

No. 7 Hilary 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 *do Bois Land Co. & C. T. T. & Co.*

, 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. Meador
Key & Tread
Du Bois Land Co.

June 4th 1916

Broadway
By the Court
Long Island City
N.Y.

CITY OF NEW YORK

MS

RECEIVED
JUN 10 1916

FILED

JUN 2 1916

JOHN H. MOORE,
PROTHONOTARY.



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. M. Johnson
of the Board of
Directors of the
American Museum
of Natural History
and the
American
Academy of
Arts and Sciences.

Sandy
Sandy
Sandy

Gaspero Di Procopio

Gijs Zogwijk

Eric Poremski

Eric Poremski

Ervin Thunberg

P.O. Thunberg

Henry Anderson

John Borelli

Frank Borelli

Andy Kriwacki

Vernon Brueggeman

Frank Brueggeman

Richie Dungey

Ben Fornie

John Braniglo

Clay Fussell

Joseph Hiatrak

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.

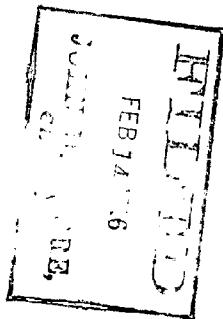
Sworn and subscribed before me
this 28th day of January
1916.

John Lindsey

Nolan Public

By Commissioner E. J. Jan. 26, 1919.

Now 14th Feb 1916 upon
consideration, G. H. Kramer of
East Kilbride, Esq., is
an approved recruit to
true and honourable service
of man. Under his watchful
and trustful eye placed



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 Owen Kelley land, in said township, when and where you can attend if you so desire.

Aug. 8, 1915
Attorney for the Petition,

February 9, 1916.

Now, Feb. 9, 1916, notice received and service
in behalf of the supervisors of Sandy, supra.

E. G. Bunn
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.

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 impossible to take up any kind of a load and be unsafe to come down; especially in the winter or icy weather or by automobile

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 Fulls 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 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. F. 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 impartiality 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 distance, 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 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) o'clock 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. Morris

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) o'clock A. M. when and where you may attend if you see proper.

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. Morris
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 ~~REBEM~~ 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 & Pittsburg 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) o'clock 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 Cle~~a~~field 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 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 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) o'clock A. M. when and where you may attend and be heard if you see proper.

R. G. Kramer

J. C. 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 handing each of them a true copy of same.

W. M. 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 then 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.

Enclosed plan of said road showing course and distances and the property affected in
hereinafter and annexed to the end of said road being at an elevation not exceeding five degrees.
PROPOSED

It is not practicable to preserve it within that limit

The undersigned in their report that they endeavor to provide for all the owners of the land
over which the said road passes releases in writing of all claims to damages that may arise from
laying the same and they do hereby make such release of same

the following persons having refused to release the damages to which they respectfully may be liable by the laying of the road and opening of the said road over the under signed have written
having considered the advantages to be derived to them, do release of their damages, and make before
dated this day of July

and witness their release obtained and copy of the notice

WITNESS our hands and seals this 31st day of July
A. D. 1916.

D. G. Kramer 
J. E. Tay 
Geo. K. Neber 

ORDER

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 location, they will report to that effect.

Clearfield County

To view..... *a*

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

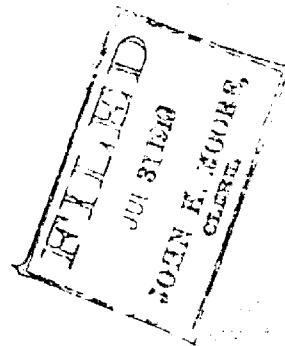
all damages that may arise to us respectively by reason of the location and opening of the said road; so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening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

Witness our hands and seals this _____ day of _____
A. D. 191_____.

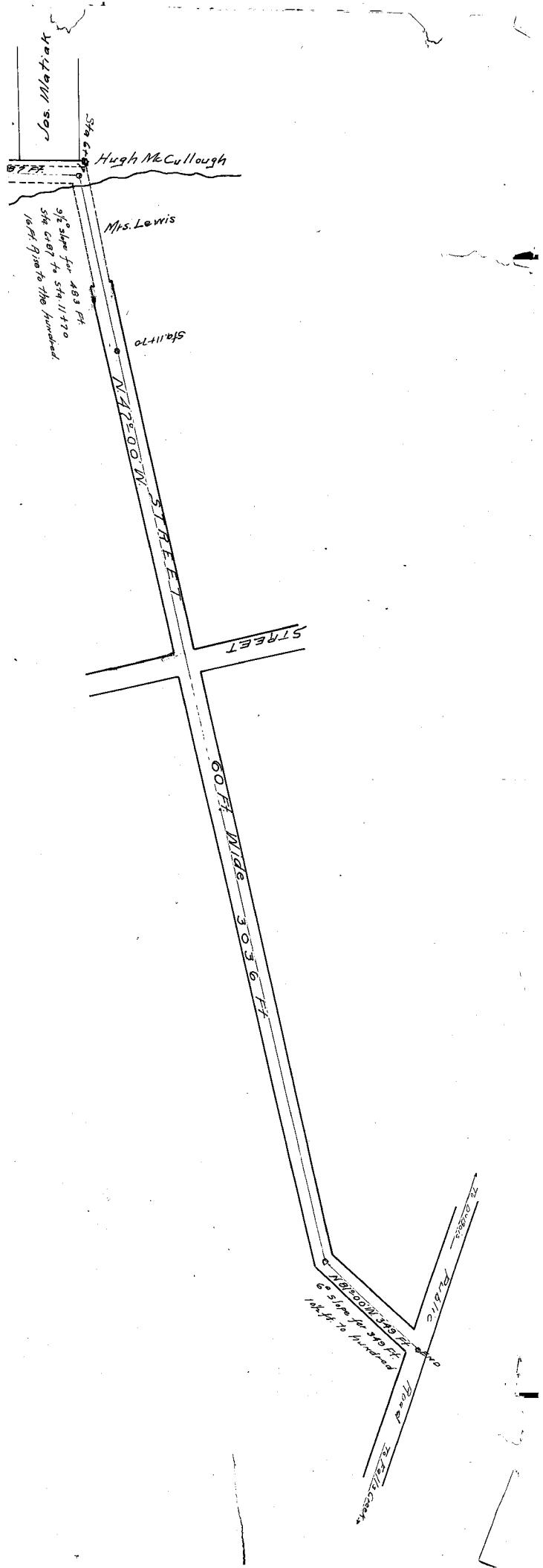
Filed 19
Fees \$1.25 paid by -

Title

19



SEAL



10/11/1916

Barney Ridge

Street

54 feet

Cooper

Mr. Minard
Public Road
In Falls Creek

5570.30 ft

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

Scale 2000'

R. G. Kremer
Geo. H. Weber

Viewers
J. E. FRY