

No. 3, December Term, 1892

Public Road
versus
Fancy Township

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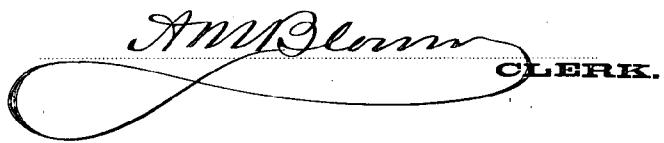
Pant. Ct. 17072
Twp. Rd. 17383

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 3d day of December, A. D. 1880, before Judges of said Court, upon a petition of sundry inhabitants of the township of Carney, in said county, setting forth that they labor under great inconvenience for want of a public road starting at what is known as Rockys Sawmill on the DuBois Luthersburg road and ending at or near the oak timber on the lands of Andrew Petty Jr.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Make report at May Term 1881 whereupon the Court, upon due consideration had of the premises, do order and appoint David Reams J. Taylor Hamilton who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do least injury to private property, and state particularly whether they judge the same necessary for a PUBLIC or PRIVATE road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose lands said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next Court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated lands through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.


Am. Brown
CLERK.

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 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 First day of May
A. D. 1889

Henry D. Lind

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 the opening of the said road 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:

To J. C. Rockey the sum of Twenty-five (\$25.) dollars
To the sum of
To the sum of

Witness our hands this 1st day of May, A. D. 1881.

David Rams
J. P. Taylor
J. Hamilton

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. Viewers 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 road, they will report to that effect.

No. 3000 Sessions, 1890

ORDER

To view and lay out a road for
Plattee use in the township of
Seneca, Clearfield Co.

September 1891 Confirmed his
Request to open 33 feet wide
so that vehicles & men
can turn there 16 feet
back from the 16 feet

By the Court
Copies ordered to say list
See Sep 1891 confirmed and
drawn on any date.

Now 14 day of 1892 after consideration
had the Report of viewers is
Confirmed absolute
By the Court

Filed 11 May 1892
26
Fees \$1, paid by Plattee

Days 2	Amount.
2 miles 8	\$1.80
Days 1	
1 mile 6	2.60
Days 1	
1 mile 2	2.20
Days 1	
1 mile 6	1.60

