

DOCKET No. ⁶

Number

Term

Year

12

Dec

1925

Petition of B. F. Bowder et al for
viewers to assess damages in
Burnside Boro

Versus

That the State Highway Dept. has located State Highway Route No. 62 from McGees Mills to the Indiana County line, and its location runs through the aforesaid premises of your petitioners.

Your petitioners have been unable to agree with the authorities of Burnside Borough upon the amount of damages to be paid to your petitioners.

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 Borough of Mifflin and on the Attorney for the claimant.

It was further determined, that the said view would be held on the 4th day of December

A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 5th day of December -----, 1925, at 9.30 o'clock A. M. That

the viewers appointed by the said order viewed the ~~certificates~~ as witnesses for the above ~~continued case~~ and that there were present at the view as witnesses

B. F. Border, Edward Border, William Woodsides, J. Frank Fry: James
King and R. W. Armstrong: Witnesses: _____

~~parties in Street.~~ That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 5th day of December A. D. 192 5, when the following appearances were ~~noted~~: were present as witnesses

Boarder was worth \$1000 before ad build not worth anything now
 Trainsides would cost as it is worth to travel it not worth anything now
 Fry not worth anything now cost all it is worth to fly it up
 King all it is worth lumber in house lot ruined

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 Beginning _____

and therefore about all the drainage to the lot is shut off by the bank of the road along the side and front of the lot. It is therefore next to impossible to get into the lot, to the coal house or garage or even into or out from the house. The only way to make it accessible will be by the construction of a road from the front end of the lot clear through the lot to the rear end of the lot which will require a fill from at least two feet in height at the front end of the lot to not less than one foot at the middle and rear end of the lot at least eight feet in width which would take quite a strip of the lot and would be of considerable cost or expense besides the inconvenience of getting down from the road into the house and from the house up onto the road and the danger of falling and injuring the party especially in the winter in snow and ice whether will endanger the party, liable to break a limb or arm especially women or even getting killed so that this fact of getting in and out of the house, the coal house or garage is quite an inconvenience and as has been decided by the State Superior Court of Pennsylvania; in the case of Allison vs. E. M. Biglow 68, Superior Court Report page 68, that a party may be damaged fully as much if not more by the inconveniences he suffers as by the value of the land taken or destroyed. So that the condition the property is in now is in the opinion of the viewers not fit to be used or occupied and the expense or cost of putting the property in a fit condition to be used would cost as much as the property would be worth after being so repaired. And as to the value of the property according to the testimony produced at the hearing and

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 13 day of November in the year of our Lord one thousand nine hundred twenty five

B. F. BOWDER & EDWARD BOWDER

Judge of the same Court: Upon the petition of ~~some~~ subscribers of the ~~Township of~~ BOROUGH OF BURNSIDE

in said County, setting forth that they are the owners of a lot or piece of land in the Boro of Burnside, Clearfield County, Pa. bounded on the North by the Susquehanna River, on the East by road or Main Street, on the West by lot of Henry D. Wetzel, and on the South by an Alley twelve feet wide along the line of J. F. Notley, said lot being 80 feet wide and extending back to alley along the line of land now or formerly of J. F. Notley, and being the same premises which Bertha E. Foster by deed dated 4th day of April, 1921, recorded at Clearfield in deed book No. 248, Page 214 granted to Benjamin Franklin Bowder and your petitioners.

assess damages and therefore, praying the Court to appoint proper persons to view and ~~by order of the Court~~ 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. AARON G. KRAMER, Esq. J. E. FRY 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 road and if they~~ the ~~the~~ 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 road 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~~ 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~~ the ~~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 ~~on said road, and the time and place of hearing~~ to assess the damages sustained by the said claimants.

By order of the Court.

GEO W Palston, Clerk.

To. E. E. Kentz Burgess and town Council of the Borough of Burnside in the County of Clearfield and State of Pennsylvania.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania to view the property of B. F. Bowder the petitioner who with Edward Bowder are the owners of a certain property situate in the Borough of Burnside County and State aforesaid and assess the damages that the said owners have or do suffer by the construction of the State Highway on Route Number(62) leading from Cherry Tree to the village of McGees through ~~the~~ the property of the said petitioner in the said Borough of Burnside for which damages the Borough of Burnside if any is liable.

