

NO. 9 Sept SESSIONS, 19 15

COMMONWEALTH

VERSUS

Road in Sandy
of Dubois Boro

large.

X

WALTER WELCH.
DISTRICT ATTORNEY.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA:

IN RE: : NO. SEPTEMBER SS: 1915.
ROAD IN SANDY TOWNSHIP :
AND :
BOROUGH OF DUBOIS :
: BOND

KNOW ALL MEN BY THESE PRESENTS,
That we, *M. J. McCaugh* and *W. H. Cawson*,
of the Borough of DuBois, said County and State, hereinafter called
the "Obligors" are held and firmly bound unto the Commonwealth
of Pennsylvania, to the use of such persons or parties as may
be entitled thereto, in the sum of One Hundred Dollars (\$100.00),
to be paid to the said Commonwealth of Pennsylvania, its certainn
attorney, successors or assigns, To which payment well and truly
to be made we do bind and oblige ourselves, our heirs, administra-
tors, executors and assigns, jointly and severally. Sealed with
our Seals. Dated this 27 day of ~~July~~, ^{Request} A.D. 1915.

WHEREAS, certain persons have petitioned the above named
Court to appoint viewers to lay out, etc., a public road as more
fully set forth in said petition, duly filed, to the above number
and Session of said Court, etc.,

NOW THEREFORE THE CONDITION OF THIS OBLIGATION IS SUCH, That
if the said Obligors shall pay all costs and expenses of said
proceeding as provided by the Act of Assembly approved the 4th
day of April, A.D. 1907, entitled "An Act Fixing the pay of commis-
sioner of roads, viewers, etc., etc.," then this obligation to be
void, otherwise to be of full force and virtue.

Signed Sealed and delivered
in the presence of -

John C. ...

W. H. Cawson (SEAL)
W. H. Cawson (SEAL)

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD CO. PA.
NO. SEPTEMBER SS: 1915

IN RE:
ROAD IN SANDY TOWNSHIP
AND
BOROUGH
OF DUBOIS

PETITIONER'S BOND

Now, 1915,
the within bond approved
BY THE COURT

F.J.

LDMo

IN RE PUBLIC ROAD IN SANDY : IN THE COURT OF QUARTER SESSIONS
TOWNSHIP AND DUBOIS BORO. : OF CLEARFIELD COUNTY.
: NO 9, SEPT. SESSIONS, 1915.

Charles Dixon, W. H. Nupp and David Lyons, Supervisors of Sandy Township, by their attorney, E. G. Boose, come into Court and take exceptions to the absolute confirmation of the report of the viewers in the above cited case for the following reasons:

First., Because the petitioners failed to attach to their petition the required affidavit and the Court acquired no jurisdiction.

Second., Because the petitioners failed to serve notice upon them of an intention to present a petition to the Court praying for the appointment of viewers in this case, which notice is required by the Act of Assembly of March 29th, 1905. P.L. 70.

Third., Because the viewers appointed failed to make report to September Sessions of the Court of Quarter Sessions as was required of them in the Order to View.

Fourth., Because the viewers failed to have the order to view revived and their powers thereunder enlarged to December Sessions, at any time during September Sessions.

Fifth., Because the Court had no power to revive the order nunc pro tunc on October 11th, 1915, as of Sept. 6, 1915, the Order being dead on October 11th, 1915.

Sixth., Because the view made by the viewers on October 6th, 1915, was without any authority of law, the order to them having expired before the view was had.

Seventh., Because the draft filed with the report fails to show where the proposed road is located.,

Eighth., Because neither report nor draft filed shows whose land is appropriated for the road as layed out.

Ninth., Because the draft filed with the report fails to show whether the lands over which the road is layed out are improved or unimproved lands

Tenth., Because neither the draft nor the report filed notes any improvements, e. g. houses etc. along the road vacated by this proceeding, or the owners thereof, there being many houses along the portion of the public road proposed to be vacated.

Eleventh., Because the proposed road is entirely unnecessary and in addition its construction would be burdensome to the Township of Sandy at the present time, the Road District of the said Township being at the present time greatly in debt which is secured by Bonds.

*E. G. Boose
Atty for Exceptions*

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

Before me, a Justice of the Peace, duly commissioned in and for the said County and State, personally appeared Chas. Dixon, W. H. Hupp and David Lyons, Supervisors of Sandy Township, aforesaid, and the exceptants within named, who by me being duly sworn according to law doth depose and say that the exceptions within are not filed for the purpose of delay, and that the same are true and correct, so far as questions of fact are concerned, according to the best of their knowledge and belief.

Sworn and subscribed before me this 31 day of Dec 1915.

A. H. Whiteman
Justice of the Peace.

My Commission Expires First Monday January 1922.

Chas Dixon
W H Hupp
David Lyons

Now, this 31st day of Dec, 1915, E. G. Boose, attorney for Charles Dixon, W. H. Nupp, and David Lyons, Supervisors of Sandy Township, and the within named exceptants, does hereby certify that in his opinion and judgment the order of the Court laying out the within public road should not be confirmed absolutely for good and sufficient legal reasons herein recited.

