

DOCKET No. 6

Number
2

Term
Sept ss

Year
1926

Petition of Senath Michaels for

Appt of viewers to assess damages

in Chest Twp

Versus

JOE WIESNER
CONTRACTOR

ST. MARYS, PA.,

D. C. Michaels,
Fire Bricks, Pa.

20	lin. ft.	cutting @ \$1.20	\$ 4.00
30	" "	steps @ .50	15.00
Amount			<hr/> \$ 19.00

	Dollars	Cents
<i>Oliver J. Neff</i> / Days in attendance <i>41</i> Miles direct travel	<i>4</i>	<i>46</i>
<i>D C Michael</i> / Days in attendance <i>41</i> Miles direct travel	<i>4</i>	<i>46</i>
<i>J M Runkle</i> / Days in attendance <i>41</i> Miles direct travel	<i>4</i>	<i>46</i>
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		
Serving subpoenas Witness		
Miles distance		
Whole amount of bill	<i>13</i>	<i>38</i>

Personally appeared before me DC Michael, 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. H. Palstrop, Prothonotary

D. C. Michael

No. 24 Term, 1924

Senath Muel

Versus

Chapman

Plaintiff Bill of Costs

For Term, 19

Date 19

Amount --- \$

FILED
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° 1 $\frac{1}{2}$ ° W. 14 4/10 perches; thence N. 70° W. 19 6/10 perches
thence; N. 48 $\frac{1}{2}$ ° S 1/10. thence N. 34 $\frac{1}{2}$ ° W. 10 perches; thence N. 2° W. 11
perches; thence N. 14 $\frac{1}{2}$ ° W. 9 7/10; thence S. 83° W. 11 perches; thence N.
74 $\frac{1}{2}$ ° W. 9 7/10 perches; thence S. 83° W. 16 perches; thence N. 77 $\frac{1}{4}$ ° W.
14 perches; thence N. 30° E 10 Perches; thence N. 60° E. 6 perch.s; thence S.
66° E. 24 perches; thence N. 69° E. 6 8/10 perches; thence N. 28 $\frac{3}{4}$ ° W.
52 5/10 perches; thence N. 2 $\frac{1}{4}$ ° W. 16 perches; thence N. 11 $\frac{1}{2}$ ° W. 13 perches;
thence N. 14 $\frac{1}{2}$ ° W. 10 perches; thence N. 87° W. 18 perches; thence N. 51 $\frac{1}{2}$ °
W. 18 perches and 4/10 perches; thence N. 84 $\frac{1}{2}$ ° W. 15 perches; thence 29 $\frac{1}{2}$ °
E. 22 6/10 perches; thence N. 5 $\frac{3}{4}$ ° E. 20 perches; thence N. 15° E. 9 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 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:-

That the undersigned, being a duly qualified elector of the County of Clearfield, Pennsylvania, do hereby certify that the following is a true and correct copy of the original of the same, as the same appears from the records of the County of Clearfield, Pennsylvania, to-wit:

That the undersigned, being a duly qualified elector of the County of Clearfield, Pennsylvania, do hereby certify that the following is a true and correct copy of the original of the same, as the same appears from the records of the County of Clearfield, Pennsylvania, to-wit:

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That the undersigned, being a duly qualified elector of the County of Clearfield, Pennsylvania, do hereby certify that the following is a true and correct copy of the original of the same, as the same appears from the records of the County of Clearfield, Pennsylvania, to-wit:

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 E. 13 W. 14-4/10 perches; thence N. 70 degrees W. 19-6/10 perches; thence N. 48 degrees 8-1/10, thence N. 54 degrees W. 10 perches; thence N. 2 degrees W. 11 perches; thence N. 14 degrees W. 9-7/10; thence S. 83 degrees W. 11 perches; thence N. 74 degrees W. 9-7/10 perches; thence S. 83 degrees W. 16 perches; thence N. 77 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 degrees W. 52-5/10 perches; thence N. 2 degrees W. 16 perches; thence N. 11 degrees W. 13 perches; thence N. 14 degrees W. 10 perches; thence N. 87 degrees W. 18 perches; thence N. 51 degrees W. 18 perches and 4/10 perches; thence N. 84 degrees W. 15 perches; thence 29 degrees E. 22-6/10 perches; thence N. 5 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 W. 41 perches to a hickory and place of beginning, 75 acres, 112 perches, less twenty acres, 145-2/10 perches off the S. end of the said piece of land conveyed to J. T. 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.