The said viewers therefore in the discharge of their duty will meet on the premises of the said claimant in the Borough of Burnside on Friday December fourth (4th) A. D. 1925 at nine (9) o'clock A. M. of which time and place all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the 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 case a chance to be heard will be held in the Arbitration Room in the Court House in Clearfield Pa on Saturday December the 5th A. D. 1925 at nine thirty (9.30) o'clock A. M. when and where all parties interested may attend and be heard.

A. G. Kramer
J. E. Fry
James W. Spangle
VIEWERS.

Now November ~~11th~~ 1925 service accepted for myself as Burgess
as also for the Borough Counsel

Edward E. Kentz Burgess

To, B, F, Boudier and Edward Bowder; You are hereby notified
that the undersigned viewers appointed by the Court of Quarter Sessions
of Clearfield County Pennsylvania to view your premises situate in the
Borough of Burnside in the County and State aforesaid and assess the dam-
ages you sustained by construction of the State road passing through the
same leading from Cherry Tree to the village of McGees Mills on Route
Number (62) for which if any the Borough of Burnside is liable.

You are therefore hereby notified. that the said viewers will
meet on your premises on Friday December 4th 1925 at nine oclock A. M.
to attend to the duty assigned them of which time and place all parties
interested will please take notice.

And that the public hearing as required by the Act of Assembly
and the 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 case a chance to be herd will be held in the Arbitration Room in the
Court House in Clearfield Pa on Saturday December the 5th 1925 at nine
thirty (9.30) o'clock A. M. when and where all parties interested may
attend and be heard.

A. H. Kramer
J. E. Frye
James W. Spangler
VIEWERS.

Now November 25, 1925 service accepted for the claimants E. F.
Boudier and Edward Bowder the claimants, of the time set for the view and
hearing

Hartwich Arnold & Pless
Attys for Petitioners

The claimants B. F. and Edward Bowder are the owners of a lot of ground eighty (80) feet in width by two hundred and seventy five (275) feet in length in the Borough of Burnside County of Clearfield and State of Pennsylvania on which they have erected a two story frame dwelling house twenty (20) by thirty (30) feet in size a girarge, coal house and other out building's.

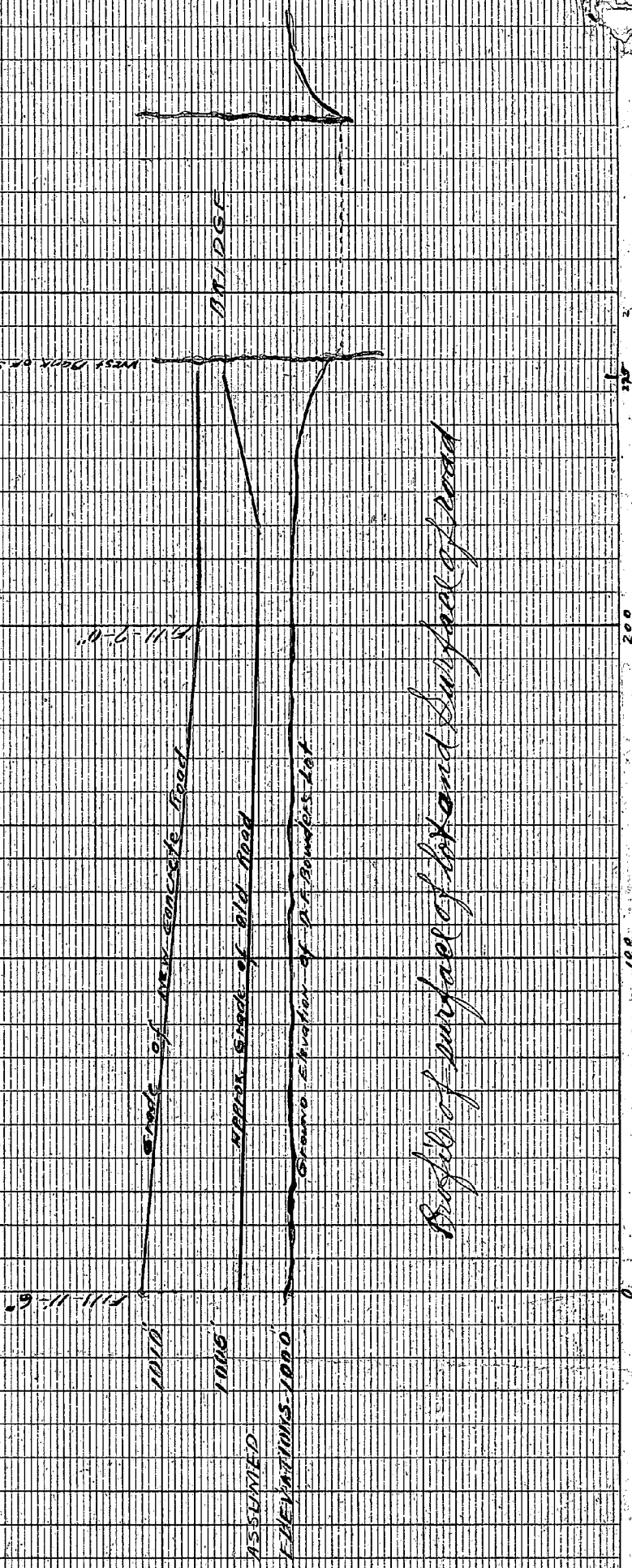
That during the year 1925 the State Highway Commission by his contractor and employees, by the authority in him vested by the Act of Assemble of May 31st A. D. 1911 P. L. page 468 and the suppliments and aménements thereto constructed a State Highway from the Borough of Cherry Tree in Indianna County in the State aforesaid to the village of Bell's Landing in Clearfield County Pennsylvania on Route Number sixty two (62) through the Borough of Burnside in the County of Clearfield and State aforesaid which passes through the lot of the claimants on the South side taking a strip of said lot on a fill eleven feet six inches (11.6) in hight at the back end of the lot shich including the slope of the fill extends into the claimants lot at the rear end of the lot twenty four (24) feet, with a fill at the front end of the lot immediately in front of the house seven (7) feet in highth and extending by the slope of the fill eleven (11) feet into the claimant's lot which at the front of the house extends within three (3) feet of the front of the porch at the front of the house and within one foot of the lower step onto the porch and owing to the steepness of the fill renders it very difficult and dangerous to get up from the house onto the road and very difficult and dangerous to get from the road down to the house or into the lot which in the judgment of the viewers damages the property as much if not more then the value of the land taken or occupied by the road, as the lot lays low and flat and has practically no drainage, as there is only one drain which is at the South East corner of the lot right in front of the house about the highest point of the lot and therefore affords but very little if any drainage to the lot which lays low and flat and besides the middle and weat end of the lot lays considerable lower than the front end of the lot

