

DOCKET No. 6

Number Term Year

6 Dec 1925

Petition of Chas. L. Thorp for

viewers to assess damages in

Greenwood Twp

Versus

X

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

Charles L. Thorp

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

in said County, setting forth that he is the owner of a farm in Greenwood Twp. containing approximately 218 acres.

That the State Highway Commissioner has undertaken the construction of an improved State Highway, being Route No 62 between Mahaffey & Bells Landing which passes a portion of said premises causing great damage to your petitioner.

That your petitioner has been unable to agree with the Commissioners of Clearfield County as to the amount of damages sustained

assess damages

and therefore, praying the Court to appoint proper persons to view and lay out the road to your petitioner, ~~but under the premises named~~, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers John Scollins

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 Ristain, 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 11 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 Chas. L. Thorp, petitioner, and W. Wallace Smith, Esq., counsel

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. 1926, when the following appearances were noted: W. Wallace Smith, Esq., with Chas. L. Thorp, petitioner; Board of Commissioners with John H. Chace 3rd, Esq.; Ezra Johnson and James Mitchell, witnesses on behalf of petitioner; petitioner and witnesses each 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 occasion for a road as desired by the petitioner, and that the same is necessary for a good 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 among trees maintained by the petitioner.

We further find that Route #62 of the Pennsylvania State System of Highways leading from Muhaffey to Bell's Landing has been relocated and improved as a permanent highway, and that by the relocation and construction thereof a strip of petitioner's 200 acre improved Farm and tillable land, approximately 930 feet in length and 56 feet in width, was taken, as shown on the map or draft thereof hereto attached and made a part hereof; that the relocation thereof resulted in the destruction of approximately 55 rods of fence and six fruit trees: three apple-bearing trees and three young maple trees: that on either side of said improved road ditches approximately 8 feet in depth and 12 feet in width, causing precipitous inclines into petitioner's fields and requiring the installation of 30 and 24 inch concrete culverts, at petitioner's cost and expense under State Highway specifications; that another ditch-crossing leading to petitioner's picnic ground is necessary to be built and in accordance with State Highway specifications; that a conduit for petitioner's water line was required to be built under said Road, and that part of petitioner's oat-crop, estimated at 25 bushels, was damaged and destroyed. The amount of damage as testified to by the petitioner, including the land taken (1-1/5 acres) is \$1000.00: Ezra Johnson, witness for petitioner, testifies that in his opinion the damage sustained by petitioner is not less than \$700 or more than \$750; James Mitchell, witness for petitioner,

MITCHELL

PROPERTY

CHARLES

THORP. PROPERTY

NEW CONSTRUCTION 230',
STATE HIGHWAY
AVERAGE WIDTH 54'

ROAD

RUN

DOWN CURVE

LANDS IN GREENWOOD TOWNSHIP
CLEARFIELD COUNTY PA.
VIEW ON A QUESTION OF DAMAGE.
NOV. 19 - 1925 BY JOHN COLLINS Esq.
H. A. REESE
J. W. SPANGLE

IN THE COURT OF Lower Sessions OF CLEARFIELD COUNTY,
Charles S. Thorp
..... Of Term, 190....
..... No.
..... Plaintiff Bill of Costs
..... Versus At Term, 190....
Clearfield County Defendant

		Dollars	Cents
<u>James Mitchell</u>	1 Days in attendance.....	<u>20</u>	<u>00</u>
<u>Doge Johnston</u>	1 Days in attendance.....	<u>2</u>	<u>00</u>
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Days in attendance..... Miles direct travel		
	Serving subpoenas..... Witness.....		
	Miles distance.....		
	Whole amount of bill.....		<u>6.40</u>

CLEARFIELD COUNTY, SS:

Personally appeared before me..... Charles S. Thorp....., 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.

Sworn to and subscribed before me this

20 day of November, A. D. 1925

Chas. S. Thorp
Chas. S. Thorp
Prothonotary
Clearfield County

No..... Term 190.....

Charles R. Dyer

Versus

Confid. Co.

Plaintiff..... *Bill of Costs*

For..... Term 190.....

Orfer Loring

Date..... 190.....

