

DOCKET NO. 5

Number

Term

4

Sept

Petition to vacate road in

Beccaria Twp

Versus

X

Beccaria Twp

Clearfield Penna October 2nd 1924

To Commissioners of Clearfield Co:

Atty for -----

You are hereby notified that a petition will be presented to the Court of Quarter Sessions of Clearfield County on Monday the 8th day of October 1924 at ten o'clock A M of said day for the appointment of viewers to review that portion of the public road in Beccaria Township Beginning at a point on public road near the house of Jack Root and ending at a point on said public road near the foot of Ab Davis, Hill

It being a portion of that public road long since laid out and extending from a point at or near the residence of Jacob Mathews for which a petition was presented at May Sessions to have vacated.-

N. H. Hayes

Atty for petitioners

Now October 2nd 1924 above notice served on us by copy

County Commissioners

Per. L. C. Morris
Deest,

In Re. Road in Beccaria) No.
Township.) Petition for Review.

Now, February 18th, 1925, John Scollins, Esq., Harry
Reese and J. S. Michaels are appointed Viewers to view and report
to the Court.

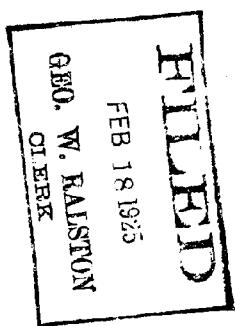
By the Court,

A. W. Chase
P. J.

No. 4 Dept. 20 1929

File. No. 2 in Meccaria Township.

Clerk.



In the Court of Quater Sessions of Clearfield County

In re Public road in the Township of Beccaria

To the Honorable the Judge of said Court.-

The undersigned citizens of said Township of Beccaria .-

Respectfully represent.-

First.- That on the 8th day of May 1896 a public road in said Township was confirmed and ordered open leading from a point on public road in the village of Beccaria to a point on a public road near the house of Jacob Matthews.-

Second.- That before said road was opened a petition was presented to said Court to vacate and supply that portion of said road from a point at or near the house of George Alinskey and ending at a point in said road 100 feet north from the division line on lands of Robinson and Shoff .- That viewers were appointed and the change made as petitioned for which was duly confirmed by said Court.-

Third.- That a petition of the citizens of said Township was presented to said Court at Mayn Sessions 1924 asking for viewers to view and vacate that portion of said above mentioned 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 said above mentioned road.-

Fourth.- That only a portion of said road was ever opened by the Supervisors of said Township.-

Fifth .- That the Viewers appointed by your said Court to view and vacate said road as above described made their report to September Sessions 1924 , which report

was in favor of vacating a portion of said road petitioned to be vacated, which report was duly confirmed in sl on the 3rd day of September 1924

sixth .- That a large portion of the said road asked to be vacated , which was refused by the viewers is unnecessary , not needed for any purpose and will impose a great and unnecessary expense and burden on the taxpay ers of the said Township.-

Seventh .- Your petitioners further showing that they are a majority of the signers to the petition to vacate said road between the points described in said petition pray your Honorable Court to appoint proper persons to review the said above described road and parts adjacent thereto and make report thereof to the Court according to law .-

And they will ever pray &c

Geo. T. Mullin,
Geo. H. Elliott } supervisors
Engaged and
J. L. Caldwell, acting
agent

William H. H. H.

Chas. Barry

J. A. A. M.

The Berwind-White Coal Mining Co.

W. R. Cameron Sept.

A. T. Hegarty

Irvona Coal & Coke Co.
Thomas J. Kelly - Genl. mgr

H. J. Brady	Rochester Pa
W. H. Smith	Roseland Pa
Carl C. Hall	" "
Mrs. S. M. Hall	" "
Samuel Blakely	
Franklin Dick	
Henry Michael	
J. H. Lester	
J. D. E. Endrenna	Blair City Coalport Pa
H. B. Darkey	" "
Eric J. Gaskill	
W. M. May Cash	
Geo. A. Sinclair	
Robert M. Miller	
Glenn B. Plichtinger	Blair City Canyon T. D.
• Mike Freigh	
Frank Neubauer	
Geo. A. Herdman	Utahville Pa
Geo. Fitch	Beech Hill
J. C. Fitch	Utahville Pa
Mrs. C. E. Fitch	" Pa
Amelia Fitch	Beccaria Pa
W. J. Fitch	Utahville Pa
Davis McBoy.	Utahville Pa
Mr. & M. O'Donnell	Beccaria Pa
Mrs. A. M. O'Donnell	" "

Mr Chas Beulair Sr.	Beccaria Pa
Mrs Chas Beulair Sr.	Beccaria Pa.
Mr John Tushner	Beccaria Pa
" Amel Johnson	Beccaria Pa
" Algot Johnson	Beccaria Pa
" Howard Birchill	Beccaria Pa.
George D. Dillar Jr.	Beccaria Pa.
George Dillar Jr.	Beccaria Pa.
H. P. Cowen.	Natville Pa.
Mattie E. Cowen.	Natville Pa.
Henry F. Stock	Beccaria Township Pa.
Fred Stock	" " " "
C. G. Shindel	Blain City
A. J. Harker	Blain City
A. S. Ulker	Blain City.
Carl Bort	Rosebriod
H. F. Estright	Blain City
G. A. Myers	Blain City
Dr. Spangler	Rosebriod
W. W. Brown	Blain City
Joe Vochintsky	Lyndville Pa
Paul G. Pfeifer	Lyndville Pa
Raymond Wallace	
John R. Miles	Lyndville Pa.

