

OAD

DOCKET No. 6

Number	Term	Year
6	Sept	1931

petition to vacate road in Beccaria

p

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE:)
VACATION OF ROAD IN)
BECCARIA TOWNSHIP.)
)

TO THE HONORABLE A. R. CHASE, P. J.,

Your petitioners respectfully represent:

FIRST: That there has been long since laid out a public road in Beccaria Township, described as follows:

Beginning at a point One hundred (100) yards North of Hagerty Cross roads and leading through lands owned by Hagerty sons and extending to lands of Byers Estate, joining with Bigler Township on said lands of Byers Estate, wherefore said connection in Bigler Township being previously vacated, being a distance of one (1) mile, more or less.

SECOND: That there has been long since laid out a public road in Beccaria Township, Clearfield County, Pennsylvania, described as follows:

Beginning at a point Three Hundred (300) yards East of Hagerty Cross roads and leading through farm owned by Emanuel Godin, also farm formerly owned by Frank Mecklin extending to lands of Dickison Estate, joining with Bigler Township on said lands of Dickison Estate, wherefore said connection in Bigler Township, being previously vacated, being a distance of one and one half (1 1/2) miles, more or less.

THIRD: That said roads have become useless and burdensome and are not necessary to be maintained as public roads.

WHEREFORE your petitioners pray the Honorable Court to appoint viewers according to Act of Assembly so provided and pray the Court to vacate the above described pieces of road.

And they will ever pray.

Lemuel Sample
J.W. Orsbauer
Abel L. L. L.
Supervisors of Beccaria Twp.

H.P. Root
D.J. Lipp
Orvil Gates
Wm. Gates
J.C. Fitch
Duncan Fitch
Clair Sample
Gerald Williams
W. Chapman
H.P. Lipp

STATE OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Personally appeared before me the subscriber, H. KILLION, Secretary of Board of Supervisors of Beccaria Township, Clearfield County, Pennsylvania, who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct and that all the signatures above are signatures of taxpayers and residents of Beccaria Township, Clearfield County, Pennsylvania.

Sworn and subscribed to before
me this 10 day of Aug, A. D. 1931.

Geo. W. Ralston
Prothonotary

H. Killion

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA.

NO. 6 Sept 20 1931

IN RE:

VACATION OF ROAD IN
BECARIA TOWNSHIP.

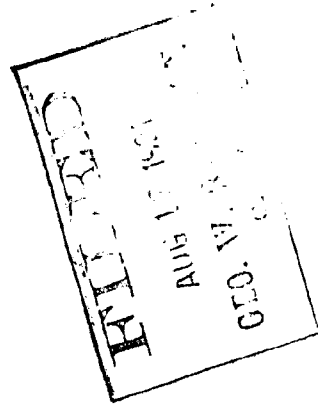
PETITION TO VACATE ROAD

Now August 17th 1931

John Scottie Esq, Edward
Bellette and J. S. Nichols
are appointed viewers to
view and report.

CARL H. BENTON AND SON, ATTORNEYS AT LAW,
CLEARFIELD COUNTY

CLEARFIELD, PA.



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, ^{to No. 8, September Sessions, 1931} 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

7th day of October, A. D. 1931, 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 9th day of October A. D., 1931, 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: Lemuel Semple, Ashley Dillon and Jos. Niebauer, Supervisors of Beccaria Township with Harry Killian, Secretary, and Emanuel Codin

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 9th day of October,

A. D. 1931, when the parties interested in the said road were in attendance: Carl A. Belin, Esq., with him Lemuel Semple, Ashley Dillon and Jos. Niebauer, Supervisors, and Harry Killian, Secretary. Lemuel Semple, Ashley Dillon and Joseph Niebauer 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:

THE FIRST THEREOF: Beginning at a point 100 yards North of Hegarty's Cross Roads; thence North 33 degrees East along lands of Hagerty Estate 2500 feet to a post; thence North 33 degrees East along lands of Beyers Estate 700 feet to the common line dividing Beccaria and Bigler Townships.

