

DOCKET No. 6

Number	Term	Year
5	Feb	1925

Petition for road in Boggs Twp

**Versus**

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

In re: Vacation of public road leading }  
from Stoneville school house to the Sand- } # Dec. T. 1924.  
burn road. }

To the Honorable the President Judge of said Court:-

The petition of the undersigned supervisors of the township of Boggs respectfully represent:-

That a portion of public road located in the township of Boggs aforesaid, to-wit, that part of a road leading from Stoneville to the Sandburn road at or near Merrits Lills, to-wit, the portion thereof commencing at the Stoneville school house and leading to junction with Sandburn road at or near Merrits Lills has become useless for public travel and burdensome for said township and is no longer required as a public road. They, therefore, respectfully pray that a view of said road may be granted and that the same may be vacated according to law,

And they will ever pray, etc.

Cyrus Robison  
Charles Bush

STATE OF PENNSYLVANIA }  
COUNTY OF CLEARFIELD } SS.

Cyrus Robison one of the above named petitioners being duly sworn according to law deposes and says that the facts stated in the above and foregoing petition are true and correct to the best of his knowledge and belief.

Sworn and subscribed before me this }  
25th, day of November A. D. 1924. }

Clyde W. Palston  
Clerk

Cyrus Robison

#5 Feb. 1920  
Dec. 1. 1924.

In re: Vacation of public  
road leading from Stone-  
ville school house to the  
bankburn road.

APPLICATION TO VACATE.

Now goes 14<sup>th</sup> 1920  
James H. H. Eng, Jr.  
Ed. Billotte, and  
Jack Michaels are  
affidated herein  
By the County  
of Jefferson  
R. J. Mathias  
R. J. Mathias  
JAN 14 1925

W. RAISTRICK  
CLERK

LAW OFFICES

A. H. WOODWARD  
CLEARFIELD, PA.

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

In re: Vacation of public road :  
leading from Stoneville School : No. 5 February S. S. 1925.  
House to Sanborn Road. : ROAD.

Now, May 4th. 1925, the report of viewers filed to the above number in the above vacation proceedings is excepted to by George Root, and Lee R. Watson, for the following reasons:-

FIRST: The said viewers were appointed on the 14th. day of January, 1925, and report of viewers should have been made to the February Sessions, and the powers of said viewers have never been enlarged.

SECOND: Exceptants are the owners of land adjoining said road proposed to be vacated, and which is reached by said road, and no notice of this proceeding was ever given to said Exceptants.

THIRD: The powers of viewers having never been enlarged to May Sessions, the viewers were without authority to act in the matter.

FOURTH: Should said road be vacated, Exceptants will have no way or road to reach their land, which is improved land.

Lee R. Watson

CLEARFIELD COUNTY: SS:

LEE R. WATSON, one of the above named  
Exceptants, being duly sworn says that the above exceptions are  
filed because great injustice will be done to said Exceptants  
if said road be vacated, and said Exceptions are not filed for  
cause of delay.

Sworn and subscribed before me this :  
4th. day of May, A. D. 1925. :

Lee R. Watson  
D. Thompson  
Clerk

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD  
COUNTY, PA. Feb. 5. 1925.

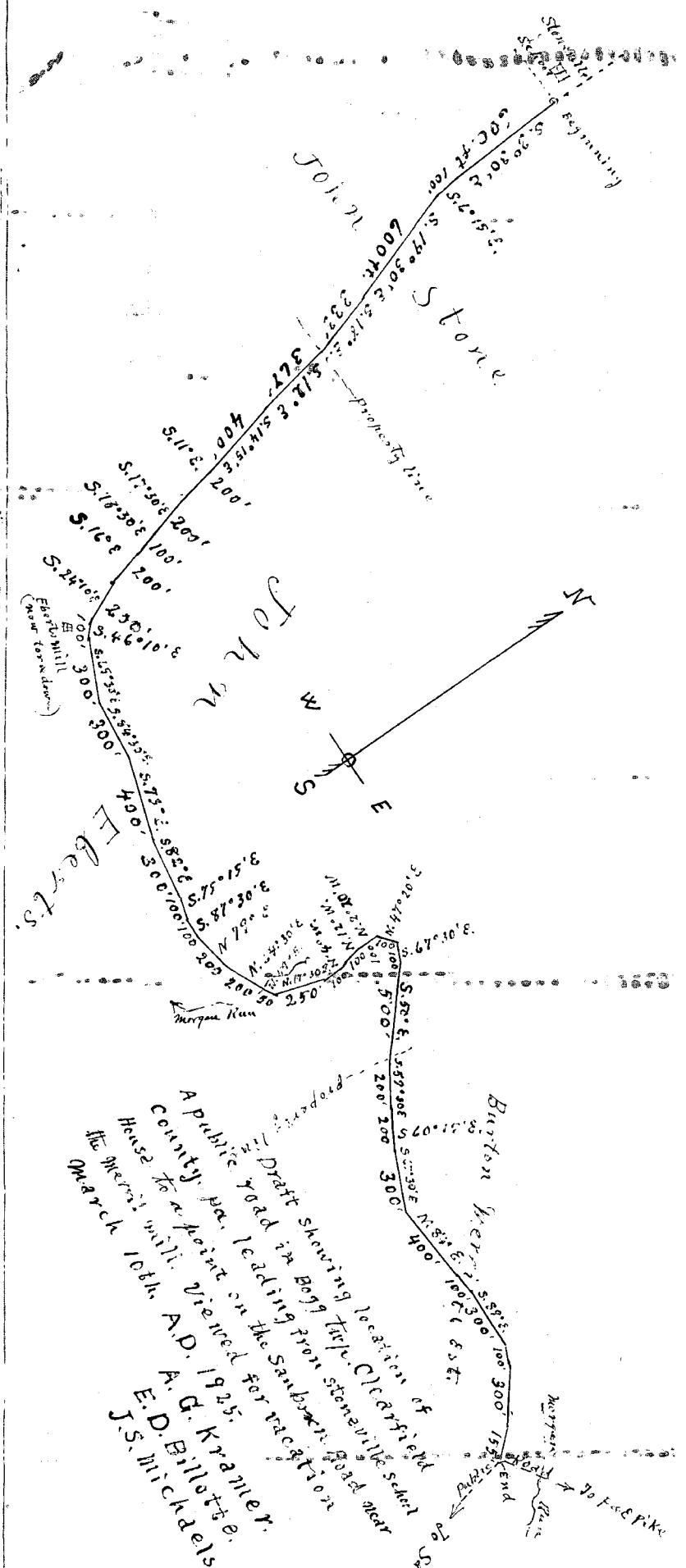
IN RE: VACATION OF PUBLIC  
ROAD LEADING FROM STONE-  
VILLE SCHOOL HOUSE TO  
SANBORN ROAD.

