

DOCKET No. 6

Number	Term	Year
2	Sept ss	1926

Petition of Senath Michaels for
Appt of viewers to assess damages
in Chest Twp

Versus

JOE WIESNER
CONTRACTOR

ST. MARYS, PA.,

J. C. Michaels,
Mine Paints, Pa.

20 lin. ft. curbing @ .20 ¹⁸
30 " steps @ .50 15.00
 — —
 19.00

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY,

Sernath Michaels
—Versus—
Clearfield County
Of September Term, 1926
No. 2
Plaintiff Bill of Costs
At — Term, 1926

			Dollars	Cents
Olan J. Neff	Days in attendance	41	Miles direct travel	46
D. C. McDonald	Days in attendance	41	Miles direct travel	46
J. M. Plunkett	Days in attendance	41	Miles direct travel	46
	Days in attendance		Miles direct travel	
	Days in attendance		Miles direct travel	
	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.			13	38

CLEARFIELD COUNTY, SS:

Personally appeared before me D C Michaels, 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

9 day of July, A. D. 1924
Geo. A. Palstedt, Prothonotary

No. 5 Syke Term, 1924

Shenandoah Michael

Versus

Clayfield Long

Plaintiff Bill of Costs

For Term, 19

Date 19

Amount — — — \$ — — —

ENTERED	
JUL 9 1926	
GEO. W. RALSTON	
PROTHONOTARY	

Beginning at a hickory on the bank of Chest Creek thence down as follows:

S. 59° W. 33° S. $63^{\circ} 1\frac{1}{2}$ W. $14^{\circ} 4/10$ perches; thence N. 70° W. $19^{\circ} 6/10$ perches thence; N. $48\frac{1}{2}^{\circ}$ S $1/10$. thence N. $34\frac{1}{2}^{\circ}$ W. 10 perches; thence N. 2° W. 11 perches; thence N. $14\frac{1}{2}^{\circ}$ W. $9^{\circ} 7/10$; thence S. 83° W. 11 perches; thence N. $74\frac{1}{2}^{\circ}$ W. $9^{\circ} 7/10$ perches; thence S. 83° W. 16 perches; thence N. $77\frac{1}{4}^{\circ}$ W. 14 perches; thence N. 30° E 10 Perches; thence N. 60° E. 6 perches; thence S. 66 $^{\circ}$ E. 24 perches; thence N. 69° E. 6 $8/10$ perches; thence N. $28\frac{3}{4}^{\circ}$ W. 52 $5/10$ perches; thence N. $2\frac{1}{4}^{\circ}$ W. 16 perches; thence N. $11\frac{1}{2}^{\circ}$ W. 13 perches; thence N. $14\frac{1}{2}^{\circ}$ W. 10 perches; thence N. 87° W. 18 perches; thence N. $51\frac{1}{2}^{\circ}$ W. 18 perches and $4/10$ perches; thence N. $84\frac{1}{2}^{\circ}$ W. 15 perches; thence $29\frac{1}{2}^{\circ}$ E. 22 $6/10$ perches; thence N. $5\frac{3}{4}^{\circ}$ E. 20 perches; thence N. 15° E. $9^{\circ} 6/10$ perches to a post; thence S. 51° E. 48 perches to elm thence 41° E. 152 perches to a white oak; thence S. 15° W. 41 perches to a hickory and place of beginning 75 acres 112 perches, less twenty acres $146\frac{3}{2}/10$ perches off the S. end of the said piece of land conveyed to J. W. Dunbar on January 28 1893.

To the County Commissioners of Clearfield County, Pennsylvania:-

TO THE HONORABLE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA:-
RECEIVED AND FILED IN THE CLERK'S OFFICE, JUNE 19, 1926.
BY THE CLERK OF COURT, CLEARFIELD COUNTY, PENNSYLVANIA.
AND BY THE CLERK OF COURT, MUNICIPAL COURT, CLEARFIELD COUNTY, PENNSYLVANIA.
CLEARFIELD, PENNSYLVANIA.

