

DOCKET No. 5

Number

5

Term

Sept

Year

1923

Petition for Public Road in Sandy Twp

Versus

X

**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 21st day of May  
in the year of our Lord one thousand nine hundred  
twenty three

Judge of the same Court: Upon the petition of sundry in-  
habitants of the Township of Sandy

in said County, setting forth that viewers be appointed  
to lay out a public road Beginning at the public road known as Main  
Street Extension at line of land of James Jefferys near the Spear  
Mill Site in said township near the residence of William Shaffer, and  
ending at the State Road Route No 60, 676 feet East of Jefferson  
County line in said Township

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 J. E. Fry,  
Frank Hutton, Esq., and George Weber

who have been duly appointed by the Court and filed their oaths of office and are duly quali-  
fied to perform the duties of their appointment with impartiality and according to the best of  
their judgement, 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.

Geo W Ralston, Clerk.

# 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, be 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 or more~~ notices thereof were posted along the route of the proposed road, that the said view would be held on the first day of August A. D. 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the sixth day of August, 1923, at 9 o'clock A. M. That all 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.C. Pentz, Atty for Sandy Town-~~  
~~ship Road Dist. L.E. Boyer, Atty for the petitioner, M.I. McCreight and Wm.~~  
~~Shaffer for the petition, W.S. Hand, Supervisor, J.P. Logan, George Bearfield,~~  
~~Mary Calvert, Wm. Anderson, Wm. Dixon, P.S. Heberling, Samuel Postlethwaite,~~  
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the sixth day of August A. D. 1923, when the following appearances were noted: W.C. Pentz, Esq Atty for Sandy Twp road Dist. L.E. Boyer Esq., Atty for petitioner, M.I. McCreight and Wm. Shaffer for the petition and W.S. Hand, Supervisor, J.P. Logan, George Bearfield, Mary Calvert, Wm Dixon, P.S. Heberling, Samuel Postlethwaite, T.J. Wayne, Hugh Jeffreys C.A. Mitchell, Ira Marshall and Chas Nelson. ~~The several witnesses were~~

After the view and hearing above mentioned, the undersigned, the majority of the said 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 had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for \_\_\_\_\_ use the following described road, to wit Beginning The draft hereto attached follows what is locally known as the "Kiwanis Trail" which is a road privately layed out and constructed for over two miles running mostly through unimproved lands and at the time of the view was in very fair condition. It extends mostly through wood land and is a most delightful driveway for any purpose, but especially for a pleasure drive, it is so located that good drainage can be had. The evidence offered estimated the costs of draining widening and straighning the road at from \$6000.00 to \$7000.00, your viewers are inclined to view this estimate as high but recognize that it would cost a considerable sum to properly construct.

The Viewers felt that their chief question to determine was its necessity as a public road. The preponderance of the evidence offered was decidedly to the effect that it was not necessary for a public road, that it was about one mile from where the Kiwanis trail intersects the Spear's Mill road, near the residence of Wm. Shaffer by the Spear's Mill road to where it intersects with the concrete road known as State Highway Route No. 60, while from the same point the Kiwanis trail is 10656.1 feet to Route No. 60.

So far as your Viewers have been advised there are only three families residing along the propsed road and it appears they have had a road, over private lands for many years, that the oldest settler along the proposed road kept it up himself and during a portion of this time at least, was exonerated from his road tax, for so doing. If the road these citizens have been using is closed to them, the law provides a

TO THE ROAD SUPERVISORS OF SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNA.

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view a Public Road leading from a point in the public road known as Main Street Extension at line of lands of James Jeffreys near the Spear Mill Site, and near the residence of William Shaffer in Sandy Township to a point at State Road Route No. 60 six hundred seventy six (676) feet East of Jefferson County line in Sandy Township, in the County aforesaid, will meet at the house of William Shaffer in Sandy Township on Wednesday the first day of August 1923 at nine o'clock A.M. to attend to the duty assigned them, of which time and place aforesaid you will take notice.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield on Monday the 6th day of August 1923 at nine o'clock A.M. at which time and place all parties interested may attend and be heard

J. E. Fry  
Frank Hullin  
George Becker  
Viewers

Now July 19 1923 service of this notice is accepted for  
the Supervisors of Sandy Township

