

DOCKET No. 6

Number  
8

Term  
May

Year  
1925

Petition for public road in Sandy Twp

Versus

X

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

---0---

To Hon. A. R. Chase, the President Judge of said Court;

Your undersigned petitioners, all of whom are resident of the Township of Sandy in said County of Clearfield, would respectfully represent;

That your petitioners labor under great inconvenience for the want of a public road or highway to lead from a point in the public road in Sandy Township aforesaid, at the house of J. W. Grube, to a point in the public road commonly known as Tozier Avenue, also in said Sandy Township, at or near the house of Earl Edwards

Your petitioners would therefore pray that the court appoint proper persons as viewers to view the premises and lay out a public road between the said points, according to law, and they will ever pray etc.

D. B. Postlethwait

Lo

John T. Fleming

Wm. R. R. R.

Ed. J. Pherson

W. Grube

E. O. R.

J. M. Boyer

CLEARFIELD COUNTY, : SS  
PENNSYLVANIA. :

Before me, a Notary Public duly commissioned in and  
for the county of Clearfield, personally came J. W. Frebe  
one of the signers to the foregoing petition, and being by  
me duly sworn according to law, deposes and says that the  
matters set forth in said petition are true and correct.

J. M. Boyer  
Sworn and subscribed before  
me this 19th day of March  
1924.

Emmett Boyer  
Notary Public

My Commission Expires May 2, 1927.

B O N D.

KNOW ALL MEN BY THESE PRESENTS THAT WE: J. W. Grube  
John Fleming-----andH. J. Chesonis-----, all of the Township  
of Sandy, County of Clearfield and State of Pennsylvania, are held  
and firmly bound unto the Commonwealth of Pennsylvania in the sum  
of One Hundred Dollars, lawful money, to be paid unto the the said  
Commonwealth; to payment of which we do hereby bind ourselves, our  
heirs, administrators and executors, jointly and severally by these  
presents. Sealed with our seals and dated the fourth day of October,  
1924.

WHEREAS, we, the above named obligors, have with other citizens  
of Sandy Township, Clearfield County, Penna., affixed our respective  
names as petitioners to a petition directed to the Judge of the Court  
of Quarter Sessions of Clearfield County, praying that he appoint  
proper persons as viewers, to view and lay out for public use as a  
public road in the said Township of Sandy, to lead from a point in  
the public road in Sandy Township at the house of J. W. Grube, to a  
point in the public road commonly known as Tozier Avenue, also in  
said Sandy Township, at or near the house of Earl Edwards.

NOW THE CONDITION OF THIS OBLIGATION is such that if the costs  
of the said view or any part thereof be assessed to the petitioners  
by order of the Court, that we the obligors above named will forth-  
with pay into the office of the Clerk of said Court the said amount  
so assessed to the petitioners, without further fraud or delay.

In Witness Whereof, we the said obligors have hereunto set our  
respective hands and seals the day and year first above written.

Signed, sealed and delivered

in presence of

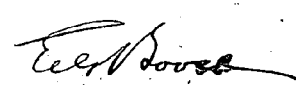
Earl Edwards

J. W. Grube (SEAL)  
John J. Fleming (SEAL)  
H. J. Chesonis (SEAL)

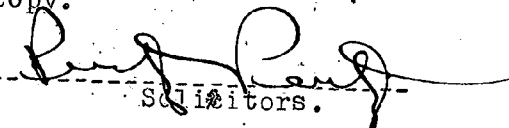
To the Supervisors of Sandy Township, Clearfield County, Pa.

You will please take notice that J. W. Grube and other citizens of Sandy Township, Clearfield County, Penna. will present their petition to Hon. A. R. Chase, the Judge of the Court of Quarter Sessions of the County of Clearfield, on Monday ----- the 6th day of October, 1924, at ten o'clock A. M., in open court, praying for the appointment of viewers to view and lay out for public use a public road in Sandy Township, Clearfield County, Penna.,

BEGINNING at a point in the public road in Sandy Township, aforesaid, at the house of J. W. Grube and ending at a point in the public road in Sandy Township, commonly known as Tozier Avenue, at or near the house of Earl Edwards.

  
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Atty. for Petitioners.

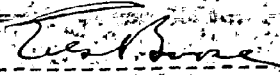
Now, Apr. 4, 1925, service of notice on the Supervisors of Sandy Township is accepted by copy.

  
-----  
Solicitors.

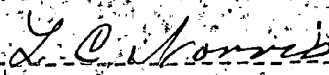
To the Commissioners of Clearfield County, Penna.

