

LT No. 6

Number

Term

Year

14

Sept

1926

Petition for reviewers to vacate

Road in Becaria Twp

Versus

X

That a public road was laid out in the said Twp of Beccaria, leading
from the Hotel of Jack Root in the Village of Beccaria to a point at or near
the house of Jacob Mathew, but never opened. That in 1923 a petition was
presented to this Court to appoint viewers to view and vacate the same.
That said viewers made a report vacating that portion of said road extend-
ing from Jack Root's hotel to what is known as the Beccaria Twp school;
but refused to vacate that portion of road extending from the Beccaria
Township School house to the public road leading from the Beccaria School
house to Ab Davis' hill, that the records of the Court show, on petition
of the Supervisors that a portion of said road leading from Ab Davis hill,
where it connects with the public road leading from Jamesville to Utahville
was vacated by decree of Court. This being done at the instance of the
Berwin White Coal Company. That there is no road for the children who
desire to go the said Beccaria School house, by reason of the vacation
of that part of said road between Ab Davis Hill and the road leading from
Jamesville to Utahville and that said road, if left stand would be only
for the benefit of those citizens living near the Beccaria School house.

TO THE 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 Re-view for Vacation a Public Road leading from The Beccaria Township School House in Beccaria Township ~~to~~ to the Ab Davis hill in said Township, will meet at the Hotel of Jack Root in Beccaria Township on Wednesday the 11th day of August 1926 at 10:30 o'clock A.M. to attend to the duty assigned them.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, on Friday the 13th day of August 1926 at ten o'clock A.M. at which time and place all interested parties may attend and be heard.

Frank Hutton
J. E. Fry
Geo Klueber

Re-Viewers

DuBois Pa. July 30th 1926

Now, August 2, 1926, service accepted on above for County Commissioners
L. C. Norris, Clerk

TO THE SUPERVISORS OF BECCARIA TOWNSHIP ROAD DISTRICT.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to Re-view for vacation a public road leading from the Beccaria Township School House, in Beccaria Township, to the Ab Davis hill in said Township will meet at the hotel of Jack Rod in Beccaria Township on Wednesday the 11th day of August 1926 at 10:30 O'clock A.M. to attend to the duty assigned them.

And that the required public hearing will be held in the Court House in the Borough of Clearfield, on Friday the 13th day of August 1926 at 10 o'clock A.M. at which time and place all interested parties may attend and be heard if they so desire.

