

No. 65,

L. O. C.

Term, 1887

Petition to Vacate Assess
Damage on Rose Alley

versus

Louis Bois Brumby

Contents:

on re. assessment
of damages for
injury of Rose
Ally

Dec 5 Dec. 22. 1840

now 7. July 1841 on motion
of M. E. Pugh: Atty for respondents. Exceptions
are permitted to take an additional af-
firmation to matters appearing of record
in this case

By the Court

W. C. Kelly

J

Dec 5th 1880

None all-

Dec 7th 1881

Now 7. July. R.E. Perry atty for respondents
further except to the confirmation of
this report, as follows for matters of record

1st The report of viewers is now sufficient. It does not describe the properties
taken for the alley nor does it set out
the course & distance, nor the ground
involved

2^d The draft accompanying the report
shows a different course, followed
by the viewers than that set out
by the petition^{of the Council}, and the damages
& contributions assessed were not
for ~~the~~ land described in the petition
of the town Council.

3^d That the contributions assessed
exceed the damages assessed by
\$51.00 which is contrary to the
intention of the law.

4th The petition of Council for assessing
of damages &c. should have been
accompanied by a certified copy of
the Ordinance

M. Perry
att for respondents

No 5 Dec 851581
Du R Roa
aut

de l'Etat à Rome

Medley 1871

On Re Assessment
of Damages for
Roe Alley

Dec 5 Dec 28 1890

Explanatory remarks on the
following points appearing of record in
this proceeding

1st. The Report of viewers is not sufficient
It does not describe the land taken
from the alley nor the route of the alley

2d. The draft accompanying the
report shows a different course follow-
ed by the viewers than that set out
in the petition & that the land de-
scribed in the petition was not
viewed by the viewers.

3d. That the ~~total~~ contributions assess-
ed exceed the damages assessed
by about \$60.00 which is contrary
to law.

4th The petition should have been ac-
companied by a certified copy of the
ordinance

W. E. Davis
Attorney for Explanatory

No 5 Dec. 85. 1870

Account of
Mansys on-
Rm. 1870

W. H. C. Davis

Dec 7 Dec 1871

In Re Opening of

Rose Alley

Dublin Borough

In the Court of D. S., Clearwater Co. Wis.

N^o 5 Dec Sept 1889

Exceptions to report-viewers:

Announced July 1891. For the reasons set forth
in N^o 2 Decisions 1889, we set aside the report
in this case and refuse confirmation thereof

By the Court

D. L. Krebs

P. J.

N^o 5 Dec Sess 1889.

In Re Opening Road
Alley in
Dubois Borough

Ordered

In Re. Assessment
of Damages for
Henry Harbison
and

No 2 de S.S. 1840

No 7 July 1841 on motion
of H.C. Pugh atty for Exceptionals. Exceptionals
are permitted to file an additional
exception to irregularities appearing of
record in this case.

By the Court

D. Krebs
J

1
2022 Jan 58 / 1898

Harrison A.

2022 July 1891

Now 7 July 1891 Exemptants by their actg
M.C. Bmz file the following exemptants in
matter of payment of service in this
case

1. The report of revenues is not sufficient. It does not describe the properties taken or used assessed for either contributions or damages and there is nothing to show that any of this property is on this street.

2d The damage to the excess of the contributions. To be paid by the Borough is not assessed separately or in any manner set out as directed by the Act of assembly

3 The draft accompanying this report shows that an entirely different piece of land was owned by the owners than that set out in the petition of Council. The courses are no way corroborated by the owners. In this report do not give any course or distance as required by the Act of assembly.

5 A certified copy of the ordinance
laying out the street should
have accompanied the petition

M. P. Perry
Atty for Applicant

Nov 2 Dec 58/1870

In Re. Harbours

Ord.

Exempt to Road

Filed July 1891

Rule to Take Depositions.

Clearfield County, ss.

In Re Application of
Assess Damages
VERSUS
in Poor Alley

In the Court of ^{Charles S. Sizer} ~~Common Pleas~~ of
Clearfield County, Pennsylvania.

No. 5 Dec 88 Term, 1890.

