

ROAD

DOCKET No. 6

Number	Term	Year
5	Dec. SS	1940

Petition of DOMENIC MACALE for

damages to property in LAWRENCE TWP.

Versus

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

Re: Claim of DOMENIC MACALE :
for damages in the con- : No. 5 December Sessions, 1940
struction of State High- :
way. :

To the Honorable W. Wallace Smith, President Judge of said Court:

The Petition of Domenic Macale respectfully represents:

(1). That your Petitioner is the owner of certain real estate with dwelling house and other out buildings and improvements situate thereon, located in Lawrence Township, Clearfield County, Pennsylvania, on the north side of the extension of Daisy Street, having obtained title thereto by deed from Elmer Conrad and Anna E. Conrad, dated the 13th day of September 1921, by deed recorded in the office for the register and recording of deeds in and for Clearfield County, in Deed Book 252, page 462, said real estate being described as follows:

ALL that certain lot or parcel of ground situate in Lawrence Township, Clearfield County, Pennsylvania, bounded and described as follows: BEGINNING at the eastern-most of four corners and the junction of Sixteenth Street and Daisy Street in the Village of Weaverhurst; thence by Daisy Street south 43 degrees 29 minutes east 239.7 feet to a post; thence north 27 degrees 34 minutes east 182.9 feet to a post; thence north 28 degrees 46 minutes east 131.4 feet to the right-of-way of the Pennsylvania Railroad Company; thence along said railroad right-of-way north 60 degrees 30 minutes west 123.2 feet to a post; thence by extension of Sixteenth Street south 51 degrees 30 minutes west 263.6 feet to the corner of Daisy Street and place of beginning. Containing approximately 1.15 acres.

(2). That the home of your Petitioner faces towards Daisy Street, and at the rear thereof and extending down to the railroad right-of-way there were a large number of grape vines, fruit trees, a brick chicken shed, and vegetable garden. To the rear of the said dwelling house is a pump, grape arbors and concrete walks, as well as other improvements.

(3). That during the year 1936 the State highway, known as Route 57, was improved through Lawrence Township, the lines of Daisy Street being extended so as to bring said highway closer to the dwelling house of your Petitioner; no damages being paid to your Petitioner by reason of said improvement.

(4). That during the year 1940, Route 57 of the Pennsylvania State Highway, under contract let and approved by the Department of Highways of the State of Pennsylvania, was again changed, and on the adjoining property of the Robinson Clay Product Company said Route 57 took a northeasterly course bisecting the property of your Petitioner, a new concrete highway being constructed to the rear of the dwelling house of your Petitioner, the width of which as shown by the State Highway map is 70 feet in width, and extending through the property of your Petitioner for a distance of approximately 212 to 220 feet.

(5). That as a result of said new construction the property of your Petitioner has been cut into two parts, and your Petitioner's residence is situated in a triangular piece of land situate between two much travelled highways.

(6). That the line of the new highway comes within approximately 20 feet of the rear of the dwelling house of your Petitioner, and renders the market value of the same materially less than it was prior to the construction thereof.

(7). That your Petitioner owned approximately four and one-half to five lots prior to the construction of the highway in 1940, and situated about the middle of this plot was a brick chicken house which still stands on the opposite side of the highway from the dwelling house and within the lines of the property taken for road purposes. That said chicken house is rendered inaccessible and its value destroyed to your Petitioner, the value of which is approximately \$150.00.

(8). There remains in your Petitioner a piece of land on the opposite side of the highway from his dwelling house, which property is of a different level and elevation from the surrounding highway, and now has no value in relationship to the home of your Petitioner, and will have little value as a separate piece of property unless extensive grading and filling is done so as to make it accessible from the highway.

(9). That with the movement of cars, and travel upon both of said highways at the front and the rear of your Petitioner's home, rest is disturbed by reason of the lights and noise from the users of the highways.

(10). That formerly from the dwelling house of your Petitioner there was a slight down grade towards the Railroad Company's right-of-way, but with the construction of the new highway and berms there is on the side next to the dwelling house a cut, and on the opposite side of the highway a fill.

