

No.

10. Sep⁸⁸

Term, 188

91

Vacate Road

~~COMMONWEALTH~~

~~versus~~

in

Boggs Prop.

Contents:

X

No 10 Sept. Sem. 1891

Remonstrance against
the vacation of a Public
Road in Morris Sp.
from Laurel Run
School House
to
Line of Morris Sp.

Submitted to the No 10
Sept. Sem. 1891.

Dec 12 Dec 1891

M Eppm

Wallaceton November 25th 1891

To the Honorable Judge of the Court of
Quarter sessions of the Peace in and for the
county of Clearfield.

The petitioners of the undersigned inhabitants
of the Townships of Morris and Pogg in
said county, respectfully beg leave to
show by a piece of a road running
from Laurelrun Shoolhouse to line of
Morris Township is highly necessary and
useful and ought not to be vacated
as it would be inconvenient to the inhabitants
along said road it has ^{been} existence for
over 30 Years and is travelt by good
many persons with buggys and Wayons
said piece of this road gives us an advantage
of 6 miles going and coming from the mill
also the same going to Phillipsburg or Blue
Ball and the petitioners sincerely hope
that the Honorable Court will not
Grant an order to vacate said piece
of road and Your petitioners will
forever pray

Names

Blake Gray
John W. Gray
James H. Gray
John L. Cole
James D. Miller
James K. Kussner

Names

David Gray
Alex McFarish
Richard K. Kipl
Bonifare Mignot
H. Y. Shannon

Thine Halobangh
Wm M Gray

John M. Kins
D J Miller

George Kins
1907

William S Ross
James Thirl C
Edward Shinnel

No. 1 Dec Sess 1891

Petition to vacate Pub-
lic Road in Boggs
Township, leading from
a point on the State
Road at or near
the residence of Joel
Dwyer, and ending
at a point in Public
Road leading from
Wallaceton to West Man-
sdale near at or
near the residence
of James McFarlane.

Sept 1891, Harry Beyer, David
Meese and Frank Birch, ap-
plicants.

By Mr. Court

Filed Sept 1891

M. E.

Attest
J. H. McNeill
Clerk

To the Honorable W L Kells President Judge
of the Court of Quarter Sessions of Cleaveland
County -

The petition of the undersigned re-
spectfully represents - That a road has
long since been laid out in Boggs Town-
ship, said County, leading from a point
on the State road at or near the residence
of Joel Hixen and ending at a point on
the public road leading from Wallacetown
to New Mansfield Mines at or near the
residence of James McTavish, which
road your Relators conceive, is now
become useless, inconvenient and
burdensome and they therefore pray
Your Honor that the same may be va-
cated agreeably to the Act of Assembly
in such case made and provided -

And they will ever pray &c.

John Tovey
Daniel Richards
Isaac Bresh
Jacob Simeling
Uriah Boncamp
Geo W. Strickel
J. H. Fryer
D. D. Simms
W L Goss
Jesse Small
John Coffey
R. L. Coffey
D. J. Small
A. E. Small
H. E. Small

David H. Small
W W Small
James H. Small
Harris Small
Wm Small
A. S. Small
Jacob Small
Jno. McGartney
B. H. Crossgrove
J. L. Small
E. O. Small
A. R. Small
M. J. Small
Isaac Small
Wm Small

RELEASE OF DAMAGES.

Know all Men by these Presents, That we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes, and in consideration of the sum of ONE DOLLAR to us respectively paid by the _____ at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said _____ all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____ A. D. 189 .

Seal.

Seal.

Seal.

Seal.

ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows :

To _____ the sum of _____

To _____ the sum of _____

To _____ the sum of _____

Witness our hands this _____ day of _____, A. D. 189 .

Clearfield County, ss.

