

DOCKET No. 5

Number	Term	Year
5	May. SS	1922

Petition of Mary A. White
for viewers to asses damages

Versus

No. 5 May Sessions, 1922

ORDER

To view and assess damages ^a
to MARY A. WHITE ^{in the}
roads for
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.

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.

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

Filed 19th 19th
Fees \$125 paid by
Smith & Smith, Atty's.

EDUCATED

DEC 6 1922
W. RAISST
CLERK
GEO.

RELEASE OF DAMAGES

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 _____

Witness our hands and seals this _____ day of _____

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: Many a White \$1000⁰⁰

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

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

R. L. Edwards. Seal
K. A. Reiss 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 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 28 day of July, 1922, at 11 o'clock A.M.

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. D. Purie. A. H. Woodward Esq.
for County Commissioners. Commissioners Ward, Wurts & 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 to damages as follows.
said damage being the actual cost of mowing his bldg
& repairing.

Mowing store & labor	\$ 592.85
Material	294.17
Wall (morningside)	143.00
Total	\$1030.02

Frank Shannon testified his damages were from \$100 to
\$1200.

Paul House testified damages 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: Upon the petition of MARY A. WHITE inhabitant 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.

Alex 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 ^{over} 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. 315 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 4th day of April March,

A. D. 1922.

William, See J D

ଶ୍ରୀ କୃତ୍ତବ୍ୟାତ୍ମକ ପାଦମାତ୍ରା ପାଦମାତ୍ରା

Wood April 8" 1922

Service accepted for County Commissioners

Mr. D. C. Fannin

Class

705 - May 8, 1922

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

In Re; Construction of
State Highway, Route No. 313.

PETITION OF MARY A. WHITE
FOR APPOINTMENT OF VIEWERS.

Proc. April 8, 1922
A. L. Edwards, Sr., Harry
Reed and Mr. Shantz
as appointed viewers

for purpose

State Court
Clearfield, Pa.

FILED

APR 8 1922

GEO. W. R. JONES

Clerk

SMITH & SMITH

ATTORNEYS AT LAW

CLEARFIELD, PENNSYLVANIA

CLERK'S OFFICE, CLEARFIELD, PA.

APR 7 5 1922