

DOCKET No. 6

Number	Term	Year
6	May ss	1932

Petition to vacate road in Girard
Township.

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN 'A.

IN RE:

VACATION OF ROAD IN GIRARD TOWNSHIP.) No. 6 May Session 1932.

) *Road Docket*

TO THE HONORABLE A. R. CHASE, P. J.,

Your petitioner respectfully represents:

FIRST: That a road beginning at the property of Alfonso Renaud and passing from thence through lands of Edwin Merritt, Simon Royer, Ernest Renaud and the estate of _____ Seifert for a distance of approximately three-fourths of a mile and ending near the property of Edward Merritt in said Township, has long been an established Township Road.

SECOND: That a petition was filed March 22nd, 1932 to have said road vacated.

THIRD: That the viewers viewed the premises and after the hearing held that the road has not become useless and burdensome as set forth in the petition, but found that it should be a private road.

FOURTH: That Ernest Renaud has a farmhouse and eleven (11) acres of land located along this road; Mrs. Mary Seifert has approximately sixty (60) acres of land and Simon Royer, a house and lot. These three people ~~all~~ live along this road and this road has been maintained as a Township road over thirty (30) years and these were the only people that ever lived in this neighborhood.

FIFTH: That all these people pay a road tax and that when the road was first built and made a Township road it was so made by the public authorities for accomodation of the people above named. These people are still in existence and still need the road.

SIXTH: Governor Pinchot by his road program has taken over one third of the Township Roads in Pennsylvania, and have relieved the Townships of all responsibility of said roads.

SEVENTH: That only two (2) Supervisors signed the petition for vacation and there were no other persons or citizens signed said petition.

EIGHTH: The petition was defective in that it did not describe definitely the termini of the road to be vacated and it only pretended to give jurisdiction to the viewers to determine whether the road had become useless, inconvenient and burdensome and the viewers had found against these facts.

The petition nowhere set forth facts to give jurisdiction to lay out a private road. The petition otherwise was not drawn up according to law governing private roads.

NINTH: The Report of the Commission was not legally drawn up nor were any facts found that would justify a private road. The proceedings were not prosecuted according to the Act of Assembly governing said cases.

WHEREFORE, we pray the learned Court to vacate the order of the viewers and restore the road to a Public road.

Charles Renaud

STATE OF PENNSYLVANIA)
) SS:
COUNTY OF CLEARFIELD)

Personally appeared before me the subscriber,
Charles Renaud, who after being duly sworn according to law, deposes and says that the facts set forth in foregoing petition are true and correct.

Sworn and subscribed before me
this 24th day of May, A. D. 1932.

Charles Renaud

W. R. Gallagher
Prothonotary

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

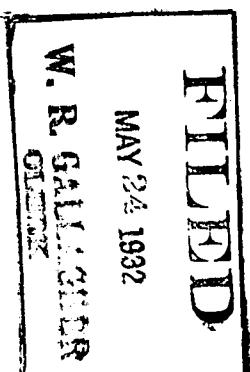
NO. 6 May Sessions 1932.

Road Docket.

IN RE:

vacation of Township road
in Girard Township.

EXCEPTIONS TO VIEWERS REPORT.



Carl A. Belin,
Attorney at Law,
Clearfield, Pa.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

Re: Vacation of Township
Road in Girard Township)

No. 6

May ss
February Term 1932.

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

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

1st. That a road beginning at the property of Alfonso Renaud and passing from thence through lands of Edwin Merritt, Simon Royer, Ernest Renaud and the estate of _____ Seifert for a distance of approximately three-fourths of a mile and ending near the property of Edward Merritt in said Township, has long been an established Township road.

2nd. That said portion of Township road has become useless, inconvenient and burdensome to the Township of Girard and the citizens thereof.

Wherefore your petitioners pray your Honorable Court that viewers be appointed to inspect said road and report to Court recommendations relative to the vacation of same, agreeably to the Acts of Assembly in such case made and provided.

And they will ever pray, etc.

Isaac Boudou

Paul Smith

Supervisors of the Township of
Girard

STATE OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Before me, the Subscriber, E.D. Billotte J.P.
personally came Harry Smith, Secretary of the Board of
Supervisors of Girard Township, who being duly sworn according to
law, says that the facts set forth in the within petition are
true to the best of his knowledge and belief.

Sworn and subscribed before me)
this 23 day of February)
A.D. 1932.)

Harry Smith

E.D. Billotte
justice of the peace

E. D. BILLOTTE, Justice of the Peace
Lettuce Mills, Pa.

My commission expires Jan. 2, 1936

ORDER OF COURT

Now, February 1932, the within petition having been read and
considered, , and
, are appointed Viewers to inspect said premises
and report to the Court.

