

# Road Docket

DOCKET NO.

7

NUMBER

TERM

YEAR

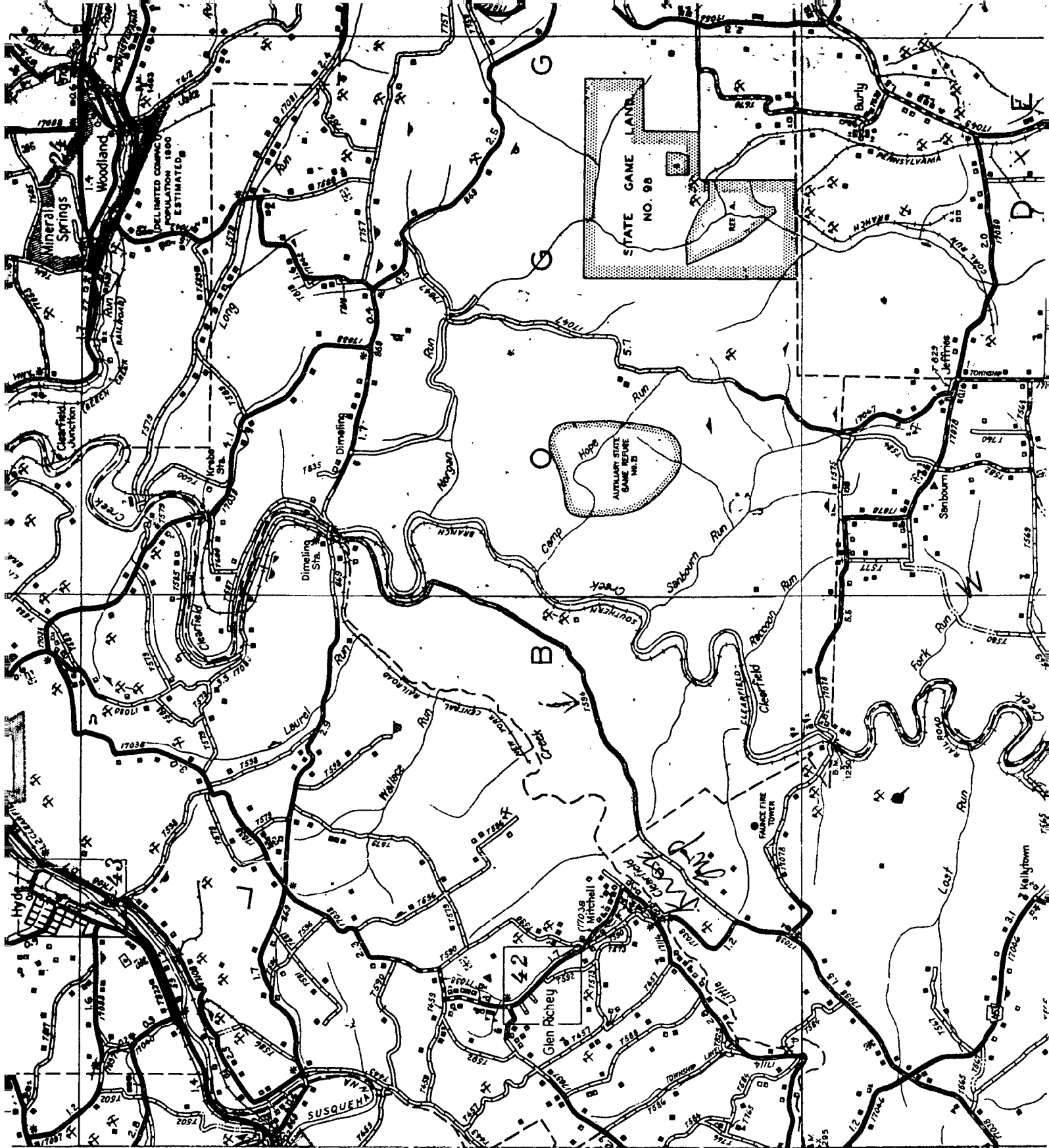
2

May SS

1956

Petition for vacation of  
Road in Boggs Township

VERSUS



No T594  
 ROAD MARKED RED VACATED  
 To TOWNSHIP LINE

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

In re: Order to View and Vacate:  
Road situate in the Township of: No. 2, May Sessions, 1956.  
Boggs, Clearfield County. :

