

Road DOCKET No.5

Number Term Year

15 Sept 1922

Petition of Josiah Jones for

viewers to assess damages

Morris Twp

Versus

IN THE COURT OF QUARTER SESSIONS, CLEARFIELD COUNTY, PENNSYLVANIA

In re construction of : Petition of Josiah Jones for
State Highway Route #313 : appointment of viewers.

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

Petition of Josiah Jones 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 State Highway leading from Philipsburg to Kylertown.

2. That the Highway Commissioner of the State of Pennsylvania has ordered and undertaken construction of improved State Highway known as Route #313, through the premises of your petitioner, a change of width and existing lines and location being occasioned thereby.

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

Josiah Jones

State of Pennsylvania : : SS
County of Clearfield :

Personally appeared before me, the subscriber, Josiah Jones, 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.

Sworn and subscribed to before
me this 24 day of July, 1922.

Josiah Jones

Les W Ralston
Prothonotary

15 - Sept 11 1922

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

Petition of Josiah Jones
for
appointment of viewers.

July 14, 1922 a. m.
Estimable Harry Dule
James Young and
Brooks present to the
Court and request a pro-
perty law.

By Me Comd

III. J. Boulton & Forsyth
JUL 20 1922
W. W. RALSTON

CIRCUIT

BOULTON & FORSYTH
ATTORNEYS AT LAW
CLEARFIELD, PA.

KURTZ BROS. CLEARFIELD, PA.

Clearfield Pa.

Now July 14th 1922

Service accepted for County Commissioners
L. C. Morris Clerk,

2175

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 20th day of July in the year of our Lord one thousand nine hundred twenty-two

*Jesiah Jones
Judge of the same Court: Upon the petition of sundry in-
habitants of the Township of*

in said County, setting forth that he is the owner of a certain piece of land situate in the Twp of Morris along the State Highway leading from Philipsburg to Kylertown. That the Highway Commissione has undertaken construction of improved State Highway known as Route #313 through the premises of your petitioner, a change of width and existing lines and location being occasioned thereby

That your petitioner has suffered damages by reason of said construction and has been unable to agree with the County Commissioners as to the damages 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, Esq Harry Reese and James 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.

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 Morris and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 11th day of August A. D. 1922, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 14th day of August, 1922, at 11 o'clock A.M. That three 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 Rice and James Spangle and Josiah Jones also Coby Bell Eng. Attorney for petitioner.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 14th day of August A. D. 1922, when the following appearances were noted: A. L. Edwards, Harry Rice and James Spangle and Josiah Jones also Coby Bell Eng. Attorney for petitioner.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a new 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 no use the following described road, to wit Beginning

Petitioner's damage consisted in the taking of a strip of his ground for sewer or drainage purposes. The viewers have allowed damages in the sum of \$50.00. I feel that this amount will at least provide the pipe & petitioner can put it in & fill up the ditch which is between 4 & 6 feet deep and approximately 4 feet wide.

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~and assess damage~~
~~Road leading from~~ *to Joseph Jones property*

in Morris Township to

in Morris Township, in the County aforesaid, will meet at the house of *Joseph Jones*
in Morris Township, on
the 11th day of August A. D. 1922, at 11
o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice. *And a hearing upon the same will be held in the lecture room of the Court House on Aug 14th 1922 at 1 P.M.*

J. L. Edwards

Harry Pease

James Spangle

Viewers

July 15th

1922

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: *Josiah Jones \$50 50*

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

WITNESS our hands and seals this 14th day of August
A. D. 1922.

A. L. Edwards Seal
K. A. Reese Seal
James W. Spangle Seal
Seal

No. 15 Sept Sessions, 1922

ORDER

To view and assess damages
arising out of the
accident to Josiah Jones 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 the location may be changed by the reviewers.

entitled to damages, taking into consideration the disadvantages as well as the disadvantages of the road, they will report to that effect.

Sessions, 19
Agreed and confirmed Ni. Si. Road
opened 33 feet wide, except where
is side hill cutting or embankment
bridging, there to be 16 feet wide.

Worn August 11th 1923.
Cover of the series no
length 16. September 1923.
By G. H. Cawelt

By the author
Frederick J. R.

1223. *Cathartes*

Myths & Lore

May 1862 / 32

19

aid by

Boulton & Forsyth, Attys' Esq.

SEARCHED
INDEXED
SERIALIZED
FILED
SEP 5 1923
GEO. W. RALSTON
CLERK

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
Seal