

NO. 1 May SESSIONS, 197

COMMONWEALTH

VERSUS

In Re <sup>Vacate</sup> Road in

Boggs Trwp

Charge.

X  
WALTER WELCH.  
DISTRICT ATTORNEY.



No. 2 Term, 191

*E. B. ...*

No. Term, 191

No. Term, 191

Term, 191...  
Mx of Mocham... NB  
amanda 900

No. .... Term, 191....

No. .... Term, 191

No. .... Term, 191

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned  
Viewers, appointed by the Court of Quarter Sessions of  
~~Clearfield~~ Clearfield County, Pennsylvania, to view a public

Road leading from the Lawrence Township line at Clearfield Creek  
near the Dimeling Station of the N.Y. Central Railroad to the line of Knox  
Township and thence on to Turkey Hill in the said Township of Knox.

in/ Township to/

in/ Township, in the county aforesaid, will  
meet at the house of Dimeling Station,  
in Boggs Township, on Wednesday,  
the 4th day of October A. D. 1916, at one  
o'clock P. M., to attend to the duty assigned them, of  
which time and place aforesaid all parties interested  
will take notice.

E. D. Billatte

J. W. Spangle

L. E. Boyer

**VIEWERS**

September 18th, 1916.

Now, September 19<sup>th</sup>, 1916, service of  
within notice accepted for and on  
behalf of the Commissioners of  
Clearfield County, Pa.

County Commissioners  
Per L. C. Norris, Clerk.

Now, September 19<sup>th</sup>, 1916, service of within notice  
accepted for and on behalf of the Super-  
visors of Boggs Township

Geo. B. Shugart  
Charles Robinson  
H. R. Moller

IN RE ROAD IN BOGGS

TOWNSHIP

:  
:  
: No, 9 September SS. 1916.  
:

Notice is hereby given that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County, Pa., to view and vacate that part of the public road leading from the Lawrence Township line to Turkey Hill in Knox Township from the point where said public road crosses the Lawrence Township line, near the Dimeling Station on the New York Central Railroad in Boggs Twoship, to where the said public road leading to Turkey Hill crosses the Knox Township line at the southern end of Boggs Township in the county aforesaid, will hold a public hearing in said matter in the Arbitration Room of the Court House at Clearfield, Pa., at ten o'clock A.M. on Friday the 20th day of October, 1916, when and where all persons interested in said proceeding may appear and be heard.

J. L. Spangle,  
E. D. Billatt,  
B. B. B.

NOW, October 7th 1916 service of within  
notice is hereby accepted for and on behalf of the Commissioners  
of Clearfield County.

L. C. Morris  
Clerk

NOW, October 7th 1916 service of within  
notice is hereby accepted for and on behalf of the Supervisors  
of Boggs Township.

Geo. B. Shugart

No. 10 SEPTEMBER Sessions, 1913

## ORDER

To view and lay out  
road for public use in the  
township of Boggs,  
Clearfield County

July Session, 1917.  
read and confirmed N. B.  
Road to be opened 33 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 16 feet wide.

By the Court  
Ingelhart J.

Sept 24th 1917  
Ingelhart J.

Filed

Fees \$1.25 paid by

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.
E. D. Dillman	3	117 20.85
J. S. Spangler	3	187 24.35
L. E. Boyer	4	56 22.80

## 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 enrolling and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-mise, 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. 191\_\_\_\_\_.



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, said road being at an elevation not exceeding five degrees, excepting

when it was not practicable to preserve it within that limit.

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:

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

WITNESS our hands and seals this 20<sup>th</sup> day of October

A. D. 1916.

E. D. Billotte  
James W. Spangle  
B. B. G.





# 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 Board of Supervisors of the Township of Boqq's and that 3 notices thereof were posted along the route of the proposed road, that the said view would be held on the 4<sup>th</sup> day of October, A. D. 1916, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 20<sup>th</sup> day of October, 1916, at 10 o'clock a. M. That two viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view divers citizens of said Township and other parties in interest

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 20<sup>th</sup> day of October A. D. 1916, when the following appearances were noted: A. H. Woodward, Esq., for Supervisor of said Township, Geo. B. Shugart, Cyrus Kellum, Supervisors, and divers citizens in favor of the vacation of said road; A. R. Chase, Esq., R. A. Hamker, Thos. Parker, Geo. Root and divers other citizens appeared remonstrating against the vacation thereof.

After the view and hearing above mentioned, the undersigned, the majority of the said 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 public 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 use the following described road, to-wit: Beginning

Your viewers are unanimously of the opinion that said road is necessary as a public road; that by the vacation thereof, the public would be subjected to great inconvenience in securing access to the territory served by it, especially as in view of the proposed development of the same and the location of industries, present and prospective, along the same.

They accordingly recommend that said road be not vacated but left intact as a public highway.

## 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 2 day of  
AUGUST in the year of our Lord  
one thousand nine hundred sixteen,

Judge of the same Court: Upon the petition of  
sundry inhabitants of the Township of  
Poggs

in said County, setting forth that on the 7th day of  
February 1916 your Hon. Court appointed viewers to view a certain  
public road leading from Lawrence Township line, at Clearfield Creek, to  
near the Dimeling Station of the New York Central railroad, to the line  
of Knox Township in said County, for the purpose of considering the vacat-  
ion of same. That on Monday, the 8th day of May 1916, the report  
of the Viewers was confirmed Nisi by your Hon. Court. Said report in  
part recommended to the Hon. Court that that portion of said road upon  
which lies between the Lawrence Township line at Dimeling Station to  
where the said road intersects the private road of Ross Lambert, be  
vacated, the vacation of which road, if confirmed absolutely by your  
Hon. Court will be injurious to a number of your petitioners of the Twp.  
by burdensome and detrimental  
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 L. E. Boyer, E.D. Billotte  
and J. W. Spangle

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 impari-  
ality 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 dis-  
tance, 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.

John C. Moore, Clerk.