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the

day of Sept, A. D. 1891, before

Judge of said Court, upon a petition of sundry

inhabitants of the township of Boggs

, in said county, setting forth that

a road has long since been laid out in Boggs Twp in said County leading from a point in the State road at or near the residence of Joel Dixon and ending at a point in the public road leading from Hallacetown to New Morrisdale mines at or near the residence of James McFarish which road your petitioners conceive has now become useless inconvenient and burdensome

and therefore praying the Court to appoint proper persons to view and ^{vacate} ~~lay out~~ the same according to law, ~~and make report to the Court~~ whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Byers David Meas & Frank Bush who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said ^{Vacation} ~~road~~, and if they view the same and any two of the actual viewers agree that there is occasion for such ^{Vacation} ~~road~~ they shall proceed to ^{Vacate} ~~lay out~~ the same agreeable to the desire of the petitioners, ~~as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do the least injury to private property, and state particularly, whether they judge the same necessary for a PUBLIC or PRIVATE road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose lands said road may pass, or failing to procure such releases, shall assess the same, if any sustained,~~ and shall make report thereof to the next court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated lands through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

Amos

Clerk.

To The Honorable David L. Krebs President
Judge of The Court of Quarter Sessions of Clearfield
County, Pennsylvania, we the undersigned viewers
appointed by The within order of court to view
and vacate the road therein mentioned respect-
fully report: that we gave good and lawful no-
tice of said road view and met a quorum
thereto on November 14 A.D. 1891 the undersigned
Frank Bush and Harry Byers being present
and having been first severally sworn or
affirmed we have viewed and vacated the
following road to wit: Beginning at a point
on old State road near Residence of Joel Dixon
(Now Daniel Richards) thence through land of said
Daniel Richards South Eighty six degrees ten min-
utes East ninety four and six tenth perches thence
South Seventy five degrees East seventy and five
tenth perches, North seventy three and one half
degrees East twenty nine perches, North sixty
eight and one fourth degrees East fifty
two and one half perches, thence South eighty
one degrees East twenty two perches to Wm
Quick's line also line of Morris Trp. thence
through land of said Wm Quick in Morris Trp
South fifty five and one fourth degrees East
thirty four perches to road leading from Wallace-
ton to New Morrisdale near residence of James
Mc Tavish, a plot or draft of which road as
viewed aforesaid is herewith annexed showing
Courses and distances, which road has
in our opinion become useless inconve-
nient and burdensome and should therefore
be vacated, Witness our hands this fourteenth
day of November A.D. 1891

Viewers { F.D. Bush
Harry Byers

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 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	Amount
Harry Burr	1	
(Cut # 999)	Miles 13	\$ 5.30
Frank Bush	1	
(Cut # 1001)	Miles 6	\$ 2.60
John Turocy	1	
(claim)	Miles	\$ 1.50
(Cut # 1002)	Days	
	Miles	
	Days	
	Miles	

NO. 10-SEP SESSIONS, 1891.

ORDER

and ~~vacate~~ vacate

To view ~~and vacate~~ a road for

use in the township of

Boggs, Clearfield Co.

See Sessions 1891,

read and confirmed Ni. Si.

Road to be opened 33 feet wide,

except where there is side hill,

cutting or embankment and

bridging, there to be 16 feet

wide.

By the Court

Exceptions filed

Dec 14, 1891

See Jan 1893 Session Minutes

Per McCourt

Filed 21 Nov; 1891.

