

7 Dec 11 1906
Roads

Nov. 2, 1906 Peti-
tion presented, and
notice Monday Dec
3, 1906 at 10 o'clock
in the forenoon is
given for hearing
notice of this order
to be given to Sup.
of Union and the
property owners
affected by the pro-
posed change.

By the Court
W. C. PENTON
Attorney at Law,
DU BOIS, PA.

H. W. W.

[illegible]

The right of way to be obtained is 33 ft. wide and the graded road bed, exclusive of the necessary side slopes should be fourteen feet throughout; the roadway to be stumped and the sides so brushed so as to leave no branches hanging over the roadway. The road to be graded to a fairly even grade and crowned in the center so as to shed water freely. Wherever necessary drains shall be put across the road so as to carry the water off the upper side. Wherever runs are crossed, proper bridges will be constructed and the entire outlay for the constructing of said road is estimated at about Eight Hundred Dollars as against One Hundred and Fifty Dollars as spent by the Township of Union constructing the entire length of the original road; that said road as laid out will put it above the flow line of the present reservoirs now existing or as hereafter may exist; that the distance will be only 2500 feet more to Home Camp than the distance over the present road.

The road that is desired to be vacated is 3100 feet long and the road which it is proposed to replace it is 3737 1/2 ft long; that along said road there are but two pieces of property owned jointly by Richard Laborde and Mr. Parrish. No other citizens are located along the line of said road; that the said Borough of DuBois will provide the right of way and pay all expenses necessary for the construction of said road;

Your petitioners therefore pray the Court to approve the proposed change of road and the mode of construction so that the said Borough of DuBois can go on and build said road as provided by law, and they will ever pray, etc.

H. J. Boyer

Arthur Fard

W. C. Bacon

J. L. Kirtland

James O. Miller

George H. Hissner Jr.

Alfred Nelson

M. W. Colome

M. B. Goff

James W. Shrock

It is noted that the above information was obtained from the files of the FBI, and is not to be used for any other purpose than the one for which it was obtained.

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 10. *Handwritten text, mostly illegible due to blurring and bleed-through.*

Clearfield County, SS:

H.J. Boyer being duly sworn according to law deposes and says that he is a member of the Town Council of the Borough of DuBois,; and that the facts contained in the foregoing petition are correct and true to the best of his knowledge and belief.

Sworn and subscribed before me this day of , A.D., 1906.

Notary Public.

CONFIDENTIAL

1. The following information is being furnished to you for your information and is to be used only for the purpose of the investigation of the facts contained in the foregoing petition and to the best of his knowledge and belief.