AND NOW, to wit, the 8th day of Nov, in the year of our
Lord one thousand eight hundred and ~~eighty~~ ninety
the clerk enter a Rule to take the
Depositions of ancient, infirm and going witnesses, to
be read in evidence on the Argument of
this case. Ex parte Rule of Examinis on
four days' notice.

AM Blom
Prothonotary.

To A. S. Over, Esq.:

Atty for Charles Sizer

You will please take notice that, in pursuance of the foregoing Rule, depositions
will be taken before J. S. Hay, or some other person
authorized to administer an oath or affirmation in Pennsylvania, in and
for the county of Clearfield, at the office of J. S. Hay
in the town of Clearfield, in the county of Clearfield
and State of Pennsylvania, on the 14th day of Nov, A. D.
1890, between the hours of 9 o'clock A M. and 7 o'clock P M.,
when and where you may attend and cross-examine.

Clearfield, Pa.,

Nov 8th, 1890. J. S. Hay
Atty for Charles Sizer

Service accepted this 8th Nov 1890.

A. S. Over
Atty for Charles Sizer

Deposition of witnesses produced, sworn or
Affirmed respectively, and examined before me,
the ~~thirteenth~~ ^{fourteenth} day of November, A.D. 1890,
at my office at D^yBois, Pa, between the hours
of nine A.M. and nine P.M., by virtue of the au-
-thorized rule of Court of Quarter Sessions of
Clearfield County, Pennsylvania, and notice hereto attached,
for the examination of witnesses in a certain cause
depending in said Court, in relation to the matter
of opening Rose Alley, in the borough of
D^yBois, Clearfield County, Pennsylvania,

George H. Wingert, sworn. I live in D^yBois
borough. My brother William and I own
some land on Rose Alley, about 100 feet
on Rose alley. I am not benefited by
Rose Alley. it does not improve the
property in the least, I think that
the Alley is wanted to be opened in
the interest of a few persons only.
The damage to me if the alley is opened
will be \$400⁰⁰. I think that the damage
to Mr Bilgor if alley was opened would
be about \$400⁰⁰; in my estimation I
think that the damage through the
Jerpe property would be four hundred
dollars. Geo. H. Wingert

Joseph A. Terpe. Affirmed. I hold the official position of Borough Treasurer of D^y Bois. I believe that it would take four or five thousand dollars to pay the Borough orders now outstanding. There are now no funds in my hands to meet the orders. I had an order presented to me the other day of nearly \$1500⁰⁰ and no funds to meet it. I never had any surplus in my hands except for a few days at a time. The demand has always been more than funds on hand. I see no chance for improvement.

Joseph A Terpe

A. L. Lozier. Suborn, I live in D^y Bois, Pa. I am the Burgess and Street Commissioner of D^y Bois, Pa. I am serving my second term as Burgess, and 1st term as Street Commissioner. I do not know how many miles of streets in this town, I think I have been on all the streets there are in the borough, but I do not know all the names. I have not put repairs on these streets necessary to make them good passable streets. These repairs have not been done because I have not

had time to do it, and no material to do
 it with. There are some streets on the
 outskirts of the Borough that have not
 been repaired and opened, because the
 Borough is unable to do it, the Taxes
 of Williamport, Pa would not be suffi-
 cient to open up all the streets in
 good condition, in the Borough. There
 are a number of streets full of stumps
 and log piles, which are expensive to
 move, there are some of the main
 thoroughfares that need improvement
 to make safe for travel. The Borough
 is considerably hampered at the present
 time for want of funds to do the
 work needed, it is about three months
 since their funds run out. The rate
 of Borough tax is ten mills, that raises
 between 4 and 5000 Borough Tax, in
 addition to that, there is 3 mills levied
 to pay off Bonded indebtedness. about
 \$11000 is the amount of Bonded indebt-
 edness, which is the limit - there was
 an election held in November 1890, to in-
 crease the Bonded indebtedness, and was
 voted down. John E. O'Bois has had to
 contribute timber to enable him to have the
 street leading to the Tannery of O'Bois

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* Van Tassels Bros. made passable for
* business. Mr D^uBois is now repairing the
* road or steel leading from the D^uBois House
* towards the Borough line, with timber. This
* is the usual route of stage line to
* Clearfield ^{I have heard} and the condition was so
* bad that stage travel over it had
* to be suspended for a time this fall.
* This he is doing on his own risk, and
* is necessary for business. It is largely
* traveled and necessary to be kept in
* good repair. Men working for the borough
* have refused to work, there being no
* funds to pay them for orders received
* for labor. The work I am doing now is
* absolutely necessary for the protection
* of the Borough. And that is being done
* on credit. There are no funds to open
* new streets if laid out, nor to pay damages
* if laid out. There are now ^{no} funds to
* do the work now ordered ^{to be} done. The
* rate of Gas and Water Tax is four mills.
* The School Tax is Eighteen mills. I
* understand that the rate of Tax paid by
* the people of D^uBois is 51 or 52 mills
* I don't remember which.

