

ROAD DOCKET No. 6

Number	Term	Year
4	Dec SS	1925

Petition of Kate Hand et al., for  
Appt. of viewers to assess damages  
in Sandy Twp.

**Versus**

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

TO THE HONORABLE A. R. CHASE, PRESIDENT JUDGE OF SAID COURT.

The petition of Kate Hand, Grover Hand and Charles E. Hand, all of Sandy Township, Clearfield County, Pennsylvania, respectfully represents:

That Grover Hand and Charles E. Hand are the owners, subject to the dower interest of Kate Hand widow of Simon Hand, deceased, of a certain piece of land, situate in Sandy Township, Clearfield County, Pennsylvania, containing about one hundred seventeen (117) acres, bounded and described as follows, to wit:

BEGINNING at a Pine Stump; thence West on line of land of A. McClure, 200 perches to a post; thence North along the Jefferson County Line, 94 perches to a post; thence on line of land of Henry Utzinger East 200 perches to a post; thence on line of land of John Hand, now Simon Hand Estate, 94 perches to stump and place of beginning, and containing one hundred seventeen (117) Acres.

That the Commonwealth of Pennsylvania by its Highway Department has proceeded to construct a State Highway through the said land, and it proceeded therewith during the months of May, June, July and Aug., 1924, and prior to the presentation of this petition the Commonwealth of Pennsylvania, by its agents or employees went upon said land and did proceed to construct a public highway thereon, and did appropriate for said purpose a considerable portion of the lands of the petitioners which was not prior thereto used as a public highway, but was taken for highway purposes for the construction of said State Highway.

In addition thereto, in the course of construction of said Highway, the work was so proceeded with in accordance with the plans and specifications of the Commonwealth of Pennsylvania, that the convenient access to various portions of the above described real estate was materially affected, and the property as a whole underwent material damage.

That your petitioners have attempted to secure an adjustment of the damages suffered without being able so to do, and that no compensation has been given to your petitioners for said damage.

Your petitioners therefore pray  
that viewers be appointed in accordance with the  
provisions of the Act of Assembly relating thereto.

AND THEY WILL EVER PRAY.

Kati Hand  
Grover Hand.  
Charles E. Hand

STATE OF PENNSYLVANIA

:SS:

COUNTY OF CLEARFIELD

GROVER HAND being duly  
sworn according to law, deposes and says that the facts  
set forth in the foregoing petition are true and correct.

Sworn and subscribed to before me,  
this 10th day of OCTOBER, A.D. 1925.

R. B. Brookbank

Grover Hand.





purpose a considerable portion of lands of petitioners which was not prior thereto used as a public highway, and convenient access to various portions of above described real estate was materially affected, and as a whole underwent material damage.

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 15th day of October in the year of our Lord one thousand nine hundred twenty-five

Judge of the same Court: Upon the petition of ~~KATE HAND, GROVER HAND, CHARLES E. HAND~~ <sup>KATE HAND, GROVER</sup> ~~Hand~~ of the Township of SANDY

in said County, setting forth that Grover Hand and Charles E. Hand are the owners, subject to the dower interest of Kate Hand, widow of Simon Hand, deceased, of a certain piece of land, situate in Sandy Township, Clfd. Co, Penna., being 117 acres, bounded and described as follows: Beginning at a Pine Stump; thence West on line of land of A. McClure, 200 perches to a post; thence north along the Jefferson Co. line, 94 perches to post; thence on line of land of Henry Utzinger East 200 Per. to a post; thence on line of John Hand, now Simon Hand Estate, 94 Per. to stump and place of beginning, containing 117 acres. The Commonwealth of Pennsylvania has proceeded to construct a State Highway thru said land, and did appropriate for said and therefore, praying the Court to appoint proper persons to <sup>assess damages</sup> ~~view and lay out said 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 <sup>Damages</sup> ~~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 <sup>Said Damages</sup> ~~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 <sup>Damages</sup> ~~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 ~~Three~~            notices thereof were posted along the route of the proposed road, that the said view would be held on the 9th day of November A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 10th day of November, 1925, at 10 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 C.E.Hand, Grover Hand, F.M.Shaffer, Wm.Overdorf, Geo.W.Dickey

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 10th day of November A. D. 1925, when the following appearances were noted: Hon. Singleton Bell of Bell and Brockbank Attys for petitioners A.M.Liveright Atty for Clearfield County, J.F.Dale County Commissioner W.H.Overdorf, F.M.Shaffer and G.W.Dickey and C.E. and Grover Hand witnesses on behalf of the petitioners

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 public 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 Your Viewers find that the State Highway did enter upon the lands of the petitioners in the construction of a State Road which construction did not occupy the lands formerly used for public road purposes. The total distance over the petitioners lands was 1876 feet in length and an average of forty feet in width making One and eight-tenth (1.8) acres of land taken and occupied for said road. In addition thereto certain marketable and growing timber trees were cut and taken from off said lands so occupied.

About one half of the distance is wood land, the other cleared land which gives no evidence of having been cultivated or used for farm purposes for a number of yrs and none of the witnesses seemed to be able to say just how long it had been since cultivation.

After viewing the premises and hearing the testimony of the witnesses produced at the hearing your viewers were of the unanimous opinion that the ~~###~~ petitioners were entitled to compensation for the land taken and occupied by said State Highway and also for the timber destroyed and fixed the value of the same at Two Hundred (\$200.00) Dollars and therefore award to the petitioners the sum of Two Hundred (\$200.00) as compensation for the property taken



To the County Commissioners of Clearfield County.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view the damages done the property of Kate Hand, Grover Hand and K Charles E. Hand in Sandy Township by the construction of the State Highway through said lands, will meet near the house of Mrs William Kress in Sandy Township on Monday the 9th day of November 1925 at 9 o'clock A.M. to attend to the duties assigned them.

