

Road

DOCKET No. 5

Number      Term      Year

6              Sept SS      1923

Petition of Lewis G. Cathcart

for Appt. of Viewers to assess

damages

Versus

*\$500.00*

*(X)*

*52*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: :  
Construction of State Highway :  
Route No. 1787-3. :  
:

Petition of Lewis Cathcart for Appointment of  
Viewers.

To the Honorable Singleton Bell, President Judge:

The petition of Lewis G. Cathcart respectfully represents:-

(1). That he is the owner of property in Knox Township, Clearfield County, Pennsylvania, conveyed to him by deed of John J. Dunlap, dated 10 May, 1915, recorded at Clearfield in Deed Book 208, page 63; the land is bounded and described as follows:

1. Beginning at a post on line of land of Fannie Bloom; thence along Township road and land of John Dunlap, W. W. Cathcart and others, North  $25\frac{1}{2}$  degrees West, 162.3 perches to a corner in township road leading from Olanta to Turkey Hill; thence by land of Grant Cathcart, North  $69\frac{1}{2}$  degrees East 25.2 perches to a post; thence by residue of land of Tillie M. Bloom, South  $25\frac{1}{2}$  degrees East 155 perches to a post on line of Fannie Bloom; thence by the same South  $53\frac{1}{2}$  degrees West 25.6 perches to beginning. Containing 25 acres.

2. Beginning at a post, thence along line of land of Wm. Cathcart, North 54 degrees 45 minutes East 122 feet to a post; thence South along line of Tillie M. Bloom land 24 degrees East 937 feet to post in public road leading from Olanta to Houtzdale; thence by other lands of said Wm. Cathcart, North 59 degrees 45' West 395 feet to post and public road; thence North along said public road 13 degrees 30 minutes West 634 feet to post and beginning. Containing 3 acres 61 perches.

(2). That the State Highway Commissioner of the State of Pennsylvania has undertaken the construction of an improved highway, formerly known as Route 1787-3, now designated as No. 1865, and being the road from Olanta to Maple Run, through said premises, a change of width and existing lines and location, and new lines and location being occasioned thereby.

X (3). That your petitioner has sustained damage by reason of said construction, and he has been unable to agree with the County Commissioners of Clearfield County, ~~and~~ <sup>or</sup> with the Supervisors of Knox Township, as to the damages sustained by him.

(4). Your petitioner, therefore, prays the Court to appoint Viewers to ascertain and assess his damage as provided by Act of April 6, 1921, amending section 13 of the Act of May 31, 1911, P.L. 468; said amendatory act being No. 62 of the Statutes of 1921, and as provided by other pertinent Acts of Assembly.

Lewis Cathcart

STATE OF PENNSYLVANIA:  
COUNTY OF CLEARFIELD: SS:

Lewis G. Cathcart, the petitioner above named, being duly sworn, deposes and says that the facts stated in his foregoing petition are true.

Subscribed and sworn to before Lewis Cathcart  
me the 26<sup>th</sup> day of May, 1923.

John A. Daley

MY COMMISSION EXPIRES FIRST  
MONDAY OF JANUARY 1924

In the Court of Quarter  
Sessions of Clearfield County  
Pennsylvania.

6 Sept 21 1923

In re:

Construction of State High-  
way, Route No. 1787-3.

Petition of Lewis G. Cathcart  
for Appointment of Viewers.

Read May 29 '1923

Applicant, E. D. Bell  
by and through an  
appointed viewer as per  
for the Court

Angela Bell

MAY 29 1923

330. W. RALSTON  
CLERK

A. M. LIVERIGHT  
ATTORNEY AT LAW  
CLEARFIELD. - PA.

KURTZ BROS., CLEARFIELD, PA.

275 by atty

(1). That he is the owner of property in Knox Township, bounded and described as follows:

(1). Beginning at a post on line of land of Fannie Bloom; thence along Twp. Road and land of John Dunlap, W. W. Cartcart, and others, North 25½ degrees West, 162.3 perches to a corner in Twp. Road leading from Olanta to Turkey Hill; thence by land of Grant Cathcart; North 69½ degrees East 25.2 perches to a post; thence by residue of land of Tillie M. Bloom, South 25½ degrees East 155 perches to a post on line of Fannie Bloom, thence by the same South 53½ degrees West 25.6 perches to beginning. Containing 25 acres.

