

DUCKET NO.

Number

Term

4

Sept

Petition to vacate road in

Beccaria Twp

**Versus**

X

Clearfield Penna October 2nd 1924

To Commissioners of Clearfield Co

~~Attys for~~ -----

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You are hereby notified that a petition will be presented to the Court of Quarter Sessions of Clearfield County on Monday the 6th 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 Becsarat 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. A. Hagerty  
Atty for petitioners

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

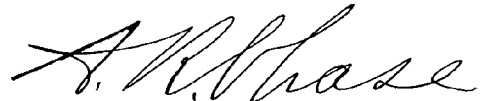
County Commissioners

Per. L. C. Morris  
Clerk,

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.

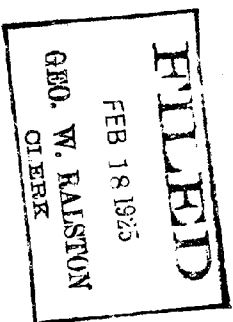
By the Court,

  
P. J.

No. 4 before 1924

In the No. 4 in Peccaria Township.

GR. R.



In the Court of Quarter 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 of 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 nisi 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 taxpayers 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  
Wm. H. Elliott } supervisors  
E. J. Caldwell, acting Secy.  
William Hall  
Chas. Barry  
J. A. Atany

The Berwind-White Coal Mining Co.

W. R. Cameron, Supt.

A. J. Hegarty

Ivona Coal & Coke Co.  
Thomas J. Kelly, Genl. Mgr.

H. J. Brady  
W. H. J. J. J.  
Carl C. Hail  
Mas. H. M. Hail  
Samuel Blakely  
Graham Dick  
Henry Michael  
J. H. Hester  
Jno Embrenner  
H. B. Oakley

Lucy Oakley  
Mrs May Oakley  
Geo. A. Sinclair  
Robert M. Miller  
Glenn H. Mclinger  
• Mike Feigh

Frank Nebauer  
Geo. A. Herdman

Geo. Fitch

J. C. Fitch

Mrs G. C. Fitch

Amos Fitch

W. J. Fitch

Davis McCoy

Mr. A. M. O'Donnell

Mrs. A. M. O'Donnell

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Blain City - Coalport Pa

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Blain City Coopers T. O.

Utahville Pa

Beccaria Pa

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Mr Chas Beilair Sr.	Beccaria Pa
Mrs Chas Beilair Sr.	Beccaria Pa.
Mr John Kuschner	Beccaria Pa
" Amel Johnson	Beccaria Pa
" Algot Johnson	Beccaria Pa
" Howard Burchill	Beccaria Pa.
George Haller Jr.	Beccaria Pa.
George Haller Sr.	Beccaria Pa.
H. P. Cowen.	Wahville Pa.
Mattie E. Cowen.	Wahville Pa.
Henry H. Srock	Beccaria Townships Pa.
Fred Srock	" "
C. C. Shively	" "
A. J. Harker	Blain City
A. S. Uhler	Blain City.
Carl Bortz	Rosebud
H. F. Estright	Blain City
G. E. Myers	Blain City
Dr. Spang	Rosebud
A. W. Brown	Blain City
Joe Vochintsky	
Paul E. Chapin	Lynville Pa
Raymond Wallace	
John M. Miles	Lynville Pa.



Chas. Wilson  
W. D. Ginter  
Mrs. F. Ginter  
Mrs. Minnie Sackett  
Mrs. Esther Miles

Edward Ricketts  
Claude Dillery  
St. B. Gifford  
R. H. Dillon

John P. Ricketts <sup>Becunia Pa</sup>  
O. C. Gabrielson

Harry Gilligan  
D. W. Dietrich

J. J. Shank  
Harry Ashen  
R. R. Conner

W. Bick <sup>Titabille</sup>

W. D. Keith

Lin. Burr

Guss Johnson

Gertude Johnson

Chas. Conover 29 mine

Jessie Pehrer

Mrs. Lewis Pehrer

Mrs. Anna Conover

Mr. Millard F. Williams

Mrs Thos G. Williams

Mrs Willard F. Williams

Mrs Harry Lindenberg

Harry Lindenberg

Mr Philip McAlkirk

Mrs Philip McAlkirk

Sheridan Rehner

Ed Rehner

Mrs Ed Rehner

Robert Rehner

Peter Merrick

A. E. Thomas

Agnes Thomas

Harriet Palmer

Ralph Palmer

Colin Palmer

Helena Mason

Howard Mason

Wm Wilson

4 Sept. 20, 1924

He has applied

I have a good  
an honest boy

Am. Beacon Feb

Nov Oct 6 = 1924

Paul returned to Skowhegan

Chase City, New Hampshire

Should not be allowing  
Should not be expending

Not properly counts  
by the

Alfred

Nov. 26, 1924, Service of the within petition completed  
City of New York

John Jay & Co  
Attys for Plaintiffs

1948

KNOW ALL MEN BY THESE PRESENTS That We \_\_\_\_\_

Peter Nimish & Mr. George Kallar 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 Nimish (SEAL)

