

ROAD

DOCKET No. 7

| Number | Term     | Year |
|--------|----------|------|
| 3      | Sept. SS | 1946 |

---

In the matter of: Vacation and  
Relocation of Portion of Township  
Road No. 17611 in BRADFORD TOWNSHIP

---

Versus

---

---

---

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

IN RE: PETITION FOR VIEW OF :  
PUBLIC ROAD IN BOGGS : NO. 25 SEPTEMBER SESSIONS,  
TOWNSHIP : 1942

We, the undersigned, residents of Boggs Township, Clearfield County, Pennsylvania, respectfully represent that we are opposed as tax payers and citizens of the said Township to the building of a public road or highway in the Township as prayed for in the petition filed to the above number and term on which petition viewers have been appointed by the Honorable Court for the following reasons:

1. That the proposed road is unnecessary for public travel and is not necessary for the petitioners seeking said road, who live in the vicinity of the proposed road, in as much as for a great number of years there have been roads over the properties of the petitioners which lead to the public highway known as No. 17056, which is only a short distance from any of the residences of the four petitioners living near the proposed road.

2. That the residents from their own properties are within a short distance of the said public road No. 17056 and also public highway No. 17049 and have access to the public road over and on lands over which they have maintained private roads for many years.

3. That said proposed road would require an expenditure of a sum of money in large excess of any hope for benefits to the petitioners or the public, the said sums required causing a burden upon the tax payers of the said township, which under the circumstances would be wholly unjustified and out of proportion to any benefits or convenience to the traveling public or the petitioners.

4. That said proposed road is unnecessary and of no benefit to the petitioners except that it would shorten the distance to the public highway No. 17049.

WHEREFORE, your protestants respectfully pray that the petition for the establishing of the said public road be refused.

And they will ever pray.

| <u>NAME</u>        | <u>POST OFFICE ADDRESS</u> |
|--------------------|----------------------------|
| Wm. J. Lee         | West Decatur Pa            |
| Raymond M. Lure    | West Decatur Pa            |
| Sylvester Shinnell | West Decatur Pa            |
| Hussie James       | West Decatur Pa            |
| Maudie M. Price    | West Decatur Pa            |
| Mitchell Boniger   | West Decatur Pa            |
| Chas. Dimmeling    | West Decatur Pa            |
| Ester Dimmeling    | West Decatur Pa            |
| Alton Hummel       | West Decatur Pa            |
| William Hummel     | West Decatur Pa            |
| Myrtle Hummel      | West Decatur Pa            |
| Zella Goss         | West Decatur Pa            |
| Bertha Goss        | West Decatur Pa            |
| William Goss       | West Decatur Pa            |
| Walter Storck      | West Decatur Pa            |
| Ethel Storck       | West Decatur Pa            |
| Edna Storck        | West Decatur Pa            |
| J. M. Leunroy      | West Decatur Pa            |
| L. A. Wray         | West Decatur Pa            |
| John Miller        | West Decatur Pa            |
| Bertha B. Miller   | West Decatur Pa            |
| R. S. Maurer       | West Decatur Pa            |
| Miss G. S. Maurer  | West Decatur Pa            |



| NAME                   | POST OFFICE ADDRESS |
|------------------------|---------------------|
| Mrs. Myrtle Gearhart   | West Decatur        |
| Ross Gearhart          | West Decatur        |
| Harry Hankler          | West Decatur        |
| Erma Hummel            | West Decatur Pa     |
| Richard Walsh          | West Decatur Pa     |
| Earl Gearhart          | West Decatur        |
| E. E. Burns            | " "                 |
| Annell Burns           | " "                 |
| E. M. Mott             | West Decatur Pa.    |
| Lily Wilson            | " "                 |
| Mrs. F. L. Shimmell    | West Decatur        |
| Geo. Shimmell          | West Decatur        |
| Dorothy Lambria        | West Decatur        |
| Florence Conrad        | West Decatur        |
| Edgar H. Wilson        | " "                 |
| Wm. Miller             | " "                 |
| Edith Peters           | West Decatur        |
| Jack Peters            | " "                 |
| Mamie Smeal            | " "                 |
| E. E. McClure          | " "                 |
| Mrs. C. C. McClure     | West Decatur        |
| Mrs. Chas. Stonebraker | West Decatur        |
| Florence Stonebraker   | West Decatur        |
| Lee Thompson           | West Decatur Pa     |
| Mrs. Burtis Thompson   | West Decatur, Pa    |
| Florence Thompson      | West Decatur, Pa    |

| NAME                     | POST OFFICE ADDRESS |
|--------------------------|---------------------|
| Walter Kauer             | West Decatur Pa     |
| Bertha Kauer             | West Decatur Pa     |
| Charles Thompson         | West Decatur Pa     |
| Lula Thompson            | West Decatur Pa     |
| Emilda Shinnel           | West Decatur, Pa.   |
| Ruby Kelce               | West Decatur Pa.    |
| <del>Matthew Kelce</del> | " " "               |
| Lawrence English         | " " "               |
| Ester English            | " " "               |
| Thelma Coulter           | " " "               |
| Harry Coulter            | " " "               |
| Miss Grace Gray          | " " "               |
| Mr J C Bamberger         | " " "               |
| Joe H. Fleck             | " " "               |
| Rotie E Fleck            | " " "               |
| Cora Shagarts.           | Wallacetown Pa      |
| Ruth Fleck               | West Decatur Pa.    |
| Melvin Lumadue           | Wallacetown. Pa     |
| Berisl Hummel            | Wallacetown . Pa    |
| Mr ad Lumadue            | West Decatur Pa     |
| Matie Lumadue            | West Decatur. Pa    |
| Catherine Lumadue        | " " "               |
| Franklin Lumadue         | " " "               |
| Mr Joseph Puz            | " " "               |
| John M Kano King         | " " "               |
| Paul Kano King           | " " "               |

NAME

POST OFFICE ADDRESS

|                     |                         |
|---------------------|-------------------------|
| Fred B Misor        | Clearfield P.O. 3       |
| Woy Misor           | " "                     |
| Geo. B. Shugart     | " "                     |
| Mrs. Ida Shugart    | " "                     |
| Mrs. Alice & Flegal | Clearfield. R & D. Pa   |
| Mrs. Kathryn Irwin  | Clearfield. Pa. R.O. 3. |
| Aug Irwin           | " "                     |
| Chas Bumbarger      | " "                     |
| Mrs. Chas Bumbarger | " "                     |
| Miss Mary Wice      | " "                     |
| Grace Haney         | " " Box 199             |

Allen R Haney

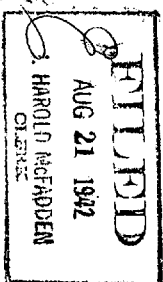
|                     |                                |       |
|---------------------|--------------------------------|-------|
| Mrs. Lillian Lutz   | Clearfield R.D. #3             | Penna |
| J.P. Schuckling     | Clearfield R.D. #3             |       |
| Wm M Schuckling     | Clearfield R.D. #3             |       |
| Alfred Royer        | Clearfield R.D. #3             |       |
| Mrs. Abigail Herr   | Clearfield R.D. #3             |       |
| Mrs. Grant Luzier   | Clearfield R.D. #3             |       |
| Mrs. Bleta Williams | Clearfield R.D. #3             |       |
| Mr. Ralph Mullen    | Clearfield R.D. #3             |       |
| Fred Royer          | Clearfield Pa                  |       |
| Mrs. Fred Royer     | Clearfield R.D. 3              |       |
| Mrs. J. R. McClure  | Saint Louis - Mo. pr. m. 18 B. |       |
| Maudeline Brown     | West Decatur - Ga.             |       |

IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY, PENNA.

NO. 25 SEPTEMBER SESSIONS, 1942.

IN RE: PETITION FOR VIEW  
OF PUBLIC ROAD IN BOGGS  
TOWNSHIP

PETITION FOR REFUSAL OF  
ESTABLISHMENT OF ABOVE  
PUBLIC ROAD



*Filed by Charles H. McFaden,  
attys.*



**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 30th day of July in the year of our Lord one thousand nine hundred Forty-two.

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

in said County, setting forth that they labor under an inconvenience for want of a public road or highway in the Township of Boggs beginning at what is known as the Eagle-Eye School Building situated on Route No. 17056 and then on a south-easterly direction, a distance of one mile or more, to a point known as Wool-Eater Bridge on Route 17049 in the said township.

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 A. B. Shaw, Esq., W. E. Tobias, and Harry E. Reese

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 impartiality and according to the best of their judgement, 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 distance, 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. W. Wallace Smith, P. J.

J. Harold McFadden, Clerk.

# 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, be 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

Boggs and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 19th day of August

A. D. 1924, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 21st day of August, 1924, at 10:00 o'clock A.M. That

the three viewers appointed by the said order viewed the ground proposed for the above mentioned road; and that there were present at the view Burton Davis, Roger Wilsoncroft, Leonard Meas, Supervisors of Boggs Township, Wm T. Meas, Secretary of Boggs Township Road District, J. Leslie Woods, Rexford Woods, W. J. Woods, John Woods, Mrs Pearl Woods, Mrs Annie Woods, Mrs Herman Brown, and others, parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 21st day of August A. D. 1924, when the following

appearances were noted: Dan P. Arnold, Esq., representing Edward T. Kelley, Esq., attorney for the petitioners, together with J. Leslie Woods, Rexford Woods,

W. J. Woods, petitioners, together with their witnesses, John Woods, Mrs

Pearl Woods, Mrs Gladys Woods, Burton Davis, Roger Wilsoncroft, Leonard

Meas, William T. Meas, and J. Leslie Woods, all of which are attorneys at law,

law firms of Chase & Swoope, attorneys representing the petitioners, in

opposition to the hereinafter described proposed road, together with their

witnesses, T. Rex McClure, Mrs Herman Brown and George B. Shugarts, do

the last three in private property, and as far as possible agreeably to the desire of the

petitioner, and do return for the following described road, to wit:

Beginning at a point on State Highway Route #17045 in the Township of

Boggs, Pa., approximately 400 feet west of the Eagle-Eye School House;

thence South 11 1/2 degrees West, 362 feet to a stake; thence

still along said private road, South 18 degrees East, 309 feet to a stake;

thence still along said private road South 45 degrees East, 287 feet to

right of way of branch of the Pennsylvania R.R. Co; thence across said

right of way, South 41 1/2 degrees East, 290 feet to State Highway Route

#17049 in said Township of Boggs.

