

DOCKET No. 6

Number	Term	Year
2	Dec.	1926

Petition of T. B. Gould for Appt.

of viewers to assess damages in
Greenwood Twp.

Versus

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

In re:Petition for damages as the result of opening a road through the farm and property of T.B.Gould.	}	No. December Term, 1926.
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To the Honorable A.R.Chase, President Judge of said Court:-

The petition of T.B.Gould respectfully represents:

F I R S T : That a state road or highway was laid out and opened within one year last past through the lands of your petitioner, and that by the opening of said road as aforesaid, your petitioner has sustained great injury and damage, to wit:-

(1st). The petitioner's farm has been badly divided, and making it very inconvenient to operate his machinery in the cultivation of the same.

(2nd). The road having completely divided the farm, makes it very dangerous to drive his stock and horses from one portion of the farm to another, due to the extensive traffic over said highway.

(3rd). That in order to avoid injury to his cattle, it becomes necessary to construct a cattle drive across said highway, which has been verbally agreed upon by the State Highway Engineer; the costs in the construction of the same to be borne or placed on the County.

(4th). That in the construction of said highway, certain pipes which were used for drainage purposes and for a water supply to the petitioner's farm had to be taken up and removed at the expense of your petitioner.

(5th). That certain lots which were near the village of Bells Landing, and being a portion of the farm owned by your petitioner, have been completely destroyed as a result of the opening of this highway through your petitioner's property and thereby making them undesirable for building purposes, and as a

result, causing your petitioner a great loss.

Your petitioner therefore prays your Honor to
appoint ^{three} ~~six~~ (3) disinterested persons to view the premises and
assess the damages which your petitioner may have sustained as
aforesaid.

And he will ever pray, etc.

x *T. B. Gould*

STATE OF PENNSYLVANIA }
COUNTY OF CLEARFIELD } SS:

T.B. GOULD being duly sworn according to law, de-
poses and says that the facts set forth in the foregoing Petition
are true and correct to the best of his knowledge and belief.

Sworn and subscribed before me }
this 9th day of October, A.D., }
1926. }

x *T. B. Gould*

Harry J. Hallen
Notary Public
Commission Expires
March 1st, 1927

IN THE COURT OF QUARTER SS
OF CLEARFIELD COUNTY, PA.
No. 2 December T. 1926.

In re: Petition for damages
as the result of opening a
road through the farm and
property of T. B. Gould

Hummer vs. Gould
Gould

Now Oct 13 1926

*John Section 507
Ed Billie and
James & wife
are appointed to
view and report
By the court
McIlhenny
J. J.*

LAW OFFICES
JOHN W. EDWARDS
CLEARFIELD, PA.
Woodward & Shaw.

63161 130

To: J. H. Redden, George Hess, and Martin Passmore, Supervisors of the Township of Greenwood, Clearfield County:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 2, December Sessions, 1926, to view and assess damages done to the property of T. B. Gould in the laying out and opening of the state road or highway within one year last past throughout the lands of the petitioner, in Greenwood Township, in the County aforesaid, will meet at the house of T. B. Gould in said Township on Thursday, the 30th day of December, A. D. 1926 at two (2:00) 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 31st day of December, 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 Collins
E. S. Billotte
James Spangle
Viewers

Dated, December 15th, 1926.

Clearfield County, SS:

Now, this 17th day of December, A. D. 1926, sergice of the above notice is accepted for the Supervisors of Greenwood Township, Clearfield County.

J. H. Redden
Martin Passmore
D. F. Bell

C. B. Rull, Account

Cost	mileage	33-	\$ 60
	board	3	2.00
	staves	3	150
			<u>1200</u>
Amount			\$ 21.60

To: The County Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 2, December Sessions, 1926, to view and assess damages done to the property of T. B. Gould in the laying out and opening of the state road or highway within one year last past throughout the lands of the petitioner, in Greenwood Township, in the County aforesaid, will meet at the house of T. B. Gould in said Township on Thursday, the 30th day of December, A. D. 1926 at two (2:00) o'clock P. M., to attend to the duties assigned them; all parties interested will take notice.

