

DOCKET No. 5

Number	Term	Year
5	May SS	1922

Petition of Mary A. White

for viewers to assess damages

Versus

+

No. 5 May Sessions, 1922

## ORDER

To view and assess damages <sup>a</sup>  
to MARY A. WHITE use in the  
road for township of Morris  
Clearfield County

Sessions, 19

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

Filed

Fees \$1.25 paid by

Smith & Smith, Attys.

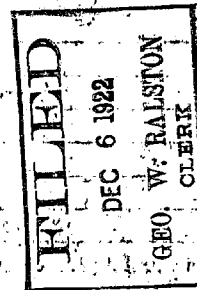
NOTE: In case of a private road, the release  
must be executed in favor of the petitioner for  
said road.

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. 1922 \_\_\_\_\_

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 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 viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: *Mary A White \$1000<sup>00</sup>*

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

WITNESS our hands and seals this *9th* day of *October*  
A. D. 192*2*.

*A. L. Edwards.* Seal

*H. A. Reese* Seal

*James W. Spangle* Seal

Seal

# 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 18<sup>th</sup> 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 28 day of July, 1922, 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 A. L. Edwards, Harry Reese + James Spangle, viewers, J. W. White + Frank Shannon

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 28 day of July A. D. 1922, when the following appearances were noted: A. L. Edwards, Harry Reese + James

Spangle, viewers, Wallace Smith Esq. Atty for Plaintiff, J. W. White, Frank Shannon, Paul House + J. A. Price. A. H. Woodward Esq. for County Commissioners. Commissioners Panel, Viewers + Dale were also present.

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 the view + hearing the testimony of the witnesses, which was as follows: -

J. W. White produced + sworn state damages as follows. Said damage being the actual cost of moving and repairs.

Moving stone + labor	\$ 592.85
Material	294.17
Wall (masonry)	143.00
Total	\$1030.02

Frank Shannon testifies damage were from \$11.00 to \$12.00.

Paul House testifies damage were \$1050, approximately.

After hearing the testimony viewers taking into consideration the benefits as well as the damages fix the damage at \$1000.00.

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 8th day of April in the year of our Lord one thousand nine hundred twenty-two.

Judge of the same Court: MARY A. WHITE  
Upon the petition of Sundry  
habitants of the Township of Morris.

in said County, setting forth that she is the owner of property in Morrisdale, consisting of a dwelling house and curtilage appurtenant thereto and store building said premises containing about 5 acres of ground and fronting on the state Highway in said village a distance of over 180 ft. The said damages consist of the taking of a strip of ground from said property for the said Highway making necessary the removal of the store building on said premises, the moving and rebuilding of a concrete wall on the front of part of said property and other damages to the petitioner

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 Jas. 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 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.

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

In re:- Construction of State )  
Highway, Route No. 313. )

PETITION OF MARY A. WHITE FOR APPOINTMENT OF VIEWERS.

To the Honorable Singleton Bell, President Judge of said Court:-

The petition of Mary A. White respectfully represents:

(1). That she is the owner of property in the village of Morrisdale, Morris Township, Clearfield County, Pennsylvania, consisting of a dwelling house and curtilage appurtenant thereto and store building, said premises containing approximately five (5) acres of ground and fronting on the State Highway in the village of Morrisdale a distance of <sup>over</sup> One hundred and eighty (180) feet; the same having been conveyed to her and Thomas White by three deeds, one thereof from John McConville et ux, dated October 5, 1895, recorded in Deed Book 146 page 216; another thereof from Peter Moyer et ux., dated October 5, 1903, recorded in Deed Book 146, page 217 and a third thereof from Jane McConville to Mary White, dated August 29, 1901, recorded in Deed Book 120, page 70; Thomas White the husband of the petitioner having since died and the whole of said premises having thereby vested in the petitioner.

(2). That the State Highway Commissioner of the State of Pennsylvania has undertaken and proceeded with the construction of an improved State Highway known as Route No. 313 in front of said premises, a change of width and of existing lines and locations being occasioned thereby.

(3). That your petitioner has sustained damage by reason of the said road construction and of the changes in the lines and location of said road, and although repeatedly requesting action by the County Commissioners of Clearfield County has been unable to reach any agreement with the said County Commissioners of Clearfield County as to the damage sustained by her.

(4). That the said damages consist of the taking of a strip of ground from said property for the said Highway, making necessary the removal of the store building on said premises, the moving and rebuilding of a concrete wall on the front of part of said property and other damages to the petitioner by reason of the change of location and elevation and taking of ground from said premises.

YOUR PETITIONER THEREFORE PRAYS THE COURT to appoint viewers to ascertain and assess her damages as provided by the Act of April 6, 1921, amending Section 16 of the Act of May 31, 1911, P. L. 468; and as provided by other pertinent Acts of Assembly.

Mrs Mary White

STATE OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS.

Mary A. White, the petitioner above named, being duly sworn according to law deposes and says that the facts stated in the foregoing petition are true and correct.

Sworn and Subscribed before Mrs Mary White  
me this 4<sup>th</sup> day of April, ~~March~~.

A. D. 1922.

William Sleeper

My Commission Expires  
April 10, 1922

Noted April 8" 1922

Service accepted for County Commissioner  
Chas. L. C. Harris  
Clerk

705-1922

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

In Re; Construction of  
State Highway, Route No. 213.

PETITION OF MARY A. WHITE  
FOR APPOINTMENT OF VIEWERS.

Now April 8<sup>th</sup>, 1922  
A. S. Edwards Esq., Harry  
Ree and Geo. W. Shaeffer  
are appointed viewers  
hereof for

Wm. McCord  
Englewood Pa.  
19

FILED

APR 8 1922

GEO. W. HARRISON

CLERK

SMITH & SMITH  
ATTORNEYS AT LAW  
CLEARFIELD, PENNSYLVANIA

CLEARFIELD, PENNSYLVANIA, PA.

705-1922