Paul C. C.  
Atty for Supervisors

DuBois, Pa., July 14th 1923

TO THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Public Road leading from a point in the public road known as Main Street Extension at line of lands of James Jeffrey near the Spear Mill Site and near the residence of William Shaffer in Sandy Township to a point at State Road Route No. 60 Six Hundred and Seventy Six (676) feet East of Jefferson County line in Sandy Township, in the County aforesaid, will meet at the House of William Shaffer in Sandy Township on Wednesday the first day of August 1923 at nine o'clock A.M. to attend to the duty assigned them of which time and place aforesaid you will take notice.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield on Monday the sixth day of August 1923 at nine o'clock A.M. at which time and place all parties interested may attend and be heard.

L. E. Fry  
Frank Hullin  
George Weber  
Viewers

Now July 14 1923 service of this notice is accepted by for the Commissioners of Clearfield County.

L. C. Morris  
Clerk

DuBois, Pa. July 14th 1923

remedy and means whereby they can get a road. The road authorities of Sandy Twp and residents and tax payers who were present at the hearing were generally of the opinion that the proposed road was not necessary and would be an added burden to an already over burdened Township

From all the evidence offered and after going over the ground your viewers are of the unanimous opinion, that at the present time the proposed road is not necessary as a public road, that if in the future the lands along it are improved and a sufficient numbers of residences to justify it, such a road as petitioned for would then be a necessity.

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

when it was not practical to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

~~No releases obtained nor no damages allowed.~~

the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows:

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 14<sup>th</sup> day of Aug

A. D. 1923.

*W. E. Fry* Seal  
*Wm. H. H. H. H.* Seal  
*George R. H. H.* Seal  
*J. H. H.* Seal

No. 5 Sept Sessions, 19 23

## ORDER

To view \_\_\_\_\_ a  
road for Public \_\_\_\_\_ use in the  
township of Sandy \_\_\_\_\_  
Clearfield County \_\_\_\_\_

Sept. 5<sup>th</sup> Sessions, 1923,

read and confirmed Ni. Si. Road to be  
opened 33 feet wide, except where there  
is side hill cutting or embankment and  
bridging, there to be 16 feet wide.

By H. E. \_\_\_\_\_  
H. E. Whitcomb,  
M. J. J. Judicial Dist.,  
Specially permitted.  
Dec 26 1923. Confirmed  
absolutely, By the Court  
Ingham & Bell

Filed \_\_\_\_\_ 19 \_\_\_\_\_

Fees \$1.25 paid by \_\_\_\_\_

L. F. Boyer, Attorney

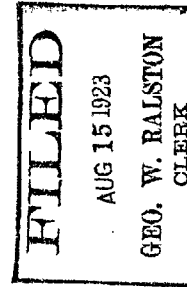
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.

	DAYS	MILES	AMT.



## 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 respectfully 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. 1923 \_\_\_\_\_

Seal

Seal

Seal

Seal

PETITION FOR ROAD VIEW IN SANDY TOWNSHIP

TO THE HONORABLE COURT OF QUARTER SESSIONS  
CLEARFIELD COUNTY, PA.

THE UNDERSIGNED PRAY:

For the appointment of viewers to lay out a public road, - in Sandy Township,  
Clearfield County, Pa.  
Beginning at the public road known as Main Street Extension at line of  
land of James Jefferys near the Spears Mill Site in said township near  
the residence of William Shaffer, and ending at the State Road Route No.  
60 676 feet east of Jefferson County Line in said Township.

DuBois, Pa. July 7th, 1922.

Herbert Moore	DuBois, Pa.
DR. Vashinder	DuBois, Pa.
J. W. Weger	DuBois Pa.
E. E. Blaker	DuBois Pa.
Hotel Du Bois	John Hartnett Pres
John H. Marshall	DuBois Pa.
G. B. Wachob	---
C. A. Bauman	DuBois
J. B. Woods	100000
Herbert Chambers	of Clearfield Extension
J. K. Cleaveland	1538. 8th Ave DuBois Pa.
E. H. Whitton	292 East DuBois DuBois Pa.
Walter K. Allen	219 N. Brady St DuBois Pa.
Lyde K. Katten	St. Brady St DuBois Pa.
H. E. Hefersing	
J. P. Sprinkle	295 Brady St DuBois Pa.
Chas. Nelson	Main St. E. X B 128 1/2
Lick Brown	
L. H. Prosser	DuBois Pa.
Demas McCreight	DuBois Pa.

