

DOCKET No. 6

Number	Term	Year
3	May	1927

Petition to vacare and supply a  
road in Girard Twp

Versus

R. S. #6 - Page 146

Part Rt 17052

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

In re petition for the appointment  
of viewers to vacate and supply a  
certain section of road in Girard  
Township. }

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

The petition of the undersigned Supervisors  
of Girard Township respectfully represents:

FIRST: That the road leading from Clearfield to  
Karthaus, beginning at a point at Al Murrays and extending to the  
intersection of the Clearfield & Karthaus road at the point of  
intersection of the Congress Hill road, which leads to the Mur-  
ray Grave Yard, is very mountainous and dangerous for the travel-  
ing public and further, is very burdensome and costly for the  
Township to keep in repair.

SECOND: That this section of road can be avoided by  
building a new road beginning at a point at Al Murray's watering  
trough and extending to a point on the Congress Hill road, which  
leads to the Murray Grave Yard, a distance of approximately  
seventy-five (75) rods.

THIRD: That the township of Girard intends to build  
a new section of road from Al Murrays and extending over what is  
known as the Clearfield & Karthaus road, the same being an ex-  
tension of the State road constructed by the township of Girard  
in 1926 under the State Award plan.

FOURTH: That to eliminate the necessity of expending  
large sums of money in grading the steep and mountainous section  
above referred to, which begins and extends to the point above  
designated, the Supervisors of Girard think it advisable to  
change the route as laid out by extending a survey from a point  
at Al Murray's watering trough to a point on the Congress Hill  
road, which would eliminate the building of this new road over

the mountainous section referred to.

Your petitioners therefore pray the Court to  
and  
appoint proper persons to view and vacate the old road, to lay  
out a new road between the points above designated, according to  
law.

And they will ever pray, etc.

*Arthur Morat*  
.....

*P. Z. Bausseigneur*  
.....

*Robert Hetrick*  
Supervisors of Girard  
Township.

THE COURT OF QUARTER SESSIONS OF  
CLEARFELD COUNTY, PA.

3 May 22 1927

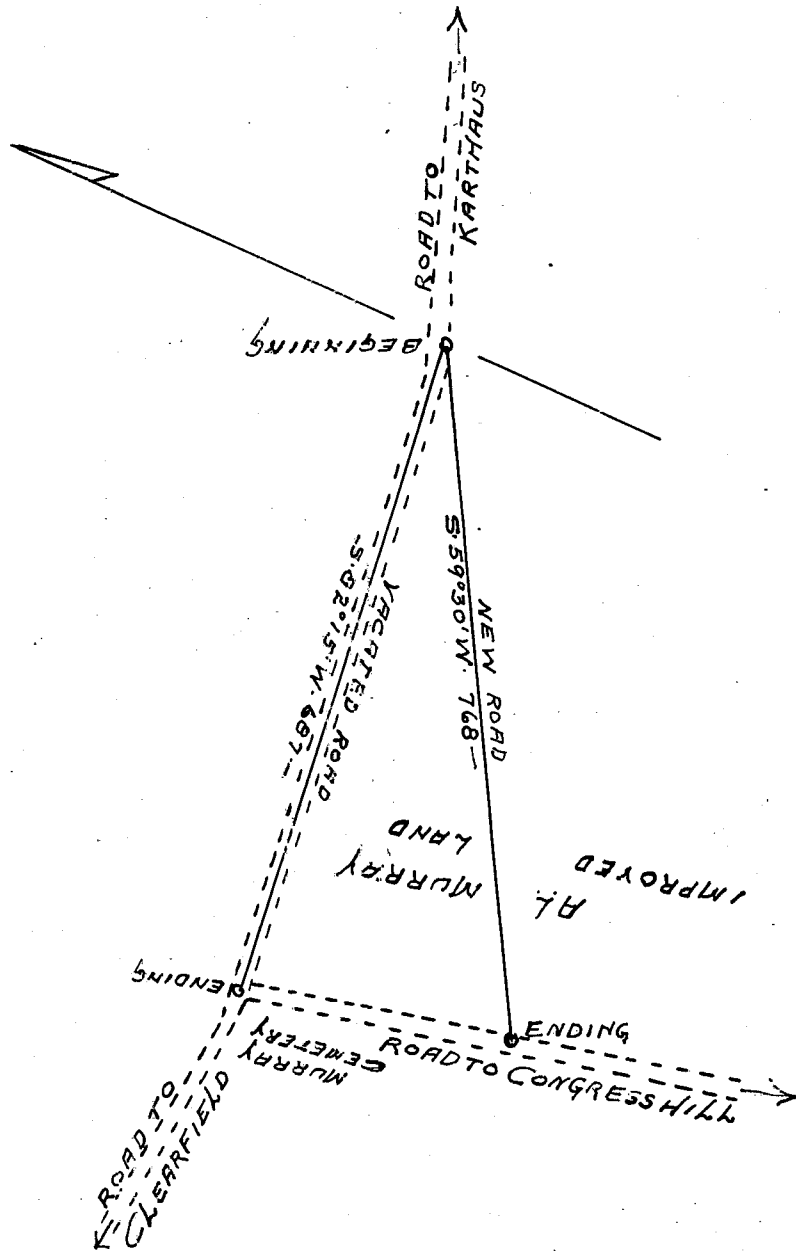
In re petition for the  
appointment of viewers to  
vacate and supply a certain  
section of road in Girard  
Township.

