

Road

DOCKET No. 5

Number .	Term	Year
11	Sept	1921

Petition of Jonathan Shafer for  
appt. of Viewers to assess damages

Versus

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TO THE HONORABLE, THE JUDGE OF THE COURT OF QUARTER SESSIONS  
OF THE COUNTY OF CLEARFIELD.

The petition Jonathan Shaffer respectfully  
represents,

That he is the owner of a piece of land in  
Brady Township, Clearfield County, and State of Pennsylvania.  
That the State of Pennsylvania is improving the highway known  
as the Erie Pike at a point going through Luthersburg easterly  
through the Drouker Woods which said road goes through the farm  
of your petitioner which is located just in Luthersburg and the  
highway department has staked out a change in the location of the  
road through the farm of your petitioner and which changes the  
grade of said road. That your petitioner has tried to agree  
with the Commissioners of Clearfield County for the damages done  
his property by the location of the road through his premises.  
That he cannot get a just settlement with the Commissioners of  
Clearfield County for the change in location and the damages  
done his property. Therefore, your petitioner prays the court  
to appoint three competent viewers to view change of location to  
and grade of said road and assess the damages he incurs by rea-  
son of such change. and he will ever pray etc.

*Jonathan Shaffer*

STATE OF PENNSYLVANIA SS:  
COUNTY OF CLEARFIELD

Personally appeared before me a *Notary Public* in  
and for said county and state and said Jonathan Shaffer who  
being duly sworn according to law deposes and says that the  
facts set forth in the foregoing petition are correct and true  
to the best of his knowledge and belief.

*Jonathan Shaffer*

Sworn and subscribed before  
me this third day of August  
1921.

*John H. Marshall*  
NOTARY PUBLIC  
My commission expires February 1922

1881

we put this act of violence  
known and as

*Now Aug 8 1921. Frank Hutton by  
J. B. Fry and George M. W. an appointed*

*deems to proceed as directed by the*

*act of assembly.*

to the best of the knowledge and belief  
these are taken in the following behalf and collect and file

return with account to the court and the clerk  
and for each county and state and area

Persons who are not parties to the case

COURT OF COMMONS  
COUNTY OF MIDDLESEX

*George M. W.*

son of, then spouse, and the wife and child etc.

and the fact of the death of the deceased and the fact of the death

to the best of the knowledge and belief of the court and the clerk

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*11 Sept 1921*

*Jonathan Sheper  
for Appx of Deeds  
to assess damages*

FILED  
AUG 9 1921  
GEO. W. BAISTON  
CLERK

*Will your honor please  
attend to this at once*

*Respectfully  
Jonathan Sheper*

OF THE COURT OF COMMONS  
THE JUDGE OF THE COURT OF CHANCERY SESSIONS

# 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~~ and that ~~three~~ notices thereof were posted along the route of the proposed road, that the said view would be held on the 29th day of August, A. D. 1921, and the hearing to be held in the ~~Arbitration Room, at the Court House, in Clearfield,~~ Town Hall in the Village of Luthers- burg Pa., on the 29th day of August, 1921, at 1:30 o'clock P. M. That date of view and hearing postponed to Aug 31st and hearing held in Metho- three viewers appointed by the said order viewed the ground proposed for the above men- dist church tioned road, and that there were present at the view Jonathan Shaffer

parties in interest. That the hearing was held in the Methodist Church in Luthersburg ~~Arbitration Room, in the Court House, in Clearfield,~~ at Clearfield, Pa., on the 31st day of August, A. D. 1921, when the following appearances were noted: A.H. Woodward, Esq. County Solicitor. T.P. Weimer, and J.E. Dale County Commissioners P.S. Heberling and George Whitmore witnesses for Clearfield County; W.C. Pentz, Esq. Atty for petitioner Jonathan Shaffer, C.F. Bower, Jonathan Shaffer, G.B. Wachob, John Hayes John F. Wingert Sr., Charles McClure, witnesses on behalf of the peti- tioner.

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 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 no use the following described road, to-wit: Beginning

that the petitioner has sustained damages for the land taken and occupied by the State Highway Department in the change of location of the Public Highway through the lands of the petitioner.

Your viewers agree that the amount of the damage done the peti- tioner Jonathan Shaffer is Three Hundred and Twenty Five (\$325.00) dollars

**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 9 day of  
August in the year of our Lord  
one thousand nine hundred twenty one,

Judge of the same Court: Upon the petition of  
Jonathan Shaffer  
~~standing next heirs~~ of the Township of Brady

in said County, setting forth that that the State of  
Penna. is improving the road known as the Erie Pike at a point through  
Luthersburg, easterly, which road goes thru the farm of Johnathan Shaffer  
(the Petitioner) that he has been unable to settle with Clearfield County  
as to the amount of damages. He therefore prays the Court to appoint  
viewers to assess the damages,

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 J.E. Fry, George J Weber and  
Frank Hutton

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 impariati-  
ty 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 mann r  
transmit to the next Court or 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.

G. S. Palston, Clerk.

To T.R.WEIMER, J.E.DALE & M.L.FAREL, COMMISSIONERS OF CLEARFIELD CO.,

Notice is hereby given, that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view and assess damages alleged to be done the farm of Jonathan Shaffer, by the State of Pennsylvania in its improvement of the road known as "THE ERIE TURNPIKE" through the village of Luthersburg, Easterly, which said road runs through the farm of said Jonathan Shaffer in Brady Township in Brady Township, in the County aforesaid, will meet at the house of Jonathan Shaffer on Monday the 29th day of August 1921 at ten O'clock A.M., to attend the duty assigned them, of which time and place aforesaid all parties interested will take notice

And that the Public Hearing required to be held, will be held in the Town Hall in the Village of Luthersburg in said Township of Brady on Monday the 29th day of August 1921 at 1:30 O'clock P.M. at which time and place all interested parties with their witnesses may attend and be heard

DuBois Pa. Aug. 15th 1921

*Must Skillin*  
*J. E. Lory*  
*Geo Klueber* } Viewers

Now Aug. 16 1921 Service of this notice accepted.

*For County Commissioners*  
*Per. L. C. Norris*  
*Clear*

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 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

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:

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

WITNESS our hands and seals this first day of September  
A. D. 1921.

*J. E. Fry*  
*George R. Fisher*  
*Frank Hallin*



No. 11 Sept. Sessions, 1921

## ORDER

To view & assess damages *a*  
~~road for~~ use in the  
township of Brady  
Clearfield County

*Sept* Session, 1921,  
read and confirmed Ni. Si.  
Road to be opened ~~33~~ feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 16 feet wide.

*By the Court*  
*Engelstein Bill*  
Dec 5, 1921 Confirmed  
*By the Court*  
*Engelstein Bill*

Filed 19

Fees \$1.25 paid by

Pentz and Pentz Atty

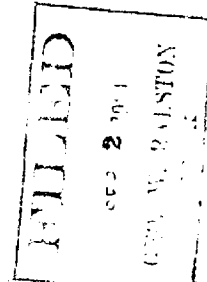
Note.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	AM'T.
J. E. Fry	1		7.50
Geo. K. Weber	1		7.50
Frank Hutton	1		7.50
Witnesses	1	1	
G. B. Wachob	1	1	
John Hayes	1	1	
John F. Wingert, Sr	1	1	
Chas. M. McClure	1	1	



### 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 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. 1921.

