

DOCKET No.

Number Term Year

2 Dec. ss 1927

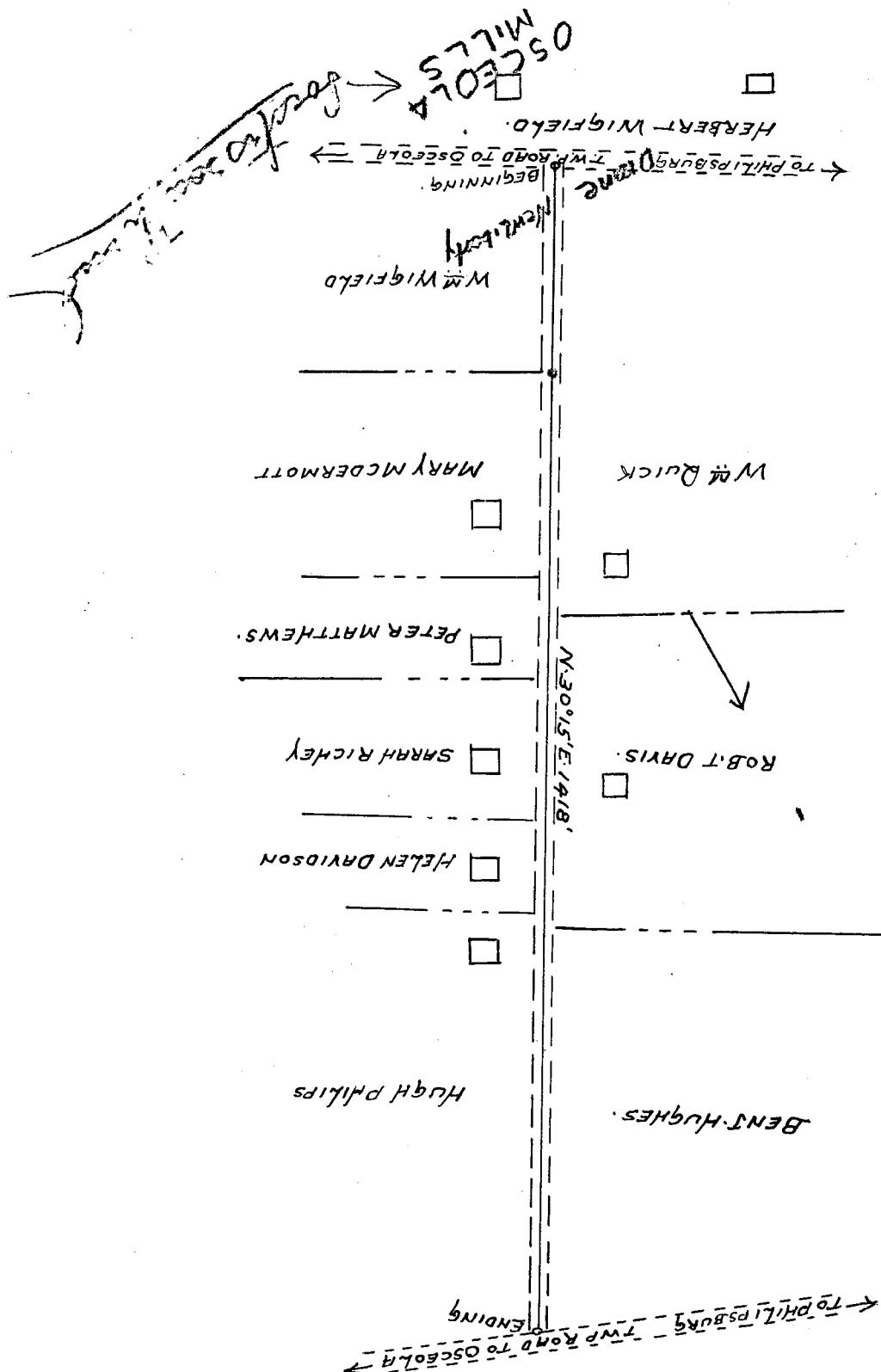
Petition to supply a road in

Decatur Twp.