Now Appeared 4<sup>th</sup> 1927

John F. Sullivan Esq.,  
Harry Kaege Esq.,  
George Weber are  
appointed to view and  
report. The court  
by the clerk  
GEO. W. R. PROCTOR  
APR 2 1927

PROCTOR & SHAW  
WOODWARD & SHAW  
CLEARFELD, PA.

W. W. O. by W. W. O.



ROAD IN GIRARD TOWNSHIP  
 CLEARFIELD COUNTY PA  
 VIEWED AND LAID OUT.  
 MAY 4 - 1927 BY JOHN SCOLLINS. ESQ.  
 H.A. REESE  
 GEO. K. WEBER.  
 SCALE 1" = 200'

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 No. 3, May Sessions, 1927, to view and vacate that road leading from Clearfield to Karthaus, beginning at a point at Al Murrays and extending to the intersection of the Clearfield and Karthaus road at the point of intersection of the Congress Hill road, which leads to the Murray Grave Yard, and supply the aforesaid road by building a new road beginning at a point at Al Murrays' watering trough and extending to a point on the Congress Hill road which leads to the Murray Grave Yard, a distance of approximately 75 rods, in the Township of Girard, in the County of Clearfield aforesaid, will meet at the dwelling-house of Al Murray in said Township of Girard on Wednesday, May 4th, A. D. 1927 at one (1:00) o'clock P. 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 Thursday, the 5th day of May, A. D. 1927 at nine (9:00) 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 Gallin  
Harry Reese  
Geo. Weber  
Viewers

Dated, April 20th, 1927.

Clearfield County, SS:

Now, this 21<sup>st</sup> day of April, A. D. 1927, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Morris  
Clerk

To: Q. E. Beauseigneur, Arthur Merat and Robert Hetrick, Supervisors of  
Girard Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers,  
appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania,  
to No. 3, May Sessions, 1927, to view and vacate that road leading from Clearfield  
to Karthaus, beginning at a point at Al Murrays and extending to the intersection  
of the Clearfield and Karthaus road at the point of intersection of the Congress  
Hill road, which leads to the Murray Grave Ward, and supply the aforesaid road  
by building a new road beginning at a point at Al Murray's watering trough and  
extending to a point on the Congress Hill road which leads to the Murray Grave  
Yard, a distance of approximately 75 rods, in the Township of Girard, in the  
County of Clearfield aforesaid, will meet at the dwelling-house of Al Murray  
in said Township of Girard on Wednesday, the 4th day of May, A. D. 1927 at one  
(1:00) o'clock P. 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 Thursday, the 5th day of May, A. D. 1927 at nine (9:00) 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.