Chas Tolson
W. D. Ginter
Mrs. F. Ginter
Mrs Minnie Sackett
Mrs Esther Miles
Edward Ricketts
Claude Dilling
S. B. Zoffell
D. J. Dillan

John Griswold Beaman Pa
W. C. Gabrelson

Harry Gilligan
Dwight D. Dietrich

John Shantz
Harry Arthur
D. R. Conner

F. B. I. Nichols
Wm. D. Keith

John Blyea

Miss Johnson

Gertude Johnson

Eliza Coggeshall 29 Miss

Jessie Rehner

Mrs Lewis Rehner

Maria Coggeshall

Mr Willard F. Williams

Mr. & Mrs. G. Williams
Mrs. G. Williams
Mrs. Harry Lindenbergs
Harry Lindenbergs
Mr. Philip McAlpin
Mrs. Philip McAlpin
Sheridan Rehner
Ed Rehner
Mrs. Ed Rehner
Robert Rehner
Peter Morris
A. E. Thomas
Agnes Thomas
Janet Palmer
Ralph Palmer
John Palmer
Helen Mason
Howard Mason
Joy Wilson

4 Sept 1924

for the application
of some of a process
as becomes best.

Nov Oct 6 1924

filed connected to share
cause by remission
should not be allowed
such process against and
such process against and
such process against and

J. H. White

KNOW ALL MEN BY THESE PRESENTS That We _____

Peter Ninish & Mr. George Kallas of the Township of Beccaria, County of Clearfield and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of Two Hundred Dollars, lawful money of the United States, to be paid to the said Commonwealth, its certain attorney or assigns, to which payment well and truly to be made and done, we do bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

SEALED with our seals and dated the 19th. day of January, A. D. 1925.

WHEREAS, A number of citizens of Beccaria Township has applied to the Court of Quarter Sessions of Clearfield County for a re-view to vacate a portion of the public road leading from a point on the public road in the Village of Beccaria, to a point on the public road at the foot of the Abe Davis hill;

AND WHEREAS, the said Court has granted said re-view, upon petitioners first filing a bond in the sum of Two Hundred Dollars to pay for any costs that may be assessed against the said petitioners by reason of said re-view.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH That if the petitioners for said re-view shall pay all costs that may be assessed against them by reason of said proceedings, then this contract to be null and void and of no effect, or otherwise to be and remain in full force and virtue.

Peter Ninish (SEAL)

Mr. George Kallas (SEAL)

No 4 Sept 20 1924

Rose
Low Roseau at
River end

Rose Feb 2 nd 1923.

Buckthorn
Barrie County
Michigan
S. J.

Clearfield Penna Sept 22 1924

To Supervisors of
Beccaria Twp

You are hereby notified that a petition will be presented to the Court of Quarter Sessions of Clearfield County for the appointment of viewers to review that portion of the public road in Beccaria Township beginning at a point on public road at or near the house of Jack Root and ending a point on said public road near the foot of Ab Davis Hill. - on Monday the 6th day of October, - It being a portion of that public road long since laid out and extending from a point in the village Beccaria and ending at or near the residence of Jacob Matthews for which a petition was presented at May Sessions to have vacated. -

M A Haynes

Atty for petitioner

Now September 24th 1924 above notice served on the Board of Supervisors by Copy . -

Frank E. Gray
Sec of Board of Supervisors
Geo. A. Glazebrook

TO: JESSE E, DALE, T. R. WEIMER AND B, W, McCACKEN:
COUNTY, COMMISSIONERS OF CLEARFIELD COUNTY, PENN'A.

You are hereby notified; that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa; to view and vacate a public Road laid out but not yet opened; from a point at or near the house of George Alinskey in the village of Beccaria in Beccaria Township; to a point in said Public Road 100 feet north of the Dividing line of lands of ~~Rotson~~ and Shoff in Beccaria Township in the County aforesaid will meet at the house of George Ainskey in the village of Beccaria in Beccaria Township on Tuesday the first (1) day of July A. D. 1924 at one (1) o'clock P. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested, either for or against the vacation of the said road a chance to be heard by the viewers, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday the second (2d) day of July A. D. 1924 at nine (9) o'clock A. M. at which time and place all parties interested in the said road may attend and be heard.