PROFILE SHOWING GROUND ELEVATIONS OF OFENDER'S LOT
IN BURNSIDE BRADDOCK-CHESTERFIELD COUNTY, PENNSA.
AND GRADIES OF OLD AND NEW (EXTENDED) HIGHWAY
PARALLELING SAID LOT.

VIEWS FOR DRIVAGES - DEC 4 1925

R. G. MARSH
J. H. W. SAMPLE
J. E. PAY

SCALE: VERTICAL 1" = 10'
HORIZONTAL 1" = 40'



Profile of surface of lot and Surface of road

Bill of costs of witnesses.

William Woodsides	One day	\$2.00	
Milage 72, Miles at 3, cts per mile		<u>2.16</u>	<u>\$4.16</u>
J. Frank. Hymaffey	One day	\$2.00	
Milage 66, Miles at 3, cts per mile		<u>1.98</u>	
		<u>\$3.98</u>	<u>\$3.98</u>
James King	One day	\$2.00	
Milage 72 Miles at 3. cts per mile		<u>2.16</u>	<u>\$4.16</u>
R. W. Armstrong	One day	\$2.00	
Milage 72, Miles at 3 cts per mile		<u>2.16</u>	<u>\$4.16</u>
	total		<u>\$16.36</u>

Judgment of the viewers was worth before the construction of the road through the same the sum of about one thousand (\$1000.00) dollars; and since according to the testimony produced by the witnesses at the hearing and the judgment of the viewers the condition the property is in now the viewers do not consider the property worth any more than it will cost to put the same in a condition to use the same.

The viewers therefore assess the damages that the claimants B. F. and Edward Bowler's have sustained at the sum of one thousand (\$1000.00) dollars. with the cost of the witnesses at the hearing.

and that a plan or ^{profile at lot} ~~cross~~ 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:

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

WITNESS our hands and seals this 15th day of December; -----
A. D. 1925.

A. G. Krappier Seal
E. C. Fry Seal
James W. Strangle Seal
Seal

No. 12 Dec Sessions, 1924

ORDER

To view and assess damages a
B. F. Bowder & Edward Bowder
use in the
Borough of Buenside
Clearfield County

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.