We further find that there are no residents along the line of said Road; no properties without out-lets, and no public travel thereon. The aforesaid road serves no public use and therefore recommended for vacation.

THE SECOND THEREOF: Beginning 300 yards North-east of Hagerty's Cross Road, at its intersection with the public Highway leading from Smoke Run to Utahville; thence running North 43 degrees East along lands of Emanuel Codin 2500 feet to a post; thence South 86 degrees East thereby and along lands of Frank Mecklin, 200 feet to a post; thence North 81 degrees 30 minutes East along lands of Frank Mecklin 1300 feet to a post; thence North 78 degrees 30 minutes East thereby 400 feet to a post; thence North 65 degrees East thereby 150 feet to a post; thence North 27 degrees 30 minutes East thereby 150 feet to a post; thence North 7 degrees 30 minutes East thereby 100 feet to a post; thence North 29 degrees East thereby 200 feet to a post; thence North 44 degrees East thereby 200 feet

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 17th day of August in the year of our Lord, one
thousand nine hundred and thirty one

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

there has been long since laid out a public road in Beccaria Twp
Beginning at a point 100 yards north of Hagerty Cross roads and leading through
lands owned by Hagerty sons and extending to lands of Byers Estate, joining with
Bigler Twp. on said lands of Byers Estate, wherefore said connection in Bigler
Twp being previously vacated, being a distance of 1 mile more or less.

2nd Beginning at a point 300 yards east of Hagerty Cross roads and leading through
farm owned by Emanuel Codin, also farm formerly owned by Frank Mecklin extending
to lands of Dickison Estate, wherefore said connection in Bigler Twp being
previously vacated, being a distance of 1 1/2 miles more or less.

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. E. D. Billotte and

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

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from
the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating
of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the
owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers
shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from
the vacation of said road; and make report of such assessment; which report they shall in like manner trans-
mit to the next Court of Quarter Sessions, with the draft, or plot, aforesaid. In which said reports they
shall state that they have been sworn, or affirmed, according to law, and that due and legal notice was given
of the time when and the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

Clerk.

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

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 6, September Sessions, 1931, to view and vacate a public road beginning at a point 500 yards East of Hagerty's Cross Roads and leading through the farm owned by Emanuel Godin, also the farm formerly owned by Frank Looklin and extending to lands of Dickison Estate in Higler Township previously vacated, being a distance of $2\frac{1}{2}$ miles in length more or less, in Beccaria Township, in the County aforesaid, will meet at the Hagerty Cross Roads in said Township on Wednesday, the 7th day of October, A. D. 1931 at one (1:00) o'clock P. M., to attend to the duty assigned them: all parties interested will take notice.

And that the public hearing so 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 9th day of October, A. D. 1931 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 Scollin
E. S. Billatte
J. D. Michaels
Viewers

Dated, September 16th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 19th day of September, A. D. 1931, service of the above Notice is accepted for the Supervisors of Beccaria Township, Clearfield County.

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L. Semple
Ashley Dillon
Supervisors

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10K2

Dratt Showing location
of a Public Road in Baccaria
Tawushin, Clearfield County, Pa.
viewed for vaccation Oct. 7th, A.D. 1931, C.F.

Score 4" to 100'

John Seadlings,
G.A. Bittlote

over lands of Goddin 26.25'

J.S. Michaeels,
Deenews.

" " Meekin 5.615'

Total length 6.240 ft.

Dickinson Est.
Bryley Twp.
Beccaria Twp.

N 71° 06' E N 44° 03' E
0° 200' 240'

TWP. 18N R. 10E

to a post; thence North 59 degrees East thereby 100 feet to a post; thence North 69 degrees East thereby 300 feet to a post; thence North 53 degrees 45 minutes East thereby 200 feet to a post; thence North 71 degrees East thereby 200 feet to a post; thence North 47 degrees East thereby 240 feet and ending at the common division line with Bigler Township, at lands of the Dickison Estate.

