

DOCKET No. 6

Number	Term	Year
18	Sep	1926

Petition of Lizzie V. Dunbar for Appt  
of viewers in Chest Twp

Versus

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

Mrs. Lizzie V. Dunbar :  
:   
vs :   
:   
Clearfield County : No. September Term 1926

To the Honorable A. R. Chase, President Judge of said Court

The petition of Lizzie V. Dunbar respectfully represents:

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

That she is the owner of the following tract of land, all of which is situate in Chest Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a corner at Chest Creek formerly a hickory now stone; thence by land of Nuten Dunbar, north twenty (20) degrees east sixty (60) perches to an oak stump; thence by the same north sixteen (16) degrees west eighteen (18) perches and four-tenths (4/10) of a perch to a stone; thence by land of T. F. Dunbar north twenty-eight (28) degrees, east fifteen (15) perches to a stone; thence by the same north seventy-two (72) degrees east sixty-six (66) perches to a stone; thence by the same south thirteen (13) degrees east forty (40) perches to a stone on line of Erwin V. Hopkins; thence by land of same south forty-seven (47) degrees west fifty (50) perches to an oak stump (formerly called McConnell White oak); thence by land of Erwin V. Hopkins and Stephenson ~~hairs~~ to dogwood corner; thence to post in Chest Creek north seventy-three (73) degrees west twenty-two (22) perches to hickory and place of Beginning. Thirty acres be the same more or less. And which property T. F. Dunbar, by deed dated the 26th day of April, 1902, recorded in Clearfield County in Deed Book 139, page 246, granted and conveyed unto Lizzie V. Dunbar.

THIRD: That there exists state highway Route No. 21, running between the villages of Westover and Newburgh, Clearfield County.

FOURTH: That the Commonwealth of Pennsylvania, acting through its agents and employees, have caused a proportion of said road to be improved and made changes in the lines and locations of said highway on the property of your petitioner.

FIFTH: That, as a result of the construction of said highway, the property of your petitioner has been damaged and its

SIXTH: That, in the construction of said highway, the garden plot of your petitioner was entered upon and totally destroyed, and approximately seven fruit trees were in the path of said highway and destroyed by reason thereof.

Lizzie V Dunbar

Before me, the subscriber hereto, came Mrs. Lizzie V. Dunbar, 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.

lief. Lizzie Lumber

Dear Michael  
J.P.  
my dear son  
first Monday January 1932

Now, August , 1926, the within petition having been  
read and considered

are hereby appointed viewers to assess the damages in this case,  
and to proceed as required by the acts of assembly relating thereto.

BY THE COURT

IN THE COURT OF QUARTER SES-  
SIONS OF CLEARFIELD COUNTY,  
PENNSYLVANIA.

No. 18 September Term 1926

Mrs. Lizzie V. Dunbar  
vs  
Clearfield County

PETITION  
for  
APPOINTMENT OF VIEWERS

Now August 25<sup>th</sup> 1926

John Bell's Exr,  
James Glasgow, and  
J. E. Lipp are officers  
nominated and  
report by the court  
A. H. Hodge

W. L. BULLTON, FORSYTH & BELL  
ATTORNEYS AT LAW  
CLEARFIELD, PA.

400 Bay City

IN THE COURT OF Quartermaster Sessions OF CLEARFIELD COUNTY,

Mrs Lizzie Lumber

Of Sgt Season  
Term, 1926

No. 18

—Versus—

Clearfield County

Plaintiff Bill of Costs  
At \_\_\_\_\_ Term, 19 \_\_\_\_\_

<u>Sol Lumber</u>	<u>1</u>	Days in attendance	<u>40</u>	Miles direct travel		Dollars	Cents
<u>J M Bruckly</u>	<u>1</u>	Days in attendance	<u>40</u>	Miles direct travel		<u>4</u>	<u>80</u>
		Days in attendance		Miles direct travel			
		Days in attendance		Miles direct travel		<u>8</u>	<u>80</u>
		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						<u>8</u>	<u>80</u>

CLEARFIELD COUNTY, SS:

Personally appeared before me J. Carly Bell, 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

26 day of March, A. D. 1924  
Geo. W. Palston, Prothonotary

J. Carly Bell

No. 18 Sept Ann Term, 1926

Wm. S. Squire

Versus

Clayton Co.

Plaintiff Bill of Costs

For Term, 19

Date 19

Amount -- -- \$ 8.00

Corner; thence to post in Chest Creek north 73° west 22 perches to  
hickory and place of beginning. Thirty acres be the same more or  
less. and which property T. F. Dunbar, by deed dated the 26th day of  
April, 1902,

That there exists state highway route No. 21, running between the  
villages of Westower and Newburg, Clearfield County.

That as a result of the construction of said highway, the property of  
your petitioner has been damaged and its market value lessened.



To the Commissioners of Clearfield County, Pennsylvania:-

The undersigned notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in and No. 11, September Term, 1926, to view and assess damages done to the property of Martin V. Fisher of that County in the construction of the State Highway No. 11, running between the villages of Foster and Portersburg, in Clearfield County aforesaid, will meet at the dwelling-house of Martin V. Fisher in that County on Wednesday, the 29th day of September, A.D. 1926 at eleven (11:00) 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 Court House in Clearfield on Friday, the 30th day of September, A.D. 1926 at ten (10:00) o'clock P. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

*Wm. Hallin*  
*James Spangle*  
*J. E. Fry*

Filed, September 27th, 1926.

Clearfield County, SS,

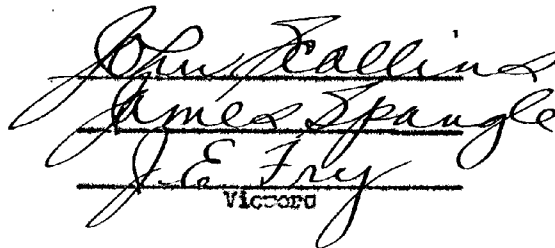
Now, this 14 day of September, A.D. 1926, service of the above Notice is accepted for the Commissioners of Clearfield County.