By the Court

PJ

6.

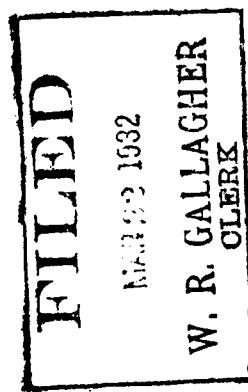
IN THE COURT OF COMMON PLEAS
OF THE STATE OF PENNSYLVANIA.

On. 6 May 1932

At the request of the State of Pennsylvania
in the above cause, the following

Now, March 22, 1932,
Earl G. Booze, Harry Reese and
H. P. Dowler are appointed
viewers to view and report.

By the Court
A. M. Chase
P. J.



U. S. C. O. - O. I. C. J.
APR 22 1932
CLERK OF COURT

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 ninth day of April, A. D. 1932, 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 13th day of April, A. D., 1932, at 11.00 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 Paul Smith and Isaac Condon, the Supervisors of Girard Township, and Mr. Renaud, one of the abutting land owners. The View was on Saturday, April 9th, 1932, at 2.30 o'clock, continued until Monday, Apr. 11th, 1932, at 2.30 o'clock P. M., by the Viewers; they being unable to reach the road to view at the first appointed hour. Notice of the continuance was duly noted on the public notices.

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 13th day of April, , A. D. 1932, when the parties interested in the said road were in attendance: Messrs Paul Smith and Isaac Condon, Supervisors of Girard Township, and with them, John C. Forsythe Esq., their counsel, appearing for the vacation. Opposed to the vacation were Messrs Renaud, Simon Rover and other citizens of Girard township, living in the vicinity of the road.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome to the Township of Girard; the road not being of general use to the traveling public. It appearing to the Viewers however that the road is in some measure a convenience to the abutting landowners, the Viewers do hereby recommend that the Court make an order constituting the road so described a private road for the use and convenience of the abutting landowners, as is in such case, by the Act of Assembly made and provided.

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 22nd day of March in the year of our Lord, one thousand nine hundred and thirty two

A. R. CHASE
By the Honorable ~~Sixtus~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Girard, in the County aforesaid setting forth that
a road beginning at the property of Alfonso Renaud and passing from thence through lands of Edwin Merritt, Simon Royer, Ernest Renaud and the estate of Seifert for a distance of approximately three fourths of a mile and ending near the property of Edward Merritt in said township has long been an established township road.

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 EARL G. BOOSE Esq.

Harry Reese and H. P. Dwyer 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.

W. R. Gallagher
Clerk.

No. 6 May Term 19 32

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.

	Days	Miles	Amt
Carl G. Boosie	1	89	\$14.46
Harry Rasse	1	45	9.60
H. P. Fowler	0	16	\$0.80

To view and vacate road situate in the Township of GIRARD

Clearfield County.

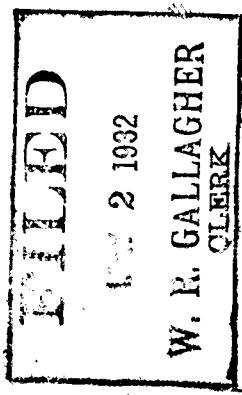
Now May Sessions 1932

read and confirmed Ni. Si.

By the Cou.
J. P. Bohne
Sessions 1932

confirmed absolute.

By the Court



Filed May 2 1932

Atty, John C. Forsyth

Fees \$1.25 paid by

*Note ex parte for
parties interested to
see on arrangement
Carl A. Belin attorney*

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 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. The Viewers being of the opinion that no one will suffer any damage by the making of said public road a private road, they have awarded no damages.

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 April, A. D. 19 32

Earl Wooray

..... [SEAL.]

