

to

2 May

SESSIONS, 191

COMMONWEALTH

VERSUS

Petition for viewers  
on Road in  
Sandy Township

Charge

X  
JAMES H. KELLEY,  
DISTRICT ATTORNEY.

## 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 \_\_\_\_\_ day of  
April \_\_\_\_\_ in the year of our Lord

one thousand nine hundred \_\_\_\_\_

Judge of the same Court: Upon the petition of  
sundry inhabitants of the Township of \_\_\_\_\_

\_\_\_\_\_ in said County, setting forth that \_\_\_\_\_

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 \_\_\_\_\_

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 impar-  
tiality and according to the best of their judgment, 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 dis-  
tance, 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.

*John H. Moore*, 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, beg 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 Sandy and that 3 notices thereof were posted along the route of the proposed road, that the said view would be held on the 25th day of July, A. D. 191 2, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 26th day of July, 191 2, at 9.00 o'clock A.-M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view E. Z. Korb, Mrs. George Proels, Daniel Reasinger, representing Mrs. Cathrine Reasinger and others

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 191 \_\_\_\_\_, when the following appearances were noted: By agreement of all parties at interest were heard at the place of view on the day of view

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is \_\_\_\_\_ occasion for a road ~~as desired by the petitioner, and that the same is~~ ~~necessary for a~~ ~~road.~~ ~~And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for~~ ~~use the following described road, to wit: Beginning~~ but are of the opinion that the line selected by the petitioners for the proposed road is practically unavailable for the reason that there are certain obstacles, viz; a barn, a dwelling house, and an embankment of earth requiring removal, which would involve quite large expense, while at the same time another road in the same locality could be laid out which would accommodate these same petitioners and many others and the above named obstacles would not be encountered. We your Viewers therefore recommend that no Public Road be layed out and opened according to the prayer of the petitioners in this proceeding. All of which is respectfully submitted to the consideration of your Honorable Court.

No. 2 May Sessions, 1912

## ORDER

To view and lay out a road for Public use in the township of Sandy, Clearfield County Pa.

Sept Session, 1912

read and confirmed N. Si.

Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide. By the Court

William C. Smith

December Sessions 1912  
Inferred absolutely  
By the Court

William C. Smith

Filed

19

Fees \$1.25 paid by Ed. B...

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.
<u>W. C. Macdonald</u>	4	2.62026
<u>J. J. Kennedy</u>	3	1.51215
<u>J. R. Taylor</u>	3	1.290
		\$45.31

## 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 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. 1912.



and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting

when it was not practicable to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

the following persons having refused to release the damages to which they respectfully may be entitled by the reason of the location and opening 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:

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 20th day of September  
A. D. 1912

*H. J. MacKinnon*  
*J. H. Taylor*  
SEAL  
SEAL  
SEAL

To J. S. Richards, W. C. Langsford, and H. L. Bowman, Commissioners of Clearfield County:

Gentlemen:-

You will please take notice that in pursuance of a Petition filed to No. 2, May Sessions of the Court of Quarter Sessions in and for Clearfield County, by citizens of Sandy Township, the Judge of the said Court has designated H. S. McMinn, J. K. Seyler, and S. J. Kuntz, Viewers to view and lay out for use a Public Road in Said Township, located by termini and described as follows, to wit:

BEGINNING at a point in the Public Road running Eastward from the State Highway in Sandy Township, to and intersecting with the Public Road known as the Luthersburg Road, at a point in said Road near the house of William S. Salada, to a point at the Eastern terminal of Atlantic Avenue as established according to the plan of lots known as Loeb's Addition to DuBois, the said road being entirely within Sandy Township;

That the said Viewers have fixed upon Thursday, the 25th day of July, 1912, at 2.00 o'clock in the afternoon as the time, and the house of William S. Salada as the place to meet to perform the duties of their appointment, at which time and place you may attend if you desire.

That a public hearing of any or all of the parties at interest will be had by the said Viewers in the Arbitration Room in the Court House in Clearfield, Pa. on Friday the 26th day of July at 9.00 o'clock A. M.

-----  
E. G. Boose  
Atty- for Petitioners.

