

Road DOCKET No. 5

Number	Term	Year
16	Sept	1921

Petition of Mary E. Beck for Appt. of

Viewers to assess damages.

Versus

X

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

In Re: :
Construction of State Highway : Petition of Mary E. Beck,
Route No. 313. : for the appointment of Viewers.
: :
:

To the Honorable Singleton Bell, President Judge:-

The petition of Mary E. Beck respectfully represents:

- (1). That she is the owner of property in Morris Township, Clearfield County, Pennsylvania, conveyed to her by deed of April 1, 1912 from James Walker and wife, recorded in Deed Book 191, page 150; said premises containing 6.07 acres.
- (2). That the State Highway Commissioners of the State of Pennsylvania, has undertaken the construction of an improved State highway known as Route No. 313, through said premises, a change of width and of existing lines and location being occasioned thereby.
- (3). That your petitioner has sustained damage by reason of said road construction, and she has been unable to agree with the County Commissioners of Clearfield County as to the damage sustained by her.

Your petitioner, therefore, prays the Court to appoint Viewers to ascertain and assess her damages, as provided by the Act of April 6, 1921, and Amending Section 16 of the Act of May 31, 1911, P.L. 468; said amendatory act being No. 62 of the Statutes of 1921, and as provided by other pertinent acts of Assembly.

STATE OF PENNSYLVANIA:
COUNTY OF ~~CLARIFIED~~ : SS1
Centre

Mary E. Beck, the petitioner above named, being duly sworn deposes and says that the facts stated in her foregoing petition are true and correct.

Subscribed and sworn to
before me the 25th day of
August 1921.

W. Board / Penning
Notary Public
Com. exp. 3/9/23

M. Mary E. Beck

M. Mary E. Beck

In the Court of Quarter
Sessions of Clearfield County,
Pennsylvania.

Wale Sept 28 1921

In Re:

Construction of State High-
Way. Route 313.

Petition of Mary E. Beek
for the Appointment of
Viewers.

Monday, 29, 1921
A. J. Edmunds, Henry
Rees, E. J. M. Skaggs
and others, view-
ers, to proceed as directed by
the court in view of
the fact that the
petitioner's
petition is
correct and
properly
presented.

FILED

SEP 29 1921

A. M. LIVERIGHT
J. W. PATTERSON AT LAW
CLEARFIELD - PA.

UNIT NOTED BY STORE, CLEARFIELD, PA.

*Left at 1921 from of view enlarged to
Dec. 22 1921
By the Court
By the 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 29th day of
August in the year of our Lord
one thousand nine hundred twenty-one

Judge of the same Court: Upon the petition of
Mary E. Beck
~~XXXXXXXXXXXXXXXXXXXX~~ of the Township of Morris

in said County, setting forth that she is the owner of
property in Morris Twp. Clearfield Co. Penna. conveyed to her by deed of April
1, 1912 from James Walker and wife, recorded in deed Book 191, page 150; said
premises containing 6.07 acres. The State Highway Commissioner has undertaken
the construction of an improved State Highway known as Route No. 313, through
said premises, a change of width and of existing lines and location being
occasioned thereby. The petitioner has sustained damages by reason of the
said road construction, and she has been unable to agree with the County
Commissioners of Clearfield County as to the damages sustained by her.

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 A. L. Edwards, Esq.,
Harry Reese and J. W. Spangle

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 impartial-
ity 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 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 Palston, 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, 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 May E. Beck and that notices thereof were posted along the route of the proposed road, that the said view would be held on the 24th day of October, A. D. 1921, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 31st day of November, 1921, at 11 o'clock A. M. That viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view May E. Beck, Jos. Fry, A. S. Edwards & Harry Kane viewers

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 19th day of November, A. D. 1921, when the following appearances were noted: A. M. Liveright Esq. for complainant
May E. Beck by Jos. E. Fry. A. H. Woodward Esq. for County
Commissioners, F. R. Weimer & M. Farrell.

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 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 use the following described road, to-wit: Beginning

After having viewed the premises personally
& having heard the testimony as to value of land
& damage done the viewers do award to May E.
Beck the sum of \$100.00 for land taken for road
purposes. (See map attached)

No. 16 Sept Sessions, 19 21

ORDER

To view assess damages to a
road ~~to be~~ *to a*
township of Morris
Clearfield County

Feb 10th Session, 1922,
read and confirmed ~~At St.~~
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 Mr. Couch
Angustus Bell

Filed _____ 19
Fees \$1.25 paid by
A. M. Liveright, 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.
<i>Harry Rose</i>	4	74 3370
<i>A. L. Edwards</i>	4	56 3280

DEC 1921
W. W. RALSTON
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

_____ at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-mise, 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. 191 _____

SEAL
SEAL
SEAL
SEAL

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: Mary E. Beck \$100⁰⁰

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

WITNESS our hands and seals this 19th day of November

A. D. 1921.

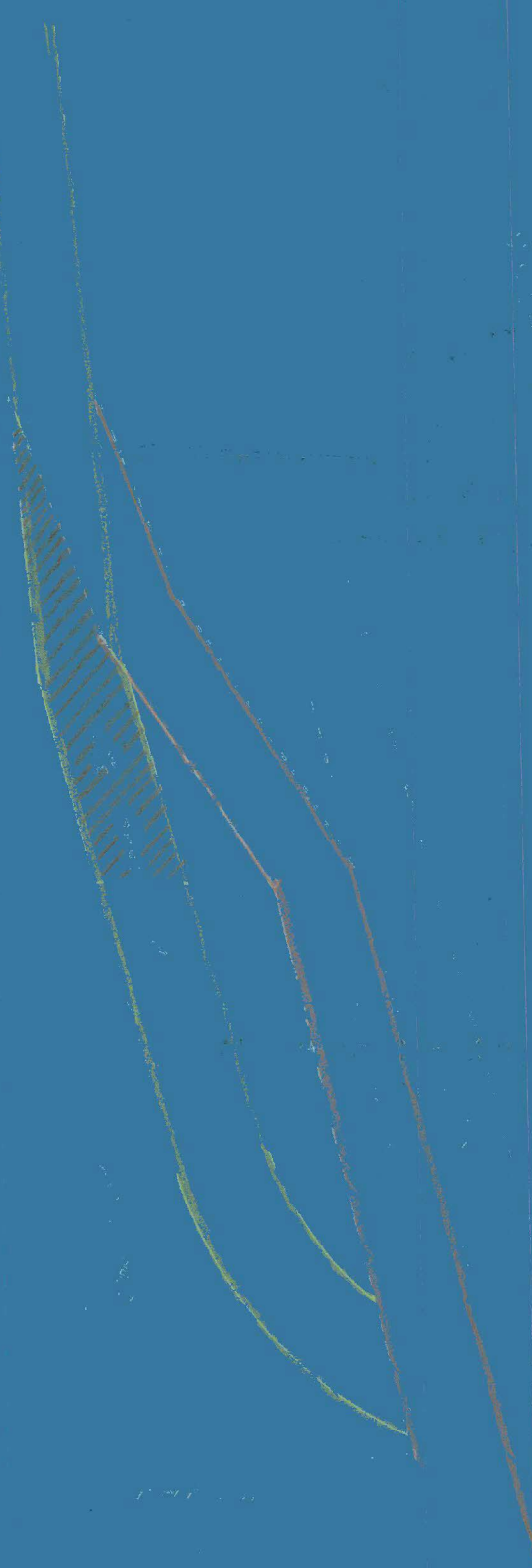
A. L. Edwards.

H. A. Reese



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MARY E. BECK