

1915

No. 2 Sept Term,

Vacate & Supply

Road in Sandy Twf

~~Versus~~

R. S. 50 Page 295

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short Vacate & Supply
cannot locate

PETITION TO VACATE & SUPPLY.

IN THE COURT OF QUARTER SESSIONS OF CLFD. CO.

To Honorable Singleton Bell, Judge of the said Court;

The petition of the undersigned residents and citizens of the Township of Sandy, and Borough of DuBois, of the said County of Clearfield respectfully represent:-

That a certain Public Road within the said Township of Sandy, leading from what is now a State Highway between DuBois Borough and Luthersburg, South of the line of the said Borough about one mile, to the Village of West Liberty in the said Township of Sandy, was by viewers appointed by the Court of Quarter Sessions of the County of Clearfield, layed out, and by the Court confirmed, and opened as a Public Road, and now is a part of the system of Public Roads of Sandy Township aforesaid; and has been for many years;

That such part of the said Public Road as lies between the said State Highway and a point near to the farm barn of Henry Marshall and distant Easterly therefrom one hundred and ninety-six (196) feet has become useless and burdensome and dangerous to travel by reason of a sharp curve therein; a very steep grade in part thereof as well as an overhead railroad crossing, and they believe that a much better road in all respects could easily and cheaply constructed;

They therefore pray that the Court appoint viewers to view the premises and if they think proper, to vacate so much of the Public Road leading from the said State Highway to West Liberty as lies between the said State Highway and a point in the said Public Road near to the farm barn of Henry Marshall and Easterly therefrom a distance of one hundred and ninety-six (196) feet, and to lay out a substitute Public Road beginning at the last named terminal and ending in the said State Highway at the point where the line of the DuBois Traction Railway crosses the said State Highway, and they will ever pray etc.

LIST OF PETITIONERS.

<u>W. H. Marshall</u>	<u>John J. G. G. G.</u>
<u>P. E. Bopper</u>	<u>John S. G. G.</u>
<u>Le. J. Mitchell</u>	<u>Al. J. G. G.</u>
<u>Ed. G. G. G.</u>	<u>W. G. G. G.</u>
<u>W. G. G. G.</u>	<u>Frank G. G.</u>

ATTORNEY'S CERTIFICATE.

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.

DuBois, Pa.
April 14, 1915.

Charles B. G. G.
Atty. for Petitioners.

NOTICE TO COMMISSIONERS.

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

Gentlemen;- You will hereby take notice that A. C. Kohler and divers other citizens of Sandy Township and DuBois Borough, will present to the Court of Quarter Sessions of Clearfield County, at ten o'clock, A. M., Monday May 3d, 1915, a petition for vacation and supply of a Public Road in Sandy Township, which part of the petition describing the road is as follows:-

"To vacate so much of the Public Road leading from the said State Highway to West Liberty as lies between the said State Highway and a point in the said Public Road near to the Farm barn of Henry Marshall and Easterly therefrom a distance of one hundred and ninety-six (196) feet, and to lay out a substitute Public Road beginning at the last named terminal and ending in the said State Highway at the point where the line of the DuBois Traction Railway crosses the said State Highway, and they will ever pray etc"

E. W. Boone

Atty. for Petitioners.

Now, May 1st, 1915, service of the said notice is accepted.

J. S. Richards

Commissioners Clerk.

NOTICE TO SUPERVISORS.

To David Lyons, W. H. Nupp, and George Beer, Supervisors of Sandy Township;

Gentlemen;- You will hereby take notice that A. C. Kohler and divers other citizens of Sandy Township and DuBois Borough, will present to the Court of Quarter Sessions of Clearfield County, at ten o'clock, A. M., Monday, May 3d, 1915, a petition for vacation and supply of a Public Road in Sandy Township, which part of the petition describing the road is as follows.-

"To vacate so much of the Public Road leading from the said State Highway to West Liberty as lies between the said State Highway and a point in the said Public Road near the farm barn of Henry Marshall and Easterly therefrom a distance of one hundred and ninety-six (196) feet, and to lay out a substitute Public Road beginning at the last named terminal and ending in the said State Highway at the point where the line of the DuBois Traction Railway crosses the said State Highway, and they will ever pray etc"

E. W. Boone

Atty. for Petitioners.

