

ROAD

DOCKET No. ⁶.....

Number	Term	Year
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1	MAY SS	1931
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Petition of Elsie H. Wallace

for appt. of viewers to assess

damages in Huston Twp

Versus

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

Re; Petition of Elsie H. Wallace : Of May Term,
for Appointment of Viewers to : 1931.
Assess Damages. : No. 1.

To Elsie H. Wallace, Petitioner; the Commissioners of
Clearfield County, and the Supervisors of Huston Township.

You and each of you will hereby take notice that upon
petition of Elsie H. Wallace a resident of Huston Township in
said County, setting out inter alia that damages had been done
real estate belonging to her and situate in said Huston Township,
in the reconstruction of State Highway No. 555, leading from
Penfield, in said Township, to the Elk County line, and that
having been unable to agree with the Commissioners of Clearfield
County as to the amount of damages due her, the undersigned were
appointed by the court of view the premises and assess damages.

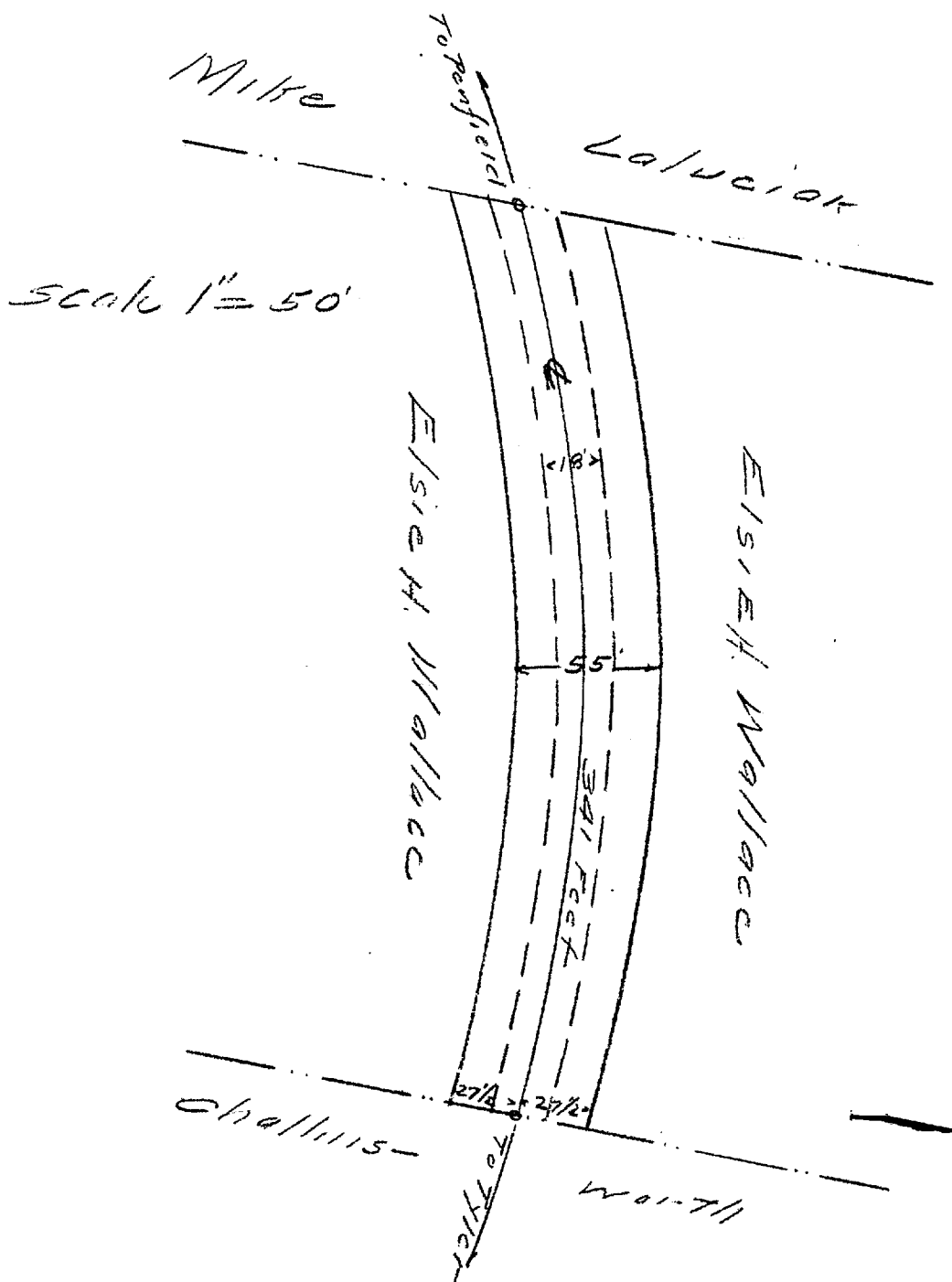
The Viewers will meet to view the premises, at the house
of said Elsie H. Wallace on Wednesday, the eleventh day of March
1931, at 1.30 o'clock P. M., and will hold the public hearing in
the matter in the Grand Jury Room in the Court House at Clearfield
Pa., on Friday, the thirteenth day of March, 1931, at 10.00
o'clock A. M., at which time and place parties interested may
appear and be heard.