That the above proposed road is laid out, for the most part,

over the same course now used as a private road, except that the newly

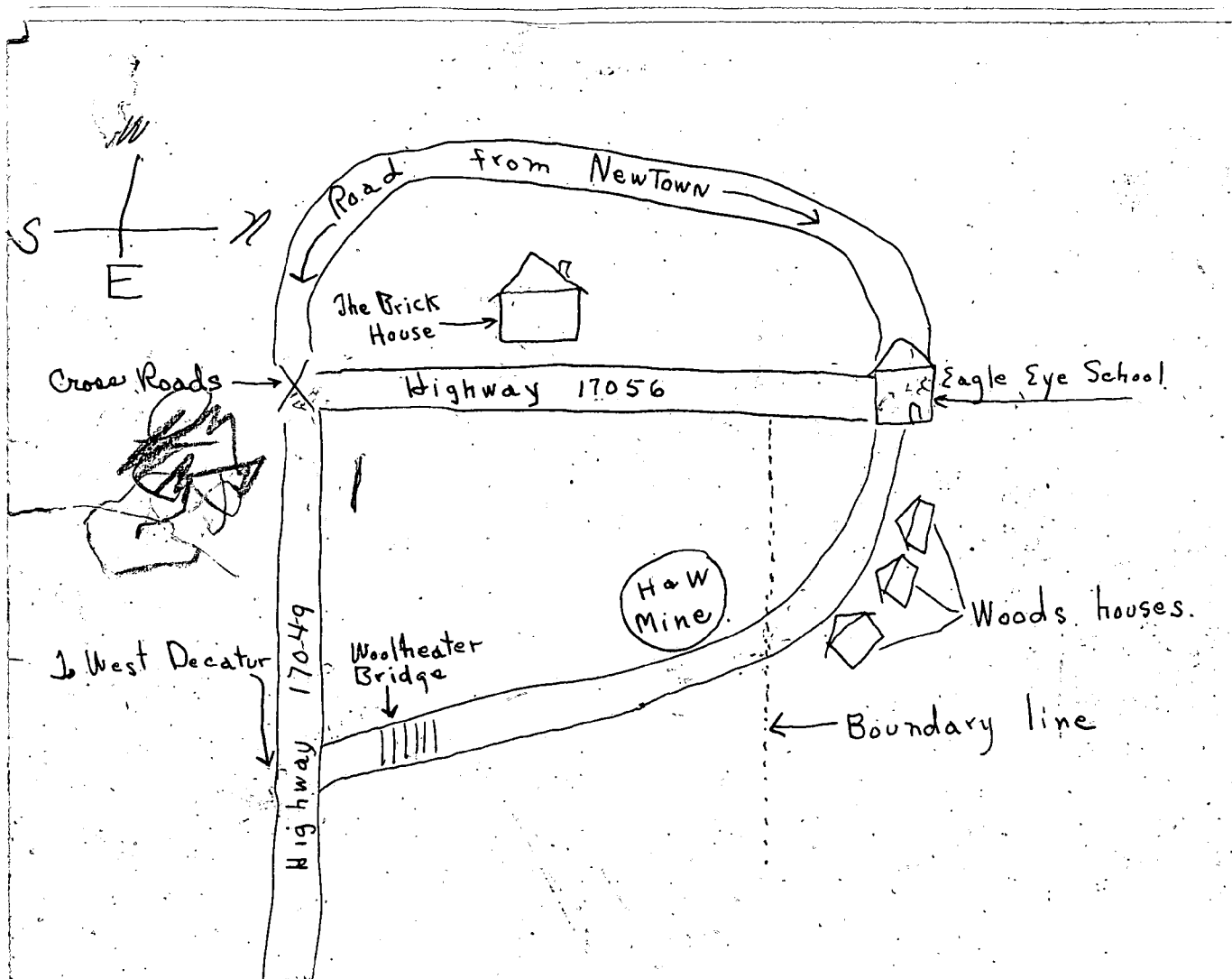
proposed road, as laid out, has its beginning at a point on State Highway

Route #17056, approximately 400 feet west of the Eagle-Eye School House,

whereas the location of the present private road extends through the Eagle-

Eye School grounds which form a part of the Boggs Township School District.

That the private road herein referred to has been maintained for a great



TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

VIEWER'S NOTICE

YOU ARE HEREBY NOTIFIED that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 30th day of July, A.D., 1942, to view and supply a public road in the Township of Boggs, Clearfield County, Pennsylvania, beginning at what is known as the Eagle-Eye School Building, situate on State Highway Route #17056 in said Township and extending in a southeasterly direction, a distance of about one mile, to a point known as the Wool-Easter Bridge on State Highway Route #17049 in said Township, will meet at the Eagle-Eye School Building in said Township of Boggs, on Wednesday the 19th day of August, A.D., 1942 at 10:00 o'clock A.M. to attend the duties assigned them, and that the public hearing as required by Act of Assembly and Rules of Court to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Friday the 21st day of August, A.D., 1942 at 10:00 o'clock A.M., at which time and place all parties interested in said road may attend and be heard, if they so desire.

A.B. Shaw

H.A. Reese

W.E. Tobias

Viewer's

Now, August 3rd 1942, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County.

Fred B. Reese  
Clerk

TO THE SUPERVISORS OF BOGGS TOWNSHIP, CLEARFIELD COUNTY, PENNA.

VIEWER'S NOTICE

YOU ARE HEREBY NOTIFIED that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 30th day of July, A.D., 1942, to view and supply a public road in the Township of Boggs, Clearfield County, Pennsylvania, beginning at what is known as the Eagle-Eye School Building, situate on State Highway Route #17056 in said Township and extending in a southeasterly direction, a distance of about one mile, to a point known as the Wool-Easter Bridge on State Highway Route #17049 in said Township, will meet at the Eagle-Eye School Building in said Township of Boggs, on Wednesday the 19th day of August, A.D., 1942 at 10:00 o'clock A.M. to attend the duties assigned them, and that the public hearing as required by Act of Assembly and Rules of Court to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Friday the 21st day of August, A.D., 1942 at 10:00 o'clock A.M., at which time and place all parties interested in said road may attend and be heard, if they so desire.

A.B. Shaw

H.A. Reese

W.E. Tobias

Viewer's

Now, August 19, 1942, service of the above notice is hereby accepted by copy on behalf of the Supervisors of Boggs Township.

W. J. Mead  
Secretary

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view <sup>and lay out</sup> a Road ~~for~~ <sup>for</sup> ~~assess~~ <sup>assess</sup> ~~damages leading from~~ Beginning at a point known as the Eagle-Eye School Building situate on State Highway Route #17056 in Rogge Township, Clearfield County, Pennsylvania; thence extending in a southeasterly direction, a distance of about one mile, to a point known as the Cool-Easter Bridge on State Highway Route #17049

in ~~shipship~~

in ~~Rogge~~ Township, in the County aforesaid, will meet at the ~~house of~~ Eagle-Eye School House

in ~~Rogge~~ Township, on ~~Wednesday~~ the ~~19th~~ day of ~~August~~, A. D. 1942, at 10:00

o'clock A.M., to attend to the duty assigned them, of which time and place aforesaid, all

parties interested will take notice. THAT THE PUBLIC HEARING AS REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT TO BE HELD BY THE VIEWER'S BEFORE THE FILING OF THEIR REPORT IN COURT, IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD ON FRIDAY THE 21st DAY OF AUGUST, A.D., 1942 AT 10:00 O'CLOCK A.M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROAD MAY ATTEND AND BE HEARD, IF THEY SO DESIRE.

A.B. SHAW

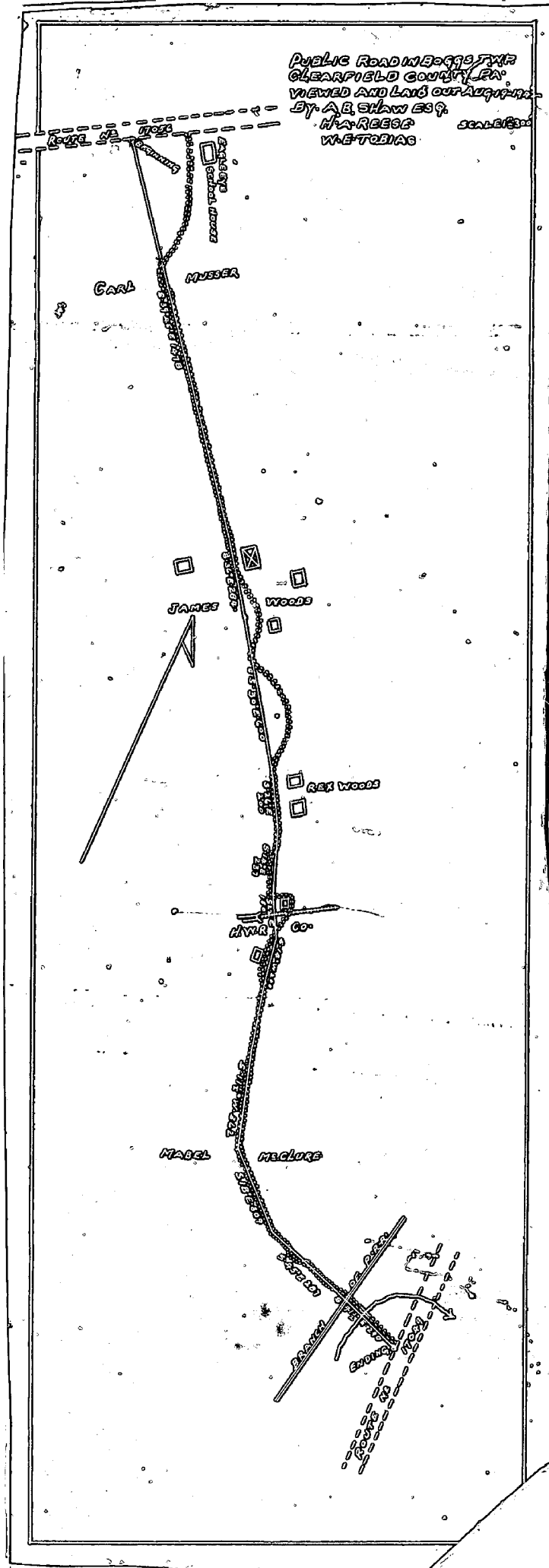
H.A. REESE

W.E. TOBIAS

VIEWSERS.

