

DOCKET No. 6

Number	Term	Year
<u>8</u>	<u>Dec</u>	<u>1925</u>

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 ~~sundry~~
~~viewers~~ 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
to your petitioner ~~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

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 Ricketts Clerk.

RETURN OF VIEWERS

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

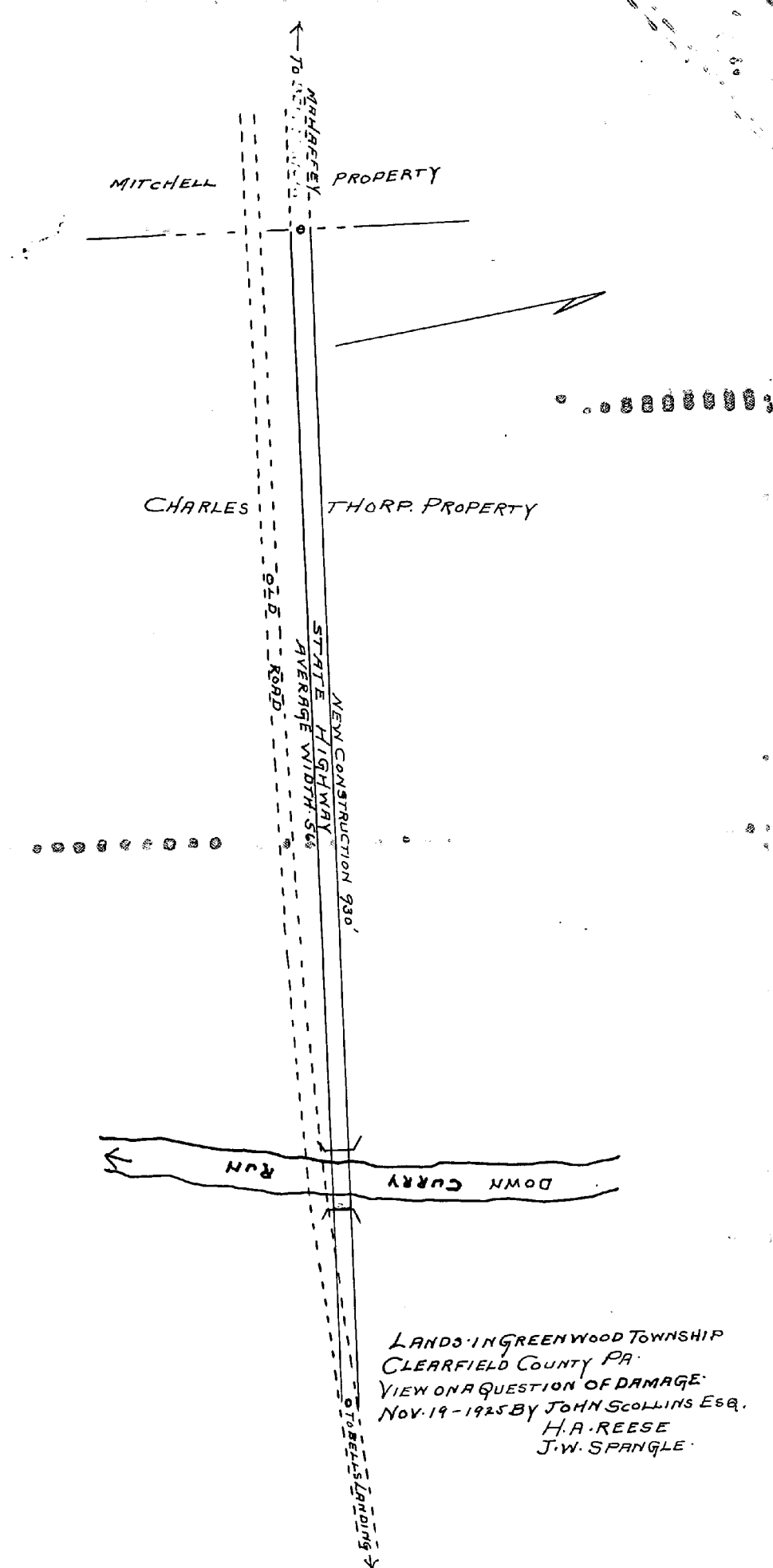
We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, be leave to report as follows:

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. 1925, when the following appearances were noted: W. Wallace Smith, Esq., with Chas. L. Thorp, petitioner; Board of Commissioners with John M. 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 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:~~ Beginningr damagee 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 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 apple 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,



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

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY,

Charles S. Hoop

Of.....Term, 190.....

No.....

Versus

Clearfield County

Plaintiff.....Bill of Costs

At.....Term, 190.....

Before Viewers

			Dollars	Cents
<u>James Mitchell</u>	1 Days in attendance.....	<u>20</u> Miles direct travel	<u>3</u>	<u>20</u>
<u>Agnes Johnston</u>	1 Days in attendance.....	<u>20</u> Miles direct travel	<u>3</u>	<u>20</u>
	Days in attendance.....	Miles direct travel		
	Days in attendance.....	Miles direct travel	<u>6</u>	<u>40</u>
	Days in attendance.....	Miles direct travel		
	Days in attendance.....	Miles direct travel		
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	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</u>	<u>40</u>

CLEARFIELD COUNTY, SS:

Personally appeared before me.....Charles S. Hoop....., 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. H. Hoop
Prothonotary
Viewer

Chas. H. Hoop

No.....	Term 190.....
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Charles F. Henry

Versus

Confidential

DeMott Bill of Costs

For.....Term 190 ..

Debra Kirsch

Date 190....

Amount - - - - \$ 64.44

25

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 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 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 Commissioners of Clearfield County.

L. C. Norris
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.

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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

John Scollins
Harry Reese
James Spangle
Viewers

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 E. Ewing Seal
H. A. Reese Seal
James W. Spangle Seal

to be recorded

No. 8 Dec 25 Sessions, 1925

ORDER

To view and assess damages to a
~~xxxxxx~~ Chas. L. Thorp use in the
township of Greenwood
Glegfield County
file 19th = 1926
Sessions, 1925

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.

Pay the work
A. R. Chase
P. J.

Filed 19
Fees \$1.25 paid by

W. Wallace Smith, Atty.

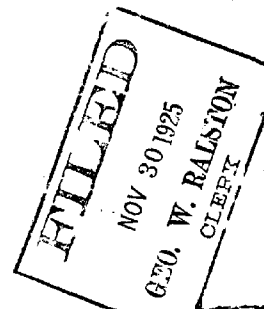
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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 enrolling 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. 1925.

Seal
Seal
Seal
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

Chas B. Throck

STATE OF PENNSYLVANIA :
 :SS
COUNTY OF CLEARFIELD :

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. Thirk

me this 14 day of October,

A.D. 1925.

A.D. 1925.

W. H. Palston
Secretary

O R D E R.

AND NOW this 22nd day of October, 1925, upon presentation of the foregoing petition, the Court appoints John Collins Esq
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. B. Chase

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. BALSTON
CLERK

W. WALLACE SMITH
ATTORNEY AT LAW
CLEARFIELD, PENNSYLVANIA

NO.

8 May
H. Keller Smith
~~Clark Divorce~~

TERM. 19

26

NO.

TERM. 19

NO.

TERM. 19

Clark Divorce
H. Keller Smith

NO.

TERM. 19

NO. _____ TERM, 19____

NO. _____ TERM, 19____

NO. _____ TERM, 19____

NO. _____ TERM, 19____