March 4, 1931

E. H. Wallace
J. H. Fry
J. H. K. W. W.
Viewers

Now, March 6, 1931, the above notice served by copy and
service thereof is hereby accepted.

Elsie H. Wallace
For Petitioner
L. C. Norris Clerk
For County Commissioners
J. H. K. W. W. Sup'r.
For Huston Twp. Supervisors
Par M. J. J.



ROAD VIEW FOR DAMAGES CAUSED BY THE CONSTRUCTION
OF STATE HIGHWAY ROUTE NO. 555 THROUGH LANDS OF
ELSIE H. WALLACE IN HUSTON TOWNSHIP, CLEARFIELD
COUNTY, PENNSYLVANIA.

VIEWS MARCH 11, 1931.

EARLE G. BOOSE)
J. E. FRY) VIEWS.
GEO. K. WEBER)

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 2nd day of March
in the year of our Lord one thousand nine hundred
thirty one

ELSIE H. WALLACE

Judge of the same Court: Upon the petition of ~~XXXXXX~~
~~XXXXXX~~ of the Township of Huston

estate situate in Twp of Huston, in said County, setting forth that she is the owner of real
as Route No. 555 and is a resident of Huston Twp.

That the Highway Department in changing the highway leading to the village of
Penfield through the township of Huston to the line of Elk County, appropriated a
road bed across part of the premises of your petitioner and changed the road bed
from running between the house and barn to a location beyond the barn and
through the meadow land of your petitioner, removing the drive way and approach
to the barn and making a large fill for said road bed and deep ditch, rendering
access to the fields utterly impracticable if not altogether impossible and
the Commissioners and petitioner cannot agree upon amount of damages sustained

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 Earl G. Boose and
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 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

Huston and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 11th day of March

A. D. ¹⁹³¹~~1930~~, and the hearing to be held in the ^{Grand Jury}~~Assessment~~ Room, at the Court House, in Clearfield, Pa., on the 13th day of March, 1931, ~~1930~~, at 10.00'clock A M. That

all viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view G. W. Wallace, husband of Elsie Wallace, the claimant; John C. Forsythe Esq., representing the claimant, W. J. Janich, a Supervisor of Huston Township, and other persons

parties in interest. That the hearing was held in the ^{Grand Jury}~~Assessment~~ Room, in the Court House, at Clearfield, Pa., on the 13th day of March, ¹⁹³¹~~1930~~, A. D. ~~1930~~, when the following appearances were noted: G. W. Wallace, John C. Forsythe Esq., J. W. McCracken, C. W. Wallace.

~~XXXX~~After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do ~~agree~~ ^{XXX} that there is occasion for a road as desired by the petitioner, and that the same is XXX necessary for a road: And having had respect to the shortest distance and the ^{XXX} best ground for such road we have laid out in such manner as shall do the least injury to private ^{XXX} property, and as far as practicable agreeably to the ^{XXX} desire of the petitioner, and do return for XXX use the following described road, ^{XXX} to-wit

~~Beginning~~

After view and taking of testimony at the hearing and consideration of all the damages claimed and the benefits accruing from construction of said State Highway Road through the land of the claimant, the viewers are of the opinion that the damages exceed the benefits to thr amount of One Hundred and Fifty Dollars and have awarded that amount to Elsie Wallace against the county of Clearfield.

