

DOCKET No. 5

Number	Term	Year
3	Feb	1924

Petition to vacate road in Penn Twp

Versus

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

Penn Township, 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 *April*, A. D. 1924, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield,

Pa., on the *ninth* day of *April* A. D., 1924, at *10-15* 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. L. Edwards, George Weber and J. S. Michaels, viewers, W. T. Tharp, C. A. Phillips and Wm. Helper, Roads Supervisors of Penn Township, Ed. Flynn, J. C. McCarty, Barney Clappardle & Thomas McCarty.*

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 *ninth* day of *April*,

A. D. 1924, when the parties interested in the said road were in attendance: *W. T. Tharp, Wm. Helper, Supervisors of Penn Township & A. H. Woodward Esq. Atty for Supervisors & J. R. Riggleworth - for vacators. Those opposed to the vacation were E. J. Flynn, Ed. and Clark W. T. Flynn, T. C. McCarty and J. T. Elbert representing Mrs. Rafferty & Walter Welch Esq. representing those opposed to vacating.*

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has *not*, become useless, inconvenient and burdensome *and therefore recommend that said road be not vacated.*

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 8th day of January in the year of our Lord, one thousand nine hundred and twenty four

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Penn, in the County aforesaid setting forth that the public road leading from the forks of road at or near Thomas McGartney's residence in Penn Township aforesaid; thence up Bell Run to Bloom Township line about one mile in length, has become burdensome to the township to keep and maintain and is no longer necessary for public travel

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. L. Edwards, Esq., Geo. Weber 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 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.

Kes W Ralston
Clerk.

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate a Public Road leading from the forks of road at or near Thomas McCartney's

in Penn Township to up Bell Run to Bloom

Township line, about one mile in length

in Penn Township, in the County aforesaid, will meet at the house of at forks of road near Thomas McCartney's

in Penn Township, on Tuesday

the 1st day of April A. D. 1924, at 11.30

o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take

And a hearing on said view will be held in the Arbitration Room of
the Court House on Saturday, April 5th, 1924 at 10.15 A. M.

A. L. EDWARDS

GEORGE WEBER

J. S. MICHAELS

Viewers

Clarfield Ga. Mar. 24 1924
Service accepted for County Commissioners
D. C. Stomps Clerk.

No.3 Feb Term 19 24

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.

mention the advantages as well as the disadvantages of the road, they will report to that effect.

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

..... Sessions 12-13
~~.....~~ read and confirmed Ni Si

By the Court.

Now ~~file~~ 3rd ⁵²⁴ Sessions 19 8-

By the Court.

John H. Moore
P. J.

Filed 19.....

Atty, _____

Fees \$1.25 paid by

A. H. Woodward, Atty.,



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

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacating of said road, or any part thereof, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from: none

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 5th day of April, A. D. 1924

A. L. Edwards..... [SEAL]

George K. Weber..... [SEAL]

J. S. Michaels..... [SEAL]

Viewers.

not recd

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.

In re Public Road leading from the }
forks of road at or near Thomas }
McCartney's residence; thence up }
Bell Run to line of Bloom Township. }
No. Feb. T. 1924

Petition to Vacate

To the Honorable, the President Judge of said Court:-

The petition of the undersigned supervisors of the Township of Penn respectfully represents:

THAT the public road leading from the forks of road at or near Thomas Mc Cartney's residence in Penn township aforesaid; thence up Bell Run to Bloom Township line about one mile in length, has become burdensome to the township to keep and maintain and is no longer necessary for public travel.

Your petitioners respectfully pray for an order to view and vacate said road.

And they will ever pray, etc.

Wm Helper (SEAL)
Wm J Thorpe (SEAL)
Ed Phillips (SEAL)

STATE OF PENNSYLVANIA }
COUNTY OF CLEARFIELD } SS.

W. T. Thorpe, above named petitioner and one of the supervisors of Penn Township, being duly sworn according to law, deposes and says that the facts stated in the foregoing petition are true and correct to the best of his knowledge and belief.

Sworn and subscribed before me this 26 }
day of December A. D. 1923. }

James D. Hall }

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 1928

Wm J Thorpe

No. 3 Feb. Sessions 1924

IN RE: Public road leading from the forks of road at or near Thomas McCarter's residence; thence up Bell Run to line of Bloom Township

Petition to Vacate

Land for 522 1/24
H. A. Edwards vs.
Geo. Weber et al.
L. S. Michael
James Spangler &
one or his wife

FILED

1858 1824

GRN. W. RALSTON
LAWYER
PRO. A. H. WOODWARD
CLEARFIELD, PA.