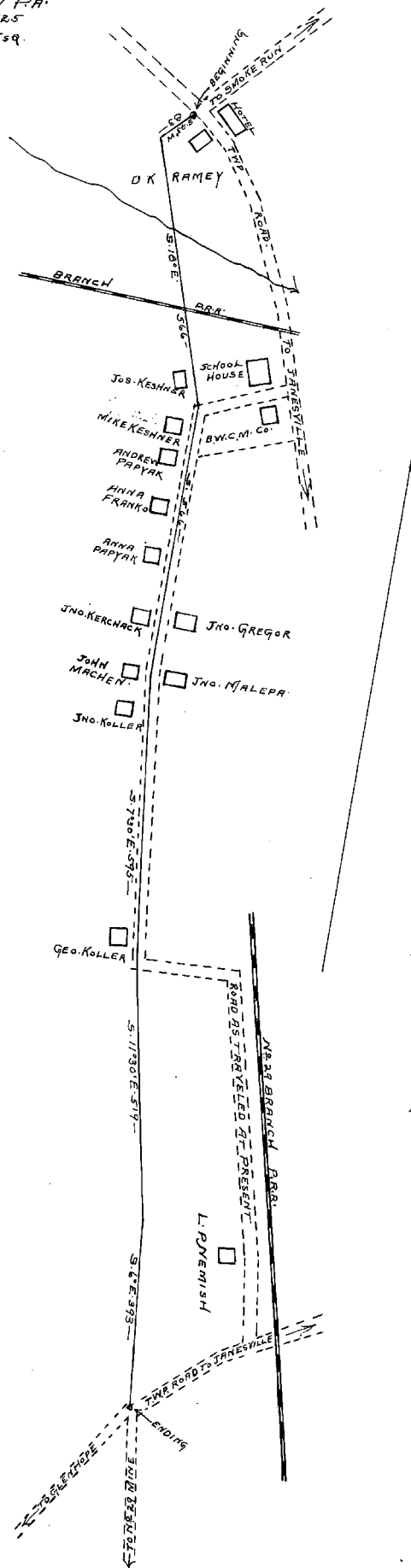
John M. Robeson, a witness favoring vacation at this hearing, provision was made for streets or lanes for the use and necessity of the families owning and occupying properties abutting thereon; with the exception of a field of George Koller and the property of Peter Nemish, both of which front on the Railroad Right-of-way at the "Ending" thereof. At the field of George Koller a lane runs Eastwardly to the Railroad right-of-way and thence South on or along said Right-of-way to the Township Road leading from Jamesville up the Ab Davis Hill. This lane and road along the Railroad being the road traveled at present and as outlined on the plan of the Robeson Estate and testified to as dedicated to public use.

It is an unfortunate circumstance that either previous or subsequent to the original view of 1895, the course of said Road or the opening or building of it (at the "Ending" thereof) was interfered with by a coal mining operation since abandoned, probably accounting for the deflection of the Road at the Koller Lane where it follows the Railroad right-of-way to the Jamesville - Utahville Road. Nemish is now the owner of the tract where the mining operation was located, has fenced up the whole tract, built a commodious home, and is a claimant of damages, which together with damages as claimed by Koller (and the cost of building the other portion from the School House line to Root's corner) in the opinion of many of the witnesses favoring vacation would be excessive for the Township to bear; but in the opinion of your Board the course of said Road at the Koller Lane could be readily changed and re-located to advantage; and that Street, as laid out by the Robeson Estate adjoining the School House line on the Southern line thereof and extending from the aforementioned Road to the Road leading from Root's Hotel South to Jamesville, supplied. This Board however being without authority so to do.

