

DOCKET No. 6

Number Term Year

7 Dec ss 1930

Petition to vacate road in

Beccaria Twp

Versus

+

IN THE COURT OF QUARTER SESSION OF CLEARFIELD COUNTY, PENNA.

IN RE: )  
VACATION OF A ROAD, )  
IN BECCARIA TOWNSHIP. ) No. Term 1930.  
)  
)

TO THE HONORABLE A. R. CHASE, President Judge of said Court:

Your petitioners respectfully represent:

FIRST: That there has been long since laid out a public road described as follows: The aforesaid road runs parallel with the improved road leading from Coalport, in Clearfield County, Pennsylvania to Flinton in Cambria County, Pennsylvania, starting at a point at the Southeast end of Coalport opposite the end of the road leading to Lyleville; thence running South pass the properties of Henry Gill, Clark Freeman, R. E. Chaplin and W. M. Beers, and ending on the improved road leading from Coalport to Flinton, being a distance of approximately eight hundred (800) feet.

SECOND: This road has become useless, inconvenient and burdensome.

WHEREFORE, your petitioners pray your Honorable Court to appoint viewers to vacate the aforesaid road according to the Act of Assembly made and provided.

J.W. Liebauer  
President  
Ashley Dillen  
Supervisors of Beccaria Twp.

Ervin Wallace  
Henry Teching.  
M. S. Fagan  
~~Heidman~~  
John Gabrielson  
Fusse Willen  
Ed Berger  
R. G. Westover  
W. H. Clegg  
John Youngkin

STATE OF PENNSYLVANIA      )  
COUNTY OF CLEARFIELD      )      SS:

Personally appeared before me the subscriber, J. W. -  
Niebauer, one of the Supervisors of Beccaria Township,  
Clearfield County, Pennsylvania, who after being duly sworn  
according to law deposes and says that the facts set forth in the  
foregoing petition are true and correct to the best of his knowledge  
and belief.

Sworn and subscribed to before me      )  
this 20-day of October A. D. 1930.      )      J. W. Niebauer

John E. Herdman      )  
Justice of the Peace      )

My Com. John E. Herdman  
First Monday in Jan. 1934

7 Dec 22 1930

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
COMMONWEALTH OF PENNSYLVANIA.

O. FORM 1. 30.

1. 2. 3:

VOCATION OF H. O. D.,  
T. B. S. & H. CO., SUIT,  
CLAYTON COURT, PENNA.,

POSITION

Now Oct 22<sup>nd</sup> 1930  
John Sellen, Edg.  
Edmund Belotte, and  
Jack Macchuglo, are  
affidated executors  
to invent and report  
to court and report  
By the Court

Attest

OCT 22 1930

CO. W.  
CLERK

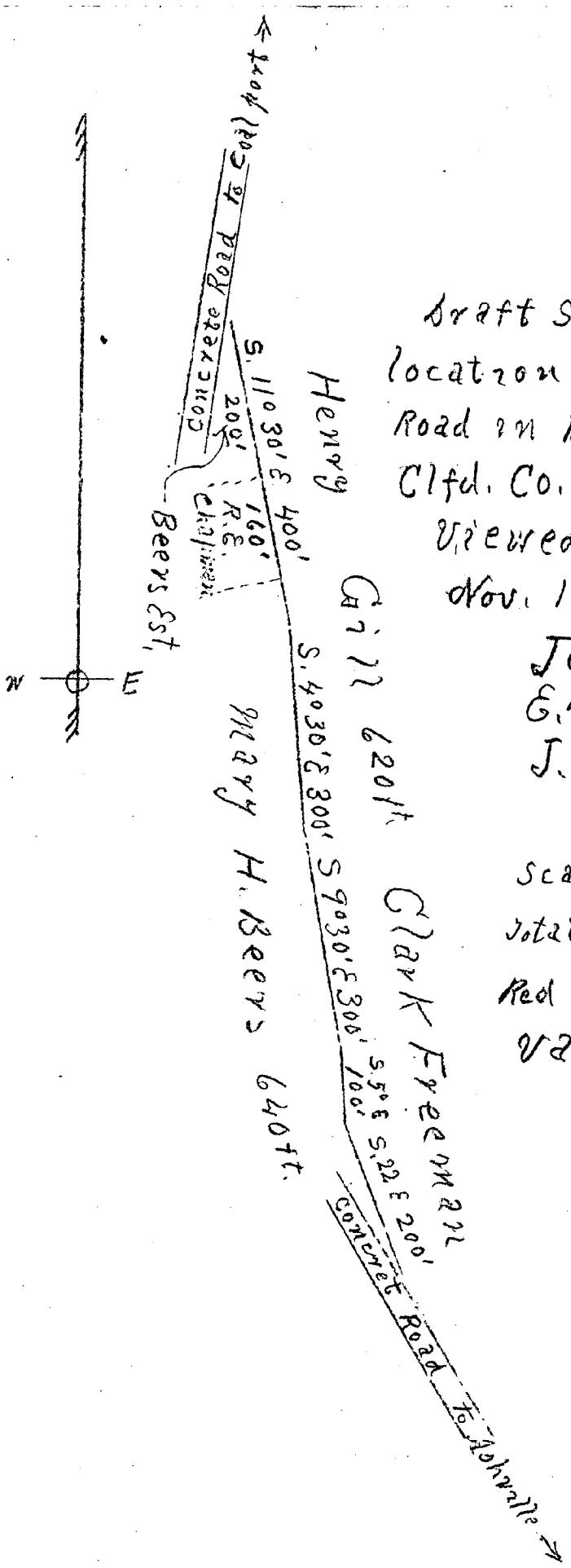
Carl A. Belin,  
Attorneys at law,  
Clearyfield, Pa.