EXCEPTIONS TO VIEWERS REPORT

**FILED**  
MAY 4 1925  
GEN. W. RAZINGER  
CLERK

HARTSWICK, ARNOLD & PLATT.

~~HARTSWICK, ARNOLD & PLATT~~  
ATTORNEYS AT LAW  
CLEARFIELD, PA.



TO. Jesse. E. Dale, T. R. Weimer and B, W, McCracken. 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 vacate that part of the public road leading from the Stoneville School House in Boggs Township to the junction or intersection of the Sanborn road at or near Merrett's mill in Boggs Township in the County aforesaid will meet at the Stoneville School House in Boggs Township on Tuesday the tenth (10th) day of March A. D. 1925 at one (1) o'clock P. M. to attend to the duty assigned them of which time and place aforesaid you will please take notice.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said road either in favor of or against the vacating of said road a chance to be heard, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday March the eleventh (11th) 1925 at nine (9) o'clock A. M. when and where all parties interested in said road may attend and be heard.

A G Kramer  
E W Billotte  
J S Michaels

VIEWERS.

Now February 27 1925 service accepted for the County Commissioners  
of Clearfield County Pa.

L O Morris  
Clerk.

TO. Charles, Bush, S, S, Walk and Cyrus, Robison, The Supervisors of Boggs Township 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 vacate that part or portion of the public road, leading from the Stoneville School House in Boggs Township to the junction or intersection of the Sanborn road at or near Merretts mill in Boggs Township in the County aforesaid will meet at the Stoneville School House in Boggs Township on Tuesday the tenth (10th) day of March A. D. 1925 at one o'clock P. M. to attend to the duty assigned them of which time and place aforesaid you will please take notice.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said road either in favor of or opposed to the vacating of said road a chance to be heard, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday March the eleventh (11th) 1925 at nine o'clock A. M. when and where all parties interested in the said road may attend and be heard.

A G Kramer  
E W Billott  
J J Michaels

VIEWERS.

Now February ~~28~~ 1925 served this notice on Charles, Bush, S, S, Walk and Cyrus Robison the Supervisors of Boggs Township Clearfield County Penn'a personally by handing to each of them a true and correct copy of same.

Cyrus Robison

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the 14 day of January in the year of our Lord, one thousand nine hundred and twenty five

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry <sup>x</sup> Supervisors inhabitants of the Township of Boggs, in the County aforesaid setting forth that ..part... part of a road leading from Stoneville to the Sandburn road at or near Merritts Mills, to-wit, the portion thereof commencing at the Stoneville School House and leading to junction with Sandburn road at or near Merritts Mills has become useless for public travel and burdensome for said township and is no longer required as a public road.

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

point from and among the County Board of Viewers Aaron Kremer, Esq. Ed Billotte and Jack Michaels who have been duly appointed by the said Court on the

County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

*Gis W Palter*  
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE COUNTY OF CLEARFIELD, PA.