Mr. George Kallar (SEAL)

Mo 4 Sept 20 1924

Done  
The Beacon dit  
Done

New York 2<sup>nd</sup> 1325  
Burlington  
Bay View  
Albany  
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.-

W. A. Hagerty

Wm. J. Patterson

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

Frank C. Frey

Sec of Board of Supervisors

Per H. C. McCullough

TO: JESSE E. DALE, T. R. WEIMER AND B. 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 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 Rolison and Shoff in Beccaria Township in the County aforesaid will meet at the house of George Alinskey 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,  
E. D. Billotte,  
Jas W. Shangle,  
VIEWERS.

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

L. C. Norris  
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 adjurn  
ment 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 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 .6

And they will ever pray &c

*Wm H. Mellott. - Supervisor*

*Wm O. Chapin*

*C. E. Wallace*

*Stewart Ashell.*

*Blair Wallace.*

*Fred. Strong.*

*John Anderson.*

*William Hill Sr.*

*Carl E. Hill.*

*Wm H. M. Steel*

*John B. Stiefinger*

*James C. C. & Co*

*Thomas H. H. General*

*A. L. Thomas Const*

*Leo J. Weakland.*

*W. F. Paul*



Samuel Blakely

A Martello

~~U. Martello~~

Q. 7. 7. 7.

H. L. Shank

R. D. Shank

L. J. Shank

M. H. Griener

J. V. Hester

Chas. Shore

M. G. Miles

E. A. Anderson

Boyd Westover

John H. Kelly

W. K. Stull

Chas. J. Shank

H. E. Giligan

Frank Busick

James Busick

Wm. Brunkaugh

Frank Lempke

H. S. Brady

O. J. Womack

Ed. Shank

Mrs Ida Heil.  
C. C. Shively  
Frank Veihauer

Mike Feigh  
L. M. Masters  
W. J. Jasper  
J. S. Kniss  
A. G. Gabrielson

Wm. Dietrich  
Alef Gabrielson

Maudie Dietrich  
Mabel Gabrielson

Evelyn Gillman  
Chas Lang  
Miss May Lang  
John Andersen

Geo B Berger

Geo Blakely

W A Langness

Mat Hurst

E. J. Langness

Henry Hurst

Harold Barker

Mrs Sam Blakely

Annie Langness

Mrs. Mae Barker

Mrs. Harold Barker

John Engrenner  
Harry Flanagan  
Chas. Jasper.

A J Harbor  
Lester Gyer.

Allis Sherry  
Mrs Allis Sherry  
A J Harbor

L M Harbor  
Flora E Harbor  
Andrew S. Wheeler.

Chas Bloom  
Wm. Strong

Chas Andrew.  
Henry Keller  
Robert L. Dick

C L. Lupton  
W B Heil.

Gas Jasper.

Emory Cheever Superior

Peterborough  
Geo T. Manning Superior

Beccaria P  
Beccaria P  
Beccaria P

H. M. Eckard Utahville Pa  
L. F. Fitch Beccaria Pa.  
George Fitch Beccaria Pa  
Indian Fitch Beccaria Pa  
Mrs E. Fitch Utahville Pa.  
W. W. Merick Utahville Pa  
Harry Peachman Utahville  
J. J. 2011 Utahville Pa  
M. D. McCoy Utahville Pa  
Mrs Pearl McCoy Utahville Pa  
Mrs Emannell Gordon Utahville Pa  
Mr Gordon L McCoy Beccaria Pa  
Mr Eldon Matthew Beccaria Pa  
Mr Andy Poche Utahville Pa  
Mrs Mary Hucharik Beccaria Pa  
Mrs Anna Popjack Beccaria Pa.  
Mr. Andy Popjack Beccaria Pa.  
Mrs. Hattie Popjack Beccaria Pa.  
Mr. John Nalepa Beccaria Pa  
Mrs Mary Nalepa Beccaria Pa

A. L. Hegarty  
George F. Hollar for  
George Hollar for

Utahville Pa  
Beccaria Pa

John Kushner  
Anna Kushner

A. P. Davis

Beccaria Pa

Mrs A. P. Davis

Mr John H. Sford

Mrs John H. Sford

John Hollar

Susie Hollar

Ruth E. Fry

Jennie M. Fry

Harry B. Fry

John Samuels

A. L. Shoff

G. D. Williams

Mrs G. D. Williams

J. E. Rickett

H. P. Cowen

L. D. Muller

Harry Matthews

G. M. Flick

F. W. Flick

Utahville Pa.

