

DOCKET No. 6

Number Term Year

7

Dec ss 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 )  
~~and supply~~ a road in Boggs ) No. December Sessions, 1931.  
Township, Clearfield County, )  
Penn'a. )

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 certain road beginning at the Salem Church at the ash road leading from the Cross-road, known as Stone Corner Cross-road and ending at the State Highway, being a distance of about seven-tenths of a mile, has become useless, burdensome and expensive to maintain, and in the opinion of your petitioners should be vacated.

Your petitioners therefore pray the court to appoint viewers to view and vacate said road as above described. And they will ever pray, etc.

E. B. Bussey  
J. W. Lansbury  
A. Clark Goss

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  
My Commission Expires March 6, 1935

IN THE COURT OF QUARTER SS.  
OF CLEARFIELD COUNTY, PENN'A.  
No. 7 December SS. 1931.

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

Now Sept 15<sup>th</sup> 1931  
John S. Clegg says  
Henry Haas & H. P. Weller  
are appointed receivers  
to new and report  
By the Court

FILED

SEP 15 1931

GEO. W. RALSTON  
CLERK

Walter Welch  
Attorney at Law  
Clearfield, Pa.

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)

E. E. Burns (SEAL)

J. W. Lansberry (SEAL)

In re: Petition to vacate a

(JAN 12) 2000 1000

(SEAL) Mark H. Hall

(JAB) John and S. M.

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

A. R. CHASE

By the Honorable ~~Singleton~~ Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Bogg's, in the County aforesaid setting forth that ..... a road beginning at the Salem Church at the ash road leading from the Cross-road, known at Stone Corner Cross-road and ending at the State Highway, being a distance of about seven-tenths of a mile, has become useless

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.

*Ges. 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, <sup>to No. 7 December Sessions, 1931</sup> 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

14th 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: Clark Goss, J. W. Lansberry and E. E. Burns, Supervisors of Boggs Township, and Morris W. Shimmel,

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 Morris W. Shimmel. E. E. Burns, J. W. Lansberry and Morris W. Shimmel, 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 become useless, inconvenient and burdensome as a public Road, beginning at a post South 67 degrees East 900 feet from the intersection of said Road with the Township Road (or State Highway) opposite Salem Church; thence South 67 degrees East 1002 feet along improved lands of Morris Shimmel to a post; thence thereby South 52 degrees East 600 feet to a post; thence South 59 degrees East along unimproved lands 600 feet to a post; thence South 49 degrees East 675 feet and ending at the public (Ash) Road leading to Wallaceton.

We further find as a fact that the aforesaid portion of the aforesaid Road serves the private interests of Morris W. Shimmel and Ralph Bodle, and therefore recommend that the aforesaid portion of said Road be and remain a private road of the width of 25 feet, for the use and benefit of the owners of lands through or along which it passes to be maintained and used as private roads are now maintained and used under existing laws.

Secondly: We further find that that portion of said road as originally laid out beginning at the intersection of said Road with the Township Road (or State Highway) opposite Salem Church; and thence running South 67 degrees East 900 feet to the lane of Morris W. Shimmel be retained as necessary for public use and that we are of the opinion that there is no cause for vacating that portion thereof.

No. 7 Dec Term 19 31

**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 the road, they will report to that effect.

	Days	Miles	Am't
H. A. Reese	1	38	11.9
H. P. Dowler	1	14	10.7
John Scollins	2	40	22.0

in the Township of Boggs  
Clearfield County.  
Now Dec Sessions 1931  
read and confirmed Ni. Si.  
By the Court  
John H. Hays  
Now Dec Sessions 1931  
confirmed before me

By the Court:

A. Johnson  
1870

19 .....  
Walter Welch .....  
Atty, .....  
Fees \$1.25 paid by



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 vacationing 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 assessed.

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

Witness our hands and seals this 4th day of November, A. D. 1931.

*John Sccean* ..... [SEAL.]  
*A. A. Reese* ..... [SEAL.]  
*H. J. Dohle* ..... [SEAL.]

Viewers.



UNIMPROVED

ENDING

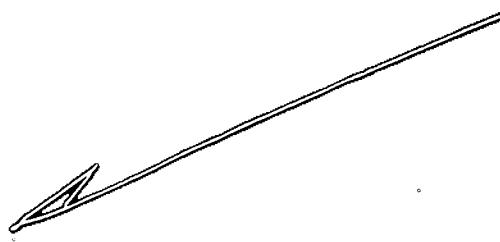
LAND

N<sup>o</sup> 7 DEC. 1931

PUBLIC ROAD IN BOGGS TOWNSHIP  
CLEARFIELD COUNTY PA

VIEWED ON ORDER TO VACATE  
OCT. 14 - 1931

BY JOHN COLLINS ESQ  
H. A. REESE  
H. P. DOWLER



MORRIS  
IMPROVED

SHIMED  
LAND

1931

1931

STATE ROAD  
TO ENGLER  
BEGINNING  
SALEM  
CHURCH

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. 7, December Term, 1931, to view and vacate a road in Boggs Township, beginning at the Salem Church at the ash road leading from the Cross-road known as Stone Corner Cross-road and ending at the State Highway, being a distance of about seven-tenths of a mile, in said County, will meet at the Salem Church in the Township of Boggs aforesaid, in said County, on Wednesday, 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 Seelins  
Harry Reece  
H. P. Dawler  
Viewers

Dated, September 26th, 1931.

CLEARFIELD COUNTY, SS:

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

L. C. Harris  
Clerk

TO: *J. W. Gassberry*  
Clark Goss, Harry L. 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. 7, December Term, 1931, to view and vacate a road in Boggs Township beginning at the Salem Church at the ash road leading from the Cross-road known as Stone Corner Cross-road and ending at the State Highway, being a distance of about seven-tenths of a mile, in said County, will meet at the Salem Church in the Township of Boggs aforesaid, in said County, on Wednesday, the 14th 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*  
*A. P. Fowler*

Viewers

Dated, September 26th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 5<sup>th</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. Gassberry*  
*E. E. Burns*

Supervisors