Testimony

Jan 5 1915

Book

Exemption

FILED

JAN 5 1916

JOHN H. MOORE,
PROTHONOTARY.

E. G. BOOSE

ATTORNEY AT LAW AND
NOTARY PUBLIC
DUBOIS, PA.

TO THE HONORABLE SINGLETON BELL, PRESIDENT AND SOLE JUDGE OF THE COURT OF QUARTER SESSIONS OF THE PEACE IN AND FOR THE COUNTY OF CLEARFIELD, PENNSYLVANIA:

The petition of the undersigned, citizens of the County of Clearfield, aforesaid, respectfully represents:

I³ That they labor under great inconvenience for want of a public road to begin in the Borough of DuBois, said County and State, at a point where North Main Street and West DuBois Avenue intersect, and to end in the Public Road leading from DuBois Borough, aforesaid, to Falls Creek Borough at the intersection of a public road therewith, near the dwelling house of Mrs William Larkey situate thereon (a point eighteen hundred fifty-five (1855) West of the tracks of the Buffalo Rochester & Pittsburg Railway intersecting said highway) in the Township of Sandy, said County.

Your petitioners, therefore, pray the Court to appoint three persons, qualified according to law, as viewers to view the ground proposed for such road, and if they should see occasion to lay out the same, to inquire of and vacate the public road, originally laid out by authority of law, now opened from the terminus of said proposed road near the dwelling of Larkey's, aforesaid, to a point in a public highway leading from Quarry Avenue, a street of the Borough of DuBois, to Johnson's mines, which last mentioned road will, by reason of the proposed road, as well as by reason of it being situate on hilly and broken ground, becomes useless and burdensome, and make report of their proceedings to the next Court. And they will ever pray, etc, etc,

John Thomas	23 Church St.
John Larkey	1. S. Main St.
John Larkey	12 Quarry St.
W. T. Shadix	15 W. Washington Ave.
John C. Clegg	259 G. C. Clegg Ave.
John Larkey	507 W. Main Ave.
W. T. Shadix	6 W. Song Ave.
J. O. Reeder	415 W. Washington Ave.
John J. Bangs	141 West Song Ave.
G. Milton Clegg	129 E. Scrubier Ave.
W. T. Shadix	102 E. Song St.
W. T. Shadix	42 E. Long Ave. on road
Fatty Rattan	219 South Barry McRae
J. G. Good	211 E. Washington Ave.
J. G. Good	216 S. Main St. D. Bins

Executive Board of Business men Exchange of DuBois
F. M. Simlin Pres.
J. Slaugenhaupt Sec.

~~W. Thompson~~ 117 North Main St. ~~Kenmore~~ Pa.

~~Bon Clemen~~ 415 W. Main Ave. ~~Kenmore~~ Pa.

~~F. M. Franklin~~ 106 Wilson Ave. ~~Suburb~~ Pa.

~~L. E. Horn~~ Wilson Ave. Sandy Trip.

~~W. C. Kelly~~ Wilson Ave. Sandy Trip.

~~M. N. Gillies~~ Wilson Ave. Sandy Trip.

~~E. M. Kelly~~ Denton St. Sandy Trip.

~~H. L. Luehrs~~ ~~415 W. Main St.~~ Dubois Pa.

~~H. C. Piper~~ 28 Wilson Ave. Sandy Trip.

~~H. C. Piper~~ 26 Wilson Ave. " "

~~S. J. Kramer~~ 131 Wilson Ave. " "

~~John H. Heberling~~ Sandy Trip.

~~H. C. Smith~~ 1206 - East Second St. ~~Suburb~~ Pa.

~~J. W. Miller~~ 107 North Main St.

~~J. E. Douthit~~ Sandy Trip.

~~F. J. Zorn~~ Dubois Pa.

~~R. H. Weaver~~ Dubois Pa.

~~W. Wilson~~ Dubois, Pa.

~~M. D. Ross~~ " "

~~R. D. Shaffer~~ " " No 4 block, St.

~~C. H. Allmon~~ 101 Main St. Dubois, Pa.

~~J. B. Blair~~ - ing block 105-17, 1st. St. Dubois, Pa.

~~H. D. Clegg~~ 8 - E. Weber, Dubois.

~~M. Skinner~~ 409 Burt St. Dubois, Pa.

~~J. G. Dale~~ 14-50 Church St. Dubois, Pa.

~~A. W. McNeil~~ 6-12 S. Broad and Main Sts. Pa.

~~H. C. Shaffer~~ 1st. St. Dubois, Pa.

~~H. C. Shaffer~~ 115 Park Ave.

~~F. D. Van Cissel~~ 7 Olive Ave. Dubois.

~~C. H. Brandt~~ 218 E. B. W. St. Dubois.

Carl St Karl 17 well Washington Ave Pittsfield Pa
W.C. Alexander 1217 Long on St Pittsfield Pa
S. H. Devey 5-05 92. B. S. Dunbar Pittsfield Pa
H.H. Remaley 316 Knarr St Pittsfield Pa