A. A. [unclear]

James [unclear]

Matthew [unclear]

Frank [unclear]

Charles Difacio

Mr W<sup>m</sup> Northey

Dwight Shaffer

J. H. [unclear]

Lucie [unclear]

Wm. Leach  
A. W. Smith

J. Krantz

M. J. Krantz

Geo. Whitmore

Scott Wilson

Chas. Wilson

J. J. Spencer

Wm. Waggett

Mrs. M. J. Waggett

Lloyd I. Wiegert

Abel Ryant

Levis Thomas

J. J. Minn

J. A. Overdorf

F. R. Delp

W. H. Smith - 530 So. Brady St. Du Bois Pa

Joseph A. Allen

Mrs. Annie Allen

Mrs. Victoria Craven

H. R. Mays

Geo. T. Dressler

Charles Lyons

George Trantz

Thas. Grant  
L. J. Meikle

R. Berry

A. B. Kuntz Du Bois Pa

M. O. Plyler, Du Bois, Pa

R. D. Emrick Du Bois Pa

James H. Owens Sandy Township

Du Bois Pa

Patrick M. Vally

F. P. Heibron Sandy Township

Wm. Licatovich Sandy Township

Patrick Johnson Sandy Township

George Minns Sandy Township

Matthe Rupert

Joe Wm  
J. H. Haggitt

W. H. Overdorp

Wm F. Koch

Mr. J. J. Gifford

J. J. Leome 11 Wilson Ave  
DuBois

Lehar Hewitt

G. W. Salomon

J. B. Pearson

J. R. D.utting

S. W. Dutting

John J. Barnizon

Thomas I. Lye

John Atwell

Jesse Woods

Chas R Horn

Wm Horn

S. Smiley

M. B. Wipow

George L. Clark

Charles E. Band

W. C. Brandy

A. B. Heirich

R. D. Hayes

Martha L. Lusk

E. W. Lusk

Thomas L. Salvert RFD #3

DuBois RFD #3

Sandy Township

DuBois, Pa

Sandy Township

Sabula

J. A. Frydland

Sabula

DuBois

DuBois

Sandy Township

Sandy Township

DuBois

DuBois Pa

DuBois, Pa.

121 Wilson Ave DuBois Pa

23 1/2 Leikom Ave DuBois Pa

234 Lye Ave DuBois Pa

Sandy Township

305 Second Ave

DuBois Pa

Carl Johnson 206 DuBois St DuBois Pa

Joseph Lockwood 329 W Long DuBois, Pa,

M. C. London 1 Oak St DuBois Pa

W. L. Winstan

W. L. Winstan

G. M. Lamm

A. I. Dietz.

M. E. Lamm

L. M. Shaffer

H. L. Shaffer

H. W. Shaffer

A. Shaffer

Fred Bruns

James Lamm

Joseph Malerky

Mike Lamm

E. M. Liddle

H. I. Kohler

Blair Hulman

W. D. Dixon

DuBois Pa

Scruba, Co. Pa

Sandy Twp

DuBois Pa

DuBois Pa

DuBois Pa

DuBois Pa

Sandy

Sandy

Sandy

Sandy

Sandy

"

"

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PROPOSED PUBLIC ROAD IN SANDY TOWNSHIP:  
CLEARFIELD COUNTY.

:NO. SEPTEMBER SS; 1923

TO THE SUPERVISORS OF SANDY TOWNSHIP; PA:

Notice is hereby given that an application will be made to the Court of Quarter Sessions on Monday, May 21st, 1923 at 10 A. M., for the appointment of viewers in connection with an application for the viewing and laying out of a proposed new *public* road in Sandy Township, Clearfield County, Pennsylvania, briefly described as follows:

Beginning at the public road known as Main Street Extension at line of land of James Jeffreys near the Spears Mill Site in said Township ~~near~~ the residence of William Shaffer and ending at the State Road Route No. 60 676 feet east of Jefferson County line in said Township.

*B. B.*  
\_\_\_\_\_  
Attorney for Petitioners.

Now, the 5 day of May, 1923, service of the within notice is hereby accepted.

