

No. 7 May Sessions, 1916

COMMONWEALTH

VERSUS

In Re Road from
Dubois to Falls
Creek
Sandy Twp.

CHARGE

X

Walter Welch,
District Attorney

Know all Men by these Presents

THAT, We *Du Bois Land Co. a corporation*
, and

held and firmly bound unto the Commonwealth of Pennsylvania,

in the sum of One Hundred (\$100.00) dollars
lawful money of the United States of America, to be paid to the said

Commonwealth of Pennsylvania,

certain Attorney, or Assigns: to which payment
well and truly to be made, we do bind and oblige ourselves and each of us,

firmly by these Presents.

Sealed with our seals.

Dated the _____ day of _____ in the year of our Lord
one thousand nine hundred and sixteen.

WHEREAS, a petition has been presented to the Court of
Quarter Sessions of the County of Clearfield, to No. _____,
February Sessions, 1916, for the laying out of a certain road.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, That if the
above boundens shall at all times pay all costs and charges that
may accrue thereon by reason of said road not being granted then
this obligation to be void, otherwise to be and remain in full
force and virtue.

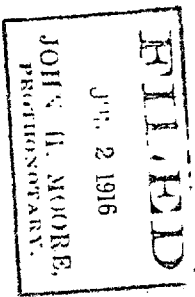
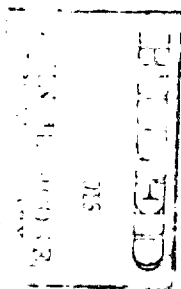
----- (SEAL)

----- (SEAL)

----- (SEAL)

J. E. Moore
Atty & Secy
Du Bois Land Co.

June 4" 1916
Burt & Howard
By the Court
Inglis & Orr
M



TO THE HONORABLE, THE JUDGE OF THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY:

The petition of the undersigned citizens and inhabitants of the
Township of Sandy, in said County, respectfully represents:-

That they labor under great inconvenience for want of
a public road to begin on a public road leading from DuBois
to Falls Creek, called "Long Avenue", at a point where a
public street called McLane Avenue intersects said road, which
is one-half miles South from where the Buffalo, Rochester
& Pittsburgh Railroad crosses said road leading to Falls
Creek, and to end in a public road leading from the Borough
of DuBois to Adrian Furnace, at a point where the line of what
was known as the Owen Kelly land and the Mrs. Lewis land
intersect or corner, four hundred (400) feet West of where
said public road intersects what is known as Quarry Avenue,
in the Borough of DuBois, in said Township of Sandy.

Your petitioners, therefore, pray the Court to
appoint competent persons to view and lay out said road.

And they will ever pray, etc.

*S. J. [unclear]
[unclear] [unclear]
[unclear] [unclear]
[unclear] [unclear]
[unclear] [unclear]
[unclear] [unclear]*

*Sandy [unclear]
[unclear] [unclear]
[unclear] [unclear]
Sandy*

Gaspero Di Propertio

Geo Fonguzi

Frank Bernick

Geo Bernick

Erwin Thunberg

P.O. Thunberg

Henry Anderson

Chas Anderson

Wm Wainwright

Andy Knisswiler

Vern Bergman

Frank Johnson

John Pong

Geo Jones

J.H. Branigle

Chas Hewitt

Joseph Wiatrak

Thomas Brown

Clearfield County, SS;

Personally appeared before me a Justice of the Peace
in and for said County, *John Lindsey* who being duly
sworn according to law, says the facts set forth in the foregoing
petition are correct and true to the best of his knowledge and
belief.

Sworn and subscribed before me

this *28th* day of *January*
1916.

H. A. Moore

Notary Public

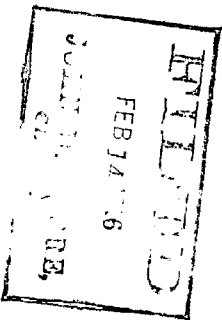
My Comm. Exp. Jan. 26, 1919.

May 1916 on motion of Perry Weiss stop
for William horses of record in all
cases are enlarged and continue to
next term

By the Court
Sugland Bee

Nov 14th Feb 1916 upon
consideration of G. H. Kramm &
Sugland Bee & J. E. Fry
an appointed referee to
view and report according
to law. Order heretofore
made by the Court filed

By the Court
Sugland Bee



To the Supervisors of Sandy Township.

You are hereby notified that a petition will be presented to the Court of Quarter Sessions of Clearfield on Monday, the fourteenth day of February, 1916, at ten o'clock in the forenoon, for the appointment of viewers to view a certain public road, to begin in a public road leading from Du Bois to Falls Creek, called "Long Avenue", at the point where McLane Avenue intersects said road in Sandy Township, Clearfield County, and to extend a road leading from Du Bois Borough to Adrian Furnace, at the Owan Kelley land, in said township,
when and where you can attend if you so desire.