(11). That by reason of the construction of the State Highway at the rear of your Petitioner's property the sewer leading from his property has had to be lowered for six feet requiring your Petitioner additional labor and expense, not reflected in decrease in value, for which sum he asks that reasonable damages be awarded him in this matter.

(12). That previous to the construction of new Highway Route No. 57 your Petitioner raised vegetables and other produce which were sold in and about Clearfield Borough to the extent that your Petitioner obtained an annual profit of three to four hundred dollars above his expenses in connection therewith.

(13). That prior to the construction of the new highway there was located on the property of your Petitioner trees, plants and other growing vines, the income from which your Petitioner is now deprived of, said plants being as follows: 96 grape vines, 12 years old; 84 raspberry bushes, 12 years old; 14 currant bushes, 40 blackberry bushes, 22 rhubarb plants, 1 apple tree, 9 plum trees, 1 cherry tree, and approximately 500 strawberry plants. All of the foregoing having been destroyed by reason of the construction of said highway.

(14). That your Petitioner is advised and informed and believes that an arrangement has been entered into between the County of Clearfield and the Pennsylvania State Department of Highways under which a part of any damage caused by the construction of said highway is to be contributed by the County of Clearfield,

and the balance from the funds of the Commonwealth of Pennsylvania.

(15). That your Petitioner, during the year 1940, endeavored to use some of his ground remaining for the growing of vegetables but because of the dust and dirt blown thereon from the public highway the value of the remainder of said property for the growing of produce is materially lessened.

(16). That your Petitioner respectfully avers that the value of your Petitioner's home and property has been materially lessened because of the construction of said highway, the market value thereof being decreased, and requests your Honorable Court for the appointment of Viewers to assess and determine the sum that would adequately compensate your Petitioner for the decrease in market value of his property and as damages for the property destroyed.

(17). That a copy of this Petition has been served upon the County Commissioners of Clearfield County, as well as upon the District Office of the Pennsylvania Department of Highways.

And he will ever pray,

Domenic Macale

STATE OF PENNSYLVANIA:
:SS
COUNTY OF CLEARFIELD

Before me, the subscriber hereto, came Domenic Macale, who being duly sworn according to law, deposes and says that the facts set forth in the within Petition are true and correct to the best of his knowledge and belief.

Sworn and subscribed to before:
me this 15 day of October A.D. :
1940. :

Harold M. Fadden :

PLC740001001

O R D E R

NOW, October 3rd A.D. 1940, the within Petition having been read and considered, A. B. Shaw Esq., N. A. Kish
_____ and Harry E. Ruse,
are appointed Viewers to view the property of the within Petitioner, and after hearing had to assess and determine such damages as they shall deem just and proper should be allowed to the Petitioner.

By the Court,

H. G. Miller
P.J.

Oct 24, 1940 service accepted for
 Clearfield County by County Treasurer
 Oct 24 1940 service the writing petition as
 from City Highway by every two & count
 set by at Court after this date
 J. H. H. H.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA. No. 5 December Sessions, 1940.	Re: Claim of DOMINIC MACAL for damages in the con- struction of State High- way.	PETITION FOR APPOINTMENT OF VIEWERS	RECEIVED OCT 24 1940 J. H. H. H.
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BELL & SILBERBLATT
 ATTORNEYS AT LAW
 COUNTY NATIONAL BANK BUILDING
 CLEARFIELD, PENNA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

RE:

CLAIM OF DOMENIC MACALE FOR
DAMAGES IN THE CONSTRUCTION
OF STATE HIGHWAY

:
:
: NO. 5 December Sess. 1940
:
:

ANSWER TO PETITION FOR APPOINTMENT
OF VIEWERS

CLEARFIELD COUNTY, by its County Commissioners in answer
to the petition of Domenic Macale for the Appointment of Viewers,
avers as follows:

(1). The liability or responsibility of Clearfield County
in respect of the land damages to be paid in connection with the
change in location, construction and reconstruction of State
Highway Route 57, Section 6, in Lawrence Township, Clearfield
County, Pennsylvania, between stations 1027/00 and 1052/68 is
governed by a certain agreement incorporated in the resolution
of the County Commissioners, adopted on March 11th, 1940, said
resolution providing as follows:

"BE IT RESOLVED by the County Commissioners of
Clearfield County, that the plans submitted
by the Department of Highways for the changing
of State Highway Route 57, section 6, in Law-
rence Township, between Stations 1027 / 00 and
1052 / 68, have been examined and the County
Commissioners agree that the County of Clear-
field will assume liability for twenty-five (25)
percent of all property damages including the
removal of structures involved in said improve-
ment as contemplated by these plans."

