

No. 3 May SS 19 20

COMMONWEALTH

VS

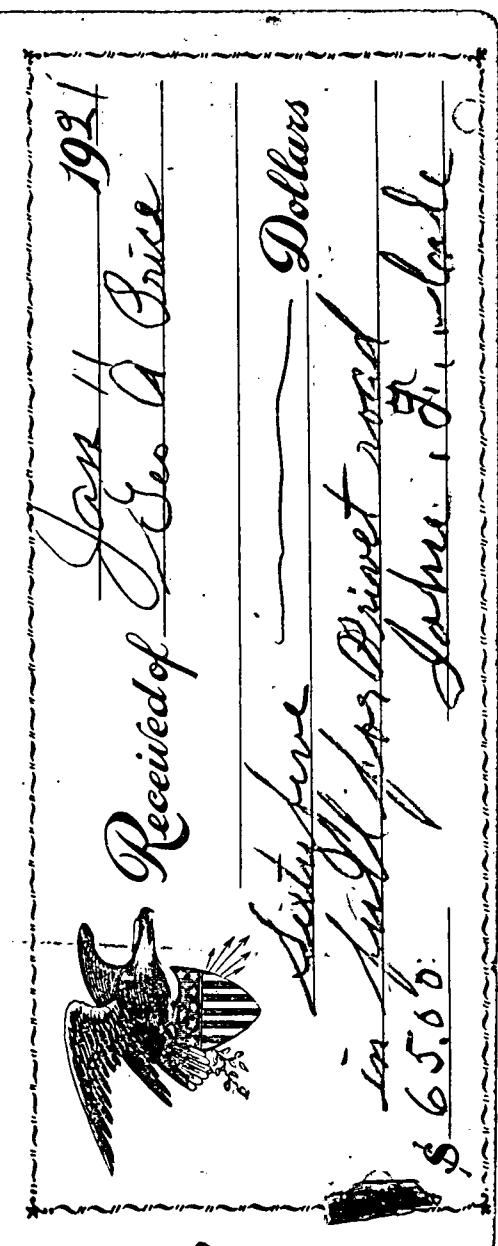
Petition for Private Road in

Boggs Township, Clearfield

County

Charge

JOHN C. ARNOLD,
District Attorney



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In Re Private Road in Boggs :

:
Township, Clearfield Co. Pa.:

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

The petition of George A. Price, respectfully represents;

That he labors under great inconvenience for want of a public road to lead from the intersection of a reserved and private road with the line dividing the property of the Jessie Smeal estate from the property of Oscar Hoover and George Mauk, which point of intersection is five hundred fifty (550) feet, more or less, south of the right of way of the Pennsylvania Railroad, Tyrone Branch, the exact point being indicated on the ground by a road or way now lying and marked thereon, which private road petitioned for herein, to lead to a point on a public highway known as the State highway leading from the town of Blue Ball or West Decatur in Clearfield County to Philipsburg in Centre County, at which point on said highway now indicated on the ground by a private way on the land of Jessie Smeal Estate, said private way, road or lane intersecting the said public and State highway aforementioned.

That the land over which the private way herein petitioned for would pass was the property of Jessie Smeal, now deceased. That the only heirs of Jessie Smeal, with their addresses are as follows;

Mrs. H.C. Flegal, 4th Ave., Altoona, Pa.

Mrs. Mertie Kyler, West Decatur, Clearfield County, Pa.

Leonard Smeal, Philipsburg, Centre County, Pa.

That Mrs. Carrie Cole is now the terre tenant of the land over which said private road herein petitioned for would pass,

being the terre tenant of the Jessie Smeal lands aforesaid. That her right of possession is not indicated by anything upon the records in the office of the Recorder of Deeds of Clearfield County but that she is in actual possession of the same.

Your petitioner therefore prays the Court to appoint viewers to view and lay out the same according to law and make report of their proceeding to the next term of Court.

