

DOCKET No. 6

Number	Term	Year
3	Sept	ss 1926

Petition to vacate road in Morris

Twp

Versus

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

In Re Vacation of a Portion of the Old
State Highway Route at a Point at Sta-
tion 350-00 to a Point at Station 418-
25, a distance of Approximately 5417ft
or 1.025 miles leading from Philipsburg to
Cooper Township, known as Route No. 313
-219.

To the Hon. A. R. Chase, President Judge of said Court:-

The petition of the undersigned Supervisors of Morris Township respectfully represents:-

FIRST: That the State Highway in said Township of Morris leading from Philipsburg to the Cooper Township line at a point on Route has been abandoned by the State Highway Department according to their late survey and reverts the jurisdiction and upkeep of said Route to the jurisdiction of Morris Township.

SECOND: That to keep up this small portion or portions of the old Highway which has been abandoned by the State Highway Department would be burdensome and impracticable for the Supervisors of Morris Township,

They, therefore, respectfully petition the Court for the appointment of viewers to vacate said road.

And they will ever pray, etc.

Clifford Smeal
John D. Smeal
Clifford Smeal
Supervisors of Morris Township

IN THE COURT OF QUARTER SS.
OF CLEARFIELD COUNTY, PA.
3 - Sept 26 1926

In Re Vacation of a portion
of the old State Highway Route
at a point at Station 418-25,
a distance of approximately
5417 ft or 1.025 miles lead-
ing from Philipsburg to Cooper
Township, known as Route No.
313-219.

P E T I T I O N

Per May 26 1926
A. G. Chamberlain,
Barry, Meine &
Jack Melchka are
plaintiffs herein
to whom and whom
By the court
A. G.
S.

MAY 27 1926

JEC. W. RALSTON
CLERK

LAW OFFICES
WOODWARD & SHAW
CLEARFIELD, PA.

Woodward & Shaw

TO PUBLIC RECORDS
H. R. REESE
R. G. KRAMER Esq
S. MICHAELS
JUNE 24-1926 BY
VIEWED AND VERIFIED
IN MORRISTOWNSHIP CLERMFIELD CO PA
TWO PIECES OF PUBLIC ROAD
CHAS E. MIGG
NEW STATE OF PENNSYLVANIA
ENDING 34560
BEGINNING 371-374
CEMETERY
RLLPORT
M 35332
N 5° E 700
DANIEL SHIELDS
RICHARD SHIELDS
J. A. G. WILLIAMSON
ESTATE
S 68° E 707
ROAD 141
SCHOOL
S 65° E 31
S 65° E 364-150
TOSNOWSHOE
SCHOOL
PUBLIC ROAD
WATTEO DIRT ROAD
S 68° E 707
JUN 24 1926
332-30
BEGINNING
STRAIGHT
TO PUBLIC RECORDS
S 65° E 300
JUNE 24-1926 BY
VIEWED AND VERIFIED
IN MORRISTOWNSHIP CLERMFIELD CO PA
TWO PIECES OF PUBLIC ROAD
R. G. KRAMER Esq
H. R. REESE
S. MICHAELS

TO; JESSE, E, DALE. T, R, WEIMER. AND B, W, McCACKEN;
COUNTY 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 view and vacate part of the public road leading from Philipsburg in Centre County to the township line of Cooper Township from a point at station on the State Highway number (350.00) in Morris Township;

To a point at station number (415.,25/100) approximately (541⁹) feet or one and twenty five (1,25/100) and one hundredth of a mile length on the said road; in Morris township in the county aforesaid, will meet at the house of Charles Emigh 's Garage in Morris Township on Thursday the 24th day of June A, D, 1926 at ten (10) 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 as 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 a chance to be heard will be held by the viewers in the Arbitration Room in the Court House in Clearfield Pa on Friday June 25th 1926 at nine thirty (9,30) o'clock A. M. at which time and place all parties interested in said road either in favor of or against said road being vacated may appear and be heard.

