

Read DOCKET No. 5

Number Term Year

2 Sept 1923

Petition of Ira Dunworth for appt.
of Viewers to assess damages in
Bloom Twp

Versus

\$300.00

X

TO THE HONORABLE, THE JUDGE OF THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY:

The petition of IRA DUNWORTH respectfully
represents:

That he is the owner of a farm situate in
Bloom Township, Clearfield County, Pennsylvania, on the
State Highway, commonly known as Highway Route No. 59;

That the Highway Department of Pennsylvania
in constructing and improving their new highway, left the
old road bed as originally laid out and run through the
entire length of the farm of your petitioner, and they
have made cuts and fills and ditches and drains on the
property of your petitioner, which greatly and seriously
injures it;

That by virtue of the laws of the State of
Pennsylvania, the County of Clearfield is responsible for
said damages;

That your petitioner has tried to agree with
the Commissioners of the County of Clearfield for the pay-
ment of the damages done to the property of your petitioner
by reason of the construction of said highway, and the said
Commissioners and your petitioner cannot agree upon what is
a fair and just compensation.

Your petitioner therefore prays the Court to
appoint viewers as provided by the laws of the State of
Pennsylvania, to view and assess the damages due your
petitioner for the constructing of the said highway.

And he will ever pray, etc.

Ira Dunworth

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

SS:

IRA DUNWORTH being sworn says the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed
before me this 10
day of May, 1923.

Ira Dunworth

John Y. Rafferty
J. Y. R.

MY COMMISSION EXPIRES
JANUARY 1ST, 1928

3

To: T. R. Welmer, Jesse. E. Dale and M. L. Farrell.
County Commissioners of Clearfield County Pa.

You are hereby notified; That the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view the premises of Ira, Dunworth the petitioner and assess the damages caused to his property by the change of the route No 59, of the State Highway, leading from Luthersburg to Gramplan through the property of the petitioner, situate in Bloom Township Clearfield County Pa by the amount of the land taken, and by the cuts, fillings, ditches and drains cut; for which damages the County of Clearfield is liable.

Therefore the said viewers as required by the said order of Court will meet for the discharge of their duty on the said premises of the petitioner at the point where the said State Highway enters enters the same on Thursday the 14th day of June A. D. 1923 at three thirty (3.30) o'clock P. M. to attend to the duty assigned them. of which time and place all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested in the case a chance to be heard by the viewers, will be held in the Arbitration Room in the Court House in Clearfield Pa; on Friday June 15th A. D. 1923, at eight thirty (8.30) o'clock A. M. when and where all parties interested may attend and be heard.

A. G. Kramer
E. D. Billotte
J. L. Michaels.
VIEWERS.

Now June 4, 1923, service accepted for the County Commissioners of Clearfield County Pa.

L. C. Norris
Clerk.

To Ira. Dunworth.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view the premises and assess the damages you sustained by the change of the route of the State Highway No 59, leading from Luthersburg to Gramplan through your property, situate in Bloom Township Clearfield County Pa. By the amount of the land taken and by the cuts, fillings, ditches and drains cut for which damages the county of Clearfield is liable.

And the said viewers therefore in persuance of the aforesaid order of Court will meet on your aforesaid premises at the point where the said State Highway enters the same on Thursday the 14th day of June A. D. 1923 at three thirty (3.30) o'clock P. M. to attend to the duty assigned them, of which time and place all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court; in order to give all parties interested, in the case, a chance to be heard by the viewers, will be held in the Arbitration Room in the Court House in Clearfield Pa on Friday the 15th day of June A. D. 1923 at eight thirty (8.30) o'clock A. M. when and where all parties interested may appear and be heard.

A. G. Kramer.

E. D. Billotte.

J. S. Michalls.

VIEWERS.

28 May 1923 *seems accepted*

Rugs & Rugs
Atty for Reblows

1923
No. 2 Sept Sessions, 1923

ORDER

To view & assess damages to a
road for IRA DUNWORTH
township of Bloom
Clearfield County

Sessions, 1923
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.

