

ROAD

DOCKET No. 6

Number	Term	Year
3	Dec. 35	1938

SANDY TOWNSHIP--Petition for a

public Road

Versus

No. 3 December Sessions, 1938

ORDER

To view and lay out a road for public use in the township of Sandy, Clearfield County,

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 *they, locution non hocchontraria, non hocchontraria* the reviewees

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 load, they will report to that effect.

	Days	Miles	A.M.T.
J. E. Fry	5	62	53.1
John Scollins	3	112	35.6
I. W. Bonsall	2	76	23.8

December Sessions, 1938;

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.

Dr. Galleri Janz
Sept. 12, 1938. The open
order configuration is striking off
in view of the confirmation
and the arrangement and with
a bit more detail. Galleri Janz
fig.

19 *z*
Filed _____
Fees \$1.25 paid by _____

James A. Gleason, attorney.

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 the County of Clearfield

at and before the sealing and delivery
hereof, have remised, released and forever quit-claimed, and do hereby remise, release and
forever quit-claim to the said County of Clearfield, Pennsylvania.

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 19th day of December 1938

A. D. 192 ____.

Buffalo and Susquehanna Coal and Coke

Bv

Buffalo and Susquehanna Coal and
J. C. Gleason, Jr. Seal.
Seal.

John E. Du Bois Estate

By

please send me a Seal.

doubly far via First Avenue and Shaffer Siding Road in going to and from the City of Du Bois (the Shopping Centre); for want of an outlet via the John E. Du Bois Estate. First Avenue and other streets and alleys being "dirt" roads and unimproved, are impassable in Winter, and Spring months, and the residents are obliged to park their automobiles along the State Highway Route 255; they are denied free Mail delivery, their boxes being located at Shaffer Siding, and during inclement weather it is inconvenient and sometimes impossible to get to them; in case of a death, in bad weather, conditions are distressing; Doctors are required to walk in to their homes; and they have been forced to do all the work on the Avenue themselves, the Township furnishing them with a team of horses for hauling the drags and material.

The Supervisors admit the necessity for the road and the convenience it would afford the citizens of that vicinity, but cannot finance the building and care of it, for lack of funds. The following stipulation was agreed to:

"Road to be granted as prayed for, and a recommendation be made that the road be built from Shaffer Siding end to the May property (Lot 54) line; and the balance of the road through the swamp to State Highway No. 255 at DuBois property when the Township is financially able to do so".

In the opinion of your Board, the road so as aforesaid laid out is necessary for a public road,

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 Buffalo & Susquehanna Coal & Coke Co., and the John E. Du Bois Estate

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: None

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

WITNESS our hands and seals this 1st day of December
A. D. 1928.

John Scallion Seal
J. E. Fry Seal
A. W. Bonsal Seal
Seal

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 26th day of September in the year of our Lord one thousand nine hundred and thirty-eight

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Sandy in said County, setting forth that a certain street or road known as First Avenue or First Street has been laid out on the Harriet Bogle plot or plan of lots in Sandy Township, Clearfield County, Pennsylvania, and your petitioners labor under great difficulty and inconvenience by reason of the condition of this said street or road which is impassable during a great part of the year and for the further reason that the said street or road has no outlet at the northwesterly end thereof. WHEREFORE, your petitioners pray for a road beginning at the intersection of a road at Shaffer Siding and Highway No. 255, to continue along said First Street and rejoin the said State Highway at a point approximatley 2800 feet northwesterly from the said intersection, 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 John Scollins, Esq.,

J. M. Fry and H. W. Bonsall

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 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.

