

DOCKET No. 5

Number Term Year

17 Sept SS 1923

Petition of Oscar McDonald & Hannah

McDonald for Appt. of Viewers to

assess damages in Morris Twp

Versus

X

Clearfield County, 55:

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 27th day of August in the year of our Lord one thousand nine hundred twenty three

OSCAR McDONALD &

Judge of the same Court: Upon the petition of ~~Maxxx~~
HANNAH McDONALD, his wife Morris
~~in the Township of~~

in said County, setting forth that they are the owners in fee of a tract of land, lying to the side of the new State Highway now erected between Philipsburg and Allport, said tract of land lying between the passenger station of the N. Y. C. RR Co. at Morrisdale and the Village of Oak Grove. That the tracks of the Centre and Clearfield Railway run between the land of the petitioner and the state Highway as aforesaid. That in the construction of the said State Highway the lands of these petitioners have been seriously damaged and a large portion thereof rendered useless to the petitioners.

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 Jas. W. Spangle

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.

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

_____ and that _____ notices thereof were posted along the route of the proposed road, that the said view would be held on the 7th day of December A. D. 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 8th day of December, 1923, at 10:30 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 Harry Reise, James Spangle and A. L. Edwards viewers & Oscar McDonald. Hearing was postponed to Dec. 10 - 1923 at 10:30 A.M.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 10 day of December A. D. 1923, when the following appearances were noted: Harry Reise, James Spangle & A. L. Edwards, viewers, Oscar McDonald claimant & G. H. Woodward Esq, representing the County Commissioners.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is _____ occasion for a road as desired by the petitioner, and that the same is _____ 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 After hearing the testimony the viewers were of opinion that the damages complained of consisted in the cutting down of 4 apple trees which were from 15 to 20 years old & taking of a strip of land on each side of the road for a short distance & of narrow width & requiring the field of said Oscar McDonald by drainage for lack of drainage facilities. Said viewers therefore award Oscar McDonald & Hannah McDonald the sum of \$225.00 as damages in full for all injury sustained to his property.

For the Return of this paper

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned
Viewers, appointed by the Court of Quarter Sessions of
Clearfield County, Pennsylvania, to view and assess damages
Road leading from caused to the property of Oscar McDonald and
Hannah McDonald, by the constructing of State Highway through Morrisdale.

in Morris Township to _____

in Morris Township, in the county aforesaid, will
meet at the house of Oscar McDonald and Hannah McDonald,

in Morris Township, on Friday,

the 7th day of December A. D. 1913, at 10.30

**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 on said view will be held in the Arbitration Room of the Court House at Clearfield on Dec. 8th at 10.30 A. M.

A. L. EDWARDS

HARRY REESE

JAS. W. SPANGLE

VIEWERS

November 23d., 1913.

Now November 24th, 1923 service of the within notice
is accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk to County Commissioners.

No. 17 Sept Sessions, 1923

ORDER

To view and assess damages ~~ex~~
to Oscar McDonald, et al in the
township of Morris, Clearfield County,

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for private 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 load, they will report to that effect.

	DAY	MILES	AMT.
<u>A. T. Edwards</u>	3	64	25.5
<u>Harry Rose</u>	2	60	18.0
<u>James Sprang</u>	2	150	22.5

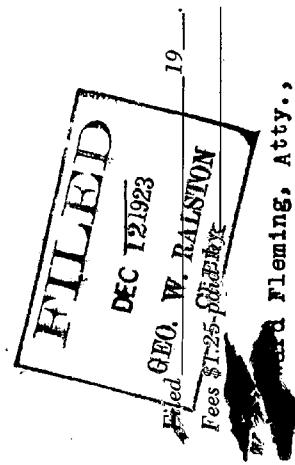
RELEASE OF DAMAGES

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 af 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* _____



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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 10th day of December
A. D. 1923.

A. L. Edwards Seal
R. A. Reese Seal
James W. Spangler Seal
Seal

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In the matter of damages to real)
estate of Oscar McDonald and)
Hannah McDonald, his wife, in the)
Township of Morris, County of Clear-) NO. SEPT. SESS. 1923
field and State of Pennsylvania,)
caused by the opening of the State)
Highway between Philipsburg and)
Allport)

TO THE HONORABLE SINGLETON BELL, JUDGE OF SAID COURT:-

The petition of OSCAR McDONALD and HANNAH McDONALD, HIS WIFE,
respectfully represents:-

1: That they are the owners in fee of a tract of land, situate
in the Township of Morris, County of Clearfield and State of Pennsylvania,
lying to the side of the new State Highway now erected between
Philipsburg and Allport, said tract of land lying between the passenger
station of the New York Central Railroad Company at Morrisdale
and the Village of Oak Grove.

2: That the tracks of the Centre and Clearfield Railway run
between the land of the petitioner and the State Highway as aforesaid.

3: That in the construction of the said State Highway the lands
of these petitioners have been seriously damaged and a large portion
thereof rendered useless to the petitioners.

WHEREFORE your petitioners pray your Honorable Court to appoint
three disinterested persons to view the premises and assess damages
which your petitioners have sustained by reason of the opening of the
new road as aforesaid. And they will ever pray, etc.

Oscar McDonald

Hannah McDonald

STATE OF PENNSYLVANIA)
COUNTY OF CENTRE) SS

OSCAR McDONALD and HANNAH McDONALD, the above named petitioners, being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are true and correct according to the best of their knowledge, information and belief.

Sworn and subscribed before me }
this 27 day of August A.D. 1923 }
Edward Edwards }
NOTARY PUBLIC
Commission expires March 9th 1927

Oscar McDonald

Hannah McDonald

DECREE

And now, August 27th 1923, the above petition read and considered
A. L. Edwards by , Harry Reese
and Jas N. Spangle , are hereby appointed Viewers to view the
alleged damages as contained in said petition and to assess the same and make
report thereof according to law.

By the Court

Frederick Beel
P.J.

IN THE COURT OF QUARTER SESSIONS OF

CLEARFIELD COUNTY

NO. 17 SEPTEMBER SESSIONS 1923

IN THE MATTER OF DAMAGES TO REAL ESTATE
OF OSCAR McDONALD AND HANNAH McDONALD,
HIS WIFE, IN THE TOWNSHIP OF MORRIS,
COUNTY OF CLEARFIELD AND STATE OF PENN-
SYLVANIA, CAUSED BY THE OPENING OF THE
STATE HIGHWAY BETWEEN PHILIPSBURG AND
ALLPORT

PETITION FOR THE APPOINTMENT OF VIEWERS

FILED

AUG 27 1923

AOO W. RALSTON

CLERK

M. WARD FLEMING
ATTORNEY AT LAW
PHILIPSBURG, PENNA.