A G Kramer
Ed Billotte
Jas W Shangle
VIEWERS.

Now June 20, 1924 service accepted for the County Commissioners of Clearfield County Pa.

L C Morris
Clerk.

all of the said road that was desired to be vacated, They therefore asked for an adjournment in order that the petition might be amended so as to include all portion of said above mentioned road which it is desired to be vacated.- which adjournment was duly granted by said viewers.-

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 ~~an~~ 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 .-

And the same be referred back to said Viewers for further action .6

And they will ever pray &c

W. H. Mellott - Supervisor

W. C. Shuler

C. G. Wallace

Stewart Ashell.

Blair Wallace.

Fred. Young.

John Anderson.

William H. Jr.

Carl C. Hul.

W. R. M. Field

John B. Glickinger

Frank Coag & Coke Co

Thomas Gleecy Benner.

G. L. Thomas cont

Leo J. Weakland.

R. F. Park

Samuel Blakely
A. Martellootta
B. Martellootta
C. T. Korn
H. L. Shank.
R D Shank
L J Shank
M. J. Zwickler
J. A. Lester.

Chas Shore
M. G. Miles
C. A. Anderson
Boyd Westover
John H. Kelly
W F Stull
Chas. J. Shank
H E Gilligan
Frank Busick
James Busick
Wm Brumbaugh.
Frank Lanzoski
D. S. Brady
O. Monach
Ed Shank

Harold. Barker
Mrs Sam Blakely
Alice Garroway.
Mae, Mae, Garkay
Mrs. Harold Caskins.

John Engbremmer
Harry Flanagan
Chas. Jasper.

A. J. Harber
Lester Tyler.

Ellis Sherry
Mrs. Ellis Sherry
John J. Harber

L. M. Harber
Flore E. Harber
Andrew S. Uhler.

Chas Bloom
Wm. Young

Chas Andrew
Henry Kellery
Robert F. Dick
C. L. Lupton
W. B. Heil.
Cas Jasper.

Emory Charles Dapkus
Peter Karpow
Geo. J. Miller
Superior

Buccaria P
Buccaria P
Buccaria P

H. M. Eckard Utashville Pa
L. J. Fitch Beccaria Pa.
George Fitch Beccaria Pa
Andean Fitch Beccaria Pa
Mr. & Mrs. J. E. Fitch Utashville Pa.
D. D. Werschik Utashville Pa
Harry Peckham Utashville
J. C. & wife Utashville Pa
Mr. D. McLevy Utashville Pa
Mrs. Penelope McLevy Utashville Pa
Mrs. Emanuelle Goddin Utashville Pa
Mr. Gordon L. McLevy Beccaria Pa.
Mr. Eldon Matthew Beccaria Pa
Mr. & Mrs. G. W. Pockell Utashville Pa
Mrs. Mary Hucharcik Beccaria Pa.
Mrs. Anna Polyjack Beccaria Pa.
Mr. Andy Polyjack Beccaria Pa.
Mrs. Katie Polyjack Beccaria Pa.
Mr. John Nalepa Beccaria Pa.
Mrs. Mary Nalepa Beccaria Pa

A. L. Hegarty	Utohville Pa.
George J. Dollar Jr.	Beccaria Pa
George J. Dollar Jr.	"
John Kushner	"
Anna Kushner	"
A. P. Davis	Beccaria Pa
Mrs A. P. Davis	" "
John S. Siford	" "
John S. Siford	" "
John Dollar	" "
Susil Dollar	" "
Ruth E. Foy	" "
Jessie M. Foy	" "
Earri B. Foy	" "
P. L. Samuels	" "
A. L. Shoff	" "
G. D. Williams	Utohville Pa.
Mrs G. D. Williams	" "
J. E. Peckett	" "
H. P. Cowen	Utohville Pa.
J. D. Muller	" "
Harry Matthews	Utohville
G. M. Flick	Beccaria
F. W. Flick	Utohville

Frances Sackett
W D Ginter
Mrs F Ginter

N. S. Gayle
Edward Ricketts
W. L. Seuss
H. F. Estright
The Reminger
C. Hegarty
~~Frank Dohle~~

	Buccina Pa
J. E. Green	
William Gates	
Frank Wilson, Mji. State	" "
Cindie O'Donnell Merchant	" "
Mr. A. O'Donnell	" " 65
Chas Beaulain	" " 05
Mrs Chas Beaulain	" " 05
George Fitch	" " 15
Mrs George Fitch	" " 15
Geo. A. Hendry	Malvern Pa
Thomas Dawson	Buccina Pa
Dick Morris	Smoke Run Pa
Jenkin Lewis	P. J. D. Buccina Pa
Rose Ann Lewis	" " 15
John Bennett	Buccina Pa
Mrs. John Bennett	Buccina Pa

W B Lewis

William D. Jones Bexarria Township
Marie Jones

Veronica Pealeckay Bexarria Township

Philip Belin Bexarria Township

Mary Belin

Henry Barnell

Geo Lutckha

Katie Lutckha

Frank Rost Sr. = = = =

Mary Rost = = = =

Frank Rost Jr.

