

No.

2, Feby

Term, 1889

Pet to Assess
Damages

~~versus~~

in

Du Bois Bon

Contents:

To the Honorable President Judge of the
Court of Quarter Sessions of Lehigh
County

The petition of the Burges and Town Council
of Lehigh Borough, respectfully represents:

That they labor under great inconve-
nience by reason of the narrowness of
Brady Av. in front of lots of Mrs. M. B.
Hickman, Geo. Welch and Mrs. J. A.
Tape. That your petitioners have passed
an ordinance widening said street at said
point. That they have been unable to agree
with said property owners as a compensation for
the land taken to widen said Avenue. They
therefore pray your Honor to appoint some dis-
interested free holders of said Borough to view
said land and assess the damages claimed
in accord with the Act of Assembly and
costs made and provided. And they will and pay to

George Betts

John Horner

John M. Beck

L. A. Brady

Geo. R. Vorburg

J. L. Solomon

W. H. Gray

#2 Feby 58, 1889

Nov 14 Say 1889 Petition read
and thereupon, W. M. Rainey,
Wm Osborn, James J. Dailey
William Stevenson, H. S.
Knapp, L. E. Weber, ~~D. E.~~
~~Conrad~~ N. N. Brothers to view
the premises, and to assess the
damages if any one to the
within mentioned property by
reason of the widening of the
street, in accordance with
the statute on point to the
Court at its next Session

By the Court
Doro L. Kelly
Filed with Rainey 1889

In Re. Petition
to assess damages
on Brady Ave. in
Dubois Boro

No 2. Feb'y AS 1889

Now 14th May 1889. A. L. Cole
Atty for Dubois Borough moves the Court
to strike off the confirmation absolute on
the report of viewers, in the above case ^{and}
to set aside the proceedings for the following
reasons

1st The Petition does not set forth the
facts nor describe the locality of the
property to be viewed with sufficient clear-
ness to enable it to be located.

2^d The petition and return are ^{too} vague, in-
definite and uncertain.

A. L. Cole
Atty for Dubois Boro

No 2 Feb'y 88 89

Petition Dussane
charges on Mary
Ann in prison.

Motion to set aside
proceedings

A. H. Cole

Clearfield County, ss: ☹

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 14th day of Jan'y, A. D. 1889, before Judges of said Court, upon a petition of sundry inhabitants of the ^{137c}township of Du Bois, in said county, setting forth that they labor

under great inconvenience by reason of the narrowness of Brady Avenue in front of lots of Mrs. M. B. Spackman, George Dickey & Mrs. J. A. Terpe. That your petitioners have passed an Ordinance regulating said street at said front - That they have been unjustly unable to agree with said Property Owners as a Compensation for the land taken to within said Avenue -

and therefore praying the Court to appoint proper persons to view and ^{assess} ~~lay out~~ the ~~damages therefor~~ ^{same} according to law,

whereupon the Court, upon due consideration had of the premises, do order and appoint W. H. Rainey, Mr. Osburn James J. Bailey, Mr. Stevenson, H. S. Knarr ^{L. E. Weber, M. W. Prothro} 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} ~~for~~ ^{assess} ~~damages of any & within mentioned property by reason of widening of this street~~ 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 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 seated lands through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

A. M. Bloom
CLERK.

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 _____ at and before the sealing 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 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. 1888



Assessment of Damages.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said 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 damages and make report thereof, as follows :

To _____ the sum of _____

To _____ the sum of _____

To _____ the sum of _____

Witness our hands this _____ day of _____, A. D. 1888

See Wicker

Stark

Mr. Spackman

H.H. Lee

McClure

To the Honorable the Judge within named: We, the undersigned viewers appointed by the annexed order do report; that in pursuance thereof, after having been severally sworn and affirmed, viewed the ground proposed for the widening of the within mentioned street in DuBois Borough, and the undersigned, a majority of said viewers do agree that there is occasion for the widening of said Brady Avenue desired by the Town Council of DuBois Borough: And having had respect to the property adjoining said Avenue we and have regarded the advantages and disadvantages caused to the property taken and the advantages and disadvantages to the property owners along the line of the adjoining street, and find that no land has been taken off of Julia Terpe or Geo. W. Dickey; that the land taken of Martha Spackman begins at lot of Julia Terpe, thence in a Northerly direction, thirty one and eight tenths feet to lot of Hibner Hollister & Co. thence East by Brady Av. eight feet, thence by Brady Avenue, South thirty one and eight tenths feet to off set, thence West seven feet to lot of Julia Terpe, and we find the damages to be seventeen dollars, said amount to be paid by DuBois Borough

We further report that before said view public notice of the time and place of the meeting of the viewers was given by advertisements put up in the most conspicuous places in said Borough five days before the meeting of said viewers, and we annex a plot or draft of said street to this report.

Witness our hands this 15th day of February A.D. 1889

H. S. Knapp
Wm. Stevenson
Wm. Deborn
J. D. Dwyer
L. E. Weber

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In view, the release must be executed
 finally, the number of days em-
 out at the fact of their return, by the
 far as the location may be changed
 here the parties are not entitled to
 deviation the advantages as well as
 it, they will report to that effect.

No. 2 Fely Sessions, 1889

ORDER

To view and buy out of record for
Helen use in the townships of
Clearfield Co.

July 1st 1889. Confirmed
By the Court

May 1st 1889 Confirmed
absolutely By the Court

Filed 1889, 1889
Fees \$1, paid by W. C. B. 25

Filed 18th Feb^y, 1889
Fees \$1, paid by W. C. Pent