

DOCKET No. 6

Number Term Year

3

Feb ss

1928

Petition of Lydia Bieghtol for Appt.

of Viewers to assess damages in Cooper  
Twp.

Versus

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

~

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

TO THE HONORABLE THE JUDGE OF SAID COURT:

The petition of Lydia Bieghtol respectfully represents:-

That she is the owner of about sixty (60) acres of land situate in Cooper Township, Clearfield, Pennsylvania being on the road leading from Philipsburg to Snowshoe, the same being bounded and described as follows:-

BEGINNING at a post; thence by land of N. Reffer South four degrees forty five minutes West Sixteen hundred and seventy four feet to a post; thence by land of F. Berg North eighty five degrees forty five minutes West, Sixteen hundred and seven feet to a post; thence by purport No. two North four degrees fifty five minutes East Sixteen hundred seventy nine  $9/10$  feet to post; thence mainly by purparts nos. four and three South eighty five degrees, thirty minutes East Sixteen hundred and seven feet to place of beginning, containing sixty one and seven-tenth acres. That the public road leading from Philipsburg to Snowshoe passes through the land of said petitioner. That the State Highway Department is improving said highway and has changed the route of same and taken about \_\_\_\_\_ feet of land, more or less.

The aforesaid public road has been improved as a permanent highway by action of the Commonwealth of Pennsylvania by an Act of Assembly.

That the road as re-located has necessitated a change in the line and location of the road as formerly used and has necessitated a new location and taking by the Commonwealth of a strip of land through the above described property.

That the Commonwealth of Pennsylvania by its officers, agents and contractors went upon the said land and took a material portion thereof for highway purposes and in construction of said highway and leveling and grading of said road have caused fills and in some places cuts in others as well as open ditches through said property so that the valuation of said property has been greatly depreciated.

Wherefore your petitioner prays that your Honorable Court appoint viewers to appraise and determine the damages so suffered and that such viewers appointed may be provided by the Acts of Assembly relating thereto.

*Lydia E Bieghtol*

CLEARFIELD COUNTY: SS:

Personally appeared before me the subscriber Lydia Bieghtol  
above named petitioner who being duly sworn according to law says that the above  
stated facts are true and correct to the best of her knowledge and belief.

Lydia E. Bieghtol

Sworn and subscribed to before me :  
this 28 day of December A. D. 1927:

Geo W Palston :  
Clerk :



Beginning at a post; thence by land of N. Reffer south four degrees 45' west sixteen hundred and seventy four feet to a post; thence by land of F. Berg north eighty five degrees forty five minutes west, sixteen hundred and seven feet to a post; thence by purport No. two north four degrees fifty five minutes east sixteen hundred seventy nine 9/10 feet to post; thence mainly by purparts nos. four and three South eighty five degrees, thirty minutes east sixteen hundred and seven feet to place of beginning, containing sixty one and seven tenth acres. That the public road leading from Philipsburg to Snow Shoe passes through the land of said petitioner. That the State Highway Department is improving said highway and has changed the route of same and taken about \_\_\_\_\_ feet of land, more or less.

That the Commonwealth of Pennsylvania, by its officers, went upon the said land and took a material portion thereof for highway purposes and in construction of said highway and leveling and grading of said road have caused fills and in some places cuts in others as well as open ditches through said property so that the valuation of said property has been greatly depreciated.

TO: GEORGE, MINN, J. C. GATEHOUSE AND, W, E,  
TOBIAS. THE COUNTY COMMISSIONERS OF Clearfield County Pennsylvania  
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 if any that are Lydia Beighton by the construction of the State Highway through her property consisting of some sixty acres of land situate in Cooper Township County and State aforesaid through which the State Highway Commissioner have by their contractor and employees lately changed the location of the State Highway through the property of the claimant leading from Philipsburg to Snowshoe in Center County by Route Number for which change of location of said road if any the County of Clearfield is liable.

You are therefore hereby notified, that the viewers will meet on the premises of the said claimant on Monday the twenty third (23,) day of January A. D. 1928, at nine thirty (9.30) A. M. on the premises of the said claimant in Cooper Township County and State aforesaid to view and inspect the said premises in reference to the damages that she has sustained, 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 claimant with his 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 Tuesday January the 24th A. D. 1928 at nine o'clock A. M. at which time and place all parties interested may appear and be heard.

Now January 13 " A. D.  
1928 service accepted for the  
County Commissioners of Clearfield County Pa and personal  
service waived.

L. C. Norris

Clerk.

A. G. Krommer

H. A. Rees

L. S. Dale

Viewers

TO; LYDIA, BEIGHTOL.

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 leading from Philipsburg the County of Centre to the Borough of Showshoe in the County of Centre which said land is bounded and described as Follows;—

BEGINNING, at a post, Thence by land of N. Reffer, South four degrees forty five minutes , west Sixteen hundred and seventy four feet to a post; thence by land of F. Berg North eighty five degrees forty five minutes West sixteen hundred and seven feet to a post; thence by purport No, two North four degrees fifty five minutes, East sixteen hundred and seventy nine and nine tenth  $9/10$  feet to post ; thence mainly by purparts Nos, four and three fourth. South south eighty five degrees , thirty minutes East sixteen hundred and seven feet to place of beginning, Containing Sixty one and seven tenth acres. That the public road leading from Philipsburg to snow shoe passes through the land of the said petitioner.