W W Lewis Bexarria

Albert Gulerin

Mary Gulerin

Mike Sliyko Bexarria Township

Lord Alpine Sliyko

Ellis B Foreman Bexarria

Vertis Foreman

Glorimar, misol

Clara, misol

Frank Eovic

Kimil Johnson. Bexarria Pa

George Ferdinand. Althaville Pa

Ed Smith. Althaville

John Burckhill
George Burckhill
Dayton K. Coyle, Mahville Pa
Albert Johnson Buccaroa Pa
Eugene E. Groff " "
Frank R. Groff " "
John Moser " "
Eddie Moser " "
Doris Johnson " "
Harry Lindenberq " "
Elain Green Harvey " "
Helen Ross " "
Gerry Ross " "
A. M. Ross " "
Plummer Peper
Frank T. Peper
Thomas S. Williams " "
H. B. Burckhill " "
Millard Williams " "

J. A. Adams
David L. Meyer
John W. L. Caraway

Sally Withrow
Flewellyn Nierling
Lillian Nierling

John Wilkinson
Beriah Wilkinson
W. H. Beers

J. A. Rachels

Robert L. Brown

Geo. Stigerts

Gus Shore

Jos. E. Dietrich

C. D. Homblay

Harvey L. Myers

Chas. C. Wray

W. W. Hegarty

Dan Oshell Jr.

John Hydock

Tim Brown Mahville

Mary C. Beers

James Anderson

Ralph Palmer

Howard Mason

John Palmer

Benjamin Palmer

No 4 Appd 1924
Be in either & send
those in Recom
short.

~~Order for the
of Recom short~~

July 12th 1924
Amendment allowed
affayed for, and
this Mathis referred
to the viewers appointed
originally to review
and afford the Comt

~~July 12th 1924~~
FILED
GEO. W. RALSTON
CLERK

In the Court of Quarter Sessions of Clearfield County, Penna.
In re. Petition to vacate road : No. 4 September Sessions, 1924.
in Beccaria Township : :

Petition for leave to amend petition as follows by
citizens of 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.-

And the same be referred back to said Viewers for further action.

And they will ever pray.

Now, July 12th, 1924, amendment allowed as prayed for,
and this matter referred to the viewers appointed originally to
review and report.

By the Court,

A. R. Chase, P. J

STATE OF PENNSYLVANIA: Certified from the record this
COUNTY OF CLEARFIELD : 12th day of July A. D. 1924.

Geo W. Palston
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 2nd day of June in the year of our Lord, one thousand nine hundred and twenty four

A. R. CHASE

By the Honorable ~~Sixtus~~^{John} 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 of May 1896 a public road was confirmed in said Twp. of Beccaria and ordered opened leading from a point in public road at or near the house of Jacob Mathews. That before said road was opened a petition was presented to said Court at September Sessions 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 from the division line on 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 the road as shanged 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 appoint from and among the County Board of Viewers A. G. Kramer, Esq. Ed. Billotte, Esq

and James Spangle 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 appointment, 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 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

Geo W Palstone

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

first day of July -----, A. D. 1924 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 second day of July ----- A. D., 1924, at nine 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 A. O. Donal, George Kooler, A. Johnson, Charles Blair, John Kushner, George Fitch, Duncan Summerville, John Burchell and several others in favor of vacating the road,

And B. E. Oshall, A. Machell, John Machen, John Grego, A. Grego, and a number of 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 second day of July , A. D. 1924 , when the parties interested in the said road were in attendance: who were in favor of vacating said road with their Attorney W. A. Haggerty Esq: And a number that were opposed to vacating said road with their Attorney John M. Chase Jr of Liveright and Chase,

And that after the view and hearing above mentioned, the undersigned Viewers, who were appointed and served with the notice of the hearing, when at the hearing it became evident that by a mistake in the petition for the appointment of the viewers to vacate said road as all of said road desired to be vacated not being set out in the said petition, whereupon on motion of Mr Haggerty Attorney for the petitioners the hearing was adjourned with leave granted by the viewers to make application to the Court by the petitioners for leave to amend the petition by including that part of the said road omitted desired to be included in the part of the said road desired to be vacated, as shown by the amended order of the Court hereto attached. whereupon on July 12th 1924 the amendment as prayed for was allowed by the court and the matter referred back to the viewers originally appointed to, review said road including the part already viewed and report as to whether said road as set out in the amended petition should be vacated. *On no* whereupon notice of the time of the said review and the hearing day was duly served according to law upon the County Commissioners of Clearfield County and each of the Supervisors of the Township of Beccaria and that three notices thereof were posted along the route of the said road to be vacated and that the view would be held on Tuesday the fifth (5) day of August A. D. 1924 and the public hearing to be held by