You will please take notice that J. W. Grube and other citizens of Sandy Township, Clearfield County, Penna., will present their petition to Hon. A. R. Chase, the Judge of the Court of Quarter Sessions of the County of Clearfield, on Monday the 6th day of April, 1925, at ten o'clock A. M. in open Court, praying for the appointment of viewers to view and lay out for public use as a public road in Sandy Township, in said County of Clearfield, a road,

BEGINNING at a point in the public road in Sandy Township aforesaid, at the house of J. W. Grube and ending at a point in the public road in Sandy Township commonly known as Tozier Avenue, at or near the house of Earl Edwards.

  
Atty. for Petitioners

Now, April 6, 1925, service of the foregoing notice upon the Commissioners of Clearfield County by copy is accepted.

  
Clerk of Commissioners.

OF May Term, 1925, No.

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

Petition for Appointment of Viewers to lay out Public Road in Sandy Township.

O R D E R.

Now, *April 20<sup>th</sup> 1925*, the foregoing petition read and the Court does appoint as Viewers, *Rea A. McIlwain* and *John J. McIlwain* for the purpose prayed for; the said Viewers to make report at December Sessions.

By the Court

*P. J. McIlwain*  
P. J.

EARLE G. BOOSE  
DUBOIS, PA.

*#275 Paid by City. 4-6-25*

FILED  
APR 30 1925  
EO. W. RALSTON  
CLERK

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

No. 8 May Sessions 1925

Now May 2<sup>nd</sup> 1925, on motion of E. G. Boose, Esq., the powers  
of the Viewers appointed in the above case are continued and enlarged  
to September Term 1925.

By the Court  
A. M. Chase  
CJ



COURT OF QUARTER SESSIONS OF CLEVELAND COUNTY, PENNSYLVANIA

NO. 8 MAY. Sessions 1925

NOW MAY 8, 1925, on motion of E.G. Booser, Esq., the power

of the attorneys appointed in the above case are continued and

to September Term 1925.

#8 May 20 1925

*By the Court*  
*A. J.*

**FILED**  
MAY 8 1925  
GEO. W. RALSTON  
CLERK

**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 20 day of April in the year of our Lord one thousand nine hundred twenty five

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 the want of a public road or highway to lead from a point in the public road in Sandy Twp. at the house of J. W. Grube, to a point in the public road commonly known as Tozier Avenue, also in Sandy Twp. at or near the house of Earl Edwards.

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 Frank Hutton, Esq., J. E. Frye and Geo. K. Weber,

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.

Geo W. Palston, 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 notices thereof were posted along the route of the proposed road, that the said view would be held on the 18th day of May A. D. 1925, and the hearing, to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 20th day of May, 1925, at 10 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 E.H.Liddle, Suprevisor, and Mrs J.W.Grube

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 20th day of May A. D. 1925, when the following appearances were noted: No appearances

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 viewers find that there are three residences that would abutton the proposed road. That the J.M.Grube property is now some 50 feet from a public road and at present are driving across a vacant lot, privately owned to get on said road. The Grube property abutts on a plotted Alley which intersects with Madison St. a plotted street part of which is a public road, For the Grube property to get on to a Public road without going over private property would not require more than 200 feet of driving over plotted highways. The portion of the proposed road running along Loeb Ave is low land and spouty and would require considerable ditching and draining. The proposed road from Loeb Ave. to Tozier Ave., over Marshall St. intersects Tozier Ave at more than legal grade and would be a somewhat dangerous intersection. Your viewers are of the opinion there is no sufficient necessity justifying the adding of the increased cost and road mileage on the the Road District of Sandy Township

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, at the house of J.W. Grube in Sandy Township to a point in Public Road commonly known as Tozier Avenue in Sandy Township, will meet at the house of J.W. Grube in Sandy Township on Monday the 18th day of May 1925 at 9 o'clock A.M. to attend to the duty assigned them and that the required Public Hearing will be held in the Court House in the Borough of Clearfield Pa. on Wednesday the 20th day of May 1925 at ten o'clock A.M.. Of which times and places you will take due notice and may attend and be heard if you so desire.