CONFIDENTIAL

PLAN OF

PROPOSED ROAD

BETWEEN JAMES DAM ROAD

AND DRY RUN ROAD

SAID ROAD TO BE CONSTRUCTED BY

WATER DEPARTMENT OF ILLINOIS

POPOUGH

TO REPLACE TOWNSHIP ROAD ACROSS

RESERVOIR DURING DRY RUN ROAD

WITH MAIN ROAD BETWEEN ROUTE

AND JONES CAMP

UNION TOWNSHIP

LOCAL LEGALITY

LOCALITY

LOCALITY

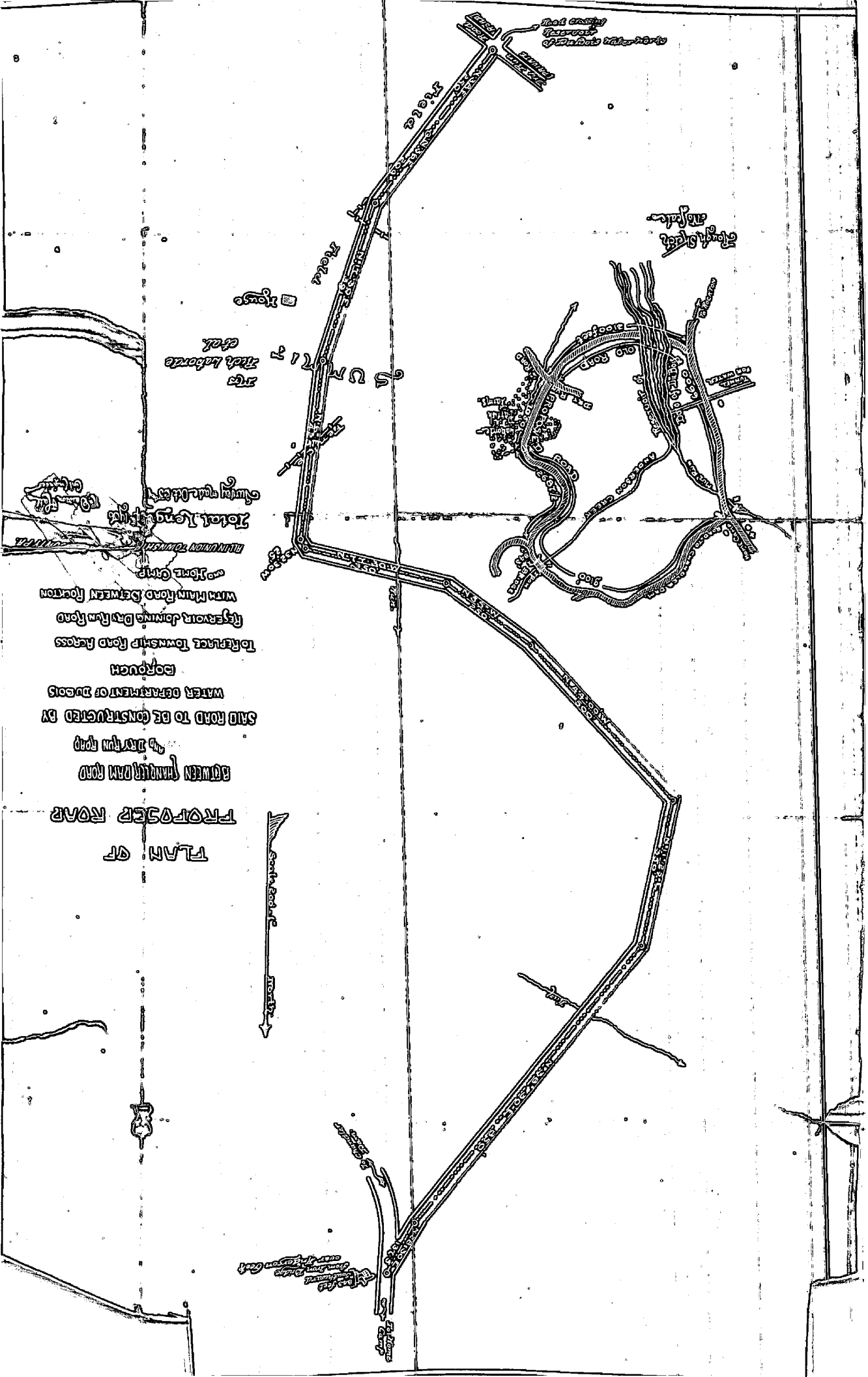
LOCALITY

LOCALITY

LOCALITY

LOCALITY

LOCALITY



Nov. 22 Has 657106. Since arrival at camp in Plum Creek to
see ~~Nashville~~^{Wagon} stop in Plum Crk.

Nov - 2, 1906
 Item presented, and
~~the~~ Monday are
 3, 1906 at 18 o'clock
 in the afternoon is
 dated for having
notice of this order
 to be given to Sir.
 I suppose and the
 prospect is never
 explained by the pro-
 secution.

By the Court
 W. C. Bennett
 Attorney at Law,
 Du Bois, Pa.

46122

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In the matter of the petition
of the Borough of DuBois to
vacate and supply public
road in Union Township.

No. 6, Dec. Sessions, 1906.

Answer by the Supervisors of Union Township and property owners.

The undersigned hereby made answer to the petition filed in the above case, setting forth the following facts which appear either by the proceeding or by other proceedings of record, to which reference is herein made.

1. The road to be vacated and supplied does not appear to be set out in the proceeding with such definiteness as to identify the road.

2. The road to which it appears to refer is No. 4, Sept. Sessions, 1899, which road was confirmed absolute on the 11th of May, 1900 and opening order issued on the 11th of Oct., 1900, and thereafter the road constructed and used for years, and a large amount of money expended by the township, being a public road beginning on the old supply road near a mine operated by Henry Wertz and to intersect the road from Home Camp to Rockton about one mile below Home Camp. That a proceeding to vacate said road was instituted in the year 1902, to No. 7 Feb'y Sess. 1902. That the meeting of viewers on said petition was then attended by the then counsel of said borough seeking to obtain a vacation of the road; that the report on that proceeding was against such vacation, which proceeding is hereby referred to and made part of this answer.