(2). Beginning at a post, thence along line of land of Wm. Cathcart, North 54 degrees 45 minutes East 122 feet to a post; thence South along line of Tillie M. Bloom land 24 degrees East 937 feet to post in public road leading from Olanta to Houtzdale; thence by other lands of said Wm. Cathcart, North 59 degrees 45 minutes West 395 feet to post and public road; thence North along said public road 13 degrees 30 minutes West 634 feet to post and beginning. Containing 3 acres 61 perches.

That the State Highway Commissioner has undertaken the construction of an improved highway, formerly known as Route 1787-3, now designated as No. 1365, and being the road from Olanta to Maple Run, through said premises, and new lines and location being occasioned thereby.

That your petitioner has sustained damage and, therefore, prays the Court to appoint viewers to ascertain and assess his damage as provided by Acts of Assembly.

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 undersigned~~ A M Liveright Esq Attorney for the claimant and W A Hagerty Esq Attorney for the Supervisors of Knox Township and that ~~the said view would be held on the~~ the said view would be held on the 20th day of June, 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 11th day of July, 1923, at 9 o'clock A. M. That the viewers appointed by the said order viewed the premises of the claimant mentioned ~~and that there were present at the view~~ Lewis Cathcart the claimant

And that the adjourned public hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 11th day of July A. D. 1923, when the following appearances were noted: John M Chase Jr Esq on behalf of A M Liveright Esq Attorney for the claimant and Lewis Cathcart the claimant and Lewis Newpher, Isaac Wolf, w P Dunlap, James Cathcart who were called as witnesses on the part of the claimant :- And w A Hagerty Esq Attorney for the Supervisors of Knox Township and Alvin Farhard, Augustus Snyder and G W Robbins the Supervisors of Knox Township who were called as witnesses

viewers, do agree that there is ~~no objection for a road to be made~~ objection for a road to be made and that the same is ~~the shortest distance and the best ground for such road~~ 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 agreeable to the desire of the petitioner, and do return for ~~the use of the following described road, to wit~~ the use of the following described road, to wit

~~That Lewis Cathcart the claimant is the owner of~~  
~~That Lewis Cathcart the claimant is the owner of~~  
 twenty eight acres of land situate in Knox Township Clearfield *County*  
 Pennsylvania; between two and three miles east of Olanta; which is about  
 all cleared and under good state of cultivation and has thereon erected a  
 good frame house, barn and other out buildings; through which farm the  
 State Highway Commissioner in 1922 and 1923 erected a State highway on  
 Route Number 1787-3 now designated as Number 1865 leading from Olanta in  
 Pike Township to Maple Run in Knox Township; through the entire length of  
 the farm or premises of the claimant sixteen hundred (1600) feet: with a  
 road bed 16, feet in width and where there is cutting of any depth it is  
 33 feet wide at the top sloped down to 16, feet and a fill of any highth  
 from 20 to 33 feet at the bottom of the fill; including a drain down thro-  
 gh his field from one to two feet in depth and about the same in width  
 and not less then one hundred (100) feet in length. to drain the water of  
 the state road which said road takes two acres of some of the best land of  
 his farm

It has been decided, that one may suffer as much if not more da-  
mages by the inconvenience he may suffer than by the amount and value of  
the land taken or destroyed, 68, Superior Court page 219. The witnesses  
produced at the hearing in the amount of damages the claimant has suffered  
they by no means agree upon the amount so as to the amount the claimants  
property has been depreciated in value is a matter to a certain extend to  
be decided by the viewers: The viewers after carefully inspecting the  
property are of the opinion that the claimant derived no special benefits  
by the construction of the said road through his property: That all the

**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 29th day of May  
in the year of our Lord one thousand nine hundred  
twenty three

LEWIS CATHCART

Judge of the same Court: Upon the petition of ~~sundry in-~~  
habitants of the Township of KNOX  
in said County, setting forth that

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-  
~~fi~~~~ed~~ ~~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.

TO:- Lewis, C, Cathcart.

You are hereby notified, that the adjourned public hearing in the view made by the viewers appointed by the Court of Common Pleas of Clearfield County Pa to view and assess the damages you sustained by the construction of the State Highway leading from Olanta to Kelley Town through your property situate in Knox Township in the County aforesaid will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday July 11th 1923 at nine o'clock A. M. when you with your witnesses and all others concerned may attend and be heard.

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

July 2-1923 served on me by copy,  
A. M. Lively  
Atty. for Lewis Cathcart



To: Lewis Cathcart.