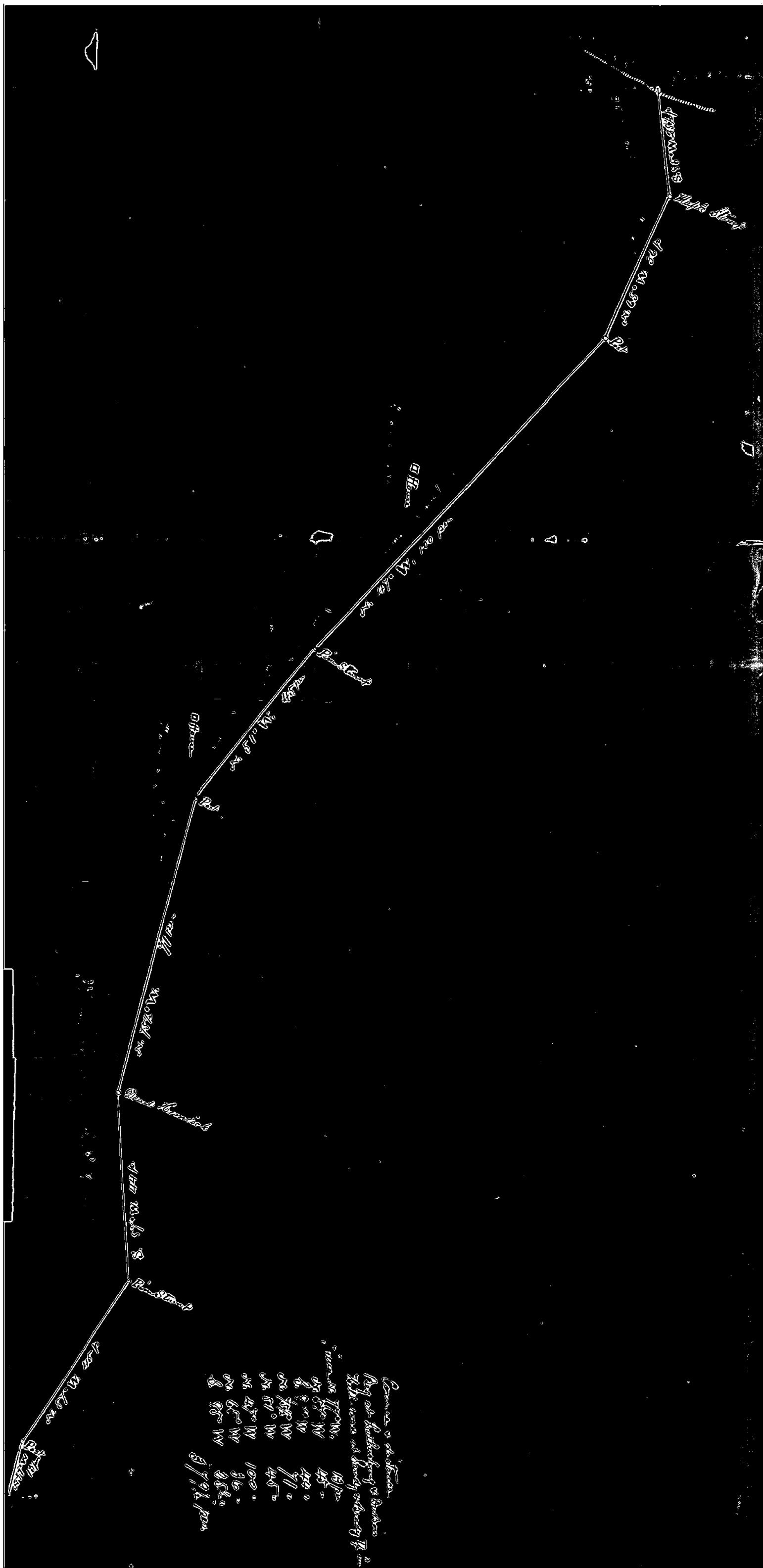
1891 from 1892 confirmed

Book 274 pg

To the Honorable the Judges of the Court of
Quarter Sessions of Clearfield County

We the undersigned viewers appointed by the
aforementioned order of Court to view and lay out the road
therein mentioned respectfully report: —

That having given due and public notice of
the time and place of said view by printed handbills
as required by the act of Assembly, we met at the time
and place appointed, and after being duly sworn or affirmed
according to law, and all the viewers being present, we
went upon the ground proposed for said view, and
having viewed the same, we report for Public use the
following road, to wit: — Beginning at the Public road
leading from Luthersburg to DuBois and known as the hill
road at a point on line of Sandy & Brady Township
Thence through timber lands of Andrew Bentz sen. in Sandy Twp
N. 77 deg. West 13 per. to a post; Thence N. 57 deg. West 45 per
to a pine Stump; Thence South 87 deg. West 44 per to a dead
hemlock tree on the south side of the run; Thence N. 75 $\frac{1}{2}$ ^o
deg. West 71 per. to a post on timber land of Mrs Linderman;
Thence through improved lands of Mrs Linderman N. 51 deg West
45 per to Pine Stump on wood lands of James Hepburn; Thence
through wood land of said Hepburn and also improved lands
of Henry Bolada N. 47 deg. West 100 per. to line of lands claimed
by J. C. Rockey; Thence through clearing chopping of said
Rockey N. 65 deg. West 36 per to Maple Stump; Thence South 85 deg
W. 35 $\frac{1}{2}$ per to Public road just beyond a crossing of the B.R. & P.
Rail Road near Rockey's Sawmill a plot or draft whereof is
hereto annexed which road we report as necessary and
further report no damages to accrue to } David Reays } 2
any one except twenty-five Dollars to } J. P. Keeler } 2
J. C. Rockey for making extra fence } J. Hamilton } 2
May 1st 1891



■ RULE TO TAKE DEPOSITIONS. ■

Clearfield County, ss:

Henry Bond

John

Jany Gourdin

Quarter Term

In the Courts of Common Pleas

of Clearfield County, Pa.

No. 3 on So. 4, 1890.

And Now, to wit, the 13 day of Oct., in the year of our Lord one thousand eight hundred and ninety-one, enter a Rule to take the Depositions of ancient, infirm and going witnesses, to be read in evidence on the 25th of this case. Ex parte Rule of Remand on 2nd days' notice.