the viewers as required by the Act of Assembly and the Rules of Court would be held in the Arbitration Room in the Court House in the Borough of Clearfield Pa on Wednesday the sixth day of August 1924 at nine o'clock A. M. That the viewers appointed by the said Court, viewed the said road proposed to be vacated and that there were present at the view besides the viewers a number of the citizens interested both in favor of and against the said road being vacated: and that the hearing was held in the Arbitration Room in the Court House in the Court House in Clearfield Pa on wednesday the sixth (6) day of August A. D. 1924 when W A Haggerty Esq Attorney for the petitioners with a number of witnesses in favor of vacating said road attended and were heard, and John M Chase Esq of Liveright & Chase Attorneys for the citizens opposed to vacating said road with a number of witnesses in attendance were heard and that the viewers after after the view and the hearing of the testimony produced and giving the matter due consideration are fully convinced: [That the part of the said road leading from a point in the public road leading from Janesville to Haggerties cross X roads and the road leading from the village of Beccaria to the village of Smoke Run; at or near the residence of Jack Root in the village of Beccaria in Beccaria Township to the south side of the school house lot a distance of (686.5) feet as shown by the draft is through a field, was laid out in 1896 but has never been opened, no body living along the same and is therefore in the opinion of the viewers useless and would therefore be a useless expense to open said part of said road to the taxpayers of the township. It would be an expensive road to open as it crosses a branch of Beaver run and would require a bridge of about twenty (20) feet in length also crosses a Railroad side tract to a coal mine. The viewers are therefore of the opinion that said part of said road is useless and therefore to open the same will be a useless expense upon the township. They therefore unanimously recomend that the said portion of said road from near the residence of Jack Root to the south side of the School House lot be vacated.

The remainder of the said road, from the south side of the School House lot where it intersects with the street or lane along the south side of the school house lot to the public road in the village of Beccaria, the following courses and distances; to wit. South ten (10) degrees fifty (50) minutes, East three hundred and fifteen (315) feet: Thence South one (1) degree West three hundred and ten (310) feet: Thence South eleven (11) degrees fifty (50) minutes, East five hundred and eighty three (583) feet: Thence South thirteen (13) degrees fifty (50) minutes, East three hundred and eighty eight (388) feet: Thence South eleven (11) degrees

thirty five (35) minutes, East two hundred and eighty (280) feet. Thence South four (4) degrees, ten (10) minutes west one hundred and twenty five (125) feet to the intersection of the public road leading from the village of Beccaria to the village of Utahville and other sections of Beccaria Township; the length of said part of said road is 2001 feet as shown by the draft attached, which the viewers consider very useful and therefore report against vacating said section of said road for the following reasons. Because there are ten families living along said part of the said road to be vacated which if said part of said road is vacated be entirely shut in, having no outlet whatever. The road or lane there now as claimed is the public road asked to be vacated and if vacated can be closed up by the adjoining property owners and then those families living along said road will have no way of getting in or out except by trespassing over other peoples property their children will be shut out from school as when the road is vacated the land reverts back to the adjoining property owners Section 3, of the Act of Assembly of February 27th 1849 P, L, page 90. And the families living along said road will ^{not} be able to get in coal or provision or get out to market or to the store or to church or place of business or their children to school without trespassing over other peoples property which part of the year will be almost impossible.

In the extension of second street; in Columbia 11 Harris 346 Justice Black in delivering the opinion of the Supreme Court says, to prevent a portion of the public from getting to Market, to Church or to other places where men are in the habit of meeting in their lawful business, or in pursuance of their proper duties the road is necessary. It has also been held by the Supreme Court that both ends of a public road need not terminate in another road but that a Railroad Station or Depot a church a cemetery or a School house are proper ending or terminus of one end of a public road. Act of Assembly of June 20th 1919 P, L, 509 One terminus on public highway or place of public resort sufficient. Nor is it required or necessary that all the inhabitants of the County or the community have occasion to travel or use it. west Pokeland road 63, Pa 471; 1 Re, London Britten road 1, Chester County Rp 396; Road in Upper Derby 2, Pa C, C, R 366, 2, Montgomery Rp 188.

A road may terminate or be laid out from or to a School House; south Amptom Road 21, Pa 356; 1 Chester County Rp 396; 1 Kulp 236. The opinion of the greater number of the people of the township is not decisive

If the road is needed by a number of persons in the vicinity for public use it ought not to be vacated. In re, road in Exeter Township I Kulp 363. Trickett on Pa road laws 253.

