

DOCKET No. 6

Number	Term	Year
5	May	1927

Petition of Lewis Haines for
Appt. of Viewers to assess damages
in Greenwood Twp
Versus

X

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

LEWIS HAINES

:
:
:
:
:

VS

: No.

Term 19

CLEARFIELD COUNTY

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

The Petition of Lewis Haines respectfully represents:

1. That he is a resident of Greenwood Township, Clearfield County, Pennsylvania.

2. That he is the owner of a certain tract of land situate in Greenwood Township, Clearfield County, Pennsylvania which was conveyed to him by a Deed from Mary Gordon et al., to Lewis Haines, dated and recorded in Clearfield County in Deed Book 190, page 427. From this tract conveyed by Mary Gordon et al, your petitioner conveyed to F. H. Derrick a part thereof, and the said Lewis Haines is still the owner of the balance of the original tract bought from Mary Gordon et al.

3. The Deed from Lewis Haines, your petitioner, to F. H. Derrick is recorded in Deed Book 190, page 343. The detailed description of the two said pieces of land being hereto attached and marked Appendix "A" and made a part hereof.

4. That there now exists a certain State Highway which is designated by the Pennsylvania State Highway Department as Highway No. 6 and runs in part between the Borough of Grampian and the village of Bells Landing in Clearfield County.

5. That the Commonwealth of Pennsylvania has constructed, by its Department Agents, Employees, this said highway and in so doing has appropriated and taken for highway purposes, certain lands of your petitioner, the plan, location and the manner and extent of the taking of the land of your petitioner

being shown upon the plans and specifications of the Highway Department of Pennsylvania as well as upon the ground which is the property of your petitioner.

SIXTH: That as a result of the construction of the said highway, the property of your petitioner has been damaged, in that many forest trees and fruit trees, ranging in size from 5" to 17", have been destroyed. The market value of the land has been materially lessened as a result of the construction of the said highway, and the burden of surface drainage has been thrown upon your petitioner and also the expense for the relief from the same. The land of your petitioner has been taken for a considerable distance and width as shown upon the maps and plans of the State Highway Department of Pennsylvania filed in the office of the County Commissioner's of Clearfield County. Your petitioner has been damaged further by reason of the fact that the said highway has divided his land into two unequal parts and that the market value of each purpart so divided has depreciated to a great extent and is of considerable less value for agricultural purposes. The land, being so divided as stated above, will require additional fencing along both sides of the highway.

SEVENTH: That by the construction of the said highway, not only was a part of the land of your petitioner entered upon and entirely appropriated but certain other parts of his land having been so left that their value and convenience of use has been much diminished, and the value and convenience of the whole property has been materially reduced by the construction of the said highway.

EIGHTH: That your petitioner has applied to the Commissioners of Clearfield County, Pennsylvania in an attempt to secure a settlement for the damages done him but has been unable to obtain any such settlement.

WHEREFORE your petitioner prays your Honorable Court that viewers may be appointed to ascertain his damages and such other proceedings be had as provided by the Act of Assembly relative thereto.

Lewis Haines

STATE OF PENNSYLVANIA : : SS
COUNTY OF CLEARFIELD : :

Lewis Haines, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Lewis Haines.

Sworn and subscribed before me this 22
day of March A.D. 1927

Les M. Pabst
Dorothy

APPENDIX "A"

DEED -- Mary Gordon et al, To Lewis Haines

BEGINNING at a point on Bell Run where Goldthread land crosses the run; thence North Seventy-one (71) Degrees West Fifty-five (55) perches to hemlock; thence North Thirty-six (36) Degrees West Forty (40) perches to post; thence South Fifty-eight (58) Degrees West One Hundred and Twenty-eight (128) perches to post; thence South Thirty-eight and one-fourth ($38\frac{1}{4}$) Degrees, East One Hundred and Sixty-eight (168) perches to maple; thence South Seventy-eight and One-half ($78\frac{1}{2}$) Degrees, East Twenty-four and Five-tenth (24.5) perches to a hemlock on Bell Run; thence up Bell Run, its several courses and distances One Hundred and Ninety-eight (198) perches to place of beginning, containing ninety-five (95) acres, more or less.