Frank Shelton
J. E. Fry
Geo. R. Weber

Re-Viewers

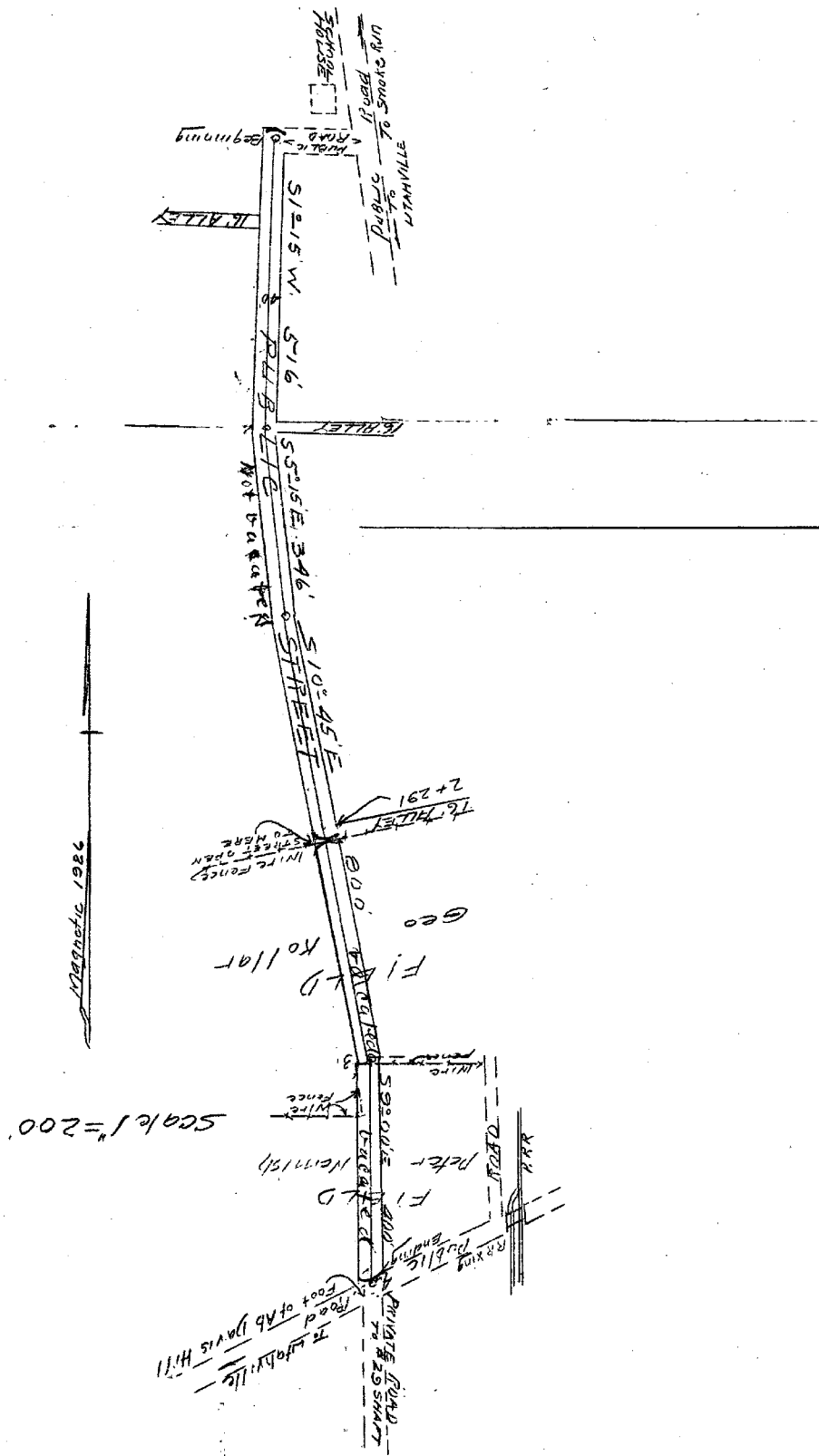
DuBois Pa July 30th 1926

Now July 31st service of the above notice is accepted for the Supervisors of Beccaria Twp Road District.

N. A. Hagerty

VIEWED AUGUST 11, 1926.

FRANK HUTTON)
GEO. K. WEBBER)
J. E. FRY)
WITNERS.



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 12 day of July in the year of our Lord, one thousand nine hundred and twenty six

By the Honorable ~~Singmaster~~ ^{A. R. CHASE} President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Beccaria, in the County aforesaid setting forth that

and, therefore, praying the Court to appoint proper persons to ~~view~~ ^{review} 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 Frank Hutton, Esq., J. E. Fry

and Geo. K. Weber 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. Ralston
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

11th day of **August**, A. D. 19**26**, 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 **13th** day of **August** A. D., 19**26**, 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 Emory Nevling, Ashley Dillon and Wm. Mellott, Supervisors of Beccaria Township and Geo. Kollar, Peter Nemish, A. J. Gregor, John Gragor, B. E. Oshell and Jas. W. Ruffner citizens and tax payers and

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 **13th** day of **August**,