And now, July 11th, 1912, notice received and service of the same accepted, by *L. C. Shorris* for the

*County Commissioners*  
*of Clearfield County,*

To *Geo. Beer* Supervisors of the Road District of  
Sandy Township:

Sir:-

You will please take notice that in pursuance of a  
Petition filed to No. 2, May Sessions of the Court of Quarter  
Sessions in and for Clearfield County, by citizens of Sandy Twp.  
the Judge of the said Court has designated H. S. McMinn, J. K.  
Seyler and S. J. Kuntz, viewers to view and lay out for a use a  
Public Road in said Township, located by terminals and described  
as follows, to wit:

BEGINNING at a point in the Public Road running Eastward  
from the State Highway in Sandy Township, to and intersecting  
with the Public Road known as the Luthersburg Road, at a point  
in the said road near the house of William S. Salada, to a point  
at the Eastern terminal of Atlantic Ave. as established according  
to the plan of lots known as Loeb's Addition to DuBois. Said  
road being entirely within the said Sandy Township;

That the said Viewers have fixed upon Thursday, the 25th day  
of July, 1912, at 2.00 o'clock in the afternoon, and the house of  
William Salada as the place to meet to perform the duties of their  
appointment, at which time and place you may attend if you desire

-----E. C. BOOSE-----  
Atty for Petitioners.

And now, the notice above given has been duly served on me and  
I accept service of the same.

*George Beer*  
-----  
Supervisor.

To *Geo. Brown* Supervisors of the Road District of  
Sandy Township:

Sir:-

You will please take notice that in pursuance of a  
Petition filed to No. 2, May Sessions of the Court of Quarter  
Sessions in and for Clearfield County, by citizens of Sandy Twp.  
the Judge of the said Court has designated H. S. McMinn, J. K.  
Seyler and S. J. Kuntz, viewers to view and lay out for a use a  
Public Road in said Township, located by terminals and described  
as follows, to wit:

BEGINNING at a point in the Public Road running Eastward  
from the State Highway in Sandy Township, to and intersecting  
with the Public Road known as the Luthersburg Road, at a point  
in the said road near the house of William S. Salada, to a point  
at the Eastern terminal of Atlantic Ave. as established according  
to the plan of lots known as Loeb's Addition to DuBois. Said  
road being entirely within the said Sandy Township;

That the said Viewers have fixed upon Thursday, the 25th day  
of July, 1912, at 2.00 o'clock in the afternoon, and the house of  
William Salada as the place to meet to perform the duties of their  
appointment, at which time and place you may attend if you desire

-----*E. G. BOODE*-----  
Atty for Petitioners.

And now, the notice above given has been duly served on me and  
I accept service of the same.

-----*George Brown*-----  
Supervisor.



To *H. A. Troutman* Supervisors of the Road District of  
Sandy Township:

Sir:-

You will please take notice that in pursuance of a  
Petition filed to No. 2, May Sessions of the Court of Quarter  
Sessions in and for Clearfield County, by citizens of Sandy Twp.  
the Judge of the said Court has designated H. S. McIlm, J. H.  
Seyler and S. J. Hantz, viewers to view and lay out for a use a  
Public Road in said Township, located by terminals and described  
as follows, to wit:

BEGINNING at a point in the Public Road running Eastward  
from the State Highway in Sandy Township, to and intersecting  
with the Public Road known as the Luthersburg Road, at a point  
in the said road near the house of William S. Salada, to a point  
at the Eastern terminal of Atlantic Ave. as established according  
to the plan of lots known as Loeb's Addition to DuBois. Said  
road being entirely within the said Sandy Township;

That the said Viewers have fixed upon Thursday, the 25th day  
of July, 1912, at 2.00 o'clock in the afternoon, and the house of  
William Salada as the place to meet to perform the duties of that  
appointment, at which time and place you may attend if you desire

-----*E. C. BOODE*-----  
Atty for Petitioners.

And now, the notice above given has been duly served on me and  
I accept service of the same.

-----*H. A. Troutman*-----  
Supervisor,

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and lay out a Public Road leading from the Public Road running Eastward from the State Highway in Sandy Township, to and intersecting with the Public Road known as the Luthersburg Road at a point in said Road near the house of William S. Salada, to a point at the Eastern terminal of Atlantic Ave. as established according to the plan of lots known as Loeb's Addition to DuBois. Said proposed Public Road being entirely within Sandy Twp, in                      Township to                     

in                      Township, in the county aforesaid, will meet at the house of William S. Salada in Sandy, in                      Township, on Thursday, the 25th day of July A. D. 1912, at Two o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

A public hearing at which all parties interested may be heard by the undersigned viewers, will be held in the Arbitration Room of the Court House at Clearfield, Pa. on Friday the 26th day of July, 1912, at 9.00 o'clock A.M. H. S. McMinn

S. J. Kuntz,

J. K. Seyler

VIEWERS

July 10, 1912.

Waco in January  
July 25-1912

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

TO THE HONORABLE ALLISON O. SMITH, PRESIDENT JUDGE OF  
THE COURTS IN AND FOR THE COUNTY OF CLEARFIELD:

The petition of the undersigned inhabitants of the Town-  
-ship of Sandy in the said County respectfully sheweth,

That your petitioners labor under great inconveniences  
for the want of a public road or highway to lead from the pub-  
-lic road running eastward from the State Highway in said Town-  
-ship, to and intersecting with the public road known as the  
Luthersburg road, at a point in said road near the house of  
William S. Salada, to a point at the eastern terminal of Atlan-  
-tic Avenue as established according to the plan or plot known  
as Loeb's Addition to DuBois, the said proposed public road be-  
-ing entirely within the Township of Sandy, Clearfield County.