*Harry Reese*  
*Geot Weber*  
Viewers

Dated, April 20th, 1927.

Clearfield County, SS:

Now, this 23d day of April, A. D. 1927, service of  
the above Notice is accepted for the Supervisors of Girard Township, Clearfield  
County, Pennsylvania.

*Arthur Merat*  
*Q. E. Beauseigneur*  
*Robert Hetrick*  
Supervisors

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 4th day of April in the year of our Lord, one

thousand nine hundred and twenty seven

By the Honorable ~~Singleton Bell~~ <sup>A. R. CHASE</sup>, President Judge of the said Court: Upon the petition of ~~survey~~ <sup>Supervisors</sup>  
inhabitants of the Township of Girard, in the County aforesaid setting forth that the road

leading from Clearfield to Karthaus, beginning at a point at Al Murrys and extending to the intersection of the Clearfield & Karthaus road at the point of intersection of the Congress Hill road, which leads to the Murray Grave Yard, is very mountainous and dangerous for the traveling public and further, is very costly for the township to keep up.

That this section of road can be avoided by building a new road beginning at a point at Al Murry's watering trough and extending to a point on the Congress Hill road, which leads to the Murray Grave yard, a distance of approximately 75 rods.

That the Twp. of Girard intends to build a new section of road from Al Murrys and extending over what is known as the Clearfield & Karthaus road, the same being an extension of the State road constructed by the Twp of Girard in 1926 under the State Award plan.

That to eliminate the necessity of expending large sums of money in grading the steep and mountainous section above referred to, which begins and extends to the point above designated, the Supervisors of Girard think it advisable to change the route as laid out by extending a survey from a point at Al Murray's watering trough to a point on the Congress Hill road, which would eliminate the building of this new road over the mountainous section referred to

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 Sollins, Esq., Harry Reese  
and George 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. Palston  
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 Girard, 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

4th day of May, A. D. 19 27, 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 5th day of May A. D., 19 27 at nine 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: Q. E. Beauseigneur, Supervisor, Al Murray and Mrs. Al Murray

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 5th day of May,

A. D. 1927, when the parties interested in the said road were in attendance: Q. E. Beauseigneur, Supervisors, with A. B. Shaw, Esq., as counsel, and Al Murray.

Q. E. Beauseigneur and Al Murray 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 inconvenient and burdensome~~ leading from Karthaus to Clearfield is necessary; but that portion thereof beginning at a point at the Al Murray watering trough and thence extending South 82 degrees 15 minutes West 687 feet and ending at the intersection of the aforesaid Road with the Congress Hill Road, at the Murray Grave-yard, has become inconvenient, burdensome and dangerous for public travel, owing to the steep grade of the aforesaid portion thereof, and in the opinion of your Board should and is hereby recommended to be vacated, and supplied by a Road to be built beginning at the water trough of Al Murray aforesaid and thence extending South 59 degrees 30 minutes West through improved land of Al Murray 768 feet to post on the Congress Hill Road, to eliminate the excessive grade and which new road is necessary, more convenient and less burdensome of upkeep.

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:

To Al Murray, the sum of \$75.00

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

Witness our hands and seals this 9th day of May, A. D. 19 27.

*John J. Collins* [SEAL.]

*H. A. Reese* [SEAL.]

*George K. 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
Geo. K. Weber	2	150	
Harry Reese	3	90	
John Scollins	3	130	

No. 3 May Term 19 27

## ORDER TO VACATE

To view and vacate, <sup>and supply</sup> road situate in the Township of Girard Clearfield County.

Now *May 4<sup>th</sup>* Sessions 19 27

read and confirmed Ni. Si.

By the Court

Now *Left* Sessions 19 27 *P. J.*  
confirmed absolute.

By the Court.

*A. M. Whade*  
*P. J.*

Filed \_\_\_\_\_ 19

Atty, \_\_\_\_\_

Fees \$1.25 paid by

Woodward & Shaw, Attys.