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 number 1865 in the road from Olanta to Maple run through your said premises by a change of the width from the former existing lines and the change of the location of the said road through your said property situate in Knox Township Clearfield County Pa, by the amount of land taken the drains and ditches for which damages the County of Clearfield is liable.

And in persuance of which order of Court the said viewers will meet at the point where the said State Road enters your land at the point nearest Olanta on Wednesday the 20th day of June A. D. 1923 at 1.30 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 Thursday the 21st day of June A. D. 1923 at nine (9) o'clock A. M. when and where all parties interested may attend and be heard.

*A. G. Kramer,*  
*E. D. Billotte,*  
*J. S. Michalls,*  
VIEWERS.

*Now June 11, 1923 service of the above notice  
accepted for Lewis Cathcart  
A. M. Livingston - atty for Lewis R. Cathcart*

TO, Alvin Earhard, Curt, R H Snyder and George Robbins;  
The Supervisors of Knox Township Clearfield County Pennsylvania.

You are hereby notified; That the adjourned public hearing in the view made by the undersigned viewers appointed by the Court of Common Pleas of Clearfield County Pa to view and assess the damages that Lewis C Cathcart by the construction of the State Highway from Olanta to Kelley Town through his property in Knox Township in Clearfield County Pa sustained, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday July 11th 1923 at nine (9) o'clock A. M. when and where you with your witnesses and all other persons concerned may attend and be heard.

A. A. Kramer,  
E. D. Billotte,  
J. J. Michalski,  
VIEWERS.

*Nov July 1' 1923 I Truly accept  
Notice of above notice for to Supervisor.  
J. M. Long*

*W. H. G. only  
ally for Knox Sup*

TO:- T, R, WEIMER, JESSE, E, DALE AND M, L, FARRELL.  
County Commissioners of Clearfield County Pennsylvania.

You are hereby notified, that the adjourned public hearing in the view made by the undersigned viewers appointed by the Court of Common Pleas of Clearfield County Pa to view and assess the damages that Lewis C Cathcart by the construction of the State Highway, from Olanta to Kelley Town through his property in Knox Township in Clearfield County Pa sustained, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday July 11th 1923 at nine (9) o'clock A. M. when and where you with your witnesses and all other persons concerned may attend and be heard.

A. G. Kramer.

E. D. Billott.

J. S. Michaels.

VIEWERS.

Now July 2 1923 service accepted for the County Commissioners of Clearfield County Pa.

L. C. Morris.

Clerk!

To; T R Weimer, Jesse E Dale and M L Farrell.

County Commissioner's 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 Lewis Cathcart the petitioner, and assess the damages caused to his property by the change of the route and the width of the State Highway leading from Olanta in Pike Township to Turkey Hill in Knox Township through the property of the petitioner situate in Knox Township in the County and State aforesaid by the land taken by the change of the route number 1865 for which damages the County of Clearfield is liable.

And that the said viewers in the discharge of the duties of their appointment, will meet on the premises of the said petitioner at the point where the said State Highway enters the same on Wednesday the 20th day of June A. D. 1923 at one thirty (1.30) 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 Thursday June 21st A. D. 1923 at nine (9) o'clock A. M. when and where all parties interested may attend and be heard.

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

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

L. C. Morris  
Clerk

benefits he derives are general, no greater than all other resident property owners along the route of the said road who are not in the least damaged or inconvenienced thereby, or who have had no land taken or suffer the inconvenience the claimant suffers.

The viewers are therefore after taking into consideration the amount of land taken the fruit trees destroyed and the inconveniences he suffers, that the property of the claimant has been depreciated in value the sum of Five Hundred (\$500.00) Dollars.

They therefore assess the amount of the damages that Lewis Cathcart the claimant has sustained by the construction of the State Highway through his farm at the aforesaid sum of Five Hundred (\$500.00) 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

~~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~~

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 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~~

WITNESS our hands and seals this 16<sup>th</sup> day of July  
A. D. 192.

A. G. Kramer Seal

E. D. Billotte Seal

J. S. Michaels Seal

Seal

No. 6 Sept

Sessions, 1923

## ORDER

To view and assess damages  
to LEWIS CATHCART  
road for use in the

township of Knox

Clearfield County Penna

Sessions, 19

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.

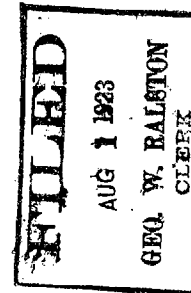
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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 19

Fees \$1.25 paid by

A. M. Liveright, Atty.

## 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. 192

Seal

Seal

Seal

Seal