

DOCKET No. 6

Number	Term	Year
13	Dec	1925

Petition of Clair J. Neff for Appt.

of viewers to assess damages

Chest twp

Versus

X

That a public road has long existed running from Westover Boro to the Village of Newburg.

That the aforesaid public road has been improved by the Comth. of Penna. by its officers, having placed various cuts and fills thereon and used and damaged considerable land of your petitioner.

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

CLAIR J. NEFF

Judge of the same Court: Upon the petition of ~~some~~ inhabitants of the Township of CHEST

in said County, setting forth that he is the owner of a tract of land bounded and described as follows: Beginning at a post corner formerly of Peoples and Curry; thence north 14° east 50 perches to a post; thence south $42\frac{1}{2}^{\circ}$ east 30 perches to a post; thence south $88\frac{1}{2}^{\circ}$ east 164 perches to place of beginning. Containing 56 acres 88 $\frac{4}{10}$ perches more or less. Reserving therefrom 12 acres conveyed to Eliza E. Williams by deed dated May 27, 1876 and reserving therefrom the coal underlying said property

and therefore, praying the Court to appoint proper persons to view and ~~lay out the road~~ ASSESS DAMAGES 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., Ed Billotte and Geo. K. Weber

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 judgment, 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 Chest and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 7th day of January A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 8th day of January, 1926, 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. C. Bell, Esq., Clair J. Neff, E. E. Dunkleberger, John Z. Kitchen, Jos. Dunkleberger, Quentin Neff, Raymond Kunzman,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 8th day of January A. D. 1926, when the following appearances were noted: F. C. Bell, Esq. for Petitioner; A. M. Liveright, Esq. Solicitor, and L. C. Norris, Clerk, for Commissioners of Clearfield County; Clair J. Neff, D. C. Michaels, witness on behalf of petitioner. Petitioner and witness, each being duly 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~~ ~~beginning~~ damages have been sustained by the petitioner. We further find that Route #221 of the Pennsylvania State System of Highways, leading from Westover Borough to the Village of Newburg, has been relocated, regraded and improved as a permanent highway, and that by the relocation, regrading and construction thereof a strip of petitioner's land diagonally across, approximately 35 feet in width running South 36 degrees 30 minutes West 985 feet in length, was taken as shown on map or draft thereof hereto attached and made a part hereof. That the relocation thereof resulted in the destruction of a crop of clover; 5 bearing apple trees; 3 cut and removed, and 2 broken and injured; 1 cranberry Bush; and inconvenience by reason of the construction of a drain and culvert requiring a ditch 400 feet in length to drain a wide area of petitioner's cultivated land. The amount of damage as testified to by the petitioner and witness is \$400.00.

By agreement of Counsel, leave granted subject to approval by the Court to amend petition by having Grace Tozier join as petitioner or file release of damages, she having agreed to grant and convey the aforesaid premises to Clair J. Neff by Article of Agreement, upon which there is a balance of purchase-money due as of Jan. 8, 1926, amounting to \$300.00.

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 #221 as a permanent highway, your viewers are of the opinion that the foregoing estimate is too high; but that the owner should be compensated for the land taken and occupied and the damages caused to said property.

To: Clair J. Neff of Chest Township, Clearfield County:

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 13, December Sessions, 1925, to view and assess damages done to the property of Clair J. Neff in the construction of the State Highway running from Westover Borough to the Village of Newburg in Clearfield County aforesaid, will meet at the dwelling-house of Clair J. Neff in Chest Township on Thursday, the 7th day of January, A.D. 1926 at eleven-thirty (11:30) o'clock A. 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 8th day of January, A.D. 1926 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.

Ed. Billatte
Geo. K. Weber

Dated, December 21st, 1925

Viewers

Clearfield County, SS:

Now, this 23rd day of December, A.D. 1925,
Service of the above Notice is accepted for Clair J. Neff,
Petitioner.

