

DOCKET No. 6

Number

7

Term

Year

Sept ss 1927

Petition of Laura Porter et al for

Appt. of Viewers to Assess damages

in Burnside Twp

Versus

X

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

Laura Porter, Molly Patchin : No. ____ September Sessions 1927
and Geraldine Deemer :

vs

County of Clearfield :

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

The petition of Laura Porter, Molly Patchin, and
Geraldine Deemer, respectfully represents:

1st. That they are the owners of two certain tracts
of land situate in Burnside Township, Clearfield County, Pennsyl-
vania, and more fully described in the Appendix hereto attached
and marked "Appendix A", and made a part hereof.

2nd. That the said lands were owned and vested in
Moses L. McIlwain who died on the 1st day of March A.D. 19____,
leaving to survive him as his heirs-at-law, Laura Porter, Molly
Patchin, and Olive Deemer, and the said Olive Deemer has since
died leaving to survive her as her sole heir-at-law, a daughter,
Geraldine Deemer.

3rd. That a public road has long existed through
Burnside Township, from the Borough of Cherrytree to the Borough
of Burnside.

4th. The aforesaid public road has been improved
as a permanent highway by action of the Commonwealth of Pennsyl-
vania, and is known and designated as Route No. 62 in the Highway
System of the Commonwealth of Pennsylvania as provided by the
Act of May 31, 1916, P.L. 468 Section 6, and that the Commonweal

of Pennsylvania in the course of said improvement relocated parts of said road and changed the line and location of the road as formerly used and made a new location through the lands of your petitioners and appropriated for the Highway purposes of the Commonwealth, a strip of land through each of the pieces of land heretofore referred to.

5th. That the Commonwealth of Pennsylvania, by its officers, agents, and contractors, went upon said lands and took material portions thereof, for the Highway purposes, and in the construction of said Highway and the grading of the road thereon constructed, have created fills and in some places cuts, and in others have so constructed the said Highway through said property as to greatly impair and effect the value thereof, having upon one of the pieces of property destroyed divers apple trees, destroyed a spring which was the source of water of the inhabitants of said property, and have rendered progress from one part of the property to another difficult.

6th. That as a result of said taking of land by the Commonwealth of Pennsylvania for highway purposes and the character and manner of the damage thereon, the market value of each of the said pieces of land has been greatly lessened and diminished.

7th. The petitioners have made an effort to secure an adjustment of this damage with the County Commissioners of the County of Clearfield and have been unable so to do.

WHEREFORE, your petitioners pray that your Honorable Court appoint viewers to appraise and ascertain the damage done

by the acts of the Commonwealth in appropriating portions of the
land of your petitioner and other acts done in consequence there-
of and that said viewers be appointed and proceed as provided by
the acts of Assembly relating thereto.

BY -----

STATE OF PENNSYLVANIA :
 :SS
COUNTY OF CLEARFIELD :

Molly Patchin being sworn according to law deposes
and says that the facts set forth in the foregoing petition are
true and correct to the best of her knowledge.

Sworn and subscribed before me
this 7th. day of July A.D., 1927.

APPENDIX A

I. Porter Kinsports and wife to M. L. McIlwaine, deed dated March 29, 1888, recorded in Deed Book 38 page 364, being a tract in Burnside Township bounded and described as follows:

BEGINNING at a pine stump on the Eastern bank of the Susquehanna River near George Patchin's house; thence by land of George Patchin East one hundred seventy-one (171) perches to post; thence by same land South seventy-three (73) perches to stone; thence by land of same and lot of Jacob Huff, West to bank of Susquehanna River; thence by river to place of beginning. Containing seventy (70) acres (less the lot of said Jacob Huff which is taken out of above said piece of land and reserved) be the same more or less.

