

*Twaad.*  
No. *17 Dec* SESSIONS, 19*14*

COMMONWEALTH

VERSUS

*In Re Public*  
*Road in*  
*Deer River Twp*

Charge.

*X*  
WALTER WELCH

DISTRICT ATTORNEY.

In the Court of Quarter Sessions of Clearfield County, Pa.  
To the Honorable Singleton Bell, Judge of the Court of Quarter Sessions of Clearfield Co., Penn'a:-

The petition of the undersigned inhabitants of the township of Decatur, in the said county, respectfully represents: That your petitioner labor under a great inconvenience for the want of a public road or highway to begin at a point on a public road leading from the Blue Ball to Houtzdale where the line between the farms of Daniel Goss and Jacob Mc.Clarren crosses said road and to end at a point on said public road leading from the Blue Ball to Houtzdale, at a point known as " Sand Turn" in said road. Both points of beginning and ending are in Decatur township.

Your petitioners therefore pray the Court to appoint proper persons to view and lay out the same.

And they will ever pray, etc.

84 Signers

Earl Smeal  
Hugh Kephart  
George Davis  
Chas B. Kephart  
Joel Haines  
Albert Hainer  
E. C. Hoover  
Percy Klinger  
James Goss  
Wilbur Hoover  
H. F. Kline  
Collis & Smeal  
Ben Jarrett  
J. A. Mills  
Byron S. Mason  
Lewis P. Powell  
Jacob Yarger  
Jacob Haines  
Myer Hainer  
John A. Kephart  
Thos Smeal

G. W. Crain  
Walter F. Stone  
Emory Britton  
James York  
L. A. Picerna  
H. J. Albright  
P. M. Albright  
Jacob Stone  
Joseph Davis  
Reuben Stone  
B. Winter  
John Mayhew  
H. L. Baughman  
John Pinto  
Doyd Stone  
Herbert Wilkinson  
Abner Winter  
J. J. Faugher  
Adam Custerd  
Henry Kephart

Harvey Rock. Char Warrick  
W. D. Little H. O. Harry  
L. S. & mal Arthur Dizer  
G. C. Stone Joseph Pinto

C. W. Mills. Ben Meas  
Charles Kephart

Fairy Kephart. Thomas Kephart  
Wm A Hallman

Kenneth Kephart W. P. Kunselmon

Mike Mandel W. M. Krause

Erster Kephart L. E. Kephart

G. W. Kephart. Charles W. Fitzer

Austin Davis Casper Kephart

Wilber Davis K. O. Kephart

Cesar Kephart

Raymond Fitzer

Isaiah A. J. Kephart Raymond Elbing

McPhillip

Russell Kephart

John L. Brain

George G. Wilks

O. L. Kephart

C. B. Kephart

J. H. Dinger

Joseph Kephart

W. Kephart

S. H. Kephart

D. A. Meas

J. J. Luevano

D. G. Millard

In Court of Quarter Sessions  
Mo. ~~4 DECEMBER 1883~~ 1914

Petition for appointment  
of members of  
Board of Health in  
Burgess  
Township

May 22 Sep 1914  
The within petition pre-  
sented and A. G. Hansen  
Harry Reese and  
E. D. Biehl  
are appointed members  
of the Board of Health and  
referred to Board  
of Health and myself Board  
of Quarter Sessions.

Sept. 1914

Submitted for the  
Petitioners

To; W. C. Langsford, J. S. Richards and H. L. Bowman. County Commissioners, of Clearfield County Pa.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, upon the petition of sundry citizens of Decatur Township in said County, to view and lay out a public road in Decatur Township County and State aforesaid; from a point, in a public road, leading from Blue Ball to Houtzdale, where the line between the farms of Daniel Goss and Jacob McClarran crosses said road, to a point in said public road leading from Blue Ball to Houtzdale known as the sand turn.

And that the said viewers will meet to make said view and discharge the duties of their appointment, at the end of said road to be laid out in the said public road leading from Blue Ball to Houtzdale, where the dividing line between the farms of the said Daniel Goss and Jacob McClarran crosses the said public road, on Thursday the 8th day of October A D 1914 at 10 oclock A,M, when and where you may attend if you see proper.

