

Road

DOCKET No. 6

Number Term Year

2 Dec Ss 1929

Petition for Appt. of Viewers to

assess damages in Decatur Twp to

Melvin C. Williams, et al

Versus

IN THE COURT OF Viewers OF CLEARFIELD COUNTY,

Melvin C Williams Of \_\_\_\_\_ Term, 19 \_\_\_\_\_  
 Clayton Williams No. \_\_\_\_\_

—Versus— Plaintiffs Bill of Costs  
 County of Clearfield At \_\_\_\_\_ Term, 19 \_\_\_\_\_

	Dollars	Cents
Richard H Thompson 2 Days in attendance 1/4 Miles direct travel	8	64
Harvey Larimer 2 Days in attendance 1/4 Miles direct travel	8	64
Fred T Myers 2 Days in attendance 1/4 Miles direct travel	8	64
Days in attendance Miles direct travel		
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Days in attendance Miles direct travel		
Serving subpoenas Witness		
Miles distance		
Whole amount of bill		25 92

CLEARFIELD COUNTY, SS:

Personally appeared before me Clayton H. Williams, 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

15<sup>th</sup> day of November A. D. 1929

Geo. H. Palston Prothonotary

Clayton H. Williams

No. 2 Dec Term, 1929

Marion C. Williams

Plantam H. Williams

Versus

County of Chesterfield

Plaintiffs Bill of Costs

For \_\_\_\_\_ Term, 19\_\_\_\_\_

Date Nov 15 1929

Amount - - - \$25.92

<u>FILLED</u>
NOV 15 1929
GEO. W. RALSTON
CLERK

MAURICE WILLIAMS.

PROPERTY OF MARVIN WILLIAMS.  
IN DECATUR TOWNSHIP CLEARFIELD COUNTY PA  
VIEWED ON A QUESTION OF DAMAGE  
NOV 6-1929 BY JOHN SCOLLING E.S.P.  
H.A. REESE.  
J.S. MICHAELS.

TO: Charles W; Kizer, Joseph A. Ashcroft and Herbert Wigfield, Supervisors  
of the Township of Decatur, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers,  
appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania,  
to No. 2, December Sessions, 1929, to view and assess damages done to the  
property of Melvin C. Williams and Clayton Williams in Decatur Township by  
the right of way of a new concrete highway under construction by the Depart-  
ment of Highways known as route 57, in Clearfield County aforesaid, will meet  
at the farm-house of Melvin C. Williams and Clayton Williams in Decatur  
Township on Wednesday, November 6th, A. D. 1929 at ten (10:00) o'clock A. M.,  
to attend to the duties assigned them; all parties interested will take  
notice.

And that the public hearing as required by Act of Assembly  
and Rules of Court to be held by the viewers before the filing of their  
report in Court in order to give all parties interested in the said damages  
an opportunity to be heard will be held in the Arbitration Room in the Court  
House in Clearfield on Friday, the 8th day of November, A. D. 1929 at ten  
(10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at  
which time and place all parties interested may attend and be heard.

John Scollins  
J. D. Michaels  
Harry Reese  
Viewers

Dated, October 21st, 1929.

CLEARFIELD COUNTY, SS:

Now, this 29 day of October, A. D. 1929, service  
of the above Notice is accepted for the Supervisors of Decatur Township.

Herbert Wigfield  
Charles Kizer  
Joe A. Ashcroft  
Supervisors

TO: The Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 2, December Sessions, 1929, to view and assess damages done to the property of Melvin C. Williams and Clayton Williams in Decatur Township by the right of way of a new concrete highway under construction by the Department of Highways known as route 57, in Clearfield County aforesaid, will meet at the farm-house of Melvin C. Williams and Clayton Williams in Decatur Township on Wednesday, November 6th, A. D. 1929 at ten (10:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said damages an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 8th day of November, A. D. 1929 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

Dix Peeling  
J. S. Michael  
Harry Reese  
Viewers

Dated, October 21st, 1929.

CLEARFIELD COUNTY, Ss:

Now, this 21 day of October, A. D. 1929, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Morris  
Clerk

That the Commonwealth of Pennsylvania, by its officers, have gone upon the lands of your petitioners and have taken material portions for highway purposes and have made cuts and fills as to greatly impair the value.

That your petitioners have made an effort to secure an adjustment of the damage done to this property from the County Commissioners of Clearfield County but has been unable to reach any agreement with said Commissioners.