Smith & Minner
COUNTY SOLICITORS

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

W. V. CARR, IRA JAY and J. O. KESSLER, Commissioners of
Clearfield County, being duly sworn according to law, depose and
say that the facts set forth in their foregoing Answer are true
and correct.

Subscribed and sworn to before
me this 1st day of November
1940.

Heard

RECORDER OF DEEDS

W. V. Carr
Ira Jay
J. O. Kessler

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

~~VERSUS~~

Claim of Dominic Macale
for Damages in the Const
ruction of State Highway

No. 5 Term Dec. 55. 19 40

To

Harold J. M'Gadden

Prothonotary.

Sir: Enter

appearance for

Highway

Penn Dept of

in above case.

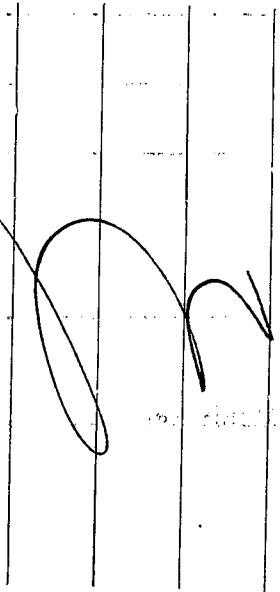
Attorney for

Penn Dept of Highway

No. 5 Term See SS 19 40

Re:

Claim of Domestic Violence
For Damages in the
County of Clark, Kentucky
vs.



APPEARANCE

For James Earl Ray

FILED
NOV 5 1940
J. HAROLD McFADDEN
CLERK

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

In the Matter of Assessment of :
Damages on the property of : No. 5 December Sessions 1940
Domenic Macale in Lawrence :
Township :

PRAECIPE FOR DISCONTINUANCE AND SATISFACTION

NOW, February 3, 1941, having received payment in full for the amount of the Viewers' award in the above styled case, to wit, Seven Hundred Ninety-five (\$795.00) Dollars, said award is directed to be marked paid and satisfied and the Prothonotary is directed to discontinue the proceedings in the above styled case and to mark the records accordingly.



Bell & Silberblatt, Attorneys
for Domenic Macale.

FILED
FEB 3 1941
J. HAROLD McFADDEN
OLBERT

FILED
FEB 3 1941
J. HAROLD McFADDEN
OLBERT

In the Court of QUARTER SESSIONS

Clearfield County,

Re: Claim of DOMENIC MACALE
for damages in construction of
State Highway

Of December Sessions Term, 1940
No. 5

VERSUS

Bill of Costs

At Term, 19

				DOLLARS	CENTS
R. M. Hershey	1	Days in attendance	1	Miles direct travel	2 06
W. J. Blakely	1	Days in attendance	1	Miles direct travel	2 06
Roy Price	1	Days in attendance	1	Miles direct travel	2 06
Edward Liopert	1	Days in attendance	2	Miles direct travel	2 12
Della Macale	1	Days in attendance	1	Miles direct travel	2 06
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
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		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
		Serving subpoenas		Witness	
		Miles distance			
Whole amount of bill					10 36

CLEARFIELD COUNTY, SS:

Personally appeared before me Domenic Macale, who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me this

20 day of November, A. D. 1940

J. Harold McFadden, Prothonotary

Domenic Macale

Reade

Sessions
No. 5 December Term, 1940

Re: Claim of DOMENIC MACALE
for damages in construction
of State Highway

Versus

Bill of Costs

For Term, 19

Date 19

Amount - - - \$

FILED

NOV 22 1940

L. HAROLD McFADDEN

CLERK

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's, appointed by the Court of Quarter Sessions of Clearfield County, on the 23rd day of October A.D., 1940, to assess the damages and benefits, if any, by reason of the construction and relocation of State Highway #oute # 57, through the premises of Domenic Macale, situate in the Township of Lawrence, Clearfield County, Pennsylvania, will meet on the premises on the 12th day of November, A.D., 1940 at 10:00 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, in order to give all parties interested in said road an opportunity to be herd, will be held in the Grand Jury Room in the Court House at Clearfield, on Thursday the 14th day of November, A.D., 1940 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

H.A.Reese

H.A.Giles

Viewers

Now October ³⁰ 1940, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County.