To the County Commissioners of Clearfield County:

You are hereby notified that the undersigned Viewers appointed by the Court to the above number and term, to view and vacate a certain Township Road, Route 594 has its beginning at Dimeling at or near the point where Big and Little Clearfield Creeks meet: thence extending in a southwesterly direction for a distance of approximately four and four-tenths (4.4) miles to the Knox Township line, Will meet at Dimeling near the junction of Big and Little Clearfield Creeks in said Township of Boggs, on Friday, the 12th day of October, 1956 at 2.00 o'clock P.M., D.S.T., to attend to the duties assigned them: of which time and place all parties interested will take notice.

And that the public hearing required by the Act of Assembly and Rules of Court to be held by the Viewers before the filing of their Report in Court, in order to gave all parties interested an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield on Monday, the 15th day of October, 1956 at 10.00 o'clock A.M., or as soon as Counsel can be heard, at which time and place all parties interested may attend and be heard.

JOHN SCOLLINS  
GUY S. HEIL  
JOHN BUTLIN

VIEWERS

Dated: September 27, 1956.

Now, September 29, 1956, service of the above Notice accepted for the County Commissioners, and acknowledge receipt of a copy thereof.

*Stanley M. Jones*  
Clerk.

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

In re: Order to View and Vacate :  
Road situate in the Township of : No. 2, May Sessions, 1956  
Boggs, Clearfield County. :

To Earl W. Smeal, West Decatur R.D. Pa. Box 99  
Burton Davis, West Decatur, Pa.  
Willard R. Millner, West Decatur, Pa.,  
Supervisors of Boggs Township, Clearfield County, Pa.

You are hereby notified that the undersigned Viewers appointed by the Court to the above number and term, to view and vacate a certain Township Road, Route No. 594 has its beginning at Dimeling at or near the point where Big and Little Clearfield Creeks meet: thence extending in a Southwesterly direction for a distance of approximately four and four-tenths (4.4) miles to the Knox Township line, will meet at Dimeling near the junction of Big and Little Clearfield Creeks in said Township of Boggs, on Friday, the 12th day of October, 1956, at 2:00 o'clock P.M., D.S.T., to attend to the duties assigned them; of which time and place all parties interested will take notice.

And that the public hearing required by the Act of Assembly and Rule of Court to be held by the Viewers before the filing of their Report in Court, in order to give all parties interested an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield on Monday, the 15th day of October, 1956 at 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 SCOLLINS  
GUY S. HEIL  
JOHN BUTLIN  
VIEWERS.

Dated: September 27, 1956

AND NOW, September 29, 1956 Service hereof accepted for the Supervisors of Boggs Township, and I hereby acknowledge receipt of a copy thereof for each of them.

*L. Lorraine Hinchliffe*  
Secretary.

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 13th day of August in the year of our Lord, one thousand nine hundred and fifty-six

By the Honorable John J. Pentz, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Boggs, in the County aforesaid setting forth that said Township Road, Route No. 594 has its beginning at Dimeling at or near the point where Big and Little Clearfield Creeks meet; thence extending in a Southwesterly direction for a distance of approximately Four and four-tenths (4.4) miles to the Knox Township line, a map of Boggs Township, showing the location of Township Road Route No. 594, is hereto attached and made a part hereof.

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, Guy S. Heil, and John Butler,

. . . 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.

Wm. L. Hagerty  
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE  
COUNTY OF CLEARFIELD, PA.