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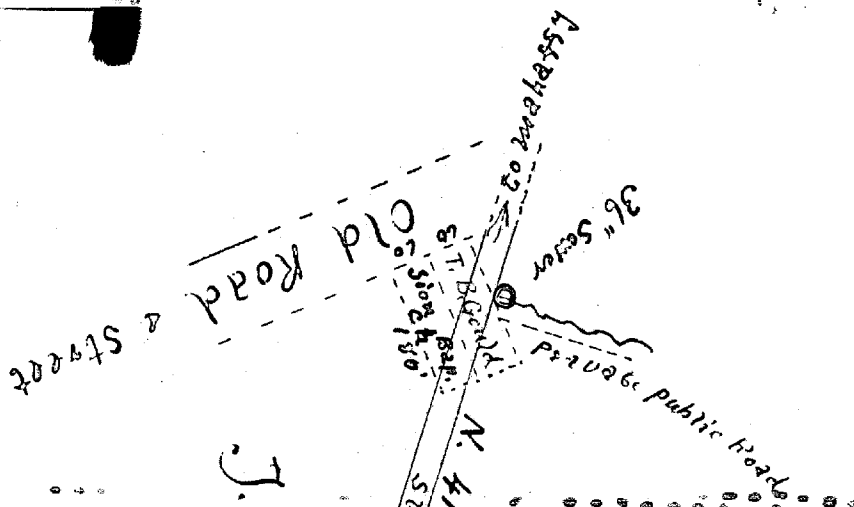
John Collins
E. S. Billatte
James Spangle
Viewers

Dated, December 15th, 1926

Clearfield County, SS:

Now, this 16th day of December, A. D. 1926, service of the above notice is accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk

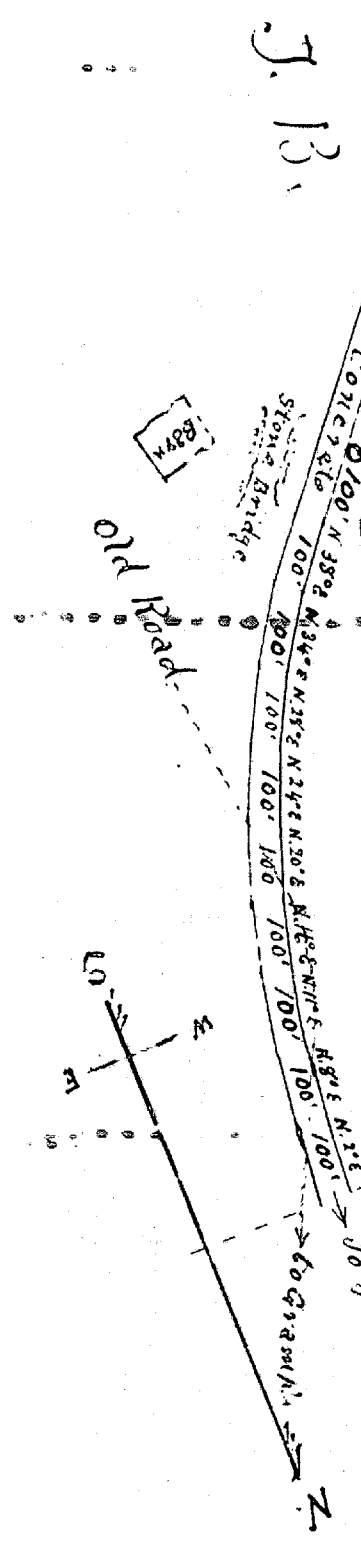


Draft Showing location of a new piece
 of concrete Road constructed by State
 Highway Department over lands of T.B. Gould,
 in Greenwood Township, Blairfield Co. Pa.
 Dated & viewed Dec. 30th, A.D. 1926.

Scale 1/2" to 100'

Spring

John Scollins,
 C.E. & W. Wells,
 James Spangler
 viewd.



