

DOCKET No. 5

Number	Term	Year
<u>4</u>	<u>Sept ss</u>	<u>1922</u>

Petition of W. M. Stevenson, Guardian

for appt. of viewers to assess damages

Versus

.....

.....

.....

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 2nd day of May
in the year of our Lord one thousand nine hundred
twenty-two

W. M. Stevenson
Judge of the same Court: Upon the petition of ~~xxxxxx~~
Guardian
~~shutments~~ of the Township of Morris

in said County, setting forth that he is guardian of the minor
children of Margaret Howe, deceased, as heirs of Margaret Howe, deceased,
are the owners of a certain piece of land situate in the Twp of Morris, along
the highway leading from Philipsburg to Kylertown.

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.

The petitioner has sustained damages by reason of said construction
and has been unable to agree with the County Commissioners 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 quali-
fied to perform the duties of their appointment with impartiality and according to the best of
their judgement, 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 Ralston, 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, be 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 _____ notices thereof were posted along the route of the proposed road, that the said view would be held on the 18th day of July

A. D. 1922, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 29th day of July, 1922, at 11 o'clock A. M. That

3 viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view A. L. Edwards, Harry

Raise, J. W. Spangle, viewers with M. Stevenson, Guardian

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29 day of July A. D. 1922, when the following appearances were noted: A. L. Edwards, Harry Raise, J. W. Spangle

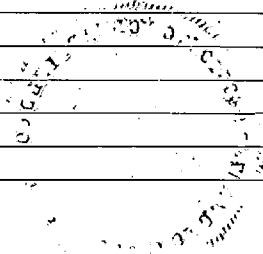
viewers, with M. Stevenson Guardian of heirs of Margaret House,
Jos C. Arnold, Atty. for Claimant, A. H. Woodward, Esq. for County,
Commissioners of person & County Commissioners in person.

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 leaving testimony which was as follows.

Damage

332 ft strip of land 5 to 6 feet wide taken.
Tree cut down & fence torn down & destroyed.
Depreciation estimated at \$500 by witnesses.
viewers estimate depreciation at \$300.

Viewers allowed damage



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 practical 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 reason of the location and opening of the said road, we, the undersigned view-ers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: Wm. Stephenson, Guardian Margaret
Horne News #175 00

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

WITNESS our hands and seals this 9th day of October
A. D. 1922.

A. L. Edwards. Seal

H. A. Reese Seal

James W. Spangle Seal

Seal

No. 4 Sept Sessions, 1922

ORDER

To view and assess damages to a
road for W. M. Stevenson, Guardian of
Heirs of Margaret Howe, deceased
Township of Harris
Clearfield County

July 24th Sessions, 1923

read and confirmed ~~At St. Road to be~~
opened 33 feet wide, except where the
is side hill cutting or embankment or
bridging there to be 16 feet wide.

No exception or appeal
My the Court
Myself and Bill M.

Filed: _____ 19__

Fees \$1.25 paid by _____

John C. Arnold, Atty.

James S. M.

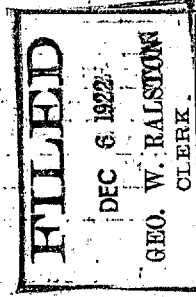
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	AMT.



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 respectfully 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. 192 _____

Seal
Seal
Seal
Seal

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.

In Re

Construction of State Highway
Route No. 313

Petition of W. M. Stevenson,
Guardian, for the appointment
of Viewers.

To the Honorable Singleton Bell, President Judge of said Court;

The petition of W. M. Stevenson respectfully represents,

1st; That your petitioner, W. M. Stevenson is the
Guardian, duly appointed and qualified, of John Howe, Thomas Howe,
Jerome Howe, Cecelia Howe, Irene Howe and William Howe, minor
children of Margaret Howe, late of Morris Township, Clearfield
County, Penna., deceased.

2nd; That the above named minor children, as heirs of
Margaret Howe, deceased, are the owners of a certain piece of
land situate in the township of Morris, Clearfield County, Penn-
sylvania, along the highway leading from Philipsburg to Kylerstown.

3rd; That the State Highway Commissioner 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.

4th; That your petitioner has sustained damages by rea-
son the said road construction, and he has been unable to agree
with the County Commissioners of Clearfield County as to the da-
mage 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.

Wm Stevenson

Guardian

Clearfield County, SS:

Personally appeared before me the subscriber, W. M. Stevenson, Guardian, who being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Sworn & Subscribed before me:

this 24 day of April 1922

Wm. Stevenson

Chas. W. Catston
Prothonotary

IN THE COURT OF QUARTER SES-
SIONS OF CLEARFIELD COUNTY
No 4 Sept. 24 1922

In Re
Construction of State High-
way, Route No. 313

PETITION OF W.M. STEVENSON,
Guardian, for Appointment
of Viewers.

*Read May 1st 1922
A.E. Edwards, Henry Reed
and J.W. Sprague on petition
return by writs as directed
to leave
Angela Smith
Ingelman 3rd
1922*

FILED

MAY 8 1922

JOHN S. ARNOLD
DISTRICT ATTORNEY
CLEARFIELD, PENNA.

MARTZ STATIONERY STORE, CLEARFIELD, PA.