No. 2, Dec Sessions, 1929

## ORDER

To view and assess damages to  
Melvin C. Williams and  
Clayton Williams  
township of Decatur  
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 disadvantages as well as the disadvantages of the road, they will report to that effect.

	DAYS	MILES	AM.T.
J. S. Michaels	4	243	442.4
Harry Reese	4	142	337.1
John Scollins, Esq.	5	182	446.6
<i>Richard H. Thompson</i>	<sup>3</sup>	44	<sup>8</sup> 6.6
<i>Henry Taylor</i>	<sup>2</sup>	44	<sup>8</sup> 6.6
<i>Frederick Phillips</i>	<sup>2</sup>	44	<sup>8</sup> 6.6

## 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\_\_\_\_\_.*

Filed 1/25/05 Fees \$1.25 paid by John

Fees \$1.25 paid by -

Boulton & Boulton Attorneys.

County Commissioners  
Dr. C. W. Jones

After viewing the premises and conditions, hearing the evidence and taking into consideration the special benefits accruing thereto by reason of the improvements of said Route 57 as a permanent highway, your Viewers are of the opinion that the foregoing estimates are excessive; but that the petitioners should be compensated for the land taken and occupied, and the damages caused to them.

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: Melvin C. Williams and Clayton Williams, award: Eight Hundred and Seventy-five (\$875.00) Dollars, it being agreed/counsel that between inasmuch as the title to the property for which damages are claimed became vested in them by different conveyances and devises, and is owned in unequal proportions that the award, if any, should be made as a whole to petitioners, jointly, and that a stipulation to this effect would be filed of record,

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

WITNESS our hands and seals this 27th day of November 1929.

A. D. 1929.

*John Scocina* Seal  
*B. A. Reese* Seal  
*J. Strinbaels* Seal  
Seal

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 7th day of October in the year of our Lord one thousand nine hundred twenty nine

Melvin C. Williams, and

Judge of the same Court: Upon the petition of ~~Samuel~~  
Clayton Williams  
~~of the Township of~~ Decatur

in said County, setting forth that they are owners of a certain tract of land in Decatur Twp. between Chester Hill Borough and Osceola Mills Borough and is crossed for a distance of approximately 900 feet by the right of way of a new concrete highway under construction by the Department of Highways and known as route 57. That said right of way, according to the plans of the Department of Highways enters your petitioners property at the northeast side between stations 928 and 929, and traverses the entire width of said property, leaving the southwest side between stations 919 and 920. Said right of way having an ultimate width of 100 feet and a required width from 75 to 50 feet.

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 John Scollins, Esq., Jack M. Chael and Harry Reese.

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 Decatur and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 6th day of November A. D. 1929, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 8th day of November 1929 at 2 P. M. <sup>at which time</sup> an adjournment was taken until November 15, 1929 at 2 P. M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Clayton Williams, with Harold Boulton, Esq., of Boulton & Boulton, Attorneys for petitioners; Herbert Wigfield, C. W. Kizer, Joseph A. Ashcroft, Supervisors of Decatur Township, with Elmer Sankey, Clerk,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 15th day of November A. D. 1929, when the following appearances were noted: Harry Boulton, Esq., for petitioners; A. M. Liveright, Esq., Clearfield County Solicitor; and F. C. Bell, Esq., of Bell & Bell, Attorneys for Decatur Township; Herbert Wigfield, C. W. Kizer and Joseph A. Ashcroft, Supervisors with Elmer Sankey, Clerk. Clayton H. Williams, petitioner, R. H. Thompson and H. J. Larimer, witnesses, on the part of petitioners, sworn, examined and cross-examined by counsel and your Board.

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 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: REBUTTABLE damages have been sustained by the petitioners. We further find that Route 57 of the Pennsylvania State System of Highways, particularly that portion thereof leading from Osceola Borough through Decatur Township to Philipsburg (or Chester Hill Borough) has been re-located, regraded and improved as a permanent concrete highway, and by the change in the course thereof, as well as the change of width and existing lines and location <sup>(a)</sup> a portion of petitioners' improved land occupied as a Poultry Farm was taken as shown on the map or draft thereof hereto attached and made a part hereof, approximately 1-1/3 acres in area, dividing petitioners property comprising a 22-acre tract of land with a two story, frame (6 room) dwelling-house, a two story, frame stable building 30x75, and a one story, frame chicken house 20'x40' with an addition 20'x20' thereupon erected; and (b) cutting off petitioners' water supply from a fresh water spring upon petitioners' property now lying across said road.