Your petitioners therefore pray the Court to appoint prop-  
-er persons to view and lay out the same according to law, and  
they will ever pray etc.

*Las S. Long*

*Dan F. Aldrich*

*George F. Roels*

*J. F. Milliron*

*A. S. Smith*

*Geo. W. Higgins*

*E. J. Smith*

*W. J. Brown*

*J. W. Grube*

*gallus Libroster.*

*Mon. Jones*

*C. W. Sprich*

*J. Smith*

*W. S. Salada*

I certify that the foregoing petition for the appointment of  
road viewers is lawful and conforms to the purpose of the  
petitioners, and that the same is regular and in due form.

*Ed. B. Bove*

Attorney for petitioners.

IN RE PETITION OF GALLUS SCHROEDER AND OTHERS FOR VIEWERS  
TO VIEW AND LAY OUT PUBLIC ROAD IN SANDY TOWNSHIP.

-0-0-0-0-0-0-0-

NOTICE TO SUPERVISORS OF SANDY TWP.

- - - - -

To H. A. Troutman, George Beers and Geo. Brown, Supervisors of  
Sandy Township:-

Gentlemen:-

You will please take notice that Gallus  
Schroeder and others, citizens of Sandy Township, propose to pre-  
sent a petition to the Hon. Allison O. Smith, Judge of the Court  
of Quarter Sessions of Clearfield County, setting out that they  
are laboring under great inconvenience for the want of a public  
road to begin at a point, at or near the residence of W. S. Sol-  
-ida and end at the Eastern terminal of Atlantic Avenue, the said  
road being entirely within Sandy Township, and that the said pe-  
tition will be presented to the court and the appointment of the  
Viewers asked for in open court at nine o'clock A. M. Monday, Mar.  
4th. 1912.

----- E. G. Boose -----  
Attorney for Petitioners.

And now, March 2, 1912, notice received and service of the same  
is accepted.

*H. A. Troutman* -----  
*George Beers* -----  
-----

*And now March 4-1912, Service accepted for County,  
Commissioners of Clearfield County*

*L. D. Sporn's*  
*Clerk*

KNOW ALL MEN BY THESE PRESENTS, that we, *Elizabeth Schroeder*  
*and Cassius Schroeder* are held and firmly bound unto  
the Commonwealth of Pennsylvania, in the sum of one hundred  
dollars, lawful money, to be paid said Commonwealth, to which  
payment will well and truly be made, we bind ourselves and  
each of us, our heirs, executors and administrators, jointly  
and severally, firmly by these presents. Sealed with our seal  
and dated the first day of February, A. D. 1912.

Whereas the said *Elizabeth Schroeder and*  
*Cassius Schroeder and other citizens of Sandy Town-*  
*ship* did present a certain petition in the  
Court of Quarter Sessions of Clearfield County praying the  
Honorable Judge of the said Court to appoint proper persons to  
view and lay out a public road in the Township of Sandy, in the  
said County, the proposed public road to lead from the public  
road running eastward from the State Highway in the said Town-  
-ship, to and intersecting with the public road known as the  
Luthersburg road, at a point in the said road near the house of  
William S. Salada, to a point at the eastern terminal of Atlan-  
-tic Avenue as established according to the plan or plot known  
as Loeb's Addition to DuBois,

NOW the condition of the above obligation is such that if  
the costs incident to the said proceeding should be assessed to  
the petitioners, and they the said petitioners or any of them  
shall at once pay into the office of the Prothonotary of the  
said County the full amount of said costs without any fraud or  
delay, then the said obligation shall be null and void, or  
otherwise to be in full force and effect.

Sealed in the presence of

*Elspouse*  
-----  
*Pansy Skinner*  
-----

*Elizabeth Schroeder*  
----- (SEAL)  
*Cassius Schroeder*  
----- (SEAL)

Belknap for course  
to lay out outside  
Road in sandy strip.

Just now *May 4 1912*  
the within petition  
has been considered  
and the Court agrees  
to appoint *W. B.*  
*W. B. Wilson, J. S. Hunt*  
*& J. K. Decker*  
as the proper  
parties in the petition  
and out in the petition

*By the Court*  
*W. B. Wilson*  
APR 1 1912  
JOHN H. MOORE,  
CLERK, BOOSE  
ATTORNEY AT LAW  
DU BOIS, PA.