Mark Hillmi

J. E. Fry

Geo K. Weber

DuBois, Pa. May 5th 1925

Viewers

Now, May 5 1925 service of the above notice is accepted for the Commissioners of Clearfield County,

L. C. Morris

Clerk

TO THE ROAD 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, Pennsylvania, to view a Public Road leading from a point in the public road at the house of J.W. Grube in Sandy Township to a point in the Public Road commonly known as Tozier Avenue, in Sandy Township, will meet at the house of J.W. Grube in said Sandy Township on Monday the 18th day of May 1925 at 9 o'clock A.M. to attend to the duty assigned them. And that the required Public Hearing will be held in the Court House in the Borough of Clearfield on Wednesday the 20th day of May 1925 at ten o'clock A.M., of which times and places you will take due notice and may attend and be heard if you so desire.

DuBois, Pa. May 5th 1925

Mark Hutton  
J. E. Fry  
George K. Huber  
Viewers

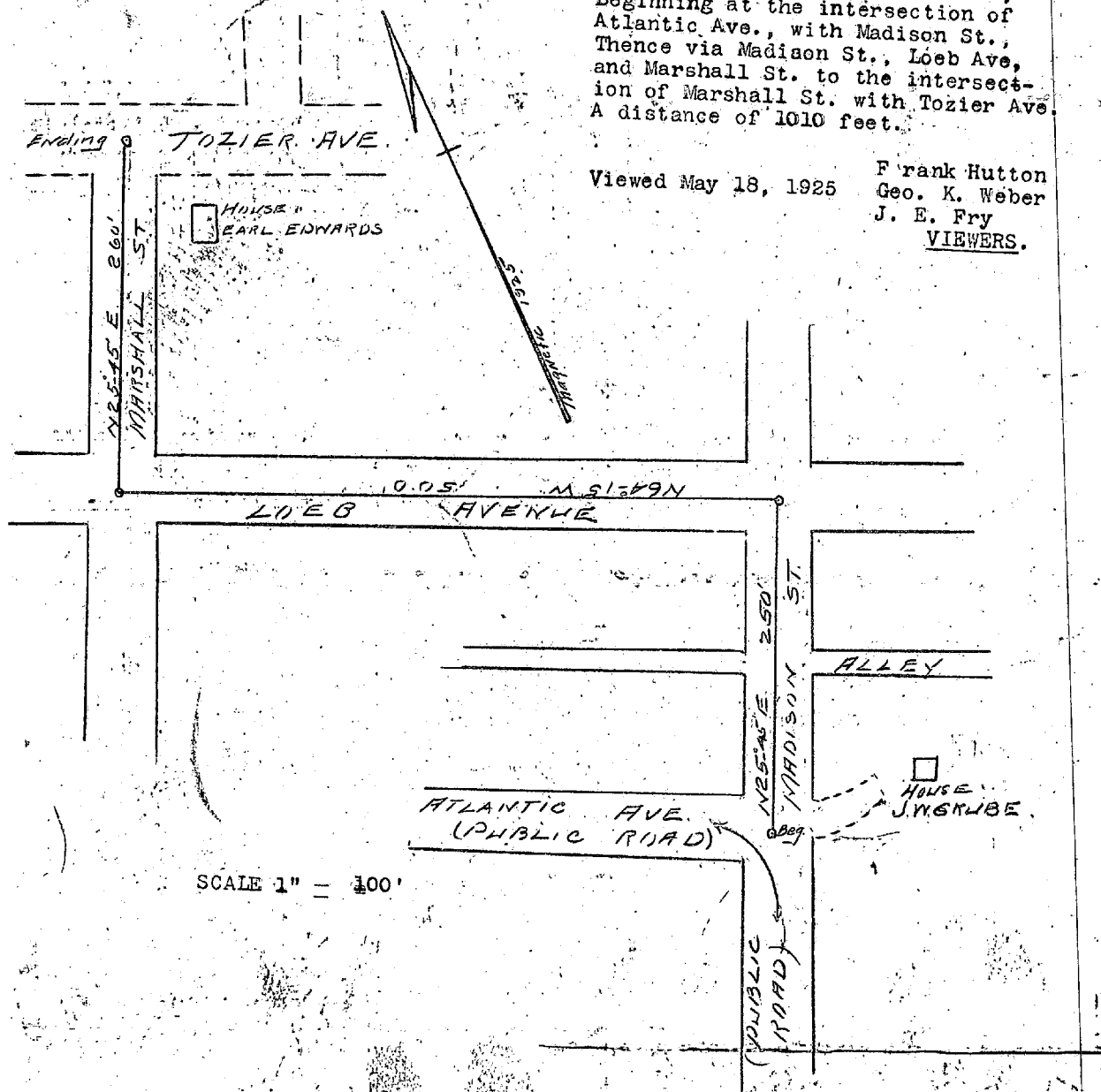
Now May 5 1925 service of the above notice is accepted for the Supervisors of Sandy Township.