" "

do "

Utahville Pa.

Utahville

Beccaria

Utahville

Therese Sackett  
W D Ginter  
Mrs H Ginter

N. S. Gayle  
Edward Ricketts  
W. L. Seiple  
H. F. Estright  
Thos Reminger  
L. H. Hegarty

~~John W. Wotter~~  
J. E. Green

William Gates

Wm Wilson, Mgr. Store

Cindie O'Donnell Merchant

Wm O'Donnell

Chas Benlaine

Mrs Chas Benlaine

George Fitch

Mrs George Fitch

Geo. A. Herdman

Thomas Dawson

Dick Morris

Jenkin Lewis

Rose Ann Lewis

John Bennett

Mrs John Bennett

Beccaria Pa

" " "

" " "

" " "

" " "

" " "

" " "

" " "

" " "

Utahville Pa

Beccaria Pa

Smoke Run Pa

P. D. Beccaria Pa

" " "

Beccaria Pa

Beccaria Pa

W B Lewis

William D. Jones Baccaria Township

Mrs Annie Jones

Veronica Opaluck Baccaria Township

Philip Behn Baccaria Township

Moby Behn . . . . .

Henry Banell

Geo Lutchka

Katie Lutchka

Frank Roost Sr

Mary Roost

Frank Roost Jr

W W Lewis

Baccaria

Albert Goulin

Mary

Goulin

Mike Slipko Baccaria Township

Mrs Anna Slipko . . . . .

Ellis B Foreman

Baccaria

Verte Foreman

Florimor, misol

Clara, misol

Frank Eric

Amel Johnson Baccaria Pa

George Herdman Utahville

Ed Smith

Utahville

John Burchill		
George Burchill		
Rayton K. Doyle	Uahville	Pa
Albert Johnson	Buccaria	Pa
Eugene E. Goff	"	"
James B. Goff	"	"
Chas Moser	"	"
Willie Moser	"	"
Russ Johnson	"	"
Harry Lindenberg	"	"
Chas. E. Greenhary	"	"
Helen Goss	"	"
Guy Goss	"	"
A. M. Ross	"	"
Plummer Pysier		
Frank T. M. Brock	"	"
Thomas H. Williams	"	"
W. B. Burchill	"	"
Millard Williams		



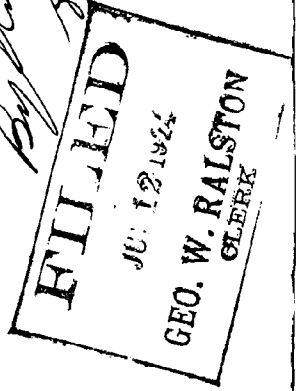
J. A. Adams  
David L. Myers  
J. W. I. Carver  
Eddy Withers  
Gwendolyn Thering  
Lillian Thering  
John Wilkison  
Bertha Wilkison  
Wm. H. Beers  
J. R. Kachibier  
Robert L. Brown  
Geo. Stigerts  
Geo. Shore  
Jos. E. Dietrich  
O. D. Hamby  
Harvey W. Myers  
Chas. Curry  
W. W. Hegarty  
Dan Oshell  
John Haydock  
Lino Beers Mahville  
Mary C. Beers " "  
James Anderson  
Ralph Palmer  
Howard Mason  
John Palmer  
Jennet Palmer

Mo 4 Sept 24

De m. petition to recall  
Wood in Recession  
Swg

Petition for leave  
of absence of ~~Robert~~

Saw July 12<sup>th</sup> 1924  
Amendment allowed  
as prayed for, and  
this matter referred  
to the reviewers appointed  
originally to review  
and report  
By the Court  
R. J.  
P. J.



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, amendmant 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. Palstan  
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

By the Honorable <sup>A. R. CHASE</sup>~~Singlemon~~ 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 ap-

point 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 Palston*

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. 19 24 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, ~~when the undersigned Viewers who were appointed~~ 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~~ 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. *or not*

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 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 recommend 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 Wtahville 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 revers 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 <sup>not</sup> 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 impassible.