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.

FILED
JUL 27 1923
GEO. W. RALSTON
CLERK

Filed 1923
Fees \$1.25 paid by
Pentz & Pentz, Attorneys

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 ensembling 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. 1923 _____

Seal
Seal
Seal
Seal

besides taking the public road away from his buildings which is a great inconvenience getting from his house and barn to the public road.

Besides depriving him of having the use of his farm for pasture purposes which is one if not the principal benefits to a farmer and even with a fence compelled to drive his cattle to and from the pasture field will require considerable time and great inconvenience; more or less damaging

It has been decided, that one may suffer as much if not more damages by the inconveniences he suffers then by the amount of the land taken or destroyed: 68, Superior Court Report page 219. The witnesses produced at the hearing by no means agree as to the amount the claimant has been damaged; some fixing the damages as much as \$1200.00 while other fix it as low as \$400.00; ^{both for the amount of the damages depends on the judgment of the viewers} The viewers therefore after having carefully viewed and inspected the premises are of the opinion that the claimant derives no special benefit from the construction of the said road through his property that all the benefits he derives is general, no greater then all other parties residing along ~~along~~ the same who are not in the least damaged or inconvenienced thereby, have no land taken or suffer the inconveniences the claimant suffers. The viewers are therefore fully convinced that his property has been depreciated or reduced in value, over and above all the benefits he derives in the sum of Three hundred (\$300.00) dollars.

They therefore ~~appraise~~ ^{assess} the damages that Ira Dunworth the claimant has sustained at the sum of three hundred (\$300.00) Dollars.

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: _____

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

WITNESS our hands and seals this 21st day of July

A. D. 1923.

A. G. Kramer Seal

E. D. Billotte Seal

J. S. Michaels Seal

Seal

County of Clearfield, ss: Commissioners Subpoena.

The Commonwealth of Pennsylvania, to Wm Thomas William Mubler
John Wrigglesworth
William Joseph Wm Duckey

We Command you, that setting aside all manner of business and excuses whatsoever, you
be and appear in your proper person before A. S. Grams. Bell & Michael
Esq., Commissioner, at the Court House in Clearfield

..... Pa., on the 15th day of
June next, at o'clock. 9 M., there to
testify the truth according to your knowledge in a certain case now pending and then and there
to be tried, wherein

Ira Summorth Plaintiff ~~Exhibitor~~, and
Clearfield County Defendant ~~Respondent~~, and
that on the part of the And this
you are not to omit under penalty of five hundred pounds.

WITNESS, the Honorable SINGLETON BELL, President Judge of our said
Court, at Clearfield, Pa., the 8th day of June

Anno Domini, one thousand nine hundred and Twenty One
Prothonotary

Served with subpoena on
the within named. Mr
Thomas William Michael
Henry Thomas. Mr Berley
A. L. Kirk John Haggles
with by receiving of
them.

6 served 3.56
19 miles over 7.60
\$11.10

Chapell only in.
The Burdworth being
found say the above
return is correct and
true and the search
was made. The above
seen as been set forth

Dr. Burdworth
before me this 15 June
1923

Geo W. Palston
Prothonotary

No. 2 Sept. Term, 1923

the Burdworth

VS.

Chapell &

Commissioners Subpoena.

, Attorney.

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~~

~~W.C. Pentz Esq. Attorney for the Claimant~~ notices thereof were posted along the route of the proposed road, that the said view would be held on the 14th day of June

A. D. 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 15th day of June, 1923, at 8.30 o'clock A.M. That

The viewers appointed by the said order viewed the ~~proposed road~~ premises of the said Claimant at the time set and were attended by Ira Dunworth the Claimant and W. C. Pentz, Esq. the Attorney for the claimant and others.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 15th day of June A. D. 1923, when the following appearances were noted: W. C. Pentz, Esq. Attorney for the claimant and Ira Dunworth the claimant, and William Michaels, William Thomas William Thorp, John Wrigleworth and T L Corp.