August 3, 1942

PUBLIC ROAD IN 1899 BY  
CLEARFIELD COUNTY, PA.  
VIEWED AND Laid OUT AUGUST 1899  
BY A. B. SHAW ESQ.  
H. W. REES  
W. E. TOBIAS



number of years at the expense of the persons living along the same and is in a bad state of repair and impassible during certain parts of the year due improper and inadequate drainage. That during certain seasons of the year it is impossible to deliver fuel and necessities to the families living along said road and in case of illness to have a doctor call and administer to the ill. That five families live along said proposed road which comprise twenty-five persons in all, and in addition there is a newly developed clay mine of the Harbison-Walker Refs Co along said proposed road which employes a number of men, who would use said road in going to and from work, all of whom would be especially benefitted by the construction and maintenance said road as a public road, as well as, the public generally. That the new proposed road would shorten the distance by approximately one mile in going from the Eagle-Eye School House to West Decator.

That according to the great number of persons requesting said road it would appear that the same is necessary and should be built and maintained as a public road. That the Supervisors of the Township of Boggs have no objection to said proposed road and have intimated their willingness to build and maintain the same, as soon as, it is legally established as a public read according to law.

That the objections to the establishment of the above described road, as a public road, which have been raised by certain residents or tax payers of the Township of Boggs, filed to the term and number of this proceeding, are not well founded, as in the opinion of your Board said proposed

and that a plan or draft of said road showing courses and distances and the properties affected or road would not be costly to build and maintain and is attached and made a part hereof, said road being at an elevation not exceeding five feet above the general level of the country and the convenience and accomodation of the great number of persons living

along the same, as well as for the traveling public generally. —

That in addition to forming an outlet for the families now living along said proposed road, who would be especially benefitted, it would also serve a large number of children of school age living in this vicinity in going to and from the Eagle-Eye School, some of whom live on State Highway Route #17049 and must now travel by highway a distance of approximately two miles in going to and from said school.

WHEREFORE, your undersigned Board recommends the construction and maintenance of said proposed road as a public road for the use and convenience of the general public.

and we have in return articles obtained and copy of the notices.

WITNESS our hands and seals this 24th day of August

A. D. 1932

*[Signature]*  
H. A. Reese  
H. C. Tobias



No. 5 September Sessions, 1942

# ORDER

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

Sept 5 Sessions, 1942, read and confirmed Ni. St. Road to be opened 33 feet wide except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

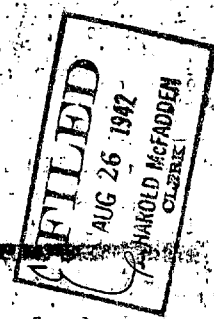
R. Waller June  
Subst on August  
Let R. Waller June  
Confirmed Ni. St. in  
Signature of 11/3/43  
May 3 1943. Confirmed  
charities. R. Waller  
Filed 19

Fees \$1.25 paid by

Edward T. Kelley, Atty.

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.   |
|-----------------------|------|-------|---------|
| A. B. Shaw            | 3    | 24    | \$31.20 |
| H. A. Reese           | 3    | 80    | \$34.00 |
| W. E. Tobias          | 2    | 24    | \$21.20 |
| Betty Raymond         |      |       | 10.00   |
| Stenographic services |      |       |         |



## 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 ensembling and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said

all damages that may arise to us respectfully 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. 192 \_\_\_\_\_

Seal  
Seal  
Seal  
Seal

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

In re: Petition For View :  
of Public Road in BOGGS : No. 5 September SS 1942.  
TOWNSHIP :

OPINION

The Viewers in this case reported favorably to the laying out of a public road connecting two existing roads known as Routes No. 17056 and 17049, the proposed road running in general from the vicinity of the Eagle Eye School House to a point in Route 17049. The report was filed August 26, 1942. It was not confirmed nisi but was placed on the argument list because of certain objections to its establishment filed about the same time, said objections being signed by a large number of persons. In so placing them upon the argument list these objections were treated as exceptions, although they would not formally amount to that. Upon the matter coming up for argument more formal exceptions repeating these objections were then filed by Mabel Kline McClure.

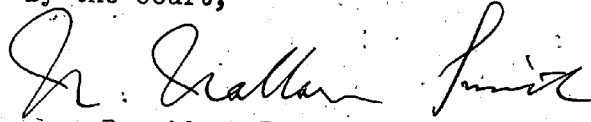
The principal question raised by the exceptions is that the road is not necessary in its entirety but would only be a convenience, and that the necessity of various residences along its course would be served by the opening of only a portion of the proposed road running from the Eagle Eye School House to a point near a Harbison-Walker Refractories Company mine somewhat short of the exceptant's property. This objection is therefore one to the merits and it would not seem that the filing of exceptions is the proper remedy to set up such protest. Furthermore, it appears that the exact contention made in the exceptions and in

the paper previously filed upon which the exceptions are apparently based, was submitted before the Viewers. Both the report of the Viewers and the report of the testimony taken show that the Viewers gave careful attention and consideration to this contention, but that they found it was not a valid one. In the Viewers' opinion the granting of the entire section of road proposed would not require a large expense, and because of the grades involved and other considerations, was a matter of necessity. We see no reason to disturb the Viewers' conclusions in this matter and think, therefore, that the Viewers' Report should be confirmed nisi.

O R D E R

NOW January 13, 1943, the Viewers' Report filed to No. 5 September SS 1942, is confirmed nisi in accordance with opinion herewith. The road in question is to be opened thirty-three (33) feet wide except where there is side hill cutting or embankment, and there to be sixteen (16) feet wide. The exceptions are dismissed.

By the Court,

  
President Judge.

No. 5 September SS 1942.

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD COUNTY  
PENNSYLVANIA.

In re: Petition for  
View of Public Road in  
BOGGS TOWNSHIP

OPINION

RECEIVED  
JAN 13 1943  
HAROLD McFADDEN  
CLERK

Rexford Woods, being duly sworn, testified as follows:

By Dan P. Arnold:

Q. Your name is Rexford Woods?

A. Yes, Sir.

Q. You live in Boggs Township?

A. Yes, sir.

Q. You are one of the petitioners who requested a road to be opened in Boggs Township?

A. Yes, sir.

Q. To get the record straight, is the road that you are requesting to be opened a road which is to begin at what is known as the Eagle Eye School building situating on Route 17056 and then in a southeasterly direction a distance of one mile to a point known as the Woolester Bridge on Route 17049 in the said township?

A. That's correct.

Q. I understand this road is to be approximately one mile in length.

A. Yes, it would be around a mile as nearly as we could figure it out.

Q. Where do you live in Boggs Township?

A. At about the middle of this road.

Q. On the location of the proposed route?

A. Yes, sir.

Q. How many families live there?

A. There are five houses, but at present there are six families.

Q. Is there any road there now?

A. Yes, kind of a one, I would call it.

Q. Is it a privately owned road? Is it privately maintained?

A. Yes, we have been keeping it up ourselves.

2.

Q. What sort of condition is the road in?

A. It's pretty rough.

Q. Is it a dirt road?

A. Yes, sir.

Q. Approximately how wide is it?

A. There are lots of places where two automobiles could not pass.

Q. What is the condition of the road in the winter?

A. Part of the time I have to keep my automobile out.

Q. Is the road passable during the rainy season?

A. During a couple of months out of the year, it is not passable. It is quite swampy in the spring of the year.

Q. You say that at present there are six families living there. Have they children of school age?

A. Yes, all but one family.

Q. Is it necessary for them to go out this road to get to school?

A. Yes, sir.

Q. Do you get your mail delivered down this road?

A. No, sir.

Q. You have to go for your own mail?

A. Yes, sir.

Q. In case of sickness would it be necessary for doctors to come down this road to attend patients?

A. That's right. One of them refused to come unless we got a road.

Q. Have the doctors objected to driving such a road?

A. Yes, they have.

Q. What particular doctor?

A. Dr. Philips and Dr. Heaton, both.

Q. Have they both signed the petition for opening the road?

A. Dr. Heaton has, but I don't think Dr. Philips did.

Q. Did Dr. Philips object to the road?

A. Yes, in 1937 when I had pneumonia.

3.

Q. Was it necessary for the doctors to walk this road when they came to attend a patient?

A. Yes, sir.

Q. Was there any other way into this place except down this road?

A. Not that I know of. That was the only road.

Q. Was that the only way you could drive an automobile in?

A. Yes, sir.

By A. B. Shaw, Esquire

Q. Was that the only way out in case of death?

A. Yes, sir.

Q. How many people are served by this road? About how many people and children?

A. Twenty-five persons in all.

By Dan P. Arnold, Esquire

Q. Would this be a very hard road for the Supervisors to build?

A. I don't think it would be so hard.

Q. There is a rough road laid out there now?

A. Yes, sir.

Q. All you are seeking then is a way to get out?

A. Yes, the School Board stopped us from crossing their lands after school starts. We are seeking a way to get out then.

Q. You mean the School lands are no longer open to you after school opens?

A. That's right.

Q. And you haven't any way of getting out by automobile?

A. No, sir.

Q. Unless roads open there is no means of getting out after school opens.

A. That's right. They told us they would fine us \$25.00 for using it after school opened.

By A. B. Shaw, Esquire

Q. Is the other end closed?

A. Yes, sir.

Q. Who closed it?

A. Mr. McClure sent us word, and it was wired up.

By Dan P. Arnold, Esquire

Q. The road had been open at both ends?

A. Yes, sir.

Q. And Mr. McClure closed off one end, or ordered it closed?

A. Yes, sir.

Q. And unless the Supervisors put in a road, there are no means of getting in or out?

A. Yes, sir.

By A. B. Shaw, Esquire

Q. Part of the road intersects with route 17049 down at the lower end and by Woolester bridge. Is the road closed from the intersection of the present private road where it intersects with 17056?