*L. C. Morris*  
Clerk

To John Diehl, F. M. Woods and John Stephens, Supervisors of Chest Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned victors, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: Ex. 18, September Sessions, 1926, to view and assess damages done to the property of Lissie V. Danbar of Chest Township in the construction of the State Highway Route No. 21, running between the Villages of Doctorov and Hookburg, in Clearfield County aforesaid, will meet at the dwelling-house of Lissie V. Danbar in Chest Township on Wednesday, the 29th day of September, A. D. 1926 at eleven (11:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

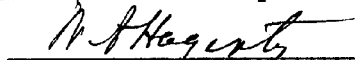
And that the public hearing as required by Act of Assembly and Rules of Court to be held by the victors before the filing of their report in Court in order to give all parties interested in the said damages an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 1st day of October, 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.

  
Victors

Dated, September 15th, 1926.

Clearfield County, SS:

Now, this 14 day of September, A.D. 1926, service of the above Notice is accepted for the Supervisors of Chest Township.

  
Attorney for the Board of Supervisors  
of Chest Township.

To Lizzie V. Dunbar, of Chest Township, Petitioner:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in no: No. 18, September Sessions, 1926, to view and assess damages done to the property of Lizzie V. Dunbar of Chest Township in the construction of the State Highway Route No. 21, running between the Villages of Westover and Newburg, in Clearfield County aforesaid, will meet at the dwelling-house of Lizzie V. Dunbar in Chest Township on Wednesday, the 29th day of September, A.D. 1926 at eleven (11:00) o'clock A. 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 1st day of October, 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.

Chas. Collins  
James Spangle  
J. E. Fry  
Viewers

Dated, September 13th, 1926.

Clearfield County, SS:

Now, this 14th day of September, A.D. 1926, service of the above Notice is accepted for Lizzie V. Dunbar, within named petitioner.

Bill Boulton & Son  
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 27th day of August  
in the year of our Lord one thousand nine hundred  
twenty six

Lizzie V. Dunbar

Judge of the same Court: Upon the petition of ~~sundry~~  
~~persons~~ of the Township of Chest

in said County, setting forth that ~~she is the owner of the~~  
following tract of land, bounded and described as follows: Beginning at a corner  
at Chest Creek formerly a hickory now stone; thence by land of Nuten Dunbar, North  
20° east 60 perches to an oak stump; thence by the same north 16° west 18 perches  
and 4/10 of a perch to a stone; thence by land of T. F. Dunbar north 28°, east 15  
perches to a stone; thence by the same north 72° east 66 perches to a stone; thence  
by the same south 13° east 40 perches to a stone on line of Erwin V. Hopkins; thence  
by land of same south 47° west 50 perches to an oak stump formerly called McConnel  
White Oak; thence, by land of Erwin V. Hopkins and Stephenson heirs to dogwood

and therefore, praying the Court to appoint proper persons to view and lay out said 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.,  
James Spangle and J. E. Fry

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 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 29th day of September A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court-House, in Clearfield, Pa., on the 1st day of October, 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 Lizzie V. Dunbar, Saul Dunbar and Mrs. J. E. Frye

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 1st day of October A. D. 1926, when the following appearances were noted: Hon. Singleton Bell of Bell, Boulton & Forsythe, Attorneys for petitioner; W. A. Hagerty, Esq. for the Board of Supervisors of Chest Twp.; Saul Dunbar and S. M. Brickley, witnesses on behalf of petitioner, each of whom being duly 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 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 no use the following described road, to wit no damages have been sustained by the petitioner.

We further find that Route No. 21 of the Department of Highways of Pennsylvania, running between the villages of Westover and LaJose, 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 was taken, 1/2 acres in area, as shown on map or plot thereof hereto attached and made a part hereof; a garden plot of petitioner's land was entered and destroyed, as also seven fruit trees and a grape vine; that a culvert and deep open ditch have been constructed across petitioner's land, rendering access to petitioner's buildings inconvenient and burdensome.

The amount of damages as testified to by the petitioner is \$275.00, that the market value of petitioner's property has been lessened in that amount.

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 Route No. 21 as a permanent highway, your Board is of the opinion that the foregoing estimate is excessive; but that the petitioner should be compensated for the land taken 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 \_\_\_\_\_

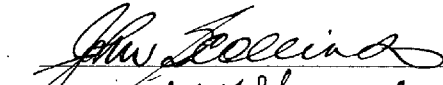

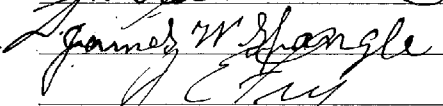

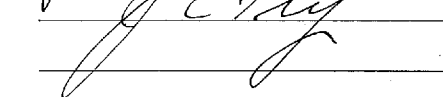

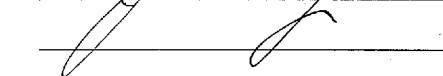

when it was not practical to preserve it within that limit.

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: The sum of \$75.00

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

WITNESS our hands and seals this fifth day of November  
A. D. 1926.

18 No. Sept Sessions, 19 26

ORDER

To view and assess damages to a road for Lizzie V. Dunbar use in the township of Chest Clearfield County

Dec. 11 18 26 Sessions, 19 read and confirmed Ni. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

absolutely unless specified within 30 days. By the court A.H. Chase P.J.

Filed 19 Fees \$1.25 paid by Bell, Boulton & Forsyth, 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.

FILED NOV 10 1926 GEO. W. RALSTON 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