Now, May 1st, 1915, service of the said notice is accepted.

David Lyons

Pres.

George Beer

TREAS.

Attest

W. H. Nupp

Sec'y.

AFFIDAVIT.

County of Clearfield)
State of Pennsylvania) ss.

Before me, a Notary Public duly commissioned in and for said County and State, personally appeared A.C. Kohler, one of the petitioners, who by me being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief. And further saith not.

A.C. Kohler

Sworn and subscribed before me
this first day of May, 1915.

Earl W. Boose

My Commission Expires May 2, 1916.

2: Sept. 9, 1915.

Beards & Company
Kendall Square, Mass.

Dear Mr. Beards & Co.
I have the honor to acknowledge
the receipt of your letter of
the 2nd inst. and in reply to
inform you that the same
has been forwarded to the
proper authorities for their
consideration.

E. G. BOOSE
ATTORNEY AT LAW AND
NOTARY PUBLIC
DUBOIS, PA.

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 11 day of
May in the year of our Lord,
one thousand nine hundred fifteen,

Judge of the same Court: Upon the petition of
sundry inhabitants of the Township of
Sandy

in said County, setting forth that a certain public road
within the said Township of Sandy leading from what is now a State High-
way between Dubois Borough and Luthersburg, south of the line of the said
Borough about one mile, to the Village of West Liberty in the said Twp of
Sandy, was by viewers appointed by the Court of Quarter SS of the Co. of Cl-
earfield, layed out and by the Court confirmed, and opened as a Public Road
and now is a part of the system of Public Roads of Sandy Twp. aforesaid. a
and has been for many years; That such part of the said Public Road as lies
between the said State Highway and a point near to the farm of Henry
Marshall (continued on slip of paper pasted on)

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 L. E. Boyer H. S. Mac Minn
and F. H. Harman

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 impari-
ality 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 30th day of July, A. D. 1915, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 23rd day of August, 1915, at 10 o'clock A. M. That

all viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view David Lines, Supervisor of Sandy Township and divers citizens of the same;

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 23 day of August, A. D. 1915, when the following appearances were noted: Divers citizens of said Township

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a public 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 public use the following described road, to-wit: Beginning at

a point 196 feet East of the Henry Marshall Farm Barn, as per plat in said petition and Order of Court, and following its several courses and distances as indicated on the map and description filed herewith and made a part of this record;

Your Viewers recommend the vacation of the road also described on map and schedule filed herewith, the same being supplied by the road first indicated.

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 23rd day of August
A. D. 1915.

H. M. McMillan
J. S. Boyd
E. C. Harman



No. 3 Sept. Sessions, 19 15

ORDER

To view locate and supply
road for Public use in the
Township of Sandy
Clearfield County

Sept Session, 1915,
read and confirmed Ni. Si.
Road to be opened 33 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

By the Court

Supl. Court

Dec. 55 1915 Confirmed

Amended by the Court

Inglish Bell

Atty. General

Filed

19

Fees \$1.25 paid by

Atty. General

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.
H. S. MacLennan	13	60	68.00
L. E. Boyer	4	60	23.00
E. H. Harman	2	60	13.00
John Gray, Assessor	2		4.00
Roy Clinton	3		6.00
Harvey Clinton	2		4.00

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

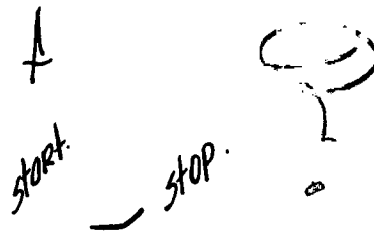
at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said

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. 191_____.