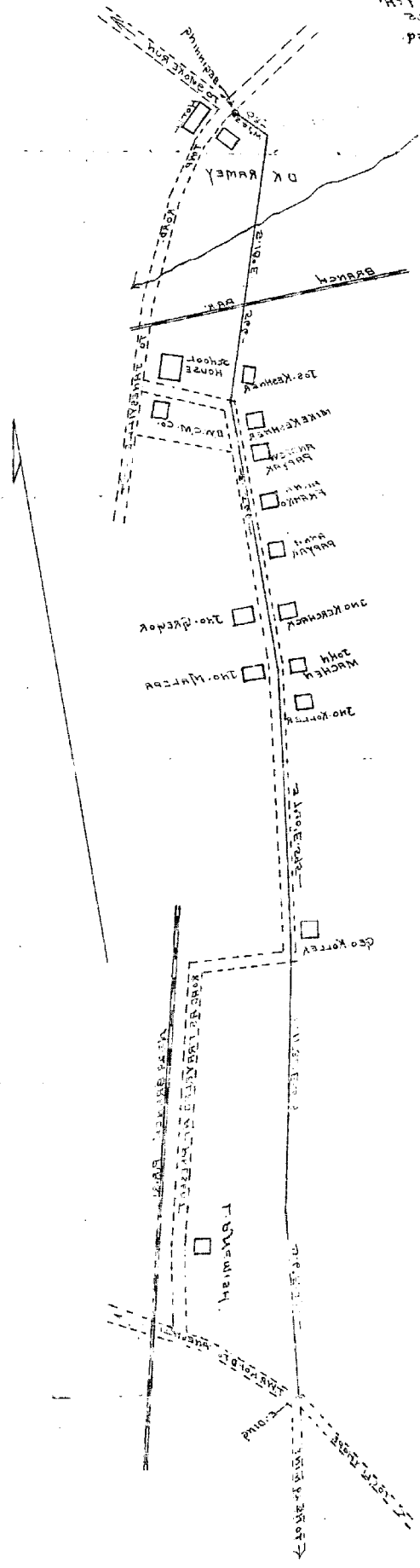
Third: No evidence on the question of damages sustained by the Robeson Estate, Peter Nemish and George Koller by reason of the opening of said Road over and across these properties was produced before your Board, except a demand of \$1000.00 by Peter Nemish at the time of the view and a claim of John M. Robeson for damages for the taking of the Robeson Estate for public road purposes. However in the original View to W. O. September 1895, the Board of Commissioners returned: "No damages (were) assessed" to the Robeson Estate and the aforementioned properties have since been sold by the Robeson Estate and the proceeds or allocation made for roads in the improvement of title of the land plotted and dedicated on the plan of said estate for public use, for which damages are now claimed.

Fourth: The Board is especially for and that the portion of the original aforementioned plan, which is to be vacated, extending from the South side of the School House Lot to the foot of the Davis Hill is necessary for the improvement of the same and the same being a public road and the same being a public road.

ROAD IN BECCARIA TOWNSHIP
CLEARFIELD COUNTY PA.
VIEWED APRIL 22-1925
By JOHN SCOLLINS ESQ.
H.A. REESE
J.S. MICHAELS.



J. S. MICHAELS.
 H. A. REEST
 BY JOHN SCOTTING ESQ.
 VIEWED APRIL 22-1882
 CLEARED COUNTY L.R.
 ROAD IN BECCARIA TOWNSHIP



TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA:

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 4 September Sessions, 1924, to re-view and locate that portion of a certain public road "Beginning at a point on said road at or near the house of Jack Root in the Village of Beccaria and ending at a point on said road at or near the foot of Ab Davis Hill on the aforementioned road", in Beccaria Township, in the County aforesaid, will meet at the house of Jack Root in said Township on Wednesday, the 22nd day of April, A.D. 1925, at twelve (12) o'clock Noon, to attend to the duties assigned them, of which time and place aforesaid, all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said road an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 24th day of April, A.D. 1925, at ten (10) o'clock A. M., at which time and place all parties interested may attend and be heard.