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 the view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County, and the Board of Supervisors of the Township of Boggs -----, and that Three; ----- notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the tenth day of March -----, A. D. 1925, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield,

Pa., on the eleventh day of March ----- A. D., 1925; at nine o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view Cyrus Robison and Charles Bush, two of the Supervisors of Boggs Township;

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the Eleventh day of March -----, A. D. 1925, when the parties interested in the said road were in attendance: to wit; Cyrus Robison and Charles Bush two of the Supervisors of Boggs Township with their Attorney A. H. Woodward Esq;

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has -----, become useless, inconvenient and burdensome to the taxpayers of the Township to keep up which runs all the way through unimproved woods land as follows: Beginning at the lot of the S. oneville School House now abandoned thence running south thirty (30) degrees, thirty (30) minutes East six hundred (600) feet. Thence South six (6) degrees, fifteen minutes East One hundred (100) feet; Thence South nineteen (19) degrees, Thirty (30) minutes, East six hundred (600) feet; Thence East, five (5) degrees, eighteen (18) minutes, East three hundred and thirty three (333) feet to property line: Thence south twelve (12) degrees, Three (3) minutes East, Three Hundred and sixty seven (367) feet: Thence South fourteen (14) degrees fifteen (15) minutes; East four hundred (400) feet Thence south eleven (11) degrees, East two hundred (200) feet Thence south seventeen (17) degrees, thirty (30) minutes; East two hundred (200) feet: Thence south eighteen (18) degrees, thirty (30) minutes East one hundred (100) feet: Thence south sixteen (16) feet East two hundred (200) feet: Thence south twenty four (24) degrees, ten (10) minutes East two hundred (200) feet: Thence south forty six (46) degrees, ten (10) minutes East, one (100) feet Thence south sixty five (65) degrees, thirty (30) minutes East three hundred (300) feet. Thence south eighty four (84) degrees, thirty (30)

minutes East three hundred (300) feet. Thence south seventy three (73) degrees, east four hundred (400) feet: Thence south, eighty two (82) degrees East three hundred (300) feet: Thence south seventy nine (79) degrees nineteen (19) minutes, East one hundred (100) feet: Thence south eighty seven (87) degrees thirty (30) minutes, East one hundred (100) feet: Thence north seventy nine (79) degrees, East two hundred (200) feet. Thence north sixty four (64) degrees, thirty (30) minutes, East two hundred (200) feet: Thence north fifty nine (59) degrees, East (50) feet: Thence north seventeen (17) degrees, thirty (30) minutes East, one hundred and fifty (250) feet: Thence north four (4) degrees west one hundred (100) feet: Thence north twelve (12) degrees, west one hundred (100) feet: Thence north two (2) degrees, ten minutes, west one hundred (100) feet: Thence north forty seven (47) degrees, twenty (20) minutes, East, one hundred (100) feet: Thence south sixty seven (67) degrees, thirty (30) minutes, East, one hundred (100) feet: Thence south fifty (30) degrees, East five hundred (500) feet: To the property line of land of the Berton Merrett Estate; The former land over which the said Road passes belongs to the John W Eberts Estate, thence over the land of the said John W Eberts Estate the following courses and distances, to wit: South fifty nine (59) degrees thirty (30) minutes, East two hundred (200) feet: Thence south sixty (60) degrees; fifteen (15) minutes, East two hundred (200) feet: Thence south sixty seven (67) degrees, thirty (30) minutes, East three hundred (300) feet: Thence North, Eighty four (84) degrees, East four hundred (400) feet. Thence south eighty nine (89) degrees East four hundred (400) feet: Thence south East, five hundred and fifty (555) feet to where the same connects with the Sanborn Road. and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacating of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacating thereof, and that they procured such release from:

And that the following persons having, in the opinion of the Viewers, been damaged by the vacating of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacating, and closing up of the said road, we, the undersigned Viewers, after having considered the advantages to be derived to them, to assess their damages and make report thereof, as follows:

and we hereby witness releases obtained and copy of the report

Witness our hands and seals this 12th day of March -----, A. D. 1925.

*W. G. Crandall* ..... [SEAL.]

*E. J. Billotte* ..... [SEAL.]

*J. S. Michael* ..... [SEAL.]

Viewers.

No. 5 Feb Term 19 25

*ORDER TO VACATE*

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 root 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 each, and they will report to that effect.

To view and vacate road situate  
in the Township of Bogg's.....

## Clearfield County.

Now May <sup>14-18-26</sup> Sessions 19-26  
read and confirmed Ni. Si.  
By the Court.  
Albion  
Now May <sup>14-18-26</sup> Sessions 19-26

By the Court.

By the Court,

confirmed absolute.

2

85

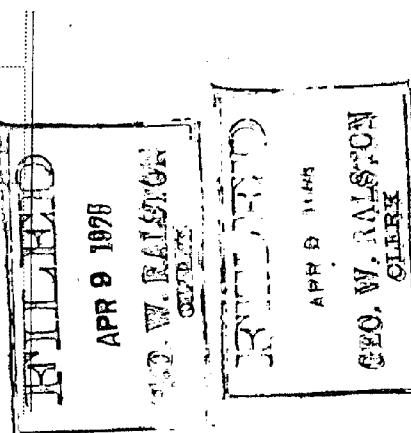
18  
Filed

1

Atty,

Fees \$1.25 paid by

Mr. H. Woodward, Atty.,



600