

DOCKET No. 5

Number	Term	Year
8	Sept	1922

Petition of Parker W. Washburn and

Mary Washburn for appt. of viewers

Versus

+

IN THE COURT OF QUARTER SESSIONS, CLEARFIELD COUNTY, PENNSYLVANIA

In re construction of : Petition of Parker W. Washburn and
: Mary Washburn for appointment of
State Highway Route #313 : viewers.

To the Hon. Singleton Bell, President Judge of said Court;

The petition of Parker W. Washburn and Mary Washburn
respectfully represents:

1. That they are the owners of a certain piece of land
situate in the Township of Morris, County of Clearfield, State of
Pennsylvania, along the State highway leading from Philipsburg
to Kylertown.

2. The Highway Commissioner of the State of Pennsylvania
has undertaken the construction and improvement of State Highway,
known as Route #313, through said premises, a change of width and
existing lines and location being occasioned thereby.

3. That your petitioners have suffered damages by reason
of the improvements and construction of said road and have been
unable to agree with the County Commissioners of Clearfield as to
the amount of damage sustained by them.

THEREFORE your petitioners pray the Court to appoint
viewers to ascertain and assess their damages as provided by the
Act of April 6, 1921, P. L. 107, amending Section 16 of the
Act of May 31, 1911, P. L. 468, and as approved by other pertin-
ant Acts of Assembly.

State of Pennsylvania:
: SS:
County of Clearfield :

Parker W. Washburn
Mary Washburn

Personally appeared before me, the subscrib̄r, Parker W.
Washburn and Mary Washburn, who being duly sworn according to law
depose and say that the facts set forth in the foregoing petition
are true and correct to the best of their knowledge and belief.

Parker W. Washburn
Mary Washburn

Sworn and subscribed before me
this 2nd day of May, 1922.

H. H. Buckley, Jr.

19. Sec. 1. P. L. 107.

And May 3rd 1922

Servence accepted for County Commissioners

*Per. L. C. Harris
Clerk*

<p>IN THE COURT OF QUARTER SESSIONS, CLEARFIELD CO., PA</p> <p><i>Sept 26 1922</i></p>	
<p>Petition of Parker W. Wash- burn and Mary Washburn for appointment of viewers.</p>	
<p>May 3rd 1922. A. R. Edwards vs. Mary Ann & J. H. Edwards an appointed viewer to prob- ate a promissory note</p> <p><i>By Mr. Court Washington Pa 1922</i></p>	
<p>REED, BOULTON & FORSYTH ATTORNEYS AT LAW CLEARFIELD, PA.</p>	

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

Parker W. Washburn
Judge of the same Court: Upon the petition of ~~xxxxxx~~
Mary Washburn
~~inhabitants~~ of the Township of Morris

in said County, setting forth that they are the owners of
certain piece of land, situate in said Twp. along the State Highway leading
from Philipsburg, to Kylertown. The Highway Commissioner has undertaken
the construction of an improved State Highway known as Route #313, through
said premises, and the petitioners have suffered damages by reason of the
improvement and are unable to agree with the County Commissioners as to
the damages sustained by them

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, Esq 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.

Les 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 19th 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 28th 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 Ruse, J. W. Sprangle, viewers, Cortez Bell Esq.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 28th day of July A. D. 1922, when the following

appearances were noted: A. L. Edwards, Harry Ruse, J. W. Sprangle, viewers, Cortez Bell Esq. for petitioners. A. H. Woodward Esq. for County Commissioners, Right Morris & Warner County Councils.

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 _____

Property damage included, as shown by testimony

7 feet x 66 feet cut off front of property
5 trees cut down
roof of house & floor damaged by letting tree fall on same.
Porch torn down

Total damage claimed by Washburn \$450.00

Amount allowed by viewers →

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: Parker W. Washburn \$250⁰⁰

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. 8 Sept Sessions, 19 22

ORDER

To view & assess damages to a
Parker W. Washburn and
Mary Washburn use in the
township of Morris
Clearfield County

Sessions, 19

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

July 24, 1923 Confirmed
No exception having been
filed on appeal taken
Aug 1st Court
August 1st 1923

Filed 19

Fees \$1.25 paid by

Boulton & Forsyth, Attys

W. S. 1923

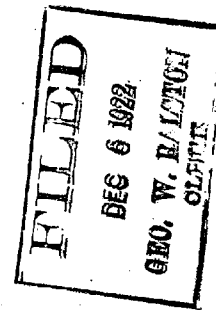
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.



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