

No. 4, Dec. Term, 1884

Public Road

~~versus~~ in

Decatur Township

Contents:

Part 3: Jan 1885

Part Rt. 17049

To the Hon Judges of Quarter Session Court
of Clearfield County, Penna

The petition of citizens of Decatur township respectfully represents that your petitioners labor under inconvenience for want of a road from Ashland coal mines (near Mr. Walker's farm) to Jaytors siding in said township, portions of the old road having become inconvenient and hinder some by reason of the drainage caused by constructing of a railroad. They therefore pray the Court to appoint viewers to view the premises with power to vacate and supply, and make report thereof to the Court and they may ever pray etc.

Mr. A. Reams.
Jeff. Baughman

George B. Reams
Theodore Reams
John Reams

John A. Reams
William Yicks

W. F. Braumbach
H. H. Reams

Reams
Reams

George B. Reams

A. E. Gammann
Henry Reinschmidt
David Lantz

John Reams
John Reams
J. L. Baughman
A. Baughman
J. Baughman
J. Baughman

Union St.

Reams

Reams

Reams

Reams

Reams

Reams

Reams

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Reams

Reams

Reams

29th May 1855
Barnes Enlarged
Continued to West Kensington
By Mrs Court
DZK

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Gelton for road in

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from Ashford living
near the mill. Mother having
to say her side in giving
power to vacate and
buy property.

Filica 18 Dec. 1884

18 Dec 1884 Nelson read
and therefore, J. B. McCloskey
Sawyer, Burgess and 7th.

Miller one appointed
himself to read and report
upon the same to the next
term, By the Court

D. Z. Kueby

28 July 1883: Ravens enlarged to include
them. By H. T. Towns

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2285

CLEARFIELD COUNTY, SS:*

At a Court of Quarter Sessions of the Peace of the county of Clearfield, held at Clearfield, in and for said county, on the 18 day of Dec, A. D. 1888, before Judges of said Court, upon a petition of sundry inhabitants of the township of Decatur, in said county, setting forth that they labor under

great inconvenience for want of a road from Ashland Coal Mines (near M Walkers farm) to Taylors Siding in said Twp portions of the old road having become inconvenient and burdensome by reason of the changes caused by constructing a Rail Road they therefore pray the Court to

and therefore praying the Court to appoint proper ^{and vacate with power to supply} persons to view and lay out the same according to law, and make report to the Court whereupon the Court, upon due consideration had of the premises, do order and appoint S. F. McCloskey, S. L. Burge & F. G. Miller 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 ^{vacating} for such road, and in case they vacate and supply the same 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 the 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.

John H. Hove
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, lease 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. 188 .

IL. S. I.

IL. S. I.

IL. S. I.

IL. S. I.

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 D. Henry Myers the sum of Ten Dollars (\$10-
To _____ the sum of _____
To _____ the sum of _____

Witness our hands this _____ day of _____ A. D. 188 .

NOTE.—In case of a private road, the return must be signed by the owner, and the road must be shown on the map. 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. If the original viewers are not satisfied with the return, they may return a new one. N. B.—If the viewers believe the parties are not entitled to damages, entering into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

B. J. McElroy { Days 4 Amount
 Miles 3.0 Cost # 79

J. G. Miller { Days 3 Cost # 83
 Miles 2.4 \$ 40

David J. Bange { Days 3 Cost # 88
 Miles 2.4 \$ 40

Henry Myers { Days 2 Cost # 90
 Miles Carrying Cham \$ 3.00

Geo W. Thompson { Days 2 Cost # 3.00
 Miles Carrying Cham \$ 3.00

28 Sept 1885 - The sum
 charged are hereby approved
 By the Court

No. 4 Dec Session, 1884

ORDER

To view and lay out a Road
 For Public use in the township
 of Secatur, Clearfield county.

Edgists Road from
 front the Ti, and road
 crosses the ground 33 feet
 wide except where it is
 obstructed cutting or burning
 at work it front, 15 ft apart
 16 feet wide
 By the Court
 23 Dec 1884 confirmed absolutely
 By the Court
 Filed 5 Sept 1885
 From & reported by J. W. Rogers

W. J. S.

To the Honorable Judges of the Court of
Clearfield County.

We, the undersigned, Viewers,
Appointed by the within Order of Court, to
View, Vacate, and Supply, the Road, there-
in mentioned, Respectfully report:

That having given notice of the time, and
place of meeting, according to the Act of As-
sembly, and all the persons having improved lands on the
line of the Road, and there being present and having solemnly
sworn, and being all present at the view of
the ground proposed for the said Road, and
being all Sworn, or affirmed, in pursuance of
the said Order, We have viewed, vacated, and
supplied, and do return the following Road, viz.
Beginning at a Point in the Township Road at the
Ashland Coal Mines, on land belonging to S. S.
Rephardt and Brother, near the Michael Walker
farm. Thence through land of the said S. S. Rephardt
and Brother, South Twenty one and a quarter degrees
East. Forty Six, and Three tenths perches. Thence Crossing
the Township Road leading to Houtzdale, South Twenty
nine degrees East. Twenty Six perches to a Post. Thence
through the same, and land of Michael Walker's Estate.
South One degree East. Twenty Eight perches to a Post.
Thence South Thirty four and a half degrees East, Ten,
and four tenths perches. Thence South Sixty and Three
quarter degrees East, Thirty perches to a Post in land
of — Ellis. Thence through his land, South Sixty Six
and a half degrees East. Twenty Eight perches.
South forty nine and a half degrees East. Twenty