Raymond  
Accepted Supervisors

ROAD VIEW IN SANDY TOWNSHIP,  
CLEARFIELD COUNTY, PENNSYLVANIA,  
Beginning at the intersection of  
Atlantic Ave., with Madison St.,  
Thence via Madison St., Loeb Ave,  
and Marshall St. to the intersec-  
tion of Marshall St. with Tozier Ave.  
A distance of 1010 feet.

Viewed May 18, 1925

Frank Hutton  
Geo. K. Weber  
J. E. Fry  
VIEWERS.



SCALE 1" = 100'

No. 8 May Sessions, 19 25

## ORDER

To view \_\_\_\_\_ a  
road for \_\_\_\_\_ use in the  
township of Sandy \_\_\_\_\_  
Clearfield County \_\_\_\_\_  
Sept \_\_\_\_\_ Sessions, 19 25,

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 the Court  
A. B. Thorne  
P. J.

Now Dec 28 19 25  
Confirmed absolute  
By the Court  
A. B. Thorne  
P. J.

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

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

E. G. Boose, Atty.

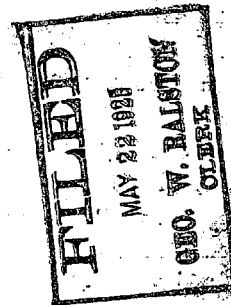
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	AM'T.



## 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 enséaling 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. 1925 \_\_\_\_\_

Seal

Seal

Seal

Seal

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 \_\_\_\_\_

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 21st day of May

A. D. 1925.

*Amos Hutton* Seal  
*Ly. K. Updegr* Seal  
*J. E. King* Seal  
Seal



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

To the Honorable A. R. Chase, President Judge of said Court:

Petition of James T. Mitchell, for and in behalf of the Estate of David Mitchell, deceased, respectfully represents:

1. That he is a son and heir of David Mitchell, deceased, and one of the Executors appointed by the will of said decedent.

2. That David Mitchell died seized of certain tracts of land, situated in Greenwood Township, Clearfield County, Penna., bounded and described as follows:

Beginning at a sugar corner on the bank of the West Branch of the Susquehanna River on line of land of David Bell Estate; thence by said line north fifty-three (53) degrees east forty-one (41) perches to hemlock corner; thence north thirty-four and one-fourth ( $34 \frac{1}{4}$ ) degrees west across the Cherry Tree and Curwensville road two hundred twenty-two (222) perches to a hemlock corner; thence south thirty-nine (39) degrees west two (2) perches to hemlock pointer; thence north eighty-seven and one-half ( $87 \frac{1}{2}$ ) degrees west sixty-one and one-half ( $61 \frac{1}{2}$ ) perches; thence south seventeen (17) degrees west one hundred and one-half ( $100 \frac{1}{2}$ ) perches; thence south eighteen and one-half ( $18 \frac{1}{2}$ ) degrees east across Cherry Tree and Curwensville road thirty-nine (39) perches to rock oak on the bank of the river; thence down said river south thirty-five and one-half ( $35 \frac{1}{2}$ ) degrees east one hundred twenty-two (122) perches to a sugar corner, the place of beginning. Containing two hundred twenty-five (225) acres.

EXCEPTING AND RESERVING the right of way of the New York Central Railroad Company, comprising approximately six acres.

3. That a public road has long existed, running from the Borough of Mahaffey to the Village of Bells Landing, all of which lies within Clearfield County, Pennsylvania.

4. The aforesaid public road has been improved as a permanent highway, by action of the Commonwealth of Pennsylvania, being known and designated as Route 62 in the highway system of the Commonwealth of Pennsylvania, as provided for by the Act of May 31st, 1911, P L 468, Section 6.

5. That the road, as relocated, has necessitated a change in the line and location of the road as formerly used, and has necessitated a new location and taking, by the Commonwealth, of a strip of land approximately fifty (50) feet in width through the larger portion of said land.

6. That the Commonwealth of Pennsylvania, by its officers, agents and contractors, went upon said land and took a material portion thereof for highway purposes, and in the construction of said highway, and the leveling of grading of said road have caused fills to be made in some places and cuts in another, so that access to the barn and other buildings, and to the fields on said farm, are rendered practically impossible.

7. That, as a result of said taking by the Commonwealth, the market value of said property has been greatly lessened and materially diminished.