We, the undersigned Viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows:

That notice of the time of the view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County, and the Board of Supervisors of the Township of Boggs

, and that three notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the 12th day of October, A. D. 1956, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, in the Court House, in Clearfield, Pa., on the 15th day of October A. D., 1956, at 10.00 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 Earl Smeal, Burton Davis and Willard Millner, Supervisors of Boggs Township; George Root and Mabel Root, his wife; Roy Mayes, and F. Cortez Bell, Jr., Esq., Attorney for Harriet Lippert, Nellie Chase, John M. Chase Estate;

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Court House, in Clearfield, Pa., on the 15th day of October, A. D. 1956 when the parties interested in the said road were in attendance: A. B. Shaw, Esq.; Counsel for petitioners; Supervisors of Boggs Township; Walter M. Swoope, Attorney for Protestants; Roy Mayes; George and Mabel Root; Earl Smeal, Burton Davis and Willard Millner. Earl Smeal, Burton Davis and Willard Millner, Supervisors; Roy Mays, President of Roy Coal Co., George and Mabel Root, Protestants, sworn, examined and cross-examined by Counsel and your Board.

1.- 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 or Township Road, Being Route No. T594 from its beginning at Dimeling at or near the point where Big and Little Clearfield Creeks meet, and its intersection with Route No. 869 (old Philadelphia & Erie turnpike); and thence extending in a Southwesterly direction a distance of approximately four and four-tenths (4.4) miles, and ending at the Knox Township line; and the portion of Route No. T594, marked in "red" on a print of the said road proposed for vacation as a public road.

2.- There is one dwelling on the Northern end of the said road, occupied by George and Mabel Root, that is reached by fording Little Clearfield Creek, and a board-walk for pedestrians over the New York Central Railroad bridge. The bridge across Little Clearfield Creek and adjoining Lawrence Township on the opposite side from Boggs Township, was washed away by flood many years ago, and has never been re-built, the cost being prohibitive. George Root, the occupant, was a former track-hand employee of the New York Central Railroad, and as such was given permission to build the board-walk over the Railroad bridge, for ingress and egress to his dwelling; but the property has fallen into disrepair and in the opinion of your Board unproductive as a farm without the expending of money for farming implements, livestock and machinery, which unfortunately Mr. Root apparently does not possess.

3.- That the aforesaid road being of no use to the general public, the Department of Highways refuses to award Boggs Township Road District any money from the Liquid Fuel Tax fund, for the improvement and maintenance of township roads as public highways.

4.- That Roy Mayes of the Roy Coal Company, as lessee of the coal under the Haney and Harriet Lippert properties, has built and maintained the present road on the right-of-way of Route No. T594 and enters his leased territory from the Knox Township on southern end and the Main Highway. This end is also the only outlet to the Lambert Tract of the John M. Chase estate, and the McCormick Tract of the Smith Coal Co.

5.- There being no necessity for such as a public road, but in view of the easement created over the lands traversed by said Route No. T594; and the necessity for outlets and inlets for George and Mable Root, at the Northern extremity, and the Roy Mayes Coal Company, and others as well as their successors at the Southern extremity, your Board recommends that those portions of the 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 used and maintained as private roads are now maintained and used under existing laws; and Boggs Township be released from all responsibilities in relation thereto, and shall not hereafter be required to maintain such road, or any portions thereof, in repair, or as public road; notwithstanding the fact that portions of the public road (at its beginning for the convenience of the Root family, and at its ending for the convenience of the land owners and their lessees) results in leaving the remaining parts of the road with one of its termini at a point other than in a public highway or place of public resort;

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 vacation of said road, a release in writing of all claims to damage that may arise from the vacation thereof, and

that they procured such release from: No damages claimed or assessed

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up of the said road, we the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof, as follows: No damages

claimed or assessed,

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

Witness our hands and seals this 21st day of December, A. D. 1956

*Sam Seale* (SEAL.)

*John Butlin* (SEAL.)

*Amos A. Hies* (SEAL.)

Viewers.