H. L. Fozier

E. L. Bilger. Affirmed. I live in D^y Bois Pa.
 my father's property is on the line of Rose
 alley. he is opposed to the opening of
 Rose Alley. the damage to that property
 would be at least \$400⁰⁰ and would not
 improve the value one cent. I think the
 damage to the Wright lot, ^{warden's} about the
 same. If I owned the Sepe property I
 think the damage would be about \$400⁰⁰.
 I consider the damage to the Clark
 property would be in proportion to that
 of Sepe - or about \$75⁰⁰ or \$80⁰⁰ and
 would add no value to the property.
 E. L. Bilger

Howard^m Clark, Sworn. I live in D^y Bois Pa.
 the proposed Rose Alley, runs through my
 property. the damage to my property would
 be from \$75⁰⁰ to \$100⁰⁰ and no benefit to
 me. my lot is on the corner of two
 streets now. the benefit from the opening
 of this alley would benefit equally the
 Lewis, Wheeler and Peutz Lots. the lots
 are the same size, and none of them
 have an alley. I think the damage
 to the Sepe Lot would be \$200⁰⁰. there
 are but two persons who want the alley
 opened. below Scribner Avenue, the alley

would not improve the Wingerth and
Bilger lots.

H. M. Clark

W. T. Ross. Sworn. I am the Tax Collector
for O'Bois Borough for 1890. The Tax rate
is $48\frac{1}{2}$ mills. Borough and Bond is 13 mills
Gas and Water is 4 mills, Poor 6 mills.
School rate is 18 mills, County and Bridge
 $7\frac{1}{2}$ mills. The Borough tax amounts to
\$5350⁰⁰ for Borough purposes only, and
the exonerations comes out of this.
Of this amount there has been collected
about \$3500⁰⁰ leaving a balance of
about \$1800⁰⁰ to collect. I think that
the exonerations will be large, as many
have gone away, and many double as-
sessments on property.

W. T. Ross

Charles Lewis. Sworn. I live in O'Bois
Borough. have lived here about 13 years
My property lies next to Howard Clark
through which Rose Alley goes. I
don't see that the alley would benefit
me any. I have no use for it. I
do think that the alley would be an
injury to Clark's property. I think it
would injure that property to \$100⁰⁰

The opening of Rose Alley would be an injury to Mrs Tepe's lot, it would damage that property at least \$150⁰⁰/₁₀₀. I don't think that the opening of the alley would benefit the Putz's lot any more than the Wheeler lot. The alley would damage both the Bringham and the Bilger lots.

Charles Lewis

A. Gillespie, Sworn: I live in Dubois, Mo. have lived here about 10 years. I own some property on the proposed Rose Alley. The alley would not be any benefit to me if opened. It would injure me to the extent of the value of the ground, as far as I understand there are only two persons who want the alley through. I think it would be of no benefit to either Mrs Tepe or Mr Clark. They do not need an alley. The opening of this alley would not benefit one more than the other; of either Putz, Wheeler or Lewis. I never saw any notices posted in the vicinity of Rose alley, for the meeting of the viewors to assess damages. I was driving about town at the time and would have seen them if they had been posted.

8.

It would be an expensive alley to open
and keep up. from the Opera House.

A Gillespie

James Stue. sworn, I live in the vicinity
the proposed Rose alley in D'Bois Pa.
I did not see any notices posted in
the vicinity of the proposed Rose alley
nor in any part of town, of the meeting
of viewors to assess damages. I am about
town and would have seen them if they
had been posted, I believe that the alley
as proposed would be expensive to open
and to keep up, and benefit only a very
few persons. I believe that of the Peck,
or Wheeler, or Lewis lot would neither be
benefited more than the other, by the
opening of this alley.