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; I Re, London Britten road 1, Chester County Rp 396; Road in Wpper Derby 2, Pa O.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 months 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. Brighs 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



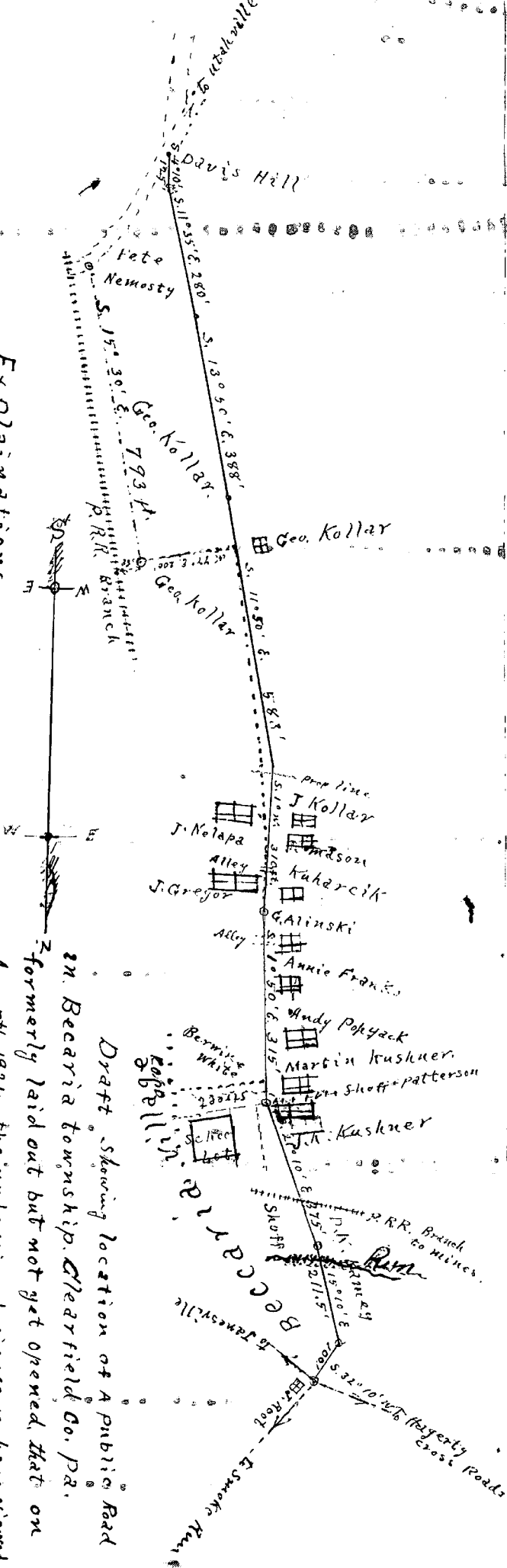
Dotted lines ----- Present Road traveled  
 Red line ----- Portion Vacated,  
 sections, ~~vacated~~ Rail Roads.  
 Black lines ----- Portion laid out but not opened

# Explanations.

Draft showing location of a Public Road  
 in Becaria township. Clearfield Co. Pa.  
 formerly laid out but not yet opened, that on  
 Aug 5th, 1924, the undersigned viewers have viewed  
 and vacated a portion of said. see Explanations.

A. G. Kramer,  
 G. D. Billotte  
 J. S. W. Shangle,  
 viewers.

Scale 1/2" to 100'



To, Emory Nevling, ~~George A Herdman~~ <sup>E. J. Miller</sup> 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 Becaria 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  
E. D. Billette  
Jas W Spangle  
VIEWERS.

Now June 20<sup>th</sup> 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 Kollar

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  
E. D. Billette  
Gas 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 Town-  
ship 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 hld 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. Billotte,  
Geo. W. Spangle  
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 vacation of said road, or over whose properties said road passes, or in any way damaged by the vacation 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 ~~the same~~ copy of the notices.

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

A. J. Kramer [SEAL]

E. D. Billotte [SEAL]

James W. Spangle [SEAL]

Viewers.

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

No. 4 Sept Term 19 24

## ORDER TO VACAT

To view and vacate road situ  
in the Township of Beccaria  
Clearfield County.

Now *Sept 23rd* Sessions 19 2  
read and confirmed Ni. Si.

By the Court.  
Now *Dec 3rd 1924* Sessions 19  
confirmed absolute.

By the Court.

*W. A. Hagerty*

Filed 19

Atty,

Fees \$1.25 paid by

W. A. Hagerty. Atty.

FILED

28  
AUG 1924

GEO. W. RALSTON  
CLERK

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 annuled 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 58mPa. 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,

A handwritten signature in cursive script, appearing to read "A. R. Chase".

P. J.

No. 4 September Sessions, 1924.

In Re. Beccaria Township Road.

CRITIC and DECREE.

