

Road.

**DOCKET No. 6**

Number	Term	Year
6	Dec	1934

Bradford Township: To assess

damages to Milton E. Troxell

**Versus**

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 26th day of November in the year of our Lord one thousand nine hundred thirty four

Milton E. Troxell

Judge of the same Court: Upon the petition of ~~W. A. Troxell~~ of the Township of Bradford in said County, setting forth that he is the owner of a certain lot or tract of land containing approximately 13 acres situate in Bradford Township, Clearfield County, Pa.

That the Department of Highways of Penna. has reconstructed the highway known as Route #322, through the premises of your petitioner and as a result thereof caused damages to the property of your petitioner.

That your petitioner and the County Commissioners of Clearfield County have been unable to agree upon the amount of the damages your petitioner has suffered.

assess damages and therefore, praying the Court to appoint proper persons to view and ~~fix~~ 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 A. B. Shaw, Esq H. A. Giles and Harry E. 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.

W. A. 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 Bradford and that three (3) notices thereof were posted along the route of the proposed road, that the said view would be held on the seventh day of December Grand JURY ROOM A. D. 1934, and the hearing to be held in the ATTORNEY ROOM at the Court House, in Clearfield, Pa., on the 28th day of December 1934, at 10:00 o'clock A.M. That Three (3) viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Milton E. Troxel, the petitioner.

Grand JURY Room  
parties in interest. That the hearing was held in the ATTORNEY ROOM in the Court House, at Clearfield, Pa., on the 28th day of December A. D. 1934, when the following appearances were noted: Honorable A. R. Chase, together with Milton E. Troxel, the petitioner, Frank G. Smith, Esquire, of the law firm of Liveright & Smith, Solicitors for the County Commissioners of Clearfield County, Pennsylvania

~~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~~

AFTER the view and hearing aforementioned, the undersigned, the majority of said viewers, do agree that damages have been sustained by reason of the relocation, regrading and reconstruction of the State Highway Route #322 through the premises of Milton E. Troxel. THAT approximately one-half (1/2) Acre was taken in the regrading and reconstruction of said highway, but the new location of said highway is practically the same route originally laid out and constructed as a highway through the premises of the late J. M. Troxel in Bradford Township in the year 1909, said proceeding being recorded in Clearfield County in the Court of Quarter Sessions to #97 May Sessions, 1909. THAT Milton E. Troxel, the present owner of said premises, has been inconvenienced by the relocation of said highway, but the damages sustained can be given no marked degree of consideration. THAT the damages claimed by Milton E. Troxel, the petitioner, is Seven Hundred (\$700.00) Dollars, but your Viewers are of the opinion that the foregoing estimate is excessive, and after taking into consideration the amount of property taken and condemned, the advantages as well as the disadvantages to be derived by reason of the construction and relocation of Route #322 through the premises of Milton E. Troxel, do assess damages at Three Hundred and Fifty (\$350.00) Dollars.

Next by Art 4293

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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 31st. day of December  
A. D. 1994.



W.A. Reese

H.A. Giles

Seal

Seal.

Seal.

Seal.

No. 6 Dec Sessions, 1934

## ORDER

To view and assess damages ~~caused~~ in  
township of Bradford  
Clearfield County \_\_\_\_\_

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

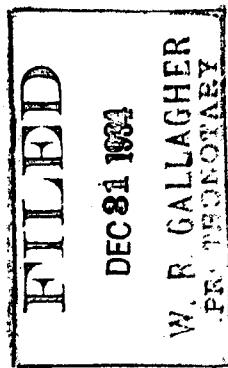
Also, viewers will carefully note the number of plays employed and set the amount out at the foot of their return.

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.
H. A. GILLES	2	17	\$20.
H. A. REESE	3	104	\$35.
A. B. SHAW, ESQ.	3	6	\$30.