EXCEPTING AND RESERVING THEREFROM that certain piece conveyed by A. B. Weaver, et al, to Thomas Gouldthread by deed dated July 28th, 1906 and recorded at Clearfield, Pennsylvania in Deed Book No.160, Page 249, bounded and described as follows:-

BEGINNING at a post on Bell Run, corner of Frampton Bell's land; thence North Eighty-six (86) Degrees West Two Hundred Thirty (230) feet along line of Weaver and Betts to post; thence North Sixty-three (63) Degrees, West Three Hundred (300) feet to post; thence North Eighty-two (82) Degrees, West One Hundred (100) feet to post; thence South Eighty-eight (88) Degrees, West Three Hundred (300) feet to post; thence South Seventy-five (75) Degrees West Three Hundred Twenty (320) feet to post; thence South Thirty-eight (38) Degrees and Fifteen (15) Minutes East along line of D. A. Fetzer Ninety and Four-tenths (90.4) perches to a maple; thence South Seventy-eight (78) Degrees, Thirty (30) Minutes East Twenty-eight and Four-tenths (28.4) perches to Bell Run; thence

along Bell Run, its several courses and distances, Twelve Hundred (1200) Feet to post and place of beginning; containing Twenty-three (23) Acres and One Hundred and Twenty (120) perches, more or less.

DEED -- LEWIS HAINES ET AL TO H. F. DERRICK

BEGINNING at a post at the South-West corner of this tract of land, where said land corners with land now or formerly of A. Gouldthread and T. Gouldthread; thence along land of the said T. Gouldthread North Eighty-five (85) Degrees, East Twenty (20) perches to a post; thence South Seventy-eight (78) Degrees, East Eighteen-and Two-tenth (18.2) perches to a post; thence South Sixty-three (63) Degrees, East Eighteen (18) perches to a post in center of public road leading from Grampian to Bells Landing; thence South Eighty-six (86) Degrees, East Fourteen (14) perches to post on Bell Run; thence North along Bell Run Fifty-three (53) perches to a stone; thence North Thirty (30) Degrees, East Sixty-four (64) perches to post in center of public road leading from Grampian to Bells Landing and opposite the Gouldthread barn; thence North Seventy (70) Degrees, West Twenty-one (21) perches to hemlock stump; thence North Thirty-six (36) Degrees and Fifteen (15) Minutes, West Forty-three and Two-tenth (43.2) perches to post; thence South Fifty-eight (58) Degrees, West One Hundred Thirty-eight and Four-tenth (138.4) perches to post; thence South Thirty-eight (38) Degrees and Fifteen (15) minutes, East Seventy-seven and Six-tenth (77.6) perches to post and place of beginning; containing Seventy-four (74) Acres and One Hundred Forty-two (142) perches.

No. 5 May Term 1927

IN THE COURT OF QUARTER-
SESSIONS OF CLEARFIELD COUNTY,
PENNSYLVANIA

LEWIS HAINES

CLEARFIELD COUNTY

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Dear Sirs. 4th / 1923
Frank (William L.)
Harry Nease, and
James Vaughan are
affiliated members to
affiliated members to
writer and reporter
writer the country.

APR 4 1960

LAW OFFICES
~~J. MITCHELL CHASE~~
MOOSE TEMPLE BLDG.
CLEARFIELD, PA.

4th Bay Alley

LAW OFFICES
J. MITCHELL CHASE
MOORE-THEIMPEL BLDG.
CLEARFIELD, PA.

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY,

Lewis Haines

Of _____ Term, 19_____

No. _____

—Versus—
Clearfield County

Bill of Costs

At _____ Term, 19_____

			Dollars	Cents
<u>Charles Thorpe</u>	1 Days in attendance	22 Miles direct travel	3	32
<u>J.B. Gould</u>	1 Days in attendance	21 Miles direct travel	3	26
<u>John H. Hickey</u>	1 Days in attendance	21 Miles direct travel	3	26
<u>Very witness</u>	1 Days in attendance	21 Miles direct travel	3	26
	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		
	Days in attendance	Miles direct travel		
	Serving subpoenas	Witness		
	Miles distance			
Whole amount of bill			13	40

CLEARFIELD COUNTY, SS:

Personally appeared before me Lewis Haines, 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

27 day of April, A. D. 1927} Lewis Haines
Geo. W. Palston Prothonotary}

Road

No. 5 May 5th term, 1927

Act of Lewis Barnes
for costs incurred
to collect damage
on December 2nd

Versus

EC Bill of Costs

For Term, 19

Date 19

Amount -\$13.10

ENTERED

APR 27 1927

GEO. W. RALSTON

PROTHONOTARY

APPENDIX "A"

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

LEWIS HAINES

VS

No.

