

Road

DOCKET No. 6

Number Term Year

1 Feb ss 1932

Petition of Wm. B. Wright for

viewers to assess damages in Bigl

Twp

Versus

X

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

IN RE: Proceedings by WILLIAM :
B. WRIGHT of the Township :
of Bigler TO ASSESS DAMAGES. : No.

To the Honorable A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of WILLIAM B. WRIGHT of the Township
of Bigler, County of Clearfield and State of Pennsylvania, respectfully represents:

1. That he is the owner in fee of all that certain tract
or piece of land situated in the Township of Bigler, County of Clearfield and
State of Pennsylvania, bounded and described as follows: BEGINNING at a stone,
corner of F. E. Pusey land, which corner is the north corner of land,
by deed of even date herewith, conveyed by the said William B. Wright to Edith
Bell and Stella Wright; thence by lands of F. E. Pusey, north 61 degrees and
15 minutes east, thirteen hundred and forty (1340) feet to an iron pin on the
northern side of an old road; thence along lands of F. E. Pusey and those of
Philip Dotts' estate (now owned by H. B. Swoope), south 39 degrees east, thirty
hundred and sixty-nine (3069) feet to a post on western edge of township road;
thence along western side of township road, south 44 degrees and 5 minutes east,
twelve hundred and three (1203) feet to a post; thence still by same, south
29 degrees and 30 minutes east, nine hundred and fourteen (914) feet to a post
at fork of road; thence along the northern side of township road and lands of
Tubbs estate, south 37 degrees and 10 seconds west, four hundred and seventy
(470) feet to a post in the center of the road; thence by Tubbs estate, south
21 degrees and 50 minutes east, nine hundred and eighty-two, (982) feet to a
post; thence by land of same, south 26 degrees west two hundred and eighty-
eight (288) feet to post on west bank of Clearfield Creek; thence up along the
western bank of said Creek by the following courses and distances: North 50
degrees and 45 minutes west, one hundred and twenty-eight (128) feet to a post;
north 72 degrees and 30 minutes west, ninety-eight (98) feet to a post; north
79 degrees and 15 minutes west, two hundred and forty-two (242) feet to a post;

south 71 degrees and 15 minutes west, one hundred and ninety-nine (199) feet to a post; south 52 degrees and 42 minutes west, five hundred and twenty-six (526) feet to a post; south 36 degrees and 30 minutes west, one hundred and forty-six (146) feet to a post; thence along lands by deed of even date herewith conveyed by the grantee herein to Edith Bell and Stella Wright, north 31 degrees and 14 minutes west, twenty-nine hundred and eight-tenths (2900.8) feet to a beech, corner of Eliza Ann Davis' land; thence by Eliza Ann Davis' land, north 52 degrees and 45 minutes east, ten hundred and fifty-six (1056) feet to a post; thence by same, north 39 degrees west, twenty-five hundred and forty-five (2545) feet to a post; thence by same, south 39 degrees and 30 minutes west, seven hundred and forty-seven (747) feet to stones; thence along said lands of Edith Bell and Stella Wright, by deed of even date herewith conveyed to them by the grantee herein, north 31 degrees and 14 minutes west, nine hundred and eight (908) feet to stones and place of beginning, containing one hundred and eighty-six and nine hundred and forty-two one-thousandths (186.942) acres, which includes three and seven hundred and eighty-five one-thousandths (3.785) acres of right-of-way of the Beech Creek Extension Railroad Company, or a net area of one hundred and eighty-three and one hundred and fifty-seven one-thousandths (183.157) acres, more or less. Being the same premises which Sarah E. Wright et al by deed bearing date the 22nd day of April, 1914, recorded in Deed Book No. 207, page 185, conveyed to William B. Wright, your petitioner.

2. That State Highway Route No. 234 of the Commonwealth of Pennsylvania, as originally defined and described was one of the abutting boundary lines of your petitioner's land, as hereinabove described.

3. That subsequently to the original survey of said State Highway Route No. 234 and previous to the construction and building that portion thereof extending from Madera to Glen Hope, the Commissioner of Highways of the Commonwealth of Pennsylvania in his discretion did re-locate the course of the same.

4. That the new, re-located and adopted course of said State Highway Route No. 234 extends east and west over and across your petition-

er's land, and there has been built and constructed thereon, over and across your petitioner's land, an Improved Highway (Route 234), approximately 4000 feet in length and 40 feet in width, with appurtenant berme, drains, culverts, gutters, cuts, channels and ditches; cutting off and rendering unfit and inconvenient for cultivation, and useless a large portion of your petitioner's farm-land.