II. Henry W. Coleman and wife to Moses L. McIlwaine, deed dated September 5, 1870 recorded in Deed Book 4 page 215, being a tract in Burnside Township bounded and described as follows:

BEGINNING at a post; thence by lands of Samuel Brilhart, South fifty-eight (58) East one hundred seven and five tenths (107.5) perches to stones; thence by land of Samuel Brooks North seventy-three (73) East two hundred eighteen (218) perches to stones; thence by land of David W. Langdon and George Patchin North seventy-two degrees (72°) East two hundred thirty-seven and five tenths (237.5) perches to a stone; thence South thirty-three degrees (3°) East ten (10) perches to a corner; thence South forty-nine and one half degrees (49½°) West fifty-six and six tenths (56.6) perches to a corner; thence South fourteen degrees (14°) West twenty-six (26) perches to a corner and thence South seventy-one and one fourth degrees (71¼°) West twenty-five (25) perches to place of beginning. Containing one hundred eighteen (118) acres and seventy-eight and three tenths (78.3) perches and allowance.

Which said tract was surveyed in pursuance of a warrant dated the 3rd. day of February A.D., 1868 granted to the said Henry W. Coleman and conveyed by Patent from the Commonwealth of Pennsylvania dated May 25, A.D., 1870 to said Henry W. Coleman and enrolled in Patent Book H Volume 66 page 443.

EXCEPTING AND RESERVING tract conveyed to George Patchin by deed dated the 29th day of July 1879 recorded in Deed Book 1 page 232, conveyed by Moses L. McIlwaine.

BEGINNING at a stone near the Susquehanna River and on the line of George Lovelace and running South seventy-two degrees (72°) East two hundred thirty-seven perches (237) to a stone; thence South seventy-three degrees (73°) West one hundred nineteen and six tenths (119.6) perches to a stone; thence North seventy-two degrees (72°) West one hundred sixty-three (163) perches to a maple; thence North seven degrees (7°) East ten and nine tenths (10.9) perches to a stone; thence forty-nine and one half degrees (49½°) East fifty-six and six tenths (56.6) perches to a stone; thence North three degrees (3°) West ten (10) perches to place of beginning.

TO; JESSE, E, DALE, T, R, WEIMER AND B, W, McCracken.
THE COUNTY COMMISSIONER'S OF CLEARFIELD COUNTY PENNSYLVANIA.

You are hereby notified, that the undersigned viewers appointed by the Court of quarter sessions of Clearfield county Pennsylvania, to view and assess the damages that Laura Porter, Geraldine Deemer and Molly Patchin sustained if any by the construction of a State Highway through their two certain tracts of land the one containing seventy (70) acres , Less the lot of Jacob Huff which is taken out of the same

The second containing one hundred and eighteen (118) acres and seventy eight and five tenth (78.5) perches and allowance. Excepting and Reserving the tract conveyed to George Patchin, which said tracts of land are situated in Burnside Township Clearfield county Pennsylvania, By the construction of the aforesaid State Highway from the Borough of Cherry Tree to the Borough of Burnside passes through the aforesaid tracts of land of the said claimants on Route Number sixty two (62) for which if any damages the county of Clearfield is liable.

You are therefore hereby notified; that the said viewers will meet on the aforesaid premises in Burnside Township County and State aforesaid on Tuesday August the ninth (9) 1927 at nine (9) o'clock A. M. to view and inspect the said premises , of which time and place you will please take notice

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court in order to give the claimants with their witnesses, as also the County Commissioners with their witnesses if any a chance to appear and be heard by the viewers before the filing of their report in court; will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday August the tenth (10) 1927 at nine o'clock A. M. at which time and place all parties interested in the said case may appear and be heard.

Now July 29, 1927 service accepted
for the County Commissioners
and personal service waived.

A. G. Kramer
J. E. Frye
George K. Weber
VIEWERS.

L. C. Morris
Clerk.

TO: LAURA, PORTER, MOLLIE, PATCHIN, AND GARALDINE DEMER:

SIRS.

You are hereby notified, that the undersigned viewers appointed by the court of quarter Sessions of Clearfield county Pennsylvania, to view and assess the damages that you sustained by the construction of the State Highway through your property consisting of two certain tracts of land, the one containing seventy (70) acres, Less the lot of Jacob Huff which is taken out of the above tract and reserved by the same leaving the balance more or less.

