

DOCKET No. 5

Number Term Year

9 Sept 1922

Petition of E. D. Mansel for viewers

to assess damages

Versus

X

of September 1922

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

Petition of E. D. Mansell
for appointment of viewers.

May 9, 1922, A. H. Stewart,
Harry Rose & M. Spang Co.,
are appointed viewers,
for view as provided by
law of County.
By the Court
Sieglinde Bell, P.J.

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

Now May 9, 1922
I have accepted for County Commissioners
Mr. L. C. Morris
Chair

IN THE COURT OF QUARTER SESSIONS, CLEARFIELD COUNTY, PENNSYLVANIA

In re construction of : Petition of E. D. Mansel for
State Highway Route #313 : appointment of viewers.

To the Hon. Singleton Bell. President Judge of said Court:

The petition of E. D. Mansel respectfully represents:

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

2. That the Highway Commissioner of the State of Pennsylvania has undertaken the construction of an improved State Highway known as Route #313, a change of width and of existing lines and locations being occasioned thereby.

3. That your petitioner has suffered damages by reason of the construction and improvement of said road and has been unable to agree with the County Commissioners of Clearfield County, as to the damages sustained by him.

THEREFORE your petitioner prays the Court to appoint viewers to ascertain and assess his 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.

E. D. Mansel

State of Pennsylvania: : SS:
County of Clearfield :

Personally appeared before me, the subscriber, E. D. Mansel, who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

E. D. Mansel

Sworn and subscribed to before me
this day of , 1922.

No. 9 Sept 19 Sessions, 19 22

ORDER

To view and assess damages to
road to E. D. Mansell _____
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 disadvantages as well as the disadvantages of the road, they will report to that effect.

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

Filed 19 Fees \$1.25 paid by Boulton & Forsyth, Attys'

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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: E. D. Mansell \$50.00

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
Jared 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 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 29th day of July, 1922, at 11 o'clock 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 Reese, J. W. Spangle, viewers, Forty Bell Egy.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29th day of July A. D. 1922, when the following appearances were noted: G. L. Edwards, Harry Reese, J. W. Spangle, viewers, Forty Bell Egy. for petitioner, A. H. Woodward Egy.atty for Commissioners & the three Commissioners themselves.

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 hearing the testimony, the viewers award damages to Maxwell in the sum of \$50.00 to buy space for ditch which is five feet wide & 5 feet deep running thru property.

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

E. D. Mansel

Judge of the same Court: Upon the petition of ~~sundry~~ ~~in~~ habitants of the Township of Morris

in said County, setting forth that he is the owner 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 #313, a change of width and of existing lines and locations being occasioned thereby. That your petitioner has suffered damages by reason of the construction and has been unable to agree with the County Commissioners of Clearfield County 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, Harry Reese 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.