

DOCKET No:6

Number      Term      Year

5      May      1926

Petition of Albert Edward

Glastonbury to assess damages in  
Morris Twp

**Versus**

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

In the matter of damages to  
property of Albert Edward  
Glastonbury of Morris Township,  
caused by the building of State  
Highway from Allport to Kyler-  
town

) NO.

FEBRUARY SESSIONS 1926

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

The petition of ALBERT EDWARD GLASTONBURY respectfully represents:

- 1: That he is the owner of real estate in fee situate in the Village of Allport, Township of Morris, County of Clearfield and State of Pennsylvania.
- 2: That such real estate was used by the State Highway Department of the Commonwealth of Pennsylvania, in its building of the new road running from Allport to Kylertown, the location of said road being changed and taking in lands of an adjoining owner and causing a ditch to be dug for drainage purposes, thereby making it impossible for him to use and enjoy his said premises.

WHEREFORE your petitioner prays your Honorable Court to appoint viewers to view and assess damages accrued and to accrue to him, as provided by the Acts of Assembly in such case made and provided.

Albert Edward Glastonbury

STATE OF PENNSYLVANIA  
COUNTY OF CENTRE

) SS

ALBERT EDWARD GLASTONBURY, the above named petitioner, being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me  
this 30th day of January A.D. 1926

W. Donald Daniels  
NOTARY PUBLIC  
Commission expires March 9th 1927

Albert E Glastonbury

In the Court of Quarter Sessions of  
Clearfield County

May

No. 5 February Sessions 1926

In the matter of damages to the  
property of Albert Edward Glaston-  
bury of Morris Township, caused  
by the building of the State  
Highway from Allport to Kylertown

PETITION FOR VIEWERS.

Dear Sirs: Feb 2nd, 1926,

Frank Hulteray,

J. C. Hyc, Esq.

Weser, are appointed  
to view and report

By the Court

GEO. W. MASON  
CLERK

FEB 2 1926

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

In the matter of the petition of )  
Albert Edward Glastonbury for the )  
appointment of viewers to view and )  
assess damages caused by the open- )  
ing of the State Highway from All- )  
port to Kylertown )  
NO \_\_\_\_\_ SESSIONS 1925

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

The petition of MARGARET ANN GLASTONBURY respectfully represents:

- 1: That she is the wife of Albert Edward Glastonbury, the petitioner in the above matter.
- 2: That she is an owner with her said husband and tenants by entireties of the real estate alleged to be damaged by the building of the State road from Allport to Kylertown.
- 3: That in the preparation of the original petition herein her name was inadvertently omitted and she does not appear as a party petitioner to the said proceedings.

WHEREFORE your petitioner prays that she may be allowed to intervene and that her name be included as a party petitioner in these proceedings.  
And she will ever pray, etc.

Margaret Ann Glastonbury

STATE OF PENNSYLVANIA )  
 ) SS  
COUNTY OF CLEARFIELD. )

MARGARET ANN GLASTONBURY, the above named petitioner, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me  
this 19<sup>th</sup> day of April A.D. 1926  
William Lee J.P.

MY COMMISSION EXPIRES  
FIRST MONDAY IN JANUARY 1926

Margaret Ann Glastonbury

In the Court of Quarter Sessions of

Clearfield County

Mo. 5 May Sessions 1926

In the matter of the petition of  
Albert Edward Glastonbury for  
the appointment of viewers to view  
and assess damages caused by the  
opening of the State Road from  
Allpost to Kylertown.

PETITION TO INTERVENE.

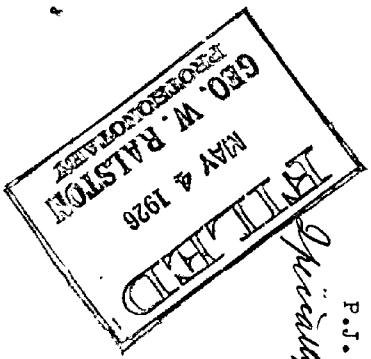
And, now, April 26<sup>th</sup>, 1926, the within  
petition read and considered it is  
ordered that Margaret Ann Glastonbury  
be and is hereby permitted to intervene  
as party petitioner herein.

By the Court

A. O. Weller

P.J.

*Officially, pursuant*



To The COMMISSIONERS OF CLEARFIELD COUNTY, PENNA.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view the damages alleged to be done the premises of Albert Edward Glastonbury, in the Village of Allport in the Township of Morris, in the change of location of State Highway through said Village and the construction of a ditch for drainage of said State Highway will meet on the premises to be viewed on Monday the 12th day of April 1926 at 11 o'clock A.M. to attend to the duties assigned them.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, Pa. on Wednesday the 14th day of April 1926 at 10 o'clock A.M. when and where you may attend and be heard if you so desire.