3. That on the 14th of December, 1903, three years and seven months after confirmation absolute of the road in question, the Borough of DuBois filed a petition to strike off the confirmation absolute and obtained a rule therefor; and on the 14th of March, 1904, three years and ten months, after confirmation absolute, filed exceptions thereto; that an answer was filed by Union Township; depositions were taken. On the 30th of November, 1904, an opinion and decree was filed setting aside the report of viewers and quashing the proceedings and ordering the respondent, Union Township, to pay the costs; to which decree an appeal was taken to the Superior Court on the 25th of May, 1905, and on the 19th

of December, 1905 a remittitur from the Superior Court with opinion and decree attached was filed showing that the decree of court below had been reversed and that the road proceeding had been reinstated and that the costs had been imposed upon the appellee, the Borough of DuBois; that the Borough of DuBois thereupon filed a petition asking the Supreme Court to allow an appeal from the Superior Court, which application on the 31st of January, 1906 was refused, all of which proceedings in No. 4, Sept. Sessions, 1899 are hereby referred to and made part of this answer.

4. Pending the appeal in the Supreme Court the Borough of DuBois with full knowledge of such appeal had placed obstructions across the road and thereby preventing the use thereof, which obstructions remain to this time; and on August 1, 1906 a petition for a mandamus was filed ^{to No 257 September 3, 1906} by Union Township Supervisors and a writ of mandamus issued to compel the Borough of DuBois to remove the obstructions and reconstruct and restore the road for public use, which proceeding is still pending and undetermined, to which proceeding reference is hereby made and same is made a part of this answer. *This proceeding was delayed by the written assurance on the part of the Borough that the order of court would be complied with. See letter August 2, 1906 attached and made part hereof.*

5. That the averments in the petition and the draft attached thereto in this case are misleading in that they fail to show that the distance by the proposed road to be used as a substitute for the old road from the one termini thereof to the other is more than four times the length of the original road, besides being upon less favorable ground.

And for the reasons stated, the respondents aver that the petition cannot be sustained and should be dismissed by the Court.

property owners

Beeler Hartseurth
Atty for Union Twp.

Thos H. Murray	about 1600	Ac.
Jos B. Trushens	"	900 "
John A. Parrish	"	50 "
Eliza Labovda	"	50 "
Mary Skafers	"	900 "

by *Ernest A. Murray*
Murray & O'Laughlin

Pentz & Calkins,

ATTORNEYS AT LAW.

Boys, Pa.

W. C. PENTZ
W. L. CALKINS

August 2, 1906

Messrs. Bell & Hartswick,
Clearfield, Pa.

Dear Sirs:-

We have your favor in relation to Mandamus awarded against the Borough. Kindly hold this matter as the Council are getting ready to put a bridge in across the Creek, and fill the road. We have a Council meeting Monday night, and it will be taken up and disposed of definitely then.

yours respectfully,

Diet. WCP/JK

W. C. Pentz

No. 17, Dec. Sessions, 1906.

In the matter of the petition of the Borough of Dupois to vacate and supply public road in Union Township.

Answer by Supervisors of Union Township, and proprietors.

FILED
NO. 2106
ROBT. H. THOMPSON
BE

CLEARFIELD, PA.

JEWELL & COMPANY, PHILADELPHIA

Petition of DuBois Boro.

to vacate and supply part of

public road in Union Township.

versus

In the Court of Quarter Sessions.

of Clearfield County, Pa.

No. 6 Dec. S.S. Term, 1906

For Feby No. Roads --1906

And now, -----, A. D. 1906, petition read and considered,

and a rule is granted on

Nov. 22nd 1906, petition of DuBois Boro. filed

Nov. 22nd 1906, petition presented and Monday Dec. 3rd 1906 at 10

o'clock A.M. is fixed for the hearing of above petition. Notice

of this order to be given to Union Twp. and the property owners

affected by the proposed change. By the Court.

Returnable

By the Court,

HON. ALLISON O. SMITH, P. J.

Certified from the record this 22 day
of Nov., 1906.

Roll B. Thompson, Pro.

