

NO. 9 Sept SESSIONS: 19 15

COMMONWEALTH

VERSUS

Road in Sandy  
& Julius Born

Charge.

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. McCright* and *W. H. Cameron*  
of the Borough of DuBois, said County and State, hereiafter 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 certain  
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 *21* day of *August*, 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 -

.....  
.....

..... (SEAL)  
..... (SEAL)

IN THE COURT OF QUARTER  
SESSIONS OF CLARKEFIELD 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.

LDMc

IN RE PUBLIC ROAD IN SANDY  
TOWNSHIP AND DUBOIS BORO.

IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY.  
NO 9, SEPT. SESSIONS, 1915.

Charles Dixon, W. H. Hupp 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 8th, 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 Exceptants*

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. Nupp 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.

G. H. Whitman  
Justice of the Peace.

Chas Dixon  
W. H. Nupp  
David Lyons

My Commission Expires First Monday January 1922.

Now, this 31<sup>st</sup> 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.

E. G. Boose

*Good*

*9 Apr 28 1915 -*

*Exempted*

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:

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, become useless and  
burdensome, and make report of their proceedings to the next Court.  
And they will ever pray, etc, etc,

John Thomas	223 Church St. DuBois Pa
A. D. ...	1. ...
John Larson	12. ...
W. T. ...	15. ...
Chas. Cable	209 E. ...
S. H. ...	507 W. ...
W. H. ...	6. ...
J. O. ...	415 1/2 W. Washington Ave
Chas. J. ...	141 West ...
G. Milton ...	129 E. ...
W. H. ...	102 E. ...
W. H. ...	42 E. ...
Walter ...	219 South ...
J. ...	211 E. ...
J. ...	2th S Main St DuBois
Executive Board of Business men Exchange of DuBois	
F. M. ...	
J. ...	



L. Thompson #17 North Main St Dubois Pa.  
 Bon Green #15 W. Main Ave Du Bois Pa.  
 E. M. Simkins 106 Wilson Ave Dubois, Pa.  
 L. E. Horn Dixon Ave. Sandy Twp.  
 W. C. Kelly Denton Ave. Sandy Twp.  
 M. V. Gibbs Wilson Ave Sandy Twp.  
 E. W. Kelly Denton St Sandy Twp.  
 J. H. Pifer 22 Wilson Ave Sandy Twp.  
 J. H. Pifer 26 Wilson Ave " "  
 S. J. Gramer 131 Dixon Ave " "  
 John H. Hurling Sandy Twp.  
 L. E. Smith 1206 - East Second Ave Dubois Pa.  
 J. W. Miller 107 North Main St.  
 J. E. Doullitt Sandy Twp.  
 J. H. Loh Dubois Pa.  
 R. H. Weaver Dubois Pa.  
 W. Wilson Dubois, Pa.  
 W. D. Ryan " "  
 A. R. Stief " " 4th & Broadway St  
 C. H. Humphrey Dubois Pa.  
 J. B. Hurling Dubois 105 W. Main St.  
 J. B. Hurling 8 - E. Weber Dubois  
 M. Skinner 409 Bent St Dubois Pa.  
 J. C. Dale 14 - So. Cheek Dubois Pa.  
 J. W. Hurling 609 So. Main Dubois Pa.  
 J. H. Hurling Dubois Pa.  
 J. H. Hurling 115 Park Ave.  
 F. D. Van Cirdale 7 Olive Ave. Dubois.  
 C. H. Hurling 208 E. Main Ave.

Carl St. Marl 17 W. Washington Ave St. Louis Mo  
W.B. Alexander 121 N. Long Ave St. Louis Mo  
D. H. Decker 5-65 N. B. S. Du Bois Pa.  
H.H. Remaley 316 Knarr St St. Louis Pa