

DOCKET No. 6

Number	Term	Year
16	Dec	1925

Petition of Heirs of Richard Shields  
for Appt. of Viewers to assess damages  
in Morris Twp

Versus

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 23<sup>rd</sup> day of November

in the year of our Lord one thousand nine hundred twenty-five Mrs. Agnes Shields, widow, Mary E. Flegal, Nancy E. Baumgardner, W. A. Shields, Martha J. Hall, & Ruth Carlson, heirs of Richard Shields, deceased. Judge of the same Court: Upon the petition of ~~xxxix~~ inhabitants of the Township of Morris

in said County, setting forth that they are the owners of a certain tract of land situate in Morris Twp along the public road leading from Alport to Kylertown. That the State Highway Com. has improved highway known as Route No. 219 leading from Alport to Kylertown ~~leading~~ through the premises of above petitioner. That the petitioners have sustained great damage because of the relocation of said public road

assess damages and therefore, praying the Court to appoint proper persons to 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 Frank Hutton, Esq., Geo. K. Weber and Harry Reese.

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. Ralston, Clerk.

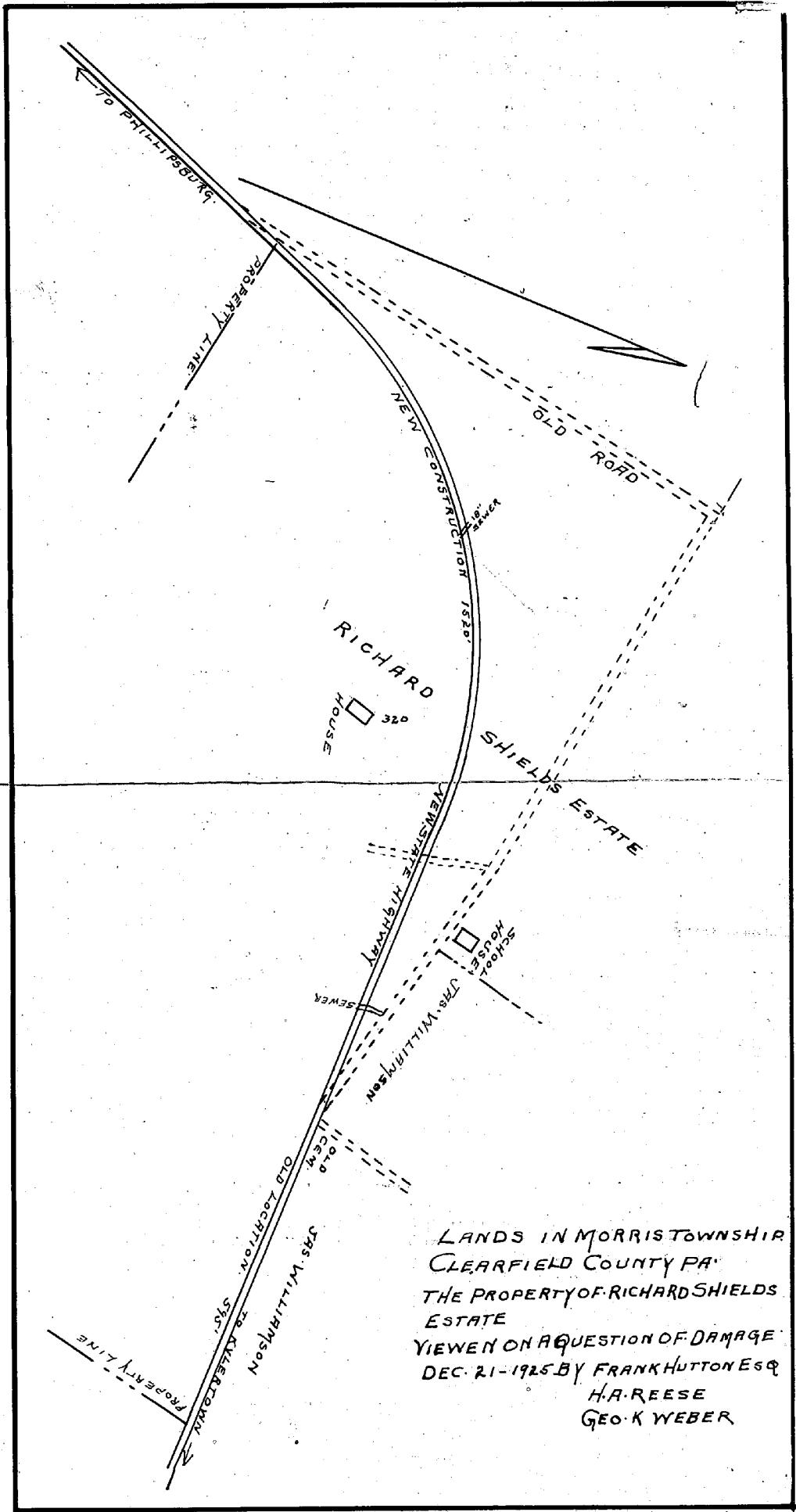
# RETURN OF VIEWERS

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 \_\_\_\_\_ and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 21st 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 22nd day of December, 1925, at ten o'clock A. M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view that all the viewers were present at the hearing fixed to be held Dec. 22nd 1925 and upon application of W.A.Hagerty Esq. Atty. for the petitioner the hearing was continued to Monday the 28th day of December 1925 at ten o'clock A.M. parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 22nd day of December and continued to Dec. 28th 1925 at 10 A.M. when the following appearances were noted: W.A.Hagerty Esq., Atty for petitioner and Agnes Shields petitioner George K. Weber and Frank Hutton Viewers; Harry A. Reese viewer was not present at hearing Dec. 28th 1925. No evidence was offered, Atty for petitioner stating they would abide by the decision of the viewers

