

DOCKET No.5

Number	Term	Year
2	May	1923

Petition of Paul Smith for Appt of
viewers to assess damages in

Bloom Twp

Versus

X

In the Court of Quarter Sessions of Clearfield County Pa
In re construction of : No May Sessions 1923
State Highway Route : Petition of Paul Smith for
No 59 : appointment of viewers

To Hon Singleton Bell Judge of said Court.

The petition of Paul Smith Respectfully represents

First .- That he is the owner of a certain tract of land situatein Bloom Township, Clearfield County Pennsylvania along the public road leading from Grampian Borough to the Erie Turnpike.-

Second.- That the State Highway Commissioner of the State of Pennsylvania has undertaken the construction of an improved Highway known as route NO 59 leading from the Borough of Curwenville to Reams watering trough.- said highway leading through the above mentioned premises. That as laid out and partly constructed it has caused a change of width, existing lines and location .-

Third.- That your petitioner has sustained damages by reason of the change, of width, existing lines and location and the construction of said Highway .- That he has been unable to agree with the County Commissioners of Clearfield County as to the amount of damages sustained by him .-

Your petitioner therefore prays the Court to appoint viewers to ascertain and asess his damages as provided by the Act of Assembly approved April 6th 1921 amending section 16 of the Act of May 31st 1911 and re enacting section I of the Act of July 18th 1917 and as provided by other Acts of Assembly relating to the ascertainment and assessment of damages for opening public highways.-

Paul Smith

State of Pennsylvania :
County of Clearfield : SS

On this 29 day of March A D 1923 before me
the subscriber one of the Justices of the Peace in and for
said County personally appeared the above named petitioner
who being duly sworn according to law doth depose and say
that the facts set out in the foregoing petition are true and
correct to the best of his knowledge, information and belief

Sworn & subscribed to : Paul Smith
before me this 29 day
of March A D 1923 :
:

J. F. Henry, Jr.

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~~
~~petitioner~~ and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 23rd day of April A. D. 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 25th day of April, 1923, at 9 o'clock A. M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Paul Smith, the petitioner, Joseph Korb and Sidney Smith

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 25th day of April A. D. 1923, when the following appearances were noted: A. H. Woodward Esq., Atty for the County Commissioners T. R. Weiner and Jesse E. Dale, County Commissioners, W. A. Hagerty, Esq., Atty for the petitioner, Paul Smith, Sidney Smith, Joseph Korb, Tobias Korb, Wm. Michaels, Harrison Shaffer, and L. H. Hartzfeldt, who were each duly affirmed and examined and cross examined

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~~ necessary for a ~~road~~ 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 Paul Smith has sustained damages in the change of location of the State Highway which as now layed out and partially constructed runs through feet of improved farm land, through his orchard absolutely destroying and removing matured and bearing fruit trees

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 2nd day of April in the year of our Lord one thousand nine hundred twenty-three

Judge of the same Court: Upon the petition of ^{Paul Smith} sundry ~~x~~ inhabitants of the Township of Bloom

in said County, setting forth that he is the owner of a certain tract of land situate in Bloom Township, along the public road leading from Grampian Borough to the Erie Turnpike
That the State Highway Commissioner of the State of Pennsylvania has undertaken the construction of an improved highway known as route No 59 leading from the Boro of Curwensville to Reams Watering trough.
and has caused a change of width, existing lines and location and have been unable to agree with the County Commissioners as to the amount of 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 Frank Hutton, Esq., J. E. Fry and George Weber

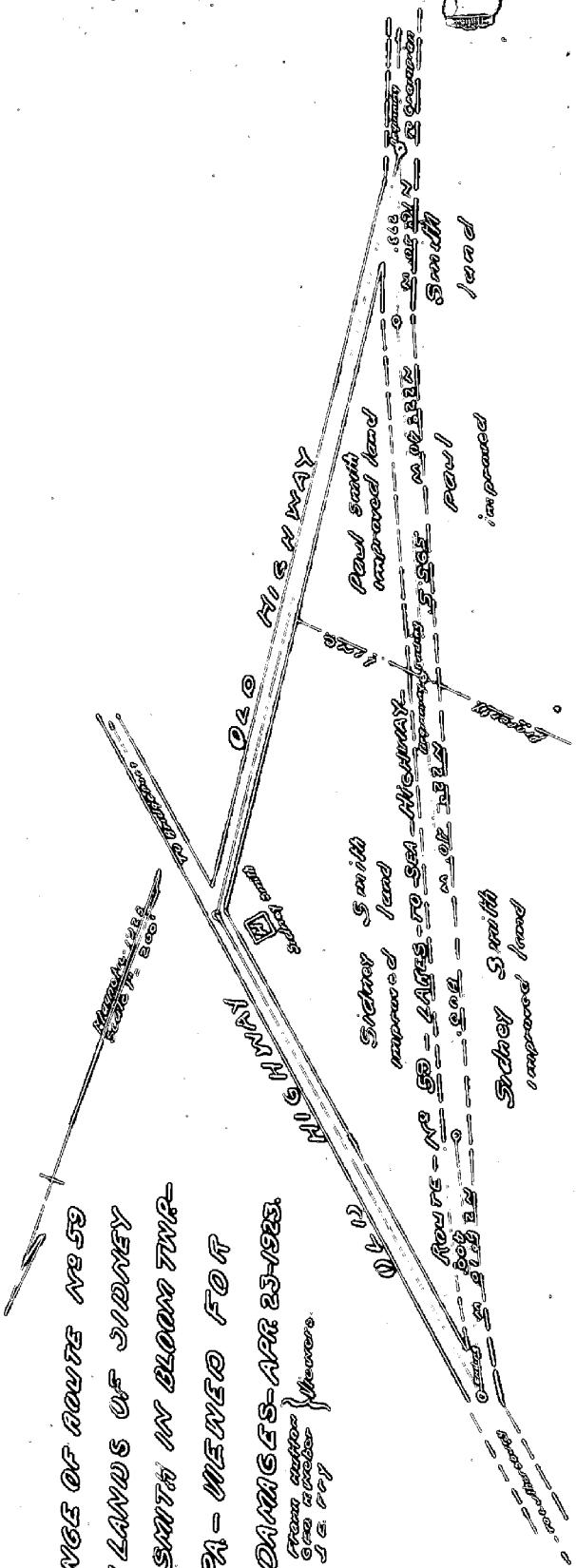
who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground proposed for the said road, and if they view the same, and a majority of the 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.