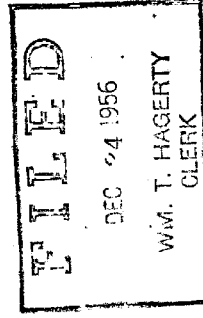
NOTE.-In case of a private road, the release must be executed in favor of the petitioner for said road.

Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. B.-If the viewers believe the parties are 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
John Butlin	2	110	\$25.50
Guy C. Heil	3	125	\$36.25
John Scollins	3	99	\$34.95



No. 2. May. S.S. Term 1956

# ORDER TO VACATE

To view and vacate road situate in the Township of Boggs

Clearfield County.

Now Sessions 19

read and confirmed Ni. Si.

By the Court.

Now Feb Sessions 1957

confirmed absolute, adopts the recommendation of the Board of Viewers and decrees that those portions of the 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 used and maintained as private roads are now maintained and used under existing laws; and Boggs Township be released from all responsibilities in relation thereto and shall not hereafter be required to maintain such road or any portions thereof in repair, or as public road.

By the Court  
John H. Haggerty  
P.J.







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

In re: Petition for vacation :  
of road in Boggs Township, No. September Term 1956  
Clearfield County, Penna. :

P E T I T I O N

TO THE HON. JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT

The petition of Earl W. Smeal, Willard Millner and Burton Davis, Supervisors of the Road District of the Township of Boggs, Clearfield County, Pennsylvania, respectfully represent:-

(1) That the said Earl W. Smeal, Willard Millner and Burton Davis, are duly qualified Supervisors of the said Township of Boggs, Clearfield County, Pennsylvania.

~~etc~~ (2) That in the Township of Boggs there is a certain Township Road, Route No. 594 that has long since fallen into disuse by the traveling public and has therefore become useless, inconvenient and burdensome to maintain and repair and as a result thereof should be vacated and abandoned.

(3) That said Township Road, Route No. 594 has its beginning at Dimeling at or near the point where Big and Little Clearfield Creeks meet; thence extending in a Southwesterly direction for a distance of approximately Four and four-tenths (4.4) miles to the Knox Township line, a map of Boggs Township, showing the location of Township Road Route No. 594, is hereto attached and made a part hereof.

WHEREFORE your undersigned petitioners respectfully pray that Township Road, Route No. 594, which forms a part of the general road system of the Township of Boggs be vacated and abandoned and that Viewer's be appointed by your Honorable Court for this purpose.

And they will ever pray

*Earl W. Smeal*  
*Willard Millner*  
*Burton Davis*

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS

Before me the subscriber, personally appeared,  
L. Lorraine Henchcliffe, Secretary for the Supervisors of the Road  
District of the Township of Boggs, who being duly sworn according  
to law deposes and says that the facts set forth in the foregoing  
petition are true and correct.

Sworn and subscribed before me  
this 30 day of July, A.D., 1956

L. Lorraine Henchcliffe  
Secretary of the Road District  
of the Township of Boggs.

Wm. J. Hagerty

PROTHONOTARY My Commission Expires  
January 4, 1952

ORDER OF COURT

And now, this <sup>13</sup> day of August 1956, the foregoing petition having been read and considered: the Court hereby appoints, John Gollner, Gary Heil and John Butler as a Board of Viewer's to view for vacation the aforementioned described road in Boggs Township, as prayed for and assess such damages as they find due the persons affected thereby and report their findings to the next Court of Quarter Sessions of Clearfield County.

By the Court,

John R. [Signature]  
P.J.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.  
*No 2 May 14 1956*

In re: Petition for vacation of road in Boggs Township, Clearfield County, Penna..

P E T I T I O N

A. B. SHAW  
ATTORNEY AT LAW  
CLEARFIELD, PA.

*1400 By atty*

*FILED*  
*3 1956*  
*WILLIAM HAGERTY*  
*CLERK*  
*HAGERTY*

No T 594  
ROAD MARKED RED VACATED  
TO TOWNSHIP LINE