Sketch showing the  
location of a public  
Road in Beccaria Twp.  
Clfd. Co. Pa.

Required for vacation.  
Nov. 12th A.D. 1930.

John Scottins,  
E.D. Billotte  
J.S. Michaels,  
viewers.

Scale  $\frac{1}{8}$ " to 100'  
Total length 1,300 ft.  
Red lines show  
variations.



TO: The Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned  
vicars, appointed by the Court of Quarter Sessions of Clearfield County  
to No. 7, December Sessions, 1930, to view and vacate a public road  
long since laid out in Decatur Township starting at a point at the  
southern end of Coalport opposite the end of the road leading to Taylor-  
ville; thence running South past the proportion of Henry Gill, Clark  
Prosser, R. D. Chaplin and W. H. Deere and ending on the improved road  
leading from Coalport to Dimick, being a distance of approximately 800  
feet, in the County aforesaid, will meet at the starting point of said  
road in said Township on Tuesday, the 13th day of November, A. D.  
1930 at eleven (11:00) o'clock A. M., to attend to the duties assigned  
them; all parties interested will take notice.

And that the public hearing as required by Act  
of Assembly and Rules of Court to be held by the vicars before the  
filing of their report in Court, in order to give all parties interested  
in the said road an opportunity to be heard, will be held in the  
Arbitration Room in the Court House in Clearfield on Friday, the 16th  
day of November, A. D. 1930, at ten (10) o'clock A. M., or as soon there-  
after as counsel can be heard, at which time and place all parties  
interested may attend and be heard.

John Scallion  
Ed. Billalte  
J. B. Michael  
Vicars

Dated, October 24, 1930.

CLEARFIELD COUNTY:-

Now, this 27th day of October, A. D. 1930  
service of the above notice is hereby accepted for the Commissioners  
of Clearfield County.

L. C. Morris  
Clerk

TO: J. W. Niebauer, Ashley Dillon and Lemuel Semple, Supervisors of Beccaria Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 7, December Sessions, 1930, to view and vacate a public road long since laid out in Beccaria Township starting at a point at the southeast end of Coalport opposite the end of the road leading to Lyleville; thence running South past the properties of Henry Gill, Clark Freeman, R. E. Chaplin and W. M. Beers, and ending on the improved road leading from Coalport to Clinton, being a distance of approximately 800 feet, in the County aforesaid, will meet at the starting point of said road in said Township on Wednesday, the 12th day of November, A. D. 1930 at eleven (11:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested in the said road an opportunity to be heard, will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 14th day of November, A. D. 1930 at ten (10) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

J. W. Niebauer  
Ed. Billotto  
J. S. Michael  
Viewers

Dated, October 24, 1930.

CLEARFIELD COUNTY, Ss:

Now, this 27<sup>th</sup> day of October, A. D. 1930, service of the above notice is hereby accepted for the Supervisors of Beccaria Township, Clearfield County.

