

TOWNSHIP ROADS, OPENING AND VACATING
Act of Jul. 2, 1901, P.L. 607, No. 303
AN ACT

Cl. 73

To provide for reviewing the proceedings of township road commissioners in laying out, opening and vacating roads.

Section 1. Be it enacted, &c., That whenever the road commissioners of any township are by law invested with the authority and power to lay out, open, or vacate public or private roads in their respective townships, or, in case of appeal, road commissioners from other townships than that in which the road lies, and no appeal to any court is otherwise provided for, it shall be lawful for, and the duty of, the court of common pleas of the respective counties to issue writ, in the nature of a writ of certiorari, directed to the commissioners of the township in which the road lies, and to the town clerk having in charge the record of such road, commanding that a certified copy of the record and all the proceedings had in the matter of laying out or vacating any road shall be forthwith sent to the said court, under the hand and seal of the said town clerk; and the said court may examine the same as to the regularity of the proceedings had, and the jurisdiction of the road commissioners, either of the township in which the road lies, or from other townships, in case an appeal has been had; and if such proceedings are contrary to law, or if the return made to the town by the road commissioners, either in laying out or vacating a road is not according to law, or if the road commissioners are for any reason without jurisdiction, or for any reason incapacitated to act in the particular case, the said court shall set the said proceedings aside, either in whole or in part, and such proceedings shall then be void and of no effect so far as set aside. An appeal shall lie from the order of the court, either in confirming the proceedings or setting them aside, as in other cases. And in case the regularity of the proceedings be sustained by the court, a jury trial may be held in said court, to determine all questions of fact involved, with the right to either party to enter exceptions and appeal as in other cases.

(1 amended Jun. 9, 1911, P.L.742, No.309 and repealed in part Jun. 3, 1971, P.L.118, No.6)

Section 2. The court shall provide by appropriate rules the manner of issuing such certiorari, the practice to be followed in disposing of the same, and shall direct who shall pay the costs of the proceeding of the certiorari.

Section 3. The writ of certiorari issued in pursuance of this act shall be a supersedeas, but no such writ shall issue after thirty days after the report of the road commissioners, of the township in which the road lies, or the report of the road commissioners of other townships in case of an appeal, has been filed with the town clerk.