A. Yes, it's closed to us but not to Harbison-Walker.

Q. It's still open to Harbison-Walker, who have a mine where you live. This road runs to that mine?

A. Yes, sir.

By Dan P. Arnold, Esquire

Q. Is there any way out through the mine?

A. No.

Q. You could only travel from your house to the mine and back again without getting off the road?

A. Yes, sir.

By A. R. Chase, Esquire

Q. Your name is Rexford Woods?

A. Yes, Rexford Woods, better known as Rex.

Q. How long have you lived in the place where you now live?

A. It will be eleven years this coming April.

Q. Prior to that did you live in one of these properties?

A. I was born near the Eagle Eye school house.



5.

Q. The private road has been there how long?

A. As long as I have been able to travel through there.

Q. You say there are six families along this road and five houses?

A. Yes.

Q. There have been no new houses placed there in recent years?

A. The house I live in was built in 1918.

Q. That number of dwellings have been there almost as long as you can remember?

A. Yes.

Q. You people are asking for a road which leads out to 17056 which runs past the Eagle Eye School house? Is That correct?

A. Yes.

Q. You say the School Board notified you - - Who was it that notified you?

A. Howard Woods, Secretary. He said that they had a notice from the State that all roads had to be taken off the school grounds.

Q. That is what the secretary said?

A. Yes.

Q. The road viewers made a drawing of the road. Rex, do you know how much of your private road is on the school property?

A. I imagine it cuts straight across through an acre. About 500 feet at the most.

Q. Where the school property intersects the road, that is on the Carl Musser place and James Woods, what distance would be from that point to route 17056?

A. I don't know exactly. Estimated roughly it wouldn't take over a thousand feet.

Q. From where all these houses which had those five or six families in if there was a public road placed from route 17056 down to Carl Musser land would give you an opening on the public road?

A. Yes, it would.

Q. But what you are asking - - You don't want only an opening on that road? 17056 leads to where?

A. It comes through from Osceola to Bigler.

Q. From your place going out to the public road what town would you hit? You use it to go to Philipsburg?

6.

A. Yes.

Q. From all of these houses you say are down here if there was a public road from what is called the McClure property up to 17056 you would have an outlet to a public road?

A. Yes, sir.

Q. It's approximately half a mile from the Eagle Eye School House road down to the McClure line, is it?

A. Yes.

Q. If they would give you a public road from that point then you could get out on a public road at the school house?

A. Yes.

Q. From the James Wood property line you are asking for a public highway down to route 17049 aren't you?

A. Yes.

Q. What distance is that?

A. As nearly as an automobile could measure it, it registers one mile and one-tenth.

By Harry A. Reese

Q. My recollection is that the actual distance is quite a bit short of a mile, around 4600 feet, as we measured it. We started through a field instead of going over the old road.

By A. R. Chase, Esquire.

Q. Where would you go when you wanted to go to Philipsburg?

A. Past the Eagle Eye/School House. You come up on that to go to Clearfield, Philipsburg, Wallaceton and Bigler.

Q. Where do you go on 17049?

A. That's the way we go to church services. And we can go to Houtzdale, that way.

Q. Why are you petitioning here for a road to lead to these two highways?

A. The only way we can get a public road through there is to have it from one highway to the other.

Q. You don't need both of these roads to get out. The only reason you say you ask for this road of a mile length instead of half a mile is because of that?

A. They told me that you could not build a township road unless it went from one highway to another.

By Harry A. Reese

7.

Q. Your children attend school at the Eagle Eye School house?

A. Yes, sir.

Q. After we left you people at the Wooleater Bridge the other day and started toward Bigler, just a little piece out there are farm houses at the right. Do those children attend Eagle Eye?

A. Yes.

Q. Do they come across through there?

A. Yes.

By A. R. Chase, Esquire

Q. You need a private road to the school?

A. Yes, otherwise they would have to travel two miles. They would go to 17049, and then to the cross roads and then take 17056 to get to the school house.

Q. Do people live on 17049?

A. Yes, sir.

By Harry A. Reese

Q. These people on the public highway, to get to the Eagle Eye School House, a private road through here is easier for children to get to school?

A. I don't know that.

By A. R. Chase, Esquire

Q. Is there a school bus down in this section on Route 17049 that hauls kiddies around to Eagle Eye?

A. No, sir, there isn't.

Q. What is the nearest school house next to Eagle Eye to where these families live?

A. Blue Ball.

Q. The distance is about the same from one school to the other?

A. Yes, you go to 17049 and then to cross roads and take 17056 to school house.

By Harry A. Reese

It is not within our jurisdiction to coerce the School Board into employing buses if they don't want to, to haul these children to school. We don't have any authority to do that.

By A. R. Chase, Esquire

It is a matter for the viewers to consider the matter of

8.

working out the situation that is there.

Q. Rex, you say you received a letter from Mrs. McClure not to use this road down through there?

A. Yes, sir.

Q. You had been using that road. Mrs. McClure gave you that authority?

A. Yes, in 1938.

Q. The letter says there are only three houses and there are five. Is it correct in other respects?

A. Yes. We asked for a road through there and authority to use it.

By Harry A. Reese

Q. Is there anyone here representing the authority of the Harbison-Walker Refractories Company?

A. All I was told was that the Harbison-Walker Refractories wanted a road through there, but there is no one here.

By A. R. Chase, Esquire

Q. My understanding is that Harbison-Walker Refractories keeps out of these. Under no circumstances would they be considered in this picture.

By Harry A. Reese

They are making an improvement along that road.

By A. R. Chase, Esquire

Unless there is evidence to that effect I do not agree with you. I know that they tore down a dozen houses in Boggs Township so that they would not have to pay taxes.

Q. Whose property is that mine on?

A. It's on the old McClure property. The mine opening is only about 300 feet from the mine between my property and the McClure property.

Q. As far as Harbison-Walker is concerned, they do not seem interested in this road.

A. They said they would do nothing against it. They are in favor of its going through. I asked Mr. Lansberry, or rather told my brother to tell him. They didn't show up, that is all I know.

Q. Who are the Supervisors out there?

A. Leonard Meas,-

9.

Q. How about Cyrus Robinson? He wasn't a Supervisor.

A. He was a supervisor when the paper was made out.

Q. When was that?

A. In 1938.

Q. In 1938, these petitioners signed it?

A. It wasn't dated.

Q. And you present what you say is a petition, on which you have this Court make an order on July 30, 1942, to hold this view and as a matter of fact this petition for the road in Boggs Township which you have filed and presented to this Court was signed up in what year?

A. The one was just signed. The petition to the Court and the petition to the Supervisors are different. They told us that it was not good and that we had to get a new one to petition the Board. I had it signed at different times.

Q. When was the last signature you got on this?

A. In 1939 or 1940.

Q. At that time you had on there Cyrus Robinson as one of the Supervisors?

A. He was at that time.

Q. When this was presented to the Court it was represented that this was a recently signed petition. Who is this Supervisors on here? Was he a Supervisors when he signed this?

A. He's a Supervisor at this time.

Q. At the time this petition was signed he was not a Supervisor?

A. I asked these people if they were in favor of it. They were.

Q. Do you know Cyrus Robinson is opposed to this road?

A. He is in favor of it.

Q. Is M. A. Woods a Supervisor?

A. No. He hasn't been for some time.

By William C. Chase, Esquire

Q. I know the position of the Supervisors today. I represent them and they are in favor of this road.

By A. R. Chase, Esquire

10.

Q. What I am getting is that the petition signed by this Court was signed in 1938?

A. I asked people before I presented this about it. They said it was all right.

By A. B. Shaw, Esquire

Q. You mean you contacted them in 1942?

A. Yes.

By A. R. Chase, Esquire

Q. Did you contact all of these people in 1942?

A. Most of them. I can show you a good many names; most of them, I asked them and they said they were in favor of it. Some of them I don't know. They moved away.

Q. How many of these people are taxpayers?

A. All of them are taxpayers. Their names wouldn't be on it unless they were.

Q. W. E. Townsend is not?

A. No, the township people are taxpayers.

Q. Dr. Heaton is not?

A. No, but he comes in there, and asked us to go after this road at that time.

Q. John H. Woods is not a resident there?

A. He owns property there.

Q. Foster Woods, W. J. Woods are not?

A. They own property.

Q. Have you done any work on this private road?

A. Yes, we do what we can by hand.

Q. Do you know that there are several roads in Boggs Township where private owners have an equal distance to go?

A. No, sir.

Q. Do you know George Shugarts? Have you been into his home?

A. No.

Q. Do you know the Dowman homestead?

A. No, sir.

Q. And the Chase homestead, back of the Bowman place?

A. No, sir.

Q. They have to go over privately maintained roads to get to public roads.

A. No, sir, I didn't know that.

Q. If you were given a private road over this McClure property or over - - By the way, James Woods, what relation is he to you?

A. My uncle.

Q. Foster and John's father?

A. Yes, sir.

Q. It's a fact that all you families are all sons or grandsons of James Woods?

A. I am not the son or grandson of James Woods. I am his nephew.

Q. The main complaint that you have, Rex, is that you want a road out there so that the township can keep it up at their expense.

A. Yes, sir.

Q. Would you tell this Board of Jurors how much it has cost you to maintain this private road?

A. I never paid much attention to it. We did it ourselves and never kept track of it. It never cost us much except time and labor. We pay taxes and never got any benefit from the taxes.

Q. You want a road for the township to keep up. Have you any idea how much it has cost you to keep it up?

A. No, sir. We worked at night, and never kept tab of it. Guess Lisle and I worked on it two weeks straight. When you can save yourself a nickel you do it.