Butt & Butt
Attorney for the Petition,

February 9, 1916.

*Now, Feb. 9, 1916, notice received and service
in whole of the Supervisors of Sandy Township*
E. J. Butt
Solicitor

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 three notices thereof were posted along the route of the proposed road, that the said view would be held on the 23d day of June, A. D. 1916, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 24th day of July, 1916, at 9 o'clock A. M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view W. L. Johnston George. W. Johnston W. C. Pentz. Esq. B. M. Marlin, and Joseph Wiatrak and the Supervisors of Sandy Township, namely, David Lyons, W. H. Nupp and Charles Dixon

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 24th day of July, A. D. 1916, when the following appearances were noted: W. C. Pentz. Esq Attorney for the Petitioners and W. L. Johnston .

After the view and hearing above mentioned, the undersigned, ~~the undersigned 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 examined the~~ 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 examined the~~ the undersigned 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 examined the

That the public road as desired by the petitioners to be laid out is over a steep hill, laid out as a town plot on which have been erected, some twenty five or thirty houses, located several hundred feet from the township road.

That the location of a public road where desired by the petitioners, owing to the excessive grade or elevation of nine and one half (9-1/2) degrees or sixteen (16) feet to the hundred for a distance of almost five hundred feet would be a very costly road to build and expensive to keep up after it was build, and would not only be practically useless but be unsafe to travel; as on account of the steep grade it would be imposible to take up any kind of a load and be unsafe to come down; especially in the winter or icy weather or by autimobile

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 14th day of
February in the year of our Lord
one thousand nine hundred sixteen

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

in said County, setting forth that they labor
under great inconvenience for want of a public road to begin on
a public road leading from Dubois to Falls Creek, called "Long
Avenue" at a point where a public street called McLane Avenue
intersects said road, which is one-half mile South from where
the Buffalo, Rochester and Pittsburg railroad crosses said road
leading from the Borough of Dubois To Adrian Furnace, at a point
where the line of what was known as the Owen Kelly land and the
Mrs. Lewis Land intersect or corner, 400 feet West of where said public
road intersects what is known as Quarry Ave., in the Boro of Dubois
in the said Township of Sandy
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 A.G. Kramer, Esq.,
Geo. K. Weber, & J. E. Fry

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 man-
ner transmit to the next Court or 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 L. Moore, Clerk.

TO:- JESSY E Dale, H. H. Spencer and Austin Haney
County Commissioners of Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, upon the petition of sundry citizens of Sandy Township, setting forth the necessity of a public road in said township; leading from a point in the public road, leading from DuBois to Falls Creek called "Long Avenue", intersects said road, which is one half mile south from where the Buffalo, Rochester & Pittsburgh Railroad crosses said road, leading to Falls Creek, in Sandy Township; and to end in a public road leading from the Borough of DuBois to Adrian Furnace, at a point where the line of what is known as the Owen Kelly land and the Mrs Lewis land intersects or corners, four hundred (400) feet of where said public road intersects, what is known as Quarry Avenue in the Borough of DuBois in Sandy township in the County aforesaid; will meet at the point where the public street called McLane Avenue intersects said road in Sandy township, on Friday the 23d day of June A. D. 1916 at one (1) oclock P. M. to view and lay out said road, and attend to the duty of their appointment; when and where you may attend if you see proper.

A. G. Kramer
J. E. Fry
George K. Weber
VIEWERS.

Now June 8 1916 service of this notice accepted for the
County Commissioners of Clearfield County Pa.

L. C. Shann
Clerk.

TO:- JESSIE E DALE, H. H. SPENCER AND AUSTIN HANEY
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PA.

You are hereby notified; that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and lay out a public road, to begin on a public road leading from Du,Bois to Falls-Creek, called long Avenue", At a point where a public street called McLane Avenue, intersects said road, which is one half mile south from where the Buffalo, Rochester & Pittsburgh Railroad crosses said road, leading to Falls-Creek, and to end in a public road leading from the Borough of Dn,Bois to Adrian Furnace, at a point where the line of what is known as the Owen Kelley and Mrs Lewis land intersects or corner four (400) hundred feet west of where said public road intersects what is known as Quarry Avenue in the Borough of Du,Bois in said Township of Sandy: Which said view having been made, notice is hereby given; that the public hearing required to be held by the Act of Assembly and the Rules of Court by the viewers, to give all parties interested either for or against said road a chance to be heard by the viewers before the filing of their report, will be held in the Arbitration Room in the Court House in Clearfield Pa in the County aforesaid on Monday the 24th day of July A. D. 1916 at nine (9) oclock A. M. when and where you may attend if you see proper. ^{and be heard}

A. G. Kramer
J. E. Fry
George K. Weber
VIEWERS.

Now July 10th 1916 service of the above notice accepted for
County Commissioners of Clearfield County Pa.

