

ROAD

DOCKET No. 6

Number Term Year

5 Sept ss 1930

Petition to vacate road in

Decatur Twp

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In Re Vacation of Public
Road in Decatur Township;
Of Sept. Sessions, 1930,
Number 5.

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:
:
:
:

VIEWERS' NOTICE.

To the Supervisors of Decatur Township and to the Commissioners of Clearfield County;

You will hereby please take notice that the undersigned have been appointed by the Court to view and vacate a part of the macadam highway in Decatur Township, which said part spught to be vacated is described to the Viewers in the Order to them given by the Clerk of this court as follows;

"BEGINNING at a point on the macadam highway and former route No. 57 of the State Highway System of Pennsylvania at the crossing of said route by Mapleton Branch of the Pennsylvania Railroad then proceeding in the direction of Philipsburg along said macadam highway several courses and distances to a certain railroad crossing being the crossing of the Mapleton Branch No. 2 of the Pennsylvania railroad Company the approximate distance being three tenths (3/10) of a mile"-----

The Viewers have appointed Friday, the fifth day of September, 1930, at two o'clock P. M. as the time, and the crossing of said Mapleton Branch No. 1 of the Pennsylvania Railroad as above stated, as the place of meeting of the viewers.

The public hearing in the premises will be held in the Arbitration Room of the Court House at Clearfield, Pa., on Monday, Sept. 8, 1930, at ten o'clock A. M., at which times and places you may attend if you desire.

Aug. 26, 1930.

Emmett Borse

Ed Biceatto

Jack Michaels

Viewers.

Now, August 26, 1930, service of the above notice given by copy and service thereof for the Commissioners of Clearfield County, is hereby accepted.

L. C. Morris

Clerk

Now, August 26, 1930, service of the above notice given by copy and service thereof for the Supervisors of Decatur Township, is hereby accepted.

Rollinson & Sullivan

Solicitors.

No. 5 Sept Term 1930

ORDER TO VACATE

To view and vacate road situate

in the Township of Decatur

Clearfield County.

Now Dec Sessions 1930

read and confirmed Ni. Si.

By the Court

W. H. Henry
Now Dec Sessions 1931

confirmed absolute.

By the Court

W. H. Henry
P. J.

Filed _____ 19__

Atty. _____

Fees \$1.25 paid by _____

Bell, O'Laughlin &
Silberblatt, Attys.

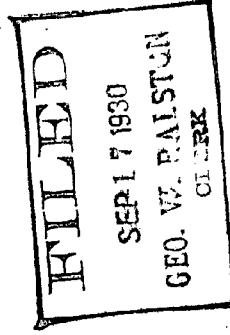
NOTE.—In case of a private road, the released must be executed in favor of the petitioner for said road.

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
Ed. Billotte	4	100	\$35.00
J. S. Micheal	2	170	\$23.50
F. G. Boose	4	236	\$41.80



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:~~

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

Witness our hands and seals this eleventh day of September, A. D. 19 30

 [SEAL.]

 [SEAL.]

 [SEAL.]

Viewers.

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 Decatur, 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

fifth day of September, A. D. 1930, 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 eighth day of September A. D., 19 , at 10.00 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 the Supervisors of Decatur Township and also Allen Smiley and Frank Washick, owners of lands abutting the proposed vacation.

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 eighth day of September, A. D. 19 30, when the parties interested in the said road were in attendance: the Supervisors of Decatur Township and with them, Singleton Bell Esq., of the law firm of Bell, O'Laughlin & Silberblatt, counsel of Record for the Supervisors of Decatur Township;

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has , become useless, inconvenient and burdensome to Decatur Township and that there is no necessity for maintainance of the same as a public road, but that it would be a convenience for the landowners abutting it, and the landowners in attendance at the view expressed a desire that the same might be a private road for their convenience. The Viewers do therefore respectfully recommend to the Court that the said piece of public road described in the foregoing Order and shown upon the map attached hereto, be made by appropriate order of this Court, a private road of a width of twenty-five feet for the use and benefit of the owners of lands through which it passes, to be maintained and used as private roads are now maintained and used, as is provided for in the Act of Assembly approved the 17th day of April, 1929, P.L. 530.