No. 6 Dec. SS Term, 190 6

Petition to change public
road in Union Twp.

versus

RULE ON

Notice to Union Twp. and

property owners

Dec. 16, 1906. This notice served
on me of having been notified
that a road will be laid here now
Sherrill the County one Dec. 3 by
me of having been notified
Dec. 14, leaving for
himself of his diploma

Attorney for Claimant.

Pentz for Ford.

Attorney for Plaintiff.

Attorney for Defendant.

Petition of DuBois Boro.

to vacate and supply part of
public road in Union Township.

versus

In the Court of Quarter Sessions
of Clearfield County, Pa.

No. 6 Dec. SS Term, 1906

Fi. Fa., No. 1906

And now, -----, A. D. 1906, petition read and considered, -----

and a rule is granted on

Nov. 22nd 1906, petition of DuBois Boro. filed.

Nov. 22nd 1906, petition presented and Monday Dec. 3rd 1906 at 10
o'clock A.M. is fixed for the hearing of above petition. Notice
of this order to be given to Union Twp. and the property owners
affected by the proposed change. By the Court.

Returnable _____

By the Court,

HON. ALLISON O. SMITH, P. J.

*Certified from the record this 22 day
of Nov. , 1906.*

Roll B. Thompson, Prob.

No. 6 Dec. SS Term, 1906

Petition to change public road
in Union Twp.

issues

RULE-ION.

Notice to Union Twp. and
property owners.

Sheriff

Attorney for Claimant.

Pentz for Boro.

Attorney for Plaintiff.

Attorney for Defendant.

BELL & HARTSWICK,
ATTORNEYS-AT-LAW.

Clearfield, Pa., Nov. 24, 1906.

Thos. H. Murray, Esq.,
Clearfield, Pa.

Dear Sir:-

In your absence Mr. Tentz presented a petition to the court asking the court to provide a location of a road in Union Township to take the place of the Parish and Laborde road. I said to the court that I did not want this matter disposed of until you could be here as you represent the parties interested, and it was agreed that the day for the hearing should be fixed as December 3rd, but as it was possible that you might be absent on that date that it would be taken up later in the week at a time that would be convenient for you. The petition and blue-print are on file in the Prothonotary's office. I send you a rough sketch of the situation.

I do not know what will be the view taken by the Supervisors as this location is entirely different from the one previously proposed which climbed the hills and came in below the reservoir.

Yours very truly,

Bell & Hartswick

D. S. HERRON.
ATTORNEY-AT-LAW.
DEPOSIT NATIONAL BANK BUILDING.

ATTORNEY FOR
FIRST NATIONAL BANK,
FALLS CREEK, PA.

DU BOIS. PA..March 19th 1907

Hon W.Rush Gillan,

Chambersburg, Pa'

Dear Sir:-

In the matter of the petition of the Town Council of Du Bois Borough, Clearfield County, Pa. which was argued before your honor, at Clearfield Pa., on March 13th 1907, I have looked for some authorities but have not found much on the question at issue.

I herewith submit about all that I could get. My time has been so taken up with other matters that did not do justice to this case.

With my regards I remain yours

Respectfully

D S Herron

Petition of DuBois Boro
to vacate ^{and} supply
part of public roads
^{versus}
in Union Township

In the Court of Quarter Sessions
of Clearfield County, Pa.

No. 6 Dec 11 Term, 1906
Fi. Fa., No. Roads 190

And now, _____, A. D. 190____, petition read and considered,
and a rule is granted on

Nov. 22 1906. Petition of DuBois Boro filed.
Nov. 22 1906. Petition presented and Monday
Dec 3 1906 at 10 o'clock AM is fixed
for the hearing of above petition
Notice of this order to be given to Union Twp.,
and the property owners affected by the
proposed change. By the Court.

Returnable _____

By the Court,

HON. ALLISON O. SMITH, P. J.

Certified from the record this 22 day
of Nov, 1906.

W. B. Thompson Pr.

No. 1st Term, 1906

Return to charges

Public road and

Winn Jwp

versus

RULE ON
Notice to Winn Jwp.
to properly answer

Sheriff

Attorney for Claimant.

Deeds for Jwp.

Attorney for Plaintiff.

Attorney for Defendant.

By and returned in Winn Jwp Beer & Frank
Att'y & accept service for Winn Jwp