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.*



*Filed* *19* *Fees \$1.25 paid by*

Chase & Chase, Attvs

## 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 \_\_\_\_\_

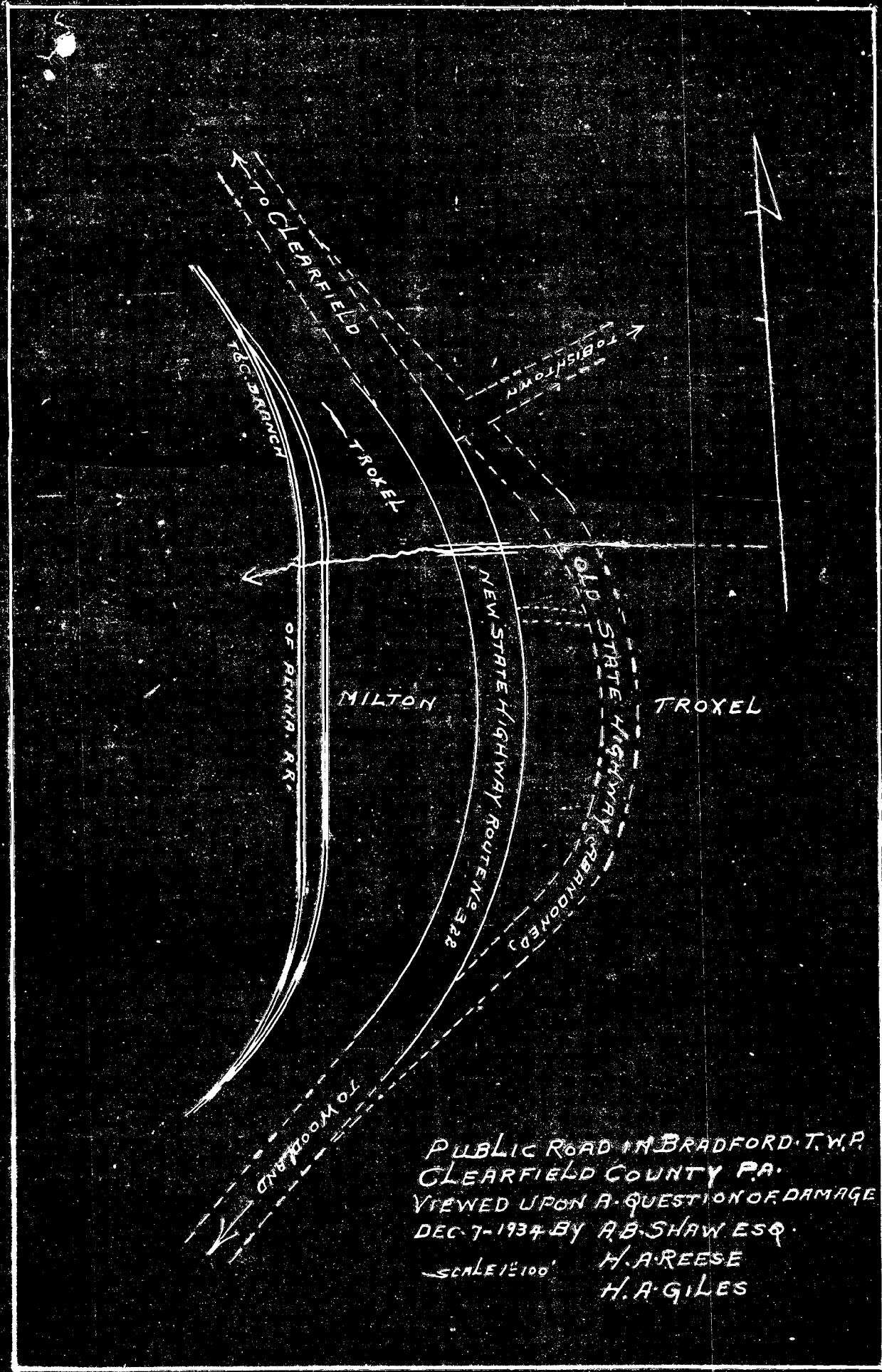
at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said \_\_\_\_\_

*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 af 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* \_\_\_\_.

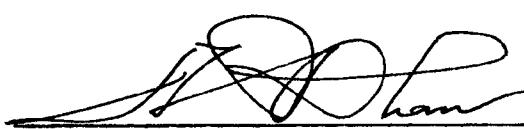
Seal.



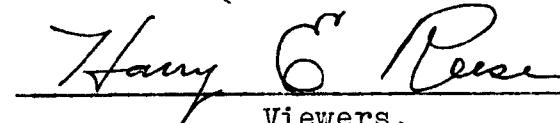
TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA:

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 26th. day of November, A.D., 1934 to assess the damages and benefits, if any, by reason of the reconstruction of State Highway Route #322 through the premises of Milton E. Troxell, situate in the Township of Bradford, County of Clearfield, Pennsylvania, will meet on said premises on Friday, the 7th. day of December, A.D., 1934 at 10:30 o'clock A.M. to attend the duties assigned them 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 said road an opportunity to be heard, will be held in #2 Court Room in the Court House at Clearfield on Friday, the 28th. day of December, A.D., 1934 at 10:00 o'clock A.M. at which time and place all parties interested may attend and be heard if they so desire.

  
John D. Ham

  
H. Q. Giles

  
Harry C. Reese

Viewers.

Now this 27 day of November, A.D., 1934 service of the above Notice is accepted for the Commissioners of Clearfield County, Pennsylvania.

  
S. C. Morris

Clerk.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 26th. day of November, A.D., 1934 to assess the damages and benefits, if any, by reason of the reconstruction of State Highway Route #322 through the premises of Milton E. Troxell, situate in the Township of Bradford, County of Clearfield, Pennsylvania, will meet on said premises on Friday, the 7th. day of December, A.D., 1934 at 10:30 o'clock A.M. to attend the duties assigned them 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 said road an opportunity to be heard, will be held in #2 Court Room in the Court House at Clearfield on Wednesday, the 12th. day of December, A.D., 1934 at 10:00 o'clock A.M. at which time and place all parties interested may attend and be heard if they so desire.

W D Shan  
H G Miles  
Harry G Reese  
Viewers.