John Balling
Harry Reese
J. D. Michael
Viewers

Dated, April 6th, 1925

Now, April 6 1925, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. E. Morris
Clerk

TO THE COMMISSIONERS OF THE LAND OFFICE

James D. [illegible]
James D. [illegible]
James D. [illegible]

Now, April 1931, [illegible] of the [illegible] is

and for the [illegible] of [illegible] [illegible]

[Signature]
[illegible]

Countdown to 1964

sworn and subscribed before me, the day and year
aforesaid; To whom etc.

[illegible]

John F. Kennedy
Library
John F. Kennedy
000000

0101, 100 1120, 1000

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

No. 1247

INSURED PARCEL

No.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$200

POSTMARK OF DELIVERING
OFFICE

AND DATE OF DELIVERY

Return to

Street and Number,
or Post Office Box.

(NAME OF SENDER)

Post Office at

Rev. 3-24

6-0116

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Ernest, Netting

(Signature or name of addressee.)

John Stealing

(Signature of addressee's agent.)

Date of delivery, *4 / 7*, 192*5*

FORM 3811

GOVERNMENT PRINTING OFFICE

16-6116

Post Office Department

OFFICIAL BUSINESS

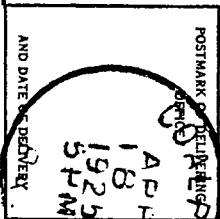
REGISTERED ARTICLE

No. 1246

INSURED PARCEL

No. _____

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$200



Return to

**Street and Number,
or Post Office Box,**

(NAME OF SENDER)

Post Office at

Rev. 3-24

0-5-0110

RETURN

RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

John H. Smith

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, -----, 1925

FORM 3811

GOVERNMENT PRINTING OFFICE

16-6116

Post Office Department

OFFICIAL BUSINESS

REGISTERED ARTICLE

NO. 1245

INSURED PARCEL

NO. _____

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING

OFFICE

AND DATE OF DELIVERY

Return to

Street and Number,
or Post Office Box,

(NAME OF SENDER)

Post Office at

Rev. 3-24

0-6-0110

RETURN

RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, 11 - 7 - 192

FORM 3811

POSTMASTER: PAYMENT OF FINE

C 6-016

May 4, 1925. N. A. Hagerty atty for
 Defendant and citizen, / Recieve def except
 & the within report and assign to following
 Decree. - That even viewer admitted a
 portion of same road should be vacated
 admitting that there is a strip for all along the
 road proper to the owner. but they have not
 been any authority to vacate same under this order
 the strip not being a strip road

N. A. Hagerty
 atty for Petitioner to vacate

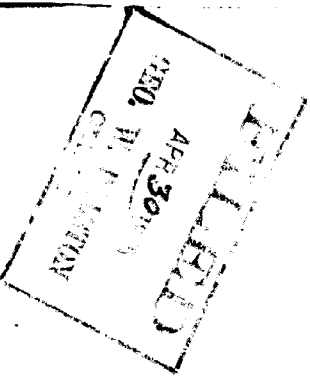
NOTE.—In case of a private road, the release
 must be executed in favor of the petitioner for
 said road.

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 considera-
 tion the advantages as well as the disadvantages
 of the road, they will report to that effect.

	Days	Miles	Am't
H. A. Reese	5	120	\$28.50
J. S. Michaels	4	206	\$40.30
John Soollins	4	76	\$33.80



No. 4 Sept Term 19 24
ORDER TO VACATE

REVIEW
 To view and vacate road situate

in the Township of Beccaria
 Clearfield County.

Now May Sessions 1925
 read and confirmed Ni. Si.

By the Court
 Now Sept Sessions 1925
 confirmed absolute.

By the Court

Filed 19 1925
 Atty.
 Fees \$1.25 paid by

W. A. Hagerty, Atty.

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

~~The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from:~~

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up 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:

No one in the opinion of the Viewers being damaged, therefore no damages are assessed.

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

Witness our hands and seals this 25th day of April, A. D. 19 25.

Wm. Beebe [SEAL.]

W. A. Reese [SEAL.]

J. S. Michael [SEAL.]

Viewers.