Bill Boulton
Attorney for Petitioner

To: The County Commissioners of Clearfield County, Penn'a:

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 13, December Sessions, 1925, to view and assess damages done to the property of Clair J. Neff in the construction of the State Highway running from Westover Borough to the Village of Newburg in Clearfield County aforesaid, will meet at the dwelling-house of Clair J. Neff in Chest Township on Thursday, the 7th day of January, A.D. 1926 at eleven-thirty (11:30) o'clock A. 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 8th day of January, A.D. 1926 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 Tallin
Ed. Billotte
Geo. A. Weber

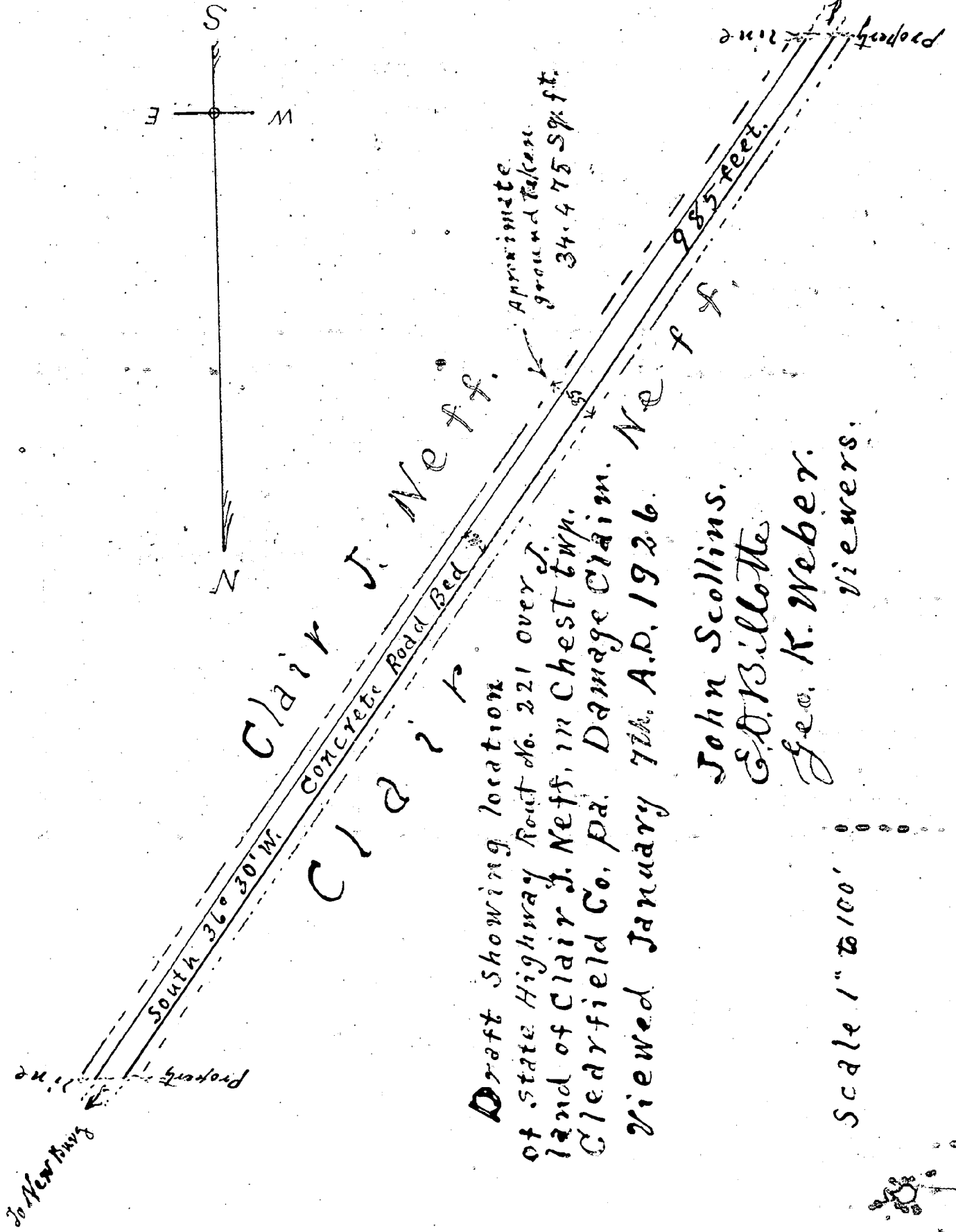
Dated, December 21st, 1925

Viewers

Clearfield County, SS:

Service of the above Notice is hereby accepted for the Commissioners of Clearfield County, this 20 day of December, A.D. 1925.