Fees \$1, paid by J. Turocy

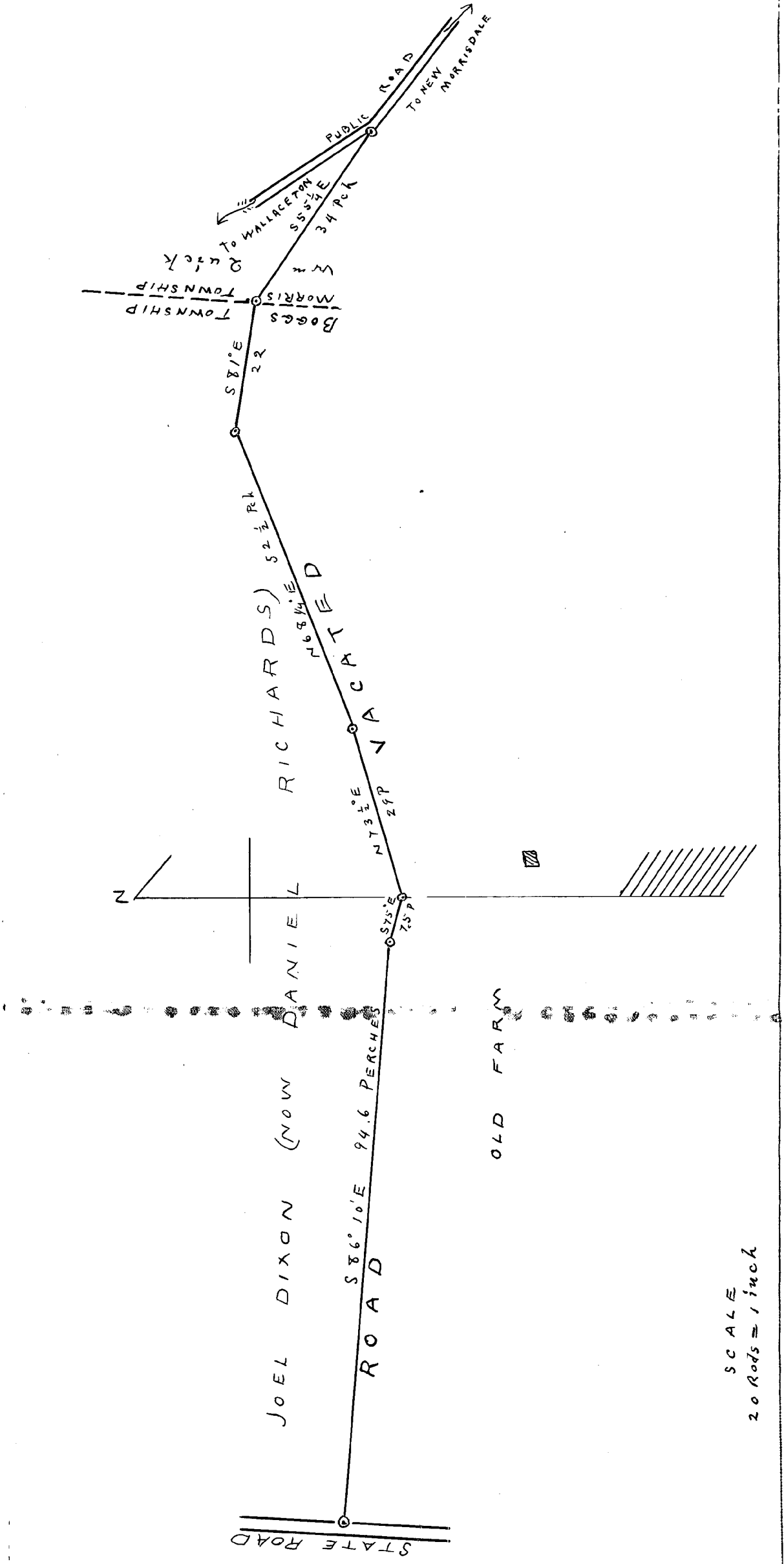
PUBLIC SPIRIT PRINT.

M 98

Dec. 14th. 1891 David Gray and other respondents by their
 Attorney Mr. Donnelly Mr. Donnelly file with them a
 the confirmation of the Report and to the
 vacation of the road shown marked, etc.?
 1. - David shows one of the reasons did not view
 the road & the vacated nor act in any way as owner,
 only but was owner or owner or not.
 2. Frank Bush appears & shows been appointed,
 while F. D. Bush appears & shows act as a
 owner, who does not appear & show been appointed,
 and it does not appear that he and Frank Bush
 are the same person.
 3. - The road to be vacated in part of it in Adams
 township: while the Petition and order make
 it represent the road to be vacated as being in Boggs
 township.
 4. The road is not vacated, but is vacated and vacated
 for the accommodation of the people, and that not
 the vacated.
 5. The Report does not show that the proper notice
 was given of the view.

Respondents file Report 1891

McDonnelly Mr. Donnelly
 attorney for respondents



SCALE
20 Rods = 1 inch