MAP SHOWING CHANGE OF ROADS NO 53
PASSING THROUGH LANDS OF J. D. DIXON
SMITH & PAUL SMITH IN CLEAVAN TWP.
CLAYFIELD CO - PA - MENCH FORT
ASSESSMENT OF CHANGES - APR 25/1923.
From section lines
of a road



No. 2 May Sessions, 1923

ORDER

To view and assess damages to
landlord Paul Smith _____ in Clearfield County,
township of Bloom, _____,

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.

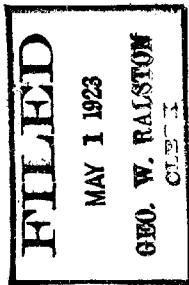
Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

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.

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

See 5th 1923. Confirmed
By the Court
Engelhardt, J.

Filed _____
Fees \$1.25 paid by _____
W. W. A. Hagertry, Attorney



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

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 no exceptions

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: to Paul Smith the sum of Two Hundred and Thirty Five (\$235.00) dollars for land taken and fruit trees destroyed

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

WITNESS our hands and seals this 28th day of April
A. D. 1923.

Franklin D. Roosevelt
Franklin D. Roosevelt
Franklin D. Roosevelt
Franklin D. Roosevelt

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

YOU ARE HEREBY NOTIFIED that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and assess damages accruing to PAUL SMITH of BLOOM Township, caused by a change of width, existing lines and location by the State Highway Commissioner of Pennsylvania in the construction of an improved Highway known as route #59 leading from the Borough of Curwintsville to the Reams Watering trough in Bloom Township in the County aforesaid will meet at the location of said road in Bloom Township, on Monday the 23rd day of April 1923 at nine o'clock A.M. to attend to the duty assigned them. And that the required Public Hearing will be held at the Court House in the Borough of Clearfield on Wednesday the 25th day of April 1923 at nine o'clock A.M. at which times and places all interested parties may attend and be heard

DuBois Pa. April 4th 1923

Mark Hulten
J. E. Fry
George A. Weber

Viewers.

Now April 5th 1923 service of this notice is accepted for the
County Commissioners

L. C. Manns
Clerk

To PAUL SMITH, You are hereby notified that the undersigned
Viewers, appointed by the Court of Quarter Sessions of Clearfield
County, Pennsylvania, to View and ASSESS DAMAGES accruing to you
and caused by a change in width, existing lines and location by the
State Highway Commissioner of Pennsylvania in the construction of
an improved Highway known as Route #59 leading from the Borough of
Curwensville to the Reams Wateringtrough in Bloom Township, in the
County aforesaid, will meet at the location of said Road in Bloom
Township, on Monday the 23rd day of April 1923 at nine o'clock A.M.,
to attend to the duty assigned them, and that the required Public
Hearing will be held in the Court House in the Borough of Clearfield
on Wednesday the 25th day of April 1923 at nine o'clock A.M. at
which times and places all interested persons may attend and be heard

DuBois, Pa. April 4th 1923

Frank H. Hull
J. E. Gray
George K. Weber
Viewers

Now April 5th 1923 service of this notice is accepted for

Paul Smith

W. C. Morris
att'y for Paul Smith

Now April 5th 1923

Service accepted for County Commissioners
P. S. & C. Morris
Counsel

23 May 1923
Be on public for
meon & other
danger in far state
Mystay.

April 1, 1923 Frank Muller,
S. S. City, George M. M.
An approach was made
on the damage, of any
and proceed accordingly,
The following
By the Court
Frank Muller

RECEIVED

APR 2 1923
GEO. W. RAILEY
CLERK