

No. 3 May, (Road) Term, 1910

In Re Petition for
Private Road by

~~versus~~

Osceola Silica and
Fire Brick Company,

In the Court of Quarter Sessions of the
County of Cleefield.

In Re Petition }
for private Road } No. 3 May 18 1910
by. }
Osceola Arties and }
Fin Brick Company }

Now 27th April AD 1910, Richard Hunt
is appointed viewer in the above pro-
ceeding to serve in the stead of Jacob
Burge, absent from the County.

By the Court
Alison D. Smith
J.

No 3 May SS. 1910
Road

In Re Private Roads

Substitution of
Green

PAID
April 1910

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

The petition of Osceola Silica & Fire Brick Company respectfully represents:-

That it owns and operates extensive works for the manufacture of various clay products and in the operation thereof uses and consumes large quantities of Bituminous coal and of fire clay, and your petitioner is also dealer in fire clay and clay products.

That in the conduct of its business it desires to obtain private road partly over and partly under the surface of intervening land or lands to reach Bituminous coal and fire clay underlying adjacent land. The said private road to begin at the siding of your petitioner extending to the plant now owned and operated by the petitioner, the precise point at which said private road reaches said siding being five hundred and seventy (570) feet from point of switch at connection with Big Run Branch of the Pennsylvania Railroad, and extending over various intervening lands to the mouth of the drift of the operation of your petitioner, on lands leased by them from the Philipsburg Coal & Land Company, being a distance of about three and two third ($3 \frac{2}{3}$) miles.

The said road is prayed for as a private road in accordance with the Act of Assembly in such case made and provided, the said road being necessary for the use of your petitioner in reaching Bituminous coal and fire clay, and for the purpose of transporting the same to its own works, and for transportation and shipment to its customers.

This petition is duly authorized by the Board of Directors of your petitioner, a corporation, chartered and organized under the laws of the State of Pennsylvania.

Osceola Silica and Fire Brick Co
Lawshe Baird - Pres

Attest
Cl W Bickford Sec'y

CLEARFIELD COUNTY, SS.

Before me,
in and for said County, personally appeared Lawshe Baird,
President of the Osceola Silica & Fire Brick Company, and
duly qualified to make this Affidavit, who being sworn according
to law doth depose and say that the facts set forth in the
foregoing Affidavit are true and correct to the best of his
knowledge and belief.

Sworn and subscribed before me)

this 31 day of March)

A. D. 1910.

Lawshe Baird
)

Roll B. Thompson
Notary Clerk

Now 4th April AD 1900. Petition presented
and considered and Harry Byers
Lauder Dunning and Jacob Burge

An appointed viewers to view the premises
Consider the road prayed for and make report to
The Court at next term.

By the Court
Alvin P. Smith
J. J.

Road No. 3. May 1910.	In Re Petition of	Orceola Silica and Iron Brick Company for Private Road		<div data-bbox="1057 1085 1205 1361">FILED APR 11 1900 CLERK OF COURT</div>	Burlington
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KURTZ BROS., CLEARFIELD, PA.

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 11

day of April, A. D. 1900, before the

Judge of said Court, upon a petition of ~~sundry~~ *inhabitants of the township of Oyster, Schuylkill Co.* in said county, setting forth that

it owns and operates extensive works for the manufacture of various clay products and in the operation thereof uses and consumes large quantities of bituminous coal and of fire clay and your petitioner is also dealer in fire clay and clay products. That in the conduct of its business it desires to obtain private road partly over and partly under the surface of intervening land or lands to reach bituminous coal and fire clay underlying adjacent land. The said private road to begin at the siding of your petitioner extending to the plant now owned and operated by the petitioner, the truest point at which said private road reaches said siding being five hundred and seventy (570) feet from point of start at connection with Big Run Branch of the Pennsylvania Railroad, and extending over various intervening lands to the mouth of the drift of the operation of your petitioner, on lands leased by them from the Philadelphia & Land Company being at distance of about three and two thirds 3 2/3 miles. The said road is prayed for as a private road in accordance with the Act of Assembly in such case made and provided the said road being necessary for the use of your petitioner in reaching bituminous coal and fire clay and for the purpose of transportation and shipment to its customers.

and therefore praying the Court to appoint proper persons to view *& lay out*

the same according to law,

whereupon the Court, upon due consideration had of the premises, do order and

appoint *Harry Gus Leander Leming & Jacob Purge*

who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers

agree that there is occasion for such road, they shall proceed *to lay out*

the same agreeable to the desire of the petitioners, as may be,

having respect to the best ground for a road and the shortest distance, and in

such manner as to do the least injury to private property, and state particularly, whether they judge the same necessary for a PUBLIC or PRIVATE

road, together with a plot or draft of the same, with the courses and distances

and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose land said road may pass,

or failing to procure such releases, shall assess the same, if any sustained, and

shall make report thereof to the next Court of Quarter Sessions to be held for

said county, in which report they shall state that they have been sworn and

affirmed according to law. Notice is directed to be given to the owners or

occupants of seated land through which the within road is intended to pass, of

the time of the view, according to the 147th Rule of Court.

