

No. 18 Sept Term, 1881

Viewers to Assess Damage

versus

Sandy Township

Contents:

Exception filed

Exceptions sustained
and Report & proceedings
set aside by
By the Court

To the Honorable the Judges of the
Court of Quarter Session in and for
the County of Clearfield.

Your petitioners the Board of
School Directors for the District of
Sandy in the County aforesaid, respectfully
showeth,

That under the provisions of the Act
of Assembly the board of Directors of
said District of Sandy have taken the
possession of a certain lot of ground
situate in said District for school
purposes and have erected thereon
a school house, to be used for the
school purposes of Sandy Township -
Said ground is located at the cross
roads and taken from the land of
Andrew Petty Jr. Therefore your petitioners
prays your Honors that suitable persons
be appointed to view and assess damages, due to
any person interested, and your petitioners
will ever pray &

A. Heberling
President

C. E. Washburn Peay,
Henry Detrich,
Thomas Wayne
Andrew Smith
Simon Scudder

18 Sep 1881

Letter for appointment
of referees to decide

damages.

Done this 27th 1881

J. P. Parker, Lewis Eggers
and John Hayes are
appointed to assess
damages as prayed

for

Robertson
center

P. J.

27 Sept 1881

W. C. Garrett

To the Honorable the Judges
of the County Common Pleas of
Clearfield County:-

The petition of Andrew
Perry Jr. Respeckfully Represents:-

That the Board of Directors of said
School District have entered upon and
taken possession of about one
half acre of land in Sandy
Township, in the County aforesaid
the property of your petitioner, and
have commenced the erection
of a school house thereon for the
use of said School District;
that said entry upon said land
was without the consent of your
Petitioner and greatly to his det-
riment and disadvantage.

That said lot is situated on
a public road leading from the
Elijah Ashenfelter farm to
the village of Dallhois.

That your petitioner has been
unable to agree with the said
Board of Directors of said
District as to the amount
of compensation or damages

Are to be sustained by your
petitement reason of the taking
and occupying the said lot
planted for action behalf of
said School District,

Your petitement therefore prays the
Court to appoint a jury of viewers
consisting of three disinterested and
disinterested citizens of said County
who shall not be owners of prop-
erty or residents of said district
of Sandy, and who having been
truly sworn or affirmed, faithfully
fully, justly and impartially to de-
cide and a true report make con-
cerning all matters and things sub-
mitted to them, and having viewed
the premises, shall establish and de-
termine the quantity and value of the
land so taken to be used for the
purposes aforesaid, and after
having made a fair and just
computation of the advantages and
disadvantages, shall estimate and
determine whether any and if any
what amount of damage has been
or may be sustained, and when
payable, and make report thereof

to the Court. And I have sworn
that the above is true.

Andrew Bentz ^{ss}

Dauphin County LS.

Andrew Bentz Esq.

The petition above named being by
me duly sworn according to law
doth depose and say the facts
set forth in the foregoing petition
are correct and true as herein
below.

I am and subscribe
before witness to the
Dept 1881. Andrew Bentz, ^{ss}
A. M. Beardsley
Dept Prothys

Appr. 1882

The written appears
most correct.

By the Comr.

J. W. D.

Sandy School

Brooket

Petition for new
crosses & crosses down
eyes -

Oct. 5, 1881

James G. King,
John Kohler and
James Johnson
Petitioners
By Oct. 1st
Vicksburg, Miss.

1881

J. W. D.

To the Honorable the Judges of the Court of Quarter Sessions of the County of Clearfield

The Petition of Joseph R. Bentz respectfully represents,

That the School Directors of the Township of Sandy have taken possession of a piece of land situated in the township of Sandy Clearfield County for school purposes and did present a petition to the Court at September Sessions to have viewers appointed to assess the damages done to citizens by said seizure of land. And whereas under and order of Court dated 27th of Sept 1881. said viewers did make an appraisement of the premises, and did award to Andrew Bentz Jr. the sum of One hundred dollars for his damages arising therefrom. And your petitioner represents that said Andrew Bentz Jr. does not own said land, as the possession and ownership is in him the said Joseph R. Bentz, all of which he avers he is able to prove. And he prays Your honors to grant an order directing the payment of said award into Court to await

is proper ownership. And he will ever pray etc
Sworn and subscribed before me
this 5th day of January AD 1882

John H. Scott, J.P.

J. R. Bentz

No 18 Sept 1881

petition

Filed 16 January 1882

Clearfield County, Pa.

At a Court of Quarter Sessions of the Peace of the county of Clearfield, held at Clearfield, in and for said county, on the 27 day of Sept A. D. 1881, before Judges of said Court, upon a petition of School Board ~~and inhabitants~~ of the Township of Sandy in said county, setting forth that they have erected a school building on the grounds Andrew Peutz & in said Township and pray that viewers be appointed to assess the damages incurred thereby to the said Andrew Peutz &

and therefore praying the Court to appoint proper persons to view and ~~lay out~~ ^{assess} the same according to law, ~~make report to the Court~~ whereupon the Court, upon due consideration had of the premises, do order and appoint ~~J P Taylor - Lewis Dugler & Jim Foxde~~ 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 ~~upon which the school board have erected school building~~ ^{said road} and if they view the same and any two of the actual viewers agree that there is occasion for such road, 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 ~~the~~ lands ^{upon} through which the ~~within~~ ^{the} road is intended to pass, of the time of the view, according to the 147th rule of Court.

BY THE COURT,

Jack Kerr

Clark.

RELEASE OF DAMAGES.

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, owners of the 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 sealing 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. 1881.



ASSESSMENT OF DAMAGES.

The following named persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the ~~of a School House~~
~~land of Andrew Enty~~
~~and 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~~ ^{the} damages and make report thereof, as follows:

To Andrew Enty the sum of One Hundred Dollars
To for One half acre of ground where the School Building
for new stands the sum of _____

Witness our hands this 26th day of December A. D. 1881.

J. P. Taylor
D. M. Maxwell
Lewis Bigler

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 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.

Sworn and Subscribed before me this
26th day of Dec. A. D. 1881
W. H. Brothman J. L.

April 14, 1882 of captives sustained and
defeat proceeding let out

By the Compt
J. N. D.

No. 18 Sept Session, 1881

At a court hearing, the 16, January 1882, Andrew Raetz, Jr. by
his attorneys Frank Schlesinger and W. D. Hayes, attorneys
file exceptions to the written report and proceedings,
report, and petition.

- 1 Because the fact of 2 years' lessions has not been decided in this matter.
2. That the boundaries agreed for later are not fixed or designated with sufficient certainty.
3. That no notice was given to the said Andrew Bent Jr. the owner of the land later.
4. That the allowances of damages are inadequate to compensate said A. Bent Jr.
5. That the whole proceeding is informal illegal and void as fully appears by the written record and petition.