W. P. Gallagher, 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 October A. D. 1938, and the hearing to be held in the ^{Grand Jury} ~~Anteroom~~ Room, at the Court House, in Clearfield, Pa., on the 21st day of October, 1938, at 10.00 o'clock A. M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Jerry Brown and T. J. Wayne Supervisors of Sandy Township; John A. Lyons, Francis Kelly and Oscar L. Arvickson, petitioners with their Counsel, J. A. Gleason, Esq.,

^{Grand Jury}
parties in interest. That the hearing was held in the ~~Anteroom~~ Room, in the Court House, at Clearfield, Pa., on the 22nd day of October A. D. 1938, ~~having been con-~~tinued by agreement of all parties in interest ~~T. J. Wayne and Joshua Hoover, Supervisors of Sandy Township with their Solicitor, E. G. Boose, Esq.; Oscar Arvickson, John Lyons, Peter Katilus, Sam. Deasey, Robert Vogle, David McIntosh, Frances Kelly and J. E. Naugle: All of whom were sworn, examined and cross-examined by Counsel and your Board.~~

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is occasion for a road as desired by the petitioner, and that the same is 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 Public use the following described road, to wit Beginning at intersection of Road at Shaffer Siding and State Highway Route No. 255; thence along the west line of the Buffalo & Susquehanna Coal & Coke Company property North 26 degrees 21 minutes East five hundred, forty-four and nine-tenths (544.9) feet to the center line of First Avenue (prolonged); thence by the center line of First Avenue (a 60 foot wide avenue, as shown on Plan of Lots of Harriet Bogle) North 72 degrees, 00 minutes West two thousand, three hundred eighty-eight and five-tenths (2388.5) feet to a point in lands of the John E. Du Bois Estate, said point being sixteen and five-tenths (16.5) feet beyond, or West, of the property line, dividing lands of Harriet Bogle Heirs and lands of the John E. Du Bois Estate; thence parallelling the said boundary line sixteen and five-tenths (16.5) feet westerly therefrom, South 26 degrees 30 minutes West, three hundred, fifteen and seven-tenths (315.7) feet to a point; thence further through lands of the John E. Du Bois Estate, South 63 degrees, 00 minutes West one hundred, thirty-three and two-tenths (133.2) feet to a point in the center of the said State Highway Route No. 255, a total distance of three thousand, three hundred, eighty-two and three-tenths (3382.3) feet.

We further find that the aforesaid described road traverses First Avenue of the Harriet Bogle plan of lots as laid out and dedicated to public use and travel and recorded in the Recorder's Office June 20, 1916; that there are thirteen homes erected on either side of said proposed public road, with a population of 55 people including children of school age; all of whom are required to travel.

TO: The County Commissioners of Clearfield County:-

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

In re: Order to view and lay out
a road for public use in the
Township of Sandy. NO. 3, December SS., 1938.

You are hereby notified that the undersigned Viewers,
appointed by the Court to the above number and term, to view
and lay out for public use in the Township of Sandy the following
road: Beginning at the intersection of a road at Shaffer Siding
and Highway No. 255, to continue along said First Street and
rejoin the said State Highway at a point approximately 2800 feet
northwesterly from the said intersection, in the County aforesaid,
will meet at the Shaffer Siding in said Township on Tuesday, the
18th day of October, 1938 at two o'clock P. M., to attend to the
duty assigned them, of which time and place aforesaid, all parties
interested will take notice.

And that the public hearing required by Act of Assembly
and Rules of Court to be held by the Viewers before the filing
of their report in Court, in order to give all parties interested
in the said road an opportunity to be heard, will be held in the
Grand Jury Room in the Court House in Clearfield on Friday, the
21st day of October, 1938 at 10:00 o'clock A. M., or as soon
thereafter as counsel can be heard, at which time and place all
parties interested may attend and be heard.

John Scollins
J. M. Frey
H. W. Botsall

Dated: October 3, 1938.

Viewers

CLEARFIELD COUNTY, SS:

Now, this 4th day of October, 1938, service of
the above Notice is accepted for the Commissioners of Clearfield
County.