*W. H. Nupp*  
*W. H. Nupp*  
*Jerry Brown*

IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY, PENNA.

NO. SEPTEMBER SS: 1923.

IN RE: PROPOSED PUBLIC ROAD  
IN SANDY TOWNSHIP, CLEARFIELD  
COUNTY.

*Notice to  
Superior*

**FILED**

MAY 21 1923

GEO. W. RALSTON  
CLERK

Louis E. Boyer, Atty. for  
Petitioners.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.  
PUBLIC

IN RE: PROPOSED ROAD IN SANDY TOWNSHIP, :  
CLEARFIELD COUNTY.

: NO. SEPTEMBER SS:1923

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PA.:

Notice is hereby given that an application will be made to the Court of Quarter Sessions on Monday May 21st, 1923, at 10 A.M. for the appointment of viewers in connection with an application for the viewing and laying out of a proposed new <sup>public</sup> road in Sandy Township, Clearfield County, Pennsylvania, briefly described as follows:

Beginning at the public road known as Main Street Extension at line of land of James Jeffreys near the Spears Mill Site in said township near the residence of William Shaffer and ending at the State Road Route No. 60 676 feet east of Jefferson County Line in said Township.

*B. Boye*

Attorney for Petitioners.

Now, the 5 day of May, 1923, service of the within notice is hereby accepted. *for County Commissioners of Clearfield County*

*L. C. Morris*  
*Clerk*

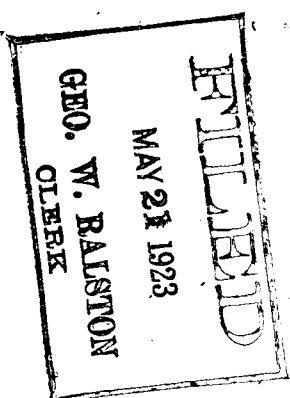
IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY, PENNA.

NO. SEPTEMBER SS: 1923.

IN RE: PROPOSED PUBLIC ROAD  
IN SANDY TOWNSHIP, CLEARFIELD  
COUNTY.

NOTICE...

(County Commencement.)



L. E. Boyer, Atty.  
for Petitioners.

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD COUNTY  
SEPTMBER SS: 1923.

#5 Sept 20 1923

IN RE: PROPOSED PUBLIC  
ROAD IN SANDY TOWNSHIP  
CLEARFIELD COUNTY:

PETITION.

May 21, 1923. J. S. May  
Frank Sutton by and  
George Miller and approved  
under as pay for  
Myrtle Leruch  
Sugden Bell  
1923

FILED

MAY 21 1923

GEO. W. BALSTON BOYER  
CLERK OF THE COURT  
DUBOIS, PA.

275- by atty.

KNOW ALL MEN BY THESE PRESENTS, THAT WE, M. I. MC CREIGHT, J. H. LOWE AND JOHN Q. GROVES, of the City of DuBois, County of Clearfield and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania for the use of any party or parties whatsoever entitled thereto, in the sum of One Hundred (\$100.00) Dollars, to which payment well and truly to be made and done, we do hereby bind ourselves, our executors and administrators.

Sealed with our seals and dated the Nineteenth day of May, 1928.

NOW, THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas, divers citizens of the County of Clearfield, Pennsylvania, have filed in the Court of Quarter Sessions in said County, a petition for the establishment of a public road in Sandy Township in said County and praying the Court to appoint viewers in connection therewith;

Now, if the obligors above named shall pay or cause to be paid all costs in connection with said proceeding at the conclusion of the same, in the event that the said proceeding shall be decided against said petitioners, then this obligation to be void and of no effect, otherwise to be and remain in full force and virtue.

M. I. McCreight

J. H. Lowe

John Q. Groves

IN THE COURT OF QUARTER SESSIONS  
OF CLEARFELD COUNTY, PENNA.

NO. 5 SEPTEMBER SESSIONS, 1923.

IN RE: PROPOSED PUBLIC ROAD  
IN SANDY TOWNSHIP, CLEARFELD  
COUNTY, PENNSYLVANIA.

BOND.

*May 23, 1923. approved  
By the Court  
Supton Bell  
197.*

FILED

MAY 23 1923

W. W. RAISTON

L. E. BOYER.