A. D. 19**26**, when the parties interested in the said road were in attendance: W. A. Hagerty, Atty for Supervisors; J. M. Chase for Peter Neimish and Geo. Kollar and J. C. Arnold, Esq Atty for citizens and residents opposing vacation. Emory Nevling W. H. Mellott Peter Neimish, George Kollar, John Burchell, John Robeson, Geo. Fitch and Frank Caldwell witness for vacation; and Andy Gregor, J. M. Ruffner, B. E. Oshell, Andy Mason, D. A. Gaghan, Sam Gaghan, John Gregor, Jr., John Mason, Martin Kushner, Mike Kufchak, and John Gregor, Sr., all of whom were sworn and examined And that after the view and hearing above mentioned, the undersigned Viewers do agree that said

road has in part become useless, inconvenient and burdensome

The view disclosed the following physical conditions:- First a road-way opened and worked on by the Supervisors of Beccaria Twp from the Twp School House in the Village of Beccaria, southerly a distance of some 1153 feet to line of land of George Kollar, along which opened road are several residences occupied and used some as owners and others as renters.

SECOND:- From the property line of George Kollar, through his land and lands of Peter Neimish a distance of some 900 feet to the Public Road leading to Utahville and intersecting same at the foot of what is locally known as the "Ab Davis Hill" the road is not opened and is not in use. It is fenced in and inclosed at both ends, and does not appear to ever have been used; this unopened portion is principally along a side Hill, with no residences along the same except such as have access to and use the Utahville road.

THIRD:- From the end of the opened portion of the road asked to be vacated, at the Geo Kollar line, there is some evidence of some traffic over an Alley 16 feet wide, leading to a road running along the P. R. R. right of way and thence to the Utahville road, this Alley is not a public road, neither is the road along the P. R. R. right of way, but said road is used and was designated as a road, by former owners who sold land abutting thereon.

FOURTH:- From the point of intersection of the road in question with the Utahville road, the Utahville road runs less than 1000 feet across the P.R.R. and Muddy Run to a School House in Guelich Twp. there turns and runs parallel with, or nearly so, to the Village of Beccaria and near the Beccaria School house, traffic between the Village of Beccaria and the Utahville section now use this road quite generally and the difference in distance is about 1000 feet, except for those persons who live along the opened portion of the road in question.

The Viewers are of the opinion that that portion of the road in question from the Beccaria School house to the Geo. Kollar line about 1153 feet has not become useless nor burdensome and should NOT be vacated and report adversely to such vacation. That portion of said road from the Geo. Kollar line to the Utahville road, about 900 feet and not opened would be a convenience, but in the opinion of your viewers, there is not such a necessity as would justify the cost and expense of opening and maintaining the same, when the same section of people are now served by the other road. We therefore recommend the vacation of that portion of the road from the George Kollar line to the Utahville road at the foot of the Ab Davis hill a distance of about 900 feet and as shown by the draft hereto attached. We might add that the evidence was fairly evenly divided for and against the vacation with some indication of personal feeling. Your Viewers have examined the papers in the proceedings had in No. 4 Sept Sess's 1925, #22 Sept. 1926, No. 9 Dec. 1911, No. 4 Sept. 1924, but as this is the only matter before us, we only make reference to former proceedings 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:

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

Witness our hands and seals this 14th

day of August

, A. D. 1926

..... *Murphy Hutton* [SEAL]

..... *J. B. Fry* [SEAL]

..... *George R. Weber* [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. 14 Sept Term 19 26

ORDER TO VACATE

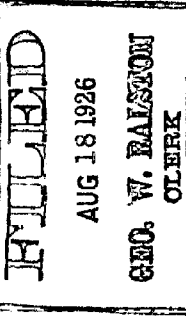
REVIEW To view and vacate road situate in the Township of Beccaria Clearfield County.

Now *Sept* Sessions 19 *26* read and confirmed Ni. Si.

By the Court. *Alleg*
Now Sessions 19 *26*

confirmed absolute.

By the Court.