A G Kramer  
H H Rees  
E W Billotte  
Viewers.

Now Sept 26 1914 service of the above notice accepted  
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PA.

L. C. Morris  
Clerk.

To; John. Douglass, David. Mease. and Walter Kurford,  
Supervisors of Decatur Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, upon the petition of sundry citizens of Decatur Township Clearfield County Pa, to view and lay out a public road in Decatur Township in Clearfield County Pa from a point, in a public road, leading from Blue Ball to Houtzdale, where the line between the farms of Daniel Goss and Jacob McClarran crosses said road, to a point in said public road leading from Blue Ball to Houtzdale known as the sand turn.

And that the said viewers will meet to make said view and discharge the duties of their appointment, at the end of said road to be laid out in the said public road leading from Blue Ball to Houtzdale, where the dividing line between the farms of the said Daniel Goss and Jacob McClarran crosses the said public road, on Thursday the 8th day of October A D 1914 at 10 oclock A. M. when and where you may attend if you see proper.

A. G. Kramer  
H. A. Reese  
E. D. Billotte  
Viewers.

Now Sept 28 1914 served this notice on John Douglass, David Mease and Walter Kerford the Supervisors of Decatur Township personally by handing each of them a copy of same.

Chas. B. Neffert

# ORDER

To view *X Lay out* a  
road for public use in the  
township of Decatur  
Clearfield County

See Session, 1914,  
(Dec 9, 1914) Si.  
Road to be opened 33 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 16 feet wide.

By the Court

*Englund*  
Now 3 Feb 1915. Confirmed  
absolutely. By the Court  
*Englund*

Filed 19

Fees \$1.25 paid by

*Michael*

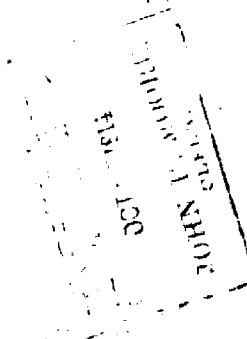
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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 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.

	DAYS	MILES	AM'T.
<i>A. G. Wrenner</i>	2	38	11.72
<i>A. J. Poppel</i>	1	38	6.90
<i>E. K. Billelto</i>	3	76	18.80



## 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

at and before the en sealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-mise, 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. 191\_\_\_\_\_.





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 practicable 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

the following persons having refused to release the damages to which they respectfully may be entitled by the 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:

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

WITNESS our hands and seals this 27th day of October

A. D. 1914..

A. G. Kramer  
H. A. Reese  
E. D. Billotte



## 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 23 day of  
September in the year of our Lord  
one thousand nine hundred fouteen.

Judge of the same Court: Upon the petition of  
sundry inhabitants of the Township of \_\_\_\_\_

Decatur

in said County, setting forth that your

~~petitioner labor under a great inconvenience for the want of a~~  
~~public road or highway to begin at a point on a public road leading~~  
~~from the Blue Ball to Houtzdale where the line between the farms~~  
~~of Daniel Goss and Jacob McClarren crosses said road and to end~~  
~~at a point on said public road leading from the Blue Ball to~~  
~~Houtzdale, at a point known as "Sand turn" in said road.~~  
~~Both points of beginning and ending are in Decatur Township~~

and therefore, 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 \_\_\_\_\_

A.G. Kramer, Harry Reese, and E.D. Billotte

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 impari-  
ality and according to the best of their judgment, 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 dis-  
tance, 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.

John H. Moore, 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, beg 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 Decatur and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 8th day of October

A. D 1914

That the said viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view John Douglass, Walter Kerfoot and D. A. Mease the Supervisors of the township, and Danl Goss, Chas B Kephart, Earl Smeal, C W Kyzer, C Smeal Hugh Kephart Austin Davis, H J Kline, G W Davis & Albert Haines in favor of the road and H Clinger, J McClarren, W D Liddle G W Warren Chas F Warren & Jacob Baughman, opposed to the road and all

parties in interest. That the hearing was held in the Arbitration Room of the Court House at Clearfield, Pa, on the 8th day of October 1914 when the following

and After the view above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a public road: and that the ground for such road we have laid out in such manner as shall do the least harm to private property and as far as practicable agreeably to the desire of the petitioner and therefore report against the laying out of said road.