

Road DOCKET No. 5

Number	Term	Year
5	Sept	1921

Petition for Private Road in

Decatur Twp.

Versus

X




Know all Men by these Presents,

THAT we, Eli Wertz , Principal, of Osceola Mills, Pennsylvania,
and M/ C. Williams ^{are held and firmly bound} its certain attorneys or
unto the Commonwealth of Pennsylvania ~~to xxxxxxxx heirs, executors, ad-~~
~~ministrators~~ assigns, in the sum of One Hundred (\$100.00)

Dollars, lawful money, for the payment of which
sum, well and truly to be made, we do bind ourselves, our and each of our heirs, ex-
ecutors and administrators, jointly and severally, firmly by these presents; and we
do hereby confess judgment for the above sum, without stay of execution or appeal,
waiving the right of exemption and appraisement, and the right of inquisition on
real estate, with five per cent. added as Attorney's commission for collection. Sealed
with our seals and dated this 24th day of May
A. D., One Thousand Nine Hundred and twenty-one.

THE CONDITION OF THIS OBLIGATION IS SUCH, if the
said Eli Wertz shall proceed with a certain petition for a private
road filed in the Court of Quarter Sessions of Clearfield County and
shall save and keep harmless any person interested in the said private
road and see that all costs connected therewith are duly paid, as
well as any and all damages that may be assessed by the appraisers
appointed by the Court, then this obligation to be null and void,
~~otherwise to be and remain in full force and effect.~~

In presence of C. C. Palmer

Eli Wertz 
M. C. Williams 


#5-Sept 88 1921

BOND

Eli Vertz and

H. C. Williams

TO

Commonwealth of Pennsylvania

May 25, 1921,
Bond approved
By the Court
Seigelin Bell

FILED

MAY 25 1921

GEO. W. RALSTON
CLERK

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

In re: Petition for)
Private Road in)
Decatur Township.)

To the Honorable Singleton Bell, President Judge of said Court:

The petition of Eli Wertz, respectfully represents:

That he is the owner of seven and one-half acres of farm land and that he labors under inconvenience for want of a private road to lead from said lands to a point on the public road leading from the Fishtown road to the Stumptown road and running through or along the land of Elmer Custer and Robert Showers, a distance of about three hundred forty-four (344) feet, in the Township of Decatur, County of Clearfield and State of Pennsylvania.

He therefore prays the Court to appoint proper persons to view and law out the same according to law. And he will ever pray, etc.

Eli Wertz

Clearfield County, SS:

Eli Wertz being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true, according to the best of his knowledge, information and belief.

Eli Wertz

Sworn and subscribed to before me
this 24th day of May, A. D. 1921.

Clarence C. Palmer

APPOINTMENT OF VIEWERS.

And now, May 25th, 1921, the within petition read and considered, whereupon the Court, after due consideration, do order and appoint A. L. Edwards Esq. Harry Reese
J. W. Spranger from and among the County Board of Viewers, who are to view the ground proposed for the said private road; and if a majority of the said Viewers agree that there is occasion for such private road, they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect for the best ground for a road and the shortest distance, and in such manner as to do the least injury to private property; and shall make report thereof to the next Court of Quarter Sessions to be held for the said County, stating particularly whether they judge the same necessary for a private road, together with a plot or draft of said private road, and the courses and and distances and references to the improvements through which the same may pass, and further, stating that they gave due and legal notice of the time and place of meeting and hearings held under this order and also the amount of damages, if any, awarded to the parties through whose land said private road is laid.

By the Court
Frederick Bell
P.J.

#5 Sept 28 1921

In re: Petition for
Private Road in
Decatur Township.

Petition for Private Road.

and now, Jan. 25th, 1921, the
within petition read and con-
sidered, whereupon

are appointed
Viewers to view and report
to the Court of Quarter Ses-
sions as provided by the
rules of Court and Act of As-
sembly in such case made and
provided.

FILED

D.C.

MAY 2nd 1921

GEO. W. RALSTON, Jr.

CLERK
BALTIMORE OFFICE SUPPLY CO. BALTIMORE, MD.

\$2.75 Paid by atty

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 none

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 none

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: Elmer Custard \$10⁰⁰/₁₀₀

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

WITNESS our hands and seals this 19th day of August
A. D. 1921.

A. L. Edwards

H. A. Reese



No. 5 sept Sessions, 1921

ORDER

To view a
road for private use in the
township of Decatur
Clearfield County

Dec. Session, 1921,
read and confirmed N. S.
Road to be opened 12 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

By the Court
M. G. Lewis & J. L. Welch
Feb 25 1922 Confirmed
M. G. Lewis & J. L. Welch

Filed 19

Fees \$1.25 paid by

Walter Welch, atty

Note in case of a private road the release must be executed in favor of the possessor 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 the damages assessed by the original viewers, except so far as the location may be changed by the viewers.

