

ROAD

DOCKET No. 6

Number

4

Term

Dec

Year

1931

Pet. to vacate road in Boggs Twp

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Petition to vacate a)	
public road in Boggs Town-)	No. December Sessions, 1931.
ship, Clearfield County,)	
Pennsylvania)	

TO THE HONORABLE A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of the undersigned, Supervisors of Boggs Township Road District, respectfully represents:

That a road in said Township, Beginning at top of what is known as David Mease Hill on the State Road and ending at the County road in an easterly direction seven-tenths miles, has become useless and unnecessary, and is burdensome and expensive to keep up, and your petitioners desire it to be vacated.

Your petitioners therefore pray the Court to appoint viewers to view and vacate said road; and they will ever pray, etc.

J. W. Lantry
Robert Ross
E. C. Birns

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

Clark Goss 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.

Clark Goss

Sworn and subscribed before
me this 11th day of September,
1931.

Jennie E. Bailey
NOTARY PUBLIC
My Commission Expires March 6, 1935

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD CO. PENNA. No. <u>3</u> December Sessions.	In re: Petition to vacate a public road in Boggs Township, Clearfield County, Pennsylvania.	<i>Boelling - Reese - Banta</i>	<i>now Sept 15th 1931</i> <i>John Boelling Esq</i> <i>Henry Reese and</i> <i>H. P. Banta are</i> <i>appointed referees</i> <i>to view and report</i> <i>to the Court</i> <i>By the Court</i> <i>J. J.</i>
			<i>Walter Mearls</i> Attorney at Law Clearfield, Pa.

SEP 15 1931
GEO. W. RALSTON
CLERK

KNOW ALL MEN BY THESE PRESENTS, That we, CLARK GOSS,
J. W. LANSBERRY and E. L. BURNS, are hold and firmly bound to the
Commonwealth of Pennsylvania, in the sum of Fifty Dollars, lawful
money of the United States, to be paid to the said Commonwealth
of Pennsylvania, its certain attorneys, to which payment well and
truly to be made we do bind ourselves, our heirs and assigns,
firmly by these presents. Sealed with our seals and dated this
11th. day of September, A. D. 1931.

THE CONDITION OF THIS OBLIGATION IS SUCH, That Whereas, a
petition has been presented in the Court of Quarter Sessions of
Clearfield County to vacate a certain road in Boggs
Township, Clearfield County, Pennsylvania, that if the said petition
is proceeded to a conclusion, then this obligation is null and
void; otherwise to be and remain in full force and effect.

Clark Goss (SEAL)

J. W. Lansberry (SEAL)

E. L. Burns (SEAL)

No December Term 1931

In re: Petition to vacate a
Public road in Boggs Town-
ship, Clearfield County, Pa.

B O N D

*How doth 15th 1931
Bond approved
By the Court
Attest
PJ*

FILED

SEP 15 1931

GEO. W. RALSTON

CLERK

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 15th day of Sept in the year of our Lord, one thousand nine hundred and thirty one

By the Honorable ~~Samuel Felt~~ ^{A. R. CHASE}, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Boggs, in the County aforesaid setting forth that

a road in said township Beginning at top of what is known as David Mease Hill on the State road and ending at the County Road in an easterly direction seven-tenths miles, has become useless and unnecessary and expensive to keep up and your petitioners desire it to be vacated

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 appoint from and among the County Board of Viewers John Scollins, Esq., and

Harry Reese and H. P. Dowler 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.

Geo. W. Ralston
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

13th day of **October**, A. D. 19**31**, 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 **19th** day of **October** A. D., 19**31**, at **ten** 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: **J. W. Lansberry, Clark Goss and E. E. Burns, Supervisors of Boggs Township; Martin Woods and James R. Mease and C. P. Reese,**

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 **19th** day of **October**, A. D. 19**31**, when the parties interested in the said road were in attendance: **Walter Welch, Esq., with J. W. Lansberry and E. E. Burns, Supervisors, petitioners; Martin Woods and James R. Mease. J. W. Lansberry, E. E. Burns, Martin Woods and Jas. R. Mease sworn, examined and cross-examined by counsel and your Board.**

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has **not**, become useless, inconvenient and burdensome **as a public Road, to wit:**

Beginning at its intersection with the Public Road leading from Newtown to the County Road (or Pike) at the top of the Mease Hill; thence North along lands of Mease and Gould 56 degrees East 300 feet; thence North 63 degrees East 431 feet; thence North 84 degrees East 789 feet; thence North 78½ degrees East 542 feet; thence North 75 degrees East 108 feet and thence South 85½ degrees East along lands of Mease Estate 1608 feet and ending at the County Road (Pike) leading to Blue Ball.