Myra Lucas
Clerk

TO: Jerry Brown, Joshua Hoover and T. J. Wayne, Supervisors of Sandy Township, Clearfield County:-

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

In re: Order to view and lay out a road for public use in the Township of Sandy. NO. 3, December SS., 1938.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and lay out for public use in the Township of Sandy the following road: Beginning at the intersection of a road at Shaffer Siding and Highway No. 255, to continue along said First Street and rejoin the said State Highway at a point approximately 2800 feet northwesterly from the said intersection, in the County aforesaid, will meet at the Shaffer Siding in said Township on Tuesday, the 18th day of October, 1938 at two o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

And that the public hearing required by Act of Assembly and Rules of Court to be held by the Viewers before the filing of their report in Court, in order to give all parties interested in the said road an opportunity to be heard, will be held in the Grand Jury in the Court House in Clearfield on Friday, the 21st day of October, 1938 at 10:00 o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scallion
H. M. Fry
H. W. Bassell

Dated: October 3, 1938.

Viewers

CLEARFIELD COUNTY, SS:

Now, this 6th day of October, 1938, service of the above Notice is accepted for the Supervisors of Sandy Township.

Joshua Hoover
Jerry Brown
T. J. Wayne
Supervisors

In The Court of Quarter Sessions of Clearfield County,
Pennsylvania.

To Hon. W. Wallace Smith, President Judge of the said Court-

Your undersigned inhabitants of Sandy Township, Clearfield County, Pennsylvania, respectfully represent:

That by a proceeding in this court and known to the records thereof as No. 3, December Sessions, 1938, there was layed out in said Township and returned for public use, a Public Road beginning at intersection of Road at Shaffer Siding and State Highway Route No. 255 and ending in said State Highway Route No. 255, westerly from the first named terminus a distance of 3382.3 feet, and the Report of the Viewers laying out the same was presented to the Court and confirmed N. S. at December Sessions of 1938;

That the said road, if confirmed Absolute by the Court, will work an injury to the tax payers of said Township, in that the Township has no money available for the opening of the road, and in addition, a larger part of the proposed road runs throu land that is swampy and at the present time has no habitations abutting it.

That all of the habitations along the road are confined to a comparatively short stretch at the eastern end of the road and the petitioners for the road could be well served by a short portion of the road, rendering unnecessary a road of the length of the road so layed out.

Your petitioners therefore pray that the Court appoint Viewers to Re-View the said road and to make report to the Court according to the law; and they will ever pray, etc.

Charles E. Kessler
Joshua Hoover
Jerry Brown
Harry Barnes
M. Rankin
C. W. Soniley
Frank Shunkle
L. R. Gilley
Wm. J. Shopestall
J. Knut
Wm. Kelly
E. R. Dunn

G. M. Fairlin

County of Clearfield,)
State of Pennsylvania.) SS

Before me, a Notary Public duly commissioned in and for said County and State, appeared Joshua Hoover one of the above subscribed petitioners, and he being by me duly sworn according to law, deposes and says that the matters set forth in said petition, are true and correct.

Joshua Hoover

Sworn and subscribed before me
the 23d day of January,
1939.

Ernest Doval
Notary Public

My Commission Expires April
12-1939.

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

OF December Term, 1938, #3

In the Matter of the Petition for Laying out of a Public Road in Sandy Township.

Petition for Re-View

Now, this 16th day of July, 1939, the foregoing petition presented to the Court and whereupon the Court does appoint A. B. Hawley, J. H. A. Gilje and H. A. Gilje, Re-
viewers who are hereby directed to view the premises and to make report to the Court next term.

R. B. Miller By the Court
Att'ty. G. T. Miller, P. J.
Attorney-at-Law
Notary
Burbank, Pa.

Brown's Office Supplies, Johnstown, Pa.

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

In the matter of :
:
:
PETITION for a road in Sandy :
:
:
Township, Clearfield :
County, Penna. :
:

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT JUDGE OF THE
SAID COURT:

The petition of the undersigned subscribers, all of
whom are residents of Sandy Township, Clearfield County, Penn-
sylvania, respectfully represents:

That a certain street or road known as First Avenue
or First Street has been laid out on the Harriet Bogle plot or
plan of lots in Sandy Township, Clearfield County, Pennsylvania,
and your petitioners labor under great difficulty and incon-
venience by reason of the condition of this said street or road
which is impassible during a great part of the year and for the
further reason that the said street or road has no outlet at
the northwesterly end thereof.