By Dan P. Arnold, Esquire

Q. You had the original petition with a lot of signatures on it made up in 1938 to present to the Supervisors?

A. To the Supervisors, yes.

Q. In the last month or so, you drew up another petition to the Court to have viewers appointed to open this road. Did you have new signatures added on to the new petition?

A. No, I think the signatures on there are on the other petition.

Q. But it was signed up in the last month or so, and then fastened on to the other petition?

A. Yes, sir.

Q. It's absolutely essential that you have at least half a mile to get out to one or the other of these roads.

A. Yes, sir.

Q. Is it any convenience to the families to have the road opened the entire length to the school?

A. Yes.

Q. How far is it? From where these parties live on 17049 if this proposed road were opened up the whole way how far would it be?

A. About 1 and 1/2 miles.

Q. How far would it be to travel 17049 to 17056 and then to the School?

A. 2 1/2 miles.

Q. Then it would save them at least half a mile to cut across this proposed road?

A. Yes.

Q. I understand that you have been keeping up this road on your own, with no accounting of costs?

A. Yes.

Q. And at the present time you cannot get out either way after school opens. If it were arranged that you could get out at the school house, at sometimes during the year would it be impossible to get in or out?

A. Yes, sir. It's the only way, and the doctors refuse to travel it.

Q. Do you have the machinery and equipment to fix it?

A. No, sir.

Q. Even if the School board would let you cross their property at some times of the year you can not get in.

A. That's right.

Q. It's not a question of whether the School Board and Mrs. McClure won't let you get out?

A. It's not. There is the inconvenience of traveling, and at least two months out of the year we can't get in or out with an automobile. And in addition, we do not have the necessary machinery and equipment to keep it up.

Q. In other words, even though the School Board and Mrs. McClure let you in or out, the road would be impassable at times?

A. Yes, sir.



Q. Then it's not only a question of whether or not they will let you in or out.

A. That's right.

Q. As I understand you to say this half mile of the road from the School House is a necessity, to have that much of the road.

A. Yes, for the children to get to school. The doctors would rather have the other end.

Q. If it were kept up they could get in that end.

A. Yes, we could get in and out.

Q. Would it be more convenient to the others, and to you five or six families in there, would it be better to have it opened that way?

A. Yes, sir.

Q. Would it be a convenience to people who do not live on that road?

A. Yes, sir.

Q. Would it be a convenience to the doctors?

A. Yes, sir.

Q. In other words, if it were only opened half a mile, the doctors would have to travel a distance of one and a half miles, or two miles further around?

A. Yes, sir.

By A. R. Chase, Esquire

Q. Do you haul your children to school?

A. My children walk up across this road.

Q. Does anybody haul children to school?

A. After it has rained or stormed they would haul them to school.

Q. As a general rule they walked up across this road.

A. Yes.

Q. About two months of the year they could not use this road. Was that true last winter?

A. Yes, sir.

Q. Would the children go to school?

A. Yes, sir.

Q. Is it necessary to have this public road so the children can go to school?

A. It would be more convenient for the children.

Q. You say that this road was closed about two months of the year to traffic. Why?

A. Because of the conditions, it was muddy and swampy.

Q. And you had no machinery to fix it?

A. Yes.

Q. When was that? In the spring?

A. In the spring and sometimes around Christmas time.

Q. During those periods of the year do you know of the Supervisors using machinery to fix these break-ups, or do they wait until the weather settles and then fix it up?

A. Where they keep it up you can travel better than when we keep it up. They have the machinery to go there and fix it up. The doctors kick about the road being so rough.

By Dan P. Arnold, Esquire

Q. Is it not possible for the Supervisors to build you a road travelable twelve months out of the year?

A. Yes, sir.

Q. And it is an inconvenience for the children to have to walk to school and you want this road because it would be more convenient to take them to school?

A. Yes, sir.

Q. And if your children were sick, you would have to carry them in to see a doctor, is that right?

A. Yes, I would carry my children to see the doctor if they were ill.

By A. B. Shaw, Esquire

Q. Mr. Woods, can you tell us over what period of years the present private road which leads from your property line out to Route 17049 has been used?

A. It was before I was born as near as I can get the records. I walked down across it when I was six years old. I am 34 now.

Q. You know it has been used twenty-eight years?

A. Yes.

Q. It has been used and maintained as a private road from your

property to 17049?

A. Yes, sir.

Q. 17049 used to be a township road?

A. Yes.

Q. Was that same private road used from your place to Eagle Eye School house over a period of years?

A. Not the same one, but practically the same one.

Q. It was the same private road from the school house to 17049?

A. Yes, sir, to my knowledge.

By A. R. Chase, Esquire

Q. If you got half of this road over the McClure property on 17049, then the township would have to haul the kiddies to school up to Eagle Eye?

A. No, not my kiddies but those who come from down through. There are two families.

Q. If the viewers, from where you live, decide that you should have a public road on to 17049, it would be over two miles distant from the School House, and under the law they would have to haul your children. If they gave you a road from James Woods-McClure line up to 17056, they would not have to haul your children.

A. Yes.

Q. Is the James Woods House still there?

A. Yes.

Q. Is it nearer the school house than the house you live in?

A. Yes, sir.

Q. How much nearer?

A. Not so far. My house is built off the corner of the James Woods property.

Q. How far is it from the property that is the farthest from the Eagle Eye school house, of these five houses, to the James Woods property?

A. Not so far.

Q. This is just a little village of Woods?

A. Yes, sir.

Q. If this road was given to you not as a matter of convenience but as a matter of necessity from your place or the McClure

16.

line up to the Eagle Eye school house, then the school board would not be under the necessity of hauling the children because it was over two miles?

A. Yes, sir.

Q. From your place and these other four properties coming down to 17049 then you have got to go around on to 17056 to get to the school house, that is over two miles from your place.

A. Yes, sir.

William T. Meas, being duly sworn, testified as follows:

By Dan P. Arnold, Esquire

Q. What is your full name?

A. William T. Meas.

Q. At the present time, you are Secretary of the Board of Road Supervisors of Boggs Township, are you not?

A. Yes, Secretary and Treasurer.

Q. Are the Boggs Township Supervisors in favor of this proposed new road?

A. They are.

Q. Do they feel that it is necessary for these petitioners living on this proposed new road to have this proposed road?

A. They do, as nearly as I can tell. They are here, you can ask them.

To the Board of Supervisors

Q. Do you agree with the Secretary?

A. Yes, we do.

By A. R. Chase, Esquire

Q. Bill, let's see who these Supervisors are at the present time.

A. Leonard Meas, Burton Davis and Roger Wilsoncroft.

Q. Are any of them interested in the James Woods land?

A. No, not that I know of.

Q. As far as the Supervisors are concerned, as I understand it, they are in favor of the road being laid out there for a public road for the accommodation of these five or six families.

A. Yes, sir.

Q. Did you get notice from the School Board that you could not use this piece that goes over the school grounds? Do you know anything about it yourself?

A. No, I heard it, but I don't know.

Q. As a citizen and taxpayer out there, you know this private road down there?

A. I do.

Q. How long has it been through there from the Woods line to the Eagle Eye school house? The line between what is now the McClure property and the Woods property?

18.

A. I really never traveled there, but it was there before I knew much about it.

Q. Can you remember back over fifty years?

A. Yes, sir.

Q. If they would get a public road there from the Woods settlement up to Route 17056, that would give them an outlet onto the public road?

A. Yes, it would be about half a mile. The only thing is the Supervisors would not grant them a road without an outlet. You must have an inlet and you must have an outlet. As Mr. Woods said about that petition being in 1938, they were going to try to get a road through then. The township was going to get a project, but they had to break it up before there could be a project on it. It would have been convenient at that time to have a project, but now it would not be.

Q. Mr. Meas, this road from the Woods house up to the Eagle Eye is about half a mile. And it's half a mile from the Woods home to the other highway.

A. It's a little less.

Q. If the Supervisors built a road from Eagle Eye school down to the Woods home, that would give them an outlet. If the road were carried on through to route 17049 would that be a convenience to people outside of the Woods family?

A. Yes, it would be a short cut for other persons.

Q. And it would be a convenience to other members of the township.

A. I think so.

Q. As to the general public, would it save wear and tear on tires to have a short cut?

A. Yes, with <sup>out</sup> an outlet down to the other way, people are pretty badly hampered in bad weather to get out of there on account of snow and drifts. They can get out the other way with a road, and because there is more woodland, it would be easier.

Q. It would be more convenient for them to get out from their property to this road built down here?

A. Yes.

Q. And a public road to each house in the township would be more convenient to people, too, would it not?

A. Yes.

Q. As a matter of fact, these people down at this end next to the bridge all live close to that highway.

A. Yes.

By A. B. Shaw, Esquire

Q. In your opinion, do you think the establishment of this road as a public road is necessary for the convenience of the people living along there as well as for the traveling public?

A. I think it would. Harbison-Walker is opening a new mine. It would be a benefit to them and people traveling in and out to work.

Q. They would be served by this road being built and maintained as a township road, in addition to people living in that vicinity?

A. Yes.

Q. They are taking clay out?

A. Yes.

Q. Over bad roads?

A. Yes, sir. I don't think they have taken any out yet. They are just opening up.

By A. R. Chase, Esquire

Q. Harbison-Walker has the right to go over this land to haul and transport clay, do you know that? They have all mining rights under reservation. Nobody is attempting to stop Harbison-Walker. They are in no way interested in this. They have all the rights under the ownership of the minerals as shown by the records.