ALL PERSONS RECEIVING THIS NOTICE ARE HEREBY NOTIFIED THAT
THE HONORABLE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA,
INTEND TO HOLD A PUBLIC MEETING ON THE 20th DAY OF JUNE, 1926,
AT THE COURTHOUSE, CLEARFIELD, PENNSYLVANIA, AT 10:00 A.M.

AT WHICH MEETING IT IS PROPOSED TO CONSIDER AND ACT UPON
THE PROPOSED BUDGET FOR THE FISCAL YEAR 1926-1927, AND
THE PROPOSED BUDGET FOR THE FISCAL YEAR 1927-1928, AND
THE PROPOSED BUDGET FOR THE FISCAL YEAR 1928-1929, AND
THE PROPOSED BUDGET FOR THE FISCAL YEAR 1929-1930, AND
THE PROPOSED BUDGET FOR THE FISCAL YEAR 1930-1931.

*John Ballinger
Ed. Billotte
James Spangle*

Clearfield County, SS:

Now, this 19th day of June, A.D. 1926, service of the above
Notice is accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk

To Bell, Boulton & Forsyth, Esqs., Attorneys for Petitioner:-

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County to No. 2
September Sessions, 1926, to view and assess damages done to the property of
Senath Michaels, being a certain tract of land situated in Chest Township,
in the County aforesaid, bounded and described as follows:

Beginning at a hickory on the bank of Chest Creek,
thence down as follows: S. 59 degrees W. 33 S. 63 degrees $1\frac{1}{2}$ W. 14-4/10
perches; thence N. 70 degrees W. 19-6/10 perches; thence N. 48 $\frac{1}{2}$ degrees
8-1/10, thence N. 54 $\frac{1}{2}$ degrees W. 10 perches; thence N. 2 degrees W. 11
perches; thence N. 14 $\frac{1}{2}$ degrees W. 9-7/10; thence S. 83 degrees W. 11 perches;
thence N. 74 $\frac{1}{2}$ degrees W. 9-7/10 perches; thence S. 83 degrees W. 16 perches;
thence N. 77 $\frac{1}{2}$ degrees W. 14 perches; thence N. 30 degrees E. 10 perches;
thence N. 60 degrees E. 6 perches; thence S. 66 degrees E. 24 perches; thence
N. 69 degrees E. 6-8/10 perches; thence N. 28 $\frac{1}{2}$ degrees W. 52-5/10 perches;
thence N. 2 $\frac{1}{2}$ degrees W. 16 perches; thence N. 11 $\frac{1}{2}$ degrees W. 13 perches;
thence N. 14 $\frac{1}{2}$ degrees W. 10 perches; thence N. 87 degrees W. 18 perches;
thence N. 51 $\frac{1}{2}$ degrees W. 18 perches and 4/10 perches; thence N. 84 $\frac{1}{2}$ degrees
W. 15 perches; thence 29 $\frac{1}{2}$ degrees E. 22-6/10 perches; thence N. 52 degrees
E. 20 perches; thence N. 15 degrees E. 9-6/10 perches to a post; thence S.
51 degrees E. 48 perches to elm; thence 41 degrees E. 152 perches to a white
oak; thence S. 15 degrees E. 41 perches to a hickory and place of beginning,
75 acres, 112 perches, less twenty acres, 143-2/10 perches off the S. end
of the said piece of land conveyed to J. W. Dunbar on January 28, 1893:

will meet at the above described premises in said Township on Thursday, the
8th day of July, A.D. 1926, at three (3:00) 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 9th day of July, A.D. 1926, 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.

