

No. 191 Sessions, 191

**COMMONWEALTH**

**VERSUS**

John C. Dillenberger, Plaintiff in Error  
vs. Commonwealth of Massachusetts, Defendant

**CHARGE**

Walter Welch,  
District Attorney

# Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield  
Pennsylvania, held at Clearfield, in and for said county on the

31 day of January, A. D. 19 17

before Judge of said Court, upon a petition of sundry inhabitants of the ~~xxx~~  
City of Dubois, in said County, setting forth  
that The City of Dubois is a municipal Corp.,

of the county and state aforesaid existing as a city of third class  
That North Brady Street in said City of Dubois is a public street or  
highway of said cit, and that there exists on said street a bridge  
over Sandy Lick Creek. That the said bridge is in a state of decay  
and must be replaced with a new substantial structure; that said new  
bridge will cost approximately Twelve Thousand Dollars. That the  
North Brady Street and the bridge aforesaid, accomodate a large  
amount of traffic other than the local and city traffic: the said street  
being a link in the State Highway System of Pennsylvania. That the  
cost of the building of said bridge is greater than is reasonable that  
the City of Dubois should bear, and would impose a heavy burden on the  
tax-payers of said city if same were built at the expense of the  
City, which burden would be assumed for the benefit of a great number of  
people throughout Clearfield County and Adjacent Counties

~~and therefore paying the Court to appoint proper persons to view and lay out the same according to law,  
and appoint viewers in this case for the purpose of determining what  
portion, if any of the cost of rebuilding said bridge should be paid by Dubois  
whereupon the Court upon due consideration had of the premises do order and appoint~~

A. G. Kramer, Esq., Harry Reese and George Weber

~~who after being respectively sworn or affirmed to perform their duties impartially and to the best of their judgment, are  
to view the place proposed for the said bridge, and if they or any two of them, view the same, and any  
two of the actual viewers agree that there is occasion for such a bridge, and that the erection of the said bridge  
would require more expense than it would be reasonable the said townships should bear, they are to make report accord-  
ingly:~~

~~and a map or plot thereof to be made, which shall accompany said report; the report aforesaid to be made to the next  
term of the Court of Quarter Sessions to be held for the said county of Clearfield.~~

BY THE COURT.

  
John S. Moore

CLERK.

## Return of Viewers.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace in and for the County of Clearfield, Pa.

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, Pa., beg leave to report as follows:

That notice of the time of the view was duly served according to law upon the Commissioners of Clearfield County and on ~~the Mayor of the City of DuBois~~ the Burgess of the City of DuBois Street ~~and that~~ and that three notices thereof were posted along the public ~~street~~ at and near the location of said bridge, giving notice that the view would be held on Thursday ~~the nineteenth day of April A. D. 1917, at one (1) o'clock P. M.~~ And that the public hearing as required by the Act of Assembly and the Rules of Court would be held in the ~~Court Room~~ in the Court House in Clearfield, Pa., on Friday ~~the twentieth day of April A. D. 1917, at nine (9) o'clock A. M.~~

And that the said viewers met at ~~the site or proposed location of~~ North Brady street ~~leading from~~ said bridge, where ~~the~~ ~~leading from~~ Long Avenue in the City of DuBois ~~to the~~ to the Penna R. R. Station in said City ~~on~~ ~~on~~ on Thursday the 19th day of April A. D. 1917 at one o'clock P. M. and that there were present at the view John C Arnold, City Solicitor, John H. Fulford City Engineer, A. J. Haag, Mayor of the City J. M. Grossmer and William Menzie of the City Council

of parties interested and in favor said bridge.

~~And that the public hearing above mentioned was held in the Court Room in the Court House in Clearfield Pa on Friday the twentieth (20) day of April A, D, 1917 at nine (9) o'clock A. M. when the following parties interested or concerned in said bridge were present; to wit; John C Arnold Esq City Solicitor for the City of DuBois, John H Fulford City Engineer of DuBois and William Menzie one of the City Councilmen and H. B. Hartwick Esq County Solicitor and Jessie E Dale, H. H. Spencer and Austin Hahey the County Commissioners.~~

And that after the view and hearing aforesaid, the undersigned viewers do agree, that there is a necessity for a new bridge across Sandy Lick Creek in the City of DuBois, where the public street known as north Brady street, leading from Long Avenue to the Railroad Station on the low grade Division of the Pennsylvania Railroad crosses said

Creek; to supply the old iron bridge there now; which is in an unsafe condition. But that the bridge needed at that point in order to accomodate the traveling public, on account of the amount of travel on said street and the trolley line passing over same, requires more then an ordinary common wagon bridge.

