

ROAD  
**DOCKET No. 7**

Number	Term	Year
2	Dec. SS	1941

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DECATUR TOWNSHIP--Petition to

Lay Out a Road for public use

**Versus**

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

Re: Lay Out of Public Road :  
in Decatur Township, Clearfield : No. December  
County, Pennsylvania. : Sessions, 1941.

PETITION

To the Honorable W. Wallace Smith, President Judge of said Court.

The petition of the undersigned inhabitants of the Township of Decatur, Clearfield County, Pennsylvania, respectfully represents:

That your petitioners labor under great inconvenience for want of a public road or highway in the said Township of Decatur, to begin at a point on State Legislative Route 17049 immediately South of the Ohio Settlement Schoolhouse and extending in an Easterly direction approximately .35 miles to a point; thence in a Southerly direction approximately .5 miles to a point; thence in a Westerly direction approximately .35 miles to a point on State Legislative Route 17049, following generally the course of the existing private road.

That your petitioners, because of the lack of this road are isolated from the various highways and this effects at least nine residential properties.

WHEREFORE your petitioners pray the Court to appoint proper persons to view and lay out the same according to law.

And they will ever pray.

Walter A Gross

Mrs Walter Gross.  
Dan Smeal

Mrs Dan Smeal

Mrs Lloyd Russell.

Mr John C Dixon  
Mrs John Dixon  
Hugh Rephart

Sona Rephart  
Lizzie Rephart

Molley Hampton

Mona Hampton

O L Williams  
Mrs O L Williams,

Lloyd Russell

Mrs. Walter Woods.

Mr. Walter Woods.

Wm Wolfe

Mrs. Wm Wolfe.

Mr Wesley C Smeal

Mrs Wesley C Smeal

Marvin J. Foster

ORDER OF COURT

AND NOW, this 23<sup>rd</sup> day of October A. D. 1941,  
the within petition having been read and considered,  
John Sculley, Esq., Thomas C. McHenry, and  
E. D. Billings are appointed viewers to view and lay  
out the road herein described and report their recommendations as  
required by law.

By the Court,

R. Draker Judge

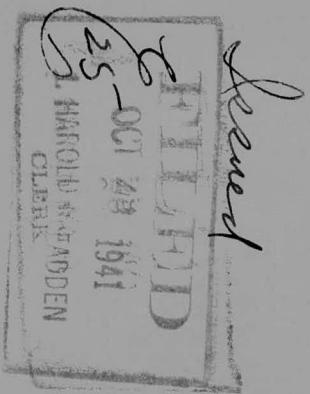
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IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD COUNTY  
PENNA.

No. 2 Dec. Sessions  
1941.

Re: Lay Out of Public  
Road in Decatur Township,  
Clearfield County, Penna.

PETITION



LAW OFFICES  
EDWARD T. KELLEY  
WILLIAM T. DAVIS  
CLEARFIELD, PA.

The Tuttle Law Print, Publishers, Rutland, Vt.

2.50  
1.50

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 23rd day of October

in the year of our Lord one thousand nine hundred Forty-one.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Decatur

in said County, setting forth that they labor under great inconvenience for want of a public road or highway in Decatur Township, to begin at a point on State Legislative Route 17049 immediately South of the Ohio Settlement Schoolhouse and extending in an Easterly direction approximately .35 miles to a point; thence in a Southerly direction approximately .5 miles to a point; thence in a Westerly direction approximately .35 miles to a point on State Legislative Route 17049, following generall the course of the existing private road.

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.,

Thomas C. McGarvey 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 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.

J. Harold McGadden, 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 19th day of November, Grand Jury A. D. 1941, and the hearing to be held in the ~~Exhibition~~ Room, at the Court House, in Clearfield, Pa., on the 22d day of November, 1941, at 10 o'clock A.M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Walter Goss, Chas. B. Kephart, Hugh Kephart, Albert Krause, Collis Hummell, Otto Williams, Lester Phillips, Lloyd Russell, John Dixon and Willis Hummell, F. S. Beish,

Grand Jury

parties in interest. That the hearing was held in the ~~Accommodation~~ Room, in the Court House, at Clearfield, Pa., on the 22nd day of November A. D. 1921, when the following appearances were noted: Edward T. Kelley, Esq., for the petitioners; Ira Winters and Rosewell Butterworth, Supervisors of Decatur Twp., Walter, Goss, Lloyd Russell, Collis Hummell, Otis Williams, Hugh Kephart, F. S. Beish, and John Dixon, all of whom were sworn, examined and cross-examined by Counsel and your Beard.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is \_\_\_\_\_ occasion for a road as desired by the petitioner, 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 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 point on State Legislative Route 17049 at the southwest corner of the Ohio-settlement School house lot, and thence thereby and lands of the General Refractories Company North 85 degrees East, six hundred (600) feet to post on lands of said General Refractories Company; thence still thereby North 72 degrees 30 minutes East, two hundred and twelve (212) feet to post; thence still thereby South 86 degrees 30 minutes West, five hundred and nine (509) feet to middle of General Refractories Tram-road; and thence still thereby, following the same course, two hundred and forty-three (243) feet to post; thence still by lands of General Refractories Co., South 5 degrees West, seventy-nine (79) feet to common corner of lands of Morley Hampton and Walter Goss; thence along lands of Hampton and Goss aforesaid, South 5 degrees West, five hundred and sixty-two (562) feet to post, at land of Hugh Kephart; and thence thereby and lands of General Refractories Co., the same course, one thousand (1000) feet to a post at Lane; and thence still thereby, the same course, five hundred and sixty-six (566) feet to post, corner of land of Daniel Smeal; thence thereby and lands of General Refractories Co., the same course, five hundred and sixty-six and one-half (566½) feet to post on other land of General Refractories Company; and thence thereby, and lands of Philipsburg Coal & Land Company, known as the "Hoover & Meek tract" North 85 degrees East, twenty-seven hundred and thirty-nine (2739) feet to post, corner of Baughman Estate; and thence North 28 degrees West along lands of General Refractories Company, four hundred (400)

