

No. 4 May Sessions, 1937

## ORDER

To view and asses damages to a  
road for Milton Troxell use in the  
township of Bradford,  
Clearfield County

~~May~~ Sessions, 1937,

~~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 16<sup>th</sup> 1937.~~

~~I hereby accept viewers  
appointment in~~

~~Settlement of claim~~

~~Milton Troxell~~

~~By A. R. Chase  
attorney~~

A. R. Chase & Walter Swoope  
Attys.

Filed \_\_\_\_\_ 19\_\_\_\_

Fees \$1.25 paid by \_\_\_\_\_

~~Clearfield County~~

~~May 12 1937~~

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.
A. E. Shaw	4	10	\$40.50
E. D. Billotte	4	90	\$44.50
H. A. Giles	3	22	\$31.10

FILED

MAR 19 1937

W. R. GALLAGHER  
CLERK

Now ~~May~~ April 30<sup>th</sup> 1937.  
this appeal discontinued  
upon payment of costs by the  
and settlement made  
Blaise & Lusspe  
attorneys for victors.  
E. Howell

That plan submitted by the Department of Highways for changing Highway Route No, 57; section 3a, involves changes between Station 1892 -00 and 1978 -00; that the relocation of said State Highway between the stations indicated includes the appropriation of certain lands of your petitioner; that the premises of your petitioner affected by said change in the Highway, vested in your petitioner by Deed from Sarah M. Troxell dated the 12th day of May, 1930, said deed being recorded in the office of the Recorder of Deeds of Clearfield County, Pa. in deed book 298, page 426, The said premises being described as situate in Bradford Township, known as Purport No. 4 as shown on map and survey made by Harry Byers for J. M. Troxell and the heirs of James Leavey, containing approximately thirteen (13) acres and one hundred and twenty (120) perches.

That said changes, relocation and alterations are now in progress and as a result of said changes, your petitioner has and will suffer damages to his property, and has been unable to agree to the amount of damages your petitioner has suffered.

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 25th day of February  
in the year of our Lord one thousand nine hundred  
thirty seven

Judge of the same Court: Upon the petition of Milton E. Troxell  
~~of said County~~  
of the Township of Bradford  
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 A. B. Shaw, Esq.,  
E. D. Billotte and H. A. Giles

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.

Jesse C. Long, P. J.  
54th Jud. Dist, Spec. Pres.

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

\_\_\_\_\_ 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. 1927, and the hearing to be held in the <sup>Grand Jury</sup> ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 13th day of March, 1927, at 10:00 o'clock A.M. That the 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. Troxell, the petitioner

\_\_\_\_\_ parties in interest. That the hearing was held in the <sup>Grand Jury</sup> ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 13th day of March A. D. 1927, when the following appearances were noted: Hon A.R. Chase, attorney for the petitioner, together with Milton E. Troxell and the following witnesses, Edgar Beigelman, O.B. Moore, J.W. Mason; Robert Laine Esq, appearing on behalf of the County Soliciter of Clearfield County. There not being sufficient time to hear all the witnesses at this hearing the meeting was adjourned until Tuesday the 16th day of March A.D. 1927 at 10:00 o'clock A.M. After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that ~~there is xxxxxx occasion for a road as desired by the petitioner, and that the same is xxxxxx necessary for a xxxxxx 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 xxxxxxxxxxxxxxxxxxxxxxx use the following described road, to wit~~ Beginning ~~damage~~ damage has been sustained by Milton E. Troxell, the petitioner, by reason of the construction and relocation of State highway Route #57 Sec. 3a through his premises. That in the construction, relocation and widening of said highway approximately three acres of the petitioner's land has been taken and appropriated, including the slopes, as well as the land taken by reason of certain fills made along the lower side of said highway. That in the construction, relocation and widening of said highway in its present location, some scrub timber, saplings and small growth timber, a small percentage of which might have been used for mine props or paper wood was destroyed. In addition to the timber two apple trees, a pear tree and some cherry trees were destroyed, all of which were old, uncared for and had no particular value. There were also three springs along the course of the newly constructed highway which have been effected or destroyed by the relocation of said highway, none of which were used by the petitioner and their loss or destruction, if they should be lost, would have little or no effect on the petitioner or the value of his property.

Milton E. Troxell, the petitioner and other witnesses called in his behalf have estimated that the petitioner's property has been damaged to the extent of Fifteen Hundred (\$1500.00) Dollars. After viewing the premises, the nature of the land and the circumstances surrounding the same and taking into consideration the special bene accruing thereto, your undersigned viewers are of the opinion that the foregoing estimates are excessive, but that the petitioner shou

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 25th day of February, A.D., 1937, to view and assess the damages or benefits, if any, by reason of the construction and relocation of State Highway Route #57 Sec. 3a through the property of Milton E. Troxell, situate in the Township of Bradford, Clearfield County, Pennsylvania, will meet on the premises on Thursday March 11th, A.D., 1937 at 10:00 o'clock A.M. to attend the duties assigned them, and that a 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 view an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield on Saturday the 13th day of March, A.D., 1937 at 10:00 o'clock A.M., at which time and place all parties interested may attend and be heard, if they so desire.

A.B. Shaw

E.D. Billotte

H.A. Giles

Viewers.

Now this 1st day of March, A.D., 1937, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County.

Myra Lucas  
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 a Road or assess damages, leading from and benefits, if any, by reason of the construction and relocation of State Highway Route 407, Sec. 22 through the grounds of Hilton E. Trololl, situate

in Township to

in Township, in the County aforesaid, will meet at the house of on the premises in Township, on the 11th day of March, A. D. 1927, at 10:00 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

THAT A PUBLIC HEARING AS REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT TO BE HELD BY THE VIEWERS BEFORE THE MAKING OF FINAL REPORT TO COURT IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID VIEW AN OPPORTUNITY TO BE HEARD, WILL BE HELD AT THE COURT HOUSE IN CLEARFIELD COUNTY AT CLEARFIELD ON SUNDAY THE 12TH DAY OF MARCH A.D. 1927 AT 10:00 O'CLOCK A.M. AT WHICH TIME AND PLACE ALL PARTIES INTERESTED WILL APPEAR AND BE HEARD, IT BEING SO ORDERED.

A.D. SMITH

E.D. BILLIETTE

E.A. OLDER

VIEWSERS

MARCH 2nd

1927

No. 4 May Sessions, 1937

## ORDER

To view and assess damages to a  
road for Milton Troxell use in the  
township of Bradford  
Clearfield County

May Sessions, 1937.  
read and confirmed N. Si. Road to be  
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Now April 16, 1937.  
I hereby accept viewers  
appointment

Settlement of claim  
Mulla Moll  
By M. M. Moll  
attorney

A. R. Chase & Walter Swoope  
Attys.  
Filed 19

Fees \$1.25 paid by  
May 12, 1937  
Completing draft  
D. M. Moll

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FILED  
MAR 18 1937  
W. R. GALLAGHER  
CLERK

Now April 30, 1937.  
This affirms the viewers' report  
of charges of the  
viewers settlement made  
Chase & Swoope  
attorneys for Milton  
E. Moll

## 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