That a state road or highway was laid out and opened within one year last past through the lands of your petitioner, and that by the opening of said road as aforesaid, your petitioner has sustained great damage, to wit:-

The petitioner's farm has been badly divided, and making it very inconvenient to operate his machinery in the cultivation of the same.

The road having completely divided the farm, makes it very dangerous to drive his stock and horses from one portion of the farm to another.

and embankments to cross, necessitating building of crossings and drainage, will suffer inconvenience to properly operate his said farm.

The amount of damage as testified to by the petitioner is \$6000.00; and by witness Reddin from \$2000.00 to \$2300.00.

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 Road 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 and occupied, the inconvenience and damages caused to him.

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 T. B. Gould, \$1165.00

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

WITNESS our hands and seals this 29th day of January

A. D. 1927.

John Reddin Seal
E. B. Willott Seal
James W. Spangle Seal
Seal

No. 2 Dec Sessions, 19 26

ORDER

To view and assess damages to
road for T.B. Gould ~~and the~~
township of Greenwood
Clearfield County

Feb Sessions, 19 27,

read and confirmed Ni. Si. Road to be
opened 32 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide

By the Court
R. B. Hulse
P. J.

Filed 19

Fees \$1.25 paid by

Woodward & Shaw, Attys.

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

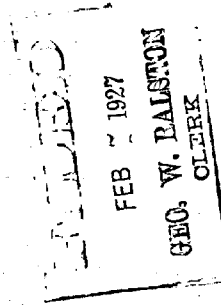
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

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.
James Spangle	2	93	\$19.65
E. D. Billotte	1		7.50
John Scollins	2		15.00
Witnesses:			
Martin Passmore			\$5.98
J. H. Reddin			5.98
L. K. Johnson			5.98

L. B. Kelly Surveyor
to new by property
21.60



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

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 October
in the year of our Lord one thousand nine hundred
twenty six

T. B. Gould

Judge of the same Court: Upon the petition of ~~sundry~~
~~inhabitants~~ of the Township of Greenwood
in said County, setting forth that

assess damages

and therefore, praying the Court to appoint proper persons to view and ~~lay out the same~~
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. Paletou 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 Greenwood and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 30th day of December A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 31st day of December, 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 T. B. Gould, Martin Passmore, J. H. Reddin

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 31st day of December A. D. 1926, when the following appearances were noted: A. B. Shaw, Esq., Attorney with petitioner T. B. Gould, and the following witnesses: L. K. Johnson, J. H. Reddin and Martin Passmore. A. M. Liveright, Esq., County Solicitor.

Petitioner and witnesses each being affirmed or 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~~ 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 a spur off Route #62 of the Pennsylvania State System of Highways leading from Crampian to Mahaffey, via the village of Bells Landing, 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, beginning at its intersection with the old road and street at a corner of petitioner's property, the centre line thereof running North 41 degrees East 900 feet; thence North 38 degrees East 100 feet; thence North 34 degrees East 100 feet; thence North 28 degrees East 100 feet; thence North 24 degrees East 100 feet; thence North 20 degrees East 100 feet; thence North 16 degrees East 100 feet; thence North 11 degrees East 100 feet; thence North 8 degrees East 100 feet; thence North 2 degrees East 100 feet to a post, was taken, as shown on the map or draft thereof hereto attached and made a part hereof, diagonally dividing petitioner's farm, rendering it inconvenient for cultivation. That a portion of petitioner's farm, fronting on the Main Street was laid out in Town Lots for building purposes, and by reason of the construction of sewer drains under said Road, in time of rains and freshets, converging waters will overflow that portion of petitioner's land, make it impracticable of drainage without additional expense to him.

Petitioner was furthermore required to construct a drain under said Road to provide for his water supply, and owing to the lay-out of his farm and the location of his pasture-field, and the fact that approximately 8/9ths of his cultivated land lies on the opposite side of said Road from his buildings, where his machinery and implements, live stock and family are, with deep ditches