(400) feet to post; and thence still thereby, North 53 degrees West, eighty-six (86) feet and ending in State Legislative Route 17049.

We further find as a fact that the proposed road follows the same courses of an existing private road now maintained by the interested parties, and is necessary for the accomodation and outlet for nine families and their children of School-age; Fire-clay Mines of the Westmoreland, Osceola Silica, and General Refractories Companies, and their miners and employees; it has a good, stone base and will be practically free of snow-drifts in Winter seasons, and can be readily converted into a U.S. Mail route.

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 Morley Hampton, Walter Goss, Hugh Kephart and Daniel Smeal.

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: General Refractories Company, One (\$1.00) Dollar; and Philipsburg Coal & Land Company, One (\$1.00) Dollar,

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

WITNESS our hands and seals this 28th day of November  
A. D. 1941.

John Scellins *Seal*  
Ed. Billot *Seal*  
Thomas C. McNamee *Seal*  
\_\_\_\_\_  
*Seal*

No. 2 December Sessions, 1941

## ORDER

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

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.

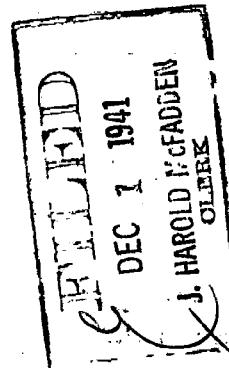
	Days	Miles	AMT.
T.C. McGarvey	2	120	26.00
E.D. Billotte	3	98	34.90
John Scollins	3	70	33.50

Dec. Sessions, 1941,

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.

*A. Kelley*

743, 1942. Confirmed  
A. Kelley



Filed  
Fees \$1.25 paid by  
Edward T. Kelley, Attorney

## 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 receipt of which is hereby acknowledged

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 County of Clearfield

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 af 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 22nd day of November  
A. D. 1941.

*Merley Farnington* Seal  
*Walter Wilson* Seal  
*Lugie Rephant* Seal  
*Amiel Smeal* Seal

TO: The County Commissioners of Clearfield County:-

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Order to view and  
Lay out a road for Public  
use in the Township of  
Decatur.

NO. 2, December Sessions, 1941.

You are hereby notified that the undersigned Viewers,  
appointed by the Court to the above number and term, to view and  
lay out a road for public use in Decatur Township, as follows:

To begin at a point on State Legislative Route 17049  
immediately South of the Ohio Settlement Schoolhouse, and extending  
in an Easterly direction approximately .35 miles to a point;  
thence in a Southerly direction approximately .5 miles to a  
point; thence in a Westerly direction approximately .35 miles  
to a point on State Legislative Route 17049, following generally  
the course of the existing private road:

in the County aforesaid, will meet at the Ohio Settlement School-  
house in said Township on Wednesday, November 19th, 1941, at two  
o'clock (2:00) P. M., to attend to the duty assigned them; of  
which time and place aforesaid all parties interested will take  
notice.

And that the public hearing required by Act of Assembly  
and the 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 Grand Jury Room in the Court House in Clearfield, on  
Saturday, November 22, 1941 at 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 Scellard  
Thomas C. McGarvey  
E.A. Billotte  
Viewers

Dated: November 3, 1941

CLEARFIELD COUNTY, SS:

Now, this 4th day of November, 1941, service of the  
above Notice is accepted for the Commissioners of Clearfield  
County.

Geo. D. Reed  
Clerk

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Order to view and  
Lay out a road for Public  
use in the Township of  
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NO. 2, December Sessions, 1941.

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in the County aforesaid, will meet at the Ohio Settlement Schoolhouse in said Township on Wednesday, November 19th, 1941, at two o'clock (2:00) P. M., to attend to the duty assigned them; of which time and place aforesaid all parties interested will take notice.

And that the public hearing required by Act of Assembly and the 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 Grand Jury Room in the Court House in Clearfield, on Saturday, November 22, 1941 at 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 Scallions  
Thomas C. McGarvey  
E. S. Billotte

Viewers

Dated: November 3, 1941

CLEARFIELD COUNTY, SS:

Now, this 4th day of November, 1941, service of the above Notice is accepted for the Township of Decatur.

Ben F. Hughes  
Era Winters

TOWNSHIP SUPERVISORS