L. C. Norris
Clerk.

TO:- Charles Dixon, W. H. Nupp and David Lyons,
Supervisors of Sandy Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, upon the petition of sundry citizens of Sandy Township setting forth the necessity of a public road in said township leading from ~~Barren~~ a point in the public road leading from DuBois to Falls Creek, called "Long Avenue", intersects said road, which is one half mile south from where the Buffalo, Rochester & Pittsburgh Railroad crosses said road, leading to Falls Creek, in Sandy Township; and to end in a public road leading from the Borough of DuBois to Adrian Furnace, at a point where the line of what is known as the Owen Kelly land and the Mrs Lewis land intersect or corner, four hundred (400) feet of where said public road intersects, what is known as Quarry Avenue in the Borough of DuBois in Sandy Township in the County aforesaid; will meet at the point where the public street called McLane Avenue intersects said road, in Sandy Township on Friday the 23d day of June A. D. 1916 at one (1) oclock P. M. to view ^{and lay out} said road and attend to the duty of their appointment when and where you may attend if you see proper.

A. G. Kramer
J. C. Fry
George K. Weber
VIEWERS.

Now June 13 1916 served this notice on Charles Dixon, W. H. Nupp and David Lyons the Supervisors of Sandy Township personally by handing each of them a copy of same.

W. L. Johnston

TO:- Charles Dixon, W. H. Nupp and David Lyons,
Supervisors of the Township of Sandy in the County of Clearfield
Pa.

You are hereby notified; that the undersigned viewers
appointed by the Court of Quarter Sessions of Clearfield County Pa.
to view and lay out a public road, to begin on a public road lead-
ing from Du,Bois to Falls-Creek, called long Avenue", At a point
where a public Street called McLane Avenue, intersects said road
which is one half mile south from where the Buffalo, Rochester &
Pittsburgh Railroad crosses said road, leading to Falls-Creek, and
to end in a public road leading from the Borough of Du,Bois to
Adrian Furnace, at a point where the line of what is known as the
Owen Kelly and Mrs Lewis lands intersects or corner, four hundred
(400) feet west of where said public road intersects what is known
as Quarry Avenue in the Borough of Du,Bois in said Township of
Sandy: Which said view having been made; notice is hereby given;
that the public hearing required to be held by the Act of Assembly
and the Rules of Court by the viewers, to give all parties inter-
ested, either for or against said road a chance to be heard by the
viewers before the filing of their report, will be held in the
Arbitration Room in the Court House in Clearfield Pa in the County
aforesaid, on Monday the 24th day of July A. D. 1916 at nine (9)
oclock A. M. when and where you may attend and be heard if you
see proper.

A. G. Kramer
J. E. Fry
George K. Weber
VIEWERS.

Now July 14 1916 served this notice on Charles Dixon, W. H.
Nupp and David Lyons the Supervisors of Sandy Township by handi-
ng each of them a true copy of same.

M. J. Johnson

travel.

That while a public road, located where desired by the petitioners if it could be build on a lawful grade of five (5) degrees or near so at a reasonable cost or expense would be of some benefit to the property owners along said proposed road; but owing to the fact, that, that could not be done without considerable excavating and filling at a heavy expense and therefore more burdensome upon the township than they should be required to bear; especially when the property owners and parties residing along said proposed road which is laid out as a public street and dedicated as such to the property owners along the same, already have an outlet by traveling a few hundred feet further round, over a good road or street known in said plot as Fourth Avenue laid out, open, and in good repair and dedicated to the public use of the residents of said plot and for their benefit and convenience, by which they have an easy and convenient access to the township road

The viewers are therefore of opinion, that the benefits that would be derived by the laying out of said road would be overcome by the objectional features as herein set forth and are therefore of the opinion that there is no occasion for such a road, and that the same is not necessary for a public road.

See Draft attached as part of our report.

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

which is not practicable to preserve it within that limit

It is also stated in their report that they had availed to procure from all the owners of the land near which the said road passes releases in writing of all claims for damages that may be sustained 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 held by the reason of the location and opening of the said road, was the undersigned viewers after having considered the advantages to be derived to them, do assess them damages and make report thereon as follows

and we hereunto have our releases obtained and now of the parties

WITNESS our hands and seals this 31st day of July

A. D. 1916.

A. G. Krugner
J. E. Hay
Geo. H. Heber



ORDER

To view..... a
road for public use in the
township of Sandy.....
Clearfield County.....