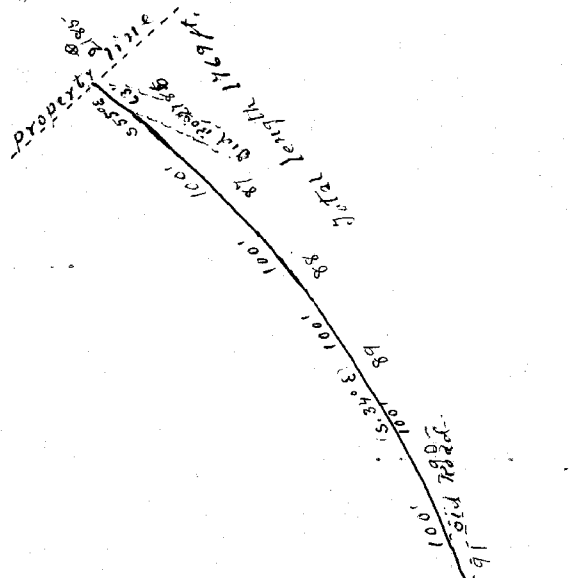
Ed. Billatte
James Spangle
Viewers

Dated, June 17th, 1926

Clearfield County, SS:

Now, this 17th day of June, A.D. 1926, service of the above notice is accepted for Seanath Michaels, within named Petitioner.

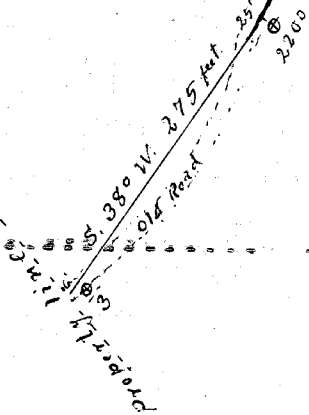
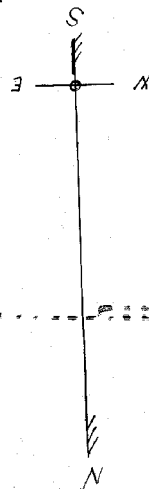
Bell, Boulton & Forsyth
Attorneys for Petitioner



Draft Showing location of Route 221 State Highway. Where it passes over land of Seneth Michals in Chest Township, Clerfield County, Penna. Viewed on portion for damage done by said Road to land and property of said Seneth Michals. Surveyed and viewed July, 8th, A.D. 1926.

Scale 1" to 100'

John Scollin
G.E. Blotie
James Sprangle
Viewers.



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 ~~some~~ ~~XXXXXX~~
~~XXXXXX~~ 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 quali-
fied 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~~ ^{Senath Michaels} 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. Hagerty, 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.

~~when it was not practical to preserve it within that limit.~~

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.

WITNESS our hands and seals this 23rd day of August

John Eocoin	Seal
C. B. Billott	Seal
James W. Spangle	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 ($1\frac{1}{2}$) west fourteen and four-tenths ($14\frac{4}{10}$) perches; thence north seventy (70) degrees west nineteen and six-tenths ($19\frac{6}{10}$) perches thence; north forty-eight and one-half ($48\frac{1}{2}$) degrees eight (8) and tenth ($1/10$) , thence; north thirty-four and one-half ($34\frac{1}{2}$) degrees west ten (10) perches thence; north two (2) degrees west eleven (11) perches; thence; north fourteen and one-half ($14\frac{1}{2}$) degrees west nine and seven-tenths ($9\frac{7}{10}$) perches thence; south eighty-three (83) degrees west eleven (11) perches thence; north seventy-four and one-half ($74\frac{1}{2}$) degrees west nine and seven-tenths ($9\frac{7}{10}$) perches thence; south eighty-three (83) degrees west sixteen (16) perches thence; north seventy-seven and one-fourth ($77\frac{1}{4}$) 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 ($6\frac{8}{10}$) perches thence; north twenty-eight and three-fourths ($28\frac{3}{4}$) degrees west fifty-two and five tenths ($52\frac{5}{10}$) perches thence; north two and one-fourth ($2\frac{1}{4}$) degrees west sixteen (16) perches thence; north eleven and one-half ($11\frac{1}{2}$) degrees west thirteen (13) perches thence; north fourteen and one-half ($14\frac{1}{2}$) degrees west ten (10) perches thence; north eighty-seven (87) degrees west eighteen (18) perches thence; north fifty-one and one-half ($51\frac{1}{2}$) degrees west eighteen (18) perches and four-tenths ($4/10$) perches thence; north eighty-four and one-half ($84\frac{1}{2}$) degrees west fifteen (15) perches thence; twenty-nine and one-half ($29\frac{1}{2}$) degrees east twenty-two and six-tenths ($26\frac{6}{10}$) perches thence; north five and three-fourths ($5\frac{3}{4}$) degrees east twenty (20) perches thence; north fifteen (15) degrees east nine and six-tenths ($9\frac{6}{10}$) 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 ($2/10$) 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 ^{May} / day of January, A. D.
1926.

D. Michael
By Court Clerk First
Monday in January, 1926

ORDER

Now, ^{May 10th} ~~January~~ 1926 the above petition having been read and considered, John Collins, J. C. L. & Ed. Billotte ^{By 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. Hume
P. J.

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

No. 2 *Sept* ~~Return~~ Term 1926

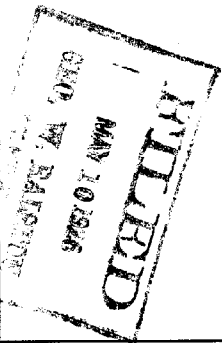
Senath Michaels

VS

Clearfield County.

PETITION

file



BOULTON, FORSYTH & BELL
ATTORNEYS AT LAW
CLEARFIELD, PA.