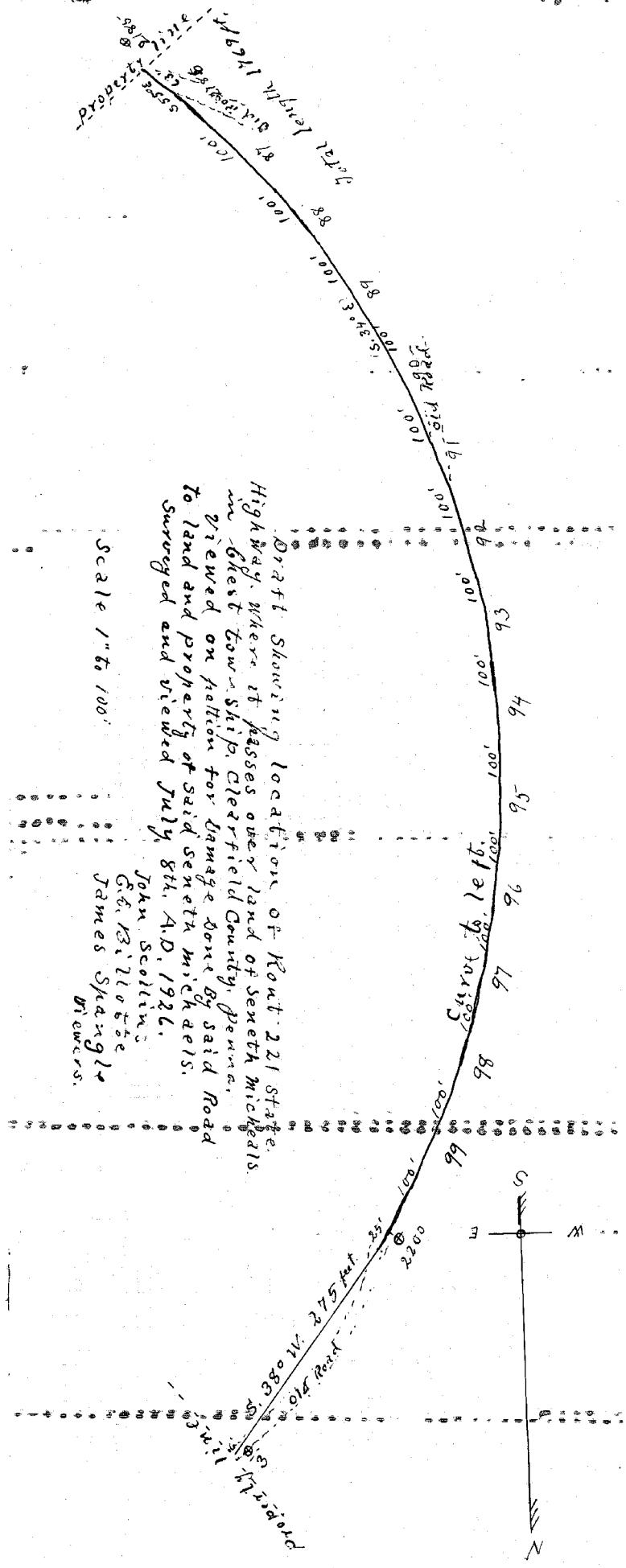
John Ballantyne
Ed. Billalte
James Spangle
Viewers

Dated, June 17th, 1926

Clearfield County, SS:

Now, this 19th day of June, A.D. 1926, service of the above
notice is accepted for Seanath Michaels, within named Petitioner.

Bill Boulton
Attorneys for 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 10th day of May in the year of our Lord one thousand nine hundred twenty six

Senath Michaels

Judge of the same Court: Upon the petition of ~~subscribers~~
~~inhabitants~~ of the Township of Chest

in said County, setting forth that she is the owner of a certain tract of land situated in Chest Twp. bounded and described as follows:

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 John Scollins . Esq.
Ed. Billotte 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. 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

Chest and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 8th day of July A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 9th day of July, 1926, at 11:00 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. Cortez Bell, Esq., Attorney for petitioner; D. C. Michaels, J. N. Dunbar, D. W. Michaels, and J. W. Hurd,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 9th day of July A. D. 1926, when the following appearances were noted: F. Cortez Bell, Esq., for petitioner; J. E. Dale and B. W. McCracken, Commissioners, with Frank G. Smith, Esq., for County Solicitor; W. A. Haggerty, Esq., Attorney for Supervisors of Chest Twp; Clair J. Neff, J. N. Dunbar, witnesses and D. C. Michaels, on behalf of petitioner: each being duly sworn or affirmed, 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 Beginning damages have been sustained by the petitioner.