BY THE COURT.

Charles Thompson

Clerk.

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 the..... at and before the ensealing 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 respectively 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. 190.....

Seal

Seal

Seal

Seal

ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To..... the sum of.....

To..... the sum of.....

To..... the sum of.....

Witness our hands this..... day of..... A. D. 190.....

damage to property through which it passes and
it is necessary for a private road for said
Oseeda Silica Fire Brick Co. Width of roadway
way $3\frac{1}{2}$ feet to have 3 foot (or wider) steel rail track
on cross ties, as planned by said company, and
dam ages are assessed herein accordingly.

1.

To The Honorable Allison O. Smith
President Judge of The Court of Quarter ses-
sions of Clearfield County, Pa. We the un-
dersigned viewers appointed by the within
order of court to view and lay ~~out~~
private road therein mentioned, Respectfully
report, That we gave notice of the said
view and met at the place named in
said notice and having been severally
sworn or affirmed we viewed the prem-
ises named in said order and are of
opinion that a private road is necessary
for said Oceola Silica Fire Brick Company.

The said company lately employed
engineers who carefully examined the ter-
ritory between the said Company's mines and
their works as named in the within order,
and laid out a road between said points, which
territory and road so laid out, we the under-
signed viewers examined and respectfully report
that said road is laid out with respect to best
ground for road, shortest distance and least

4 1 1 7 0 0 0 1 1

The road, so, as aforesaid laid out be-
 gins at siding of said Silica Co, 570 feet from
 point of switch at connection with Big Run
 Branch of P.R.R. Thence through land of Kit-
 tanning Coal Company, by right curve. Radius
 521.7 feet distance of 200 feet, Thence by Left Curve
 with radius of 383 feet distance of 100 feet, Thence $N 44^{\circ} 15'$
 W 100 feet, Thence by Left Curve with radius of 277.3 feet
 distance of 400 feet, Thence $N 52^{\circ} 45' W$ 350 feet cross-
 ing Big Run, Thence by Left Curve Radius 674.7 feet
 distance 150 feet, Thence by Right Curve Radius 510 feet
 distance 100 feet, to East line of right of Way of Big Run
 Branch of Pennsylvania Railroad, Thence along said
 right of way by Right Curve Radius 3737 feet distance 200
 feet, Thence by Right Curve Radius 1736 feet distance 1000
 feet, Thence by Right Curve Radius 1976 feet distance 325
 feet, Thence $N 6^{\circ} 44' W$ 2012 feet, Thence by Left Curve Ra-
 dius 655.5 feet distance 508 feet, Thence $N 27^{\circ} 23' W$ 599 feet
 Thence by Left Curve Radius 655.5 feet distance 556 feet
 Thence $N 76^{\circ} 50' W$ 829.5 feet, Thence by right curve
 Through land Paterson Heirs crossing Township road, ^{Radius} 338.3
 feet distance 200 feet, Thence Through land of Hicks and
^{by Left Curve Radius 193.2 feet distance 190.3 feet} Arthur Williams $N 47^{\circ} 44' W$ 358.3 feet, Thence ^{Through land}
 said Arthur Williams, Crossing under Big Run Branch PRR
 and Through land of John Reams $S 69^{\circ} 48' W$ 220.9 feet, Thence
 by Right Curve Radius 478.3 feet distance 100 feet, Thence
 by Right Curve Radius 2865 feet distance 100 feet Thence
 $S 83^{\circ} 48' W$ 210 feet, Thence by Right curve

Radius 1146 feet distance 490 feet, Thence $N 71^{\circ} 42' W$
450 feet, Thence Through land of Mrs Hickie and es-
tate of J.B. McEnally by Left Curve Radius 1274
feet distance 644.7 feet, Thence $S 79^{\circ} 48' W$ 320.3
feet, Thence by right curve radius 521.7 feet
distance 672 feet, Thence $N 21^{\circ} 50' W$ 700 feet to point
about opposite John Reams Barn. Thence by Right
Curve Radius 1499 distance 194 feet, Thence
 $N 16^{\circ} 18' W$ 350 feet, Thence by left Curve Radius
370.8 feet distance 586 feet, Thence $N 73^{\circ} 8' W$ 320
feet, Thence by Right Curve Radius 338.3 feet
distance 520 feet, Thence $N 18^{\circ} 30' W$ 293 feet
Thence by Right Curve Radius 573.7 feet distance
538 feet, Thence $N 1^{\circ} 52' E$ Through land of Bristin
and Goode 536 feet, Thence by Left Curve Radius 764.5
feet distance 411 feet, Thence $N 28^{\circ} 44' W$ 402
feet, Thence by Right Curve Radius 176 feet dis-
tance 244 feet, Thence $N 51^{\circ} 44' E$ 560 feet, Thence by
Left Curve Radius 268 feet distance 227 feet, Thence
 $N 3^{\circ} 10' E$ 200 feet, Thence by Right Curve Radius 773.1
feet distance 420 feet, Thence $N 34^{\circ} 12' E$ 158 feet
Thence by Left curve Radius 231 feet distance 254
feet through land of Philipsburg, Coal and Land Co, Thence
 $N 28^{\circ} 58' W$ 781 feet to mouth of drift of operation
of said Onondaga Silica Fire Brick Co. — A plot or
draft of road as laid out is herewith annexed show-
ing courses distances and improvements.