Begin at a point in middle of
Public Highway leading from West
Liberty to DuBois 196 feet East-
ward from Henry Marshall's barn.
then parallel with the nearest
rail of of the DuBois Suburban rail-
way 24.5 ft. therefrom 21.251 ch' ins
to a point in the middle of State
Highway leading from DuBois to Luther-
sburg said point being located near
the crossing of said State Highway
and the Buffalo and Susquehanna R.R.

Clfd. Co., Sandy Twp.
Conf. Absol. Dec. 1915.
33 ft -- 16 ft.,

B R A

BOND.

KNOW ALL MEN BY THESE PRESENTS, that we, A. C. Kohler-----

-----and-----, all of the County of Clearfield, State of Pennsylvania, are held and firmly bound unto the said Commonwealth of Pennsylvania in the sum of One Hundred Dollars, lawful money, to be paid unto the said Commonwealth, to which payment to be well and truly made, we do bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. Sealed with our seals and dated the sixth day of May, A.D. 1915.

WHEREAS, the said A. C. Kohler and divers other citizens of the said County of Clearfield have presented to the Court of Quarter Sessions of the said County, a petition, setting out that part of a certain Public Road in Sandy Township, Said County, leading from the State Highway to the Village of West Liberty, beginning at a point one hundred and ninety-six feet eastward of the farm barn of Henry Marshall and ending at the State Highway aforesaid, has become useless and burdensome, and petitioning the Court to appoint Viewers to view and vacate the same and to supply by laying out for public use, a substitute Public Road,

Now, the condition of this obligation is such that if the costs or any part thereof, of the view had upon the application of the said A.C.Kohler and others, should be by the Court assessed to the petitioners, then the said A.C.Kohler-----and

-----M. D. McCright-----will, within ten days from the time such order or decree is made by the Court, pay into the office of the Clerk of the Court of Quarter Sessions of Clearfield County such amount as may to them be assessed in said order or decree, without further delay or fraud, then this obligation to be null and void, otherwise to be and remain in full force and effect.

Signed, sealed and delivered
in presence of

TeleBooze

DuBois, Pa., May 6th, 1915.

A. C. Kohler----- (SEAL)

Monahan----- (SEAL)

----- (SEAL)

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Public Road leading from a point about 196 feet East of the Henry Marshall Farm Barn on the road to West Liberty to a point where the DuBois Traction Railway crosses the State Highway at the B. & S. Crossing near DuBois

in Sandy Township ~~to~~ and to vacate the present public road from the point above indicated east of said Marshall barn to a point where said road now intersects with the State Highway leading from Du Bois to Luthersburg

in Sandy Township, in the county aforesaid, will meet at the ~~house of~~ B. & S. Crossing above described, in Sandy Township, on Friday, the 30th day of July A. D. 1915, at 9 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

L. E. Boyer,

H. S. MacMinn,

E. H. Marmon.

VIEWERS

July 10th, 1915.

Now, July 12 1915, service of the within notice accepted
for and on behalf of the Commissioners of Clearfield County.

L. B. Shorris
Clerk

Now, July 13th 1915, service of the within notice accepted
for and on behalf of the Supervisers of Sandy Township.

Est Boose
Solicitor

Survey to Vacate a Public road in Sandy Township
Clearfield County, Penna.
Beginning at a point in the present Public
road leading from West Liberty to Du Bois.
196 feet Eastward from Henry Marshall's farm
barn.

Thence South $68^{\circ}30'$ East 1,446 chains

Thence South $60^{\circ}40'$ East 2,43 "

Thence South $67^{\circ}50'$ East 3,394 "

Thence South $88^{\circ}15'$ East 1 chain

Thence North $69^{\circ}30'$ East 4,355 chains.

Thence North 65° East 1,94 chains.

Thence North $58^{\circ}45'$ East 1 chain

Thence North 43° East 1,541 chains.

