

Road DOCKET No. 6

Number	Term	Year
4	Sept	1925

Petition to assess damages to
William H. Beers in Beccaria Twp

Versus

That the State Highway has re-located the State Highway route #234 from Coalport to Cambria County line and its re-location runs through the aforesaid premises of your petitioner, and an entry has been made upon the aforesaid premises and a re-location of route #234 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 re-construction and re-building the aforesaid State Highway. Your petitioner has been unable to agree with the Commissioners of Clearfield County upon the amount of damages to be paid

TO: Geo. T. Mullen, Emory Nevling and Wm. M. Mellott, Supervisors
of Beccaria Township:-

You are hereby notified that the undersigned was one, appointed by the Court of Appeals, Eastern District of Virginia, in case No. 6, between Jenkins, et al., to view and assess damages done to the property of William L. Jones in the construction and excavation of the new highway, and only known as Case No. 601, from Jenkins to District Judge also in District No. 6, in the County of Loudoun, will meet at the District Court of William L. Jones in said County on Wednesday, the third day of July, A.D. 1938 at one (1:00) o'clock P.M., to attend to the duties assigned them; all persons interested will take notice.

and that the public hearing as provided by Act of Congress in 1906 as amended to be held by the various Indian tribes of those States in order to give all parties interested in the land a reasonable opportunity to be heard will be held in the celebration year in the year 1925 in the month of July, the 25th day of July, A.D. 1925 at two (2) o'clock P.M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scollins
No. A. Reese
J. T. Michaels

Feb. 27 1900. 1000.

Clearfield County, SS:

Now, July 10, 1925, service of the above notice is accepted for the Supervisors of Beccaria Township.

Geo T Mullin
Emeryville

Clearfield County, SS:

Now, this 10th day of July, A.D. 1925, served the within notice of time and place of view and hearing upon Wm. H. Mellott, Supervisor of Besenard Township, by depositing a copy of the same in the Post-office at Mountdale, properly addressed, marked "Registered; Return Receipt Requested"; with the proper amount of postage prepaid thereon; and attached hereto is the return receipt card showing delivery thereof to the aforesaid addressee.

Sworn and subscribed before me this 30th day of July, A.D. 1925.

K. L. Scollin
Notary Public
MY COMMISSION EXPIRES END
OF NEXT SESSION OF SENATE

CL. BESENAUD TOWNSHIP:-

LC: REC. L. WILSON, MOUNTDALE TOWNSHIP AND Wm. H. MELLOTT, MOUNTDALE

To The County Commissioners of Clearfield County, Pennsylvania:

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of the County of Clearfield, in 201 No. 4, September Assizes, 1924, to view and assess damages done to the property of William A. Reese in the construction and re-erection of the State Highway, commonly known as Route No. 124, from Clearport to Centre County Line in Clearfield Township, in the County aforesaid, will meet at the dwelling-house of William A. Reese in said township on Wednesday, the 24th day of July, A.D. 1925 at one (1:00) o'clock P. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly entitled Act 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 said damages an opportunity to be heard will be held in the Court House in Clearfield on Friday, the 26th day of July, A.D. 1925 at ten (10) o'clock A. M., or at such thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scollins
W. A. Reese
J. S. Michals
Viewers

Dated, July 22nd, 1925.

Now, July 9th, 1925, service of the above notice is accepted for the County Commissioners of Clearfield County.

L. C. Morris
Clerk

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 1st day of July
in the year of our Lord one thousand nine hundred
twenty five

William H. Beers

Judge of the same Court: Upon the petition of ~~sundry~~
~~taxpayers~~ of the Township of Beccaria

in said County, setting forth that he is the owner of a
certain tract of piece of land in the Township of Beccaria, being the
same tract or piece of land conveyed to William H. Beers by Witmor Land
Co. by deed dated recorded in Deed book 147, Page 481.

That your petitioner uses said tract of land and has erected thereon
a dwelling house and other buildings and improvements.

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 John Scollins, Esq.
Harry Reese and Jack Micheals

who have been duly appointed by the Court and filed their oaths of office and are duly quali-
fied 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.