The second containing one hundred and eighteen (118) acres and seventy eight and five tenth (78.5) perches and allowance Excepting and Reserving the tract conveyed to George Patchin. Situate in Burnside Township, Clearfield County Pennsylvania, Through which the State Highway Department have lately constructed a State Highway, leading from the Borough of Cherry Tree, to the Borough of Burnside on Route number sixty two (62) which damages if any the county of Clearfield is liable.

You are therefore hereby notified, that the said viewers will meet on your said premises in Burnside Township County and State aforesaid on Tuesday August the ninth (9) 1927 at nine (9) o'clock A. M. to view and inspect the said premises of which time and place you will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in court in order to give the claimants with their witnesses, as also the County Commissioners with their witnesses if any a chance to appear and be heard by the viewers before the filing of the their report in court; Will be held in the Arbitration Room in the Court House in Clearfield Pa

on Wednesday August the tenth (10) 1927 at nine o'clock A. M. at which time and place all parties interested in the said case may appear and be heard.

A. G. Kramer
J. E. Frye
George H. Weber
VIEWERS.

Now July 29 1927 service accepted for Laura Porter, Mollie Patchin and Garaldine Deemerthe said claimant and personal service waived.

Bell Boulton
attys. R.

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 18th day of July

in the year of our Lord one thousand nine hundred
twenty seven

Laura Porter, Molly Patchin, Geraldine Desmer

Judge of the same Court: Upon the petition of ~~sumxxx xxxx~~
~~xxxxxxx~~ of the Township of Burnside

in said County, setting forth that

assess damages

and therefore, praying the Court to appoint proper persons to view and ~~lay out the same~~
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 Aaron Kramer, Esq.,
J. E Frye and George K. Weber

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 aforesaid 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, release from any
damages that may arise to ~~them~~ ^{if any} 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 owner of same and that, ~~signs having been posted along the route of the proposed road, that the said view would be held on the~~ day of August, A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 9th day of August, 1927, at 9 o'clock A.M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Ralph Dunlap, John, Barrett Carl Patchen and Molloy Patchen;

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 10th day of August A. D. 1927, when the following appearances were noted: Ralph Dunlap John Barrett Carl Patchen and Mollie Patchin;

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree ~~that the said road is a necessary road as desired by the petitioner, and that the same is the shortest distance and the best ground for such road~~ that the said road is a necessary road as desired by the petitioner, and that the same is the shortest distance and the best ground for such road ~~beginning~~

That the claimants, Laura Porter, Mollie Patchin and Geraldine Deemer are the owners of two certain tracts of land situate in Burnside Township Clearfield County Pennsylvania. The one containing seventy (70) acres, less the lot conveyed to Jacob Huff therefrom.

The other containing one hundred and eighteen (118) acres and seventy eight and three tenth (78,3/10) acres and allowance, Reserving however out of the same a certain tract containing acres conveyed from the same to Moses McIlwane, Through which said tracts of land owned by the said claimants., The State Highway Commissioner by his contractor and employees constructed a State Highway, leading from the Borough of Cherry Tree in Indiana County to the Borough to Burnside in Clearfield County Pennsylvania on Route Number (62) .

The said Highway through the first tract of the claimant's land which is mostly woods land is six hundred and fifty (650) feet in length and on an average forty two feet in width (42) ft which includes the slope, bern and drain on the upper side of the road and the fill, bern and drain on the lower side of the road, and has taken eight tenth (8/10) of an acre of land .

The length of the Highway over the second tract (which is all woods land is fourteen hundred and eighty three (1483) feet in length and including the slope, bern and drain on the upper side of the road and the fill, bern and drain on the lower side of the road including the road bed is forty eight (48) feet in width taking one and seven tenth (1,7/10) of an acre. Therefore the total amount of land taken for the road is two and achalf (2,1/2) acres

which is valued and assessed at one hundred dollars an acre of two hundred and fifty (\$250.00) dollars.

