

No. 3 September SS 1918

COMMONWEALTH

vs

Private Road in Boggs Township

Charge

JOHN C. ARNOLD,
District Attorn

(5)

In the Court of Quarter Sessions of Clearfield County,
In the Matter of the Vacation of a Private Road in Boggs
Township.

PETITION OF GEORGE KANOUFF.

To the Honorable Singleton Bell, President Judge of said Court:

The petition of George Kanouff would respectfully represent: that he resides in the township of Boggs, County of Clearfield, and State of Pennsylvania; That a private road has been long since laid out on petition of your petitioner by proceedings entered to No. 3 December Sessions, 1904, in the said Court of Quarter Sessions, reference being had thereto; that said private road was laid out for the convenience of your petitioner and leading from his plantation in said township of Boggs to the public road leading from Laurel Run School House to the pike or public road leading from Philipsburg to Cummansville. That the portion of said private road extending through the property of one John Meas, in said township your petitioner conceives has become useless, inconvenient and burdensome; that the said portion of said private road runs through swampy ground and is impossible to keep in repair, and the whole expense of keeping the same in repair falls upon your petitioner, and he could get out from his said private road in a much more convenient and less expensive way; that the said private road was opened by the court, after view had, at December Sessions, 1904, reference being had to said proceedings.

Your petitioner therefore prays that said portion of said private road may be vacated, agreeably to the Act of Assembly in such case, made and provided.

And he will ever pray, etc.

Geo Kanouff

Petitioner.

Clearfield County, SS:

Before me the undersigned personally appeared the abovenamed George Kanouff, who being duly sworn according to law, deposes and says that he is the above named petitioner, and that the facts stated in the foregoing petition are true and correct to the best of his knowledge, information, and belief.

Sworn to and subscribed before me
this 17th day of July, A.D. 1918.

Geo Kanouff

William L. Europe

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In the Matter of Vacating private Road in Boggs Township.

KNOW ALL MEN BY THESE PRESENTS, That we George Kanouff, Jacob Peters and John Hummel

all of said Clearfield County, and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, for the use of the parties interested, in the sum of One Hundred Dollars, to be paid to the said Commonwealth, her certain attorneys or assigns, to which payment well and truly to be made, we do bind ourselves, our and each of our, heirs, executors, and administrators, firmly by these presents.

Sealed with our seals and dated this 18th. day of July, one thousand nine hundred and eighteen.

WHEREAS, the above bounden George Kanouff has presented to the said Court his petition to vacate a certain private road, therein described, situate in the township of Boggs, County of Clearfield, and State of Pennsylvania,

NOW THE CONDITION OF THIS OBLIGATION is such that if the said George Kanouff shall pay all the costs and expenses of the said proceeding which he shall be adjudged by said Court legally liable to pay, then this obligation shall be void, or else to be and remain in full force and virtue.

Signed, sealed, and delivered
in presence of

Geo Kanouff (seal)

Jacob Peters (seal)

John Hummel (seal)

No. Sept. SS., 1918

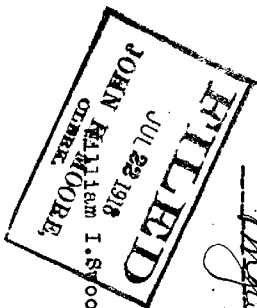
In the Matter of the Petition of George Kanouff to vacate portion of Private Road in Boggs Township.

PETITION FOR COSTS, AND
Order of Court.

Now July 23 1918
petition read and considered
whereupon
Attest: George Kanouff
James B. D. Phillips

are appointed viewers to view
and make report on the vacation of said private road. Returnable to Sept. 20, 1918
By the Court

August 7, 1918
W.



JOHN H. MOORE, Atty.