Frederick A. Reese

Clerk

TO THE DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's, appointed by the Court of Quarter Sessions of Clearfield County, on the 23rd day of October A.D., 1940, to assess the damages and benefits, if any, by reason of the construction and relocation of State Highway Route # 57, through the premises of Dominic Macale, situate in the Township of Lawrence, Clearfield County, Pennsylvania, will meet on the premises on Tuesday the 12th day of November, A.D., 1940 at 10:00 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, in order to give all parties interested in said road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Thursday the 14th day of November, A.D., 1940 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

H.A. Reese

H.A. Giles

Viewer's

Now October ³⁰ 1940, service of the above notice is hereby accepted by copy on behalf of the Department of Highways of the Commonwealth of Penna.

Wm. H. Hannon
Secy for Dept of Highway

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 57, THROUGH THE PREMISES OF DOMINIC MACALE, SITUATE

in shipship to

in LAWRENCE Township, in the County aforesaid, will meet at the house of . DOMINIC MACALE in LAWRENCE Township, on . TUESDAY the 12th day of . NOVEMBER , A. D. 1940, 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.

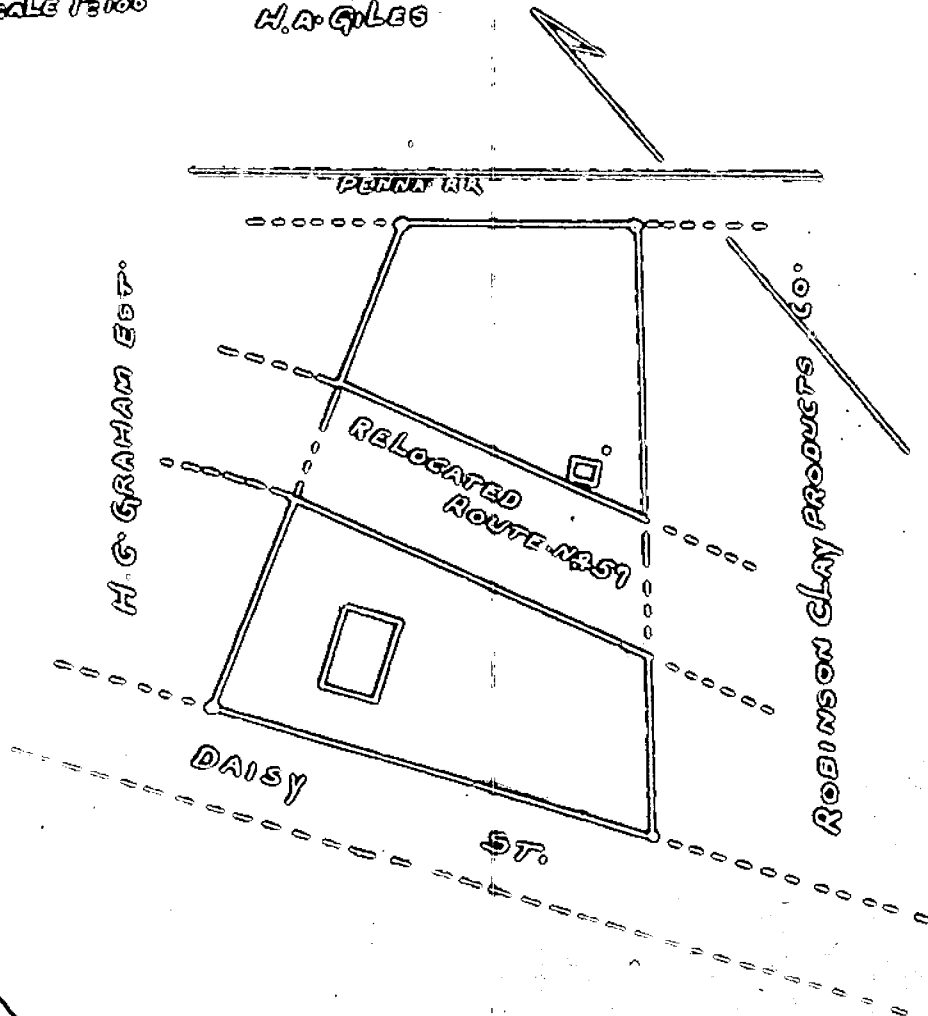
THAT THE PUBLIC HEARING AS REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT TO BE HELD BY THE VIEWERS BEFORE THE FILING OF THEIR REPORT IN COURT IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD, ON THE 12th DAY OF NOVEMBER A.D., 1940 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. G. STAY
..... H. A. BEPSE
..... H. A. GILES
VIEWERS.

