

DOCKET No. 6

Number	Term	Year
6	Dec	1925

Petition of Mrs Gladys Young

Hannah Richards & Geo. Richards for
viewers to assess damages Greenwood Twp
Versus

X

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY.

Slady Young Of Sept Term, 1905
 No. Plaintiff Bill of Costs
 Versus At Term, 1905
Clearfield County

		Dollars	Cents
<u>William Young</u>	1 Days in attendance.....	<u>2</u>	<u>8</u>
<u>Slady Young</u>	Days in attendance.....	<u>2</u>	<u>8</u>
<u>Mr. Hamill Richards</u>	Days in attendance.....	<u>2</u>	<u>8</u>
<u>E. J. Deeky</u>	1 Days in attendance.....	<u>2</u>	<u>8</u>
<u>E. Johnson</u>	1 Days in attendance.....	<u>2</u>	<u>8</u>
	Days in attendance..... Miles direct travel	<u>3</u>	<u>68</u>
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	Serving subpœnas..... Witness.....		
	Miles distance.....		
	Whole amount of bill.....		

CLEARFIELD COUNTY, SS:

Personally appeared before me..... I. O. Bell, who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpœnaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me this

20 day of November, A. D. 1905

Geo. W. Palstoy Prothonotary

I. O. Bell

No. 6 D.L. 1925 Team 190

Versus

...*Bill of Costs*

For.....Term 190 ..

Date..... 190.

Amount _____ \$

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Beginning at a stone at the river corner of land formerly B. Wilson McCracken; thence by same north 5° west 93 perches to a post; thence still by same North $29\frac{1}{2}^{\circ}$ west 200 perches to post and line of land of R. C. Thompson; thence by Thompson land north $61\frac{1}{2}^{\circ}$ west $27\frac{1}{2}$ perches to stone; a hemlock (gone) thence by same south $13\frac{1}{2}^{\circ}$ east 160 perches to stone; thence south 45° east 66 perches to stone; thence south 14° west 49 perches to white oak on branch of river; thence down the river south 54° east 32 perches, south 70° east 35 perches to place of beginning. Containing 72 acres and 126 perches and allowance. Excepting and reserving therefrom land conveyed by D. Wilson McCracken to Edith Hill.

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 21st day of October

in the year of our Lord one thousand nine hundred
twenty five ..

Mrs. Gladys Young, s

*Judge of the same Court: Upon the petition of ~~and his wife~~
Hannah Richards and George Richards
habitants of the Township of Greenwood*

in said County, setting forth that they are the owners of a certain tract of land situate in Greenwood Twp. bounded and described as follows:

That a public road has long existed running from Boro of Mahaffey to Bells Landing. That the Comth. of Penna. through its employees has improved said highway greatly damaging land of your petitioner

assess damages

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 George Richards Greenwood and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 19th 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 20th day of November, 1925, 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 F. Cortez Bell, Esq., William Young, J. N. McCracken, Ezra Johnson and J. L. Dickey

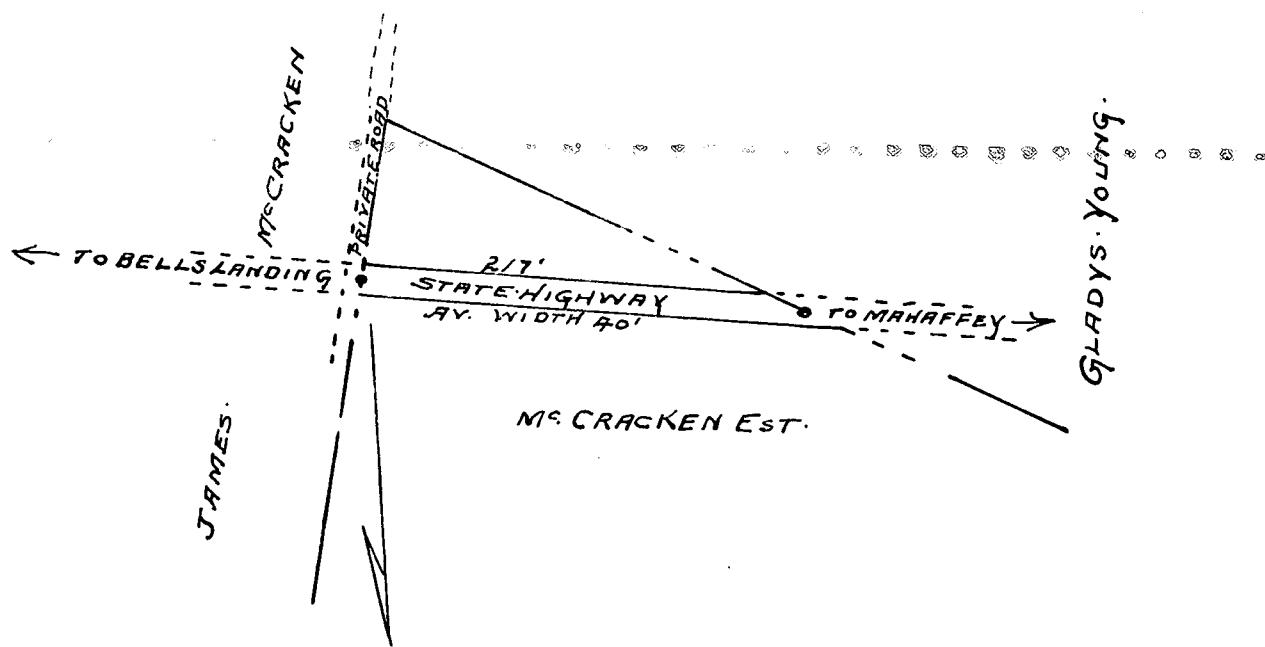
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 20th day of November A. D. 1925, when the following appearances were noted: F. Cortez Bell, Esq., with petitioners; Board of Commissioners with John M. Chase 3rd, Esq., William Young, Gladys Young, Hannah Richards, Ezra Johnson, sworn, 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 petitioners, and that the same is not necessary for a shortest 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 petitioners, and do return for use the following described road, to wit Beginning damages have been sustained by the petitioners.