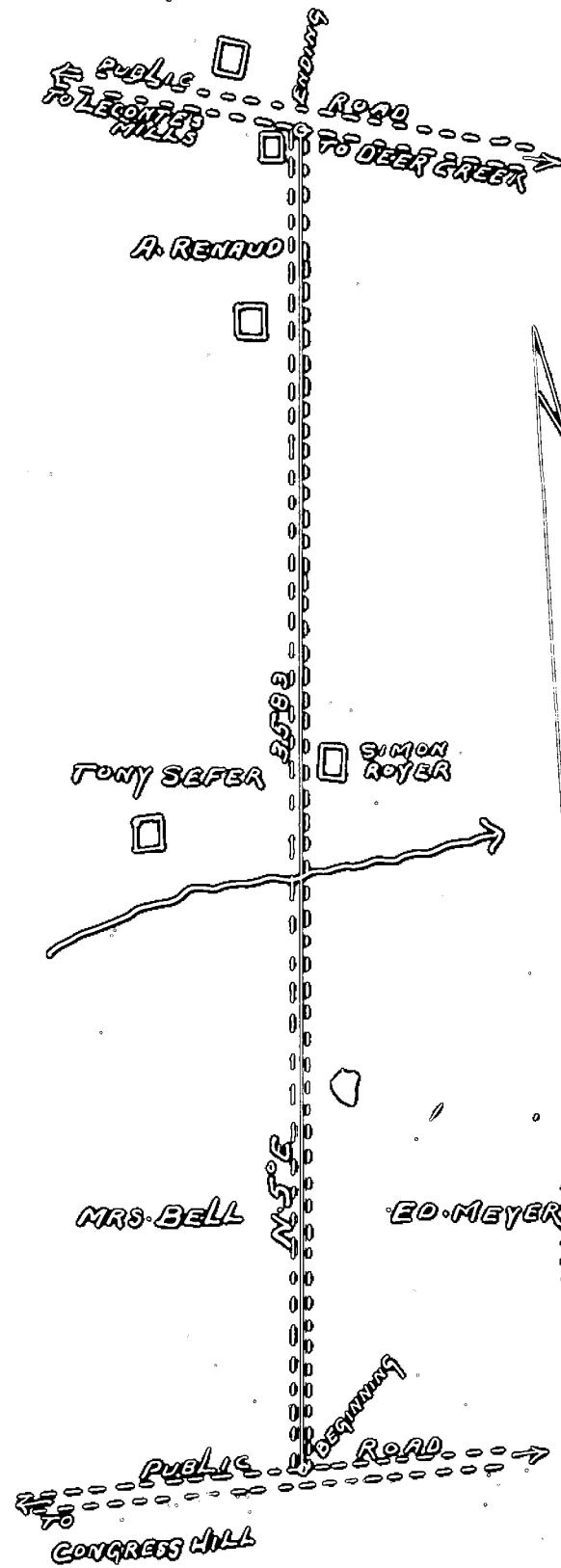
A. A. Reed

..... [SEAL.]

H. H. Bowler

..... [SEAL.]

Viewers.



No. 6 MAY 1932
Public Road in Giffordtown, PA
Columbia County PA
Viewed and Traced April 1932
By Earl G. Boose Esq.
H. P. D. owner

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

In Re; Vacation of public road : Of May Term, 1932,
in Girard Township. : No. 6.

To the Supervisors of Girard Township and the Commissioners
of Clearfield County;

You and each of you will please take notice that the undersigned
have been appointed by the Court as Viewers to view and vacate a
certain public road in Girard Township aforesaid, which said road
in the petition is described as "beginning at the property of Alfonso
Renaud and passing from thence through lands of Edwin Merritt, Simon
Royer, Ernest Renaud and the estate of -----Seifert for a dis-
tance of approximately three fourths of a mile and ending near the
property of Edward Merritt".

The Viewers have appointed Saturday ----- the 9th day of
April, 1932, at 2.30 o'clock P.M., as the time for making the
view. Viewers will meet for that purpose at the house of -----
Alphonso Renaud ----- in said Girard Township for the purpose;
and will hold the public hearing in the matter as required by the
law and the Rules of this Court, on Wednesday the 13th day of
April, 1932, at 11.00 o'clock A.M., in the Grand Jury Room
of the Court House at Clearfield, Pa., at which time and place all
parties in interest may attend and will be heard.

Carl Morris
Harry Rees
H. J. Dowler

Apr. 2, 1932.

Viewers.

Now the 2nd day of April, 1932, notice given and copy delivered
and service thereof is accepted for the Supervisors of Girard
Township.

J. H. Conroy
Solicitor

Now, Apr. 2, 1932, notice given and copy delivered and service
is accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk.

R O A D V I E W E R S ' N O T I C E

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate a certain public road beginning at the property of Alphonso Renaud and passing from thence through lands of Edwin Merritt, Simon Royer, Earnest Renaud and the estate of Seifert for a distance of approximately three fourths of a mile, in the Township of Girard, Clearfield County, Pennsylvania, will meet at House of Alphonso Renaud in said Girard Township on SATURDAY, the 9th day of April, 1932 at 2:30 o'clock P.M. to attend the duty assigned them, of which time and place all parties interested will hereby take notice.

The public hearing in the matter required by the Act of Assembly and the rules of this Court, to be held by the Viewers, will be held in the Grand Jury Room of the Court House at Clearfield, Pa. on Wednesday the 13th day of April, 1932, at 11:00 o'clock A.M. where all parties in interest may attend and be heard.

*The view in this case will be
continued until Monday the
11th day of April, 1932, at 2:30
o'clock P.M.*

Earl G. Boose

Harry Reese

H. P. Dowler

April 2, 1932.

Viewers