Thence North $39^{\circ}45'$ East 7,27 chains.

Thence South $69^{\circ}43'$ East 2,045 chains.

Thence South $64^{\circ}10'$ East 1,915 chains.

Thence South 89° East 2,122 chains.

Thence North $71^{\circ}30'$ East 1,675 chains. to the

Center of the State Highway, leading from
Du Bois to Luthersburg. a total distance of
32,133 chains or 128.53 miles.

H. Macomber

Survey for a Public Highway in Sandy Township, Clearfield County, Penna.

Beginning at a point in the middle of the Public Highway leading from West Liberty to Du Bois, 196 feet eastward from Henry Marshall's barn.

Thence East 14.6 chains to a point in the middle of the present public road leading from West Liberty to Du Bois.

Thence North 41° East 10.505 chains along said road and on lands of M. J. McCreights, and others, to a stake.

Thence parallel with the nearest rail of the Du Bois Suburban railway 24.5 feet distant therefrom 21.257 chains, to a point in the middle of the State Highway, leading from Du Bois to Luthersburg, in Sandy Township in the County aforesaid. Said point being located near the crossing of said State Highway and the Buffalo and Susquehanna Railroad.

The total distance of said Survey being 47.9 chains. Eleven chains or forty four rods being through woodlands of M. J. McCreights, and forty rods over improved land of Kohler.

H. A. Mac Minn, C.E.

of storage space at 100% or more

and distant Easterly therefrom one hundred and ninety six(196 feet has become useless and burdensome and dangerous to traveled by reason of a sharp curve therein; an very steep grade in part thereof as will as an overhead railroad crossing. and they believe that a much better road in all respects could easily and cheaply constructed; They therefore pray the Court to appoint viewers to view the premises and if they think proper to vacate so much of the Public Road leading from the said State Highway to West Livery as lied near to the Farm Barn of Henry Marshall and Easterly therefrom a distance of one hundred and ninety-six feet , and to lay out a substitute Public Road beginning at the last named terminal and ending in the same State Highway at the point where the line of the Dubois Tract, Railway crosses the said State Highway, and the will ever pray

In re : Q. S. Clearifield Co., Pa.
Road in Sandy Township. : No. 2 Sep't. SS., 1915.

To the Supervisers of Sandy Township:

You hereby have notice that the undersigned Viewers
will hold a hearing on the above entitled matter at the
Arbitration Room of the Court House, Clearfield, Pa., on
Monday the 23rd day of August, 1915, at 10 a. m., when
and where you may attend and be heard if you so desire.

J. B. B.

H. W. McArthur,

E. H. Barmen,

Viewers.

Now, July 31st, 1915, notice above set forth accepted for
and on behalf of the Supervisers of Sandy Township.

Charles Boone.....

.....

.....

In re : Q. S. Clearfield Co., Pa.
Road in Sandy Township. : No. 2 Sep't. SS., 1915.

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

You hereby have notice that the undersigned Board of
Viewers will hold a hearing on the above entitled matter
at the Arbitration Room of the Court House, Clearfield,
Pa., on Monday, the 23rd day of August, 1915, at 10 a. m.
when and where you may attend and be heard if you so desire.