WHEREFORE, your petitioners pray your Honorable Court
to appoint viewers to supply a road beginning at the intersection
of a road at Shaffer Siding and Highway No. 255, to continue
along said First Street and rejoin the said State Highway at a
point approximately 2800 feet northwesterly from the said inter-
section.

<u>NAME</u>	<u>ADDRESS</u>
<u>Mrs Francis Kelly</u>	<u>R.D. #2 Shadyside</u>
<u>Mr Francis a Kelly</u>	<u>R.D. #2 Shadyside</u>
<u>John A Lyons</u>	<u>R.D #2 DuBois Pa</u>
<u>Thomas Salada</u>	<u>R.D #2 DuBois Pa.</u>
<u>Mrs Thomas Salada</u>	<u>R.D #2 DuBois Pa.</u>
<u>Oscar L. Erickson</u>	<u>R.D. #2 DuBois Pa.</u>
<u>Alfred Katalus</u>	<u>R.D. 2 DuBois Pa.</u>
<u>L. R. Keasey</u>	<u>R.D. 2 DuBois Pa</u>
<u>Mrs L. R. Keasey</u>	<u>R.D. 2 DuBois Pa.</u>
<u>Robert A. Bogle</u>	<u>R.D. #2 DuBois Pa</u>
<u>Mrs Robert A. Bogle</u>	<u>R.D. #2 DuBois Pa.</u>
<u>Anthony Weisbush</u>	<u>R.D. #2 DuBois Pa.</u>
<u>Mr Harry Yale</u>	<u>R.D. 2 DuBois Pa</u>
<u>Agatha C. Davis</u>	<u>R.D. #2 DuBois Pa.</u>
<u>J. W. McIntosh</u>	<u>R.D. #2 DuBois Pa</u>
<u>Mrs J. W. McIntosh</u>	<u>R.D. 2 DuBois Pa.</u>
<u>Frank Potter</u>	<u>R.D. 2 DuBois</u>

STATE OF PENNSYLVANIA : SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, a ~~notary~~ ^{Juste Deau} public in
the County and State aforesaid, Francis A. Kelly,
who being duly sworn according to law deposes and says that the
facts set forth in the foregoing petition are true and correct.

Francis A. Kelly

SWORN and subscribed before me this 24 day of September, 1938.

Harry T. Clegg
My Commission Expires ^{Juste Deau}
1st Monday January 1941

D E C R E E

Now, to wit this 26~~27~~ day of September, 1938, the foregoing petition having been read and considered, on motion of James A. Gleason, Esq., attorney for the petitioner, the Court hereby appoints E. B. Boose, Esq., J. M. Fry and H. R. Bonsall as a Board of Viewers to view and lay out a public road as prayed for by the Petitioners and report their findings to the next Court of Quarter Sessions of Clearfield County, Pennsylvania.

By the Court,

R. Dallan Fitt P.J.

Oct. 1, 1938. E. B. Boose, Esq. being declined to act, John Collins, Esq., is appointed in his place on the board of viewers.

R. Dallan Fitt P.J.

2 - *W. Gleason*
Petition for a public road
in Sandy Township,
Pennsylvania, to run from
the intersection of the public road
leading to the town of DuBois, to the
point where the same intersects
the public road leading to the town of
DuBois, Pennsylvania, in the year
one thousand nine hundred and thirty six.

No. 3 Dec 21/938

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

In the matter of

Petition for a public road

in Sandy Township,

Pennsylvania.

PETITION FOR APPOINTMENT
OF VIEWERS.

JAMES A. GLEASON

ATTORNEY AT LAW

DUBOIS, PA.

SCHAFFNER BUILDING

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