

DOCKET No. 5

Number	Term	Year
8	Sept	1922

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Petition of Parker W. Washburn and  
Mary Washburn for appt. of viewers

Versus

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IN THE COURT OF QUARTER SESSIONS, CLEARFIELD COUNTY, PENNSYLVANIA

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

State of Pennsylvania: \_\_\_\_\_  
: SS:  
County of Clearfield : \_\_\_\_\_

Personally appeared before me, the subscriber, 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.

Sworn and subscribed before me  
this 2<sup>nd</sup> day of May, 1922.

J. H. Clegg, Jr.  
19. June 1922

April May 3, 1922

Services accepted for County Commissioners  
C. L. Morris  
Chair

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

May 3, 1922

Petition of Parker W. Wash-  
burn and Mary Washburn for  
appointment of viewers.

May 3, 1922. A. R. Edward  
F. Henry Reed & J. H. Spaulding  
are appointed viewers to prop-  
ose an interlocutory decree.

Parker Washburn  
Mary Washburn

REED, BOULTON & FORSYTH  
ATTORNEYS AT LAW  
CLEARFIELD, PA.

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 ~~and~~  
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 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.

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 19<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<sup>th</sup> 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 G. L. Edwards, Harry  
Ruse, J. W. Spangle, viewers. Coty Bell Esq.

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

appearances were noted: G. L. Edwards, Harry Ruse, J. W. Spangle,  
viewers, Coty Bell Esq. for petitioners. A. H. Woodward Esq. for  
County Commissioners, Right Horns & Warren County Courts.

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 & glue damaged by letting tree fall on same.

Planks 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 \$250.00

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

J. A. Reese

Seal

James W. Spangle

Seal

Seal

No. 8 Sept Sessions, 1922

## ORDER

To view & assess damages to a  
Parker W. Washburn and  
Mary Washburn use in the  
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 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.

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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 exophthalmic hairy lemur  
seen on open forest  
Myakatinae, British Somaliland

Filed \_\_\_\_\_ 19\_\_\_\_\_  
Fees \$1.25 paid by \_\_\_\_\_  
**Boulton & Forsyth, Atty's**

W. 100, 9 ft.

FILED  
DEC 6 1922  
GEO. W. R. LYTTON  
SHERIFF

## 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