(c) That an open ditch was cut in said property betwixt the berme and buildings approximately 5ft. in depth, with precipitous embankments of 45° angles, for a distance of 208 feet in which two abrupt crossings have been built and in which should be laid drain pipes of sufficient diameter to carry the drainage (State Highway Dept. requiring a 36" pipe for the purpose) and covered to eliminate the danger to the foundations of the buildings and occupants of the premises.

(d) That to continue to occupy the premises as a Poultry Farm will require the building of fences of sufficient proportions to care for fowl and poultry.

(e) That the traffic on the aforesaid road is too dense, heavy and dangerous to permit of crossing without danger and as a result of its inaccessibility one-half of petitioners' property is of no practical use as a Poultry Farm.

(f) That as a result of petitioners' loss of the use of their spring, it will be necessary to install a pipe-line and water service from the public service water company, a distance of 900 feet.

The amount of damages as testified to by petitioners and witnesses is from \$1260.00 to \$1500.00, petitioners claiming from \$1500.00 to \$2000.00.

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

Melvin C. Williams, :  
Clayton Williams and :  
Blanche Williams :  
vs. : No. ,  
County of Clearfield : Sessions, 1929.

To the Honorable A. R. Chase, President Judge of said County:

The petition of Melvin C. Williams, Clayton Williams and Blanche Williams respectfully represents:

1. That they are residents of Osceola Mills, Clearfield County, Pennsylvania, and are the owners of a certain tract of land situate in Decatur Township, Clearfield County, Pennsylvania, more fully described in exhibit attached to this petition, marked Exhibit "A" and made a part thereof.

2. That said tract of land lies between Chester Hill borough and Osceola Mills borough and is crossed for a distance of approximately 900 feet by the right of way of a new concrete highway under construction by the Department of Highways of the Commonwealth of Pennsylvania and known as Route 57.

3. That said right of way, according to the plans of the Department of Highways, enters your petitioners' property at the northeast side between stations 928 and 929, and traverses the entire width of said property, leaving the southwest side between stations 919 and 920. Said right of way having an ultimate width of 100 feet and a required width from 75 to 50 feet. This required width being somewhat irregular, due to the position of your petitioners' buildings.

4. That the Commonwealth of Pennsylvania, by its officers, agents and contractors, have gone upon the lands of your petitioners and have taken material portions thereof for highway purposes and in the construction of said highway and the grading for the concrete road thereon constructed, they have made cuts and fills and have so constructed the said highway through the property of your petitioners as to greatly impair and affect the value

thereof in that

- (a) That from one to two acres of the land is being taken for highway purposes.
- (b) That they will be required to build fences to properly enclose this property, where prior to the building of this road none but the boundary fences were necessary.
- (c) That the said Commonwealth of Pennsylvania by its officers, agents and contractors, have built a high speed concrete road between your petitioners' house and their spring in such a way that necessary use of this spring in procuring water for household purposes is attended with considerable danger.
- (d) That a corner of their house and a portion of their barn is within the 100 foot ultimate right of way required by the Commonwealth, as shown upon the plans of the Department of Highways, and the required right of way as shown on said plans passes within a few feet of their house and within a foot of a corner of their barn.
- (e) That the said Commonwealth of Pennsylvania by its officers, agents and contractors, have dug a ditch for the purpose of draining surface waters from the concrete road along their property for a distance of several hundred feet. Said ditch being five feet deep on the upper side and extending along in front of their house and barn, where it gradually tapers down to a shallow ditch along the highway. This ditch where it passes in front of the house is about five feet deep and is dug in the yard connected with the plaintiffs' house and approximately forty (40) feet distant from the house is open and unprotected and an ever present danger to anyone using the premises

and the wash into this ditch will of necessity cause considerable damage to the yard. Where the said ditch passes between the barn and the highway, the corner of said barn is but twenty-seven (27) inches from the edge of the ditch, so that any slipping of dirt from the side of said ditch caused by rain, freezing and thawing, or any other action of the elements, will cause the corner of the barn to sink and place the whole structure in peril of slipping from its foundation.

(f) That they conduct a poultry farm upon the property and the loss of poultry products caused by blasting and other activities of the agents and contractors in connection with the building of this road was considerable.