John Bloom

To A. J. All, Esq.:

Attn: Mr. Bloom

You will please take notice that, in pursuance of the foregoing Rule, depositions will be taken before L. S. Heyler, or some other person authorized to administer an oath or affirmation in Pennsylvania, in and for the county of Clearfield, at the office of S. S. H. in the Bureau of Letters, in the county of Clearfield and State of Pennsylvania, on the 14th day of Nov., A. D. 1891, between the hours of 9 o'clock A. M. and 12 o'clock P. M., when and where you may attend and cross-examine.

Clearfield, Pa., Oct 13

McDowell
Attn: Mr. Bloom

Received Nov 4 1947
in stock
to represent ~~the~~ ^{the} ~~contrary~~ ^{of} ~~and~~ ^{the} ~~contrary~~
and in this case we
envisaged we are 2/
1947 and Paul had
one day
out for business
at St. Louis

Depositions of witnesses pro-
duced, sworn, and examined
before me, the 21st day of Nov.
A.D. 1891, at my office in Westmoreland
Pa. between the hours of 9 o'clock
A.M. and 12 M., by virtue of
the annexed Rule of Court of
Quarter Sessions, and notice hereto
attached, for the examination of
witnesses in a certain cause pend-
ing in said court in the matter
of a Public Road in Sandy
Dp. Celfd Co. Pa., on the part of the Re-
monstrators.

Andrew Maloney, Sworn.

I am 38 years
of age and live in Sandy Township
Celfd Co. Pa. I know there was a
road laid out from Rockey's
mill to what is known as the
Hill Road. I signed the petition
for that road. Mr. Saluda said
he had no road out, and he wanted
it. I knew he wanted it and
signed the petition. He didn't say
much about the upper end. He said
something about it but I can't
recollect. Said he wanted a

of doubt about the nature of the
new model is that it is of numer-
ous forms and up to that model
cannot be drawn without it is said
as that there are many other
models which are not known
but that is the case of the new
model. All other of the
models are known as the
new model.

- try now as

is his families living along
the line of it. They have no
public road out now at all.
If this road would come down
past Kudermanns and on the
right hand side of the Railroad
coming to Durbin, I would
be in favor it. The reason
why I would be in favor
of that road is because it would
accommodate the travelling
public.

Re-Direct. -

It would be an accom-
modation to have the road
on the right of railroad - though
they all have a road now. It
would benefit Miles & Syver.
It would shorten my road.
It would give Mrs. Salada
a road who now has only a
private alley. It would
shorten distance from the
old pike in. A private road
would benefit Salada and
Kudermann as much as a
public road. I suppose it is
Salada & Kudermann who are
accommodated by the new

and had to get out. Second time
had to get out as it all
had to be done -

I think Anderson & Saluda
should have a road out.
This is as good a road ~~for~~
them as they could have -
Many to the road on the
right of Railroad would
accommodate others. We
could evade the wait at
the Railroad crossings.

J.C. Rockey-Sworn.
a maloney

I lived in
Sandy top - until the 28 day
of April 1891. Am 54 yrs
ago, I have lived in Sandy
Township 10 years. at the
terminus of this new road.
I am acquainted with the
run of this new road - was
with the men when it
was laid out. I have known
that ground where the road
runs through for 10 years -
logged in that tract and
have been all over the land.
The ground this road runs
through nearly entire length
is swampy, clayey, and spotty.
poor grassed for building

run in a general direction with the old Hill Road, at no distance to half miles from it - and some places 60 rods. It is 60 rods from the terminus of this road where it comes out from my mill to the terminus of the old Hill Road, at the other end it is not over 80 rods from end of Hill Road. This road would accommodate Rutherford & Salada in that neighborhood only - but more than I can tell how many people it would accommodate, waiting on the road to induce travel to go over it. Not that I can see would it shorten the distance to places where people would want to travel to outside of for these ~~two~~, Mr. Andrew Peetz owns all of the land in this locality down to Mr. Rutherford and it is woodland, on the lower side I own all down

3

through my lot ever since
I have been there. They caused
have a private road. It caused
have been run so that it
would have injured the
adjoining parties much
less than at present - and
it would benefit more
people. If they had started
to view the Brady, &c. near
Henry Peetz's land and
come down through there
on a nice grade which
they caused along the side
hill - past Salada's and
Kinderman's, to line between
Salada & myself, and Hoyer
and Peetz, and then follow
the line down between Hoyer
& Peetz - to the Public Road;
it would have let Hoyer and
given better grade, better ma-
terial - & better road in every
respect to keep up. The par-
ties interested in the lands
were there the day of the view
and made a leader of the
lands to let them out in
that way. Sandy business

of the new world
the first with particularity with
the world it is. The lower we go
from the earth, the more
we enter into the world of
Geology than into the world of man
and that the world of man
cannot be the world of the
whole of the world.