That the State Highway Department in improving said highway have changed the route of the same and taken about

feet of land of the said petitioner. by the change and improvement of the said State Highway through her said property as provided by the Act of Assembly.

That the said road or State Highway as relocated by the said contractors have by the change in the location of said road taken a portion of the land of the said petitioner and by the levelling and grading of the said highway have caused fills, and some of the places caused fills and in some places cuts and in others open ditches through her said property so that the value of said property has been somewhat depreciated in value.

For which damages if any the County of Clearfield is liable .

You are therefore hereby notified, that the said viewers will meet on your aforesaid premises in the Township of Cooper in the County and State aforesaid on Monday the 23, day of January A. D. 1928 at (12.30,) o'clock P. M. to view and inspect the said premises of the aforesaid claimant 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 claimant with his 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 Tuesday January the (24th) A. D. 1928, at nine (9) o'clock A. M. at which time and place all parties interested may appear and be heard.

A. G. Kramer

A. A. Reese

James W. Dule

VIEWERS.

Now January / 3 A. D. 1928 service accepted Lydia Beightol, the claimant and personal service waived.

Carl A. Belin

Attorney for the claimant

Lydia, Beightol.



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 3rd day of January  
in the year of our Lord one thousand nine hundred  
twenty eight

Lydia Bieghtol

Judge of the same Court: Upon the petition of ~~sundry~~  
~~inhabitants~~ of the Township of COOPER

in said County, setting forth that she is the owner of about  
sixty acres of land situate in Cooper Twp. being on the road from  
Philipsburg to Snow Shoe, the same being bounded and described as follows:

~~assess damages~~  
and therefore, praying the Court to appoint proper persons to view and ~~lay out~~  
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 C. Kramer, Esq.,  
Harry Reese and Jesse E. Dale

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 <sup>taken for</sup> ~~proposed for~~ the said road, and if they view  
the same, ~~and a majority of the actual~~ <sup>viewers agree</sup> 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~~ Claimant and that ~~the~~ notices thereof were posted along the route of the ~~proposed road, that the said view would be held on the~~ day of ~~A. D. 1927~~, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 24<sup>th</sup> day of January, 1928, at 9 o'clock A.M. That the viewers appointed by the said order viewed the ground ~~proposed~~ taken for the above mentioned road, and that there were present at the view Lidia Beightel the Claimant, John E. and Elizabeth Siddell

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 24<sup>th</sup> day of January A. D. 1928, when the following appearances were noted: And that the said Elizabeth Beightel the claimant is the owner of about sixty (60) acres of mostly cleared land situate in Cooper Township Clearfield County Pennsylvania; through which the State Highway Commissioner by his contractor or employees

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an 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 use the following described road, to wit  
Beginning

has lately constructed a macadam improved Highway ten hundred and forty five feet (1045) feet in length by including the bern, drain, ditches and fills on each side of the forty (40) feet width of the entire width of the road making in all about one acre of the claimants land which according to the testimony produced at the hearing by the witnesses and the judgment of the viewers worth about and assessed or appraised at the value or sum of fifty (\$50.00) dollars for the one acre of land taken.

And for the amount of the land taken or destroyed by the drain three hundred and seventy nine (379) feet in length four and one-half (4 1/2) feet in width, by three (3) feet in depth for the land taken and destroyed and the inconvenience caused thereby is assessed at fifty (\$50.00) dollars.

and for the land taken by the second drain eighty four feet in length four and a half (4 1/2) feet in width by three feet in width for the land taken and destroyed and the inconvenience caused thereby and the cost or expense caused by the necessary culverts or bridges necessary to erect across the drains into his fields and to enable the owners to drive over the drains along the drains along the side of the road to enable the claimant to cross said ditches into her fields or from her fields onto the road with a loaded wagon. which cost or expense cannot be made for less than forty (\$40.00) dollars The viewers therefore assess the damages to the said claimant over and above all the benefits at one hundred and forty (\$140.00) dollars.

Witness Cost

John Fox	One day ,	\$2.00
	Milage 58, Mile at 3, cents per mile	1.74

Mrs Elizabeth Little	One day	\$2.00
	Milage 58, Mile at 3, cents per mile	1.74

Total	\$7.48
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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 have with return releases obtained and~~ copy of the notices. *served*

WITNESS our hands and seals this 27th day of January,

A. D. 1923

*A. G. Kramer* Seal

*H. A. Reese* Seal

*J. E. Dale* Seal

Seal

No. 3 Feb Sessions, 19 28

## ORDER

To view and assess damages to  
Lydia Blightol  
road for use of the

township of Cooper  
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 made 21<sup>st</sup> 1928  
Confirmed Ni. Si.  
absolutely entire  
excepting 30 days  
By the Court  
A. R. Ralston

Filed

Fees \$1.25 paid by

W. Ralston

Carl A. Eslin, Attorney

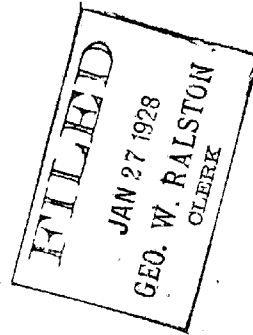
NOTE.—In case of a private road, the release  
must be executed in favor of the petitioner for  
said road.

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.
A. H. Kramer	4	58	\$32.92
A. A. Ralston	2	58	17.92
Jessie C. Wade	2	58	17.92



## 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 enrolling 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. 1928.

Seal

Seal

Seal

Seal