

DOCKET No. 6

| Number | Term | Year |
|--------|------|------|
| 5      | Dec  | 1931 |

Petition to vacate road Boggs T

Versus

X

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

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

No.    December Sessions, 1931.

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 Wallaceton Borough, being a road partly in Boggs Township and Wallaceton Borough, and formerly maintained jointly by the Township and Borough, has become useless, burdensome and unnecessary and too expensive to maintain, and Wallaceton 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. Rainburg  
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.

Jennie E. Bailey  
NOTARY PUBLIC  
Commission Expires 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 before 15<sup>th</sup> 1931  
John Scott's Exr  
Harry Keese and  
H. P. Banta are  
appointed receivers  
over and under  
By the Court  
Walter H. H. H.  
Attorney at Law  
Clearfield, Pa.*

FILED  
SEP 15 1931  
GEO. W. RALSTON  
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.

BOND

now Sept 15<sup>th</sup> 1931

Bond approved

By the court

A. M. Deane.

P. J.

*[Faint handwritten notes, possibly "J. W. Ralston" and "Sept 15 1931"]*

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 ~~Singleton Bell~~, 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 appoint 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, 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 ampost; 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.

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 passed, 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: \_\_\_\_\_

No damages claimed or assessed

day of November, A. D. 19 31

John Scollin [SEAL]

H. A. Reese [SEAL]

A. J. 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    | 34    | 11.70 |
| H. P. Dowler  | 1    | 32    | 11.60 |
| John Scollins | 2    | 34    | 21.70 |

No. 5 Dec Term 19 31

ORDER TO VACATE

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

Now *Feb* Sessions 19 *32* read and confirmed Ni. Si.

By the Court, *W. R. Gallagher*  
Now Sessions 19 *32* confirmed absolute.

By the Court.

**FILED**  
JAN 8 1932  
W. R. GALLAGHER  
PROTHONOTARY

Atty, *WALTER WELCH*  
Fees \$1.25 paid by

H. GUMBARGER  
BRADFORD TWP

E. K. TURNER  
GRAHAM TWP

ENDING

CHARS WOLFE

HAYES MCQUILLEN

WALLACETON BORO.

BOGGS TOWNSHIP

FRANK HUMMEL

H. W. R. CO.

PUBLIC ROAD  
SCHOOL HOUSE  
R. WILLIAMS

PUBLIC ROAD  
R.R.  
ROAD TO MOUNTAINDALE

PUBLIC ROAD  
TO CLEARFIELD  
BEGINNING  
TO BLUEBELL  
NEARBY

NO 5 DEC 1931  
PUBLIC ROAD IN BOGGS TOWNSHIP  
CLEARFIELD COUNTY PA.  
VIEWED ON ORDER TO VACATE  
OCT 16 - 1931 BY JOHN SCOLLINS ESQ  
H. A. REESE  
H. P. DOWLER

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 15th 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 Collins  
Harry Reese  
H. J. 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 Commissioners of Clearfield County.

L. E. Norris  
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 Philipsturgate 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.

*Orin Collins*  
*Harry Reese*  
*A. P. Dowler*  
Viewers

Dated, September 30th, 1931.

CLEARFIELD COUNTY, SS:

Now, this <sup>5<sup>th</sup></sup> 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