Geo A. Frice

Clearfield County, SS:

Personally appeared before me the subscriber, the above named petitioner, George A. Price, who being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Sworn & Subscribed before me :

this 27 day of March 1920. : Geo A Price

Sheridan Smeal Jr.
Commission Expires 1926

And now, March 31st 1920, petition presented and read
and considered and A.G. Kramer by E. D. Bellotte &
or J. S. Michaels
are appointed Viewers to proceed thereon as directed by Acts of
Assembly.

By the Court,

Songelaw Bell
P. J.

IN THE COURT OF QUARTER SES-
SIONS OF CLEARFIELD COUNTY

No. 3 May Term, 1920.

In Re Private Road in
Boggs Township, Clearfield
County, Pennsylvania.

GEO. W. BLASTON
APR 2 1920

FILED

JOHN C. ARNOLD
DISTRICT ATTORNEY
CLEARFIELD, PENNA.

KNOW ALL MEN BY THESE PRESENTS, that we GEORGE A. PRICE,
and _____
of Clearfield County, Pennsylvania, are held and firmly bound
unto the Commonwealth of Pennsylvania, in the sum of One Hundred
(\$100) Dollars, to be paid to the said Commonwealth, her certain
Attorneys or assigns to which payment well and truly to be made
and done, we do bind ourselves, our heirs, executors and admin-
istrators and each of them, firmly by these presents. Sealed
with our seals and dated this _____ day of March A. D. 1920.

Whereas the said George A. Price has made application for the laying out of a private road through the lands of Jessie Smeal Estate from and to the points indicated in said petition and so recorded in the Court of Quarter Sessions of Clearfield County.

Now the condition of this obligation is such that if the said George A. Price shall well and truly pay all the costs and damages that may be assessed by the viewers appointed to lay out said road, then this obligation to be null and void or else to be and remain in full force and virtue.

Acknowle^{ge} this

27 day of March 1920 Geo G Price (SEAL)

✓ Sheridan's [✓]
Comm Ephes. 1920

(SEAL)

26-576 (SEAL)

IN THE COURT OF CHARTER SES-
SIONS OF CLEARFIELD COUNTY

No. 3 May 33, 1920

In Re Private Road

in Boggs Township, Clear-
field County, Pennsylvania.

B O N D.

and now bind 2
1920. bond and
sever ^{and} opinion
My cc. to -

Stephenson Bell

JOHN C. ARNOLD
DISTRICT ATTORNEY
CLEARFIELD, PENNA.

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 2nd day of April in the year of our Lord one thousand nine hundred twenty,

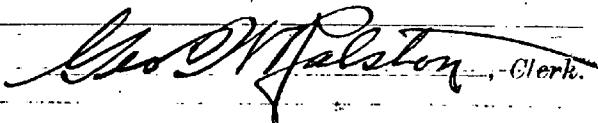
Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Boggs in said County, setting forth that he labors

under great inconvenience for want of a public to lead from the intersection of a reserved and private road with the line dividing the property of the Jesse Smeal Est. from the property of Oscar Hoover and George Hawk, which point of intersection is 550 ft. more or less south of the right of way of Penna. Railroad, Tyrone Branch, the exact point being indicated on the ground by a road or way now lying and marked thereon, which private road petitioned for herein, to lead to a point on a public highway known as the State Highway leading from Bluebell to Philipsburg at point on said highway indicated on ground by private way on land of Jesse Smeal Estate, 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. E. D. Billotte and J. S. Michaels.

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 impartiality and according to the best of their judgment, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road, they shall proceed to lay out 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 distance, in such a manner as to do the least injury to private property; 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 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 place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court.