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being shown upon the plans and specifications of the Highway Department of Pennsylvania as well as upon the ground which is the property of your petitioner.

SIXTH: That as a result of the construction of the said highway, the property of your petitioner has been damaged, in that many forest trees and fruit trees, ranging in size from 5" to 17", have been destroyed. The market value of the land has been materially lessened as a result of the construction of the said highway, and the burden of surface drainage has been thrown upon your petitioner and also the expense for the relief from the same. The land of your petitioner has been taken for a considerable distance and width as shown upon the maps and plans of the State Highway Department of Pennsylvania filed in the office of the County Commissioners of Clearfield County. Your petitioner has been damaged further by reason of the fact that the said highway has divided his land into two unequal parts and that the market value of each purpart so divided has depreciated to a great extent and is of considerable less value for agricultural purposes. The land, being so divided as stated above, will require additional fencing along both sides of the highway.

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EIGHTH: That your petitioner has applied to the Commissioner's of Clearfield County, Pennsylvania in an attempt to secure a settlement for the damages done him but has been unable to obtain any such settlement.

WHEREFORE your petitioner prays your Honorable Court that viewers may be appointed to ascertain his damages and such other proceedings be had as provided by the Act of Assembly relative thereto.

Lewis Haines

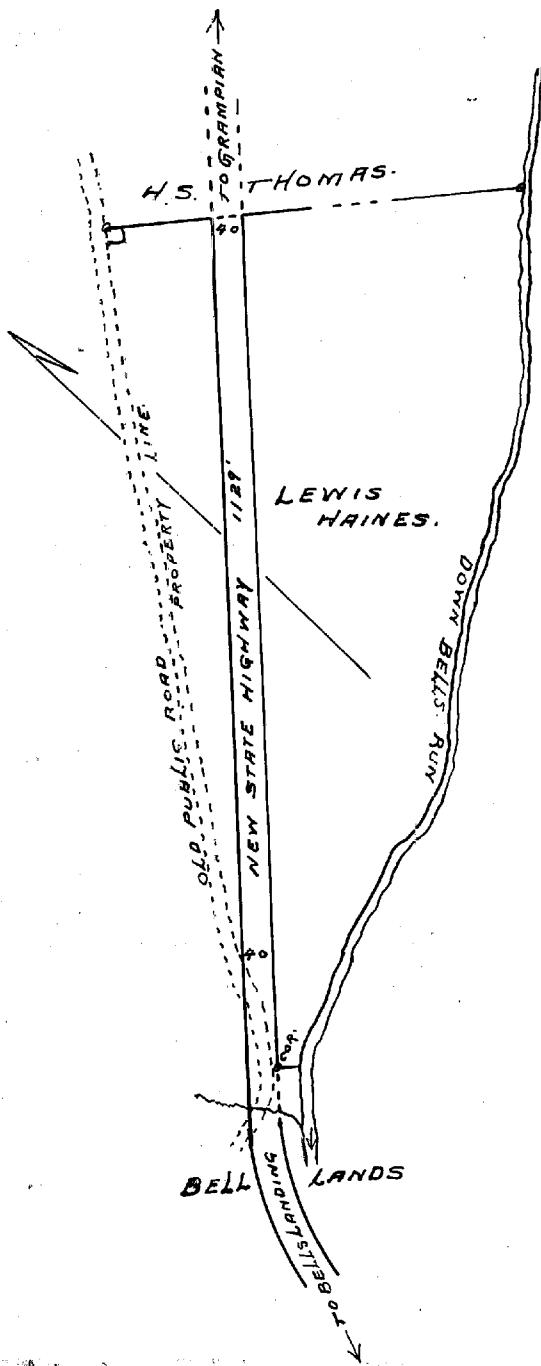
STATE OF PENNSYLVANIA :
: ss
COUNTY OF CLEARFIELD :

