

DOCKET No. 6

Number	Term	Year
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1	Sept	ss 1927
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Petition of Leo Smith for appt. of
viewers to assess damages in Pike Twp

Versus

TO THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You and each of you are hereby notified that the undersigned Viewers appointed by the Court Of Quarter Sessions for the County of Clearfield to viewe the Damages alleged to be done the property of LEO SMITH in Pike Township, caused by the change of location and construction of the State Highway leading from the Borough of Curwensville to the Borough of Lumber City will meet on the premises of Leo Smith where same is occupied by said State Highway, in the Township of Pike, in the County aforesaid on Wednesday the first day of June, 1927 at ten 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 Thursday the second day of June 1927 at nine O'clock A.M. of which times and places you will take due notice and may attend and be heard if you so desire.

Mark Huston
E. O. Bellotti
Jack Michael
Viewers

DuBois, Pa. May 18th 1927

Now May 19th 1927, service of the above notice is accepted for the Commissioners of Clearfield County, Pa.

L. C. Norris
Clerk.

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 11th day of May
in the year of our Lord one thousand nine hundred
twenty seven

Leo. Smith

Judge of the same Court: Upon the petition of ~~said~~ ~~petitioner~~
~~inhabitants~~ of the Township of Pike

in said County, setting forth that he is the owner of
one hundred and twenty seven acres of land situate on the road leading
from Curwensville to Lumber City, in the Township of Pike, the same
being bounded by lands of George Addleman on the east, Bloom Caldwell
on the West, on the South by Susquehanna River, and on the North by lands
of Crescent Refractories Company. That the public road leading from
Curwensville to Lumber City passes through said land of the said petitioner.

That the State Highway Department is improving said highway and have changed
the route of same and taken about 1000 wide. Said change has caused the
petitioner great damage

and therefore, praying the Court to appoint proper persons to view and ~~lay out the road~~ ^{assess damage}
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
Ed Billotte and Jack Michaels

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. Palston, 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~~ and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the first day of June A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the second day of June, 1927, at 9 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 Leo Smith

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the second day of June A. D. 1927, when the following appearances were noted: W.A. Hagerty Atty For Leo Smith, Frank Smith, Atty for County Commissioners, Harry Smith and Reuben Whitaker, witnesses on behalf of Leo Smith, Jesse E. Dale, T.E. Weimer and Blake McCracken County Commissioners. Leo Smith, Harry Smith and Reuben Whitaker were sworn on behalf of the petitioner and testified

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 public 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~~ Your Viewers find that the State Highway under construction passes over the lands of the petitioner a distance of some 1525 feet, about 1100 feet of which is on land not formerly occupied for road purposes; that one acre and 13940 square feet of petitioners land has been taken and occupied by the change of location; That some 68 timber trees ranging from 5 inches to 15 inches in diameter were cut and removed, 12 young cherry trees, just in bearing, 2 young apple trees, 2 pear trees, 2 mulberry trees in bearing and two black walnut trees were cut and removed by the Highway Dept., or its Agents; that one building had to moved to another location; that another small building used as an ice and spring house may have to be moved; that some change in his water line will be necessary. The road at this property is not yet fully graded and the amt of fill at culvert cannot be definitely determined at this time. The petitioner claimed damages aggregating \$2500.00, \$1952.00 dollars of which was for loss of anticipated fruit production from fruit and nut trees destroyed. Harry Smith, a brother, fixed the damages at the same, while witness Whitaker, was unable to name a definite sum.

Your Viewers after viewing the preises and hearing the evidence and considering the same fix the amount of damages sustained by the petitioner, caused by the change of location of said Highway, at Six Hundred (\$600.00) dollars.

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 No exceptions

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: Leo Smith the sum of Six Hundred
(\$600.00) dollars

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

WITNESS our hands and seals this third day of June
A. D. 192 7.

Inuk Hutton Seal
W. Billore Seal
J. S. Michael Seal
Seal

No. 1 Sept Sessions, 19 27

ORDER

To view and assess damages and
road for Leo Smith use in the
township of Pike
Clearfield County

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.

*Now July 3rd 1927
No exception being
seen filed, that
within said
approved.
By the Court.
H. H. Hesse
Clerk*

Filed _____ 19____

Fees \$1.25 paid by _____

W. A. Hagerty, Attorney

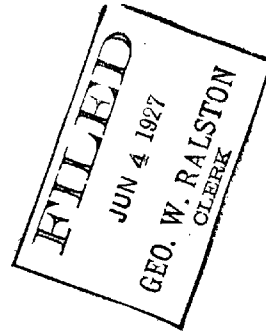
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
J. S. Michaels	3	43	26.80
E. D. Billotte	3	24	24.90
Frank Hutton	3	58	28.30



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

In the Court of Quarter Sessions of Clearfield County

To the Honorable the Judge of said Court.

The petition of Leo Smith respectfully represents .-

That he is the owner of one hundred and twenty seven acres of land situated on the road leading from Curwensville to Lumber City, in the Township of Pike in said County of Clearfield, the same being bounded by lands of George Addleman on the east, Bloom Caldwell on the west, on the South by Susquehanna River, and on the North by lands of Crescent Refractories Company .- That the public road leading from Curwensville to Lumber City passes through said land of the said petitioner, That the State Highway Department is improving said Highway and have changed the route of same and taken about one thousand feet eighty feet wide,- That by reason of changing the route of said present road have caused your *that he has been unable to work on his property & has suffered great damage.* petitioner great damage.- Wherefore he prays your Honorable Court to appoint viewers to view the same and assess the damage done to your petitioner property by reason of the change and said road and he will ever pray &c

Leo Smith

Clearfield County SS

Personally appeared before me the subscriber

Leo Smith above named petitioner who being duly sworn according
to law says that the above stated facts are true to the best
of his knowledge and belief

Sworn & subscribed to

before me this 7 day

of May A D 1927

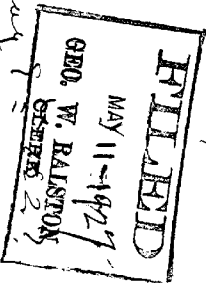
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:
:

Leo Smith

Joseph F. John
Justice of the Peace
My Commission Expires
First Monday in January 1928

No 1-1044-24 1927

Order of the Court
for issuance of warrants
by name of Henry - J
Hecker & his co
by J. H. Thompson.



How many

Frank Hutton says
that the letters
and the letters are
affirmed several
to him and report
by the Court
A. H. Hutton
J.

No copy