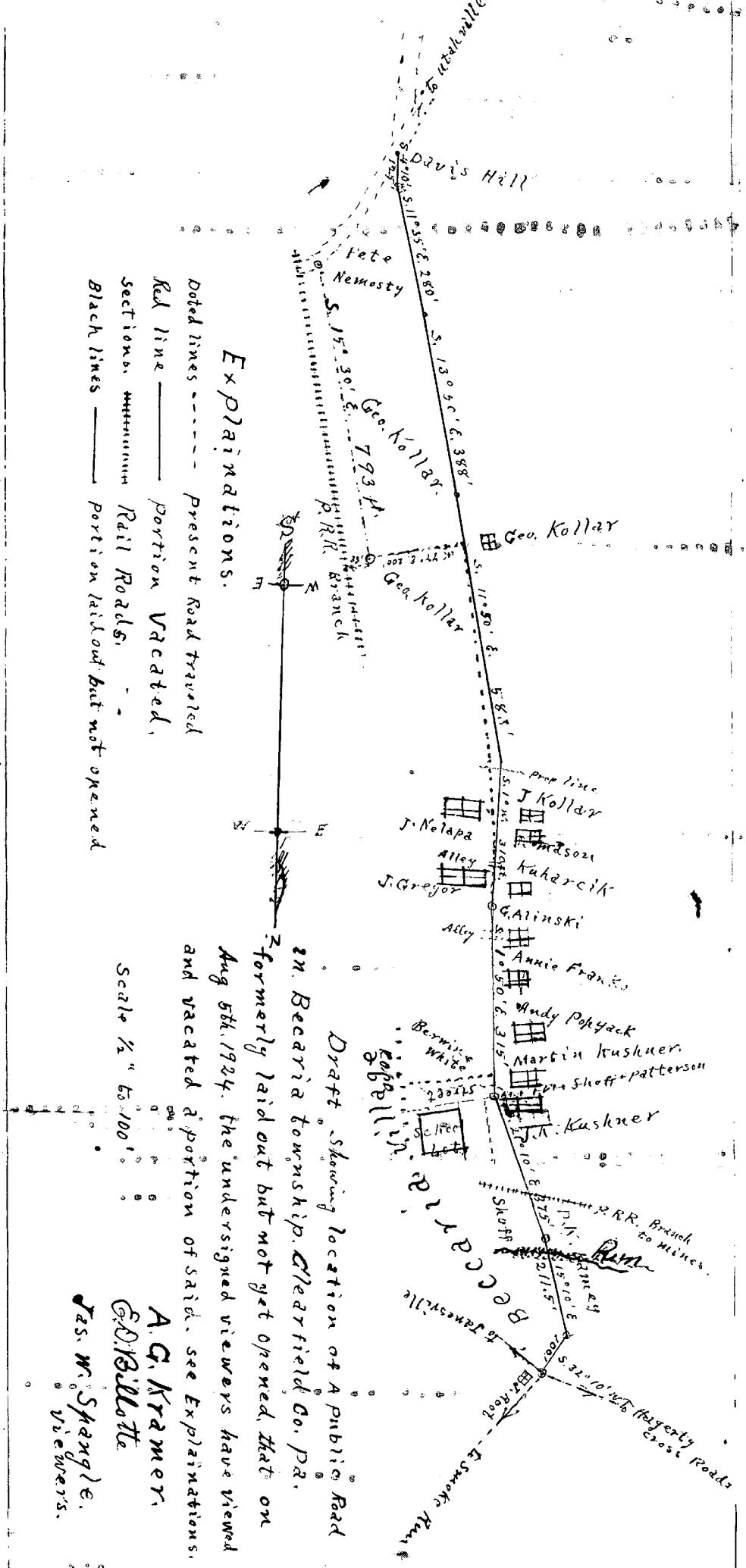
If a road is necessary for convenience access to the School House of the neighborhood it should not be vacated. Trickett on Penna, Road laws 253, I Kulp 396.

The possibility of the future removal of the school house is no reason for the present vacation of the road by which it is reached: I, Kulp 390.

The power of the Quarter Sessions to vacate the whole or part of a road laid out and opened, can be exercised only when it is found to be useless, inconvenient and burdensome. Madison and Harmony School House 37, Pa 417. In this case part of the road has been worked on and there partly; Mr Oshall a former supervisor of Beccaria Township testified at the hearing that several years ago he worked on said road. That he opened the ditches to drain the water off and hauled in a lot of stone to fill up the low places in said road. which was an opening of said road at least the part he worked on which is the part the viewers are of the opinion should not be vacated. It may be true that no opening order had been issued by the Clerk of the Court until a few month ago, nor is an opening order necessary: Trickett on Pa Road law page 277 McConnells Mill road 32 Pa 285, Justice Burnside in delivering the opinion of the Supreme Court in St Clair Township Road I, Barr 355 says, it is common in Pennsylvania where the Supervisors know that a road has been confirmed and ordered to be opened to go and do it without an order from the Clerk of the Quarter Sessions. The confirmation of the report was in effect an order that the road be opened according to the report of the viewers. Brights Road 23, Pa 302. The order to open the road is but little more than a legal result which follows a regular approval of the report. Trickett on Pa Road laws page 277; so that said part of this road was formerly opened, when the Supervisor Mr Oshall opened the drains or ditches to drain the water of the road and filled up the low places with stone hauled in.

