

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:-

and that the public documents to be used by the City
Secretary in the course of his or her office to be
made available to the public in the same manner
as documents in the City Clerk's office are made available to the public will
be made in the following manner: to the City Clerk and to the City
Secretary, on the 20th day of July, 1973 at ten (10) o'clock
A.M., or as soon after that time as the City Clerk and
Secretary shall appear in person or by telephone or
by mail, or by any other method of communication.

John Scallion
H. A. Reece
J. J. Nichols

Wieners

2 May 1927 120, 20000.

Clearfield County, SS:

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

Les T Mullin
Emmoyellein

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 Beccaria Township, by depositing a copy of the same in the Post-office at Houtzdale, 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.

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

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

RECORDED IN CIVIL RECORDS

LC: 200 * 5 * 11101 * 1925 * 0725 * 1925 * 0725 * 1925

To The County Commissioners of Clearfield County, Pennsylvania:

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County,
Pennsylvania, in cause No. 6, Justice Auction, 2000, to view
and assess damages done to the property of Plaintiff, known as
the confirmation and re-assertion of the Latta's Quarry, commonly
known as lot No. 324, from Chillicothe to Conemaugh County line in
Lamontie Township, in the County aforesaid, will meet at the
Crossing-Ridge of Lillian & Moore in said Township at 10:00 A.M.,
the 11th day of July, 1925 at one (1:00) o'clock P.M., to
attend to the tasks assigned them; all persons interested will
take notice.

And that the public hearing as required by Act of
Assembly on 11th of June to be held by the viewers before
the filing of their report in Court in order to give all parties
interested in the said damage an opportunity to be heard will
be held in the courtroom soon in the Court House in Chillicothe
on Friday, the 12th day of July, 1925 at ten (10) o'clock
A.M., or as soon thereafter as counsel can be heard, at which
time all parties interested will be present and to be heard.

John Scadding
H.A. Reese
J.D. Nichols

Viewers

Acted, July 8th, 1925.

Now, July 9th, 1925, service of the above notice is accepted
for the County Commissions 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 ~~subscribers~~ inhabitants of the Township of Beccaria

in said County, setting forth that he is the owner of a certian 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 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. 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 Hartwick, 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 not necessary for a new 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 the use of the following described road, to wit Beginning at 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~~

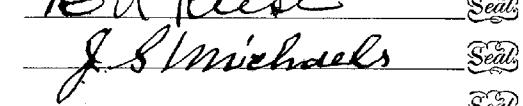
~~when it was not practical to preserve it within that limit.~~

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.


Wm. H. Beers 

J. S. Michaels 

No 4 Sept Sessions 19 25

ORDER

To view and assess damages to
brickwork for Wm. H. Beers use in the
township of Beccaria.

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. ~~Received~~
opened 33 feet wide, ~~except where there~~
is side hill cutting or embankment and
~~is to be 16 feet wide~~
your self ~~or~~ one 17 2 5

arrived absolutely
By the count

Filed 19 Fees \$1.25 paid by _____

Hartswick, Arnold & Platt.

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 _____

A. D. 192 ____.

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 *Witmer Land Co.* ~~Irvin & Hopkins~~ 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
Prothonotary

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.

IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY
4 Sept 20 1925

IN THE 13-LOCATION OF

ROUTE #234 State Highway

PARTITION FOR APPOINTMENT OF
TENANTS

Now this 30th day of June
1925 partition requested are
John Coulter & Son
George Nease & Johnnie
are appointed trustees to
remove and assess damages
from
Reliable.

THE
By the Court
JUL 1 1925
W. R. RAYMOND & PLATT
MULLER & HARTSMICK
ATTORNEYS AT LAW
CLEARFIELD, PA.