J. Lisle Woods, being duly sworn, testified as follows:

By Dan P. Arnold, Esquire

Q. Your name is J. Lisle Woods?

A. Yes.

Q. You live on this Woods settlement on this proposed road?

A. Yes, sir.

Q. You work at Harbison-Walker?

A. Yes, sir.

Q. You have heard the testimony of Rexford Woods as to the necessity for this road?

A. Yes, sir.

Q. What he testified to is substantially your opinion.

A. Yes.

Q. You work at Harbison-Walker mines?

A. I do.

Q. Does Harbison-Walker truck clay in and out of there?

A. They have not trucked any yet. They are working there and most of the men drive down, Some of them walk.

Q. Would it be a convenience to those workers to have a passable road instead of walking in?

A. I think so.

Q. To truck clay out of the mine, do they have to use this road?

A. Yes, sir.

Q. Would it be a convenience to have a road that was passable throughout the year?

A. Yes, sir.

Q. Are any of the workers in the Harbison-Walker mine traveling up the full length of this road from 17049?

A. For a while they did, not now.

Q. If that road were opened from 17056 to 17049, workers would save 2½ miles in getting to work?

A. From the farm-house to 17056 there is a pretty good grade.



If we would not have an outlet, about half the time in the winter we cannot get out of it on account of the hill. It's slippery and pretty inconvenient. The way they would be putting it in across the Musser field would make a grade but we could drive cars.

Q. Your cars are no use to you in the winter time?

A. Sometimes we can't get out.

Q. Do you carry everything in?

A. Yes, groceries and everything.

Q. When happens when any members of the family are sick and the road is impassable?

A. Wither we or the doctor walks in.

By A. R. Chase, Esquire

Q. Do you know of the fact that nearly over all of Clearfield County township roads are closed up and impassable?

A. 50 half the time is shut up. There is a nice grade out on to 49 and pretty nice to keep up. You can break it with the cars anytime.

Q. Do you know as a matter of fact that in Boggs Township, there are many places running along dirt roads where at periods of the year you cannot get in without walking?

A. No.

Q. And it would be a convenience to have road built into your houses?

By Dan P. Arnold, Esquire

Q. Are you asking for roads into your houses?

A. No, sir, we are asking for a road to get in and out any time of the year.

By A. R. Chase, Esquire

Q. How long have you lived there?

A. I was born and raised there.

Q. As a married man, how long have you lived there?

A. About twenty-four years.

Q. And you have been getting in and out this road for 24 years?

A. Yes.

Q. You never asked the township for anything to maintain this road. How much have you spent in the last five years?

A. I put on a good many days, I can't say. I can't tell you how much we put on it the last year. Hauled shale in both ends of road. I suppose we hauled close on to 50 loads of shale in the last year. We used a pick and shovel on it, ditched it every spring.

W. J. Woods, being duly sworn, testified as follows:

By Dan P. Arnold, Esquire

Q. Your name is W. J. Woods?

A. Yes, sir.

Q. Do you live out on this proppsed new road?

A. No, sir, I live in Clearfield.

Q. Do you own property there?

A. Yes, sir.

Q. One of these six houses?

A. I own a farm there.

Q. Are you familiar with the conditions of that road out there?

A. Yes.

Q. Have you heard the testimony of these other witnesses here as to the condition of the road and the necessity of a township road?

A. Yes.

Q. Is that substantially your opinion?

A. Yes.

By A. R. Chase, Esquire

Q. You lived there a good many years, didn't you?

A. Yes.

Q. Close to seventy.

A. No, not that long.

Q. How old are you?

A. Eighty.

Q. Was that your father's homestead?

A. It was the Goss place, I bought it.

Q. This road from your farm up to the Eagle Eye School house has been there how many years?

A. Well, I don't know just exactly.

Q. Was it there when you moved there?

A. Not where it is now, it was changed. There was a road down through there. There was a road over the hill towards the Bush Place that was traveled most.

Q. Are conditions now as to maintaining the road about the same as they have been over the 40 year period?

A. Yes.

Q. There's a lot of work.

A. Yes.

Q. Sometimes out of the year you cannot travel it?

A. Yes, it used to be so in the winter time. We could not get through. We would have to go around.

Q. That's pretty near true of all township roads out there?

A. Yes.

Mr. George Shugarts, being duly sworn, testified as follows:

By A. R. Chase, Esquire

Q. Mr. Shugarts, you are a resident of Boggs Township?

A. Yes, sir.

Q. You have been asked by some of the citizens to come to this hearing.

A. Yes, I was.

Q. How long have you lived in Boggs Township?

A. About 61 years.

Q. You have been a Supervisor in Boggs Township at different times for different terms.

A. I was. I was Supervisor in 1892, 1893, 1895, and 1907 to 1910, 1911, and again I was in - my term ended in 1921.

Q. That was your last term?

A. Yes.

Q. You are familiar with the road leading to the Woods settlement there of four or five houses?

A. I'm not so very familiar with it. I walked it two or three times and I have driven it.

Q. As a Supervisor?

A. Not that I know of.

Q. As to your having been over this road, it would be convenient for these people and shorten their distance to these other two roads to have this road?

A. It wouldn't shorten the distance. I don't see how.

Q. That is a private road that you have traveled up to what is known as the Eagle Eye school house?

A. I believe so.

Q. There is a private road through to the Woolester Bridge and there is also a highway leading to Philipsburg past the Woolester Bridge.

A. Yes.

Q. They are asking here for a road in there from route 17056 down through the Woods lands and the McClure lands to highway 17049.

A. Yes.

Q. If they got it, it would be shorter for them to get out to the highway, than it would if they had one road out.

A. If they want to come to Clearfield or Wallacetown, it would be shorter if they had a public road from the buildings to 17056, it would be a lot shorter. If they want to go to Blueball, Philipsburg, or Osceola, the other road would be the shortest.

Q. You know that section, and other roads out over township that are private roads leading into places.

A. Yes.

Q. In your judgment, taking into consideration everything, is this public road a necessity to these people.

A. I think the private road would be all right. A public road would be a burden on the township to keep it up after it is made. A private road is all that is necessary. That private road has been in there over forty years.

Q. How long has it been there to your knowledge?

A. About forty or forty-five years.

Q. It is not necessary to have a public road there?

A. Not any more necessary than it is for other citizens in the township. I lived back in there 53 years and kept my own road up. The Adams place and the Hile place did too.

Q. As a Supervisor of Boggs Township do you know of various places where people keep up private roads?

A. Yes, I do. At one place, Uriah Hess has over half a mile of road. He keeps it up himself.

Q. Boggs Township, comparatively speaking, is very poor.

A. I don't know how poor the township is, I know I'm awfully poor.

By Dan P. Arnold, Esquire

Q. Mr. Shugarts, who asked you to sign this petition objecting to the road?

A. Mrs. John James.

Q. Were you told at the time you were asked to sign the petition that these families were trying to get a hard surface road, and that only two families lived there?

A. I wasn't told they were trying to get a hard surface road, but I was told that two families lived there.

Q. Do you know there are twenty-six people living there?

A. No, I do not.

Q. At the time you signed this petition you did not know there were 26 people living in there?

A. No, I did not.

Q. Are you aware of the fact that once this road is built the state pays \$94.00 or \$95.00 a month to keep it up?

A. No, I am not.

Q. You didn't know that all these families live there?

A. No, I didn't.

By A. R. Chase, Esquire

Q. Do you know that there is a 35 mill school assessment in Boggs Township?

A. Yes, I know that.

Adjourned to 1:30.

Mr. T. Rex McClure, being duly sworn, testified as follows:

By A. R. Chase, Esquire

Q. Mr. McClure, your wife owns this tract of land?

A. Yes, she does.

Q. You are acquainted with that section up there, are you not?

A. Yes, sir.

Q. You aren't living up in that country now?

A. No.

Q. Are you acquainted with this old private road running across your wife's property?

A. I am.

Q. How long have you known that road?

A. Thirty years or better.

Q. You know where the line between your wife's property and the Woods property is?

A. Yes, I do.

Q. These buildings where there are some five houses, you know where they are.

A. Yes, I know where some of them are.

Q. They are all on the Woods land?

A. Yes.

Q. What direction would that be from your wife's property?

A. Northeast, the best I can determine.

By Harry A. Reese

Q. Don't you mean northwest?

A. It might be northwest.

By A. R. Chase, Esquire

Q. As I understand the testimony where they state that a road leading from the public road connects the Eagle Eye School house down across your wife's property to the public road, a distance of about a mile.



A. Yes, to the Wooleater bridge.

Q. Is it on the public highway?

A. Yes, on the Blue Ball road.

Q. From your line up there next to the Woods line, down to this bridge what distance is that?

A. To the best of my knowledge, about half a mile.

Q. This road they are asking to obtain would be approximately one mile long.

A. That's right.

Q. If this road was opened up as a public road to be maintained by the public over your lands down to the bridge to get over to the school house would be over two miles?

A. It just depends on the way they were traveling. Going across me would be about  $1\frac{1}{2}$  miles.

Q. How far would it be to run a public road to 17049, and then go out 17049 to strike crossroads and then up 17056 to the Eagle Eye School house?

A. About  $1\frac{1}{2}$  miles. From where they come onto 17049 to the crossroads is about  $\frac{1}{2}$  mile, from the cross roads to 17056 would be about a mile.

Q. From the highway up to the line between you and the Woods is how far?

A.  $\frac{1}{2}$  mile. It would make a total of 2 miles.

Q. If the road was placed from the Woods properties up to the Eagle Eye School house it would be practically  $\frac{1}{2}$  mile.

A. Yes.

Q. And the township would not be compelled to haul the children to school.

A. Yes.

Q. They spoke of some houses near 17049, do you know these properties?

A. Yes, they are facing on the highway.

Q. Would distance would that about average?

A. The houses I know of are within 200 yards of the crossroads. They would have about 200 yards to go to the public road and then about a mile to the house house.

Q. They would not be affected by this road at all.

A. I could not see where they would be to get to the Eagle Eye

school house.

Q. These houses at the crossroads would not be benefited one way or the other by the proposed road?

A. No.

Q. These houses are nearer the public road than they would be to the propped road.

A. They are on the Smeal lands.

By Leonard Meas

They aren't in Decatur Township.

By A. R. Chase, Esquire

Q. They would not be affected by this road.

A. If anyone would bar them from crossing, they would have to go to the crossroads.

Q. Is the Gearhart farm on 17049?

A. Yes.

Q. How close would that be to the old private road on Wooleater tract?

A. About half a mile.

Q. Would they have any use for this proposed road under any circumstances?

A. They could have, to get to school. They did have a path through the woods. That is the children going to school had.

Q. Mr. McClure do you know of the fact of your wife's giving these Woods people the right to use this road?

A. She told me she was going to.

Q. Did you know the right was cancelled?

A. I did.

Q. Why?

A. The reason for it being cancelled. The last time I visited the property they had not been driving on the original road. There were two different roads besides the original road.