The viewers would therefore recomend; that a double re-inforced, arch driveway concrete bridge one hundred feet in length composed of two spans, each fifty (50) feet in length; the driveway to be twenty eight (28) feet in width in the clear with a foot walk at each side six (6) feet in width: That said bridge be at an elevation of eight (8) feet above low water mark to the bottom of the bridge. And that the abutments and pier be solid concrete and be sunk deep enough to rest on solid gravelly bottom so as to secure a good substantial foundation.

That in the opinion of the viewers, the cost or expense of the erection of said bridge, will be about fifteen thousand (\$15000.00) dollars, and as said amount, owing to the financial condition of the said City would in the opinion of the viewers be to heavy and burdensome upon the taxpayers of said City to bear; alone: they would therefore recomend, that the cost of the erection of said bridge be equally divided between the County and the City of DuBois; that the County pay one half of the cost of the construction thereof and the remainder be paid by the said City of DuBois.

As to further particulars see draft attached as part of our report.

Witness our hands and seals this the 20th day of April  
A. D. 1917.

A. G. Kramer (SEAL)

K. A. Reese (SEAL)

Signatur Geo. K. Taber (SEAL)

VIEWERS.

## Release of Damages.

**Know All Men by These Presents,** That we, the undersigned owners of lands upon which the bridge is located by the viewers, under the annexed order, passes for and in consideration of the sum of ONE DOLLAR to us respectively paid by the \_\_\_\_\_ 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 or building of said bridge, 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 or building of said bridge.

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

SEAL

SEAL

SEAL

SEAL

## Assessment of Damages.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and building of said bridge in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof as follows: *No private property being taken or effected by the location of said bridge therefore no one was damaged so no damages or assessed*  
To \_\_\_\_\_ the sum of \_\_\_\_\_

To \_\_\_\_\_ the sum of \_\_\_\_\_

To \_\_\_\_\_ the sum of \_\_\_\_\_

Witness our hands this 20<sup>th</sup> day of April A. D. 1917.

A G Kramer

J G A Reed Jr  
signature Geo K. Weber

No. 4 FEBRUARY 19 17  
BRIDGE

in

DUED IS CITY

WORK - Viewers will carefully note the number of days employed, and set the amount out at the foot of their return.  
Reviewers cannot interfere with 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 bridge, they will report to that effect.

	AMOUNT
A. J. Braund	Days 12. Miles 36. \$ 17.80
A. A. Reed	Days 12. Miles 32. \$ 22.60
A. H. Miller	Days 10. Miles 24. \$ 13.70
	Days ... Miles ...

ORDER TO VIEW  
BRIDGE.

West May 11<sup>th</sup> 1917  
to Grand Army  
By the County  
Highway Board  
W.D.

Filed 19

Fees \$1.25, paid by

*This instrument is approved by my  
attorney  
W. H. Waller, Lawyer*

J. M. Dickey Notary  
Public

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 a site for a county bridge across Sandy Lick Creek in the City of DuBois where the public street known as north Brady street crosses said creek in the City of DuBois; said street leading from the Pennsylvania Railroad Station, to Long Avenue in the ~~City~~ of DuBois, in the County aforesaid, will meet at the location of said bridge, where said street crosses said creek in the City of DuBois on Thursday the 19th day of April A. D. 1917 at one (1) o'clock P. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested, either in favor of or against said bridge a chance to be heard by the viewers, before the filing of their report; will be held in the Court House in Clearfield Pa on Friday the 20th day of April A. D. 1917 at nine (9) o'clock A. M. at which time and place all parties concerned in said bridge may appear and be heard.

H. G. Kramer

H. A. Rees

Geo K. Weber

VIEWERS.

NOW April 6 A. D. 1917 service of the foregoing notice accepted accepted for the County Commissioners of Clearfield County Pa

L. C. Harris

Clerk.

TO:- *A. H. Haag* President of the City Council of  
the City of DuBois in Clearfield County Pa.

You are hereby notified; as president of the City Council of the said City of DuBois, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, to view a site for a County bridge across Sandy Lick Creek in the City of DuBois; where the public street known as north Brady street crosses said creek in the City of DuBois; said street leading from the Pennsylvania Railroad station, to Long Avenue in the said City of DuBois, in the County aforesaid, will meet at the location of said bridge, where said street crosses said creek in the City of DuBois, on Thursday the 19th day of April A. D. 1917 at one (1) o'clock P. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested, either in favor of or against said bridge a chance to be heard by the viewers, before the filing of their report; will be held in the Court House in Clearfield Pa on Friday the 20th day of April A. D. 1917 at nine o'clock A. M. at which time and place all parties concerned in said bridge may attend and be heard.

