

No. 4, Dec. Sessions, 1902

COMMONWEALTH

versus

Public Road

in

Sandy Township

V. S. #4 - Page 393

Charge

All Twp. Rd. 17368

WILLIAM I. SWOOP,

District Attorney.

To the Honorable the Judge of the Court of Quarter
Session of the Peace in and for the County of Clearfield.
The petition of the subscribers of the County of Clearfield,
respectfully represents: That your petitioners labors under
great inconvenience for want of a public road or highway
to lead from Erie Turnpike (now public road) to Public road
from DuBois to Luthersburg in Sandy Township, Beginning
at corner of John Heberling and Postlethwait heirs lands on
line with the Lankard farm on said Turnpike ^{and to} intersecting
leading from Luthersburg
with road to DuBois at ~~near~~ corner of Henry Walborn
and John McCurdy. Your petitioners therefore pray the Court
to appoint proper persons to view and lay out the same,
according to law; and they will ever pray the
Jefferson Line Sa

July 22 - A.D. 1902

H. M. Wiss

John Lankard
G. W. Linkerd
J. M. Postlethwait
and Walborn
Samuel Postlethwait

G. C. Postlethwait
John Heberling
G. C. Heberling

G. W. Pifer

J. H. Pifer

R. H. Atcheson
D. V. Miller

John Lantz

J. T. Henry

Settling for bunkers
grade in sandy top.

104 Dec. 5, 1902

9 AM

J. M. C.
C. H. D.

8. Sept. 1902 met
in social and
theatrical circles
to make known and
a. It was suggested

one afternoon of
meetings to review
the novel and
refer to meeting

of men who attended
the meeting.

SEP 8 1902

Grant W. C. PENTZ,
Attorney at Law
DUBOIS, PA.

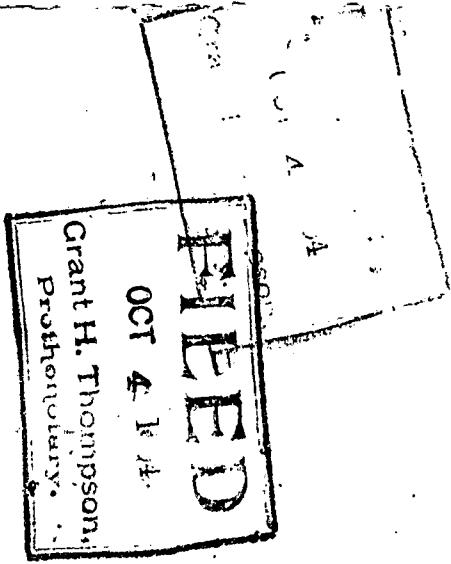
Prothonotary

To the Commissioners of Clearfield County:

I hereby certify that the public road starting at a point on the Erie Pike at the dividing line between the farms of Postlewait heirs and John Lenkerd, and terminating at a point on the public road leading from Du Bois to Luthersburg at the dividing line between lands of W.H. Walburn and J.T. McCurdy has been opened and taken possession of by the supervisors of Sandy Township. And that J.T. McCurdy is entitled to the amount of damages allowed him by the viewers of said road.

September 27th 1904

David Lyons Jacob Beer
Supervisor of Sandy Township



Prothonotary Clearfield Co.

To the ~~Commissioners~~ of Clearfield County:

This is to certify that the public road

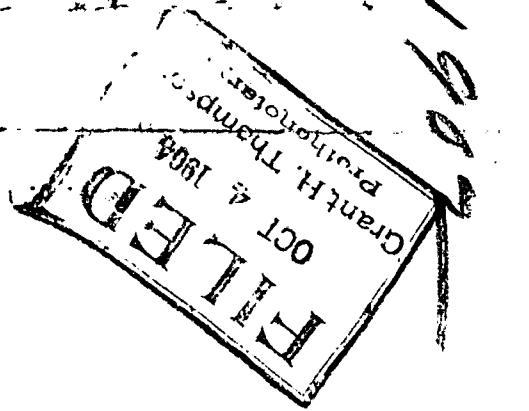
Prothonotary

To the ~~Commissioners~~ of Clearfield County:

I hereby certify that the public road starting from a point on the Erie pike at the dividing line between the farms of Postmehait heirs and John Lenkerd, and terminating at a point on the public road leading from Du Bois to Luthersburg at the dividing line between lands of W.H. Walburn and J.T. McCurdy has been opened and taken possession of by the supervisors of Sandy Township - And that W.H. Walburn is now entitled to the amount of damages allowed to him by the viewers of said road

September 27th 1904

David Lyons Jacob Beer
Supervisor of
Sandy Township



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 8th day of ~~Sept.~~, A. D. 1902, before the Judge of said Court, upon a petition of sundry inhabitants of the township of ~~Sandy~~

_____, in said county, setting forth that your petitioners labor under great inconvenience for want of a public road or highway to lead from Erie Turnpike (now public road) to public road from DuBois to Luthersburg in Sandy Twp. Beginning at corner of John Neberling and Postlethwait heirs lands on line with the Lankard farm on said Turnpike and to intersect with road leading from Luthersburg to DuBois at corner of Henry Walburn and John McCurdy.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, Report to next term whereupon the Court, upon due consideration had of the premises, do order and appoint Geo. E. Stirk, L. M. Knier and W. H. Dunlap 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 view and layout 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 the 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 land 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 land 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.

Frank J. Thompson
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..... day of
A. D. 190.....