J. W. Niebauer  
Ashley Dillon  
Lemuel Semple  
Supervisors

TO: W. A. Hagerty and Carl A. Belin, Esqs., Attorneys for  
Petitioners:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 7, December Sessions, 1930, to view and vacate a public road long since laid out in Beccaria Township starting at a point at the southeast end of Coalport opposite the end of the road leading to Lyleville; thence running South past the properties of Henry Gill, Clark Freeman, R. E. Chaplin and W. M. Beers, and ending on the improved road leading from Coalport to Flinton, being a distance of approximately 800 feet, in the County aforesaid, will meet at the starting point of said road in said Township on Wednesday, the 12th day of November, A. D. 1930 at eleven (11:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested in the said road an opportunity to be heard, will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 14th day of November, A. D. 1930 at ten (10) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scollins  
Ed. Billatte  
J. S. Michaels  
Viewers

Dated, October 24, 1930.

now Oct 24 - 1930 I hereby  
serve for Beccaria  
Township

Carl A. Belin  
atty for Beccaria  
Township

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 22nd day of October in the year of our Lord, one thousand nine hundred and thirty

A. R. CHASE  
By the Honorable ~~John H. Ralston~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Beccaria, in the County aforesaid setting forth that there has been long since laid out a road described as follows: The aforesaid road runs parallel with the improved road leading from Coalport, Clearfield County, Pa. to Clinton in Cambria County, Pa. starting at a point at the southeast end of Coalport opposite the end of the road leading to Lyleville; thence running south pass the properties of Henry Gill, Clark Freeman R.E. Chaplin and W. M. Beers and ending on the improved road leading from Coalport to Clinton, being a distance of approximately 800 feet.

This road has become useless, inconvenient and burdensome

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

point from and among the County Board of Viewers John Scollins, Esq., Ed. Billotte

and Jack Michaels who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their 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. H. 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, <sup>to No. 7 December Term 1930</sup> 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

12th day of November, A. D. 1930, 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 14th day of November A. D., 1930, at 10:00 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: Lemuel Semple, Ashley Dillon, Joseph Niebauer, Supervisors of Beccaria Township, with Harry Killian, Sec'y,

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 14th day of November, ,

A. D. 1930, when the parties interested in the said road were in attendance: Ashley Dillon, Joseph Niebauer and Lemuel Semple, Supervisors of Beccaria Township, with Carl A. Belin, Esq., as counsel. Ashley Dillon, Joseph Niebauer and Lemuel Semple, sworn, examined and cross-examined by counsel and your Board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome, to wit: Beginning at a post on the East side of the concrete Highway leading from Coalport to Ashville, thence South 11 degrees 30 minutes East, along lands of the Beers Estate and R. E. Chaplin on the West and Henry Gill on the East, 400 feet to a post; and thence along lands of Mary H. Beers on the West and Henry Gill and Clark Freeman on the East South 4 degrees 30 minutes East 300 feet to a post; and thence South 9 degrees 30 minutes East 300 feet to a post; and thence South 5 degrees East 100 feet and thence South 22 degrees East 200 feet and ending in the State Highway aforesaid leading to Ashville.

We further find that as at presently constructed the approach to the State Highway at the Southern end of the road proposed to be vacated is inconvenient, dangerous and inconvenient; and further that there is a custom-coal mine on the lands of Henry Gill from which considerable coal is hauled in auto-trucks and wagons, and your Board therefore, for the convenience, use and benefit of the residents and property owners living on either side of said road, recommends the vacation thereof as a public road being unnecessary, but that it be retained and remain as a private road, to be maintained and used as private roads are now maintained and used under existing Laws, in accordance with the provisions

of the Act of Assembly approved April 17, 1929 PL 530.

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

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

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up of the said road, we, the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof, as follows:

No damages assessed

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

Witness our hands and seals this 22nd day of November, A. D. 19 30.

*John Scollard* ..... [SEAL.]  
*E.D. Billotte* ..... [SEAL.]

*J. S. Marshall* ..... [SEAL.]  
Viewers.

No. 7 Dec Term 19, 30

**ORDER TO VACATE**

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

Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	Days	Miles	Amt
J. S. Michaels	1	58	\$10.40
E. D. Billotte	2	71	\$18.85
John Scollins	2	43	\$17.15

To view and vacate " road situated in the Township of Beccaria.

Clearfield County.

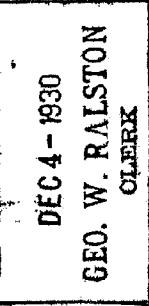
Now Feb Sessions 1931

read and confirmed Ni. Si.

By the Court:  
*W. A. Hager*

By the Court:  
*W. A. Hager*

Filed 19



W. A. Hager  
Atty., Carl A. Bellin  
Fees \$1.25 paid by