We further find that the aforesaid Road passes through the property of Emanuel Godin, the old Hirsh place, and the Mecklin Farm. That since the abandonment of Eureka #22 Mine the road has not been in use and there are no properties therealong without out-lets. It is inconvenient, and burdensome to maintain; serves no public interest, and is therefore recommended for vacation.

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 damages assessed

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

Witness our hands and seals this 10th day of October, A. D. 19 31.

John Scallins [SEAL]
E. B. Billotte [SEAL]
J. S. Michael [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
E. D. Billotte	5	128	\$56.40
J. S. Michaels	3	116	\$35.80
John Scollins	4	72	\$43.60

No. 6 Sept Term 19 31

ORDER TO VACATE

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

Now Dec Sessions 1931

read and confirmed Ni. Si.

By the Court
Now Feb Sessions 1932
confirmed absolute.

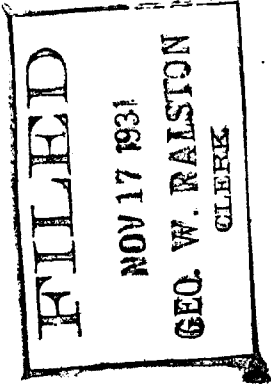
By the Court.

A. H. Chase
PJ

Filed 19

Atty, W. A. Hagerty & Carl A.

Fees \$1.25 paid by Belin



TO: The Commissioners of Clearfield County:

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 6, September Sessions, 1931, to view and vacate a public road beginning at a point 500 yards East of Hagerty's Cross Roads and leading through the farm owned by Emanuel Godin, also the farm formerly owned by Frank Macalin and extending to lands of Dickison Estate in Bigler Township previously vacated, being a distance of $\frac{1}{2}$ miles in length more or less, in Decarie Township, in the County aforesaid, will meet at the Hagerty Cross Roads in said Township on Wednesday, the 7th day of October, A. D. 1931 at ten (10) o'clock P. M., to attend to the duty 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 9th day of October, A. D. 1931 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 Felling
E. S. Billatte
J. S. Michaels
Viewers

Dated, September 16th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 16th day of September, A. D. 1931, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Norris
Clerk

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

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County to No. 8,
September Sessions, 1931, to view and vacate a public road beginning at a
point 100 yards North of Hagerty's Cross Roads and leading through lands owned
by Hagerty and extending to lands of the Dayer Estate, joining with
Hagerty Township on said lands of Dayer Estate previously vacated, a distance
of one mile more or less, in Beccaria Township, in the County aforesaid, will
meet at the Hagerty Cross Roads in said Township on Wednesday, the 7th day
of October, A. D. 1931 at 10:00 o'clock A. M., to attend to the duty 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 9th day of October, A. D. 1931 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.

Dated, September 13th, 1931.

John Scellins
E. J. Billotte
J. B. Michaels
Viewers

CLEARFIELD COUNTY, SS:

Now, this 19th day of September, A. D. 1931, service
of the above Notice is accepted for the Supervisors of Beccaria Township,
Clearfield County.

J. W. Niebauer
L. Semple
Ashley Dillon
Supervisors

TO: The Commissioners of Clearfield County:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 6, September Sessions, 1931, to view and vacate a public road beginning at a point 100 yards North of Hagerty's Cross Roads and leading through lands owned by Hagerty Sons and extending to lands of the Beyer Estate, joining with Bigler Township on said lands of Beyer's Estate previously vacated, a distance of one mile more or less, in Decatur Township, in the County aforesaid, will meet at the Hagerty Cross Roads in said Township on Wednesday, the 7th day of October, A. D. 1931 at 10:00 o'clock A. M., to attend to the duty 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 9th day of October, A. D. 1931 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.

Dated, September 13th, 1931.

John Collins
E. S. Billotte
J. J. Michaels
Viewers

CLEARFIELD COUNTY, SS:

Now, this 16th day of September, A. D. 1931, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. E. Harris
Clerk