H. B. Orr.

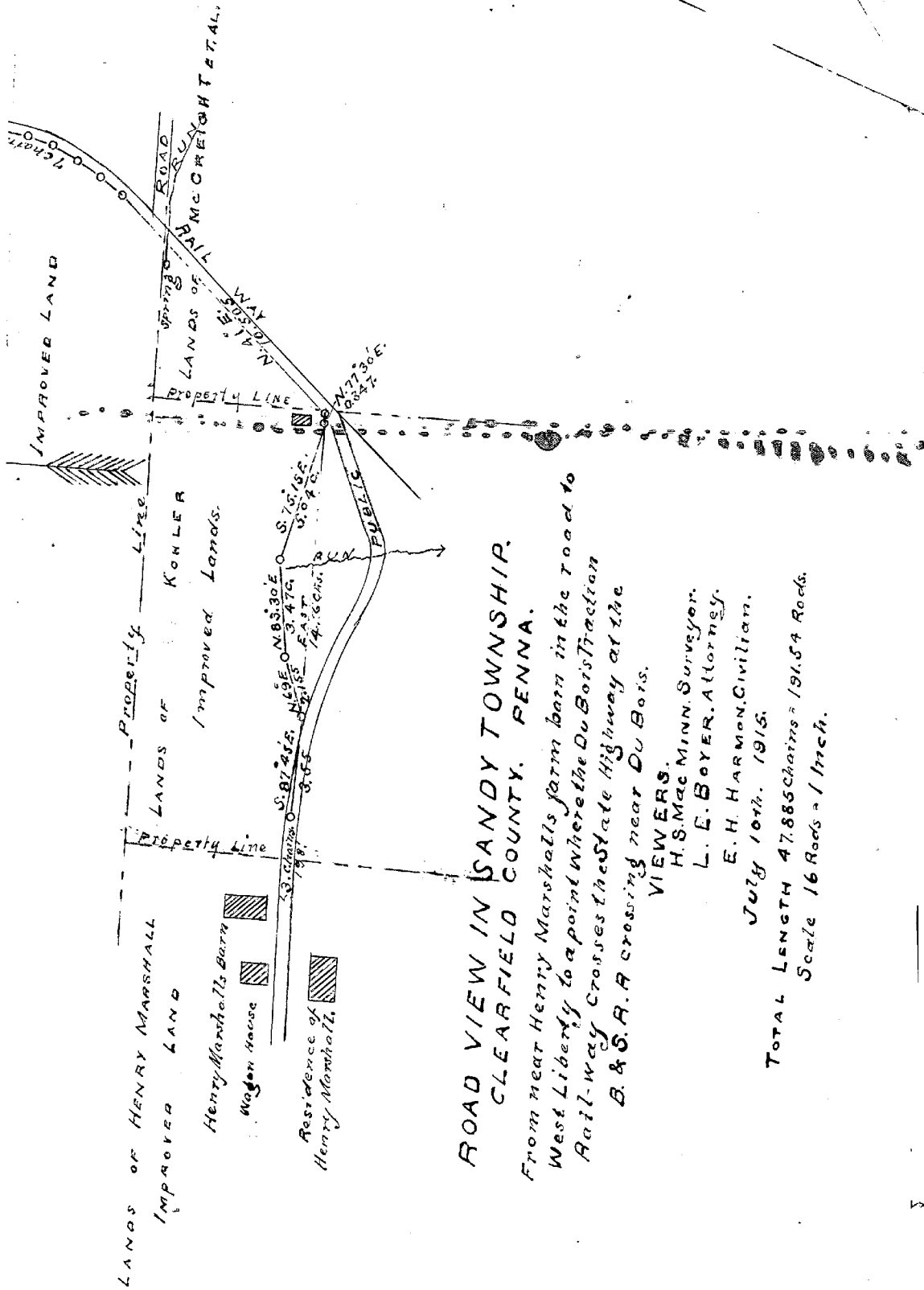
H. S. MacKenzie,

E. H. Harmon,

Viewers.

Now, July 31st, 1915, service of the within notice ac-
cepted for and on behalf of the Commissioners of Clearfield
County, Pa.

...L. C. Norris Clerk...



ROAD VIEW IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNA.

From near Henry Marshall's farm barn in the road to
West Liberty to a point where the Du Bois Traction
Rail-way crosses the State Highway at the
B. & O. R. R. crossing near Du Bois.

VIEWERS.
H.S. MacMINN, Surveyor.
L.E. Boyer, Attorney.
E.H. Harmon, Civilian.

July 10th, 1915.

TOTAL LENGTH 47.885 Chains = 191.54 Rods.
Scale 16 Rods = 1 Inch.