Q. Was that the reason?

A. That, in connection with some other things going on on that property. There were electric lines put across without permission. There was a 20 to 40 foot path cut through the woods.

Valuable trees were cut down. I don't know who did that. Evidently someone was thinking it was public grounds.

Q. Are you familiar with this drawing that your wife sent me?

A. I am.

Q. Does it give a fair picture of the public highways marked there?

A. Yes, except for this angle. It's not quite right. 17049 would cut in more.

Q. Have you been up over the road from your wife's line through the Woods property to the Eagle Eye school house?

A. Not for several years. It is an old road. I have been over it many times in years gone by.

Q. I don't suppose Mr. McClure you know anything about the School Board notifying anybody that they could not use this road across their ground.

A. No, I don't.

Q. If it was a road as I understand from the Woods people that they used, that is this old road which leads from the various Properties, or another road that was constructed on this road, they would be within a half mile of the Eagle Eye School House?

A. Yes.

Q. And within half a mile of the public road?

A. Yes.

Q. The only advantages they could get from having a mile road through there would be to give them access to this lower road instead of going around a distance of practically 2 miles.

A. Yes.

Q. That would be two miles they would have to travel instead of half a mile, without the road?

A. Yes.

Q. This is a picture showing the other roads and general conditions?

A. Yes.

Q. This was a cleared farm at one time?

A. About 60% of it was cleared. Harbison-Walker owns the minerals. They have the clay rights under this tract.

Q. They bought them from George Bigler.

A. Yes.

Q. You are superintendent of their plant, aren't you?

32.

A. No, I was District Manager of Operations.

Q. Did you live in that section?

A. No.

No cross-examination.

Mrs. Herman Brown, being duly sworn, testified as follows:

By A. R. Chase, Esquire

Q. Mrs. Brown, you are the sister of Mrs. McClure, and live on the old farm?

A. Yes.

Q. Do you know where the houses are that they spoke of?

A. Yes, I know them quite well.

Q. Do you know whether there is a road out to the public that have been closed?

A. No. They went through while we were working there. The children walked right over the wire while I was putting it there. The way they get out onto the public road has never been closed, not to the children as far as I know.

Q. You are familiar with your sister's property there?

A. Very, I am down there often.

Q. Did you close this road from the Woods settlement down to the line so that they could not travel it?

A. Yes, all the wires were put up excepting one way that was left open. One way from 17049 was not wired off, that went up to the Harbison-Walker opening. I closed off all these various by-roads, I believe 7 or 8 or 9 of them.

Q. All leading from the Woods property?

A. A great number came in from there. I think I had to stretch five wires at different roads cut through between the north end of the Harbison-Walker plant back to the end of the Woods houses.

Q. Did your sister tell you why she wanted them closed off?

A. She said when they asked permission to use the road through the Wooleater place that they said they had no other way out. They were in distress especially about getting out in the winter time. She felt a little worry for them and said that if they would stick to one road there, and take care of it and close all other exits that she would grant them permission to use one road through.

Q. Did she grant them permission?

A. I understand she did.

Q. Did she tell you why she wanted you to shut them off?

A. Yes, she did.

Q. What did she say?

A. She said that she had found out that all these various roads had been opened and were in use. When I went down it was very evident that they had been because all the wheel tracks were there. It didn't even look like it does now. In a short time grass and weeds have grown up. The tracks were evidence of recent use when I put the wires up.

Q. Your sister's complaint was that they were using various roads.

A. That's right. That's what she told me.

By Dan P. Arnold, Esquire

Q. Are you contesting this road?

A. I contested it in her name the day the viewers were up. She asked me to go down and protest in her name.

Q. Do you own any property?

A. Yes. This property that my sister has and the one I have are all one farm. The Boggs Township line goes through my property. My house is in Decatur Township.

Q. Do you pay taxes in Boggs Township?

A. My mother pays the taxes in Boggs. Of course I might have interests which she might be taking care of.

By A. B. Shaw, Esquire

Q. The road from the Woods line over your sister's property out where the new clay mine opening is, was it newly constructed or improved this spring or summer?

A. Which?

Q. From 17049 coming in this way towards the Woods, where the new mine opening is.

A. From Wooleater bridge into the mine, I saw a man working there and presumed it was a Harbison-Walker man.

Q. Is that the same route Woods used before?

A. Yes.

Q. They deviated from that road and used other roads?

A. Yes. I can't figure why. One main way traveled from 17049 measured on the speedometer 1/10 of a mile from the Wooleater bridge to the Woods houses.

Q. Is there another road leading off route 17049 in addition to the one which we used,

A. Yes, somebody used one. They were not supposed to.

Q. What distance is that from where the present road comes out on 17049?

A. 1/10 of a mile.

Q. Towards Osceola?

A. No, towards Blue Ball.

By Dan P. Arnold, Esquire

Q. You testified that you had wired off this road?

A. Yes, the one I was questioned about. To keep trucks and things from coming through. It was never blocked off from children.

Q. You mean they could crawl over and under the fence?

A. I fastened the wire on a tree at either end and it was no effort at all to step around the tree.

Q. Would that prevent any driving?

A. Yes, they couldn't drive through. They couldn't get through without something being done. There was no way at all.

By A. R. Chase, Esquire

Q. Does this road cut the farm up?

A. It divides it some.

By A. B. Shaw, Esquire

Q. You mentioned farm, isn't it mostly grown up woodland?

A. Yes, there is a good bit of timber on one side. At one time at least 60% of it was farmed. It has not been farmed for a good many years.

Q. It looks to be grown up.

A. They did have pasture there for a while. I don't know whether anything was done last year or not.

Q. Have they improved the road there?

A. Harbison-Walker has raised some of the road bed already.

Q. Probably what work was done has been done by Harbison-Walker.

A. Yes, they did it. They put in a temporary bridge.

Q. Would there be any objection to the site of the present road if it were adopted as a public road?

A. That road is the most expensive proposition to the township

any way that they could even go through. There is no way they could except that road.

Q. From 17049 to your sister's place.

A. That's right. I consider it would cost them twice as much at least to go over that route than any they could pick on any other route.

By Dan P. Arnold, Esquire

Q. Do I understand that you are filing objections to a route through there?

A. No.

Q. Does your sister object to a public road going through there?

A. Yes, she doesn't want a road through there.

By Harry A. Reese

Judge Chase, up to this time that your clients have been on the stand I can't determine the specific objection other than the added expense to the township. Is there any inside objection?

By A. R. Chase, Esquire

I am calling Rex McClure again. She has no authority.



T. Rex McClure, being recalled, testified as follows:

By A. R. Chase, Esquire

Q. Rex, what is the objection to the building of a public road across your wife's property? Other than as a burden to the township?

A. It divides the farm into two parts. Approximately 25 acres on the east of the road, and the balance of the property, around 75 acres on the other side. Thus the road would divide the property.

By Harry A. Reese

Q. Is that your only objection outside of any added expense to the township?

A. That is our objection as the landowners.

Q. That land is not cleared and nor farmed.

A. As I stated before, about 50% of it is cleared.

Q. Which side, close to 17049, is the most of that property on?

A. On the northwest side of the proposed road.

Q. As you come down that old road toward the clay mines and out to 17049 which side is the most on?

A. It would be on the right hand side or the northwest side.

By A. B. Shaw, Esquire

Q. Mr. McClure, at the present time there is this private road running through there, you are familiar with its use by Harbison-Walker who have improved it. If this should be changed from its present status as a private road to a public road would not that be the only way it would affect your property?

A. Harbison-Walker mine is only 25% of the distance from 17049, I think that's it, and the distance between the mine and the Woods property would be separated in addition.

Q. What is the distance from the mine to the Woods line approximately?

A. It has been so long since I have been there. It would be my judgment that it would be 1/4 of a mile more.

Q. I believe Mr. Woods testified this morning it was only 300 yards. 1/4 of a mile from the mines to the Woods property would take the Woods property in.

A. I don't know.

By A. R. Chase, Esquire

Q. Rex, I asked your sister-in-law where the Gearhart people traveled to get to the Eagle Eye School House?

A. There was an old road there where they came on to our property to get to the School house. This road is open to pedestrians but not to traffic.

Q. Has this road been used by the Gearhart children to get to school and back?

A. Yes, it has been and still is.

Q. There has been no effort by you or your wife to cut this off?

A. No.

By Dan P. Arnold, Esquire

Q. Your only objection was that it would divide the farm?

A. Yes.

Q. Didn't the private road cut your farm into two pieces?

A. The private road was subject to our closing if we ever wanted to close it. The old property was at one time fenced with a fence. They were supposed to open and shut the fence. We did give them permission to run a road through or to use a road through there, but they were supposed to keep the gate closed.

Q. But this road did in effect divide the farm into two pieces?

A. No, when we were using that farm it was fenced and they had to open and close the gate.

Q. Does that make a terrific amount of difference?

A. It will when the time comes that we want to use the land again.

Q. Would this new proposed road run substantially in the same position through your place?

A. I don't know.

Q. Is that correct, Mr. Meas?

A. Yes. It cuts it for just a little piece just below the road.  
your objection

Q. Do I understand, Mr. McClure, is that at some future time it might interfere with your use of the property?

A. Yes.

Q. At the present time it would not interfere.

A. No.

Q. It isn't being used.

A. That's right.

By A. R. Chase, Esquire

Q. This road has been used for many years, but at one time it had gates and a fence to protect you?

A. Yes, they were supposed to open and close the gates when they went in on out.

Q. How long has it been since there were gates?

A. To the best of my knowledge seven or eight years.

Q. They have been going over your lands, not by adverse possession but because of your permission.

A. That's right.

By A. B. Shaw, Esquire

Q. Was that the same road there before the gates?

A. I don't know, it was before my time.

Q. The gates have been there for a while.

A. The gates were there when I first knew anything about the property.

Q. When was that?

A. About thirty years ago.

IN THE COURT OF QUARTER SESSIONS OF  
CLEARFIELD COUNTY

In Re: Petition for view of public road in Boggs  
Township.