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.
Harry Rice	3	8	26.40
J. L. Edwards	3	46	24.80

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

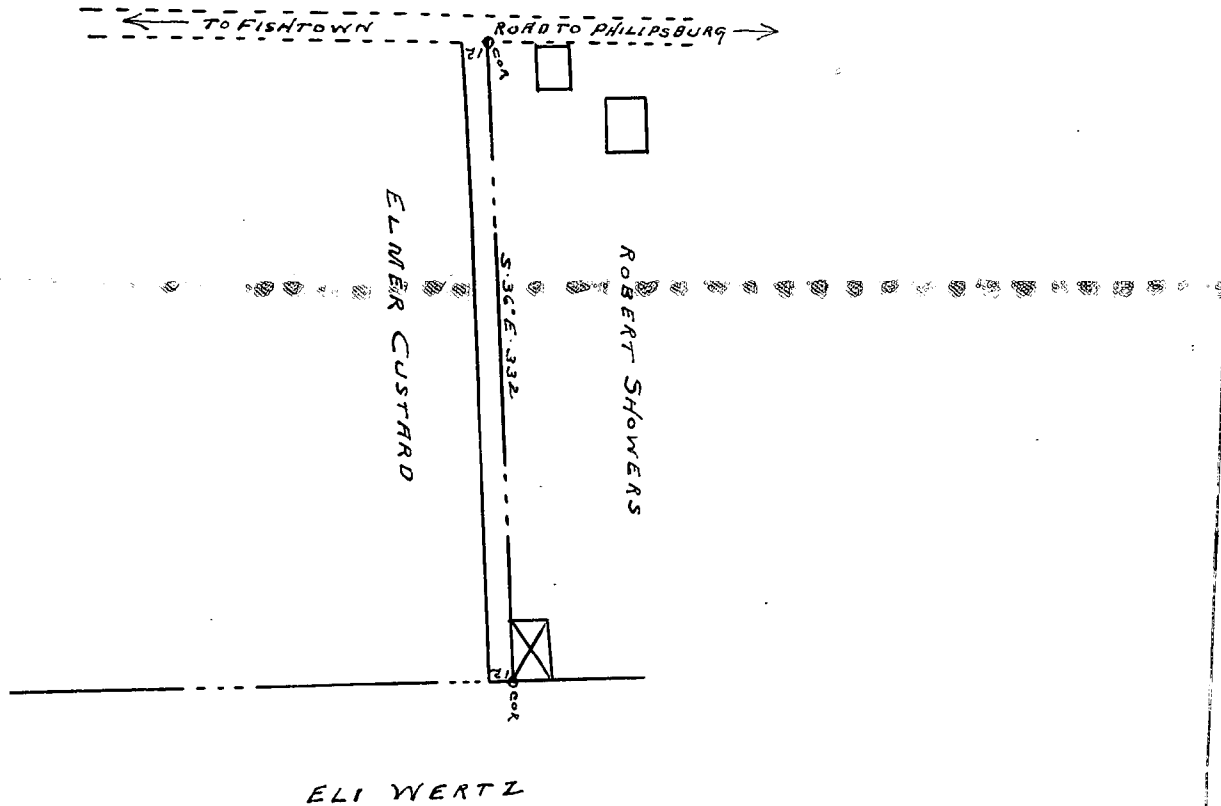
..... at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-mise, release and forever quit-claim to the said

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



PRIVATE ROAD IN DECATUR TWP.
CLEARFIELD COUNTY PA.
VIEWED AND LAID OUT
AUG. 18-1921 BY
A. L. EDWARDS ESQ.
H. A. REESE.



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 Deatur + Custer and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 18th day of August, A. D. 1921, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 19th day of August, 1921, at 11 o'clock A. M. That two viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Eli Wirtz,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 19th day of August, A. D. 1921, when the following appearances were noted: Eli Wirtz, Elmer Custer, Walter Welch Esq. for petitioner + A. H. Woodward Esq. for Custer

After the view and hearing 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 Private 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 do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for Private use the following described road, to-wit: Beginning at a point on the Public Road leading the Freshman Road to the Strimptown Road at or near the barn of Elmer Custer thence S. 36° E. 332 feet to lands of Eli Wirtz

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 25th day of
May in the year of our Lord
one thousand nine hundred twenty-one

Judge of the same Court: Upon the petition of
ELI WERTZ
~~xxxxxx~~ inhabitants of the Township of
Decatur

in said County, setting forth that he is the owner
of seven and one-half acres of farm land and that he labors under
inconvenience for want of a private road to lead from said lands to
a point on the public road leading from the Fishtown road to the
Stumptown road and running through or along the land of Elmer Custer
and Robert Showers, a distance of about three hundred forty-four
(344) feet, in the township of Decatur, County of Clearfield and
State of Pennsylvania.

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. L. Edwards, Esq.,
Harry Reese and J. W. Spangle

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 impartial-
ity 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.

Geo W Ralston, Clerk.