James Kime

Julius A. Tepe, Affirmed, I live in DeBois Pa. I have lived here about 14 years. Rose Alley would run through my wifes property. the damage would take about one eighth off the lot, and I consider it worth \$150 to \$200⁰⁰. the Alley would not be of any benefit whatever. nor would it be of any benefit to the Clark lot. It would be a damage to it, and the damage to it would be \$100⁰⁰. the benefit to the Wheeler, Peutz and Lewis lots would be equal. I don't think the Alley would be of any benefit to either Bringer or Hilger. I only know two parties who want the Alley to whom it would benefit. The Catch Basin is placed in the center of the Alley. The Street Commissioner has built a Sewer down the line of the alley and placed or built a Catch Basin in the center of the Alley which would obstruct the passage through the Alley. if the Alley is only 16 feet wide travel would be interfered with, through it.

J. A. Tepe

I hereby certify that the above witnesses were duly qualified and examined at

the time and place, stated in the above
Caption, and subscribed their depositions
in my presence.

L. S. Hay,
Justice of the Peace.

In the Court of
Quarter Sessions
Wentworth County, Pa.

N^o Dec. 11. 1890.

Rule to take Depositions
in relation to.

Rose Alley
D^y 3rd 1890. Pa.

9 Pages. \$ 4.50

Filed 7 July 1891
J. M. Brown

To the Honorable D.L. Krebs
President Judge of the Court
of Quarter Sessions of Clearfield
County.

The Petition of the Town
Council of the Borough of Du-
Bois respectfully represents:
That by an ordinance passed
on the 7th day of Oct, 1889 an
alley called Rose alley was or-
~~dained~~ dained, laid out and establish-
ed in said Borough the lines
of which were ordained to be
as follows: Beginning at a
point on Long Street at the
rear end of the Commercial
Hotel Block; Thence along
the line of the alley now opened
and in use N. $68^{\circ} 36'$ East to
Sandy Lick Creek. Said alley
is hereby ordained and estab-
lished at 16 ft. The Centre line
thereof starting on Long Street
at a point 8 ft. from the
corner of the said Commercial
Hotel Block.

That your Petitioners
have been unable to agree with
the owners of the land to be occupied

by the said alley for the damages
caused thereto. They therefore ask
that viewers be appointed ac-
cording to law to assess said
damages and they will ever
pray.

Hart Lubin
John E. Burns
John Bonner
Levi Heidrick
Geo. W. Tabor
J. Solomon
J. Ditchburn
A. L. Fozier

MOORE & SONS
Petition for New

to

Assess Damages

on

Race Alley.
P

Now 2^d Dec. 1887 the
within Petition was and
considered and thereupon
At S. McMinin J. B. Ellis
Jm. Stephenson J. J. Johnson
At R. Newhouse 3^d 74.
Brothers & J. E. Merri
are appointed receivers
& view the premises
assess the damages, and
make return to Court
according & leave

By M. Court.

MOORE & SONS

Recd Allen

To The Honorable, the Judge of
the Court of Quarter Sessions
of Clearfield County.

The undersigned appointed by
the annexed order for the
purposes therein mentioned
do report;

That having been first duly sworn
or affirmed according to Law
and after having given due and
public notice of the time and
place of meeting by printed
handbills posted in the vicinity,
did proceed to view the premises
and having regard to both the
advantages and disadvantages
do assess the following damages
and benefits.

Mrs Catharine Huntz - Actual Value of land taken	\$120.00
W. Z. Sener Contribution	\$50.00
Grier Brothers "	\$24.00
H. S. Knarr "	\$34.00
Elias Smiley Hairs "	\$46.00
George & William Winger "	\$50.00
Jacob Bilger, Actual Value of Land taken	\$50.00
Mrs Mary Terpe Actual Value of land taken	\$50.00
Howard Clark the benefits he derives being equal to the value of land taken.	
Charles Lewis Contribution	\$20.00

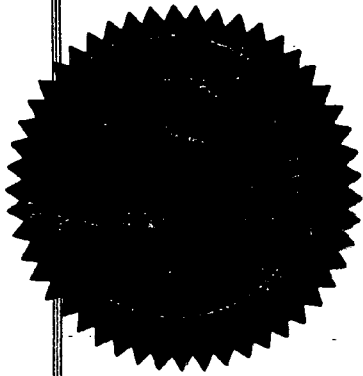
1	John Wheeler Contribution	# 12.00
2	Henry Penty	# 25.00
3	H. Gillespie	# 20.00
4	Opera House Co	# 25.00
5	Alfred Arman Actual Valuing	
6	Land Taken	# 35.00
7	John E. DuBois The benefits he derives	
8	being equal to valuing land taken.	