L. C. Morris
Clerk



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: To Clair J. Neff and/or Grace Tozier, the sum of Two Hundred Dollars .

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

WITNESS our hands and seals this eight day of March
A. D. 1926 .

John Scaccia Seal
Ed Billotto Seal
Frank Wilson Seal
_____ Seal

No. 13 December Sessions, 19 25

ORDER

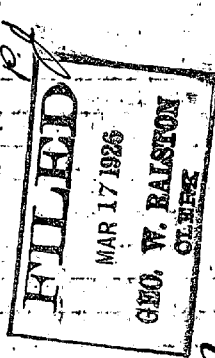
To view and assess damages to a
road for Clair J. Neff and
use in the
township of Chest Grace & Tozer
Clearfield County

now March 23rd 1926

Sessions, 19

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

By the court
A. W. Chase



now Apr 26 1926

Confirmed and
By the court

Filed
Fees \$1.25 paid by
P. J.

Bell, Boulton & Forstyh, Attorneys

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 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

No. 1346 Term 1905

Can & Mfg

Versus

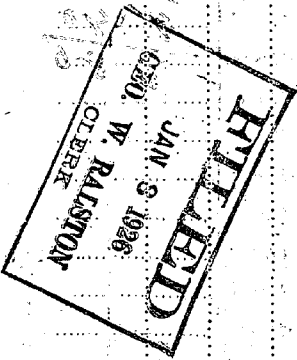
Maplewood Church

Plaintiff Bill of Costs

For 0 Term 190

Date Jan 8 1905

Amount - - - \$ 8.00



Claring Muff

No. 13

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

Versus

Chapfield County

CLEARFIELD COUNTY, SS:

Personally appeared before me Alan J. Maff 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

8... dgy of

A. D. 1926

Prothonotary

Clair J. Hoff

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

Clair J. Neff

vs

No. 13 December Sessions 1925.

Clearfield County

To the Honorable A. R. Chase, President Judge of said Court:
Petition of Grace S. Tozer respectfully represents:

FIRST: That she formerly owned a certain tract of land situate in Chest Township, Clearfield County, Pennsylvania, which tract she sold to Clair J. Neff under an article of agreement permitting him to pay for the same in installments.

SECOND: That the purchase price of said land was eight hundred (\$800.00) dollars and there remains due for the same a balance of approximately three hundred (\$300.00) dollars and under the terms of the agreement she is not required to deliver the deed for same until the balance of the purchase price be fully paid.

THIRD: That she knows of the claim of Clair J. Neff for damages caused to said property by the construction of the concrete road on route No. 221.

FOURTH: That she directs that any and all damages assessed in favor of the said Clair J. Neff be paid to him and that his receipt of the same be a full and final release for all damages sustained by said property.

FIFTH: That she is informed that a view and hearing have already been had on the petition of Clair J. Neff and does not ask that any adjournment or further testimony be taken in regard to said damages.

WHEREFORE, your petitioner prays that she may be joined as a party petitioner in the above proceedings to all intent and purposes as if she had been a petitioner in said case

from the beginning thereof and that no further hearing or view be necessary insofar as her rights are concerned.

And she will ever pray.

Grace S. Tozer

State of Pennsylvania :
County of Clearfield : SS.

Before me, the subscriber hereto, came Mrs. Grace S. Tozer, who being duly sworn according to law deposes and says that the facts set forth in the above petition are true and correct to the best of her knowledge and belief.