Versus

R. & #6 - Page 169

PL 17666



PUBLIC ROAD IN DEPARTMENT TOWNSHIP
VIEWEDE AND ARIAD OUT NOV. 17-1927
BY JOHN SCOLLYNS Esq.
H.A. REESE
G.S. MICHAELS
TO HIGH HUGHES
TO BENT HUGHES
TO PETER MATTHEWS
TO ROBERT DAVIS
TO SARAH RICHARDSON
TO HELEN DAVIS
TO HIGH HUGHES
TO BENT HUGHES
TO G.S. MICHAELS
TO H.A. REESE
TO JOHN SCOLLYNS Esq.
TO VIEWEDE AND ARIAD OUT NOV. 17-1927
TO C. E. O. L. S.

To:- Joseph A. Ashcroft, Joseph Pinto and Herbert Wigfield, Supervisors of Decatur Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 2, December Sessions, 1927, to view and supply a road for public use, beginning at the Township Road at the corner of the Wigfield farm and thence to the Philips corner, being approximately yards in length, in Decatur Township, in the County aforesaid, will meet at the Wigfield farm in said Township on Thursday, the 17th day of November, A. D. 1927, at two (2:00) o'clock P. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested in the said road an opportunity to be heard, will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 18th day of November, A. D. 1927, at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scallion
Harry Reese
J. S. Michell
Viewers

Dated, October 31st, 1927.

CLEARFIELD COUNTY, SS:-

Now, this 21st day of November, A. D. 1927, service of the above Notice is accepted for the Supervisors of Decatur Township, Clearfield County, Pennsylvania.

Herbert Wigfield
Joseph Pinto
Joe A. Ashcroft

To the County Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to Do. S., December Sessions, 1927, to view and supply a road for public use, beginning at the Township Road at the corner of the Bigfield farm and thence to the Phillips corner, being approximately yards in length, in Decatur Township, in the County aforesaid, will meet at the Bigfield farm in said Township on Thursday, the 17th day of November, A. D. 1927, at two (2:00) o'clock P. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested in the said road an opportunity to be heard, will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 18th day of November, A. D. 1927, at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scallion
Harry Reese
J. D. Michaels
Viewers

Dated, October 31st, 1927.

CLEARFIELD COUNTY, SS:

Now, this 2nd day of November, A. D. 1927, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk

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 19th day of September in the year of our Lord one thousand nine hundred twenty seven

Judge of the same Court: Upon the petition of sundry in- and Supervisors habitants of the Township of Decatur

in said County, setting forth that there is much need of a public road in the Twp. of Decatur, along which lives at least seven farm residents who are now isolated and under present conditions are unable to go or come with any degree of convenience and it is the consensus of opinion of all of all concerned that a short piece of road can and should be constructed, beginning at the township road at the corner of the Wigfield farm and thence to the Philips corner; being approximately yards in length.

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 John Scollins, Esq. Harry Reese and Jack Michaels

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 impartiality and according to the best of their judgement, 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 distance, 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.

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, be 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 17th day of November A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 18th day of November, 1927, at ten o'clock A. M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view: Robert Davidson; James Brown; Wm. Quick; Hannah Davidson; Mary McDermott; Hugh Phillips; John Quick; Herbert Wigfield; Joseph Ashcroft and Jos. Pinto, Supervisors,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 18th day of November A. D. 1927, when the following appearances were noted: E. L. Platt, Esq., of Arnold & Platt, Attorneys for petitioners. A. B. Shaw, Esq., Attorney for Board of Supervisors of Decatur Township. Hugh Phillips, Robert Davidson, Mrs. Medemic, A. L. Edwards, Esq., Joseph A. Ashcroft, Joseph Pinto, Herbert Wigfield: all sworn, examined and cross-examined by counsel and your Board.

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 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 do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for public use the following described road, to wit Beginning at a post on Township Road leading from Philipsburg to Osceola; thence North 30 degrees 15 minutes East along line of lands of Wm. Wigfield, Wm. Quick, Mary Medemic, Peter Matthews, Sarah Richey, Robert Davis, Helen Davidson, Benj. Hughes and Hugh Phillips, 1418 feet to post and ending on Township Road leading from Osceola to Philipsburg, or Logan Road.