Yes W. Ralston, 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

Beccaria and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 22nd day of July

A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 24th day of July, 1925, at 10 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 Wm. H. Baers, Emory

Nevling, Wm. Mellott, Geo. T. Mullen, Frank Caldwell, Wm. Jasper

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 24th day of July A. D. 1925, when the following appearances were noted: E. L. Platt, Esq. of Hartswick, Arnold & Platt, Attorneys for petitioner; Board of Supervisors of Beccaria Twp. with W. A. Hegarty, Esq., Solicitor; W. H. Gill, witness on behalf of petitioner, and Wm. Heil, Sr., Geo. A. Herdman, Nathan Lyle, Jas. W. Spangle, Wm. Jasper, witnesses on behalf of Beccaria Twp. Petitioner and witnesses sworn and affirmed, examined and cross-examined by counsel and your Board.

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.~~ 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 that damages have been sustained by the petitioner. We further find that Route 234 of the State Department of Highways of Pennsylvania extending from Coalport to Cambria County line has been relocated and an entry made upon the premises of petitioner; that the grading through the premises of petitioner has been done and an appropriation of the necessary amount of petitioner's land taken therefor, as shown on the map or draft thereof hereto attached and made a part hereof.

That by the relocation of said Highway, petitioner's dwelling-house will not front on the highway, without interior and exterior changes.

The amount of damages as testified to by the petitioner and witness, is \$2000.00; several witnesses on behalf of the Township testifying that no damages has been suffered, except the remodeling of petitioner's dwelling to front on the relocated highway.

After viewing the premises and conditions and hearing the evidence, and taking into consideration the benefits accruing thereto by reason of the improvement of said Route 234 as a permanent highway, your viewers are of the opinion that the petitioner has suffered damage and should be compensated therefor.

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~~



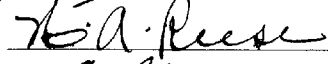




~~when it was not practical to preserve it within that limit.~~

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: To Wm. H. Beers, petitioner, the sum of
Two Hundred and Fifty (\$250) Dollars

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

WITNESS our hands and seals this 30th day of July
A. D. 1925.

No. 4 Sept Sessions, 19 25

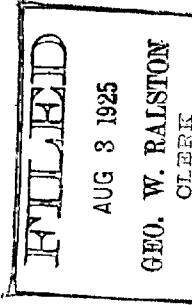
ORDER

To view and assess damages to a
~~track for~~ Wm. H. Beers use in the
township of Beccaria
Clearfield County

Sessions, 19

read and confirmed Ni. Si. ~~Road to be~~
opened 33 feet wide, except where there
is side hill cutting or embankment and
nothing, there to be 16 feet wide

now left 5 ft 12 2 5
improved accordingly
By the Court
A. H. M.



Filed 19
Fees \$1.25 paid by

Hartswick, Arnold & Platt. Attorneys

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.

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

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

To the Honorable A. R. Chase, President Judge of said Court;

The petition of William H. Beers respectfully represents

FIRST: That your petitioner is the owner of a certain tract or piece of land in the township of Beccaria, Clearfield County, Pennsylvania, being the same tract or piece of land conveyed to William H. Beers by ~~Ervin & Hopkins~~ *Whitmer Land Co.* by deed dated

recorded in Deed Book 147 Page 481

SECOND: That your petitioner uses said tract of land and has erected thereon a dwelling house and other buildings and improvements.

THIRD: That the State Highway has re-located the State Highway route #234 from Coalport to Cambria County line and its re-location runs through the aforesaid premises of your petitioner, and an entry has been made upon the aforesaid premises and a re-location of route #234 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 re-constructing and re-building the aforesaid State Highway.

FOURTH: Your petitioner has been unable to agree with the Commissioners of Clearfield County upon the amount of damages to be paid by your petitioner for the land appropriated and the injury done to them 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 they are 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 said State Highway.

Wm H Beers

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

On this 22 day of June 1925, before me, the subscriber, personally appeared William H. Beers 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 & Subscribed before me:
the day and year aforesaid. :

Wm H Beers

Geo W Palston
Prothonary

ORDER OF COURT

Now the day of 1925, within
petition presented, and upon due consideration thereof _____
_____ and _____
and _____ are appointed viewers as
prayed for, to view the aforesaid premises 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 con-
struction of the State Highway upon and through his real estate.

By the Court,

P. J.

4 Seph - 20 1925

ROUTE #234 State Highway

PETITION FOR APPOINTMENT OF
TUTOR

After the 30th day of June
1925 nothing happened and
then back to 1927
18 years later Ed paid his
one appointed \$10000 to
him and some damages
of many
dollars.

Rechnung

Pythe Court

JUL 1 1964

REC. 1 1925

~~W. PATSON & PLATT~~
CHAS. PATSON & PLATT

MILLER & HANITSWICK

**ATTORNEYS AT LAW
CLEARFIELD, PA.**