..... OCTOBER 31 1940 .

PROPERTY OF DOMENIC MACALE
IN LAWRENCE TOWNSHIP CLEARFIELD CO. PA
VIEWED UPON A QUESTION OF DAMAGE
NOV. 12 - 1940 BY A.B. SHAW ESQ.
H.A. REESE
H.A. GILES

SCALE 1"=100'



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

Re: Claim of DOMENIC MACALE :
for damages in the con- : No. Dedember Sessions, 1940
struction of State High- :
way. :

To the Honorable W. Wallace Smith, President Judge of said Court:

The Petition of Domenic Macale respectfully represents:

(1). That your Petitioner is the owner of certain real estate with dwelling house and other out buildings and improvements situate thereon, located in Lawrence Township, Clearfield County, Pennsylvania, on the north side of the extension of Daisy Street, having obtained title thereto by deed from Elmer Conrad and Anna E. Conrad, dated the 13th day of September 1921, by deed recorded in the office for the register and recording of deeds in and for Clearfield County, in Deed Book 252, page 462, said real estate being described as follows:

ALL that certain lot or parcel of ground situate in Lawrence Township, Clearfield County, Pennsylvania, bounded and described as follows: BEGINNING at the eastern-most of four corners and the junction of Sixteenth Street and Daisy Street in the Village of Weaverhurst; thence by Daisy Street south 43 degrees 29 minutes east 239.7 feet to a post; thence north 27 degrees 34 minutes east 182.9 feet to a post; thence north 28 degrees 46 minutes east 131.4 feet to the right-of-way of the Pennsylvania Railroad Company; thence along said railroad right-of-way north 60 degrees 30 minutes west 123.2 feet to a post; thence by extension of Sixteenth Street south 51 degrees 30 minutes west 263.6 feet to the corner of Daisy Street and place of beginning. Containing approximately 1.15 acres.

(2). That the home of your Petitioner faces towards Daisy Street, and at the rear thereof and extending down to the railroad right-of-way there were a large number of grape vines, fruit trees, a brick chicken shed, and vegetable garden. To the rear of the said dwelling house is a pump, grape arbors and concrete walks, as well as other improvements.

(3). That during the year 1936 the State Highway, known as Route 57, was improved through Lawrence Township, the lines of Daisy Street being extended so as to bring said highway closer to the dwelling house of your Petitioner; no damages being paid to your Petitioner by reason of said improvements.

bestowment of certain of said improvements.

The dwelling house of said bestowment: no dwelling being said to said
dwelling street being extended so as to bring said dwelling street to
as house of said improvements within distance dominantly the times of

(2). That during the last year the estate therein known
as other improvements.

dwelling house is a small, three stories and concrete walls, as well
a brick chimney and a large garden. To the west of the said
dwelling-house there were a large number of other things, things there,
street, and as the last, street and extending down to the dwelling

