

ad
DOCKET No. 6

Number	Term	Year
1	FEB ss	1931

Petition of John Couperthwaite

for appt. of viewers to assess
damages in Woodward Twp
Versus

X

No. 1 Feb Term, 19 31

Versus

Bill of Costs

For _____ Term, 19 _____

Date _____ 19 _____

Amount -- -- \$ _____

FILED

DEC 31 1930

GEO. W. RALSTON
CLERK

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and assess damages to John Cowperthwaite incurred in the construction of a State Highway Road leading from the Borough of Houtzdale, leading

-in-----Township, to the Borough of Ramey

-in-----Township, in Clearfield County, aforesaid, will meet at the house of said John Cowperthwaite

in Woodward Township, on Friday the twenty-sixth day of December 1930, at three o'clock, P. M.

to attend the duty assigned them, of which time and place aforesaid all parties interested will take notice.

The Public Hearing in the matter required by the Act of Assembly, and the Rules of the aforesaid Court, to be held by Viewers, will be held in the Grand Jury

Room of the Court House at Clearfield, Penna., on Monday the twenty-ninth day of December 1930, at ten o'clock A. M.

Earle G. Boose

Harry Reese

Dec. 19, 1930.

H. P. Dowler

Viewers.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

Of February Sessions, : In Re Assessment of Damages
1930. : done to property of
No. 1. JOHN COWPERTHWAITE in
Woodward Township.

To John Cowperthwaite, claimant, the Supervisors of the Township of Woodward and the Commissioners of Clearfield County;

You and each of you will hereby take notice that undersigned appointed by the Judge of the above named Court to view and assess damages done the property of said John Cowperthwaite in the Township of Woodward, in the construction of the State Highway, leading from Houtzdale Borough to the Borough of Ramey, will meet to view the premises, at the house of John Cowperthwaite in Woodward Township, on Friday, the twenty-sixth day of December, 1930 at three o'clock P. M. and that the public hearing in the matter, required by law and the Rules of this Court will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on Monday, the twenty-ninth day of December, 1930, at ten o'clock A. M., at which times and places, parties interested may attend.

Emery Bone
Harry Reese
J. R. Dowler

Dec. 19, 1930.

Viewers

Now, December 20, 1930, notice received and copy delivered and service is hereby accepted.

John Cowperthwaite

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

Of February Sessions, : In Re Assessment of Damages
1930. : done to property of
No. 1. : JOHN COWPERTHWAITE in
: Woodward Township.

To John Cowperthwaite, claimant, the Supervisors of the Township of Woodward and the Commissioners of Clearfield County;

You and each of you will hereby take notice that undersigned appointed by the Judge of the above named Court to view and assess damages done the property of said John Cowperthwaite in the Township of Woodward, in the construction of the State Highway, leading from Moutzdale Borough to the Borough of Ramey, will meet to view the premises, at the house of John Cowperthwaite in Woodward

Township, on Friday, the twenty-sixth day of December, 1930 at three o'clock P. M. and that the public hearing in the matter, required by law and the Rules of this Court will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on Monday, the twenty-ninth day of December, 1930, at ten o'clock A. M., at which times and places, parties interested may attend.

Ernest Borse

Harry Reese

W. P. Dawler

Dec. 19, 1930.

Viewers

*Now, Dec. 20, 1930, Service accepted
for Supervisors of Woodward Twp
J. M. McGrath
Collector*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

Of February Sessions : In Re Assessment of Damages
1931. : done to property of
No. 1. : JOHN COWPERTHWAIT in
: Woodward Township.

To John Cowperthwaite, claimant, the Supervisors of the Township of Woodward and the Commissioners of Clearfield County;

You and each of you will hereby take notice that the undersigned appointed by the Judge of the above named Court to view and assess damages done the property of said John Cowperthwaite in the Township of Woodward, in the construction of the State Highway, leading from Houtzdale Borough to the Borough of Ramey, will meet to view the premises, at the house of John Cowperthwaite in Woodward Township, on Friday, the twenty-sixth day of December, 1930, at three o'clock P. M., and that the public hearing in the matter, required by law and the Rules of this Court will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on Monday, the twenty-ninth day of December, 1930, at ten o'clock A. M., at which times and places, parties interest may attend.

