

DOCKET No. 6

Number Term Year

7 Dec 1925

Petition of Mrs Gladys Young for Appt.

of viewers to assess damages in

Greenwood Twp

**Versus**

X

Beginning at a white oak on the bank of the West Branch of the Susquehanna River and corner of R. C. Thompson land; thence down the river  $51^{\circ} 40'$  East east  $531\frac{7}{10}$  ft. to a double chestnut; thence south  $62\frac{1}{2}^{\circ}$  east  $187$  feet to a dead chestnut; thence along the center of the public road north  $81^{\circ}$  east  $356\frac{1}{2}$  feet to a post; thence north along west side of a lane north  $1\frac{1}{2}^{\circ}$  west  $375$  feet to a post; thence north by land of D. W. McCracken  $67^{\circ}$  west  $884$  feet to post and land of R. C. Thompson; thence south by land of Thompson  $17^{\circ}$  west  $375$  feet to white oak and place of beginning.  
Containing ten acres

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

Judge of the same Court: Upon the petition of ~~and~~ habitants of the Township of Greenwood

in said County, setting forth that she is the owner of a certain tract of land 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  
and therefore, praying the Court to appoint proper persons to view and ~~lay out the road~~  
~~hereinbefore pointed out~~, 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 James 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 Palstan, Clerk.

# RETURN OF VIEWERS

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

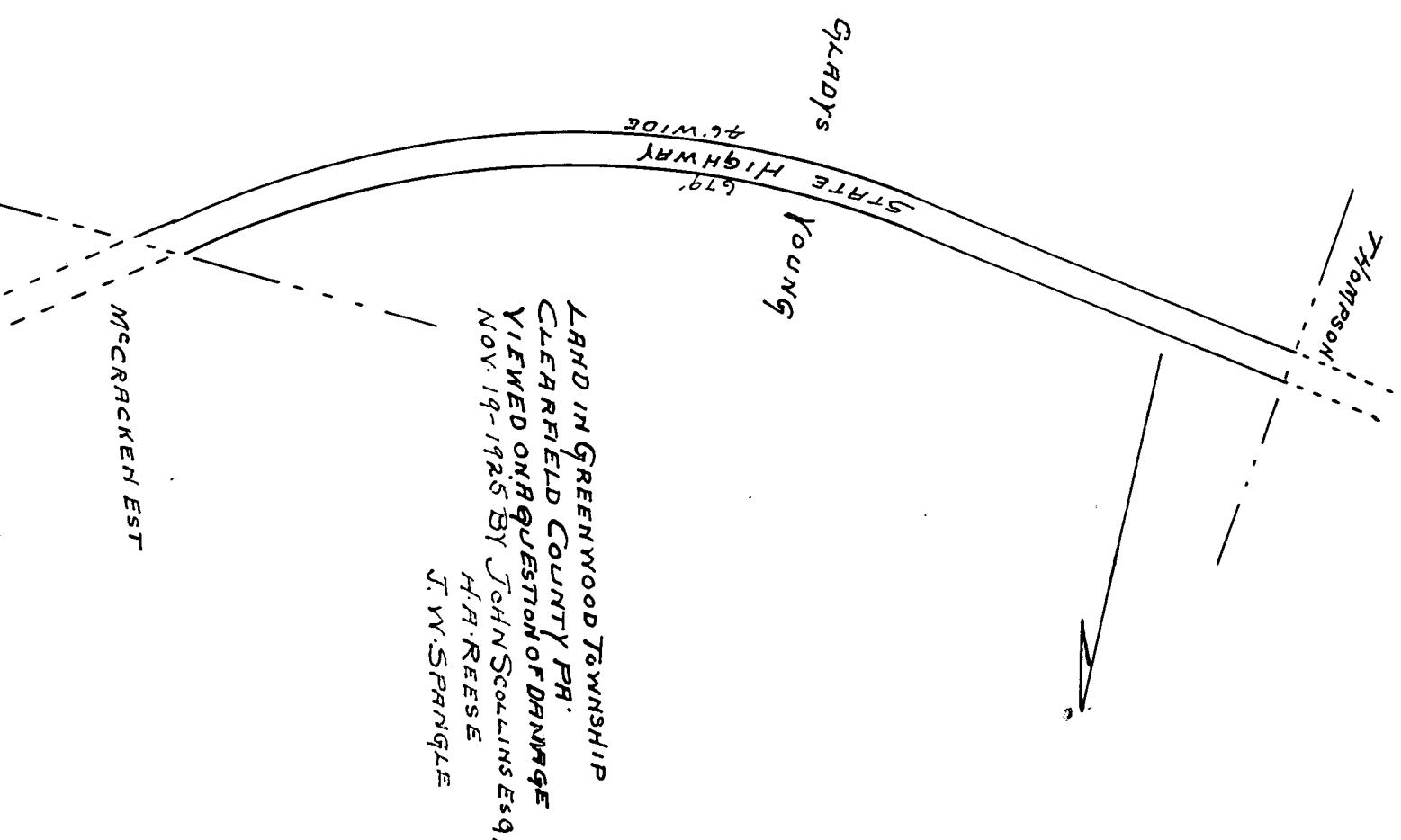
We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, be leave to report as follows:

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 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 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, 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 petitioner, Board of County Commissioners with John H. Chase 3rd, Esq., William Young, Mrs. Hannah Richards, J. L. Dickey, Ezra Johnson, witnesses on behalf of petitioners, each of whom 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 petitioner, and that the same is not 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 his use the following described road, to wit. Engineering we find that damages have been sustained by the petitioner. We further find that Route #62 of the Pennsylvania State System of Highways, leading from Mahaffey to Bell's Landing, has been re-located and improved as a permanent highway, and that by the re-location and construction thereof a strip of petitioner's land 679 feet in length and 46 feet in width was taken as shown on the map or draft thereof hereto attached and made a part hereof. That the total area of petitioner's farm is 12½ acres, and by the construction of said Road 1½ acres has been cut off and so isolated as to become impracticable of cultivation, being inaccessible; that a culvert and drain empties onto petitioner's lower land, causing washouts and over an area of 1½ acres. That the whole of petitioner's land was heretofore in a good state of cultivation, and is supposedly underlaid with minerals; that by the relocation of said Road, petitioner will be compelled to construct a new private road as an outlet. Petitioner further claimed damage to the spring, which since the construction of said Road becomes unfit for use. The amount of damage as testified to by petitioner, and witness Hannah Richards, is \$1200; J. L. Dickey testifying to \$800.00 damages including that done to the Spring; while Ezra Johnson estimates the damage at \$800.00, not taking into consideration the value of the Spring, and \$1200.00 with the Spring (if damaged) included.

After viewing the premises and conditions, and



To Mrs. Gladys Young, 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. 7, December Sessions, 1925, to view and assess  
damages done to the property of Mrs. Gladys Young in the construc-  
tion and improvement of the State Highway, commonly known as Route  
No. 62 from Mahaffey to Wells Landing, in Greenwood Township, in  
the County aforesaid, will meet at the dwelling-house of Mrs. Gladys  
Young in said Township on Thursday, the 19th day of November, 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 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 (10:00) 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 claimant, Mrs. Gladys  
Young, and personal service waived.

Bell Bright & Freyell  
Attorneys for Mrs. Gladys  
Young, the Petitioner

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. 7, December Sessions, 1925, to view and assess damages done to the property of Mrs. Gladys Young in the construction and improvement of the State Highway, commonly known as Route No. 62 from Mahaffey to Belle Landing, in Greenwood Township, in the County aforesaid, will meet at the dwelling-house of Mrs. Gladys Young in said township on Thursday, the 19th day of November, 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 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 (10:00) 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.

J. C. Morris  
Clerk

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 petition should be compensated for the land taken and occupied and the damages caused to her.

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

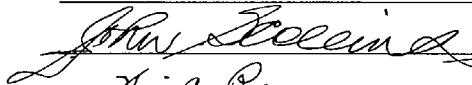
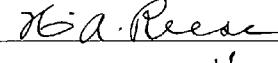
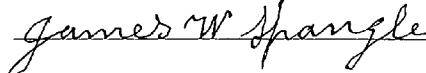
when it was not practical to preserve it within that limit.

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: \$450.00

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

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

 Seal  
 Seal  
 Seal

No. 7 Dec Sessions, 19 25

## ORDER

To view and assess damages a  
to Mrs Gladys Young use in the  
township of Greenwood,  
Clearfield County  
Power of Attorney 1st 1925  
Sessions, 19

read and confirmed Ni. Si. Road to be  
opened 33 feet wide, except where there  
is side-trail cutting or embankment and  
bridging, there to be 16 feet wide.

Done Jan 16 1926  
Concordia, A. H. Shantz  
P. J.

Filed 19  
Fees \$1.25 paid by \_\_\_\_\_  
Bell. Boulton & Forsyth, Atty's.

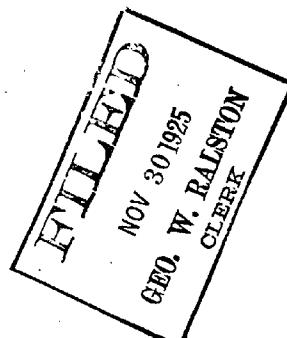
NOTE.—In case of a private road, the release  
must be executed in favor of the petitioner for  
said road.

Also, viewers will carefully note the number of  
days employed and set the amount out at the foot  
of their return.