Lived there - some of it is so swampy that they wouldn't want to walk over it. I was along with the miners. The miners walked over this land, they didn't have any difficulty in getting along for the swamps. One mile of it is what I call swampy ground. This road is about 400 rods long. The road I propose would run over a part of this ground between Hindermann's & Salada's - where there would be better grade and better materials. It would be probably about a ~~one~~ quarter of a mile longer - yet Brady's, would have about half a mile of it - and it would cost less to build. The road I propose would be travelled a great deal more than the other. It would be of use - more than the other. It should let Kyer, Salada Hindermann out. That road I propose would be about 80 rods - its terminus

There are a dozen or two of rods
on the road laid out that
would cost ⁸ \$35 - or \$30. Then do
not haul heavy loads on
this road now - couldn't haul
an empty wagon on it. They
wanted him to file 400 ft -
& 7 ft. high part of way - they
wanted him to do it to keep out
of swamps & over flow of the
water

J. C. Rockey

J. M. Shaffer Sworn:

I live in
Sanday Tp. and am 25 yrs
old. My father is Tp. Treasurer
of Sanday Tp. I do the business
for him. The Tp. is in debt at
\$4000. - the road fund in judg-
ments & orders. Some of the judg-
ments have stood two years.
The largest - DeBais' judgment
since '96. No funds in the
hands of the meas. to pay them.
A few orders were issued this
summer. One to Resigner for
\$400 - for bridge at Falls Creek -
borrowed money. The rate of miles

the old Kill Road, that has been opened for years - not over $\frac{1}{4}$ mile. If it were cleared of woodland, this old road could be seen most of the way from the new one. The terminus of this new road, on the road from Jeff. City to Red Banks, is about $\frac{1}{4}$ mile from the terminus of the old ~~Kill~~ Road at the ~~School~~ House. The other terminus of new road - is about same distance from other end of ~~the~~ Kill Road. I don't think there is any public necessity for this new road - except that there is. People have a better road to travel by coming the Turner Road, no use to anyone except Saloda & Linderman - no benefit to public. They have no road, Saloda & Linderman caused a set a private or a public road at less expense in my judgment. They caused come out on the line between Peutz & Shaffer over a

to Pentz's lane would be
steeper than this one. all I
know of the road is that it is
swamp except 30 rods at
upper end. It is swampy ground
clear to the Ridge. From Salada's
to the Mill the swamp is about
95 or 20 rods wide. One side
of river it is about 10
rods wide. Rockey has
used it for pasture. The swamp
is swampy about 25 or 30
rods wide. Ham travelled
through there a hundred
times at least. As a rule I went
through this swamp to work.
no swamp on the old Kell
Road - but about 150 ft. it
is filled near Railroad. It
isn't a ~~quar~~ half a mile - but
more than a quarter from
Rockey's Mill to the Old Kell
Road. The old Kell Road is pretty
steep. don't think it too steep
to haul loads on. Lots of steep
hills in Sp. Could be made better
by little work on it. I don't think
the public wanted rise that road -
unless the Lower Road would

Author: John P. Dawson -
Title: John P. Dawson

to know who was who in the world,
but nothing can be more
wonderful than our journey to California,
which is to like an other, so
different from ours, as the moon
is to the sun.

the school:

— 202 —

out to the pike was laid out
before I came there. This new
road runs parallel to the
Old Kelle Road except where
crooks & turns are. Its about
60 rods from Rockey's mill
to the Old Kelle Road at Salas
House. It is about a quarter of
a mile from this new road
to the Rockey's mill to where
old Kelle Road comes out at
Johne House. ~~where~~ This
road runs 145 rods through
my land from Rindermann's
line to the Brady line.
At Rindermann's line it is about
40 rods distant ~~from~~ to the
Southwest corner of my
land. It is about two- to
three rods at the upper end
on the Brady line. From
Brady line down to Rinder-
mann's it goes along. I tried to
follow it & could not. It injures
me by cutting off a piece
& making it worth nothing
for farm purposes. A good
bit of ground over my land
through which it runs is

road, I offered them a half
a road from Harry Saladas
corner out along Syers Blvd
to the Ridge Road, & also half
the road another line between
me and Rockey - on condition
that if they make private
road I may use it free of
toll. These people cannot get
along with a private road.
It wouldn't be very expensive to
keep up a private road there.
No neighbor wants them hemmed
in - but object to a public road.