Dec. 19, 1930.

Charles Boone

Harry Reese

H. P. Dawler

Viewers.

Now, December 20, 1930, notice served upon the claimant and copy delivered and service is hereby accepted.

Now, December 20, 1930, notice served upon the Supervisors of Woodward Township and copy delivered and service is hereby accepted.

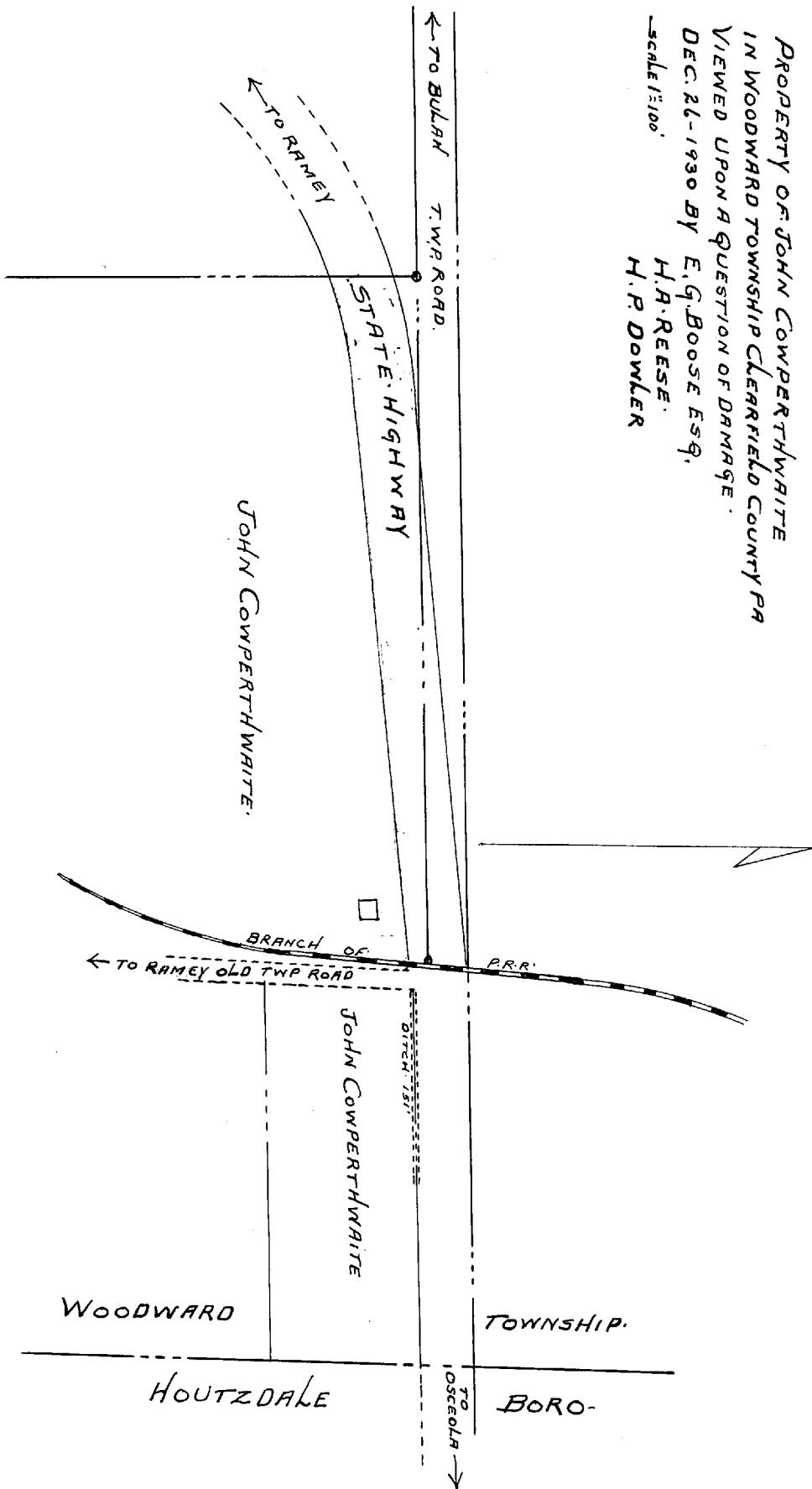
Now, December 20, 1930, notice served upon the Commissioners of Clearfield County and copy delivered and service is hereby accepted.

