

oad

DOCKET No.<sup>6</sup>

Number

Term

Year

13

Sept. ss 1927

Petition to vacate road

in Penn Twp.

Versus

X



To THE SUPERVISORS OF PENN TOWNSHIP ROAD DISTRICT.

You and each of you are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view for Vacation a road leading from a cross road, near the residence of Thomas McCartney in PENN Township and from thence extends along and up Bell Run, to where the road crosses said Bell Run, at the line between the Townships of Penn and Bloom. Said road continueing through the Township of Bloom to where it is intersected by a road leading from the old Pike (near Fegley's) to residence of William Thomas in Bloom Township, in the County aforesaid, will meet at the Cross Roads near the residence of Thomas McCartney in PENN Township on Monday the 29th day of August 1927 at 9: 30 o'clock A.M. to attend to the duties assigned them.

And that the required Public Hearing will be held in the Court House, in the Borough of Clearfield on Wednesday the 31st day of August, 1927 at 9 o'clock A.M. when and where all parties interested may attend and be heard.

DuBois, Pa. Aug. 16th 1927

Joseph Hutton  
E. J. Fry  
Quaker Clubber  
Viewers.

Now, Aug. 1927, service of above notice is accepted for the Supervisors of Penn Township Road District.

Arnold H. H. II  
Atty Gen Dist

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 view for Vacation a road leading from a cross road near the residence of Thomas McCartney, in Penn Township and from thence extending along and up Bell Run, to where the road crosses said Bell Run, at the dividing line between the Townships of Bloom and Penn.

Said road thence continueing through the Township of Bloom to where it is intersected by a road leading from the old Pike, (near Fegley's) to the residence of William Thomas in Bloom Township, will meet at the cross roads near the residence of Thomas McCartney in Penn Township on Monday the 29th day of August 1927 at 9:30 o'clock A.M. to attend to the duties assigned them.

And that the Public Hearing will be held in the Court House in the Borough of Clearfield, Pa., on Wednesday the 31st day of August 1927 at 9 o'clock A.M. when and where all interested parties may attend and be heard.

*Mark Sutton*  
*Ed Fry*  
*Geo A. Lecher*  
Viewers.

DuBois, Pa., Aug. 16th 1927

Now, Aug. 17, 1927, service of above notice is accepted for the Commissioners of Clearfield County.

*L. C. Norrie, Clerk.*

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 15th day of August in the year of our Lord, one thousand nine hundred and twenty seven

By the Honorable ~~Shirley Bell~~ <sup>A. R. CHASE</sup>, President Judge of the said Court: Upon the petition of ~~and by~~ Supervisors ~~inhabitants~~ of the Township of Penn, in the County aforesaid setting forth that .....

in the said Twp. of Penn there is a certain public road which begins at a cross road near the residence of Thomas McCartney, and extends along and up Bell Run to where the road crosses said bBell Run, at the line between the Twp. of Penn and the Twp. of Bloom, both in the County of Clearfield; said road continues through the Twp of Bloom to where it is intersected by a road leading from the old Pike (near Fegley's) to the residence of William Thomas, being approximately one mile long.

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 Frank Hutton, Esq., J. E. Frye,  
George K. 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 PENN, 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

29th day of August, A. D. 1927, 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 31st day of August A. D., 1927, at 9 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 William Helper and Jas E. Rafferty, supervisors of Penn Twp and E.J. Flynn citizen of Penn Twp

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 31st day of August,

A. D. 1927, when the parties interested in the said road were in attendance: E.L. Platt, Esq., of the firm of Arnold and Platt counsel for Penn Twp Road District James E. Rafferty and William Helper, Supervisors and all in favor of the petition