Geo W. Folsom, 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 ~~in the manner provided by law~~ and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 19th day of April 1920, A. D. 1920, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 20th day of April 1920, at 9 o'clock A. M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view George A Price, John A Cole, Mrs Carrie F Cole, S. S. Walk and B. L. Lindsey.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 20th day of April 1920, when the following appearances were noted: George Price and B L Lindsey, S. S. Walk, John F. Cole and Mrs Carrie F Cole

After the view and hearing above mentioned, the undersigned ~~viewers~~ viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a Private road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for private use the following described road, to-wit: Beginning at the property line of Oscar Hoover at the intersection of the property line of formerly Jesse Smeal now owned by John F Cole. Thence over the property formerly belonging to the Jesse Smeal Estate now belonging to John F Cole, being partly cleared but otherwise unimproved pasture land as follows; north eighty four (84) degrees, west four hundred and thirty nine (439) feet: Thence running, south fifty two (52) degrees, west, five hundred and twenty five (525) feet: Thence running, south nine (9) degrees fifteen (15) minutes, west four hundred and sixty nine (469) feet to a road or street dedicated to the lot owners joining on same by the owner of the ground to be used as a public street south west three hundred and twenty five (325) feet between the lots of David Eldridge and John P Gearhart on the east side and William Gearhart and Irvin Lindsey on the west side of said street to the public or State road leading from Blue Ball to Phillipsburg: Said private road to be sixteen feet (16) in width: Said road to be opened as shown by draft hereto attached as part of our report.

The viewers also recommend, that the petitioner be required to erect at the end of the road at the party line between John F Cole and Oscar Hoover and at the property line of David Eldridge and William Gearhart at the other end of the road at his own expense swinging gates ^{to} be kept in repair by the petitioner and kept closed except when passing through from the first of May to the first of November of

each year.

The viewers further recommend that the said John F Cole and his family under the same restriction to keeping the gates closed have the right and privilege as the petitioner to use and pass over the said road.

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 they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

the following persons having refused to release the damages to which they respectfully 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: TO John F. Cole \$65.00 The only one effected by said road

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 20th day of April 1920

A. D. 1920.

A. G. Kramer 
E. G. Billotte 
J. S. Michaels 

ORDER

To view a road for use in the township of Clearfield County

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

Viewers will carefully note the number of days employed and set the amount out at the foot of the report.

Viewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the viewers.

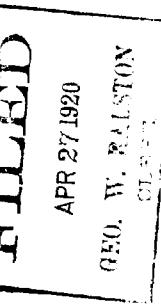
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages, as well as the disadvantages of the road, they will report to that effect.

	Days.	Miles A.M.T.
H. G. Hammen	3	29.23.95
E. J. Billotte	3	65.25.75
J. J. Michael	2	16.17.15

May Session, 1920
read and confirmed N. S.
Road to be opened ~~6~~ feet wide, ~~except where those in~~
~~side hill cutting or embank-~~
~~ment and buildings, those to~~
~~be 16 feet wide.~~

Myers Creek
Highway held
Sept 18 1920 C. M. G.
absolutely. For having
them both removed
from the County Park
by the County Park
Commissioner.

Filed
Fees \$1.25 paid by

**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 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, ever 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. 1911.



You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania, to view and lay out a private road, leading from a point on the dividing property line of the Jesse Smeal Estate, and the property of Oscar Hoover and George Mock, which point is about 550 feet south of the Right of way of the Tyrone and Clearfield branch of the Pennsylvania Railroad: Over land of the Jesse Smeal estate, in Boggs Township: To a point on the public Highway or State road, leading from the village of Blue Ball or West Decatur to Philipsburg, in Boggs Township in the County aforesaid, will meet at the end of the road to be laid out next the Tyrone and Clearfield Railroad in Boggs Township, on the 19th day of April A. D. 1920 at two (2) o'clock P. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested 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, either in favor of or against the said road a chance to be heard by the viewers before the filing of their report in Court, will be held in the Arbitration Room in the Court House in Clearfield Pa on Tuesday the 20th day of April A. D. 1920 at 9.30 o'clock, A. M. when and where all parties interested may attend and be heard.

A. G. Kramer

E. W. Billotte

J. S. Michaels.

VIEWERS.

