

6
DOCKET No.....

Number	Term	Year
5	Dec	1931

Petition to vacate road Boggs T

Versus

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

In re: Petition to vacate)
a public road in Boggs) No. December Sessions, 1931.
Township, 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 the Kephart Brick House on road leading from Philipsburg to Clearfield and ending at the corner of Wallacetown Borough, being a road partly in Boggs Township and Wallacetown Borough, and formerly maintained jointly by the Township and Borough, has become useless, burdensome and unnecessary and too expensive to maintain, and Wallacetown Borough refuses to contribute toward its maintenance, being about one-half mile, 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. Hainsbury
Clark Goss
E.C. Burns

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.

James E. Dailey

NOTARY PUBLIC
Commission Exp. ~ March 6, 1935

IN THE COURT OF QUARTER SS.
OF CLEARFIELD COUNTY, PA.
No. 5 December SS. 1931.

In re: Petition to vacate
a public road in Boggs
Township, Clearfield County,
Pennsylvania.

Now defr 15th 1931
John S. Miller Esq
Harry Rose and
H. P. Hunter are
appointed members
of a committee to
view and report.
By the Court
Walter Wallace
Attorney at Law
Clearfield, Pa.

RECEIVED
SEP 15 1931
GEO. W. RAISTON
CLERK

KNOW ALL MEN BY THESE PRESENTS, That we, CLARK GOSS,
J. W. LANSBERRY and E. E. BURNS, are held 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. E. Burns (SEAL)

No. December Sessions 1931

In re: Petition to vacate a
public road in Boggs Township
Clearfield County, Penna.

B O N D

now left 15th 1931
Bond approved
By the court
H. Hollase.

G. J.

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 thirth one

A. R. CHASE

By the Honorable ~~W. G. L. R. R. M.~~, 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 the Kephart Brick House on road leading from Philipsburg to Clearfield and ending at the corner of Wallaceton Borough, being a road partly in Boggs Township and Wallaceton Borough, and formerly maintained jointly by the township and borough has become useless and too expensive to maintain, and Wallaceton Boro refuses to contribute toward its maintenance, being about onehalf mile

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 John Scollins, Esq., 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, ^{to No. 9 December Sessions, 1931} 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

16th day of October, A. D. 1931, 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., 1931, 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, and Raymond Williams.

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. 1931, when the parties interested in the said road were in attendance: Walter Welch, Esq., with E. E. Burns and J. W. Lansberry, Supervisors, petitioners, and Joseph Fleck, John Turner, John Bock, William Turner, J. A. Bock, Howard Bumbarger, Kenneth Smeal and Orville Smeal. All 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 the intersection of said Road with the public road leading from Wallaceton to Blue Ball, opposite the Kephart Brick House; thence North 27 degrees 25 minutes East 732 feet to its intersection with the public road leading to Morrisdale; thence across the N. Y. C. Railroad North 27 degrees 35 minutes East 274 feet along the property of R. Williams to its intersection with the public road leading to Allport; thence along lands of Harbison Walker Refractories Co. and Frank Hummel North 8 degrees 40' East 827 feet to post on land of Chas. Wolfe; thence thereby North 7 degrees East 400 feet to a post; thence thereby North 10 degrees 15' East 428 feet to post on land of Hayes McQuillen; thence thereby North 9 degrees 40' East 300 feet to a post; thence still thereby North 5 degrees 20' East 900 feet to post on lands of Chas. Wolfe; and thence still thereby North 9 degrees 45' East 740 feet and ending at the Bradford Township Line and common corner of Graham, Bradford and Boggs Townships and Wallaceton Borough.

We further find that the aforesaid Road is necessary, convenient and not burdensome to maintain and that there is no cause for vacating the same; that the said Road is in constant use and serves as a direct out-let for all the inhabitants of that community, many of whom were present protesting its vacation.

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:

No damages claimed or assessed

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

Witness our hands and seals this **6th** day of **November**, A. D. 19 **31**

day of November , A. D. 1951
John Scollin [SEAL]

John A. Reese [SEAL.]

..... [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	34	11.70
H. P. Dowler	1	32	11.60
John Scollins	2	34	21.70

Now Jan Sessions 1932
read and confirmed Ni. Si.
By the Court.
W. R. Gallagher
Sessions 1932
confirmed absolute.

By the Court.