Grace S. Tozer

Sworn and subscribed to before me this 29th day of January A.D. 1926.


W. W. Owen Shultz

My Commission expires
First Monday in January, 1930

ORDER

Now, January 29th, 1926, the within petition having been read and considered the said Mrs. Grace S. Tozer is hereby granted leave to join as a party petitioner on the terms as set forth in the above petition.

By the Court
A. R. Rhea
PJ.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD CO. PENN'A. 13	
No. 42 December SS 1925.	
Clair J. Neff vs Clearfield County	
PETITION	
	
FILED FEB 1 1926 GEO. W. RALSTON CLERK	
BOULTON, FORSYTH & BELL ATTORNEYS AT LAW CLEARFIELD, PA.	

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

Now Feb'y 1st 1926, Service accepted for
 County Commissioners
 L. C. Morris Clerk

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

No. December Sessions
1925

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

Petition of Clair J. Neff respectfully represents:

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

BEGINNING at a post corner formerly of Peoples and Curry; thence north one and one-fourth ($1\frac{1}{4}$) degrees east fifty (50) perches to a post; thence south forty-two and one-half ($42\frac{1}{2}$) degrees east thirty (30) perches to a post; thence south eighty-eight and three-fourth ($88\frac{3}{4}$) degrees east one hundred sixty-four (164) perches to place of beginning. Containing fifty-six (56) acres eighty-eight and four-tenth ($88\frac{4}{10}$) perches, more or less. Reserving therefrom twelve (12) acres conveyed to Eliza N. Williams, by deed dated May 27, 1876, and reserving therefrom the coal underlying said property.

SECOND: That a public road has long existed running from Westover Borough to the village of Newburg, all of which lies within Clearfield County, Pennsylvania.

THIRD: That the aforesaid public road has been improved as a public highway by action of the Commonwealth of Pennsylvania, being known and designated as Route No. 221 in the highway system of the Commonwealth of Pennsylvania, as provided by the Act of May 31st, 1911, P. L. 468 Section 6.

FOURTH: That the road, as relocated, has necessitated a change in the lines and location of said highway and the taking, by the Commonwealth, of a strip of land of your petitioner's, approximately seven hundred and twenty (720) feet in length and fifty (50) feet in width.

FIFTH: That the commonwealth of Pennsylvania, acting through its officers and agents, have entered upon the land of your petitioner, taken the same as before averred and, in addition thereto, have placed various cuts and fills thereon, so as to render access to the remainder of the same and the

buildings impracticable and, in the construction of said highway, have used and damaged considerable land of your petitioner lying outside the lines of the highway.

SIXTH: That, as a result of said taking by the Commonwealth, the market value of said property was greatly lessened and materially diminished.

WHEREFORE your petitioner prays your Honorable Court to appoint viewers to appraise and determine the damage so suffered and that such further proceeding may be had as provided by the Acts of Assembly relating thereto.

x Clair J. Neff

STATE OF PENNSYLVANIA

SS

COUNTY OF CLEARFIELD

Before me, the subscriber hereto, came Clair J. Neff who, being duly sworn according to law, deposes and says that the facts set forth in the above petition are true and correct to the best of his knowledge and belief.

x Clair J. Neff

Sworn and subscribed to before me
this 12 day of November AD, 1925.

Notary Public

MY COMMISSION EXPIRES MARCH 5, 1927

O R D E R

Now, November 14th A. D. 1925, the within petition
having been read and considered, *John Sullivan Esq.*
Ed Bellote, And Weber
are appointed viewers to proceed as required by the Acts of
Assembly relating thereto.

BY THE COURT

J. R. Chase
R. J.



IN THE COURT OF QUARTER SES-
SIONS OF CLEARFIELD COUNTY,
PENNSYLVANIA

No. 13 December Sessions 1945

Clair J. Neff

vs

Clearfield County

PETITION FOR VIEWERS

NOV 14 1945
REO. W. P.

FILED

CLARENCE FORESYTH & BELL
ATTORNEYS AT LAW
CLEARFIELD, PA.