Seal

Seal

Seal

Seal



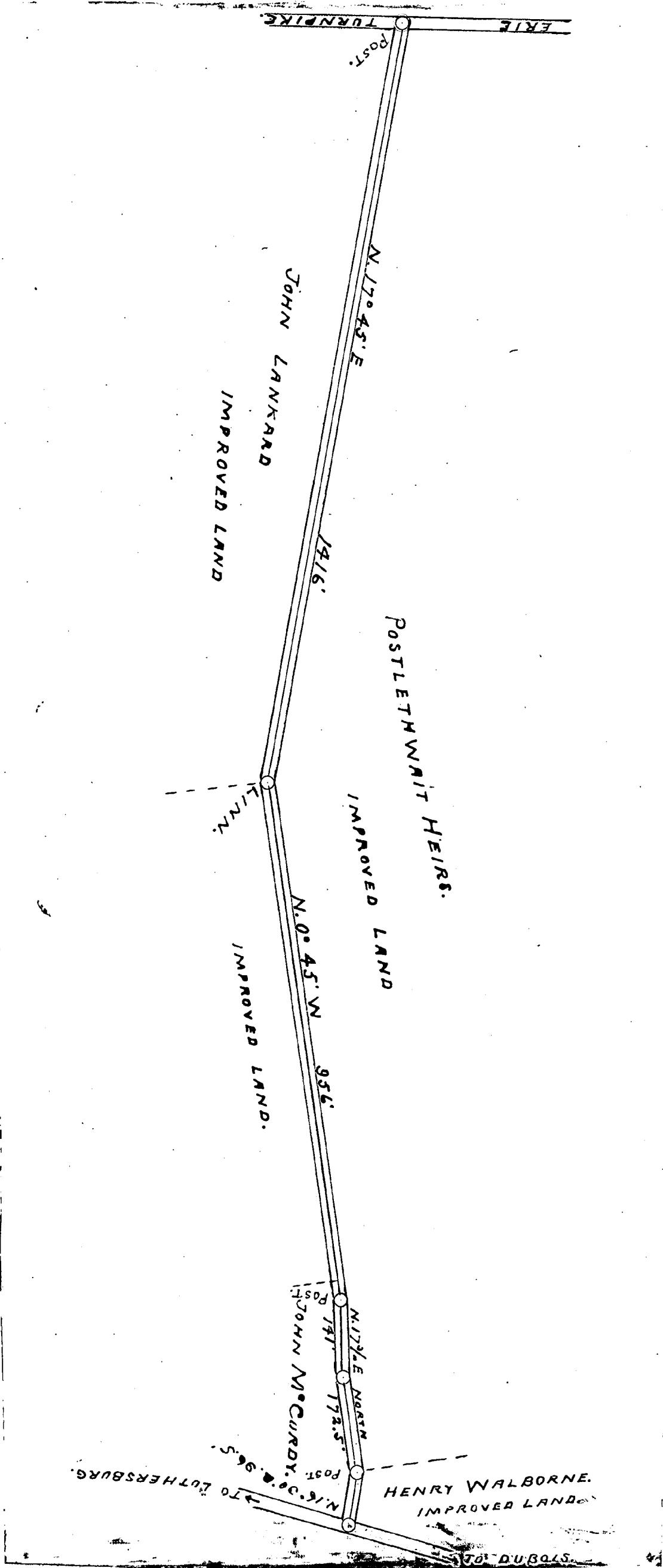
ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and 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 John McCurdy..... the sum of Twelve dollars
To Henry Walbotne..... the sum of Eight dollars
To..... the sum of

Witness our hands this..... 15th day of October A. D. 1902.

Geo C Kink.
L M Kriner



To the Honorable, the Judge within named: We the under signed, appointed by the annexed order do report; That in pursuance thereof, after having been severally sworn, all the viewers appointed by said order, viewed the ground proposed for the within mentioned, and we do agree that there is occasion for a road as desired by the petitioners, 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, in our opinion, do the least injury to private property, and as far as practicable agreeably to the desire of the petitioners, and do return for public use the following described road, to wit: Beginning at a point in the Erie Turnpike on the line between lands of John Lankard, and the Sam'l Postlethwait Heirs; thence N. $45^{\circ} 45' E.$, on the line between lands of said Lankard and Postlethwait Heirs, respectively, 1416 ft to a Linn tree. thence N. $0^{\circ} 45' W.$ on improved lands of said Postlethwait Heirs, 956 ft to a post, thence still on said lands N. $17^{\circ} 45' E.$, 141 ft to a post, thence still on same, North, 172.5 ft to a post on line between lands of said Postlethwait Heirs, and Henry Walborn:— thence partly on land of said Henry Walborn, and partly on land of John McCurdy, 96.8 ft. to a point in the public road leading from Sutherburg to DuBois. That there are no damages resulting to any one of the owners of the land over which said road passes, by reason of opening the same, except to John McCurdy and Henry Walborn, and therefore, having taken into consideration the advantages as well as the disadvantages to be derived to the said John McCurdy and Henry Walborn, respectively, from the road passing through their lands, we have assessed the damages sustained by them as herein after stated. That before the said view, public notice of the time and place of the meeting of said viewers was given by advertisement put up at three of the most public places in the vicinity, ten days before said meeting.— That notice was served on the supervisors of Sandy Twp., and on the owners of seated lands through which said road passes, and on the County Commissioners, and we annex a plot or draft of said road laid out, stating the courses and distances, and noticing briefly the improvements through which the same passes.

Witness our hands this 15th day of October A.D. 1902.

Geo. C. Kirk
L. M. Krieger
A. H. Dunlap }
R. C. }
G. C. }
R. C. }
G. C. }

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. 4 Det. Sessions, 1902

ORDER

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

11 "Chicago Confined to hospital by the County
Grand Jury, Thompson, Clerk

Filed NOV 11 1902
Grant H. Thompson,
Fees \$1.25 per day

Opening Order issued to Bentz 1.14.903
Georgetown