5. That your petitioners have made an effort to secure an adjustment of the damage done to this property from the County Commissioners of Clearfield County under an Act of Assembly signed July 6, 1917, P. L. 1040, Section 1, but has been unable to reach any agreement with said Commissioners.

WHEREFORE your petitioners pray that your Honorable Court appoint viewers to appraise and ascertain the damage done by the acts of the Commonwealth, its officers, agents and contractors, in appropriating portions of the land of your petitioners and other acts done in consequence thereof, and that said viewers be appointed and proceed according to the Acts of Assembly relating thereto.

Clayton Williams  
M.C. Williams

X

STATE OF PENNSYLVANIA : : SS:  
COUNTY OF CLEARFIELD : :

Before me, the subscriber, personally appeared  
Melvin C. Williams, Clayton Williams and ~~Wade Williams~~  
who, being duly sworn according to law, do depose and say  
that the facts set forth in the foregoing petition are true  
and correct.

Clayton Williams  
M.C. Williams

X

Sworn and subscribed before me

this 4 day of October, 1929.

A. F. MacLennan  
Justice of the Peace

My Commission  
Expires Jan 21, 1930

EXHIBIT "A"

(1) White Dugan Coal Company to M. C. Williams by deed dated the 12th day of September, 1916, recorded in the office of the recorder of deeds in and for Clearfield County in Deed Book 224, page 307.

Being a tract of land situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows: Beginning at a stake at the north easterly corner of Lingle Street and Meek Avenue, thence by said Meek Avenue north 35 degrees 47' west 327.5 feet to a stake by state road leading from Osceola Mills to Philipsburg, thence thereby by curve to left, the radius of which is 142 feet, a distance of 150 feet to a stake, thence by land, now or late of Robert McGinty north 61 degrees 17' east 317 feet to a stake, thence by land of Crain Estate south 71 degrees 10' east 476 feet to a stake in the northerly line of the aforesaid Lingle Street and thence thereby south 54 degrees 13' west 694 feet to the place of beginning. Containing five (5) acres, more or less.

(2) Henry E. Thomas, et al, to Edna V. Williams by deed dated the day of March, 1916, recorded in the office of the recorder of deeds in and for Clearfield County in Deed Book 215, page 80.

Being a tract of land situate in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows: Beginning at a post on line of Mallon Bros. land; thence by lot of William Taylor, et al, north forty-four and one-fourth (44 $\frac{1}{4}$ ) degrees east four hundred sixty-eight (468) feet to a post; thence by lot of Fred Shields feet to a post; thence by same north forty-four (44) degrees east sixty (60) feet to a post; thence by purpart of John Crain heirs south sixty-one (61) degrees east one thousand and forty-four (1,044) feet to a post; thence by purpart of said John Crain heirs south twenty (20) degrees west two hundred sixty-three (263) feet to a post on line of Mallon Bros. land; thence by said Mallon Bros. land north seventy and one-half (70 $\frac{1}{2}$ ) degrees west one thousand two hundred sixty (1,260) feet to a post, and place of beginning; containing ten (10) acres, more or less.

Also all the right, title and interest of the parties of the first part in and to all that certain tract or piece of land situate in the Township of Decatur, County of Clearfield, and State of Pennsylvania, beginning at the southwest corner of purpart allotted to the said George W. Crain by agreement made between the heirs of John Crain; thence seventy-two and one-half (72 $\frac{1}{2}$ ) degrees east nine hundred thirty-nine (939) feet to a post; thence twenty (20) degrees east two hundred sixty-three (263) feet; thence eighty (80) degrees east nine hundred fifty-two (952) feet to a post; thence southwest three hundred eighty-seven (387) feet to the place of beginning; containing seven (7) acres.

Edna V. Williams died intestate December 14, 1918, and letters of administration were taken out by her husband, M. C. Williams, and her interest in the above described property passed to her heirs at law, M. C. Williams, husband, and Clayton Williams and Blanche Williams, children. See Recorder's office file No. 8215.

IN THE COURT OF QUARTER SESS-  
IONS, CLEARFIELD COUNTY, PA  
No. 2, Dec Sessions, 1929

Melvin C. Williams,  
Clayton Williams and  
~~RENOKA, WILLIAMS~~

vs.