We find that the land over which the proposed road passes was originally a part of the Richard Hughes Estate; that portions of said tract were sold off in lots or parcels and a private lane was provided for the use and convenience of the purchasers, which the Supervisors refuse to keep in repair; that seven families reside along the route thereof and the use of said lane by the public has damaged it to the extent that it has become impassable and dangerous for vehicular and foot-travel and burdensome of up-keep to the individuals; that the proposed road would be convenient of access to the Improved State Highway; for the children of school age in attending school, and for the convenience of merchants, doctors, undertakers and public in general.

The Supervisors admitted the public necessity for said road, but objected to the cost of building it, estimated at from \$350 to \$400, upon the ground of insufficient finances and the fact that other roads are just as necessary, which objection your Board deems untenable and therefore unanimously recommends the granting the road as prayed for by petitioners and herein described. —

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 practical 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 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: No damages assessed.

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

WITNESS our hands and seals this 29th day of November

A.D. 1927

John Scossino

Kid. Reese
1891

J. S. Michael

Seal

Seite

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No. 2 Dec. Sessions, 19 27

ORDER

To view and supply a road a
road for public use in the
township of Decatur,
Clearfield County _____,

there Sessions, 1927,

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 the damages
assessed by the original viewers, except so far as
the location may be changed by the reviewers.

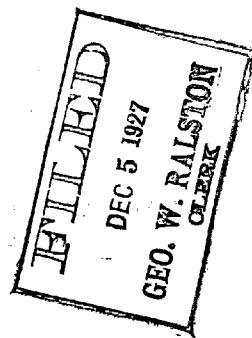
N. B.—If the viewers believe the parties are not
entitled to damages, taking into consideration the
advantages as well as the disadvantages of the
road, they will report to that effect.

	Days	Miles	AMT.
J. S. Michaels	1	70	\$11.00
H. A. Reese	3	88	\$26.90
John Scollins	3	48	\$24.90

By the court
A. P. Chase
P. J.
November 8 1926
Convinced absolutely
By the court
H. P. Chase
P. J.

Filed 19
Fees \$1.25 paid by _____

Arnold & Platt, Attys.



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 remise, release and
forever quit-claim to the said _____

all damages that may arise to us respectfully 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. 1922 _____.

Seal

Seal

Seal

Seal

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

In Re: Application to supply
a road in Decatur Township

To the Honorable A. R. Chase, President Judge of said Court;

The petition of the citizens and Supervisors of the
Township of Decatur, respectfully represents;

That there is much need of a public road in the Township of Decatur, along which lives at least seven farm residents who are now isolated and under present conditions are unable to go or come with any degree of convenience and it is the consensus of opinion of all concerned that a short piece of road can and should be constructed.

Wherefore the undersigned, in behalf of the citizens and taxpayers of Decatur Township, Clearfield County, Pennsylvania, and being joined with by the Supervisors of said Township, petition for the supplying of a public road in said Township, beginning at the township road at the corner of the Wigfield farm and thence to the Philips corner; being approximately yards in length.

And they will ever pray,

Hugh Philips
John & Zack
Mrs Mary Phillips
Sarah Mathews
Robt Davidson
Mrs Ellen Davidson
Mrs Sarah Patchen
Peter Mathews

Richard Lyons
Paul M. Donaldson
John Mathews
J. P. O'Brien
John M. Safety
John M. Lamberson
Robt Jackson M. J.
Albert H. Myers *Rural
Carrier*

W. W. Wigfield, Jr.
Joseph Pinto

SUPERVISORS DECATUR TOWNSHIP

John Carson Farmer
James Wigfield Miner
Eliza Wigfield Housewife
Alice Wigfield Housewife
Sarah A. Davis Housewife
Ellenworth Davis Miner
Frank Cadman Farmer
Elmer Sankey Miner

ORDER

Now this 18th day of September the within petition having been read and considered, John Hollis
Eugy Harry Reese, Ed Jack Michaels are appointed viewers to view the road sought to be supplied in the above petition and to make their report and recommendation as required by law.

By the Court,



P. J.

IN THE COURT OF QUARTER SENSIONS OF CLEARFIELD COUNTY
No. 2 ~~Sept~~ Sessions 1927

In Re:

Application to supply a
road in Decatur Township

PETITION & ORDER

ENTERED

SEP 19 1927

GEO. W. RALSTON
CLERK

ARNOLD & PLATT
ATTORNEYS AT LAW
CLEARFIELD, PA.