Now April 8th 1920 served a copy of the foregoing notice on Mrs M. C Flegal, Mrs, Mertie Kyler and Leonard Smeal on each of them by copy of same,

A. G. Kramer

TO:- T. R. Weimer, Jesse. E. Dale and M. L. Farrell.
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 Pennsylvania, to view and lay out a private road; leading from a point on the dividing property line of the Jesse Smeal Estate, and the property of Oscar Hoover and George Mock. which point is about 550 feet south of the Right of way of the Tyrone and Clearfield branch of the Pennsylvania Railroad, over land of the Jesse Smeal estate, in Boggs Township: To a point on the public Highway or State Road, leading from the village of Blue-Ball or West-Decatur to Philipsburg, in Boggs Township in the County aforesaid, will meet at the end of the road to be laid out next the Tyrone and Clearfield Railroad in Boggs Township on the 19th day of April A. D, 1920 at two o'clock P. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

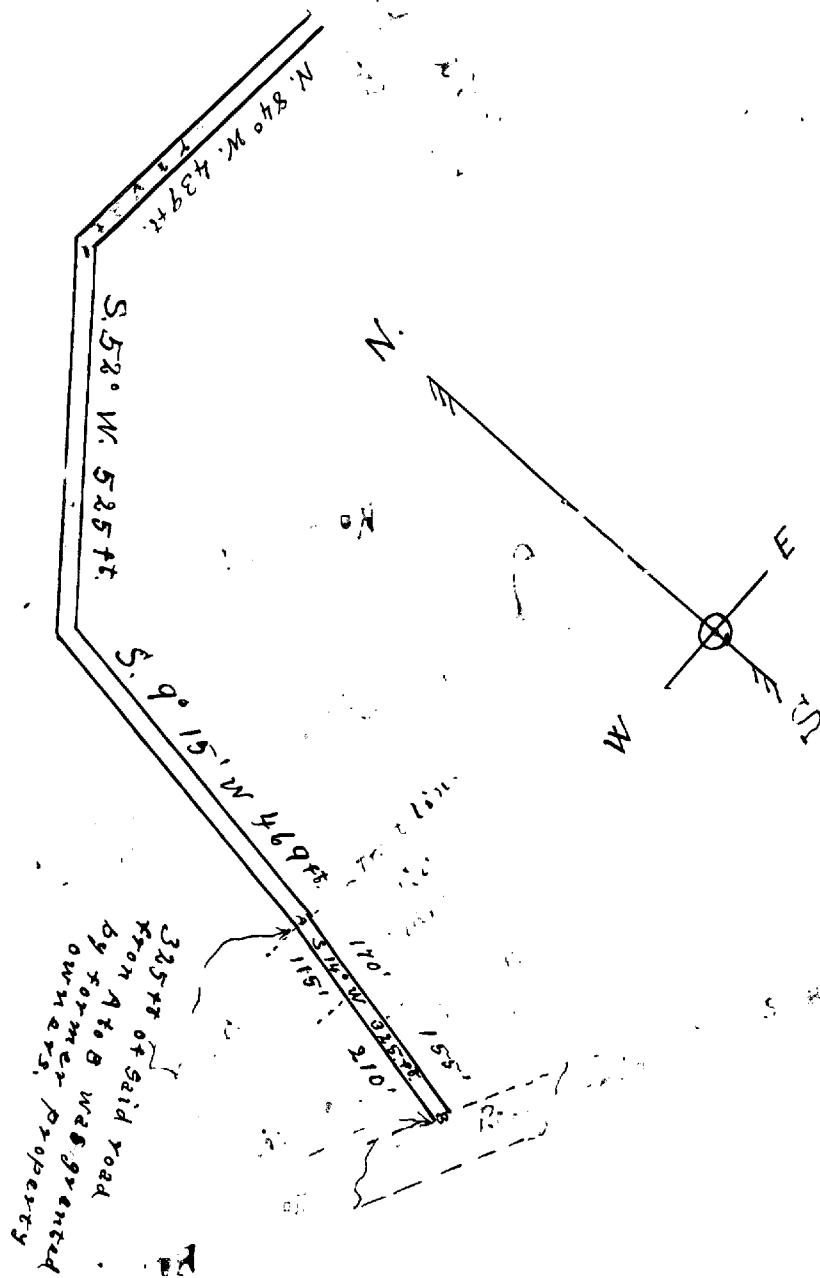
And that the public hearing as required by the Act of Assembly and the rules of Court to be held by the viewers in order to give all parties interested in the said road, either in favor of or against the said road a chance to be heard by the viewers before the filing of their report in Court, will be held in the Arbitration Room in the Court House in Clearfield Pa on Tuesday the 20th day of April A. D. 1920 at 9.30 o'clock A. M. when and where all parties interested may attend and be heard.