7th Seph Session, 1916,
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.

Buy the Czech

Engelbrecht
17.

Filed 19

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 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.

DATE.	MILES AM'T.
Aug 3	120 3/4
" " " " " " " "	120 3/4
" 10 " " " " " "	62 1/2
" " " " " " " "	23.10
Dec 15	90
" " " " " " " "	90
" " " " " " " "	19.50

FILED
JUL 31 1968
JOHN F. MOORE,
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

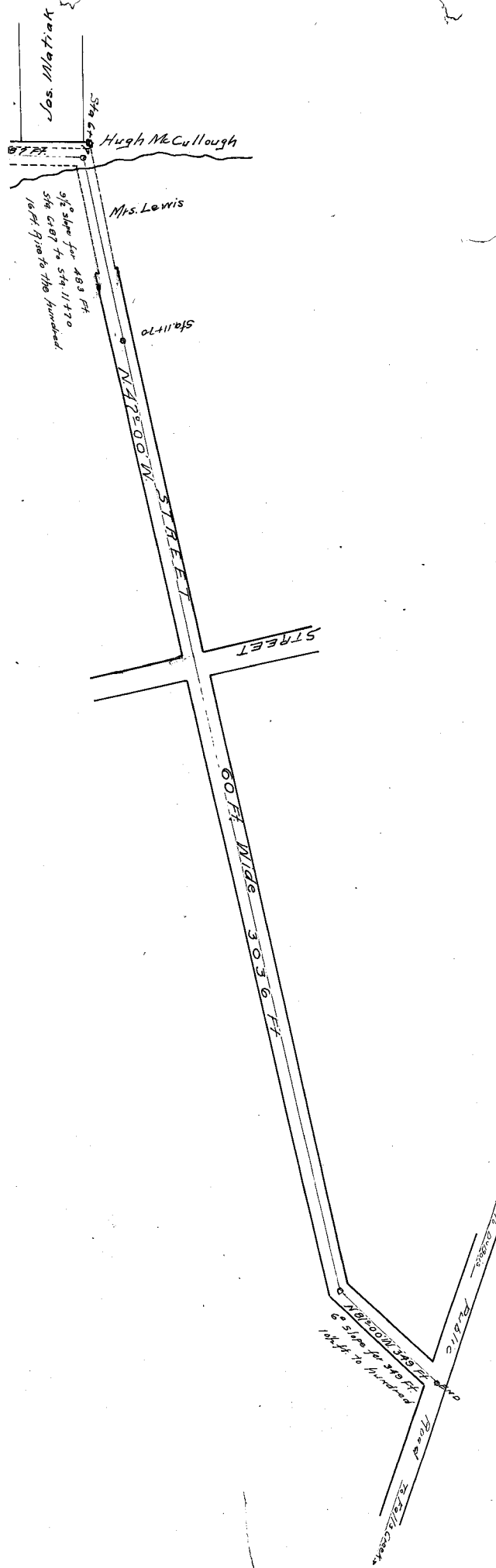
_____ at and before the ensealing and delivery
~~hereof, have remised, released and forever quit-claimed, and do hereby re-~~
~~mise, release and forever quit-claim to the said~~ _____

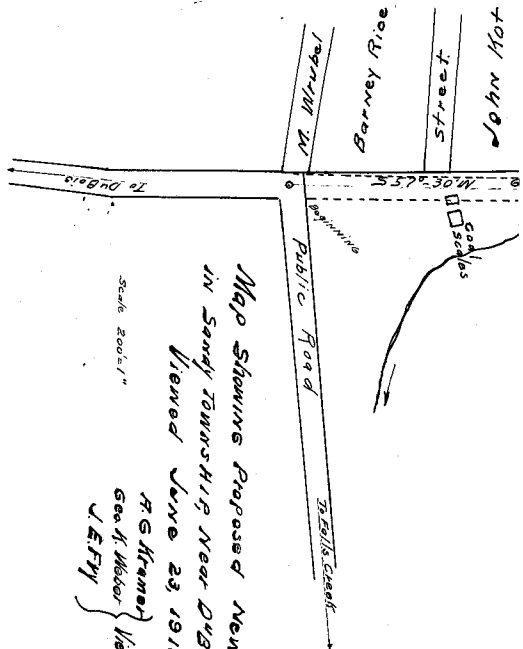
all damages that may arise to us respectively by reason of the location and opening of the said road; so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of

A. D. 191.....

SEAL
SEAL
SEAL
SEAL





Map Showing Proposed New Highway
in Sandy Township, Near Ogden, Penna.
Viewed June 23, 1916.

Scale 200' = 1"

F. G. Mramor
 Geo. H. Weber
 J. E. Fry } Viewers