And that the Public Hearing will be held in the Court House in the Borough of Clearfield on Tuesday the 10th day of November, 1925 at ten o'clock A.M. where you may attend and be heard if you so desire

DuBois, Pa. Oct 26th 1925

Frank Hutton

J. E. Fry

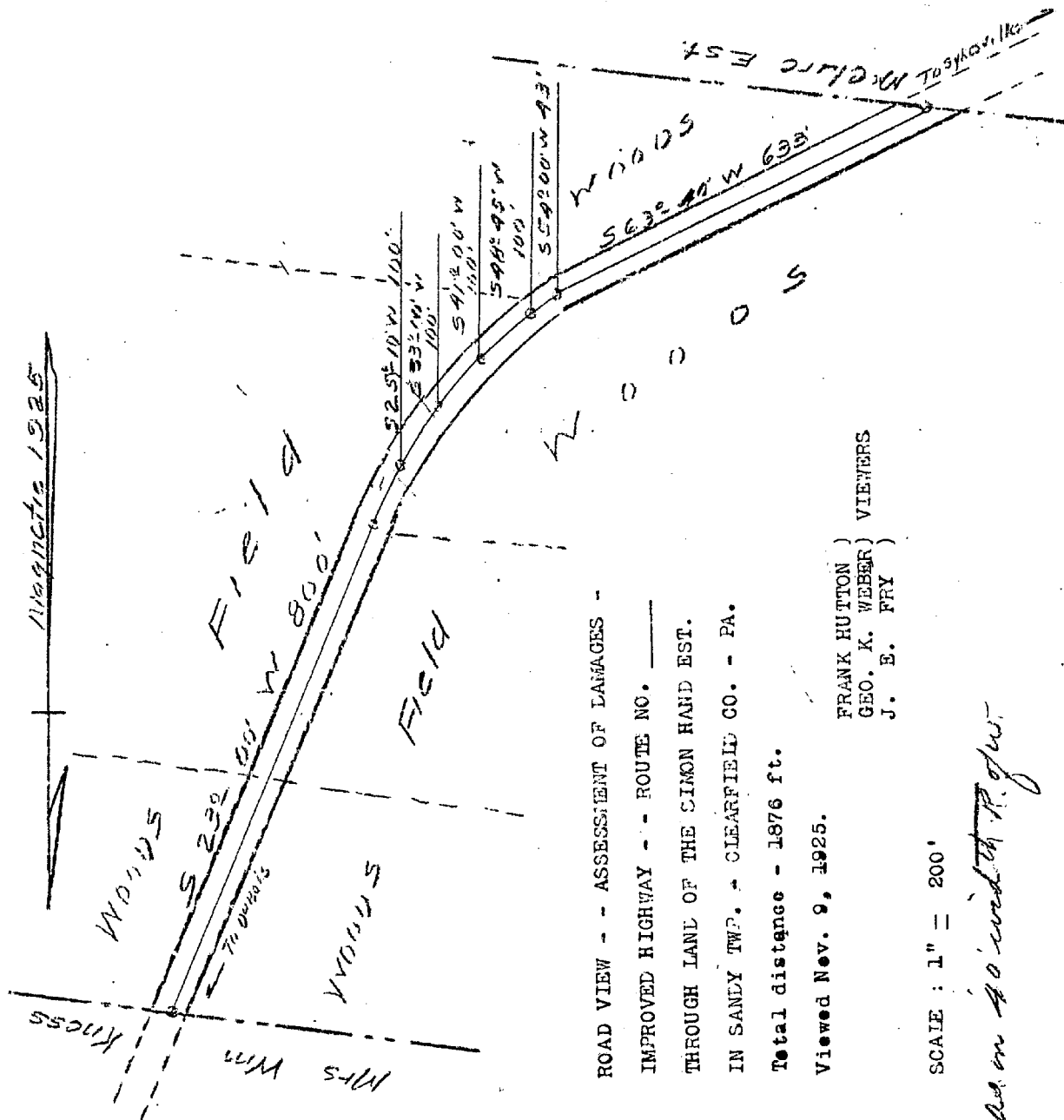
oo George K. Weber

Viewers

Now Oct' 29 1925 Service of this notice is accepted for the  
County Commissioners

L. C. Morris

CLerk



ROAD VIEW - - ASSESSMENT OF DAMAGES -

IMPROVED HIGHWAY - - ROUTE NO. \_\_\_\_\_

THROUGH LAND OF THE SIMON HAND EST.

IN SANDY TWP. - CLEARFIELD CO. - PA.

Total distance - 1876 ft.

Viewed Nov. 9, 1925.

FRANK HUTTON )  
GEO. K. WEBER ) VIEWERS  
J. E. FRY )

SCALE : 1" = 200'

1.8 Ac on 40' wide R.R. of W.

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 11th day of November  
A. D. 1925.

*Amos Hutton* Seal  
*J. B. Fry* Seal  
*George K. Baker* Seal  
Seal

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	AM'T.

## 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

No. 4 December Sessions, 1925.

## ORDER

To ~~view~~ damages to ~~a~~  
Kate Grover, & Charles E. Hand  
~~and~~ ~~Hand~~

township of SANDY

Clearfield County

Now ~~fixed~~ 8<sup>th</sup> 1926

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.

By the court  
H. H. Hance  
P. J.

Now Mar 25 1926 No  
exceptions having been filed  
to the same report, the same is  
confirmed absolutely.

By the court  
H. H. Hance  
P. J.

Filed \_\_\_\_\_ 19\_\_\_\_

Fees \$1.25 paid by \_\_\_\_\_

Bell & Brockbank, Attorneys.

FILED  
NOV 13 1925  
GEO. W. RALSTON  
PROCLAMATION