Nearly all the way on the upper side of the road is a steep bank from eight to ten feet in highth and on the lower side a fill from four to eight feet in highth and the location of the road is several hundred back of the house requiring the construction of a road from the house up a steep bank to get up onto the road and also to get up from the road onto their land at the upper side of the road the construction of said roads will cost not less than which will cost all of seventy dollars they therefore the cost of the construction of said roads at seventy (\$70)00) dollars .

For the timber destroyed which most of it was small but young thrifty growing timber they assess the damages at fifty (\$50.00) dollars

For the injury or damage done to the spring and the piping the water into the house which furnishes their supply of water , They assess the damages at fifty (\$50.00) dollars.

For the filling necessary to be done from the road to the barn which is quite a steep hill to enable the claimants to get down from the road to the barn and from the barn up onto the road which will ^{cost} not less than fifty (\$50.00) dollars . they therefore assess the damages for the filling at the barn at fifty (\$50.00) dollars.

As to the three apple trees destroyed the viewers have no information as to how old they were or as to what quality or quantity of frute they usually bore whether they were grafted or common wild fruit 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 They therefore value and appraise them at ten (\$10.00) a tree on thirty (\$30.00) dollars for the three trees.

Making the total damages assessed at five hundred (\$500.00) dollars.

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. , served attached

WITNESS our hands and seals this 22, day of August, A. D. 1927.

A. G. Bergner Seal
J. O. Taylor Seal
George K. Weber Seal
Seal

No. 7 Sept Sessions, 1921

ORDER

To view and assess damages to
Laura Porter, Molly Patchin
Robert & Geraldine ~~Wick~~
Deemer
township of Burnside
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.

	DAYS	MILES	AMT.
A. G. Brainer	4	84	34.20
J. E. Fry	2	148	22.40
J. George	2	130	20.50

For file 3rd 1827
The Commission
supervising the
the office located at
taken, it is ordered
and directed that
the damages be paid
by the county
1921

Filed
Fees \$1.25 paid by

Bell, Boulton & Forsyth, Atty.,

FILED
AUG 24 1927
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

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

Laura Porter, Molly Patchin : No. ____ September Sessions 1927
and Geraldine Deemer :
vs :
County of Clearfield :

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

The petition of Laura Porter, Molly Patchin, and Geraldine Deemer, respectfully represents:

1st. That they are the owners of two certain tracts of land situate in Burnside Township, Clearfield County, Pennsylvania, and more fully described in the Appendix hereto attached and marked "Appendix A", and made a part hereof.

2nd. That the said lands were owned and vested in Moses L. McIlwain who died on the 1st day of March A.D.1921, leaving to survive him as his heirs-at-law, Laura Porter, Molly Patchin, and Olive Deemer, and the said Olive Deemer has since died leaving to survive her as her sole heir-at-law, a daughter, Geraldine Deemer.

3rd. That a public road has long existed through Burnside Township, from the Borough of Cherrytree to the Borough of Burnside.

4th. The aforesaid public road has been improved as a permanent highway by action of the Commonwealth of Pennsylvania, and is known and designated as Route No. 62 in the Highway System of the Commonwealth of Pennsylvania as provided by the Act of May 31, 1916, P.L. 468 Section 6, and that the Commonwealth

of Pennsylvania in the course of said improvement relocated parts of said road and changed the line and location of the road as formerly used and made a new location through the lands of your petitioners and appropriated for the Highway purposes of the Commonwealth, a strip of land through each of the pieces of land heretofore referred to.

5th. That the Commonwealth of Pennsylvania, by its officers, agents, and contractors, went upon said lands and took material portions thereof, for the Highway purposes, and in the construction of said Highway and the grading of the road thereon constructed, have created fills and in some places cuts, and in others have so constructed the said Highway through said property as to greatly impair and effect the value thereof, having upon one of the pieces of property destroyed divers apple trees, destroyed a spring which was the source of water of the inhabitants of said property, and have rendered progress from one part of the property to another difficult.