The Supervisors are not the judges as to whether a public road is needed or not; nor has the financial condition of the township any bearing in the matter, until the Supervisors have exhausted their Constitutional power or authority of taxation, the lack of funds is no excuse. Road in Roaring Brook Township 140 Pa, 632.

The viewers therefore in pursuance of the foregoing authorities cannot conceive that they have the authority or power to vacate the section of said road from the south side of the School house



Explanations.

Present Road travelled

Red line — portion validated.

Black lines — portion laid out but not opened

Dr. W. Springer.
Vienna.

A. W. Namer,
G. D. Billotte

ed viewers have viewed
prior. See Explanations.

W. G. Hart, knowing location of a buried road
in. Beccaria township, Cuyahoga Co., P. 2.
Formerly laid out but not yet opened, that on

To, Emory Nevling, ~~George A Herdman~~ and William M Melott.
Supervisors of Beccaria Township Clearfield County Penn'a.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa; to view and vacate a public road laid out but not yet opened, from a point at or near the house of George Alinskey in the village of Beccaria in Beccaria Township, to a point in said public Road 100 feet north of the Dividing line of lands of Roblson and Shoff in Becaaria Township in the County aforesaid will meet at the house of George Ainskey in the Village of Beccaria in Beccaria Township on Tuesday July first (1) A. D. 1924 at one o'clock P.M to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested, either in favor of or against the vacation of the said road a chance to be heard by the viewers, will be held in the Arbitration Room in the Court House in Clearfield Pa on wednesday the second (2d) day of July A. D. 1924 at nine (9) o'clock A. M. at which time and place all parties interested in the said road may attend and be heard.

A G Kramer
Ed Biffotte
Jas W Spangle
VIEWERS.

Now June 20th 1924 served this notice on Emory Nevling, George A Herdman & William M Mellott, the Supervisors of Beccaria Township Clearfield County Pa personally by handing to each of them a true and correct copy of same.

George Boller

To, Emory Nevling, G T Mullen and William M Malott.
Supervisors, of Beccaria Township Clearfield County Penn'a.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and vacate that part or portion of the public road laid out; Leading from the village of Beccaria, to at or near the house of Jacob Mathews, The part or portion to be vacated is from a point in the said road from at or near the house of Jack Root in Beccaria Township in the County aforesaid, to a point on said road not yet opened, at or near the foot of the hill known as the Ab Davis hill on the said road: in Beccaria Township in the County aforesaid, will meet at the house of Jack Root in Beccaria Township on Tuesday the 5th day of August A. D. 1924 at nine o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested, either in favor of or against the vacating of the said portion of the said road a chance to be heard by the viewers, will be held in the Arbitration Room in the Court House in Clearfield Pa, on Wednesday the sixth (6th) day of August A. D. 1924 at nine (9) o'clock A. M. at which time and place all parties interested in the said road may appear and be heard.

A G Kramer
Ed Billotte
Jas W Spangle

VIEWERS.

Now July 30 1924 served this notice on Emory Nevling, William M Mellotte and G T Mullen, the Supervisors of Beccaria Township Clearfield County Pa, personally by handing to each of them a true and correct copy of same.

W. H. Mellott

To, Jesse, E, Dale, T, R, Weimer and Blake, W, McCracken,
County Commissioners of Clearfield County Penn'a.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and vacate, that part or portion of the public road laid out, leading from the village of Beccaria, to at or near the house of Jacob Mathews: The part or portion to be vacated is from a point in the said road from at or near the house of Jack Root in Beccaria Township in the County aforesaid, to a point on said road not yet opened at or near the foot of the hill known as the Ab Davis hill on the said road, in Beccaria Township in the County aforesaid, will meet at the house of Jack Root in Beccaria Township on Tuesday the 5th day of August A. D. 1924 at nine (9) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested, either in favor of or against the vacating of the said portion of the said road a chance to be heard by the viewers, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday the sixth (6th) day of August A. D. 1924 at nine (9) o'clock A. M. at which time and place all parties interested in the said road may appear and be heard.

A G Kramer
E D Billotto
Jas W Spangler
VIEWERS.

Now July 23, 1924 service accepted for the County Commissioners of Clearfield Pa.

L C Morris
Clerk.

lot to the intersection with the Township road leading to Wtahville
at the ad Davis Mill in Beccaria Township

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 vacating 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 vacating thereof, and that they procured such release from:

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

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

Witness herewith return ~~the~~ copy of the notices.

Witness our hands and seals this 27th day of August, A. D. 1924

A. A. Kramer..... [SEAL.]

E. M. Billotte..... [SEAL.]

James W. Spangle..... [SEAL.]

Viewers.