L. C. Morris

Clerk

PROPERTY OF JOHN COMPERTHWAIT
IN WOODWARD TOWNSHIP CLEARFIELD COUNTY PA
VIEWED UPON A QUESTION OF DAMAGE.
DEC. 26-1930 BY E. G. BOOSE ESQ.
H. A. REESE.
H. P. DOWLER

Scale 1"=100'



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 December
in the year of our Lord one thousand nine hundred
thirty

John Couperthwaite

Judge of the same Court: Upon the petition of ~~some~~
~~habitant~~ of the Township of Woodward

in said County, setting forth that he is the owner of a certain
piece of real estate situate in the Township of Woodward,

That the State Highway Depart of Penna. in taking over and constructing the
highway leading from the Borough of Houtzdale, through the Twp, of Woodward
to the Borough of Ramey, appropriated a road bed across the premises of your
petitioner ~~directly in front of the residence and extending to the line of~~
~~the Borough of Houtzdale, taking a part of the ground of your petitioner~~
~~shade trees, fruit trees, fences, and other improvements between the dwelling~~
~~house and the original boundaries, which seriously damaged the property of~~
~~your petitioner and have been unable to agree with the Commissioners of~~
Clearfield County as to the damages sustained

and therefore, praying the Court to appoint proper persons to ^{assess damages} ~~view and~~
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, Esq.
Harry Reese and Harry P. Dowler

who have been duly appointed by the Court and filed their oaths of office and are duly qual-
ified 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 Woodward and that three notices thereof were posted along the route of the ~~proposed~~ road, that the said view would be held on the 26th day of December ¹⁹³⁰ A. D. ~~192~~, and the hearing to be held in the ^{Grand Jury} ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 29th day of December, 1930-192, at ten o'clock A. M. That all of the viewers appointed by the said order viewed the ground ~~proposed for~~ the above mentioned road, and that there were present at the view John Cowperthwaite, the land owner above named, and with him, John C. Forsyth Esq., his counsel,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29th day of December, A. D. ¹⁹³⁰ ~~192~~, when the following appearances were noted: John Cowperthwaite, the claimant, and with him, John C. Forsyth Esq., his counsel; John Mills, Roy Kendig, Wm. Hurley, Chauncey Saupp, all of Houtzdale and Ole Oleson of Clearfield, Pa. The Commissioners of Clearfield County were represented by Frank Smith Esq., of the law firm of Liveright & Smith.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that ~~there is ----- occasion for a road as desired by the petitioner; and that the same is ----- 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 the claimant, John Cowperthwaite has sustained damages to his property described in his petition and this order, by reason of construction of the said State Highway from Houtzdale to Ramey, and that such damage is occasioned by a depreciation of the value of said property by reason of the taking of a part of the land and the destruction of fences, trees and shrubs and digging of deep ditches between the said road and the lands of the said claimant, and by reason of cutting in one place and filling in another in the construction of said road through the lands of the said claimant. The Viewers are of the opinion that such damage amounts to the sum of Five Hundred Dollars and they have assessed that amount in favor of said John Cowperthwaite and 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.~~

~~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.

