

ROAD

DOCKET No. 6

Number Term Year

1 MAY SS 1931

Petition of Elsie H. Wallace

for appt. of viewers to assess

damages in Huston Twp

Versus

Y.

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.

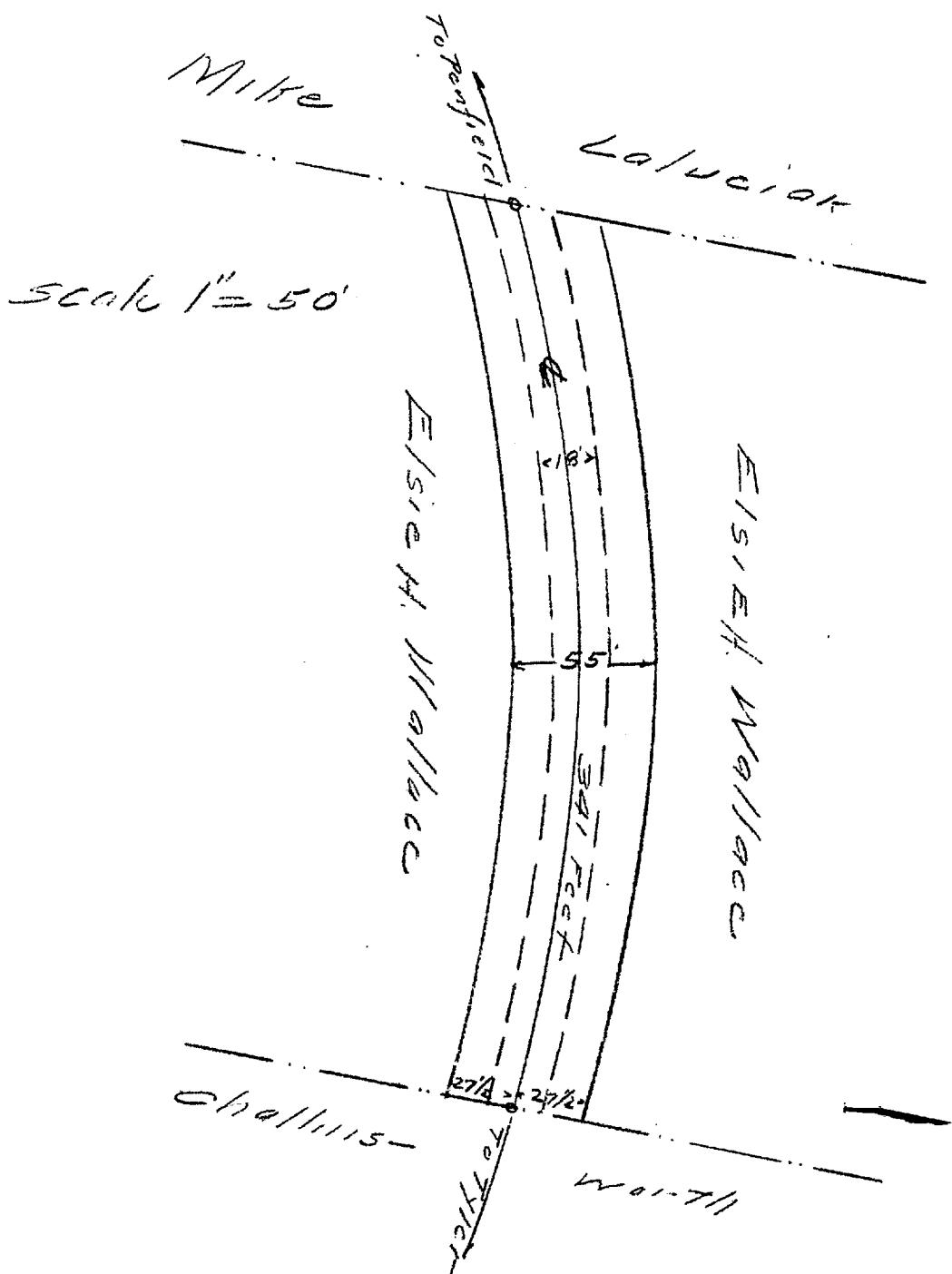
The Viewers will meet to view the premises, at the house of said Elsie H. Wallace on Wednesday, the eleventh day of March 1931, at 1.30 o'clock P. M., and will hold the public hearing in the matter in the Grand Jury Room in the Court House at Clearfield Pa., on Friday, the thirteenth day of March, 1931,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

March 4, 1931

Elsie H. Wallace
J. T. Foy
J. Scott Weber
Viewers

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

Elsie H. Wallace
For Petitioner
L. C. Morris Clerk
For County Commissioners
J. D. Stanich 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 LANLS OF
ELSIE H. WALLACE IN HUSTON TOWNSHIP, CLEARFIELD
COUNTY, PENNSYLVANIA.
VIEWED MARCH 11, 1931.

EARLE G. BOOSE)
J. E. FRY (VIEWER)
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 ~~John~~ John
habitants of the Township of Houston

estate situate in Twp of Huston, said County, setting forth that she is the owner of real estate situate in Twp of Huston, bordering along or upon a State Highway known 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 the land
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 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. Palstone . 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

Houston 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 ¹⁹³¹ ~~Grand Jury~~ A. D. ¹⁹³¹ ~~1932~~, and the hearing to be held in the ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 13th day of March, 1931, ¹⁹³¹ ~~1932~~, at 10.00 o'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. Lanich, a Supervisor of Houston Township, and other persons

^{Grand Jury} parties in interest. That the hearing was held in the ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 13th day of March, 1931 A. D. ¹⁹³¹ ~~1932~~, 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 that there is XX occasion for a road as desired by the petitioner, and that the same is XX necessary for a XX 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 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 the 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.

XXThe 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 XXXXX, IX

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. 1831.

Gene G. Bower Seal
J. G. Tug Seal
Frank Weber Seal
Seal

No. 1 May Sessions, 19 31

ORDER

To view and assess damages to
Frank Elsie H. Wallace use in the
township of Houston
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.

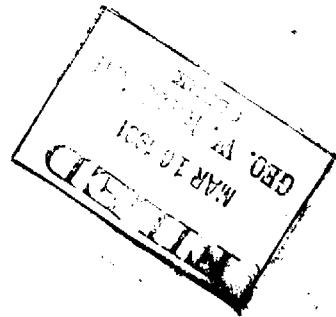
N. B.—If the viewers believe the parties are not
entitled to damages, taking into consideration the
advantages as well as the disadvantages of the
road, they will report to that effect.

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

Done April 29th 1931
No exceptions
having been filed
County Seated
to pay damages and
costs assessed
By the viewer

Filed

Fee \$1.25 paid by J. H. Chase
John C. Forsyth, Attorney



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 sealing 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

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 boundary 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.

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

P. T. Spotts

Justice of the Peace.
My commission expire Jan 1936

No. 1 February 38. 1931.

May

In Re Matter of Assessment of Damages,

Elsie H. Wallace

Clearfield County.

Now, this 2nd day of March 1931,
Gard & Son, by J. E. Thacker
By George Kueber
are appointed Assessors
to view and report.
By the Court.

J. P. Chase.

J. P.
J. P.

Geo. Kueber

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