Filed 19
Fees \$1.25 paid by
Hartswick, Arnold & Platt, Attys.

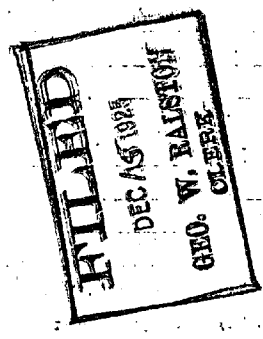
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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 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

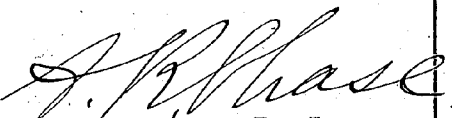
In the Court of Quarter Sessions of Clearfield County, Pennsylvania.

Petition of B. F. Bowder for)	No. 12 December Sessions, 1925.
appointment of Viewers to as-)	
sess damages in Burnside)	
Township.)	

This motion to dismiss proceedings being based upon want of jurisdiction in the Court, it appearing to the Court that this proceeding was brought to the Quarter Sessions Court of Clearfield County and was for the purpose of having damages assessed to property in the Borough of Burnside caused by the construction of State Highway, and it appearing to the Court that the proceedings to assess damages in such cases is under the jurisdiction of the Court of Common Pleas,

Now, January 14th, 1926, motion to dismiss is sustained for want of jurisdiction of the subject matter. Costs of proceedings to be borne by B. F. Bowder, petitioner.

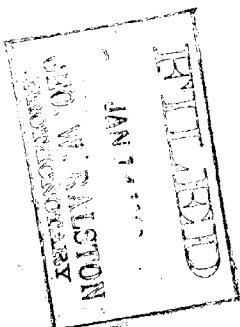
By the Court,


P. J.

No. 12 December Sessions, 1925.

Petition of B. F. Bowder for appointment of Viewers to assess damages in Burnside Township.

ORDER.



In the Court of Quarter Sessions of Clearfield County, Pa.

In the matter of the petition of B. F. Bowder, for assessment of damages resulting from the location and construction of a State Highway through Burnside Borough.	No. 12, December Sessions 1925. Exceptions to Report of Viewers.
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The Borough of Burnside by its Burgess E. E. Kantz, files the following exceptions to the report of the viewers in the above stated proceeding;

First. The proceeding is for assessment of damages for the change of width and of existing lines and location of State Highway Route No. 62 under Section 2 of the Act of 1921, P. L. 107, which is an amendment of Section 16 of the Act of May 31, 1911, P. L. 468, and the borough is not liable.

Second. The viewers report that during the year 1925 the State Highway Commissioner by his contractor and employees by the authority in him vested by the Act of Assembly of May 31, A. D. 1911, P. L. page 468 and the supplements and amendments thereto, constructed a state highway from the Borough of Cherry Tree in Indiana County to the village of Bells Landing in Clearfield County, Pennsylvania, on Route No. 62, through the Borough of Burnside, and the testimony taken before said viewers shows that said State Highway was constructed on the location of an old road or street through said Borough of Burnside, and it is denied that the State Highway Commissioner or the Secretary of Highways of the State of Pennsylvania had any authority under said Act of Assembly and its supplements and amendments to change the lines of location or grades of a public road or street within the limits of the Borough of Burnside.

Fourth. The proceedings in this case are not in compliance with the law governing assessment of damages in laying out, opening, widening or changing of grades or lines of streets in boroughs.

State of Pennsylvania :
County of Clearfield, : SS

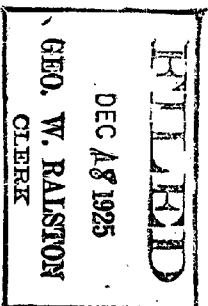
Sworn & Subscribed
before me this 17
day of Dec A.D. 1925 -
Geo W Palston
Prothonotary

In the Court of Quarter Sessions
of Clearfield County.

No. 12 December Sessions 1925.

In the matter of the petition
of B. F. Bowder for assessment of
damages to his property resulting
from the location and construc-
tion of a State Highway through
Burnside Borough.

Exceptions to Report of Viewers.



Wey.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A

In the matter of the Petition
of B. F. BOWDER, for Assessment
of Damages resulting from the
location and construction of a
State Highway through Burnside
Township.