County of Clearfield

PETITION FOR VIEWERS

Case Book No. 1825  
John S. Bell vs. Jack  
Matthews and Harry  
Reese and Harry  
Reese to name and  
report by the court

FILED

OCT 7 - 1929

GEO. W. RALSTON  
CLERK

BOULTON & BOULTON  
ATTORNEYS AT LAW  
COUNTY NATIONAL BANK BUILDING  
CLEARFIELD, PA.

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

ORVILLE SMEAL

)  
)  
)  
)  
)

vs.

No. December Term 1930.

COUNTY OF CLEARFIELD

)  
)  
)

TO THE HONORABLE A. R. CHASE, President Judge of said Court:

The petition of Orville Smeal respectfully respresents:

FIRST: That he is the owner of a certain tract of land situate in the Township of Graham, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post; thence West one hundred and six and one half (106 1/2) perches to a White Oak; thence South one hundred and fifty seven and one half (157 1/2) perches to a stone heap; thence North thirty (30) perches to a stone heap; thence West twelve (12) perches to stones around a Chestnut Oak; thence North seventy one (71) perches to a post; thence East twelve (12) perches to a post; thence North fifty six and one half (56 1/2) perches to place of beginning. Containing ninety four (94) Acres more or less.

A reference, to Deed Book 111, page 237, filed in the Register and Recorder's Office, in Clearfield County, will give a full description of the petitioner's title.

SECOND: That, the Commonwealth of Pennsylvania acting by and through its employees and agents have reconstructed the State Highway Route between the towns of Bigler and Allport, known as Route 668.

THIRD: That the said road crosses the property of your petitioner on different lines and at different locations and grades from the old road. A full description of the distances, the grade of the road, the number of ditches and drains; the width of the right of way and all other information is pointed out in two (2) maps, marked Plaintiff's Exhibit "A" and "B", and made a part of this petition.

FOURTH: That your petitioner is damaged for the following reasons:

(a) Because of the land taken. The strip taken being approximately eighteen hundred (1800) feet in length and in varying widths from fifty five to sixty feet.

(b) That the old road ran near the house and that it will be necessary to construct a new road, giving the petitioner an outlet from his residence to the new road which will cost approximately Three Hundred and fifty (\$350.00) Dollars.

(c) That the new road as now constructed subdivides the farm into parts and makes the access to the same impracticable as there is a five (5) foot cut ~~in~~ a distance of two hundred and fifty (250) feet and all through the remaining part of said petitioner's farm, the road is constructed on about a five (5) foot fill.

(d) That there are three (3) drains through and under said road emptying into and upon the fields of your petitioner.

(e) That it will be necessary to collect the water draining on the petitioner's fields and to discharge it through a drain several hundred feet in order that the land would not be swampy. It will be necessary to expend the sum of approximately Two hundred and fifty (\$250.00) Dollars for constructing said drain.

(f) A part of the farm through which the said road runs was used for pasturing cattle and it is necessary in order to keep the cattle from the highway to build a new fence along said highway. This will cost approximately fifty (\$50.00) Dollars.

(g) That the market value of your petitioner's property is materially lessened by reason of the construction of said road, by the damages as described and all other damages which usually follow in constructing a road by making deep cuts and deep fills.

WHEREFORE, your petitioner prays that viewers be appointed by your Honorable Court, to view and estimate said damage and report their opinion in accordance with the Act of Assembly made and provided.

W. A. Wagner

Carl A. Behn  
atty for Plaintiff

STATE OF PENNSYLVANIA      )  
COUNTY OF CLEARFIELD      )      SS:

Personally appeared before me the subscriber,  
Orville Smeal, who being duly sworn according to law deposes and  
says that the facts set forth in the above petition are true and  
correct to the best of his knowledge and belief.

Orville Smeal

Sworn and subscribed to before me      )  
this 21 day of October, A. D. 1930.      )

Wes W Palston      )  
Prothonotary.      )

IN THE WORKING COURT, SESS.  
1030 A.M. JUNE 12, 1930, 9:30 A.M.

40. 8 JUNE 12, 1930.

ORVILLE SMITH

VS

COURT OF COMMON PLEAS

POSITION

Four Oct 25 1930

Carl A. Bolin, attorney  
Reese & H. P. Bowker,  
appointed receiver to  
non-answering.

Ray S. Conklin

Attala

W. A. Dafferty and  
Carl A. Bolin,  
attorneys at Law,  
Clearfield, Pa.