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 report as follows:- That Route No. 219 of State Highway is constructed through the lands of the petitioner and over lands not formerly occupied by Public Highway a distance of 1520 feet through a field apparently under a good state of cultivation and occupying approximately one and one half acres of land. That the old road also runs through the lands of the petitioner and from all the information your viewers were able to acquire it is generally conceded by all parties in interest that this old highway cannot be vacated and the lands occupied by it revert to the petitioner as it is and doubtless continue to be necessary for the use of other citizens residing along it and away from the new concrete highway and also a public school building is located along the old road. A draft of both the old and new roads is attached hereto and made part of this report and will indicate the conditions as found by your viewers



TO THE COMMISI SIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania,

to view Damages alleged to be done to the property of the heirs of Richard Shields, deceased, by the construction and relocation of State Highway Route No. 219 through lands of said Shields heirs in Morris Township, will meet on the premises of the heirs of Richard Shields, in Morris Township on Monday the 21st day of December 1925 at 11 o'clock A.M. to attend to the duty assigned them.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, Pa. on Tuesday the 22nd day of December 1925 at 10 o'clock A.M. of which times and places you will take due notice and may attend and be heard if you so desire.

Frank Shullin  
Harry Reese  
Geoklauber

Dubois, Pa Dec. 3rd 1925

Viewers

Now, Dec. 4 1925 service of the above notice is accepted for the Commissioners of Clearfield County, Pennsylvania.

J. 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 the heirs of Richard Shields the sum of Three Hundred (\$300.00) Dollars

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

WITNESS our hands and seals this 30th day of December  
A. D. 1925.

Frank Shetler Seal  
W. A. Reese Seal  
George Melton Seal  
Seal

No 16 Déc Sessions 19 25

No. 10 Dec Sessions, 1923

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—  
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To view and assess damages to  
cars of Richard Shields  
located in the  
township of Morris  
Clearfield County  
January 26, 1826

Sessions, 19. Read to be  
read and confirmed Ni. Si. opened 23 feet wide, except where there  
is a side entrance, embankment and  
ditch, so that it is 16 feet wide.

**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.

Now Feb. 25<sup>th</sup> 1926  
Confined absolutely  
By the Committee  
of the Mass.

Filed 12-1-1915  
Fees \$1.25 paid by HILL  
W. A. Haggerty, Atty. DEC 31 1915  
RAISIO  
W. CLERE  
GEO. CLEERE

## RELEASE OF DAMAGES

WITNESS: 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*—

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Seal.

— Seal.

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

In Re: Construction of State Highway : No Dec. Sess, 195  
Route No 219

Petition of the heirs of Richard Shields late of Morris Township, deceased, for appointment of viewers.

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

The petition of Mrs. Agnes Shields, widow, and Mary E. Flegal, Nancy A. Baumgardner, W. A. Shields, and Martha J. Hall and Ruth Carlson, heirs of said Richard Shields, deceased, respectfully represents:-

1. That as heirs of said Richard Shields, deceased, they are the owners of a certain tract of land situate in Morris Township, Clearfield County, Pennsylvania, along the public road leading from Alport to Kylertown;

2. That the State Highway Commissioner of the State of Pennsylvania, has constructed an improved highway known as Route No. 219 leading from Alport to Kylertown, said highway leading through the premises of the abovenamed petitioners; that as laid out and constructed it has caused a change in width of existing lines location of the present public road and destruction of some of the best land of said petitioners.

3. That your petitioners have sustained damage by reason of the change of width, existing lines and relocation of said public road, and the construction of said highway; that they have been unable to agree with the County Commissioners of Clearfield County as to the amount of damages sustained by them

4. Your petitioners, therefore, pray the Court to appoint viewers to ascertain and assess the damages as provided by the Acts of Assembly approved April 6, 1921, amending Section 16 of the Act of May 31st, 1911, and re-enacting Section 1 of the Act of July 18th, 1917, and as provided by other acts of Assembly and relating to the ascertainment and assessment of damages for opening public highways

Agnes Shields  
Mary E. Flegal  
Nancy A. Baumgardner  
W. A. Shields  
Martha J. Hall  
Ruth Carlson

STATE OF PENNSYLVANIA :

SS

CLEARFIELD COUNTY :

On this 16<sup>th</sup> day of November, 1925, before me, the subscriber, a Justice of the Peace in and for said County, personally appeared Agnes Shields, one of the above named petitioners, who being duly sworn according to law doth depose and say that the facts set out in the foregoing petition are true and correct to the best of her knowledge, information and belief.

Sworn and subscribed to before me this 16 day of November, 1925.

William Lee  
Justice of the Peace

MY COMMISSION EXPIRES  
FIRST MONDAY IN JANUARY 1928

No. 16 Dec. 20, 1925

Peter J. Keen &  
Puckin O'Brien  
of cause damage  
for construction of bridge  
from St. Albans to  
Polaris by State Highway  
Commission

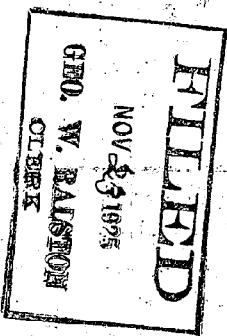
Montgomery, New York

Nov 20 23 rec 1925

Frank McNamee Esq.  
George W. Weber and  
Henry A. Hess are  
affiliated members to  
new organization

By the court

A. McNamee



Magistrate