

DOCKET No. 5

Number	Term	Year
<u>19</u>	Sept ss	1923

Petition of Crosby F. Hayes for  
Appt. of Viewers to assess damages  
in Pike Twp

Versus

To the Honorable Singleton Bell, President Judge of the Court of Quarter Sessions of the County of Clearfield, Pennsylvania:-

The petition of Crosby F. Hayes would respectfully represent:

FIRST: Your petitioner is the owner of two certain pieces of land situate at Bridgeport, in the Township of Pike, County of Clearfield and State of Pennsylvania -- the one piece having been conveyed by Mary Alice Spencer and husband to your petitioner by deed dated June 15, 1903, and recorded in Clearfield County in Deed Book #134, page 550; and the other having been conveyed to your petitioner by Mary Alice Spencer, et al, by deed dated June 25, 1903, and recorded in Clearfield County in Deed Book 135, page 305.

SECOND: That your petitioner uses said two pieces or tracts of land as a single tract of land and has erected thereon a grist mill, dwelling house, barn, large chicken pen and other improvements.

THIRD: That the State Highway has relocated the State Highway route #59 from Curwensville to Grampian and its relocation runs through the aforesaid premises of your petitioner, and an entry has been made upon the aforesaid premises and a re-location of route #59 is in fact made. The grading through the aforesaid premises has been done and an appropriation of the necessary amount of land of your petitioner has been made for the purposes of reconstructing and re-building the aforesaid State Highway.

FOURTH: Your petitioner has been unable to agree with the Commissioners of Clearfield County upon the damages to be paid to your petitioner for the land appropriated and the injury done to him by reason of the taking of a part of the land aforesaid, and the other damages resulting to your petitioner.

Your petitioner, therefore, prays your Honorable Court to appoint proper viewers to appear on the premises and to view and assess the damages and injuries which he is entitled to receive for and on account of the appropriation of his land, and other injuries thereto as a result of the re-location and construction of State Highway.

6 F Hayes

STATE OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS:

On the 17<sup>th</sup> day of June, A.D. 1923, before me, the subscriber Witness of the Person in and for said County personally came the above named Crosby F. Hayes, who being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

Sworn to and subscribed before  
me the day and year aforesaid,

me the day and year aforesaid.

John Adams Jr.

C. F. Haas

MY COMMISSION EXPIRES FIRST  
MONDAY OF JANUARY 1928

ORDER OF COURT

Now, the 14th day of June, A.D. 1923, the within petition presented and upon due consideration thereof, .....  
.....A. G. Kramer..... and E. D. Billold..... and  
.....J. S. Michael..... are appointed viewers as prayed for to view the aforesaid premises and to assess and report the amount of compensation to be paid to said petitioner for the damages and injuries resulting to him by reason of the re-location and construction of the State Highway upon and through his real estate.

By the Clerk

Franklin Bell

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD COUNTY  
#... Sept. Sessions, 1923

In re: Assessment of  
Damages to Crosby F.  
Hayes, relative to  
building State Highway.

PETITION OF CROSBY F. HAYES  
FOR APPOINTMENT OF VIEWERS

**FILLED**

JUN 14 1923

GEO. W. RALSTON

CLERK

MILLER & HARTSWICK  
ATTORNEYS AT LAW  
CLEARFIELD, PA.

That the State Highway has relocated the State Highway route #59, from Curwensville to Grampian and its relocation runs through the aforesaid premises of your petitioner, and an entry has been made upon the aforesaid premises and a relocation of route #59 is in fact made. The grading through the aforesaid premises has been done and an appropriation of the necessary amount of land of your petitioner has been made for the purpose of reconstructing and rebuilding the aforesaid State Highway

Your Petitioner has been unable to agree with the commissioners of Clearfield County upon the damages to be paid to your petitioner for the land appropriated

## 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:

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 13th day of July A. D. 1923, when the following appearances were noted: H R Hartwick, Esq Attorney for Mr Hays the claimant and A H Woodward Esq Attorney for the County Commissioners and Crosby F Hays the claimant with the following witnesses for the claimant to wit: Thomas Way, C E Spencer, C L Whittaker and D. V Spencer; the County producing no witnesses. =

That the claimant Crosby F Hays is the owner of twelve acres of land situated at Bridgport in Pike Township Clearfield County Pennsylvania of which there are several acres cleared; the balance is wood land, that the cleared portion of said land has thereon erected a grist mill a boiler house two frame dwelling houses, a stable, with a manure shed attached, a chicken house and yard, with about three acres which prior to the construction of the State Highway through the same was under cultivation; having thereon a small orchard with several nice thrifty young bearing apple trees.

That the State Highway Commissioner in 1923 in constructing a State Highway from Grampian to Curwensville on Route Number 59, located said highway through the aforesaid premises of the said claimant taking about one acre of the cleared land used for farming purposes as afore stated and about one half acre of the woods land. And having on the said cleared land erected besides the building above stated a frame stable 20, by 24 feet in size 16 feet in height with a hay loft over head with a shingle roof and a concrete floor; with a manure shed attached 10 by 16 feet in size with a concrete floor and a three ply paper roof, and a chicken house one hundred feet in length sixteen feet in width with a concrete floor and a paper roof which was divided into five apartments and a chicken yard the same size as the pen also divided into five apartments which all had to be torn down and removed as the road bed passes through the former location of the said buildings at considerable expense and in passing through his cleared land destroyed some nine or ten apple trees and also destroyed the drain from his house by which he is unable to use his bathroom toilette or drain from his water sink from his kitchen.