We further find that Route #62 of the Pennsylvania State System of Highways, leading from Mahaffey to Bell's Landing, has been relocated and improved as permanent highway, and that by the relocation and construction thereof a corner of petitioners' land approximately $\frac{1}{2}$ acres in area has been cut off and fence destroyed, and rendered useless, as shown on the map or draft thereof hereto attached and made a part hereof. The amount of damage as testified to by petitioners is \$300.00; J. L. Dickey and Ezra Johnson, witnesses for petitioners, testifying that in the opinion of each the petitioners have been damaged \$190.00 and \$200.00 respectively.

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 #62 as a permanent highway, your viewers are of the opinion that the foregoing estimates are excessive; but that the petitioners should be compensated for the land taken and occupied and damages caused to them.

LAND IN GREENWOOD TOWNSHIP
CLEARFIELD COUNTY PA
VIEWED ON A QUESTION OF DAMAGE
NOV. 19-1925 BY JOHN SCOLLINS ESQ
HAREESE
J.W. SPANGLE



To Mrs. Gladys Young, Hannah Richards and George Richards,
Greenwood Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned
viewers, appointed by the Court of Quarter Sessions of Clearfield
County to No. 6, December Sessions, 1925, to view and assess
damages done to the property of Mrs. Gladys Young, Hannah Richards
and George Richards in the construction and improvement of the
State Highway, commonly known as Route No. 62 between Mahaffey
and Bell's Landing, in Greenwood Township, in the County aforesaid,
will meet at the dwelling-house of Mrs. Gladys Young, Hannah
Richards and George Richards in said Township on Thursday, the
19th day of November, A.D. 1925 at one-thirty (1:30) 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 and 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 said damages an opportunity to be heard, will be
held in the Arbitration Room in the Court House in Clearfield on
Friday, the 20th day of November, A.D. 1925 at ten-thirty (10:30)
o'clock A. M., or as soon thereafter as counsel can be heard, at
which time and place all parties interested may attend and be heard.

John Daclind
Harry Reece
James Spangle
Viewers

Dated, October 31st, 1925

Clearfield County, SS:

Now this 2nd day of November, A.D. 1925, Service of
the above Notice is accepted for the claimants, Mrs. Gladys Young,
Hannah Richards and George Richards, and personal service waived.

Bill Boulton Forsyth
Attorney for Mrs. Gladys Young,
Hannah Richards and George Rich-
ards, the Petitioners.

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 to No. 6, December Sessions, 1925, to view and assess damages done to the property of Mrs. Gladys Young, Hannah Richards and George Richards in the construction and improvement of the State Highway, commonly known as Route No. 62 between Mahaffey and Bells Landing, in Greenwood Township, in the County aforesaid, will meet at the dwelling-house of Mrs. Gladys Young, Hannah Richards and George Richards in said Township on Thursday, the 19th day of November, A.D. 1925 at one-thirty (1:30) 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 and 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 said damages an opportunity to be heard, will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 20th day of November, A.D. 1925 at ten-thirty (10:30) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scallion
Harry Reese
James Spangle
Viewers

Dated, October 31st, 1925

Clearfield County, SS:

Now, this 2nd day of November, A.D. 1925, Service of the above Notice is accepted for the Commissioners of Clearfield County.