5. That the fences and enclosures of petitioner's land have been torn down, removed and destroyed, and your petitioner's land opened to trespassing, cattle, horses and all other animals running at large, inflicting serious damage to your petitioner's property and crops.

6. That your petitioner and the Commissioners of Clearfield County have been unable to agree upon the amount of damages suffered by your petitioner: wherefore, your petitioner prays that Viewers be appointed by your Honorable Court to assess the damages, as provided by law.

AND HE WILL EVER PRAY.

W. B. Wright

State of Pennsylvania |
| SS:
County of Clearfield |

Personally appeared before me, the undersigned Notary Public in and for said County and State, William B. Wright, petitioner within named, who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me, this 2nd day of December, A.D.

1931.

W. B. Wright
X. L. Zellner

NOTARY PUBLIC
My Commission Expires March 9th, 1935

ORDER OF COURT.

And now, this 15th day of January A.D. 1932, the within
petition presented, read and considered: Whereupon, Earl Boose Jay,
Ed Biellotte and Jack Michaels
are appointed Viewers to assess the damages of the within named petitioner,
William B. Wright of the Township of Bigler, and make report thereof to the
Court, as provided by law.

Returnable See leg.

By the Court

A.R. Chase,
P.J.

1 Feb 20 1982

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

IN RE: Proceedings by
WILLIAM B. WRIGHT of the
Township of Bigler to
ASSESS DAMAGES

PETITION

FILED

FEB 13 1982

W. R. COLLACHER
PROTACNOTARY

LAW OFFICES
ARNOLD & SMITH
CLEARFIELD, PA.

In the Court of Quarter Sessions of Clearfield County

No. 1 February Sessions, A. D., 1932

In Re: Petition
W. B. Wright
for Viewers to assess
damages Bigler Trp

~~Indictment,~~

~~Verdict, ..~~

~~Comm. Bill of Costs~~

..Sessions, 19

Justice,

66

Witnesses at Hearing.

Constable

Trans. Costs

S. S. Constable

“

Dist. Atty......: *Sheriff*

Clerk.

Fine; *Jury Fee*.

Certified from the Record,

Clerk.

[illegible]

Personally appeared..... W. B. Wright, who being duly sworn according to law doth depose and say that the above bill of costs is correct; that the witnesses named were present and material, and the miles actually traveled as above stated.

Sworn and subscribed before me this 25th
day of January 1932.

W. R. Hallorip

Calculus.

S. B. Wright

CERTIFICATE.

I....., District Attorney of Clearfield County, hereby certify that the witnesses above named were subpœnaed by me and were in attendance, and were necessary for the trial of this case.

.....
District Attorney.

No. *1 Feb* Sessions, 19 *32*

COMMONWEALTH

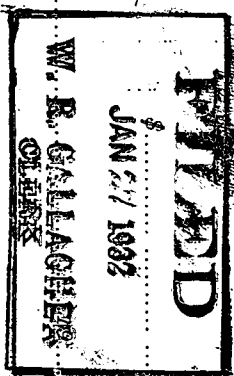
versus

*Get of H. B. Wright
for Viemere to assess
damages Bigler sup*

Commonwealth Bill of Costs.

Amount,

Filed



Prothonotary.

.....
District Attorney.

That he is the owner in fee of all that certain tract or piece of land situated in the township of Bigler, County of Clearfield and state of Penna. bounded and described as follows: Beginning at a stone, corner of F. E. Pusey land, which corner is the north corner of land, by deed of even date herewith, conveyed by the said William B. Wright to Edith Bell and Stella Wright, thence by lands of F. E. Pusey, north 61° and 15' east, 1340 feet to an iron pin on the northern side of an old road; thence along lands of F. E. Pusey and those of Philip Dotts' estate (now owned by H. B. Swoope), south 39° east, 3069 feet to a post on western edge of township road; thence along western side of township road, south 44° and 5' east, 1203 ft. to a post; thence still by same, south 29° and 30' east, 914 feet to a post at fork of road; thence along the northern side of township road and lands of Tubbs estate, south 37° and 10 seconds west, 470 feet to a post in the center of the road; thence by Tubbs estate, south 21° and 50' east, 982 feet to a post; thence by land of same, south 26° west 288 feet to post on west bank of Clearfield Creek; thence up along the western bank of said Creek by the following courses and distances; north 50° and 45' west, 128 ft. to a post, north 72° and 30 minutes west, 98 feet to a post; north 79° and 15' west, 242 feet to a post; south 71° and 15' west, 199 feet to a post; south 52° and 42' west, 526 feet to a post; south 36° and 30' west, 146 feet to a post; thence along lands by deed of even date herewith conveyed by the grantee herein to Edith Bell and Stella Wright, north 31° 14' west, 2900.8 feet to a beech, corner of Eliza Ann Davis land; thence by Eliza Ann David land, north 52° and 45' east, 1056 feet to a post; thence by same, north 39° west, 2545 feet to a post; thence by same south 39° and 30' west, 747 feet to stones; thence along said lands of Edith Bell and Stella Wright, by deed of even date herewith conveyed to them by the grantee herein, north 31° 14' west, 908 feet to stones and place of beginning. containing one hundred and eighty six and nine hundred and forty two one thousandths (186.942) acres, includes three and seven hundred and eighty five one-thousandths (3.785) acres of right of way of the Beech Creek Extension Railroad Company or a net area of 183.157 acres more or less.

