

#1, December Sessions, 1947.

IN RE:

PROPOSED ROAD IN  
JACKSON TOWNSHIP, CAMERIA  
COUNTY, PENNSYLVANIA.

OPINION AND DECREE OF COURT  
RECOMMITTING REPORT OF RE-  
VIEWERS TO SAID REVIEWERS.

*Filed 8-20-47*

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

IN RE:

No. 1, December Sessions, 1947.

PROPOSED ROAD IN  
JACKSON TOWNSHIP, CAMBERIA  
COUNTY, PENNSYLVANIA.

OPINION AND DECREE OF COURT RE-  
COMMITTING REPORT OF REVIEWERS TO  
SAID REVIEWERS.

For Petitioners: Hasson & Hasson, Esqs.

For Respondent: Harry E. Simmons, Esq.

BEFORE HON. JOHN H. McCANN, P.J., HON. IVAN J. McKENRICK,  
J., and HON. GEORGE W. GRIFFITH, J.

GRIFFITH, J.:

A petition was filed by citizens of Jackson Township suggesting the necessity of a public road to begin on Township Route No. 437 at a point 1522 feet west of the Nanty-Glo Borough line and ending on U. S. Route No. 22 at a point 2130 feet eastward from its intersection with Township Route No. 428 and 4238 feet westward from Mundy's Corner.

In accordance with the prayer of said petition, viewers were appointed and reported that the road between the termini set forth in the petition was necessary, and accordingly laid out a road between said termini.

Exceptions were filed to the report of viewers by the Supervisors of Jackson Township, who afterwards, however, filed a petition for a review, to which they were entitled as a matter of right. The reviewers made their report, in which they approved the report of the viewers, but recommended the building of but 1328 feet of the road on the one end and 1383 feet on the other end, "leaving a balance of 2312 feet to be built when it becomes necessary." Exceptions were filed by the original petitioners to the report of the reviewers, and we have before us the disposition of these exceptions.

We do not believe it is necessary at this time to dis-

cuss the merits of the exceptions filed by the Supervisors to the viewers' report or by the original petitioners for view to the reviewers' report, except to say that the report of the reviewers may not be approved in its present form. The court may not condition its approval by ordering only a part of the road petitioned for to be opened and defer the opening of the other part until further order. After a public road has been laid out, the duty of the Supervisors to open and maintain it begins immediately: Benzinger Township Road, 115 Pa. 436. The exceptions in this respect being well-founded, the court may either set the report aside or recommit it to the same viewers for the correction of the defects: 14 Stand. Pa. Prac. 385; Mondelli v. Bucks County, 8 D. & C. 356; Gianini's Petition, 23 Westmoreland 165; In Re Braddock Avenue, 66 P. L. J. 769.

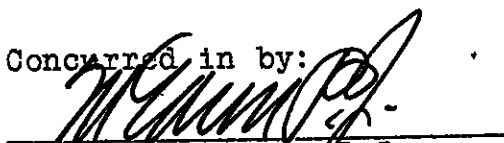
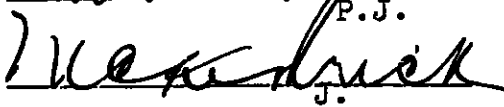
Since two views have already been had, we see no necessity for ordering a re-review, and we shall therefore recommit the proceedings to the same reviewers, cautioning them to carefully examine the exceptions filed by the Supervisors' to the report of the viewers and by the petitioners to the report of the reviewers. We, therefore, make the following

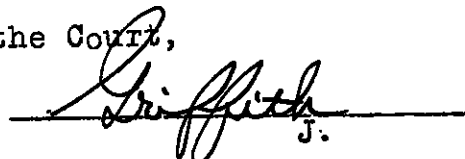
DECREE:

And now, August 19<sup>th</sup>, 1947, after argument and upon due consideration, it is ordered and decreed that the report of the reviewers, be recommitted to said reviewers, viz., W. J. McGrain, S. H. Jenks and Robert G. Mayer, with direction to make further report in conformity with this opinion and file such supplemental report within thirty days from date, at which time either party may file exceptions sec. leg.

By the Court,

Concurred in by:

  
P.J.  


  
J.

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

IN RE:

No. 1, December Sessions, 1947.

PROPOSED ROAD IN  
JACKSON TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA.

OPINION AND DECREE OF COURT RE-  
COMMITTING REPORT OF REVIEWERS TO  
SAID REVIEWERS.

For Petitioners: Hasson & Hasson, Esqs.

For Respondent: Harry E. Simmons, Esq.

BEFORE HON. JOHN H. McCANN, P.J., HON. IVAN J. MCKENRICK,  
J., and HON. GEORGE W. GRIFFITH, J.

GRIFFITH, J.:

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DECREE:

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By the Court,

Concurred in by:

McCann,

P.J.

McKenrick,

J.

CERTIFIED on this,

Griffith, the 20<sup>th</sup> day of Aug

A. D., 1947

J. Jean Joy  
Clerk of Courts

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

IN RE:

PROPOSED ROAD IN  
JACKSON TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA

NO.1 DECEMBER SESSIONS 1947

OPINION AND DECREE BY COURT  
RECOMMITTING REPORT OF REVIEWERS  
TO SAID REVIEWERS

D E C R E E

And now, September 17, 1947, the order heretofore made, dated August 19th, 1947 recommitting the within matter to the reviewers with direction to file a supplemental report within thirty days from that date is hereby modified so that the reviewers are directed to file such supplemental report within thirty days from the date of this order.

BY THE COURT

Griffith J.

Filed 9-17-47