:
:
: No. December Sessions, 1925
:
:
:

To the Honorable A. R. Chase, President Judge:-

Respectfully comes the County of Clearfield, by its
County Commissioners, averring that it takes this course out of an
abundance of caution, and files the following exceptions to the
report of the Viewers in the above stated proceeding, lodged for
record on December 15th, 1925:

(1). The report sets forth that "notice of the time of
view and of the hearing day was duly served according to law upon
the Commissioners of Clearfield County", which is not in accord-
ance with the facts, as no such notice has been served.

(2). The return of the Viewers is vague, indefinite and
inconclusive, and does not indicate whether it is the purpose there-
of to fasten liability upon the Borough of Burnside or the County
of Clearfield.

(3). That if it be the intent thereof to fix liability
upon the County of Clearfield, the proceedings are without warrant
of law, void and of no effect.

(4). That there is no statutory or common law liability
upon the County of Clearfield for the damages alleged to have been
sustained by the petitioners and property owners in this case.

Jesse Dale

B. W. McCracken
County Commissioners

STATE OF PENNSYLVANIA: SS:
COUNTY OF CLEARFIELD:

Jesse Dale, B. W. McCracken and T. R. Weimer, County
Commissioners of Clearfield County, being duly sworn according to
law, depose and say that the facts set forth in their foregoing
exceptions are true and correct, to the best of their knowledge,
information and belief.

Subscribed and sworn to before me
this 23 day of December 1925.

L. C. Norris
Commissioners Clerk

Jesse Dale

B. W. McCracken

In the Court of Quarter Sess.
of Clearfield County, Penna.

No. 12 December Sess. 1925

In the matter of the Petition of B.F. Bowder, for Assessment of Damages resulting from the location and construction of a State Highway through Burnside Township.

EXCEPTIONS OF CLEARFIELD
COUNTY.

FILED
DEC 23 1925
GEO. W. RALSTON
PROTHONOTARY

LIVERIGHT & CHASE
ATTORNEYS AT LAW
CLEARFIELD, PA.

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

In re: Petition of :
B.F. Bowder for Appointment of :
Viewers to Assess Damages to his :
Property Resulting from the : No. 12 December Sessions, 1925.
Location and Construction of a :
State Highway Through Burnside :
Borough. :

PETITION.

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

The petition of the undersigned respectfully represents:-

First. That your petitioner is Burgess of the Borough of Burnside and presents this petition by direction and with the consent of council of said Borough.

Second. That State Highway Route No. 62, running from Ebensburg to Clearfield, passes over Main Street in said Borough of Burnside.

Third. That during the year 1925 the Highway Department of the State of Pennsylvania relocated and reconstructed said Main Street through said Borough of Burnside and that said improvement consisted of the construction of a concrete road or street for the entire length of Main Street through said Borough.

Fourth. That said work of relocating and reconstructing said road or street was done without any delegation of authority from the Burgess and Council of the Borough of Burnside.

Fifth. That on the 15th day of November, 1925, B.F. Bowder presented a petition to the Court of Quarter Sessions of Clearfield County, and Aaron G. Kramer, J.E. Fry and James Spangle were appointed Viewers to assess against the Borough of Burnside the damages which the said B.F. Bowder and his co-owners of a certain lot of ground in said Borough had sustained by reason of the taking of part of their land in the relocating of said street or road, and other damages resulting from the reconstruction of the same.

Sixth. That said view was held on the 4th day of December, 1925 and a hearing was had in the Court House in the Borough of Clearfield on the 5th day of December, 1925.

Seventh. That at said hearing the testimony showed that

said street or road had been relocated and reconstructed by the State Highway Department of the State of Pennsylvania, that the improvement resulted in the construction of a concrete street or road the entire length of Main Street through said Borough, and that no other damages or benefits along the line of the improvement were taken into consideration by the Viewers.

Eighth. That your petitioner is informed and believes that the State Highway Department of the State of Pennsylvania had no authority to change the location of Main Street in the Borough of Burnside in front of the property of said B.F. Bowder, and that the Court of Quarter Sessions of Clearfield County does not have jurisdiction to assess any damages ~~for any changes~~ ^{against Burnside Borough} in the location or grade or the widening of said Street.

YOUR PETITIONER THEREFORE PRAYS that said proceeding be dismissed and the appointment of said Viewers be stricken from the record.

