

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° 40' East east 531 7/10 ft. to a double chestnut; thence south 62½° east 187 Feet to a dead chestnut; thence along the center of the public road north 81° east 356½ feet to a post; thence north along west side of a lane north 1½° west 375 feet to a post; thence north by land of D. W. McCracken 67° west 884 feet to post and land of R. C. Thompson; thence south by land of Thompson 17° 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 by~~ 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 to your petitioner
~~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 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 Palston, Clerk.

RETURN OF VIEWERS

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

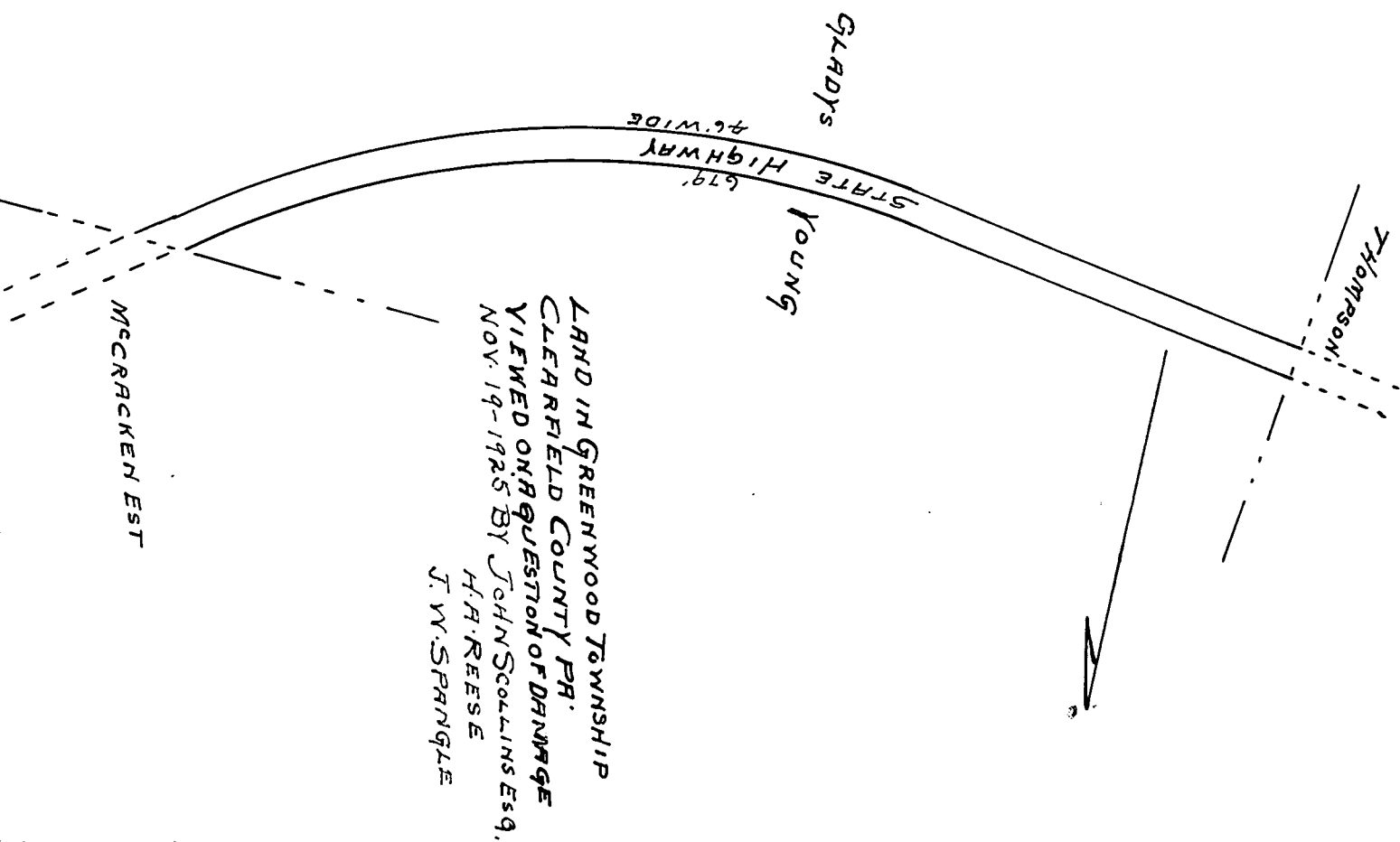
We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, be leave to report as follows:

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 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 M. 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~~ 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~~ Reporting 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 12 $\frac{1}{2}$ acres, and by the construction of said Road 1 $\frac{1}{2}$ 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 1 $\frac{1}{2}$ 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 construction and improvement of the State Highway, commonly known as Route No. 62 from Mahaffey to Bells 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 Scollins
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 B. B. B.
Attorney 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 Bells 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 Keating
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. Norris
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.

John McCain Seal
W. A. Reese Seal
James W. Spangle Seal

No. 7 Dec Sessions, 19 25

ORDER

To view and assess damages a
to Mrs Gladys Young use in the
road for township of Greenwood
Clearfield County

Order Dec 1st 1925
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.

Order Jan 4th 1926
Confirmed absolutely
By the court
A. H. Hance,
P. J.

Order to

Filed _____ 19____
Fees \$1.25 paid by _____

Bell. Boulton & Forsyth, Atty's.

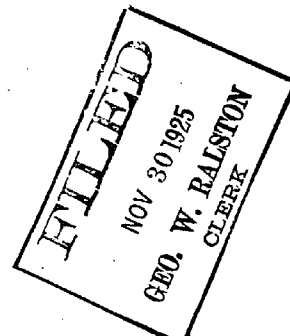
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	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

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 ($531 \frac{7}{10}$) 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,

IN THE COURT OF Quarter Session OF CLEARFIELD COUNTY.

Gladys Young

Of December Term, 1905

No. 7

Versus

Clearfield County

Plaintiff

Bill of Costs

At December

Term, 1905

			Dollars	Cents
<u>J. L. Luky</u>	1 Days in attendance	<u>1</u>	<u>3</u>	<u>16</u>
<u>Ezra Johnson</u>	1 Days in attendance	<u>23</u>	<u>3</u>	<u>38</u>
<u>Wm. Hannah Richards</u>	1 Days in attendance	<u>7</u>	<u>2</u>	<u>42</u>
<u>William Young</u>	1 Days in attendance	<u>23</u>	<u>3</u>	<u>38</u>
<u>Gladys Young</u>	1 Days in attendance	<u>23</u>	<u>3</u>	<u>38</u>
	Days in attendance		<u>15</u>	<u>82</u>
	Days in attendance			
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	Days in attendance			
	Days in attendance			
	Serving subpoenas	Witness		
	Miles distance			
Whole amount of bill			<u>15</u>	<u>82</u>

CLEARFIELD COUNTY, SS:

Personally appeared before me Gladys Young, who being duly sworn, with 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.

Sworn to and subscribed before me this

15th day of December, A. D. 1905
Geo. H. Palston, Prothonotary

Gladys Young

Road

No. 7 1112 1902
Term 1902

Charles Young

Versus

Charles Young

Plaintiff Bill of Costs
For as Term 1902

Date Dec 1, 1902
Amount - - - \$ 1.50 82

RECEIVED

DEC 15 1902

W. W. RALSTON