Viewers 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	A.M.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 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  
Seal

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

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

Petition of Mrs. Gladys Young respectfully represents:

FIRST: That she is the owner of a certain tract of land situate in Greenwood Township, Clearfield County, Pennsylvania, bounded and described as follows:

Beginning at a white oak on the bank of the West Branch of the Susquehanna River and corner of R. C. Thompson land; thence down the river fifty-one (51) degrees forty (40) minutes east five hundred thirty-one and seven-tenth (531 7/10) feet to a double chestnut; thence south sixty-two and one-half (62 $\frac{1}{2}$ ) degrees east one hundred eighty-seven (187) feet to a dead chestnut; thence along the center of the public road north eighty-one (81) degrees east three hundred fifty-six and one-half (356 $\frac{1}{2}$ ) feet to a post; thence north along west side of a lane north one and one-half (1 $\frac{1}{2}$ ) degrees west three hundred seventy-five (375) feet to a post; thence north by land of D. W. McCracken sixty-seven (67) degrees west eighty hundred and eighty-four (884) feet to post and land of R. C. Thompson; thence south by land of Thompson seventeen (17) degrees west three hundred seventy-five (375) feet to white oak and place of beginning. Containing ten acres, neat measure. Being the same premises, which D. Wilson McCracken deeded to Edith Hill, by a certain deed dated March 5th, 1895, and recorded in Deed Book 89 page 173, and which premises were willed to your petitioner by her mother, said Edith Hill.

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 officials, agents and employees, has relocated the road, necessitating a change of the lines and location of the same, and as a result thereof, have taken a strip of land belonging to your petitioner, approximately seven hundred feet in length and approximately sixty feet in width.

FIFTH: That, in the construction of said road, the Commonwealth of Pennsylvania, through its agents and employees,

have made cuts through the land of your petitioner and caused fills to be made therein, and have placed a culvert beneath said land, thereby damming the surface water on to the land of your petitioner, and have dug ditches along the side of the road.

SIXTH: That the highway, as now constructed, renders access to the buildings and other land of your petitioner dangerous and burdensome.

SEVENTH: That, as a result of the construction of said highway, the value of the property of your petitioner is greatly lessened and diminished.

WHEREFORE your petitioner prays your Honorable Court that viewers may be appointed and appraise the damages so suffered and such further proceedings be had as provided by the acts of Assembly relating thereto.

And she will ever pray.

*Bill Boulter - Gladys Young*

State of Pennsylvania,  
SS  
County of Clearfield

Before me, the subscriber hereto, came Mrs. Gladys Young, who being duly sworn according to law, deposes and says that the facts above set forth are true and correct.

*Gladys Young*

Sworn and subscribed to before me  
this 19th day of October A.D. 1925.

*Gladys Young*  
Notary Public

MY COMMISSION EXPIRES MARCH 5, 1927

IN THE COURT OF JUDICIAL SESSIONS OF CLEARFIELD COUNTY  
PALENTSVILLE

7 Dec 1925

Mrs. Gladys Young

v/s

Clearfield County

ELIJAH J. VILMARS

Now, October 20th, the within petition having been read and considered ~~the bull~~  
~~G. H. Young, Esq., of State~~  
~~and~~  
~~James C. Anderson~~  
are appointed viewers to proceed by the acts of assembly relating thereto.

BY THE COURT

*A. M. Chase*

*REED*

OCT 21 1925

GEO. W. RAISTON

*Clerk*

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

IN THE COURT OF Quarter Session OF CLEARFIELD COUNTY.

Gladys Young Of December <sup>Term, 1925</sup>  
 Versus No. 7 Plaintiff Bill of Costs  
Clearfield County At December <sup>Term, 1925</sup>

	Dollars	Cents
<u>J S Dickey</u> 1 Days in attendance 21 Miles direct travel	3	16
<u>Ezra Johnson</u> 1 Days in attendance 23 Miles direct travel	3	38
<u>Mr. Hammrichs</u> 1 Days in attendance 2 Miles direct travel	2	42
<u>William Young</u> 1 Days in attendance 23 Miles direct travel	3	38
<u>Gladys Young</u> 1 Days in attendance 23 Miles direct travel	3	38
Days in attendance Miles direct travel	15	82
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Days in attendance Miles direct travel		
Serving subpoenas Witness		
Miles distance		
Whole amount of bill	15	82

CLEARFIELD COUNTY, SS:

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

Swear to and subscribed before me this

15<sup>th</sup> day of December, A. D. 1925  
Clara M. Galliott, Prothonotary

Gladys Young

Read

No. 7000 Term 1902

Platypus Young

Versus

Chesfield County

Plaintiff Bill of Costs

For ~~Defendant~~ Term 1902

Date ~~Dec 12~~ 1902

Amount - - - \$ 15 - 82

ENTERED

DEC 25 1903

W. RALSTON