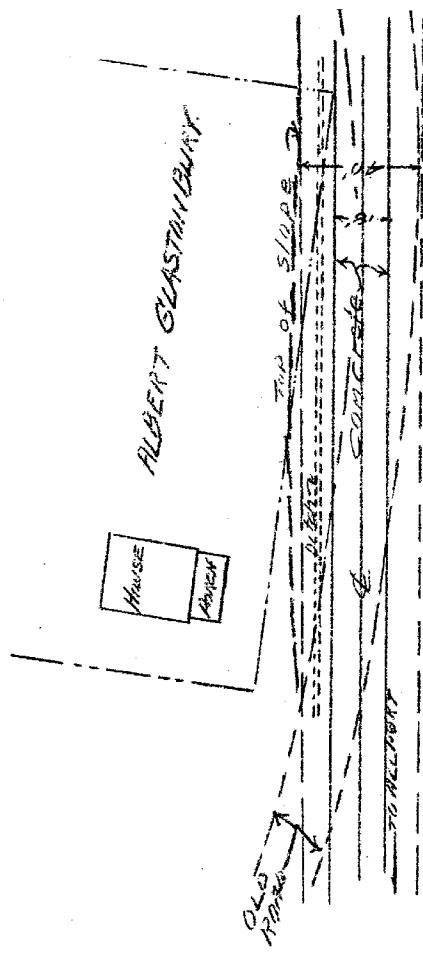
DuBois, Pa. March 25th 1926

Frank Shulme  
John Fry  
George Duerler

Viewers

Now March 25th 1926 service of the above notice is accepted for the County Commissioners.

L.C. Morris  
Chair



ROAD VIEW -- ASSESSMENT OF DAMAGES --  
TO PROPERTY OF ALBERT GLASTONBURY --  
CAUSED BY CONSTRUCTION OF STATE HIGHWAY --  
NEAR ALLPORT - MORRIS TWP. - CLEARFIELD CO. - PA.  
VIEWED APRIL 12TH - 1926.

FRANK HUTTON)  
GEO. K. WEBER } VIEWERS  
J. E. FRY }

SCALE 1" = 40'

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 2nd day of February in the year of our Lord one thousand nine hundred twenty six

Albert Edward Glastonbury

Judge of the same Court: Upon the petition of ~~Henry~~ ~~in~~ habitants of the Township of Morris

in said County, setting forth that he is the owner of real estate in fee situate in the Village of Allport, Twp. of Morris, County of Clearfield, That such real estate was used by the State Highway Department of the Comth. of Penna. in its building of the new road running from Allport to Kylertown, the location of said road being changed and taking in lands of an adjoining owner and causing a ditch to be dug for drainage purposes, thereby making it impossible for him to use and enjoy his said premises.

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., J. E. Fry and Geo. Weber

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. Palstone, 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 Morris and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 12th day of April A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 14th day of April, 1926, at 10 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 Edward Glastonbury.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 14th day of April A. D. 1926, when the following appearances were noted: Edward Glastonbury and Clifford Smeal on the part of the petitioners and the Commissioners of Clearfield County, J.E. Dale B.W. MacCracken and T.E. Weimew with A.M. Liveright County Solicitor

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not 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 From the evidence of A.E. Glastonbury it developed that the legal title to the land alleged to be taken and damaged by the State Highway Department, is held by A.E. Glastonbury and Margaret Ann Glastonbury, his wife. And the proceeding in this case have been amended so as to include Mrs Margaret Ann Glastonbury in this proceeding.

The viewers found on the ground, that the State Highway in front of a portion of this property had abandoned the former right of way and in part was on a new right of way. That the new concrete highway had taken and occupied a triangular shaped piece of land of A.E. and Margaret Ann Glastonbury about 114 feet long and about 13 feet wide at the widest end of the triangle, and nothing at the other end. That a maple shade tree, one of a row of such maples, and the one farthest from his dwelling, had been removed; this tree was of good size about 10 inches in diameter. In addition thereto such excavation had been made and ditch left in front of the property of petitioners, and of such depth and width, that the petitioners not not enter upon their property with teams or vehicles, nor with any convenience, on foot.

To enter upon the premises from the State Highway will require the laying of drain pipe and covering the same so as to make an approach.

Your viewers find that the Petitioners are entitled to compensation for their land taken and occupied by the State Highway and also for the reasonable cost of building an approach to the premises from the Highway.

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

No Releases

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 A.E.Glastonbury and Margaret Ann Glastonbury joint tenants, the sum of Eighty Five Dollars (\$85.00)

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

WITNESS our hands and seals this 80<sup>th</sup> day of April  
A. D. 1926.

Amuck Shurtliff Seal  
J. E. L. T. F. Seal  
Frank Walker Seal

No. 5 May 1926 Sessions, 1926

## ORDER

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

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.

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To view and assess damages to a  
Albert Edward Clestonbury  
for  
township of Morris  
Clearfield County

May 8<sup>th</sup> ~~Saturday~~ 19<sup>th</sup> b.  
read and confirmed Ni. Si. Round ~~to be~~  
opened 95 feet wide except where there  
is side cutting or embankment and  
bridging there to be 16 feet wide.

By the court  
J. H. Chase  
P. J.

Filed 19 Fees \$1.25 paid by \_\_\_\_\_

## 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* \_\_\_\_\_.  

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Seal.