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the
County of Clearfield, held at Clearfield, Pa., in and
for said County, on the 22 day of
July 1904 in the year of our Lord
one thousand nine hundred eighteen

Judge of the same Court: Upon the petition of
Geo. Kanoff of the Township of Boggs

in said County, setting forth that a private road has long
since been laid out, entered to No. 3 Dec as 1904, leading from the petitioner
plantation to the public road leading from Laurel Run School House to the
Pike of Public road leading from Philipsburg to Curwensville, That the portion
of said road extending through the property of John Mease in said Township
has become burdensome to your petitioner, Your petitioner prays that said
portion of said private road may be vacated.

and therefore, praying the Court to appoint proper persons to view and
lay out the road between the points mentioned, whereupon the Court upon
due consideration had of the premises, do order and appoint from and
among the County Board of Viewers A. G. Kramer Esq, Harry Reese and
Ed. D. Billotte

who have been duly appointed by the Court and filed their oaths of office and
are duly qualified to perform the duties of their appointment with impartial-
ity and according to the best of their judgment, are to view the ~~said~~
~~proposed~~ for the said road, and if they view the same, and a majority of
the actual viewers agree that there is ~~no necessity~~ for such road, they shall
proceed to ~~vacate~~ the same, as agreeable to the desire of the petitioner as
may be, ~~having respect to the best ground for a road and the shortest dis-~~
~~tance, in such a manner as to do the least injury to private property; and~~
and shall make report thereof, stating particularly whether they judge the same
necessary for a public or private road, together with a plot or draft thereof,
and the courses and distances and references to the improvements through
which the same may pass; (and wherever practicable, the viewers shall lay
out the said road at an elevation not exceeding five degrees, except at the
crossing of ravines and streams, when by moderate filling and bridging the
declination of the road may be preserved within that limit,) to the next Court
of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public
road, they shall obtain from the persons through whose lands the said road
shall pass, releases from any damages that may arise to them on opening
the same; but if the owner or owners of such land refuse to release their
claim to damages, the said viewers shall assess the same, taking into view
the advantages as well as disadvantages arising from said location, and
make report of such assessments; which report they shall in like mann r
transmit to the next Court or 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 place where, they should meet; to view and
lay out said road, and the time and place of hearing

By order of the Court.

John A. Moore, Clerk.

RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

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 view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the parties concerned in said road and that three notices thereof were posted along the route of said

road, that the said view would be held on the 13th day of August

A. D. 1918, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield,

Pa., on the 14th day of August, 1918, at 10 o'clock A. M. That

the private viewers appointed by the said order viewed the said road, and that there were present at the view George Kanouff, John Mease, John

Cole and John W. Beach

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 14th day of August A. D. 1918, when the following appearances were noted: George Kanouff, John Mease, John Cole and John W Beach and Mrs John Cole.

After the view and hearing above mentioned, the undersigned, viewers, do agree that there is no occasion for a road laid out in accordance with the petition of George Kanouff and that part of it sought to be vacated being through low marchey ground and expensive to keep up and no longer needed by him the viewers are therefore of opinion that the same has as far as the petitioner is concerned therefore become useless inconvenient and burdensome to keep up and ought therefore to be vacated.

TO:- Jessie. E. Dale, H. H. Spencer and Austin Haney.
County Commissioners of Clearfield County, Penn'a.

You are hereby notified; that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Penn'a to view and vacate a portion of the private road of George Kanouff recently laid out in Boggs Township, from the plantation of the said George Kanouff, to the public road leading from the Laurel Run School House to the Pike or public road leading from Philipsburg to Curwensville.

The portion of said private road to be vacated, extending from dividing property line of John Mease and John Cole in Boggs Township to where said private road connects with the public road leading from the Laurel Run School House to the Pike or public road leading from Philipsburg to Curwensville, in Boggs Township in the County aforesaid, will meet where said private road connects with public road in Boggs Township on Tuesday the 13th day of August A. D. 1918 at 10.30 o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid you will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested in the said road a chance to be heard by them before the filing of their report in Court will be held in the Arbitration Room in the Court House in Clearfield Penn'a on Wednesday the 14th day of August A. D. 1918 at 10. o'clock A. M. when and where you may attend and be heard.

A. G. Kramer
H. A. Reese
E. D. Billotte
VIEWERS.

Now August 1st, 1918 service accepted of the above notice for the County Commissioners of Clearfield County Penn'a.

L. C. Morris
Clerk.

TO:- Mr. John. Cole: You are hereby notified
undersigned viewers appointed by the Court of Quarter Session Clearfield County Penn'a to view, and vacate a portion of the private road of George Kanouff recently laid out in Boggs Township, from the plantation of the said George Kanouff, to the public road leading from the Laurel Run School House to the Pike or public road leading from Philipsburg to Curwensville.