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 June in the year of our Lord one thousand nine hundred twenty three

CROSBY F. HAYES

Judge of the same Court: Upon the petition of ~~sundayxxx~~  
~~habitants of the Township of~~ Pike

in said County, setting forth that he is the owner of two certain pieces of land situate at Bridgeport, - the one piece having been conveyed by Mary Alice Spencer and husband to your petitioner by deed dated June 15, 1903, and recorded in Clearfield County in Deed Book #134, page 550. and the other having been conveyed to your petitioner by Mary Alice Spencer, by deed dated June 25, 1903, and recorded in Clfd. Co. in Deed Book 135, page 305

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., J. S. Michaels

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 PALSTON, Clerk.

TO:- T, R, WEIMER, JESSE, E, DALE AND M, L, FARRELL.  
County Commissioners of Clearfield County Penn'a.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Penn'a, to view the premises, of Crosbey F Hayes the petitioner and assess the damages caused to his property; situate at Bridgeport in Pike Township Clearfield County Pa, by the change and improvement of the State Highway on Route Number 59, leading from Grampian to Curwensville through his property by the change of the line of the road by the amount of the land taken and the inconveniences caused to the petitioner for which damages the County of Clearfield is liable.

In pursuance of the authority and power vested in them the said viewers will meet on the premises of the said petitioner at Bridgport in Pike Township in the County aforesaid on Thursday the 12th day of July A. D. 1923 at one thirty (1.30) o'clock P.M. to attend to the duty assigned them; of which time and place aforesaid you will please take notice.

And that the public hearing 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 July the 13th 1923 at nine o'clock A. M. when and where all parties interested may attend and be heard.

R. G. Kramer  
E. D. Billotte  
J. S. Michaels

VIEWERS.

Now June 30 1923 service accepted for the County Commissioners of Clearfield County Penn'a.

L. C. Morris

Clerk.

TO:- Crosby, F, Hayes.

You are hereby notified; That the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Penna; to view your premises, and assess the damages caused to your property situate at Bridgport in Pike Township Clearfield County Penna, by the improvement of the State Highway from Grampian to Curwensville on route Number 59, by the change of the location thereof by the rebuilding thereof between said points by which the same passes through your premises causing damages to the same by the amount of land taken and the inconveniance you suffer thereby for which damages the County of Clearfield is liable.

In pursuance whereof the said viewers will meet on your aforesaid premises at Bridgport in Pike Township in the County aforesaid on Thursday the 12th day of July A. D. 1923 at one thirty (1.30) o'clock P. M. to attend to the duty assigned them; of which time and place aforesaid you will please take notice.

And that the public hearing 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 July the 13th 1923 at nine (9) o'clock A. M. you with your witnesses and all others concerned may appear and be heard.

A G Kramer

E D Billotte

J S Michael

VIEWERS.

Served by copy July 12 1923

Crosby F Hayes  
Bridgport  
Miller Hubbard

The viewers therefore after having carefully inspected the property and hearing the testimony of the witnesses at the hearing are fully convinced that the claimant derives no special benefits by the construction of the said highway through his property. That all the benefits he derives from the said road are general, no greater than all other residents or property owners along the route of the said road who are not in the least damaged or inconvenienced thereby; or who have had none of their land taken, injured or destroyed and therefore been in any way inconvenienced, as the claimant has been.

The viewers therefore after taking into consideration the amount of land taken, the number of his fruit trees destroyed, the expense or cost of the moving and replacing of his stable, manure shed, his chicken house and chicken yard and the cost and expense of rebuilding the same, the inconvenience suffered by the destruction of his drain from his house, and the cost or expense of replacing the same; the viewers are fully convinced that the property of the claimant has been depreciated in value or damaged not less than sixteen or seventeen hundred dollars. They therefore assess the damages to the claimant Crosbey F Hays at the sum of sixteen hundred and fifty (\$1650.00) 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 respectively 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 ~~one copy of the notices~~ copy of the notices.

WITNESS our hands and seals this second day of August, 1923.

A. G. Kramer Seal  
E. B. Billotte Seal  
J. S. Michaels Seal  
W. H. Nichols Seal

No. 9 Sept. 19 Sessions, 19-

## ORDER

To view and assess damages  
to Crosby F. Hayes  
and for maximum  
township of Pike  
Clearfield County

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

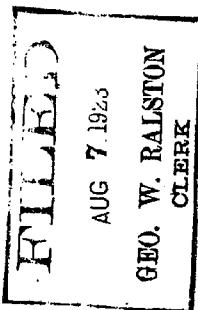
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

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

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.

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

19  
Filed \_\_\_\_\_ Fees \$1.25 paid by \_\_\_\_\_  
Miller & Hartswick, Atty's



## 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 \_\_\_\_\_*

Seal.