4111 Broad St.,
Sept 13, 1911

I hereby certify that the above
witnesses were duly qualified and
examined at the time & place
stated in the above caption, and
subscribed their depositions in
my presence,

Herbert Ammon,
Notary Public.

McKenna & Co.
No. 3 Rue 1890

Public Record

etc

Study Surveyor's

Depositions

Costs - \$6.00

HERBERT A. MOORE,
Attorney at Law,
DU BOIS, PA.

John C. Clark & Sons, 329 Dock Street, Philadelphia.

To the Honorable D. L. Krebs Present Judge
of the Court of Common Pleas & Orphans Sessions
of Clearfield County.

The petition of the undersigned citizens
of Sandy Township and vicinity respectively
represent that they labor under great
inconvenience for want of a public road
starting at what is known as Rockey's Run
mill on the Dubois & Buttersburgh road
and ending at or near the oak timber
on the lands of Andrew Petty Jr.

They therefore pray that viewers be appointed
according to law to view said premises
and make report thereon to the next Term,
& they will ever pray &c.

Henry Salada

George C. Lindemann

W. B. Dunlap

J. L. Dunlap

Frank Walborn

Henry Walborn

J. H. W. Bell

Simon Walborn

David Walborn

D. A. Kessler

J. A. Lyons

James Ward

W. G. Lyons

J. J. Wallace

A. Malone

J. J. Overdorf

J. M. Wilson

MO 3 Dec 1890

Petition for Public Road

in
Sandy Township
leading from Rockey
Mill to at Pewt - St.

Now 1st Dec, 1890 the
within petition presented
and considered
and thereupon, Durad, Ream,
D. Taylor, - D. Hamilton, are
hereby appointed to view
the premises and make
report to next Term ac-
cording to law.

By the Court

D. C. Trebil

File 3 Dec 1890

C & MCG

To the Honorable, the President Judge of the Court of Quarter Sessions of Clearfield County.

We, the undersigned, citizens and taxpayers of Sandy Township, in said County, respectfully remonstrate against the confirmation of the public road recently laid out in said Township to No. ~~1~~ February Sessions 1891, leading from at or near Rockys Mill in said Township, to the public road leading from DuBois to Goodlanders at a point at or near the line of A. Pentz, Sr. and Peter Ringer, for the following reasons.

First. Said road is not needed for public travel, as another public road that has been in use for nearly fifty years parallels it and at no point is one half mile distant from said road. Said road has been laid out to accommodate but two families and these parties can be accommodated by a private road, and at various times have been offered the land over which to make a road for themselves free of charge, which would make a great deal better road than the one laid out in this case.

Second. Said road is laid out through low swampy ground and over land where no material can be found to build a road unless it is hauled for some distance, and the costs of the opening of this road would be very large and burdensome to the tax payers of said Township and after it is built it would be very expensive to keep in repair.

Third. What is known as the upper end of this road would not be travelled by any one scarcely, and that end of the road was tacked onto ~~to~~ what is known as the lower end of the road for the purpose of getting a public road and not for the reason that it is needed to accommodate the traveling public.

Fourth. The present debt of Sandy Township is large and the taxes are levied up to the full limit of ten mills to keep in repair what roads are now open and used in said Township, and last year twenty mills tax was assessed ~~XXXXXX~~

levied and collected for the purpose of repairing the roads laid ~~and~~ and out and opened in said Township, and your remonstrants believe that they have about all the burden they can stand with the present roads without any new ones to burden them as this road would when the parties can get out on a private road as in this case.