The portion of said private road to be vacated, extending from the dividing property line of John Mease and John Cole in Boggs Township to where said private road connects with the public road leading from the Laurel Run School House to the Pike or public road leading from Philipsburg to Curwensville in Boggs Township in the County aforesaid, will meet where said private road connects with public road in Boggs Township on Tuesday the 13th day of August A. D. 1918 at 10.30 o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid you will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested in the said road a chance to be heard by them before the filing of their report in Court will be held in the Arbitration Room in the Court House in Clearfield Penn'a on Wednesday the 14. day of August A. D. 1918 at 10, o'clock A. M. when and where if interested in said road you may attend and be heard.

A. G. Kramer

H. A. Reese

E. D. Billotte

VIEWERS.

Now August 6th 1918 served this notice on John Cole personally by handing him a true and correct copy of same.

Geo. Kanouff

To:- Mr. George, Kanouff. You are hereby notified. That the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Penn'a to view, and vacate a portion of the private road of George Kanouff, recently laid out in Boggs Township, from the plantation of the said George Kanouff, to the public road Leading from the Laurel Run School House to the Pike or public road, leading from Philipsburg to Curwensville.

The portion of said private road to be vacated, extending from the dividing property line of John Mease and John Cole in Boggs Township to where said private road connects with the public road, leading from the Laurel Run School House to the Pike or public road leading from Philipsburg to Curwensville in Boggs Township in the County aforesaid, will meet where said private road connects with public road in Boggs Township on Tuesday the 13th day of August A. D. 1918 at 10.30

o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid you will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested in the said road a chance to be heard by them before the filing of their report in Court will be held in the Arbitration Room in the Court House in Clearfield Penn'a on Wednesday the 14th day of August A. D. 1918 at 10, o'clock A. M. when and where you may attend and be heard.

A. G. Kramer

H. A. Reese

E. D. Billotte

VIEWSERS.

Now August 6 served this notice on me by copy and service of same accepted.

Geo Kanouff

TO:- Mr. John. Mease: You are hereby notified, That the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Penn'a, to view, and vacate a portion of the private road of George Kanouff recently laid out in Boggs Township, from the plantation of the said George Kanouff, to the public road leading from the Laurel Run School House to the Pike or public road, leading from Philipsburg to Curwensville.

The portion of said private road to be vacated, extending from the dividing property line of John Mease and John Cole in Boggs Township to where said private road connects with the public road leading from the Laurel Run School House to the Pike or public road leading from Philipsburg to Curwensville in Boggs Township in the County aforesaid, will meet where said private road connects with public road in Boggs Township on Tuesday the 13th day of August A. D. 1918 at 10.30 o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid you will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested in the said road a chance to be heard by them before the filing of their report in Court will be held in the Arbitration Room in the Court House in Clearfield Pa on wednesday the 14th day of August A. D. 1918 at 10. o'clock A. M. when and where if interested in said road you may attend and be heard.

A. G. Kramer
H. A. Rees
E. D. Billotte
VIEWERS.

Now August 6 1918 served this notice on John Mease personally by handing him a true and correct copy of same.

John Mease

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof.

The undersigned further report that in their opinion no one is damaged by vacating said road they therefore have assessed no damages.

The viewers further report that in their opinion no one is damaged by vacating said road they therefore have assessed no damages.

the following persons having refused to release the damages to which they respectively may be entitled by the reason of the location and opening 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 a copy of the notices.

WITNESS our hands and seals this 14th day of August

A. D. 1918

A. G. Kramer

H. A. Reese

E. B. Billotte



No. 3 Sept. Sessions, 19 10

ORDER

To view and vacate a road for Private use in the township of BOGGS Clearfield County

Sept. Session, 1910,

read and confirmed N. Si. ~~to be opened 33 feet~~ wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

Myrtle Court
Englewood Bell
Dec 88 1910
Attest Myrtle Court
Englewood Bell

Filed _____ 19 10

Fees \$1.25 paid by _____

W. I. Swoope Atty,

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 AM'T.
A. H. Kramer	3	30 1/2
N. A. Reed	3	42 1/2
E. D. Billotte	3	66 1/2

FILED
AUG 26 1910
JOHN H. MOORE,
CLERK.

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 for and in consideration of the sum of one-dollar to us respectively paid by

_____ at and before the ensembling and delivery hereof, have remitted, 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. 1910

SEAL
SEAL
SEAL
SEAL