A G Kramer
H A Reel
J S Michaels.
VIEWERS.

Now June 15 1926 service accepted for the County Commissioners of Clearfield County Pa.

L C Morris
Clerk.

TO:- Isaac Smeal, John, Nicholls, and Clifford Smeal, The
Supervisors of Morris Township Clearfield County Pennsylvania.

You are hereby notified; that the undersigned viewers appointed by the court of Quarter Sessions of Clearfield County Pennsylvania to view and vacate a part of the public road leading from Philipsburg in Centre County Pennsylvania to the township line of Cooper Township from a point at station on the State Highway number (350.00) in Morris Township; To a point at station number (415.25/00) approximately (5417) feet or one and twenty five (1.25/100) one hundredth of a mile in length on the said road; in Morris township in the county aforesaid, will meet at the house of Charles Emigh's garage in Morris township Thursday 24th day of June A. D, 1926 at the (10) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested please take notice.

And that the public hearing as 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 a chance to be heard; will be held by the viewers in the Arbitration Room in the Court House in Clearfield Pa on Friday June 25th 1926 at nine thirty (9.30) o'clock A. M, at which time and place all parties interested in said road either in favor of or against said road being vacated may appear and be heard.

H G Kramer
H A Reese
J S Michall

VIEWERS.

Now June 15 1926 served this notice on Isaac Smeal, John Nicholls, and Clifford Smeal the supervisors of Morris Township personally by handing to each of them a true and correct copy of same.

Isaac Smeal

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 **27th** day of **May** in the year of our Lord, one thousand nine hundred and **twenty six**

A. R. CHASE

By the Honorable ~~Supervisor~~, President Judge of the said Court: Upon the petition of ~~Supervisors~~
Supervisors ~~of the Township of~~ **Morris**, in the County aforesaid setting forth that

The State Highway in said Twp of Morris leading from Philipsburg to the Cooper Township line at a point on said Route has been abandoned by the State Highway Dept. according to their late survey and reverts the jurisdiction and upkeep of said Route to the jurisdiction of Morris Twp.

That to keep up this small portion or portions of the old Highway which has been abandoned by the State Highway Dept. would be burdensome for the Supervisors of Morris Twp.

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. Harry Reese 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 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 Morris-----, 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 24th day of June 1926, 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 25th day of June;----- A. D., 1926, at 10, 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 besides the viewers Isaac Smeal one of the Supervisors, -----

parties interested ~~met~~ 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 25th day of June, A. D. 1926, when the parties interested in the said road were in attendance: to wit.

Isaac Smeal and Cliford Smeal two of the Supervisors of Morris Township
and Raymond Smeal and Peter Erickson called as witnesses; -----

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has ----, become useless, inconvenient and burdensome on the taxpayers of the town-hip being supplied by the State Highway leading from Philipsburg to Coop-er township line covering part and running close by the remainder of the said township road by which the said township road is of no use or bene-fit to the traveling public. And is therefore in the opinion of the
viewers a useless burden and expense on the taxpayers to keep up andmaintain the same they therefore recommend that the same be vacated.

The location is fully shown by the draft attached which is submitted
by the viewers as part of their report. -----

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 hereof, 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 July, -----, A. D. 19 26

..... *A. L. L. C.* [SEAL.]

..... *W. A. Reese* [SEAL.]

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

No. 3 Sept Term 19 26

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.

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To view and vacate road situate
in the Township of Morris.

Now ~~Sept~~ Sessions 1926

By the Count

July 1870

essions 1928-9

By the Court

St. Albans
Suffolk

12

Attn: Woodward & Shaw.

Fees \$1.25 paid by

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Witnesses Cost at the
Meeting

Baron d'Uvernet

one day at hearing \$2.00
-11 a day 10 miles

Peter Erickson
one day at nearing
millage 40 mile \$2.00
millage 40 mile 1.20

\$3.20 \$6.40
Total