Amount - - - - - \$ 6 ~~40~~

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. 8, December Sessions, 1925, to view and assess damages done to the property of Charles L. Thorp in the construction and improvement of the State Highway, commonly known as Route No. 62 from Mahaffeynto Bells Landing, in Greenwood Township, in the County aforesaid, will meet at the dwelling-house of Charles L. Thorp in said Township on Thursday, the 19th day of November, A.D. 1925 at two-thirty (2:30) 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 eleven (11:00) 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 Scallind
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

To, Charles L. Thorp, 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. 8, December Sessions, 1925, to view and assess
damages done to the property of Charles L. Thorp 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 Charles L.
Thorp in said Township on Thursday, the 19th day of November, A.D.
1925 at two-thirty (2:30) 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 eleven (11:00)
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 Scallions
Harry Reese
James Spangle
Viewers

Dated, October 31st, 1925.

Clearfield County, SS:

Now, this 2 day of November, A.D. 1925, Service
of the above Notice is accepted for the claimant, Charles L.
Thorp, and personal service waived.

W. Wallace Smith
Attorney for Charles L. Thorp, the Petitioner

testifying that the damage sustained by petitioner is \$800.00.

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 petitioner should be compensated for the land taken and occupied and the damages caused to him.

Petitioner's witness bill hereto attached.

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: \$600.00 damages and \$6.40 witnesses' fees.

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

WITNESS our hands and seals this 25th day of November

A. D. 1925.

John Eeckind Seal
W. A. Pees Seal
James W. Spangle Seal

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

In re: Construction of Route No:

62, State Highway

PETITION.

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

The petition of Charles L. Thorp respectfully represents:-

(1). That he is the owner of a farm in the Township of Greenwood, Clearfield County, Pennsylvania, containing approximately 218 acres and title to which was acquired by deed of C.A. Thorp dated November 15, 1916, recorded in Clearfield County in Deed Book 217, page 14.

(2). That the State Highway Commissioner of the State of Pennsylvania has undertaken and proceeded with the construction of an improved State Highway, being Route No. 62 between Mahaffey and Bells Landing, which passes through a portion of said premises, change of width and existing lines and locations being occasioned thereby; that the grading of said highway has been done.

(3). That the petitioner has sustained damage by reason of the re-location of said road and the changes in the width and location thereof and other damages have resulted to the petitioner from the said re-location and reconstruction.

(4). That the damages to the petitioner consist in the taking of said ground from your petitioner, together with certain trees and crops growing thereon; the constructing of ditches of great depth and width, making necessary the construction of concrete entrances from the road to the petitioner's land; and various other items of damage.

(5). That your petitioner has been unable to agree with the Commissioners of Clearfield County on the amount of damages to be paid to your petitioner for the land appropriated and other injuries resulting to your petitioner.

YOUR PETITIONER THEREFORE PRAYS YOUR HONORABLE COURT to appoint Viewers to appear upon the premises and to view and assess

the damages and injury which the petitioner is entitled to receive compensation for, and on account of the appropriation of his land and other injuries incidental thereto as a result of the re-location and reconstruction of the said State Highway.

Chas L Thorp

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :
:SS

Charles L. Thorp, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before Chas L Thorp
me this 14 day of October,
A.D. 1925.

Geo W Palstoy
Dorothy

O R D E R.

AND NOW this 22nd day of October, 1925, upon presentation of the foregoing petition, the Court appoints John Collins, Jr.
Harry Reese and James Gangle
Viewers to view and assess the damages to which the petitioner, Charles L. Thorp, is entitled, if any, and make report thereof to the Court.

By the Court,

A. H. Gash
President Judge.

115 #8 Dec 20 1925

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

In re:

Construction of Route
No. 62, State Highway.

PETITION.

FILED

OCT 21 1925

GEO. W. RALSTON
CLERK

W. WALLACE SMITH
ATTORNEY AT LAW
CLEARFIELD, PENNSYLVANIA

NO.

8

TERM, 19-26

~~Mr. Muller Smith~~
~~Clark divorce~~

NO.

TERM, 19

TERM, 19

NO

~~John D. Miller~~
~~John D. Miller~~

TERM, 19

NO

~~John D. Miller~~
~~John D. Miller~~

6
NO. TERM, 19....

NO. TERM, 19....

NO. TERM, 19....

10
TERM, 19....