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome we find on the ground the road in question is built along the side hill for a portion of the way and about one half of it is spouty and wet and would require considerable expense to drain and maintain. There is no evidence on the ground of any user of a portion of the road, and shows but little user over any portion of it. There is but one farm along the road and it gives no indication of being worked and in fact we are informed that it is not occupied, that the barn on said farm has been sold and about to be removed, the owner does not occupy it and has not for years. At the end of said road at a bridge crossing Bell Run, and which Run is the dividing line between Penn and Bloom Townships, this bridge is in bad shape and unless the road is vacated, will have to be replaced by joint action of Penn and Bloom Twps., and under present legal requirements would probably cost upwards of \$4000.00. This road extends on into Bloom Twp a distance of nearly one mile and reference is here made to our report filed to No. 12 Sept Term 1927. We are of the opinion the road is useless, that it has become burdensome, and that the taxpayers of Penn Twp should be re-

from the burdeh of maintaining it and that it should be vacated

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: No Releases required

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 to be assessed

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

Witness our hands and seals this first day of September, A. D. 1927

Smack Hugen..... [SEAL.]

J. E. T. ry..... [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.
Frank Hutton	4	95	34.75
J. H. Fry	3	95	27.25
Geo. K. Weber	2	81	19.05

No. 13 Sept Term 1927

## ORDER TO VACATE

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

Now Sept Sessions 1927  
read and confirmed Ni. Si.

By the Court.

Now Dec Sessions 1927  
confirmed absolute.

By the Court.

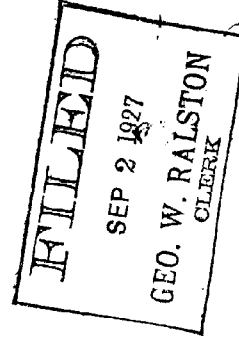
*R. W. Chase*  
*R. J.*

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

Atty.

Fees \$1.25 paid by 30

Arnold & Platt, Attys.





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

In re; Road in the :  
Township of Penn, : No. September Sessions 1927  
Clearfield County, Penna. :

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

The petition of Wm. T. Thorp, William Helper and James E. Rafferty, Supervisors of the Township of Penn, Clearfield County, Pennsylvania, respectfully sets forth;

That the said Wm. T. Thorp, William Helper and James E. Rafferty are duly qualified Supervisors of the said Township of Penn, Clearfield County, Pennsylvania.

That in the said Township of Penn there is a certain public road which begins at a cross road near the residence of Thomas McCartney, in the said township of Penn, and extends along and up Bell Run to where the road crosses said Bell Run, at the line between the Township of Penn and the Township of Bloom, both in the County of Clearfield and Commonwealth of Pennsylvania; said road continues through the Township of Bloom to where it is intersected by a road leading from the old Pike (near Fegley's) to the residence of William Thomas, being approximately one mile long.

That all of said road lying in the township of Penn has become useless, inconvenient and burdensome.

That as to the portion of said road which lies within the Township of Bloom, the Suprvisors of the said Township of Bloom are presenting concurrently with this petition, a petition to vacate the portion of said road lying within the Township of

Bloom.

Wherefore your petitioners pray that that portion of said road which lies within the Township of Penn be vacated, and that viewers be appointed for that purpose. And they will ever pray.

Wm J. Thorne

William Helges

James E. Rafferty

SUPERVISORS TOWNSHIP PENN

CLEARFIELD COUNTY, SS:

Personally appeared before me the subscriber, Wm. T. Thorp, William Helper and James E. Rafferty who being duly sworn according to law doth depose and say that they are the Supervisors of the Township of Perm, that the facts set forth in the foregoing petition are true and correct.

Sworn & Subscribed before me :

this 12 day of August 1927 :

*D. Miller*  
*Justice of the Peace*  
*My Commission expires Jan*  
*1930*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY  
1927  
No. 13 September Sessions

In Re: Road in the  
Township of Penn,  
Clearfield County, Pa.

PETITION FOR VIEW TO  
VAGABOND ROAD

*How August 15<sup>th</sup> 1927  
Frank Weston Esq;  
J. E. Frye Esq George  
H. Wicker are appointed  
to view and report  
by the court.  
J. H. Wicker.*

ARNOLD & PLATT  
ATTORNEYS AT LAW  
CLEARFIELD, PA.

FILED  
AUG 15 1927  
GEO. W. RALSTON  
CLERK