We further find that this Road is used by the children attending Eagle Eye School House on account of its convenient location, is not burdensome to maintain and is necessary for public use; that it is always passable when other Roads in the vicinity are drifted and closed in inclement weather, and serves as a convenient cut-off for horse-drawn vehicles and pedestrian traffic.

The Supervisors present desire to go on record as favoring its retention as a public Road.

And your Board therefore recommends that said Road as originally laid out be retained as necessary for public use, and that we are of the opinion that there is no cause for vacating the same.

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 vacation 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 vacation thereof, and that they procured such release from:

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up 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 3rd day of November, A. D. 19 31.

John Scellicino [SEAL.]
H. A. Reese [SEAL.]
H. D. Fowler [SEAL.]

Viewers.

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
H. A. Reese	1		\$10.00
H. P. Dowler	1		\$10.00
John Scollins	2		\$20.00

No. 3 Dec Term 19 31

ORDER TO VACATE

To view and vacate road situate in the Township of Boggs Clearfield County.

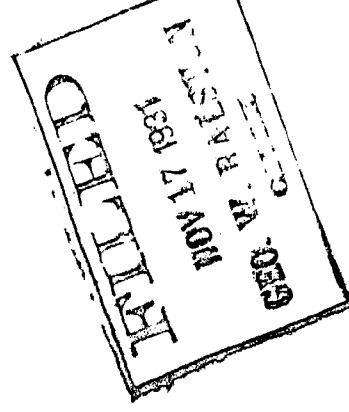
Now Dec. Sessions 1931 read and confirmed Ni. Si.

By the Court.

Now Feb Sessions 1932 confirmed absolute.

By the Court.

APB
E P-J



Filed 19

Atty. Walter Welch

Fees \$1.25 paid by

To: The County Commissioners of Clearfield County:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 3, December Term, 1931, to view and vacate a road in Boggs Township beginning at the top of what is known as David Meese Hill on the State road and ending at the County Road in an easterly direction seven-tenths miles, in said County, will meet at the top of Meese Hill in the Township of Boggs aforesaid, in said County, on Tuesday, the 13th day of October, A. D. 1931 at 11:00 o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and 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 an opportunity to be heard, will be held in the Arbitration Room in Clearfield, Pa., on Monday, the 19th day of October, A. D. 1931 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Collins
Harry Reese
N. P. Dowler
Viewers

Dated, September 29th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 5th day of October, A. D. 1931, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk

TO:

J. W. Lantry
Clark Goss, ~~Harry J. Goss~~ and E. E. Burns, Supervisors of
Boggs Township, Clearfield County:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 3, December Term, 1931, to view and vacate a road in Boggs Township beginning at the top of what is known as David Mease Hill on the State road and ending at the County Road in an easterly direction seven-tenths miles, in said County, will meet at the top of Mease Hill in the Township of Boggs aforesaid, in said County, on Tuesday, the 12th day of October, A. D. 1931 at 11:00 o'clock A. M., to attend to the duties assigned them: all parties interested will take notice.

And that the public hearing as required by Act of Assembly and 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 an opportunity to be heard, will be held in the Arbitration Room in the Court House at Clearfield, Pa., on Monday, the 19th day of October, A. D. 1931 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Collins
Harry Reese
H. P. Dawler
Viewers

Dated, September 29th, 1931.

CLEARFIELD COUNTY, SS:

Now, this *5th* day of October, A. D. 1931, service of the above Notice is accepted for the Supervisors of Boggs Township, Clearfield County,

Clark Goss
J. W. Lantry
E. E. Burns
Supervisors

PUBLIC ROAD IN BOYGS TOWNSHIP
CLEARFIELDO COUNTY PA

VIEWED UPON ORDER TO VACATE
BY JOHN SCOLLINS ESQ.

H. A. REESE
H. P. DOWLER