WITNESS our hands and seals this 30th day of December,
A. D. 192-1930.

Charles D. Rose

Seal

W. P. Fowler

Seal

Seal

Seal

No. 1 Feb Sessions, 1931

ORDER

To view and assess damages to
John Copperthwaite use in the
township of Woodward
Clearfield County

Feb. Sessions, 1931,

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.

Mar Feb-4 = 1931
Confirmed absolutely
having been on file
30 days and no
exceptions filed
By the Court
H. B. Lawrence
J. J.

Filed
Fees \$1.25 paid by

John C. Forsyth, Atty.

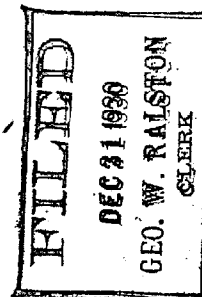
NOTE.—In case of a private road, the release
must be executed in favor of the petitioner for
said road.

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.
Earle G. Boosa	4	140	\$44.00
Harry Reese	3	50	27.50
H. P. Dowlet	2	29	17.90



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 ensembling 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 John Couperthwaite respectfully represents:

First: That he is the owner of a certain lot or piece of real estate situate in the Township of Woodward, Clearfield County, Pennsylvania, bordering along or upon a state highway known as Route No. , and is a resident and citizen of the Township of Woodward, County of Clearfield and State of Pennsylvania.

Second: 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 Borough of Houtzdale, through the Township of Woodward to the Borough of Ramey, all within the boundary of Clearfield County, appropriated a road bed across part of the premises of your petitioner and changed the road bed in front of part of the premises of your petitioner being that part thereof from directly in front of the residence of your petitioner and extending to the line of the Borough of Houtzdale, by moving the road bed in and upon the premises of your petitioner, taking a part of the ground of your petitioner, shade trees, fruit trees, fences, shrubbery, and other improvements between the dwellinghouse and the original boundaries of the former highway and throughout the lands of your petitioner, which greatly and seriously damaged the property of your petitioner.

Third; That the Highway Department of the Commonwealth of Pennsylvania, in the taking-over and in constructing and improving said highway caused to be made and excavated a deep cut

in front of the dwelling of, and through the lands of, your petitioner, requiring the construction of more than seven steps to make an approach to the front of the dwelling, and the expenditure of large sums of money in making drive way approaches to said land and also, did excavate and leave open a ditch, more than five feet deep, for a distance of one hundred feet and of a lesser depth for the balance of the distance in front of the lands of your petitioner; all of which acts all alleged in items second and third hereof greatly and seriously damaged the property of your petitioner, reduced its value materially, and considerably interferes with and prevents the proper use and enjoyment of said property by your petitioner.

Fourth: 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 him.

Fifth: 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 and otherwise repairing said highway.

And he will ever pray.

John Couperthwaite

State of Pennsylvania,
County of Clearfield, SS.

John Couperthwaite being duly sworn according to law,

deposes and says that the facts contained in the foregoing petition
are true.

John Cooper Thwait

Subscribed and sworn to before me this 20 day of
November, A. D. 1930.

C. F. Saupp
Justice of the Peace.

My Commission expires
First Monday in Jan. 1932.

<p>IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.</p> <p><i>1 Feb 22 1931</i></p>	
<p>John Couperthwaite, Vs. County of Clearfield.</p>	
<p>Petition for Viewers.</p>	
<p><i>Return Dec 2nd 1930</i> <i>Land of Isaac Log, 1st part</i> <i>Prose by Harry P. Blum</i> <i>are attached herein</i> <i>to have record</i> <i>by the court</i> <i>W. H. Ralston</i> <i>p. 1</i></p>	
<p>DEC 18 1930 W. H. RALSTON JUDGE JOHN C. FOISYTH,</p>	
<p>W. H. RALSTON ATTORNEYS AT LAW CLEARFIELD, PA. <i>File as paid by atty</i> RECEIVED CLEARFIELD</p>	