

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 } No. December Term,
the result of opening a road } 1926 .
through the farm and property of }
T.B.Gould.

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 Belle 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 ~~six~~ ^{three} (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.

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.

T. B. Gould

Henry L. Wallace
Notary Public
Commission Expires
March 1st, 1927

IN THE COURT OF QUARTER SS
OF CLEARFIELD COUNTY, PA.
No. 2 December 1, 1926.

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

Submitted by C. C. Tracy
Gunn

Nov Act #34-1226

John Sutliff, Sam
Ed Billotte and
James Shingle
are authorized to
make and report
Bettie court.

A. H. Mack

Costs \$1.00

LAW OFFICES
WOODWARD & SHAW
CLEARFIELD, PA.
Woodward & Shaw.

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 Hollins
E. S. Billotte
James Spangle
Viewers

Dated, December 15th, 1926.

Clearfield County, SS:

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

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

G. B. Riley leontine

Cost

milage	33-	8	6	0
Sand	3	2	0	
Stones	3	1	5	0
Abu		1	2	0
				<u>21.6.0</u>

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.

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 Scallion
E. Billotte
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

That a state road or highway was laid out and opened within one year last past throughout 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~~

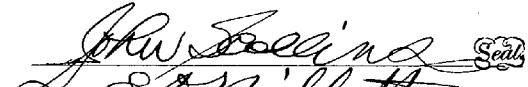
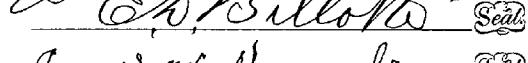
~~when it was not practical to preserve it within that limit.~~

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. Billotta* *Seal*
 *James W. Spangler* *Seal*

No. 2 Dec Sessions, 19 26

ORDER

To view and assess damages to
said for T. B. Gould ~~Maxine~~
township of Greenwood _____,
Clearfield County _____

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.

	DAY	MILES	AMT.
James Spangle	2	.93	\$19.65
E. D. Billotte	1		7.50
John Scollins	2		15.00
Witnesses:			
Martin Fassmore			\$5.98
J. H. Reddin			5.98
L. K. Johnson			5.98
L. B. Bully ^{fully} fully ^{to near} to ^{affidavit}			21.60

Feb Sessions, 19 27,
read and confirmed Ni. Si. ~~Read to be~~
~~opened 33 feet wide, except where there~~
~~is inside hill cutting or embankment~~
~~building, there to be 16 feet wide~~
By the court
A. B. Babbage P. J.

19
Filed _____
Fees \$1.25 paid by _____
Woodward & Shaw, Attys.

FEB 1927
GEO. W. DALSTON
CLERK

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 and twenty six

T. B. Gould

Judge of the same Court: Upon the petition of ~~sunday six~~
~~habitants~~ 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 ~~fix~~ 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. Paleto, 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 Gramonton 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