

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 :  
County of Clearfield : SS

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

Leo H. Ralston  
Notary

# 15 Sept 1922

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

Petition of Josiah Jones  
for  
appointment of viewers.

July 24, 1922 A. D.  
Edward L. Harry Trust  
of same shape and  
form as view to the  
land and report as per  
order of land.

By the Court

FILED

JUL 20 1922

W. W. BALSTON

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

KURTZ BROS., CLEARFIELD, PA.

2,75-

Clearfield Pa.

Now July 14<sup>th</sup> 1922

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

**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

Jessiah Jones  
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 State  
Highway leading from Philipsburg to Kylertown. That the Highway Commission  
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 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.

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 Reese and James Spangle, viewers and Josiah Jones

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 Reese and James Spangle and Josiah Jones, also Corby Bell Esq. Attorney for petitioner.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an 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 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 due following damages in the sum of \$50.00 feel that this amount will at least provide the pipe + petitioner can put it in + fill up the ditch which is between 4 + 5 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 ✓ assess damages Road leading from to Josiah Jones property

in Morris Township to

in Morris Township, in the County aforesaid, will meet at the house of Josiah 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 kitchen room of the Court House on Aug 14th. 1922 at 11 A. M.*

J. L. Edwards

Harry Reese

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 \$50.00

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

WITNESS our hands and seals this 14<sup>th</sup> day of August  
A. D. 1922.

A. L. Edwards Seal

H. A. Reese Seal

James W. Shangle Seal

No. 15 Sept Sessions, 1922

# ORDER

To view and assess damages

road, for to Josiah Jones in the

township of Morris

Clearfield County

Sessions, 19

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

Now August 11th 1922  
Power 2 Cyle running to  
August 26 September 1st  
1923.

By the Court  
Engelhardt

Oct 26, 1923, Confirmed

By the Court  
Engelhardt

Filed 19

Fees \$1.25 paid by

Boulton & Forsyth, Atty's.

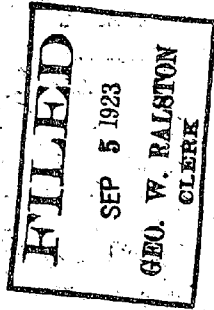
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	AMT.



## 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 \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_