We further find that Route No. 221 of the Pennsylvania State System of Highways, running between the Villages of Westover and Newburg in Clearfield County aforesaid, has been relocated, regraded and constructed and improved as a permanent highway; and that by the relocation, regrading and improvement thereof a strip of petitioner's land was taken as shown on the map or draft thereof hereto attached and made a part hereof. That the relocation and change of grade thereof necessitated the removal of petitioner's coal-house; the destruction of 14 trees, oak, hickory, and pine; the building of concrete steps for convenient ingress and egress to the dwelling-house; and 1085 feet of wire fence as well as a 75-foot tile ditch. The amount of damages as testified to by the petitioner is \$300.00; that by the witnesses from \$150.00 to \$230.00.

After viewing the premises and conditions and hearing the evidence and taking into consideration the benefits accruing to said premises by reason of the improvement of said Route No. 221 as a permanent highway, your viewers are of the opinion that the foregoing estimates are excessive; but that the petitioner should be compensated for the land taken, appropriated and occupied, and the damages caused to her.

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 Senath Michaels: the sum of One Hundred and Twenty-five (\$125.00) Dollars,

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

WITNESS our hands and seals this 23rd day of August
A. D. 1926.

John Scenic Seal
C. B. Billings Seal
James W. Spangle Seal
Seal

No. 2 Sept 19 Sessions, 19 26

ORDER

To view and assess damages to a
washhouse, Senath Michaels use in the
township of Chest
Clearfield County,

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for ~~the road~~ ^{the road}.

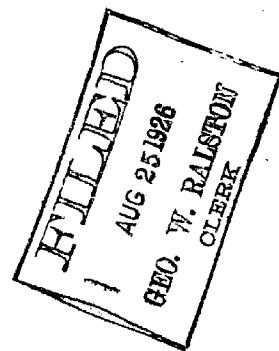
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

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 broad, they will report to that effect.

Confined absolutely
in lens with
Ninety days exposure
failed to exceed
By the correct
method

119 447



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.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

Senath Michaels

vs

No. February Term 1926

Clearfield County.

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

The petition of Senath Michaels respectfully presents;

FIRST, that she is a resident of Chest Township Clearfield County, Pennsylvania.

SECOND, that she is the owner of the following tract of land, all that certain tract of land situated in Chest Township Clearfield, Pennsylvania bounded and described as follows:

Beginning at a hickory on the bank of Chest Creek thence down as follows South fifty-nine degrees (59) west thirty-three (33) south sixty-three (63) degrees one and one-half (1½) west fourteen and four-tenths (144/10) perches; thence north seventy (70) degrees west nineteen and six-tenths (19 6/10) perches thence; north forty-eight and one-half (48½) degrees eight (8) and tenth (1/10), thence; north thirty-four and one-half (34½) degrees west ten (10) perches thence; north two (2) degrees west eleven (11) perches; thence; north fourteen and one-half (14½) degrees west nine and seven-tenths (9 7/10) perches thence; south eighty-three (83) degrees west eleven (11) perches thence; north seventy-four and one-half (74½) degrees west nine and seven-tenths (9 7/10) perches thence; south eighty-three (83) degrees west sixteen (16) perches thence; north seventy-seven and one-fourth (77¼) degrees west fourteen (14) perches thence; north thirty (30) degrees east ten (10) perches thence; north sixty (60) degrees east six (6) perches thence; south sixty-six (66) degrees east twenty-four perches (24) thence; north sixty-nine (69) degrees east six and eight-tenths (6 8/10) perches thence; north twenty-eight and three-fourths (28 3/4) degrees west fifty-two and five tenths (52 5/10) perches thence; north two and one-fourth (2¼) degrees west sixteen (16) perches thence; north eleven and one-half (11½) degrees west thirteen (13) perches thence; north fourteen and one-half (14½) degrees west ten (10) perches thence; north eighty-seven (87) degrees west eighteen (18) perches thence; north fifty-one and one-half (51½) degrees west eighteen (18) perches and four-tenths (4/10) perches thence; north eighty-four and one-half (84½) degrees west fifteen (15) perches thence; twenty-nine and one-half (29½) degrees east twenty-two and six-tenths (26 6/10) perches thence; north five and three-fourths (5 3/4) degrees east twenty (20) perches thence; north fifteen (15) degrees east nine and six-tenths (9 6/10) perches to a post thence; south fifty-one (51) degrees east of forty-eight (48) perches to elm thence; forty-one (41) degrees east one-hundred fifty-two (152) perches to a white oak thence; south fifteen (15) degrees west forty-one (41) perches to a hickory and place of beginning seventy-five acres one-hundred and twelve (112) perches, less twenty acres one-hundred and forty-six (146) and two-tenths (7/10) perches off the south end of the said piece of land conveyed to J. W. Dunbar on January 28, 1893.