L C Morris
Clerk

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 Gladys Young, Hannah Richards and George Richards, heirs of the McCracken Estate, Fifty (\$50.00) Dollars

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

WITNESS our hands and seals this 24th day of November
A. D. 1925.

John Rossard Seal
D. A. Reese Seal
Jared W. Spangle Seal

No. 6 Dec Sessions, 19 25

ORDER

To view and assess damages a
to Mrs. Gladys Young,
Harriet Richards & Geo. W. Richards
township of Greenwood
Clearfield County

Law filed 1925
Sessions, 19
read and confirmed Ni. Si. Road to be
opened 22 feet wide, except where there
is side hill cutting or embankment and
bridging, then to be 16 feet wide.

Law Jan 4 1925
confirmed absolutely.
By the court of
H. McNamee, J.

Date to 20

Filed 19
Fees \$1.25 paid by _____

Bell, Boulton & Forsyth, Atty's,

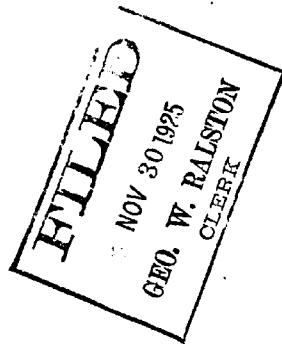
NOTE.—In case of a private road, the release
must be executed in favor of the petitioner for
said road.

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 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 _____
A. D. 192 _____. _____

Seal
Seal
Seal
Seal

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

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

Petition of Mrs. Gladys Young, Hannah Richards and George Richards, respectfully represents:

FIRST: That they are the owners of a certain tract of land situate in Greenwood Township, Clearfield County, Pennsylvania bounded and described as follows:

Beginning at a stone at the river corner of land formerly B. Wilson McCracken; thence by same north five (5) degrees west ninety-three (93) perches to a post; thence still by same north twenty-nine and one-half (29 $\frac{1}{2}$) degrees west two hundred (200) perches to post and line of land of R. C. Thompson; thence by Thompson land north sixty-one and one-half (61 $\frac{1}{2}$) degrees west twenty-seven and one-half (27 $\frac{1}{2}$) perches to a hemlock (gone); thence by same south thirteen and one-half (13 $\frac{1}{2}$) degrees east one hundred sixty (160) perches to stone; thence south forty-five (45) degrees east sixty-six (66) perches to stones; thence south fourteen (14) degrees west forty-nine (49) perches to white oak on branch of river; thence down the river south fifty-four (54) degrees east thirty-two (32) perches, south seventy (70) degrees east thirty-five (35) perches to place of beginning. Containing seventy-two (72) acres and one hundred twenty-six (126) perches and allowance. Excepting and reserving therefrom land conveyed by D. Wilson McCracken to Edith Hill.

Being the same premises which Joseph N. McCracken deeded to Edith Hill, Hannah Richards and Belle Richards, by a deed dated December 5th, 1903, recorded in Deed Book 139, page 59, and Edith Hill having died, leaving Mrs. Gladys Young as her sole heir-at-law, and Belle Richards having died, leaving George Richards as her sole heir-at-law.

SECOND: That a public road has long existed, running from the Borough of Mahaffey to the Village of Bells Landing, all of which lies within Clearfield County, Pennsylvania.

THIRD: That aforesaid road has been improved by the Commonwealth of Pennsylvania as a permanent highway, being known and designated in the highway system of said Commonwealth as provided by the Act of May 31, 1911, P. L. 468, Section Six, as Route 62.

FOURTH: The Commonwealth of Pennsylvania, acting through its officers and agents, have relocated said highway, thereby necessitating a change of the lines and location of the same, and has taken a strip approximately two hundred feet in length and approximately sixty feet in width.

IN THE COURT OF QUARTER SIS-
TEONS OF CLEARFIELD COUNTY
PAINTERVILLE

#6 Dec 1925

Mrs. Gladys Young,
et al

vs

Clearfield County

PETITION FOR VIEWERS

Now, October 20th, the within petition having been read and considered ~~be held~~
~~by, Harry Pease, Chairman~~
~~and a panel of three~~
etc, appointed viewers to ~~name~~
proceed by the acts of assembly relating thereto.

BY THE COURT

John M. Moore
J. M. Moore

Oct 21 1925

W. RAISTON

BOULTON, FORSYTH & BELL
ATTORNEYS AT LAW
CLEARFIELD, PA.