E. E. Kantz

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

Ed. Kantz, the above named, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before
me this 10 day of December,

E. E. Kantz

A. D. 1925.

Mrs. Lida Prouse

ORDER OF COURT.

NOW, December 14th, 1925, the above petition having been read and considered, a rule is granted on B.F. Bowder, the petitioner therein named, to show cause why the above stated proceeding shall not be dismissed and the appointment of said Viewers stricken from the record. Returnable ^{argument} ~~the first Monday~~ ^{Court} ~~of January next.~~ All proceedings before the Viewers are stayed pending the disposition of this rule.

By the Court,

AB Chase

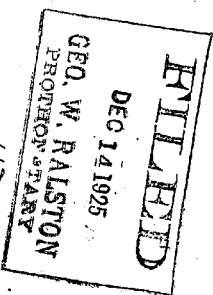
President Judge.

In the Court of Quarter Sessions
of Clearfield County, Pa.

No. 12 December Sessions 1925.

In re-petition of B. F. Bowdler
for appointment of viewers to as-
sess damages to his property re-
sulting from construction of State
Highway in Burnside Borough.

Petition to Dismiss Proceeding
and Strike off Appointment of
Viewers.



Platt & Sepp

Urey.

*New Dec 14, 1925, Court accepted and under
Hearings Amended & placed
out for Bowdler*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

TO THE HON. A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of B. F. Bowder respectfully represents:-

FIRST: That B. F. Bowder, your petitioner, is a resident of the Borough of Burnside, Pennsylvania, and with Edward Bowder is the owner of a lot or piece of land in the Borough of Burnside, Clearfield County, Pennsylvania, bounded on the North by the Susquehanna River, on the East by road or Main Street, on the West by lot of Henry D. Wetzel, and on the South by an Alley Twelve (12) feet wide along the line of J. F. Notley, said lot being Eighty (80) feet wide and extending back to alley along the line of land now or formerly of J. F. Notley, and being the same premises which Bertha E. Foster, by deed dated the 4th. day of April, 1921, recorded at Clearfield, Pennsylvania, in Deed Book No. 248, page 214, granted and conveyed to Benjamin Franklin Bowder, your petitioner, and Edward Bowder.

SECOND: That your petitioner has use of said lot and has erected therein a dwelling house and other improvements.

THIRD: That the State Highway Department has located State Highway Route No. 62 from McGees Mills to the Indiana County line, and its location runs through the aforesaid premises of your petitioner, using thereof a strip of a width of Twenty-Four (24) feet to one end, and Twelve (12) feet at the other, and that the grading through the aforesaid premises has been done, and an appropriation of the necessary amount of land has been made for the purpose of constructing and building the aforesaid State Highway.

FOURTH: Your petitioners have been unable to agree with the authorities of Burnside Borough upon the amount of damages to be paid to your petitioners for the land appropriated, and the injury done to them by reason of the taking of a part of the land aforesaid, and other damages to your petitioners.

Your petitioners therefore pray your Honorable Court to appoint proper viewers to appear on the premises and to view and assess the damages and injuries which they are entitled to receive, for or on account of the appropriation of the land, and other injuries thereto, as a result of the location and construction of the said State Highway.

BFB B. F. Bowder

STATE OF PENNSYLVANIA, :
COUNTY OF CLEARFIELD, : SS:

On this 31 day of October, 1925, before me a Justice of the Peace, personally appeared B. F. Bowder, Petitioner, who being duly sworn says that the facts set forth in the foregoing petition are true and correct as he verily believes.

Sworn and subscribed before me :
this 31 day of October, 1925. :

W. Marshall J.P.

My Commission Expires Fri-
Monday in January, 1926.

ORDER OF COURT.

Now the ____ day of October , 1925, within petition presented, and upon due consideration thereof and and _____

are appointed viewers as prayed for, to view the aforesaid premises and report the amount of compensation to be paid to said petitioners for the damages and injuries resulting to them by reason of the location and construction of the State Highway upon and through their real estate.

By the Court,

P. J.

12 Dec 22 1925

PETITION FOR APPOINTMENT
OF VIEWERS.

FILED
NON RES
W. W. RAISTON
CLERK

1925
James S. Burns
J. E. Hyde & James
They are appointed
viewers to view &
appraise the land
of the estate
of the late
James S. Burns

HARTSWICK, ARNOLD & PLATT
ATTORNEYS AT LAW
CLEARFIELD, PA.