*A. H. Kramer*

*S. A. Reese*

*Geo K. Weber*

VIEWERS.

Now April 7, 1917 served this notice on *A. H. Haag* president of the city <sup>Council</sup> of the City of DuBois personally by handing him a true and correct copy of same.

*A. H. Haag*

TO:- A. J. Haag                    Mayor of the City of DuBois in  
Clearfield County Pa.

You are hereby notified; that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view a site for a County bridge across Sandy Lick Creek in the City of DuBois where the public street known as north Brady street crosses said creek in the City of DuBois; said street leading from the Pennsylvania Railroad station, to Long Avenue in the <sup>said</sup> <sup>A</sup> City of DuBois, in the County aforesaid, will meet at the location of said bridge, where said street crosses said creek in the City of DuBois on Thursday the 19th day of April A. D. 1917 at one (1) ----- o'clock P. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested, either in favor of or against said bridge a chance to be heard by the viewers, before the filing of their report; will be held in the Court House in Clearfield Pa on Friday the 20th day of April A. D. 1917 at nine (9) o'clock A. M. at which time and place all parties concerned in said bridge may attend and be heard.

A. G. Kramer  
H. A. Reesel  
Georg Weber

VIEWERS.

Now April 7 1917 served this notice on A. J. Haag Mayor  
of the City of DuBois personally by handing him a true and correct  
copy of same. 

handing him a true and  
*A. Haag*

LOCATION OF BRIDGE IN DUBOIS  
CLEARFIELD COUNTY PA.  
VIEWED APR 14 1817  
BY A.G. KRAMER ESQ.  
H A REESE  
GEO WEBER

N

W CARTHAGE  
BRANDY ST.



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE BRIDGE IN THE :  
CITY OF DUBOIS : No. February Sessions 1917.  
: :  
:

TO THE HONORABLE SINGLETON BELL, PRESIDENT JUDGE OF SAID COURT:

The petition of the undersigned respectfully  
represents:-

I. That the City of DuBois is a municipal corporation of the county and state aforesaid existing as a city of the third class.

II. That North Brady Street in said City of DuBois is a public street or highway of said city, and that there exists on said street a bridge over Sandy Lick Creek.

III. That said bridge is in a state of decay and must be replaced with a new substantial structure; that said new bridge will cost approximately Four Thousand Dollars.

IV. That said North Brady Street and the bridge aforesaid, accomodate a large amount of traffic other than the local and city traffic; the said street being a link in the State Highway System of Pennsylvania.

V. That the cost of the building of said bridge is greater than is reasonable that the said City of DuBois should bear, and would impose a heavy burden on the tax payers of said city if same were built at the expense of the City, which burden would be assumed for the benefit of a great number of people throughout Clearfield County and adjacent counties.

WHEREFORE your petitioners pray that the Court agreeably to the Act of Assembly in such cases made and provided order a view in this case for the purpose of determining what portion, if any, of thecost of rebuilding said bridge should be borne by the County of Clearfield.

And your petitioners will ever pray,etc.

ATTEST:

J. C. Weaver  
City Clerk

J. Haag  
Mayor

President of Council.

By direction of City Council

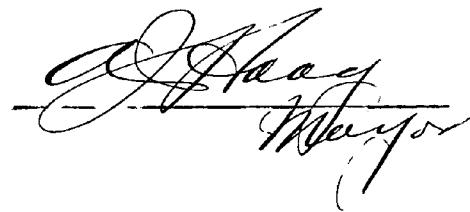
Minutes of Meeting January 29, 1917.

ATTEST:

J. C. Weaver  
City Clerk.

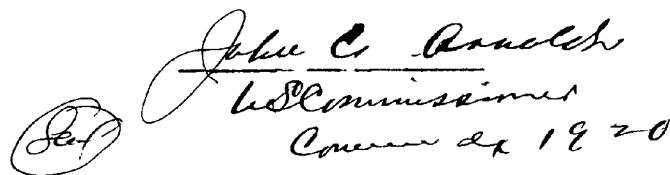
CLEARFIELD COUNTY, SS:

A. J. HAAG, being duly sworn **says** he is Mayor of the City of DuBois, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.



A. J. Haag  
Mayor

Sworn and subscribed this  
29 day of January 1917.



John C. Daubach  
Commissioner  
January 29 1917

4 Feb. 1917

Julian Haven  
Desiring receipt to

the re  
Bridg in  
as possible

Return for Union  
Marine and  
air force  
A. G. Hansen - Harry Rue.  
Any time. When  
no more than money  
for expenses

By air and  
Single deck  
10.

Hea