

DOCKET No. 6

Number	Term	Year
5	May	1927

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

3-3-27

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. Palstop  
Dothy

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) Degree 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  
VS  
CLEARFIELD COUNTY

P E T I T I O N .

Now Appear 4<sup>th</sup> 1929  
Frank (William) Taylor,  
Harry Hae, and  
James Haeple are  
affirmed various to  
report and report  
the court.  
H. H. Haeple  
J. J.  
APR 4 1927  
GEO. W. BAESE  
CLERK

LAW OFFICES  
J. MITCHELL CHASE  
MOORE TEMPLE BLDG.  
CLEARFIELD, PA.

4-00 Ray Alby

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	<u>22</u>	Miles direct travel	<u>3 32</u>
<u>J.B. Gould</u>	1	Days in attendance	<u>21</u>	Miles direct travel	<u>3 26</u>
<u>J. H. Hickey</u>	1	Days in attendance	<u>21</u>	Miles direct travel	<u>3 26</u>
<u>Harry Winters</u>	1	Days in attendance	<u>21</u>	Miles direct travel	<u>3 26</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	
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
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		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	
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
		Serving subpoenas		Witness	
		Miles distance			
Whole amount of bill				<u>13</u>	<u>40</u>

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  
Geo. W. Palston Prothonotary

Lewis Haines

Road

No. 5 May 5<sup>th</sup> Term, 1927

*Set of Lewis' Frames  
for left piece  
to replace damaged  
in Greenwood Street*

Versus

*[Signature]*

Bill of Costs

For Term, 19

Date 19

Amount \$ 3.10

PAID  
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.

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.
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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 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 part 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 Commissioner 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

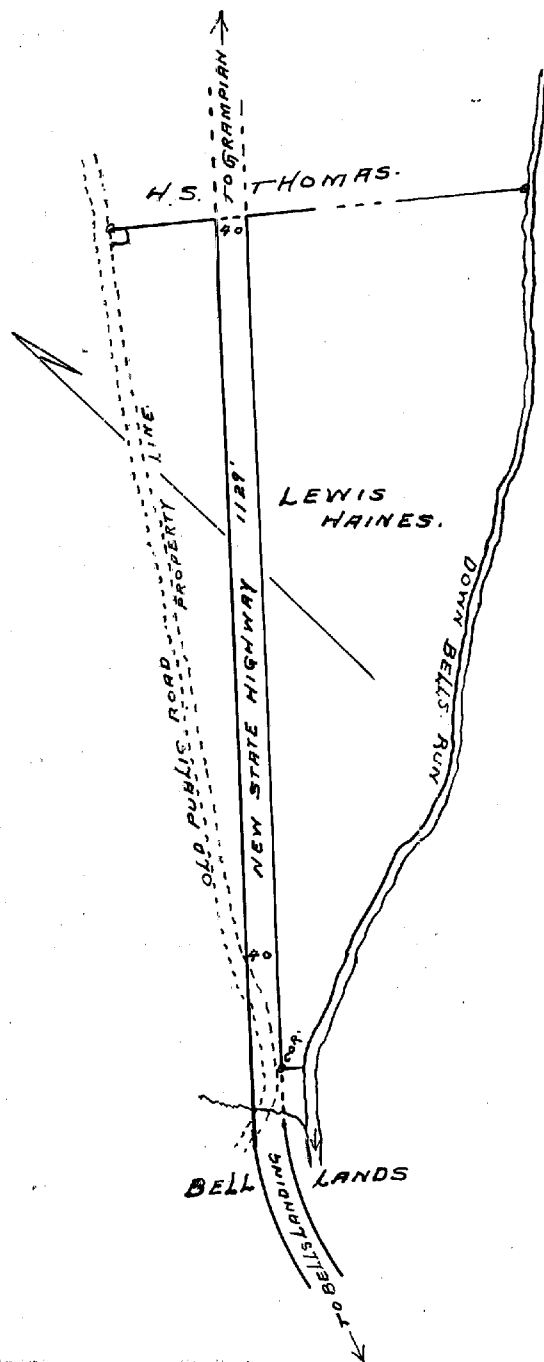
STATE OF PENNSYLVANIA :  
: 38  
COUNTY OF CLEARFIELD :

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 12  
day of March A.D. 1927

Geo. Ralston  
Rwlty



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 Skutt  
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. 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 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 ~~sandy xx~~  
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 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. Palstan, 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 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. Edward 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 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 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 trinagular 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 5 inches to 17 inches stumpage 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 props 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.

Irish Hutton Seal

W. 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

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.

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.

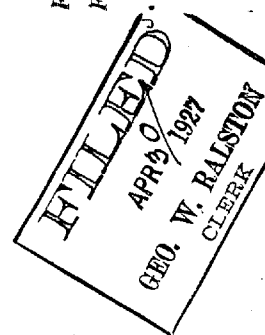
VIEWER	DAYS	MILES	AMT.
H. L. Reese	4	75	37.50
Jas Spangle	3	103	32.50
Frank Hutton	3	51	27.60
Lewis Haines			130.00

Filed

19

Fees \$1.25 paid by

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 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