6th. That as a result of said taking of land by the Commonwealth of Pennsylvania for Highway purposes and the character and manner of the damage thereon, the market value of each of the said pieces of land has been greatly lessened and diminished.

7th. The petitioners have made an effort to secure an adjustment of this damage with the County Commissioners of the County of Clearfield and have been unable so to do.

WHEREFORE, your petitioners pray that your Honorable Court appoint viewers to appraise and ascertain the damage done

by the acts of the Commonwealth in appropriating portions of the land of your petitioner and other acts done in consequence thereof and that said viewers be appointed and proceed as provided by the acts of Assembly relating thereto.

Laura Porter

Geraldine Deemer

Mollie Patchin

BY Mollie Patchin

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

Mollie Patchin being sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of her knowledge.

Mollie Patchin

Sworn and subscribed before me
this 7th. day of July A.D., 1927.

Kate Beel
Notary Public

MY COMMISSION EXPIRES MARCH 3, 1931

APPENDIX A

I. Porter Kinsports and wife to M. L. McIlwaine, deed dated March 29, 1888, recorded in Deed Book 38 page 364, being a tract in Burnside Township bounded and described as follows:

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II. Henry W. Coleman and wife to Moses L. McIlwaine, deed dated September 5, 1870 recorded in Deed Book 4 page 215, being a tract in Burnside Township bounded and described as follows:

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Which said tract was surveyed in pursuance of a warrant dated the 3rd. day of February A.D., 1868 granted to the said Henry W. Coleman and conveyed by Patent from the Commonwealth of Pennsylvania dated May 25, A.D., 1870 to said Henry W. Coleman and enrolled in Patent Book H Volume 66 page 443.

EXCEPTING AND RESERVING tract conveyed to George Patchin by deed dated the 29th day of July 1879 recorded in Deed Book 1 page 232, and conveyed by Moses L. McIlwaine.

BEGINNING at a stone near the Susquehanna River and on the line of George Lovelace and running South seventy-two degrees (72°) East two hundred thirty-seven perches (237) to a stone; thence South seventy-three degrees (73°) West one hundred nineteen and six tenths (119.6) perches to a stone; thence North seventy-two degrees (72°) West one hundred sixty-three (163) perches to a maple; thence North seven degrees (7°) East ten and nine tenths (10.9) perches to a stone; thence forty-nine and one half degrees (49½°) East fifty-six and six tenths (56.6) perches to a stone; thence North three degrees (3°) West ten (10) perches to place of beginning.

10

O R D E R

Now, July 18th A.D., 1927, the within petition
having been read and considered, Jason Thomas Esq.
J. E. Frye and George H. Weber are appointed
viewers to view the premises and proceed as required by the Acts
of Assembly relating thereto.

BY THE COURT:

H. R. Chase

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY PENNSYLVANIA No. <u>7</u> Sept. Sessions 1927	
Laura Porter, Molly Patchin and Geraldine Deemer VS County of Clearfield	
P E T I T I O N	
<div>RECORDED JUL 18 1927 GEO. W. RALSTON CLERK</div>	
BOULTON, FORSYTH & BELL ATTORNEYS AT LAW CLEARFIELD, PA.	

Recd.

No. 7 Sept Term 1907

Mrs. M. B. Ralston

Versus

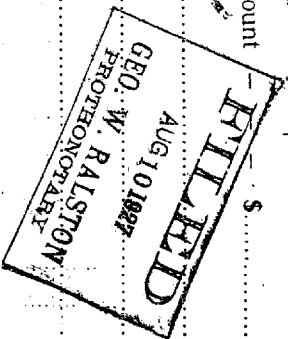
County of Clayfield

Plantiff Bill of Costs

For Term 190

Date 190

Amount



10 day of Aug A. D. 1927. Mollie M. Patchini
Geo. H. Palston Prothonotary