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.~~

~~XX~~ 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: Elsie Wallace is entitled to the aforesaid sum of One Hundred and Fifty Dollars and the Viewers have awarded her an award in that amount, to be paid by Clearfield County.

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

WITNESS our hands and seals this fourteenth day of March
A. D. ~~192~~ 1931.

E. J. Bourse Seal
J. E. Taylor Seal
E. K. Weber Seal
Seal

No. 1 May Sessions, 19 31

ORDER

To view and assess damages to
~~road for~~ Elsie H. Wallace
use in the
township of Huston
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 - April 27th 1931
no exception
having been filed
County directed
to pay damages and
costs assessed
By the court*

Filed _____
Fees \$1.25 paid by A. H. Chase
John C. Forsyth, Attorney

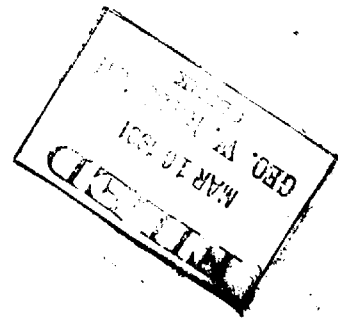
NOTE—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
Geo. K. Weber	2	52	\$20.20
J. E. Fry	3	45	\$27.00
Earl G. Goose	4	90	\$39.00



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

TO THE HONORABLE THE JUDGE OF THE QUARTER SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA.

The petition of Elsie H. Wallace respectfully represents:

1. That she is the owner of a certain lot or piece of ground or real estate situate in the Township of Huston, Clearfield County, Pennsylvania, bordering along or upon a State Highway known as Route No. 555, and is a resident and citizen of the Township of Huston, County and State aforesaid.

2. That the Highway Department of the Commonwealth of Pennsylvania in taking-over, laying-out, changing, building, constructing and otherwise repairing the said highway leading from the village of Penfield, through the Township of Huston to the line of Elk County, all within the boundry of Clearfield County, appropriated a road bed across part of the premises of your petitioner and changed the road bed from running between the house and barn on the premises of your petitioner to a location beyond the barn and through the meadow land of your petitioner, taking a considerable portion of the ground of your petitioner, removing the drive way and approach to the barn, and by making a large fill for said road bed and deep ditch along side said fill, renders access to the fields of your petitioner utterly impracticable if not altogether impossible, all of which greatly and seriously damaged the property of your petitioner, and the use thereof by your petitioner, and reduced its value materially.

3. That under and by virtue of the Laws of the Commonwealth of Pennsylvania, the County of Clearfield is responsible for said damages; that your petitioner has endeavored to obtain a settlement from the Commissioners of the County of Clearfield, for the damages sustained by your petitioner, by reason of the acts of the Highway Department of the Commonwealth of Pennsylvania as alleged herein, but the Commissioners and your petitioner cannot agree upon the amount of damages which would justly and fairly compensate your petitioner for the injuries sustained by her.

4. Your petitioner therefore prays your Honorable Court to appoint viewers as provided by the Laws of the Commonwealth of Pennsylvania to view and assess the damages sustained by your petitioner, by reason of the taking over, changing, building, constructing, altering, fills, ditches, removal of drive-way, altering and otherwise repairing said highway.

And she will ever pray.

Elsie H. Wallace

State of Pennsylvania,
County of Clearfield, SS.

Elsie H. Wallace being duly sworn says that the facts in the foregoing petition are true.

Elsie H. Wallace

Subscribed and sworn to before me this 16th day of Feb.
1931.

J. H. Spotts

Justice of the Peace.

My commission expires Jan 1936

No. 1 February 28, 1931.

Mary

In Re Matter of Assessment of
Damages,

Elsie H. Wallace

Vs.

Clearfield County.

March 2nd 1931

Order of the Court

and George H. Wallace

are appointed assessors

to view and report,

By the Court.

W. H. H. H. H.

U. S.

GRD.

John C. Forsyth,
Attorney for Elsie H.
Wallace.