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

In Re. Beccaria Township) No. 4 September Sessions, 1924.
:)
Road.)

This matter came before the Court on a rule to show cause why a review should not be granted to vacate a certain road in Beccaria Township. The facts are that a petition was filed to No. 4 September Sessions, 1895, praying for a public road, said petition setting forth in detail the proposed route; viewers were appointed by the Court and their report was finally absolutely confirmed. Then to No. 22 September Sessions, 1896, petition was filed for review to vacate and supply with reference to part of the road, and the viewers appointed reported on May 12th, 1897, recommending the vacation and supply as prayed for in the petition, which report was confirmed absolutely. On October 12, 1911, an opening order to No. 4 September Sessions, 1895, was issued and a greater part of the road as originally laid out in proceedings to No. 4 September Sessions, 1895, was constructed, but a portion remained unconstructed. On April 7th, 1924, an opening order to No. 22 September Sessions, 1896, was issued. On June 2nd, 1924, to No. 4 September Sessions, 1924, petition was filed to vacate that portion of the road included in the proceedings to No. 4 September Sessions, 1895, and No. 22 September Sessions, 1896, which had not been constructed as the opening order directed. Viewers were duly appointed and filed their report on October 6th, 1924, to No. 4 September Sessions, 1924. Petition was presented asking for a view, upon which rule to show cause was granted and upon which rule the matter is now before this Court.

It is contended that this review should not be allowed because of the provisions of the Act of Assembly of June 13th, 1836,

P. L. 551, Section 19, which reads as follows: "Roads laid out and confirmed as aforesaid but not opened may be vacated and annulled upon the petition of a majority of the original petitioners for the said road, residents within the respective county, in the same manner as other roads may be vacated, provided that no person residing or owning land along the route of such road shall in such case by a viewer or reviewer." It is alleged that the petition is defective in that it does not contain a majority of the original petitioners as required, and further that the petition is defective because it violates Section 25 of the Act of June 13th, 1836, P. L. 551, in that the petition for review in this case fails to state that it is for the same purpose as the original view and attempts to add additional reasons for vacation which did not exist in the petition for the view; and further that no bond has been filed.

It will be noticed from the facts herein previously stated that the road as finally directed laid out was the one confirmed to No. 4 September Sessions, 1895, as subjected to the vacation and supply to No. 22 September Sessions, 1896. And it appears further from what can be learned from the records and as appears from that part of the road as now constructed by virtue of the opening order under No. 4 September Sessions, 1895, that the portion of the road that now actually remains unconstructed is the portion supplied by the proceedings to No. 22 September Sessions, 1896 and which is the portion attempted to be vacated by proceedings to No. 4 September Sessions, 1924 and in the proposed review. At this point it might not be amiss to call attention to the fact that it is the duty of supervisors to open a road as soon as practicable after the order to open issues. They are not judges of its necessity but should open within a reasonable time, Roaring Brook Township Road, 140 Pa. 632, and it could hardly be seriously contended that from

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October 12, 1911, when the opening order was given, to 1924 is what the law would consider reasonable diligence in matters of this kind. However, the contention that this proceedings falls within Section 19 of Act of June 13th, 1836, P. L. 558, cannot prevail. The Quarter Sessions has no jurisdiction under this section to vacate a partially opened road. Greenwich Township Road, 11 Pa. 186. Heath vs Burnett Township, 21 County Court Rep. 254. Penn Township Road, 24 County Court Rep. 526. This proceedings falls under the Acts of May 3rd, 1855, Section 1, P. L. 422, and Act of June 13, 1836, Section 25, P. L. 559, and therefore does not require a majority of the original petitioners and the petition is not defective for the reason alleged.

The second objection raised, viz, that the petition for review fails to allege that it is for the same purpose as the original view, as we understand what is meant by the language of the Act "for the same purpose" that the petitioners for review must seek the same action as asked for in the petition for a view, and it is not a question whether the petition sets up an allegation that the purposes are the same; that is unnecessary. What is necessary is that the same relief be sought, and in seeking that relief any new reason that the petitioner may wish to advance for the relief may be advanced if notice given in the petition for review. We are aware that this view is not in accord with the two County cases cited by the exceptant, but we are not impressed by those decisions as being a proper interpretation of the section of the Act in question. We are assisted in arriving at our view by the case of Lower Merion Road, reported in 58 Pa. 66.

As to the third question raised, the failure of petitioner to file bond, the petitioner will be directed to file bond in the usual sum.

This disposing of all the questions raised, an order will be made accordingly.

Now, January 12th, 1925, upon petitioner filing the bond required to secure the costs of review, the rule to show cause why review should not be allowed and viewers appointed, made absolute. Costs of this proceedings to be paid by the exceptants to the rule. Exceptions noted and bill sealed.

By the Court,



P. J.

No. 4 September Sessions, 1924.

In Re. Beccaria Township Rtd.

CLERK and JUDGE.