Lewis Haines, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Lewis Haines

Sworn and subscribed be-
fore me this 12
day of March A.D. 1927

B. R. Ralston
Rwby



ROAD IN GREENWOOD TOWNSHIP.
CLEARFIELD COUNTY PA
VIEWED UPON A QUESTION OF DAMAGE
APR 26 - 1927 BY FRANK HUTTON Esq.
H.A. REESE
J.W. SPANGLE

TO THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions for Clearfield County, Pennsylvania, to view the damages alleged to be done the property of Lewis Haines, in Greenwood Township, in said County, and caused by the construction of the State Highway through said property will meet where the said State Highway is constructed through the lands of said Lewis Haines in Greenwood Township, on Tuesday the 26th day of April 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 on Wednesday the 27th day of April, 1927 at 9:30 o'clock A.M. at which times and places you may attend and be heard if you so desire.

Frank Shultz
Harry Reese
James Spangler
Viewers.

DuBois PA. APRIL 9th 1927

Now April 11, 1927 service of the above notice is accepted for the Commissioners of Clearfield County.

L. C. Morris,
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 4th day of April in the year of our Lord one thousand nine hundred twenty seven

Lewis Haines

Judge of the same Court: Upon the petition of ~~sundry~~ habitants of the Township of Greenwood in said County, setting forth that he is the owner of a certain tract of land situate in Greenwood twp bounded and described as follows:

assess damages

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., Harry Reese 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. 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

_____ and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 26th day of April A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 27th day of April 1927, at 9:30 o'clock A.M. That two of the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Lewis Haines

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 27th day of April A. D. 1927, when the following appearances were noted: D. Edwrad Chaplin, Atty for Petitioner and F.G. Smith Esq. Atty for The County Commissioners, and Lewis Haines Charles Thorpe Witness on the part of the Petitioner who were each sworn or affirmed and J.E.Dale, T.E.Weimer, Blake McCracken County commissioners and Crate Norris, Commissioners Clerk

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 any 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 the use the following described road, to wit Beginning Your Viewers respectfully report that Lewis Haines is the owner of between 8 and 9 acres of land in Greenwood Twp, through which a State Highway has been constructed as shown by the draft hereto attached, that about two thirds of this land is improved the balance wood land with a growth of samll trees. The petitioner fixed the damages done his property by the highway at \$1070.00, that the only offer he had ever had for it was \$100.00 per acre before the road was constructed, which offer was refused as it was not for sale, the greate part of the damages claimed was for drainage of the land though claim was made for land taken, timber trees cut, and alleged uselessness of a triangular piece of land on one side of the road.

There are no buildings on this land and the assessment list for 1925, in Greenwood Twp shows Mr Haines assessed with 6 acres \$55.00.

We find that the land taken from this property for road purposes is about seven-eighths of an acre, the petitioner testified that there were 91 trees cut ranging from 5inches to 17 inches stumppage which he valued at \$364.00. These trees were piled along the road way and we found very few of them such as would make saw timber but mostly propx timber and much of it not suitable for that purpose, his claim being largely a potential valuation. The Viewers agree and find that the petitioner is entitled to damages for seven-eighths of an acre of land taken for road purposes at the rate of \$100.00 dollars per acre or \$87.50 and further award him \$32.50 for timber trees cut in all the sum of one hundred and twenty (\$120.00) 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 _____

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: _____

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

WITNESS our hands and seals this 28th day of April
A. D. 1927.

Frank Sutton Seal
K. A. Reese Seal
James W. Sprangle Seal
Seal

No. 5 May Sessions, 1927

ORDER

To view and assess damages ~~xx~~
road for Lewis Haines use in the
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.

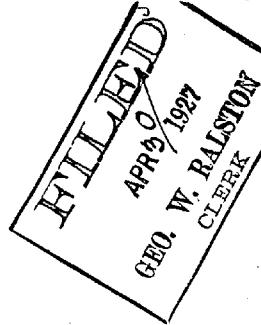
Reviewers cannot interfere with the damages
assessed by the original viewers, except so far as
the location may be changed by the reviewers.

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.

DAYS			
W. T. Reese	MILES	AMT.	
	4	7.5	37.50
Tas. Spiggle	3	10.2	52.50
Frank Hutton	5.1	27.60	
<u>Lewis Haines</u>		<u>10.00</u>	

Sessions, 19 27,
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.

19
Fees \$1.25 paid by _____
F. Mitchell Chase, Atty.



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 sealing 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