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 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

That Ira Dunworth the claimant is the owner of a farm consisting of twenty acres of land situate in Bloom Township Clearfield County Pennsylvania having about eighteen acres cleared and under good state of cultivation, the remainder being woodland, and having thereon erected a dwelling house, barn and other outbuildings, through which said farm the State Highway Commissioner in the exercise of his powers constructed a State highway on route No 59 leading from Luthersburg to Gramplan in 1923 changing the location or route of the road through the property of the claimant taking it away from his buildings and cutting off from his farm buildings the main part of his farm: Said road is fifty (50) feet in width and six hundred and five (605) feet through the entire length of his farm taking about three fourth 3/4 of an Acre of land besides the amount destroyed by a drain nine hundred and seventy seven (977) feet in length through his cleared land down to a run some two feet in depth and about the same in width to drain the water of the road part of the road bed is cut down from two to six feet in depth and the principal part of the remainder is fill up from one to six feet in height above the level of his fields, making it very difficult to haul his grain and hay across the state road up to his barn. This lowest part of his barn is the watered part of his farm. And in order to pasture his cattle he will be compelled to hurd his cattle at considerable expense or build and keep up a wire fence along both sides of the road the entire length of his farm which will require a fence not less than twelve hundred feet in length to protect and keep his cattle of the State road. and drive or lead them twice a day from his barn across the State Road a distance of several hundred feet to and from pasture or keep them in the barn or barnyard all the time day and night.

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 14th day of May
in the year of our Lord one thousand nine hundred
Twenty three

Judge of the same Court: Upon the petition of ~~xxxxxx~~ IRA DUNWORTH

~~xxhabitant~~ of the Township of Bloom Twp

in said County, setting forth that he is the owner of a
farm situate in Sloom Twp. Clearfield County, Pa. on the State Highway,
commonly known as Highway Route No. 59; That the Highway Dept. of Penna.
in constructing and improving their new highway, left the old road bed as
originally laid out and run through the entire length of the farm of your
petitioner, and have made cuts and fills, ditches and drains on the property
of your petitioner, which greatly and seriously injures it, and have been
unable to agree with the Commissioners of Clearfield County as to the amount
of damages sustained thereby

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. G. Kramer, Esq.,
E. D. Billotte, Esq., and J. S. Michaels.

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.

Yes W. Ralston, Clerk.

IN THE COURT OF COMMON PLEAS OF CUMBERLAND COUNTY	
2 Sept 20 1923	
In re: IRA DURNORTH	
P E T I T I O N	
<p>14 May 1923 Return Bond and Warrant for the arrest of J. Kramm, Esq. & J. E. Kramm and J. E. Kramm are offered to be to view and assess the damages as per stated by law By the Court Englehart Dec 1923</p>	
MAY 14 1923 GEO. W. RALSTON, PENTZ & PENTZ CLERK ATTORNEYS AT LAW DUBOIS, PA.	

275 to 400

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

Of..... May Sessions Term, 1923.
 No.....
 Bill of Costs
 At..... Term, 190.....
 Versus
 CLEARFIELD COUNTY

			Dollars	Cents
William Michaels	one	Days in attendance 17	3	02
William Thorpe	"	Days in attendance 13	2	78
William Thomas	"	Days in attendance 17	3	02
John Wrigglesworth	"	Days in attendance 14	2	84
T. L. Korb	"	Days in attendance 18	3	08
William Dick	"	Days in attendance 15	2	90
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Days in attendance		
		Serving subpoenas		
		Witness		
		Miles distance		
Whole amount of bill			17	64

CLEARFIELD COUNTY, SS:

Personally appeared before me a Justice of Peace, Ira Dunworth, who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me this
 19 day of June, A. D. 1923.
 John Rafferty, Prothonotary
 Ira Dunworth, Justice of the Peace

MY COMMISSION EXPIRES
 JANUARY 1ST. 1928

No. 30 Sept 30 1923
MAY.....~~Term~~ 19023.

IRA DUNWORTH

Versus

CLEARFIELD COUNTY

Bill of Costs

For 600.00 Term 190

Date..... 190

Amount - - - \$