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 **25th** day of **August** in the year of our Lord, one
thousand nine hundred and **thirty**

By the Honorable **A. R. CHASE** ^{Supervisors}
~~Superior~~ President Judge of the said Court: Upon the petition of ~~said~~

~~inhabitants~~ of the Township of **Decatur**, in the County aforesaid setting forth that ..the....

~~Comth. of Penna. acting by the State Highway Department have caused to be constructed a concrete highway leading from Chester Hill in Clearfield Co. to the Boro. of Osceola. That the Public Service Commission of Penna. has directed that the said road be blocked at two crossings. These crossings are on the Penna. RR known as the Mapleton Branch and one crossing known as Branch No 1. and one crossing known as Branch No. 2. That by reason of said blocking of said highway it is impossible to use the old road between said point. BEGINNING at a point on the macadam highway and former route No. 57 of the State Highway System~~

~~of Pennsylvania at the crossing of said route by Mapleton Branch No.1 of the Pennsylvania Railroad then proceeding in the direction of Philipsburg along said macadam highway several courses and distances to a certain railroad crossing being the crossing of the Mapleton Branch No. 2 of the Pennsylvania railroad Company the approximate distance being three tenths (3/10) of a mile~~

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 **E.G.Boose, Esq. Ed Billotte and**

Jack Michalee 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 H. Ralston

Clerk.

the State highway System of Pennsylvania at the crossing of said route by Mapleton Branch No. 1 of the Pennsylvania Railroad then proceeding in the direction of Philipsburg along said macadam highway several courses and distances to a certain railroad crossing being the crossing of the Mapleton Branch No. 2 of the Pennsylvania Railroad Company the approximate distance being three tenths (3/10) of a mile.

WHEREFORE your petitioners pray that viewers be appointed to pass on and report to your Honorable Court the necessity of said vacation and that said vacation be ordered and such other things as are authorized by the Acts of Assembly in such cases made and provided.

El Higfield and
Charles W. Kizer
Thomas Kerfoot

STATE OF PENNSYLVANIA:
: SS
COUNTY OF CLEARFIELD :

Before me the subscriber hereto came, Herbert
Wigfield, President of the Board of Supervisors of
Decatur Township, who being duly sworn according to law,
deposes and says that the facts set forth in the within
petition are true and correct.

Sworn and subscribed to
before me this 11th
day of August A. D. 1930.

H. Wigfield *pres*

Geo. H. Ralston
clerk

Now August 1930, the
within petition having been read and considered,

are appointed viewers to view said road, take testimony
and report to the Court.

By the Court.

5

THE COURT OF COMMONS

Now August 25th 1880

E. H. Bone Esq, Esq. Little,
and Jack M. Muelers are
appointed referees to
hear and report.

By the court
J. H. Muelers


RECEIVED
AUG 25 1880
GEO. W. WALSTON
CLERK

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,

In Re Vacation of Public : Order of Court Enlarging
Road in Decatur Township, : and Extending Powers of
Of Sept. Term, 1930, : Viewers.
Number 5.

Now, September 1, 1930, it having been brought to the attention of the Court that the Order to View was not issued until August 25, 1930 and it being manifest that the Viewers could not view and make report to the first Monday of September Term of 1930, therefore upon motion of E. G. Boose Esq., one of the Viewers on this day at Bar, it is hereby ordered and decreed that the powers of the Viewers in this case be enlarged and extended and that the Viewers view and make report to the first Monday of December Term of 1930.

By the Court


-----P:J.

185 Sept - Dec 1834
Quaker Mission Court

A Vacation of
Business next in
Vacation Sunday

Order of Court —
relating to Prisons

FILED
SEP 1 - 1830
GEO. W. RALSTON
CLERK

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