Being the same premises which James Dunbar and T. C. Dunbar by their deed of August 8, 1893 recorded in Clearfield County in Deed Book eighty-one (81), page hundred forty-two (142) granted and conveyed unto Senath Dunbar.

Excepting and reserving piece of land deeded by Senath Michaels to her husband Orvis Neff on the sixth (6) day of December 1910 recorded in Clearfield in Deed Book 187, page 83 and being bounded and described as follows:

Beginning at a post corner of Fiskel, Woods and other thence: north seventy-five (75) degrees thirty (30) minutes west one-thousand one-hundred twenty-two (1122) feet to a post on right bank of Chest Creek thence; down said Creek north thirty-seven (37) degrees thirty (30) minutes east three-hundred seventy-five (375) feet to post thence; north two (2) degrees three-hundred twenty-five (325) feet to a sugar corner (down) thence; by Orvis Neff south forty-nine (49) degrees east seven-hundred seventy-two (772) feet to a beech stump thence south thirty-eight (38) degrees forty-five (45) minutes east four-hundred twenty-six (426) feet to place of beginning containing eight (8) acres one-hundred twelve (112) perches.

THIRD: that there exists State Highway Route No. 221 running between the village of Westover and Newburg, Clearfield County.

FOURTH, that the commonwealth of Pennsylvania according to its agents employees have caused a portion of said road to be improved and made changes in the lines and location of said highway on the property of your petitioners.

FIFTH: that as a result of the construction of said highway through the property of your petitioners has been damaged and the market value materially lessened, access to the building thereon rendered difficult, the fields damaged ditches and sewers placed along said highway and through said fields all of which has caused damage to the property of your petitioners and

WHEREFORE your petitioners pray the honorable court that viewers may be appointed to ascertain her damage and such other proceedings as provided by the Acts of the Assembly relating thereto and she will ever pray.

Senath Michaels

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Before me the subscriber hereto came Mrs. Senath Michaels 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.

Senath Michaels

Sworn and subscribed to before
me this 1 day of ~~January~~^{May}, A. D.

1926.

Senath Michaels
By Comm. J. C. Miller
Monday in January 1926 J.P.

ORDER

Now, ~~January~~^{May} 1926 the above petition having been read and considered, ~~John Miller, J. C. Miller, Ed Billotte~~
~~and James Spangle~~ viewers to assess the damages in this case and to proceed as required by the Acts of Assembly relating thereto.

BY THE COURT

A. B. Hansen
P.J.

IN THE COURT OF QUARTER SESSION

OF CLEARFIELD COUNTY, PENNA.

No. 2 ~~February~~ Term 1926

Senath Michaels

vs

Clearfield County.

PETITION

John



BOULTON, FORSYTH & BELL

ATTORNEYS AT LAW
CLEARFIELD, PA.