And four tenths perches. South forty two degrees East; twenty two perches. Thence South thirty eight degrees East. Twenty four perches. South fifty two degrees East. Twenty six and five tenths perches. South Sixty one degrees East. twelve perches to a Post. Thence South forty five, and a half degrees East; Six and eight tenths perches to a white Oak. South forty, eight, and a half degrees East. Six perches, to a Post. South fifty eight, degrees East. Eight perches. Thence through land of Ellis, and land belonging to the Decatur Coal Co. South fifty six and a half degrees East. Ten perches to a Post. South fifty four, degrees East five and five tenths perches to a Post. Thence South forty three degrees East. Ten perches to a Post. Thence South Sixty Three degrees East. Eight perches to a Post. South fifty nine and a half degrees East. Fourteen and five tenths perches to a white Pine, Stump. Thence South fifty nine and a quarter degrees East. Ten perches to a Hemlock. South fifty four degrees East. Seven and seven tenths perches to a Post. Thence South Sixty and a quarter degrees East. nine and six tenths perches to a Post. South Sixty four and a half degrees East. Twelve and eight tenths perches to a Post. South fifty three and a half degrees East. Ten perches to a Post. Thence South Sixty eight, and a half degrees East. Sixty two and three tenths perches, to the end of the old Decatur Rail Road. Thence along its abandoned Bed; South Sixty Seven and a half degrees East. Thirty six perches. South forty four, degrees East; Twenty four perches, South fifty four

degrees East. (Through land of Secatur Coal Co. and land of Andrew Gardner and land of John R. Martin.) Seventy Six perches. Thence South forty four and a half degrees East. Twenty Six and Seven tenths perches to a dead Black Oak Sapling. Thence South Seventy eight and a half degrees East. Fourteen and four tenths perches to the end of the Coal Run Bridge. Thence crossing the Coal Run North eighty four and three quarter degrees East. Twenty One and six tenths perches, to a Post; Thence through land of John R. Martin, and land of Henry Myers, South eighteen degrees East; Ten, and One tenth perches to a Post. South Twenty three and a quarter degrees East. Forty One and six tenths perches. to a Post; South Seven-teen and a half degrees East; Sixteen and two tenths perches. South sixteen degrees West; five perches to a Post. South eleven degrees East; Crossing the line of Myers and Andrew Gardner. Twenty perches to a Post. Thence South Twenty three and a quarter degrees East; Seven and six tenths perches, to a Post; South twenty nine and a half degrees East; Sixteen perches, South fifty three, and a half degrees East; Twenty Six perches. South Twenty East Four perches. South thirty five degrees West. Six perches to a Post; South Forty three degrees West; eight perches to a Post; South Eleven degrees West. Seven and six tenths perches, to a Post; South Twelve and a half degrees East; Crossing the line of Gardner into land of the Kittanning Coal Co. Twenty perches, South twenty three degrees East; Forty four perches. South thirty-

nine degrees East, eight perches. South forty five degrees East. Counteen perches. South Sixty two and a half degrees East. Thirteen perches. South Seventy two and a half degrees East. Counteen and two tenths perches. Thence North eighty Seven and a half degrees East, Eighteen perches. North Seventy three East. Ten perches. Thence North fifty two degrees East. Nine and five tenths perches. to the Mountzdale Twp. Road at Taylors' Siding-

Which Said Road, as above described, we are of Opinion is necessary for public use. A Plot or Draft whereof, is herewith attached.

and further we are of Opinion that no one is entitled to receive any damage, (through whose land said Road passes) except Henry Myers, to whom we have assessed a liberal amount.

The parts as Shown on the Map, by the dotted red lines, are parts of the old Road as changed by us, and hereby declared vacated they being on hilly, and bad ground.

Witness our Hands. the 29th day of August 1885

S. J. McCloskey	}	Viewers
A. G. Miller		
J. J. Burge		

We found the road herein described to be Claimed by two Contending parties, Each party having a separate Route for the Road, and each party wanting the Road laid upon their Route. We viewed Both Routes and came to the conclusion that one Road could not be located so as to conveniently suit Both parties, and hence we adopted the within described route for the following reasons.

First- Because the Road is already made, and in use. is a direct route between the two points, is on good ground, and a moderate grade (except the parts vacated and supplied by us, which we have brought down to an easy grade) is not obstructed in any way except crossing the Rail Road once. and does no material damage to any one. And is now a good Township Road.

Second. Because to adopt the other route would be, to put the Township to the expense of building a new Road, nearly all the way. And by so doing would necessarily have to cross the Rail Road three times. and get no better route. nor no better grade, but a good deal of wet ground.

Witness our hand this 29th day of Aug 1885

S. J. McClosky
H. A. Miller } Viewers
J. J. Barge }