FILED

JAN 8 1932

W. R. GALLAGHER
PROTHONOTARY

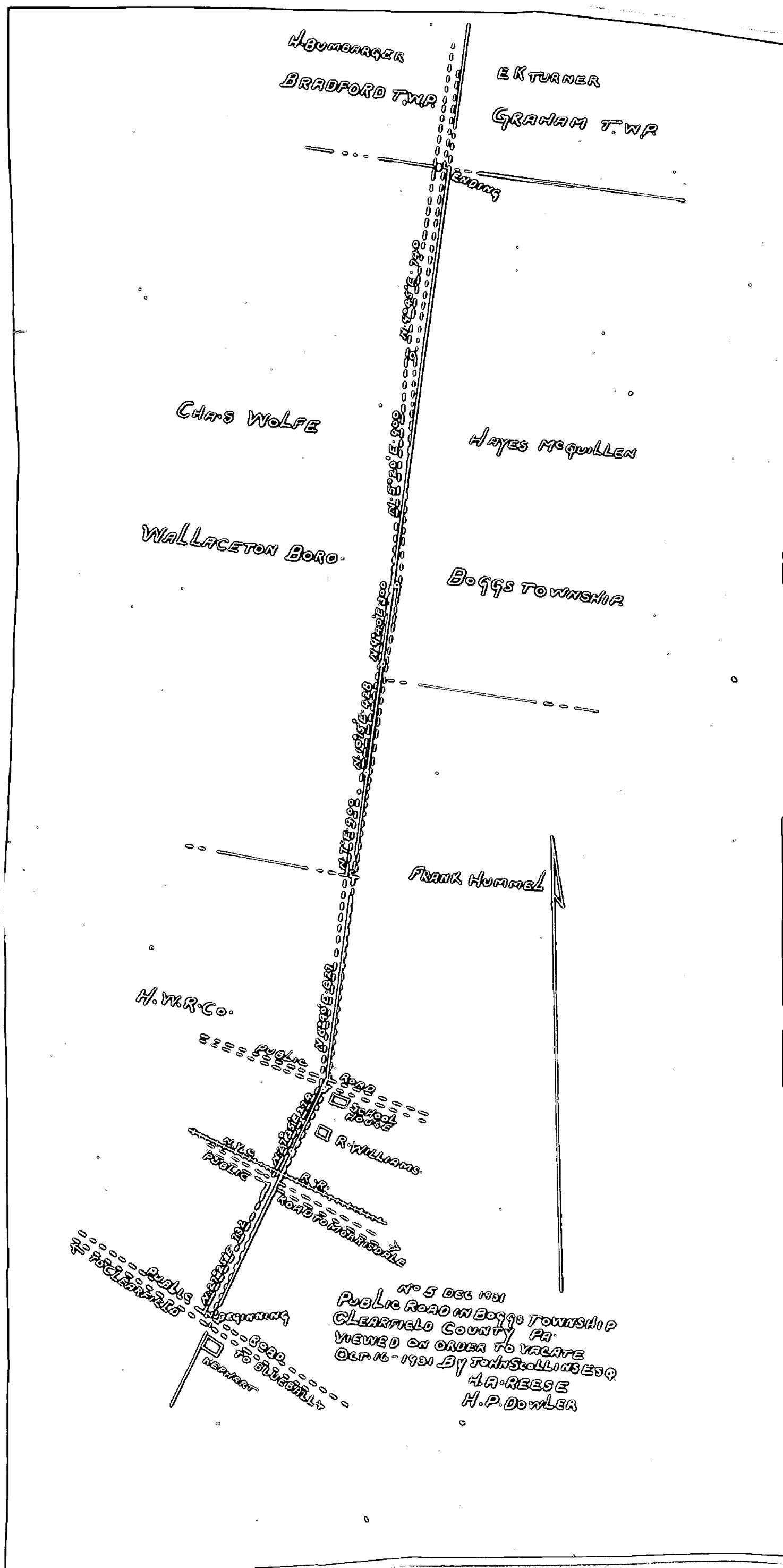
Filed

Atty, WALTER WELCH

Fees \$1.25 paid by

No. 5 Dec Term 19 31

* ORDER TO VACATE



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. 5, December Term, 1931, to view and vacate a road in Boggs Township beginning at the Kephart Brick House on road leading from Philipsburg to Clearfield and ending at the corner of Wallacetown Borough, being a road partly in Boggs Township and Wallacetown Borough and formerly maintained jointly by the township and borough, being about one-half mile in length, in said County, will meet at the Kephart Brick House in the Township of Boggs aforesaid, in said County, on Friday, the 16th day of October, A. D. 1931 at ten (10:00) 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 Scollard
Harry Reese
H. J. Dowler
Viewers

Dated, September 5th, 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

J. W. Gansberry
TO: 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. 5, December Term, 1931, to view and vacate a road in Boggs Township beginning at the Kephart Brick House on road leading from Philipsburg to Clearfield and ending at the corner of Wallacetown Borough, being a road partly in Boggs Township and Wallacetown Borough and formerly maintained jointly by the township and borough, being about one-half mile in length, in said County, will meet at the Kephart Brick House in the Township of Boggs aforesaid, in said County, on Friday, the 16th day of October, A. D. 1931 at ten (10:00) 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 Collard
Harry Reese
N. P. Dowler
Viewers

Dated, September 30th, 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. Gansberry
E. E. Burns
Supervisors