John B. Williams John C. C. C. B.
G. W. Smith Thomas Williams
John Baskinster Robert Kirby
George Brammer
William Moosehead John Deamer
Snow Wilson Eliza Baskinster
John Alberg Thomas Watkinson
George Pickering William Brown
Peter Nelson
Ole S. Jorg
James Walker
Thomas Walker
William Phipps
A. E. Martin
Mr. John Fudge
Mr. Edward Whittemore
Gust Larson
Charles L. Larson
S. J. Williams
David Hill
J. W. Squires
B. J. Williams
David Mechan
Robt Strawbridge
James C. Davis
George Brown
Christopher Barnard

To the Honorable the Judge of the Court of Quarter Sessions of Clearfield County.

We, the undersigned citizens and tax payers of Sandy Township in said County, respectfully remonstrate against the confirmation and laying out of a public road reported to No. Feb. Sessions 1891 in said Township, for the following reasons.

First. Said road is not needed for public travel, as another public road that has been in use for nearly fifty years parallels it and at no place is one half mile distant therefrom. Said road has been laid out to accommodate but two families and these parties can be accommodated by a private road and at various time have been offered the land over which to build a road for themselves free of charge, which would make a better road than the one laid out by the viewers in this case.

Second. Said road is laid out through low swampy ground and over and where no material can be found to build a road unless it is hauled from a distance, and the cost of opening this road would be very large and burdensome to the tax payers of said Township, and it would be an expensive road to keep up after it is built.

Third. What is known as the upper end of this road would not be used by any one scarcely and was only tacked onto the lower end for the purpose of getting a public road, and not for the reason that it is needed for public travel.

Fourth. The present debt of Sandy Township is large and the taxes are high, being levied up to ten mills the full limit allowed by law, and in 1890 the road tax levied and collected was twenty mills for the purpose of repairing the roads already laid out and opened, and to open any more roads in said township would be very burdensome to the people and would be hard to keep in repair.

... All news of
Sandys, G. R.

John P. Gist	John Lankard
J. K. Penry	Sam'l Postlethwait
W. L. F. F.	Sam'l Postlethwait Jr
C. H. Gudlance	W. G. G. G.
Henry Utzinger	W. H. Reisinger
G. B. Passmore	Wm Bogle
H. C. L. L.	Edwin Liddle
C. L. A. L.	Lincolnanthersbaugh
G. J. L. L.	Andrew Liddle
G. B. L. L.	Joseph Miller
	W. H. G. G.
	S. W. Heberling
	A. H. G. G.
	J. F. Heberling
	A. J. Wall
	John Heberling

Mo. 3 Dec 5. / & 20
on N. River in
Lewy Co.

Penobscot

Under copyright

1914

To the Honorable the Judge of the Court of Quarter Sessions of Clearfield County.

We, the undersigned, citizens and tax payers of Sandy Township in said County, respectfully remonstrate against the confirmation and laying out of a public road in said Township, to No. February Sessions 1891, leading from a point at or near Rockys Mill to a public road leading from DuBois to Goodlanders, at a point at or near the line of Andrew Pentz, Sr. and Peter Resinger, for the following reasons:

First. Said road is not need for public travel, as another public road that has been in use for nearln. fifty years parallels it and at no point is a half mile distant therefrom. Said road has been laid out to accomodate but two families and these parties can be accomodated by a private road and at various times have been offered the land over which to make a road for themselves free of charge, which would make a great deal better road than the one laid out by the viewers in this case.

Second. Said road is laid out through low swampy ground and over land where no material can be found to build a road unless it is hauled for some distance, and the costs of opening this road would be very large and burdensome to the tax payers of said Township, and it would be an expensive road to keep in repair after it is built.

Third. What is known as the upper end of said road would not be traveled scarcely by anyone, and that end of the road was tacked onto the lower end for the purpose of getting a public road, and not for the reason that it is needed for public travel.

Fourth. The present debt of said Sandy Township is large and the taxes are high being levied up to ten mills the full limit allowed by law to keep in repair the roads already laid out and opened and during the year 1890 the road tax levied and collected was twenty mills, for the purpose of keeping up and repairing the roads of said township.

H. L. Tozier
John Lankard
John Ashby

Sandy Postlethwait
W. Postlethwait
cannot believe

J. D. Webster
A. W. Marshall
Michael Reisinger
Geo. W. Pipe
S. H. D. Bell
M. J. Kunkel
W. H. Schaffer
John W. T. Lee
Fox Maloney

No 3 Dec 8189

Reversing to

Rosenow Survey

Try Survey from
Rosenow point
at Tech Park

Hub Sept 1891