H. McMillan
 J. B. Ball
 Wm. Stevenson
 J. A. Johnston
 F. W. Proctor

Cleeford County SS

at a court of Quarter
Sessions of Cleeford County Pa On the 2^d
day of December AD 1887 Before Honorable
President Judge Edward Cook upon the
petition of Sunday Inhabitants of the Borough
of Outport said County Respectfully represents
That on the 7th day of Oct 1887 said
Town Council by Ordinance passed, Rose
Alley was Ordained laid out & established
in said Borough the lines of which were
Ordained to be as follows: Beginning at a
point on Long Street at the rear End of the
Commercial Hotel Block thence along
the line of the alley now opened and in
use N 68° 36' East to Sandy Creek & said
Alley is hereby Ordained and established
at 16 feet the Centre line thereof starting
on Long Street at a point 8 feet from
the Corner of said Commercial Hotel Block
They therefore ask Viewers to be appointed
to View the premises & assess the damages
And now 2^d December 1887 Petition read ^{and}

Ordained and thereupon H. S. W. Munn
J. B. Ellis Wm. Stephen J. A. Johnston A. R.
Van Lant F. H. Portner & E. Morris are
appointed Viewers to View the premises
& assess the ~~premises~~ damages & make
report accordingly to come



By the Court

D. L. Kries

P. J.

Certified from the record
this 16th day of June A.D. 1890

A. M. Blinn
Clerk of District Court

1000 000000

Chas & Son
Manufacturers
of
Saddles & Harness

Received of
Chas & Son
the sum of
\$10.00
for
\$33.00

Now they being paid and
confirmed the sum of \$10.00
ATL
Chas & Son
Saddles & Harness

Chas & Son

Chas & Son

Chas & Son

In Re. The Assessment
of Damages for the O-
pening of Rose Alley,
DuBois, Borough.

In the Court of Quarter Sessions of Clear-
field County.

No. 5 December Sessions 1889.

Now, 29th of July 1890, A. Gillespie, Charles Lewis, Howard Clark, Mary
Terpe, Geo. H. Wingert, William Wingert, Jacob Bilzer and Elijah Ashenf-
ter, Guardian of Minor heirs of Elias Smiley, deceased, hereby file their
exceptions to the Report of Viewers, and the confirmation thereof ab-
solute, as follows.

First. H. S. McMinn, one of the viewers is not a freeholder.

Second. Said alley is not necessary for public travel and all persons
owning property thereon, except three or four have joined in
these exceptions.

Third. The financial condition of the Borough of DuBois is such that
the opening of said alley would be burdensome to the taxpayers
of the Borough, and would require a large outlay of money beside
the payment of the damages that would have to be paid by the
taking of the land for public purposes.

Fourth. That all the property owners would likely appeal from the con-
tributions assessed and damages awarded and thereby making the
cost of said alley exceedingly expensive, and a burden to the
tax payers, and which would necessarily increase the taxes which
are now annually ten mills for Borough purposes beside a tax of
three mills to meet the bonded indebtedness of the Borough.

Clearfield County ss.

Personally appeared before me a Notary Public in and for said
County, who being duly sworn according to law

deposes and says that he is one of the above named ~~2~~ ^{xx} exceptants and that

the facts set forth in the foregoing exceptions are correct and true
to the best of his knowledge and belief.

A Gillespie

Sworn and subscribed before me
this 5th day of Aug 1890.

W. C. Perry

Notary Public.

W. C. Perry

W. C. Perry

W. C. Perry

W. C. Perry

W. C. Perry

of the 1st

24

W.C. L...

Dec 5 Dec 5 1887

Dr R. H. ...

Wm. B. ...

Stephen ...

Aug 29 Aug 1887