That the State Highway Route No. 234 of the Commonwealth of Penna. extending from Madera to Glen Hope did re-locate the course of said state highway route No 234 across your petitioners land inflicting serious damage to your petitioners property and crops. and your petitioner and the commissioners have been unable to agree upon the amount of damages suffered by your petitioner.

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 13th day of January in the year of our Lord one thousand nine hundred thirty two

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Bigler in said County, setting forth that

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 Earl G. Boose, Esq. Ed. Billotte and Jack Michaels

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

Returnable sec. leg.

By order of the Court.

W. R. Gallagher, 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 Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 22nd day of January, A. D. 1932, and the hearing to be held in the Grand Jury Room, at the Court House, in Clearfield, Pa., on the 25th day of January, 1932, 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 William B. Wright, the land owner, the petitioner in this case,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 25th day of January A. D. 1932, when the following appearances were noted: William B. Wright, and with him, his counsel, John C. Arnold Esq., also as witnesses for the petitioner, Jas. W. Ruffner Philip S. Dotts and Matthew Bloom. There appeared for the County of Clearfield, Frank Smith Esq., representing A. M. Liveright Esq., Solicitor for the Commissioners.

~~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 Viewers after hearing the testimony offered are of the opinion that the petitioner, William B. Wright, the landowner of the lands described in his petition and over which the said State Highway has been constructed, are of the opinion that the petitioner has suffered damages by reason of land taken and other land rendered useless for further agricultural purposes, and that such damages above the denefits derived from the construction of said highway, are in amount of Three Hundred Dollars, which said amount is hereby awarded in favor of William B. Wright against Clearfield County.

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: The sum of Three Hundred Dollars unto William B. Wright, as above set forth.

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

WITNESS our hands and seals this 26th day of January, 1932
A-D-192.

Emil G. Bruce Seal

E. D. Billotte Seal

J. S. Michaels Seal

Seal

No. 1 Feb Sessions, 19 32

ORDER

To view and assess damages to
William B. Wright
road for ~~xxx xxxxxx~~

township of Bigler,
Clearfield County

Sessions, 1932,

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 Jan 27th 1932
Confirmed by Nick
Sexton in 1932 days
to be paid
By the court
of the
FILED
JAN 27 1932
W. R. GALLAGHER
CLERK
P.G.*

Filed 19
Fees \$1.25 paid by 6

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	AM'T.
Earl G. Boose	4	296	\$44.80
Ed. Billotte	4	104	\$35.20
Jack Michaels	3	172	\$31.10

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. 19232.

Seal

Seal

Seal

Seal

Given Home
Bigler
Swp.

2770' 94 ft.