WHEREFORE, your petitioner prays for and in behalf of the Estate of David Mitchell that your Honorable Court appoint viewers to appraise and determine the damage, so suffered, and that such further proceedings may be had as provided by the Acts of Assembly relating thereto, and he will ever pray.

*James Mitchell*

STATE OF PENNSYLVANIA :  
: SS  
COUNTY OF CLEARFIELD :

Before me, the subscriber hereto, came James T. Mitchell  
who, being duly sworn according to law, deposes and says that  
the facts set forth in the above petition are true and correct.

*James T. Mitchell*  
-----

Sworn and subscribed to before me  
this 8th day of October, A.D. 1925.

*Geo. W. Ralston*  
-----  
*Prothonotary*

Now, October 10<sup>th</sup> 1925, the within petition having been  
read and considered, *Aaron G. Kramer Esq., Harry Reese,*  
*and James Sprangle*

are appointed viewers to proceed as required by the Acts of  
Assembly relating thereto.

BY THE COURT

*A.R. Chase*  
*P.J.*

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD CO UNTY  
PENNSYLVANIA

No. 3 December Term 1925

In re:

Assessment of damages  
David Mitchell Estate  
.

PETITION FOR VIEWERS

FILED

OCT 9 1925

GEO. W. RALSTON  
CLERK

BOULTON, FORSYTH & BELL  
ATTORNEYS AT LAW  
CLEARFIELD, PA.

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY.

David Mitchell  
Estate

## Versus

Clearfield County

Of December <sup>8<sup>5</sup></sup> Term, 1905

No. ....

.....**Bill of Costs**

At.....Term, 190....

	Dollars	Cents
<i>James T. Mitchell</i> / Days in attendance <i>28</i> Miles direct travel	<i>3</i>	<i>68</i>
<i>Harry Mitchell</i> / Days in attendance <i>28</i> Miles direct travel	<i>3</i>	<i>68</i>
<i>Chas. L. Sharp</i> / Days in attendance <i>28</i> Miles direct travel	<i>3</i>	<i>68</i>
Days in attendance ..... Miles direct travel		
Days in attendance ..... Miles direct travel	<i>11</i>	<i>04</i>
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Days in attendance ..... Miles direct travel		
Days in attendance ..... Miles direct travel		
Serving subpoenas ..... Witness		
Miles distance .....		
Whole amount of bill.....		

CLEARFIELD COUNTY, SS:

Personally appeared before me..... Notary Bill....., who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and ~~subscribed~~ before me this

12 day of Nov, A. D. 1902

*Geo W Walcott* Prothonotary

Frank Bell

No. 3 December 1925

Edward Mitchell E. E. E.

Versus  
Clearfield County

Plaintiff Bill of Costs

For Term 190

Date Nov. 12 1925

Amount - \$ 11.04

**FILED**  
NOV 12 1925  
GEO. W. RALSTON  
PROTHONOTARY

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY.

James T. Mitchell Of December SS Term, 1925

Versus Plaintiff Bill of Costs

Clearfield County At ..... Term, 190.....

		Dollars	Cents
<u>James T. Mitchell</u>	Days in attendance..... <u>28</u> Miles direct travel.....	<u>3</u>	<u>68</u>
<u>Henry Mitchell</u>	Days in attendance..... <u>28</u> Miles direct travel.....	<u>3</u>	<u>68</u>
<u>Charles L. Thorp</u>	Days in attendance..... <u>28</u> Miles direct travel.....	<u>3</u>	<u>68</u>
<u>W. L. Stephenson</u>	Days in attendance..... <u>28</u> Miles direct travel.....	<u>3</u>	<u>68</u>
	Days in attendance..... Miles direct travel.....	<u>14</u>	<u>72</u>
	Days in attendance..... Miles direct travel.....		
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	Days in attendance..... Miles direct travel.....		
	Days in attendance..... Miles direct travel.....		
	Serving subpoenas..... Witness.....		
	Miles distance.....		
Whole amount of bill.....			

CLEARFIELD COUNTY, SS:

Personally appeared before me [Signature], who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me this  
12 day of Nov, A. D. 1925  
[Signature] Prothonotary

[Signature]



No. *2* *admiral* Term 1985

*James T. Mitchell*

Versus

*Chas. J. Kelly*

Bill of Costs

*[Signature]*

For Term 190

Date *Nov 12* 1985

Amount -- \$ *14.75*

*W*  
**FILED**  
NOV 12 1985  
GEO. W. RALSTON  
PROTECTOR