

DOCKET No. 5

Number	Term	Year
19	Sept	1921

Petition of David Brown for appt.

of Viewers to assess damages

Versus

X

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

In Re:

III No. 1 : Petition of David Brown for the  
Construction of State Highway. : appointment of Viewers.  
Route No. 315. :  
: :  
: :  
: :

To the Honorable Singleton Bell, President Judge:

The petition of David Brown respectfully represents:

(1). That he is the owner of property in the village of Oak Grove, Morris Township, Clearfield County, Pennsylvania, conveyed to him by deed of William H. Densham and wife on the 21<sup>st</sup> day of September, 1919 recorded at Clearfield in Deed Book       , page       ; said premises being his dwelling house twentyfour feet by twentyeight feet in size, and curtilage appurtenant thereto, his lot being sixty by one hundred twentyfive feet in size.

(2). That the State Highway Commissioner of the State of Pennsylvania, has undertaken the construction of an improved State highway known as Route No. 315, 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 he has been unable to agree with the County Commissioners of Clearfield County as to the damage sustained by him.

Your petitioner, therefore, prays the Court to appoint Viewers to ascertain and assess his damages, as provided by the Act of April 6, 1921, 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 approved by other pertinent acts of Assembly.

David Brown

STATE OF PENNSYLVANIA:  
: SS:  
COUNTY OF CLEARFIELD :

David Brown, the petitioner above named, being duly sworn deposes and says that the facts stated in his foregoing petition are true and correct.

David Brown

Subscribed and sworn to  
before me the 31st  
day of August, 1921.

Geo W. Calston  
Notary Public

to  
George Murphy  
Xmas 1921  
1361 00 1361 00 1361 00  
1361 00 1361 00 1361 00

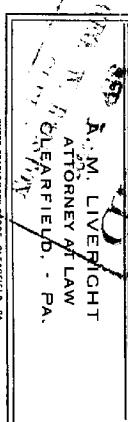
No. 19 September Term 1921

Route No. 100.

Subpoena  
D. C. II.

Now Sixth, 1<sup>st</sup> 1921.  
A. G. Edwards, Esq.,  
Henry Reese and  
J. H. Strange are  
bound to appear to me  
and as directed by my  
Act of Assembly.

At the Court  
Singleton Bell



# 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 1st day of September in the year of our Lord one thousand nine hundred and twenty-one,

Judge of the same Court: Upon the petition of David Brown, ~~and~~ inhabitant of the Township of Morris

in said County, setting forth that he is the owner of property in the village of Oak Grove, Morris Twp, Clearfield Co. Pa. conveyed to him by deed of William H. Jenisham and wife on the 21st day of September, 1914 said premises being his dwelling house twenty-four feet by twenty-eight feet in size, and curtilage appurtenant thereto, his lot being 60 by 125 ft. in size. That 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. Said petitioner has sustained damage by reason of said construction and has been unable to agree with the County Commissioners of Clearfield County as to the damage sustained by him.

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 impartiality 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 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.

Geo W Falston, 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 Morris 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 David Brown, Mrs. David Brown, Wm. H. Denham and (Harry Reese & A. L. Edwards 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. Dineight Esq. for complainant, David Brown, Wm. H. Denham, A. H. Woodward Esq. T. R. Wren, Mike Gravel for County Commissioners

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 personally viewed the premises & made a draft thereof & having heard the testimony of witnesses as to values & damages the premises do award to David Brown the sum of \$175.50 for ground taken & damage sustained thereby

175

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: *David Brown \$175.00*

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

WITNESS our hands and seals this 19<sup>th</sup> day of November  
A. D. 1921.

*A. L. Edwards*  
*W. A. Reese*



No. 19 Sept Sessions, 1921

**ORDER**

To view & assess damages &  
John Carroll Brown  
W. H. F. P.  
township of Morris  
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.

Viewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the viewers.

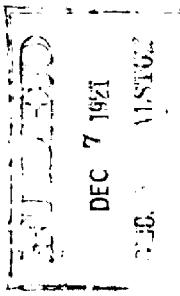
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages, as well as the disadvantages of the road, they will report to that effect.

	Days	Miles	AMT.
Harry Lee	4	64	33.20
J. H. Edwards	4	64	33.20

July 18 Session, 1921  
read and confirmed ~~as above~~  
~~to be opened 33 feet~~  
wide, except where there is  
side hill cutting or embank-  
ment and trudging, there to  
be 16 feet wide.

John Carroll  
W. H. F. P.

19  
Fees \$1.25 paid by  
A. M. Liveright, Atty.,



**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.