State Highway

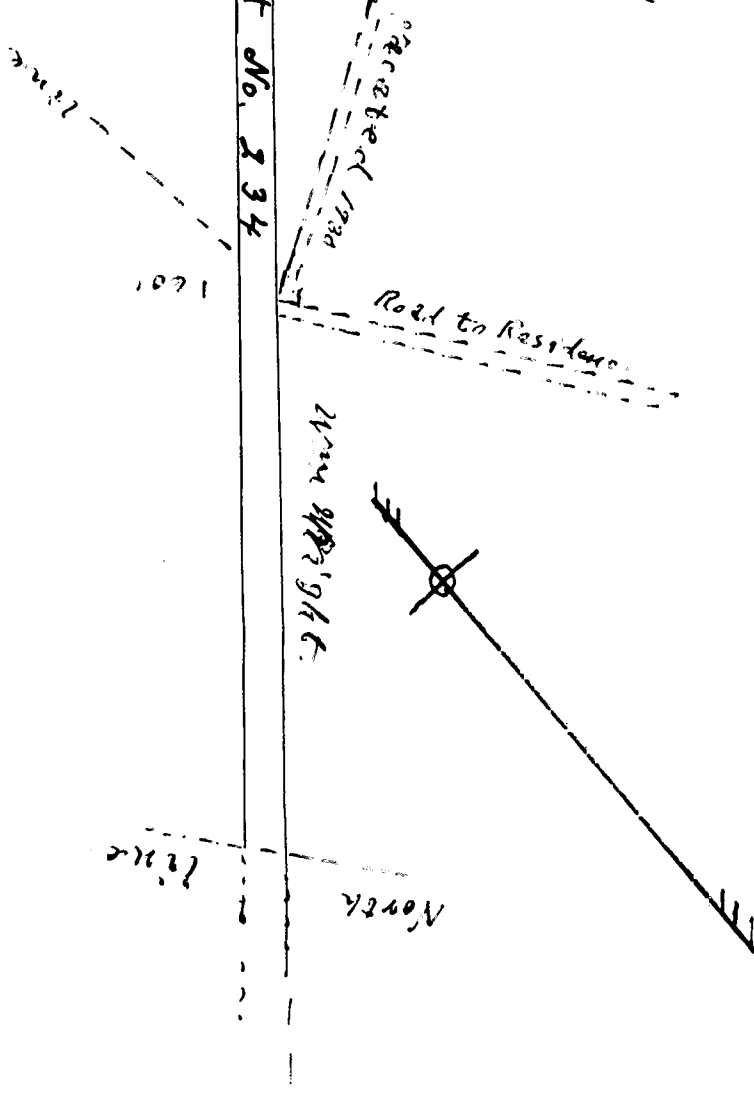
Concrete

Route No. 234

710 ft

Draft Showing Location of Road
in Bigler Swp. Ctd. Co. Pa.
viewed for Damage Done by change of location
viewed Jan. 22nd, A.D. 1932.

Earl Booser
E.D. Bellotte
J.E. Michaele
viewers.
score 1/2" to 100 ft.
Total Length 2145'
Land Taken 2.5 acre



ORIGINAL

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

In RE; Petition of William B.)
Wright for Appointment of) Notice of View.
Viewers to assess damage)
Of Feb. Sessions, 1932, No. 1.)

To William B. Wright, Claimant; the Supervisors of Bigler
Township, and the Commissioners of Clearfield County;

You and each of you will please take notice that upon the
presentation of the petition in the above cited case, the Court
appointed the undersigned as Viewers to view and assess the dam-
ages done the land of the petitioner, and therein fully described,
in the construction of State Highway No. 234, between Madera, in
Bigler Township, and the Boro of Glen Hope.

The Viewers will meet at the house of said William B. Wright
to view the premises, on Friday, the 22nd day of January, 1932, at
2.30 o'clock P. M., or as soon thereafter as the Viewers arrive at
the appointed place of view;

The public hearing in the matter required by law and the
Rules of this Court will be held in the Grand Jury Room of the
Court House in the Boro of Clearfield, Pa., on Monday, the 25th.
day of January, 1932, at ten o'clock A. M., at which time and place
all parties interested in the matter may attend and be heard.

Jan. 16, 1932.

Emil W. Burt

Ed. B. Burt

Jack Michaels

Viewers.

Now, January 17, 1932, above notice served upon us by copy and
service is hereby accepted.

Arnold V. Smith

Counsel for Petitioner.

Now, January 17, 1932, above notice served upon us by copy and
service is hereby accepted.

Carl A. Belin

Solicitor for Supervisors
of Bigler Township.

Now, January 17, 1932, above notice served upon us by copy and
service is hereby accepted.

H. C. Morris

Clerk for County Commissioners

7

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 done the property of William B. Wright, in Bigler Township, done in the re-location of State Highway No. 234, which is a State

Road leading from Madera

in Bigler Township, to the Boro of Glen Hope

in Township, in Clearfield County, aforesaid,

will meet at the house of William B. Wright

in Bigler Township, on Friday the 22nd

day of January 1932, at 2.30 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 25th day of

January 1932, at ten o'clock A. M.

Earle G. Boose

Ed. Billotte

Jan. 16,

1932.

Jack Michaels

Viewers.