The petition of residents of Boggs Township respect-  
fully represent:

1. That you petitioners labor under an inconvenience  
for want of a public road or highway in the Township of Boggs  
beginning at what is known as the Eagle-Eye School Building situ-  
ated on Route No. 17056 and then on a south-easterly direction,  
a distance of one mile or more, to a point known as Wool-Eater  
Bridge on Route 17049 in the said township.

Whereas, you petitioners pray that said viewers be  
appointed to consider the laying out of the said public road for  
which they will ever pray.

J. Lisle Woods  
Ruford Woods  
Cloyd Woods  
W. J. Woods

DECREE

Now, this 30<sup>th</sup> day of July, 1942, I  
hereby appoint A. B. Shaw, Esq., R. E. Johns and  
Harry E. Ruse to view the premises and make report  
according to the Act of Assembly.

L. L. Sullivan

PETITION FOR ROAD  
Situate

BOGGS, TOWNSHIP - COUNTY OF CLEARFIELD  
State Of Pennsylvania

SUPERVISORS of the Township of Boggs, County of Clearfield,  
State of Pennsylvania - GREETING.

WE - your petitioner,s and citizen,s of of the said Township of  
Boggs, County and State aforesaid, do hereby request and petition  
you for the opening of a Public-Highway, Located as follows and for  
the following reasons thereto.

BEGINNING at what is known as the EAGLE-EYE School-Building situate  
On ROUTE No.17056 and thence in a South-Easterly direction a distance  
of ONE-MILE or more, to a point known as Wool-Eater Bridge on ROUTE  
17049 in said Township, and for the following reasons.

THERE is located along and in close proximity FIVE families to  
which said Highway would serve together with a large population in  
shortening distance of travel from ONE to TWO miles respectively who are  
residents in said vicinity. ALSO the general traveling public in and  
about said locality.

SAID outlet to the herein parties have only a private passage to  
and fro, very hard to travel in Inclement weather, for the children  
now 8 in number, also for Physician, Mail & etc., to be reached.

AND FOR WHICH WE WILL EVER PRAY.

J. M. Keston M.D.

W. C. Townsend Dist. Manager

W. R. Woods

Carl Smeal

C. A. Woods

Vergie I. Smeal

Mildred Smeal

Arthur P. Hill p2

Collie Smeal

Fred Magon

Clayd Woods

Amel Woods

Philip King Pa

Philip King Pa

West Decatur

West Decatur Pa

West Decatur Pa

West Decatur, Pa. R.D.

West Decatur, Pa. R. D.

West Decatur, Pa.

West Decatur Pa

West Decatur Pa

West Decatur Pa

West Decatur Pa

Donald Fleck  
David Mittinger  
Earl Woods  
J. Lisle Woods  
J. M. McCallough  
Grant Smeal  
David Wilson  
Ralph Bodle  
William Thompson  
Wallard Vase  
R. Schimmel  
Merrill Woods  
Leonard Potter  
Burtin Davis  
Ellen Woods  
Herman Woods  
Howard Woods  
Mary Woods  
J. D. Daughman  
R. L. Schimmel  
E. N. Sanghvi  
W. S. Meas  
Robert Williams  
H. R. Roan  
Edward Greene  
Rayford Woods  
Shady Woods  
Earl Hanouff  
Mildred Woods

West Decatur

West Decatur, Pa.

West Decatur, Pa.  
West Decatur, Pa.

West Decatur, Pa.  
West Decatur, Pa.

West Decatur  
West Decatur, Pa.  
West Decatur  
West Decatur, Pa.  
West Decatur

West Decatur, Pa.  
West Decatur, Pa.  
West Decatur, Pa.  
West Decatur, Pa.  
West Decatur, Pa.

J. Henry Little  
Mrs Lida Woods  
Alice C. Mc Millen  
Mrs Martha Woods  
Frank Bush  
Mrs. Mary Bush  
Geo. S. Baughman  
Mrs George Baughman  
Violet S Woods  
Erwin Lindsay  
Ophelia Albert  
A. C. Gearhart  
Mrs A C Gearhart  
Mrs Anna Woods  
J. H. Woods  
J. H. Woods  
W. J. Woods  
Ghester M Woods  
Alfred W. Woods  
L. M. J. Jones  
L. M. J. Jones  
M. A. Woods  
Roger B. Wilsoncroft

West Decatur Pa  
West Decatur Pa  
West Decatur, Pa  
West Decatur Pa  
West Decatur Pa  
West Decatur Pa  
West Decatur Pa

West Decatur Pa  
West Decatur, Pa

West Decatur Pa  
Chenfield Pa  
Chenfield Pa  
Chenfield Pa  
Chenfield Pa

West Decatur Pa  
West Decatur Pa  
West Decatur Pa  
West Decatur Pa  
West Decatur Pa

Now this \_\_\_\_\_ day of July 1942 I hereby appoint

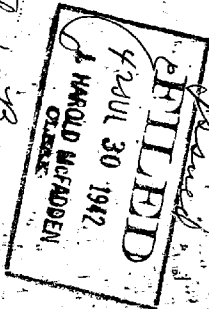
\_\_\_\_\_ as

\_\_\_\_\_ to view the premises and

make report according to the act of Assembly,

25

B  
No. 5 Sept. 20, 1942



Filed by  
Edw. G. Guley, atty



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

IN RE: PETITION FOR VIEW OF PUBLIC :  
ROAD IN BOGGS TOWNSHIP,  
CLEARFIELD COUNTY : NO. 5 SEPTEMBER SS, 1942.  
:

EXCEPTIONS TO FINDINGS OF VIEWERS

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT JUDGE OF SAID COURT:

Mrs. Mabel Aline McClure, by her attorneys, Chase & Swoope, respectfully set forth:

1. That she, through her attorneys, Chase & Swoope, filed exceptions to the petition for the establishing of a public road in Boggs Township extending from a point near the Eagle Eye School House on public highway No. 17056 through lands of various parties and lands of your petitioner herein to a point on highway No. 17049 a distance of a fraction over one mile.

2. Your petitioner, through her counsel, filed petition signed by a substantial number of citizens of Boggs Township opposing the establishing of said public road, said petition being filed on August 21, 1942, at which time the hearing was had by the Viewers and at which hearing the testimony was offered to sustain the objections of the petitioners to the establishment of the proposed public highway. That the reasons assigned for the opposition are fully set forth in the proceedings to the above number and term filed as of August 21, 1942.

3. That the Viewers recommended the establishing of said public highway as prayed for and the report of the Viewers together with the recommendations, which were filed on August 26, 1942, were presented to the Honorable Court for Ni. Si. confirmation, at which time the Court made an order that the said proceedings be placed on the regular argument list which would be the September argument court under the impression that the exceptions filed before the Viewers had been renewed to the report and findings of the Viewers. And it now appears that exceptions were not

filed to the report and recommendations and findings of said Viewers although the attorneys for the exceptant were under the impression that the same had been filed as was intended.

4. Your petitioner, through her attorneys, Chase & Swoope, respectfully request the Court to permit the filing of exceptions to the findings, conclusions and recommendations of the Viewers' Board filed to the aforesaid number and term Nunc Pro Tunc. The reasons assigned for the exceptions to the Viewers' Report and recommendations being as follows:

a. That the evidence shows that the proposed road recommended by the Viewers after hearing had is unnecessary for public travel.

b. That the evidence discloses that although the property holders living along the proposed public road have no public outlet to a public highway that the property owners living along said highway all would be able to reach the public highway Route No. 17056 near the Eagle Eye School House providing a road was granted from the Northern boundary line of Mrs. Mabel Kline McClure to the public highway No. 17056. That the petitioner herein feels that a public road established from her boundary line aforesaid to highway No. 17056 is necessary to the property holders and dwellers along the private road leading from her boundary line to the said highway, particularly in view of the fact there are several families having their homes along said private road and does not oppose; said proposed highway being of a distance of approximately one-half mile.

c. That the petitioner, the owner of the lands over which the Viewers recommended the establishing of the highway from highway No. 17056 to highway No. 17049 or a distance of a fraction over one mile, excepts to the establishing of the highway over her lands and thereby being a public highway over a mile to accomodate the residents who live in properties to the North of the petitioner's property on the ground that the same is;

(1). Not necessary but merely a matter of convenience.

(2). That the creation of such a road would be an unnecessary and unjustifiable burden on the tax payers.

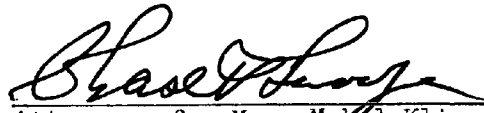
(3). Would be a road absolutely unnecessary for providing an outlet to the property holders. That the property holders' requirements will be fully supplied by the establishing of the road from the petitioner's Northern line to the public highway No. 17056 at the Eagle Eye School House.

5. The petitioner further saith that as to the exceptions generally to the establishing of a public road giving the residents along the private road an outlet which would require a road of approximately one-half mile from the Northern line of your petitioner's property to the Eagle Eye School House, that exceptions thereto are herein withdrawn.

6. That the petitioner feels that the testimony discloses that the reasons assigned for the necessity of said road as an outlet have been fully established.

Your petitioner, through her attorneys, Chase & Swoope, respectfully prays that the exceptions herein set forth be allowed filed by the Honorable Court Nunc Pro Tunc.

And she will ever pray.

  
Attorneys for Mrs. Mabel Kline  
McClure

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
NO. 5 SEPT. SS, 1942.

IN RE: PETITION FOR VIEW  
OF PUBLIC ROAD IN BOGGS  
TOWNSHIP, CLEARFIELD COUNTY

EXCEPTIONS TO FINDINGS OF  
VIEWERS

*as of aug 21 1942*

LAW OFFICES  
CHASE & SWOOPE  
SNYDER BUILDING  
CLEARFIELD, PA.

MATTHEW'S JOURNAL PRINT.