Filed 19

Atty. W. A. Hagerfy

Fees \$1.25 paid by

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

To the Honorable the Judge of said Court:

The petition of the undersigned citizens of the Township of Beccaria respectfully represent: That a public road was laid out in the said Township of Beccaria, leading from the hotel of Jack Root in the Village of Beccaria to a point at or near the house of Jacob Mathew, but never opened. That in 1923 a petition was presented to this court to appoint viewers to view and vacate the same. That said viewers made a report vacating that portion of said road extending from Jack Root's hotel to what is known as the Beccaria Township school house; but refused to vacate that portion of road extending from the Beccaria Township School house to the public road leading from the Beccaria School House to Ab Davis' hill, that the records of the Court show, on petition of the Supervisors that a portion of said road leading from Ab Davis' hill, where it connects with the public road leading from Jamesville to Utahville, was vacated by decree of Court. This being done at the instance of the Berwin White Coal Company. That there is no road for the children who desire to go to the said Beccaria School house, by reason of the vacation of that part of said road between Ab Davis' hill and the road leading from Jamesville to Utahville and that said road, if left stand would be only for the benefit of those citizens living near the Beccaria school house. Your petitioner therefore prays your honorable Court to grant a re-review and appoint viewers to view and vacate the same, and they will ever pray, etc,

Geo Fitch
J. E. Grun
W B Davis
A. P. Davis
J. E. Fitch
D J Fitch
Wilhelmina Davis
John Burchill
George W Davis
Mitre. Walter.
Josef Podkalsky
Clifford Hewling
John Cook
Dan McCoy
Emmell Gordin
Borden L McCoy
Eldon Matthews
Peter Hemish
George Hobbs
Gurf Goss.
Albert Morse

No 14 Sept 20 1926

Dear July 12th 1926
Frank Hamilton Esq. & Judge
and Mrs. H. M. Nelson
are allowed of
viewers to view and
report on house at Bar,

By Wm. Smith

W. M. Smith

P. 1.

JUL 12 1926

REC. W. H. LITTON
CLERK

In the proceedings
to vacate road
Julien Turn
Sept 6. 1926

In the Court Junior Session
At 14 Sept 7. 1926

And now Sept 7 1926 Intervenor Arnold & Platt
Attys for Joseph Fisher Citizens opposing said
vacation except to the report forwars as
following reasons:-

1. The jurors had no jurisdiction in the
cause.
2. The jurors had no jurisdiction to
vacate the road petitioned to be vacated
3. The jurors had no jurisdiction to recommend
the partial vacation reported in said report
4. There was no jurisdiction for a verdict
5. The recommendation on its face is a finding
opposite the statute & the facts found by the jurors
make the recommendation nullity.
6. The recommendation is against the
weight of the evidence
7. The recommendation is to vacate a road
leading to a school house in actual use
& is necessary for school children & the
recommendation is unlawful

Intervenor Arnold & Platt
for Ex parte

Junco hyemalis

14

Sept 1926

Junco hyemalis
and *Junco hyemalis*

C.

Junco hyemalis

Filed

Sept 8 1926

Junco hyemalis
also *Junco hyemalis*

Junco hyemalis

IN RE: Re-view of the Township road in Beccaria Township.

To the Commissioners of Clearfield County: 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 vacate that portion of Township road in Beccaria Township, extending from the Beccaria School House to the Ab Davis hill.

A. H. Hays

Attorney for supervisors.

Done July 6th 1926.

Order accepted for County Commissioners
H. D. Adams
Clear

KNOW ALL MEN BY THESE PRESENTS that we,

Peter Nemish & George Koller

are held and firmly bound unto the

Commonwealth of Pennsylvania in the sum of \$200.00 to be paid to the said Common-

wealth, its certain attorney or assigns to which payment well and truly to be

made and to which we do bind ourselves, our heirs, executors, administrators and

every of them. Sealed with our seals and dated the day of July A.D.

1926.

Whereas the citizens of Beccaria Township have petitioned said Court for a re-view of a certain portion of Township road being in Beccaria Township and extending from the Beccaria Township School house to what is known as the Ab Davis hill.

Now the condition of this obligation is such that if the said petitioners shall pay all costs which the court shall decree to be paid by said petitioners then this obligation to be void or else to be and remain in full force and virtue.

Peter Nemish

George Koller

14 Sept 20 1926

Nov July 12th 1926

Book approved.

By the court

A. W. Moore

P. J.

