

No. 4, Dec. Sessions, 1902

COMMONWEALTH

versus

Public Road

in

Sandy Township

R.S. #4- Page 393

Charge

All. Temp. Rd. 17368

WILLIAM I. SWOOPE,  
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's lands on line with the Lankard farm on said Turnpike <sup>and to</sup> intersecting <sup>leading from Luthersburg</sup> with road to DuBois at ~~near~~ corner of Henry Walbon 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 &c  
 Jefferson Line Pa

July 22 - A.D. 1902

H. M. Wick

John Lankard  
 G. W. Linckard  
 J. M. Postlethwait  
 and Henry  
 Samuel Postlethwait  
 C. C. Postlethwait  
 John Heberling  
 L. C. Cooper  
 G. W. Pape  
 J. H. Fisher  
 R. H. Stokeson  
 W. V. Wilk  
 John Lykes  
 J. T. Henry



Solution for Purple  
Ore in Sandy Imp.

Dec 5 1904  
No 4

2.11.8  
17.8.8

6 M 15,  
10.11.10.

8. Sept. 1902 Peti-  
tion made and  
thereon the Clerk  
of the Court and  
at the same time  
are allowed  
measures to be  
taken to meet  
the needs of the  
people of the  
State of New York  
for the purpose  
of the Court  
SEP 8 1902  
J. W. C. PENTZ,  
Clerk of the Court,  
New York, N.Y.

*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

FILED  
OCT 4 1944  
Grant H. Thompson,  
Prothonotary.

*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 Posthethait 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

4 Dec 1908

FILED  
OCT 4 1908  
Grant H. Thompson  
Prothonotary



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 8<sup>th</sup>

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 DryBois to Luthersburg in Sandy Twp. Beginning at corner of John Neberking and Postlethwait heirs lands on line with the Lankard farm on said Turnpike and to intersect with road leading from Luthersburg to DryBois 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 C. Kirk, L. M. Krueger and 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 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 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 A. 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 ensembling 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.

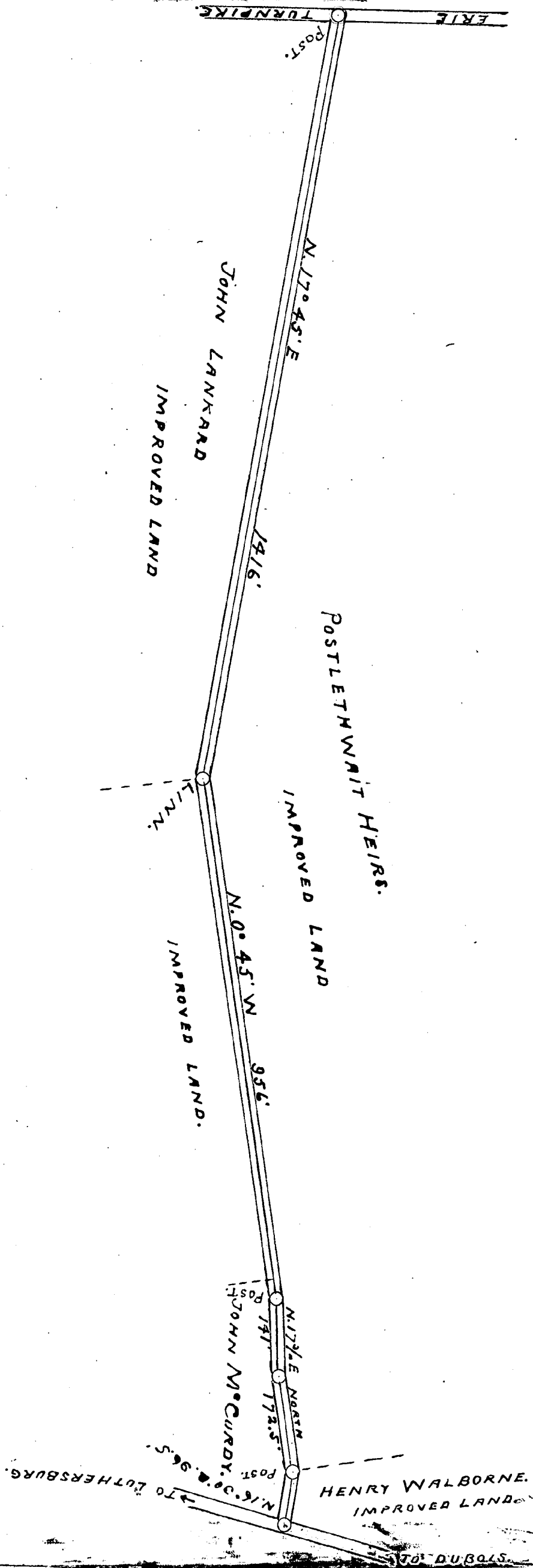
The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To John McCurdy the sum of Twelve dollars  
To Henry Walborne the sum of Eight dollars  
To ..... the sum of .....

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

Geo. C. Kirk.

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 Sankard, and the Sarah Postlethwait heirs; thence N.  $17^{\circ} 45' E.$  on the line between lands of said Sankard 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.  $17^{\circ} 45' E.$  171 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, 96.5 ft. to a point in the public road leading from Guthersburg 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 Walborne, and therefore, having taken into consideration the advantages as well as the disadvantages to be derived to the said John McCurdy and Henry Walborne, 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 advertisements 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. Kimer  
A. H. Dunlop

} Viewers.

No. 4 Dec. Sessions, 1902

ORDER

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

See Sessions, 1902 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  
Ezra Gordon

11<sup>th</sup> Decy. 1903 confirmed & allowed by the court  
Grant H. Thompson Clerk

FILED  
NOV 11 1902  
Filed  
Grant H. Thompson,  
Fees \$1.25 paid by

Opening Order issued to Party n. 14. 1903  
Party

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 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.

		AMOUNT.	
<u>Geo. B. Kirtle</u>	Days	2	
	Miles	3	8.30
<u>E. M. Kirtle</u>	Days	1	
	Miles	3	2.30
<u>A. H. Dunlap</u>	Days	1	
	Miles	1	2.10
<u>J. B. Kirtle Jr.</u> (Chain Carrier)	Days	1	
	Miles		1.50
	Days		
	Miles		\$14.20

John A. Eastard  
S. H. P.  
(S. H. P. line)