We have assessed damage to those who have

not already conveyed right of way - as follows:

1. To John Reams the sum of two hundred and seventy-five dollars (\$275.00) and said Osceola Silica Fire Brick Company to put in and maintain crossing at present road near farm, and such other crossings as are necessary to conveniently remove the lumber from land said John Reams or cross with farm crops, and said company to put in and maintain cattle guards that will keep out cattle at fence near station 67, one at each side road aforesaid near barn about station 74 + 50 one at fence at or near Sta 78 + 60 and at property lines at 64 + 30 and 83 + 43 and at West side Big Run Branch P.R.R. where land at those points is fenced. Said John Reams to have all the standing and down trees down to 2 inches in size on right of way through his land and to remove the same within thirty days of time work is started on making any part of said train road; After said 30 days are up said company may remove same and pile it along right of way without expense to said John Reams, cutting to such lengths what is lying or falls on right of way as said Reams can manufacture into tie lengths or merchantable lumber, and avoiding unnecessary waste.

2 to Hon J. B. Mc Enally Estate the sum of twenty-five dollars, and said company

to place sufficient cattle guards at Sta 83+43 and Sta 86+53 when land there and shall put in and maintain one c where convenient to Owner.

3. to Mrs A. Hicks The sum of ~~four~~ ^{ty}-eight $\frac{50}{100}$ dollars (\$28⁵⁰), Said company to put in and maintain one crossing at West line of said Hicks property, and fence train road or put in and maintain sufficient cattle guards at each line when ground between train road and wagon road to South is fenced.

4. To Arthur Williams The sum of forty-five dollars (\$45⁰⁰) and said company to place sufficient cattle guards at Big Run Branch PRR and at Hicks property line and keep and maintain one crossing.

5. To Paterson Heirs The sum of forty five dollars (\$45⁰⁰)

6. To William Pooley the sum of forty-five dollars, and said Fire Bricks Co. to put in and maintain one crossing at location desired by owner of land and a sufficient cattle guard at each property line.

We further report That Wm Pooley,

Paterson, Arthur Williams, Mrs A Hicks and J^r Reams who said he represented John Reams were present at the view. Aforesaid persons being of property owners whose damage we assessed.

Viewers further report that in case of abandonment of works at both ends of said road or extensions thereof by said Occo-
ca Silica Fire Brick Co, their heirs, succe-
sors and assigns it is the understanding of
the viewers and their appraisement is based
on the assumption that in case of abandonment
as afore said, the land $16\frac{1}{2}$ feet wide will revert
to parties owning the properties adjoining road
at time of such abandonment, from which
road is taken.

In witness whereof we have
hereunto set our hands this fourth
day of May A D 1910

Harry Byers,
J. Henning
O. M. Hunt

Please sign
John to me

H. 1392

April 27, 1910. Richard Hunt is appointed Viewer to some rusthead of Junior George absent from Co. West
 By the Court.
 Ruel Thompson
 Clerk

No. 3 May Sessions, 1910

ORDER

To view _____
 road for Private use in the
 township of Stark,
 Clearfield County Penna

May Sessions, 1910,
 read and confirmed Ni. Si.
 Road to be opened 16 1/2 feet
 wide, except where there is
 side hill cutting, or embank-
 ment and bridging, there to
 be 16 feet wide.

By the Court.
William C. Smith J.C.

September Sessions 1910
 confirmed absolutely.
 By the Court.
Alfred J. Smith J.C.

Filed _____ 1910
 Fees \$1.25 paid by _____

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 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.

		AMOUNT.
<u>Harry Byers</u>	Days <u>3</u>	
	Miles <u>2.5</u>	\$ <u>1.75</u>
<u>Leander Boring</u>	Days <u>2</u>	
	Miles <u>2.5</u>	\$ <u>1.25</u>
<u>R M Hunt</u>	Days <u>1</u>	
	Miles <u>7</u>	\$ <u>5.70</u>
	Days	
	Miles	
	Days	
	Miles	