A. G. Francis
E. D. Billotte
J. A. Michaels

VIEWERS.

Now April 8, 1920 service of the foregoing notice accepted for the County Commissioners of Clearfield County Pa.

L. C. Morris
Clerk.



Draft showing location of private road in Boys township, Clearfield County, Pennsylvania, viewed and laid out for Geo A. Price the 19th day of April A.D. 1920.

A. G. Kramer,
E. Billotte,
J. S. Michaels,
view.

Scale $\frac{1}{2}$ " to 100'

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

In Re Private Road in Boggs : No. 3 May Sessions, 1920
Township, Clearfield County, Pa.:

DECREE.

And now, January 12, 1921, the report of the Views in the above stated matter having been confirmed Ni si at May Sessions, 1920, by the Court, and at September Sessions, 1920, confirmed absolutely, with an order that final decree to be presented, it is ordered and decreed that the private road laid out by the Viewers in this case be confirmed and decreed, which road is described as follows;

Beginning at the property line of Oscar Hoover at the intersection of the property line of formerly Jesse Smeal, now owned by John F. Cole, thence over the property formerly belonging to the Jesse Smeal Estate, now belonging to John F. Cole, being partly cleared, but otherwise unimproved pasture land, as follows; North 84° west 439 feet; thence running south 52° west 525 feet; thence running south 9° 15' west 469 feet to a road or street, dedicated to the lot owners joining on the same by the owner of the ground to be used as a public street, southwest 325 feet between the lots of Daniel Eldridge and John P. Gearhart, on the east side by William Gearhart and Irvin Lindsay, on the west side of said street to the public or state road leading from Blue Ball to Philipsburg. Said private road to be sixteen feet in width. Said road to be open as shown by the draft hereto attached and made a part of this report.

It is further ordered that the line surveyed and described in this decree shall be the center line of said road. And it is further ordered that the draft attached to the report of the Viewers is hereby incorporated and made a part of this decree and that as to any variance between the directions of the private road as set forth in this decree and the private road as laid out in the draft attached to the report of the Viewers, that courses and distances made in the draft incorporated in the report of the viewers, shall prevail.

The petitioner, George F. Price is required to erect at the end of the road at the party line between John F. Cole and Oscar Hoover and at the property line of Daniel Eldridge and William Gearhart at the other end of the road, at his own expense, swinging gates to be kept in repair by the petitioner, and kept closed, except when passing through the same, from and between the first day of May and the first day of November of each year.

The said John F. Cole and his family shall also keep the said gates closed between the first day of May and the first day of November of each year, except when passing through, and shall also have the right and privilege, the same as the petitioner, to use and pass over said private road.

The assessment of damages in favor of John F. Cole in the amount of \$65.00, is also confirmed and directed to be paid by the petitioner, Geo. F. Price, who is also directed to pay the costs of this proceeding.

By the Court,

Smyth and Bell
P. J.

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

No. 3 MAY Sessions, 1920

In Re Private Road in

Boggs Township, Clearfield
County, Pennsylvania.

DECREE