(3). That the house of said bestowment faces towards said
and place of residence. Containing approximately 1.12 acres.
21 degrees 20 minutes west 52.9 feet to the corner of said street
132.8 feet to a house: thence by extension of street corner
along said dwelling street 20 degrees 20 minutes west
to the right-of-way of the Pennsylvania dwelling company: thence
feet to a house: thence north 38 degrees 40 minutes east 131.4 feet
328.4 feet to a house: thence north 31 degrees 24 minutes east 132.8
feet to a house: thence by street corner 42 degrees 38 minutes east
extension of street and said street to the middle of
bottom: beginning at the eastern-most of said corners and the
dominantly, Pennsylvania company, Pennsylvania, corner and described as
with that certain lot of parcel of dwelling estate in distance
described as follows:

Said company, in deed book 323, page 423, said last estate being
the office for the register and recording of deeds in and for Great-
Britain, dated the 12th day of September 1881, by deed recorded in
volume obtained title thereto by deed from James Collins and wife E.
Pennsylvania, on the north side of the extension of said street,
estate therein, located in distance dominantly, Pennsylvania company,
estate with dwelling house and other out buildings and improvements

(4). That said bestowment is the owner of certain land
the bestowment of certain of said improvements.

To the Honorable A. Justice Smith, President Judge of said court:

and:
application of said petition:
for changes in the con- : No. December session, 1880
Re: STATE OF PENNSYLVANIA :
: :
: :

IN THE COURT OF COMMONS SESSIONS OF PENNSYLVANIA

(4). That during the year 1940, Route 57 of the Pennsylvania State Highway, under contract let and approved by the Department of Highways of the State of Pennsylvania, was again changed, and on the adjoining property of the Robinson Clay Product Company said Route 57 took a northeasterly course bisecting the property of your Petitioner, a new concrete highway being constructed to the rear of the dwelling house of your Petitioner, the width of which as shown by the State Highway map is 70 feet in width, and extending through the property of your Petitioner for a distance of approximately 212 to 220 feet.

(5). That as a result of said new construction the property of your Petitioner has been cut into two parts, and your Petitioner's residence is situated in a triangular piece of land situate between two much travelled highways.

(6). That the line of the new highway comes within approximately 20 feet of the rear of the dwelling house of your Petitioner, and renders the market value of the same materially less than it was prior to the construction thereof.

(7). That your Petitioner owned approximately four and one-half to five lots prior to the construction of the highway in 1940, and situated about the middle of this plot was a brick chicken house which still stands on the opposite side of the highway from the dwelling house and within the lines of the property taken for road purposes. That said chicken house is rendered inaccessible and its value destroyed to your Petitioner, the value of which is approximately \$150.00.

(8). There remains in your Petitioner a piece of land on the opposite side of the highway from his dwelling house, which property is of a different level and elevation from the surrounding highway, and now has no value in relationship to the home of your Petitioner, and will have little value as a separate piece of property unless extensive grading and filling is done so as to make it accessible from the highway.

(9). That with the movement of cars, and travel upon both of said highways at the front and the rear of your Petitioner's

home, rest is disturbed by reason of the lights and noise from the users of the highways.

(10). That formerly from the dwelling house of your Petitioner there was a slight down grade towards the Railroad Company's right-of-way, but with the construction of the new highway and berms there is on the side next to the dwelling house a cut, and on the opposite side of the highway a fill.

(11). That by reason of the construction of the State Highway at the rear of your Petitioner's property the sewer leading from his property has had to be lowered for six feet requiring your Petitioner additional labor and expense, not reflected in decrease in value, for which sum he asks that reasonable damages be awarded him in this matter.

(12). That previous to the construction of new Highway Route No. 57 your Petitioner raised vegetables and other produce which were sold in and about Clearfield Borough to the extent that your Petitioner obtained an annual profit of three to four hundred dollars above his expenses in connection therewith.

(13). That prior to the construction of the new highway there was located on the property of your Petitioner trees, plants and other growing vines, the income from which your Petitioner is now deprived of, said plants being as follows: 96 grape vines, 12 years old; 84 raspberry bushes, 12 years old; 14 currant bushes, 40 blackberry bushes, 22 rhubarb plants, 1 apple tree, 9 plum trees, 1 cherry tree, and approximately 500 strawberry plants. All of the foregoing having been destroyed by reason of the construction of said highway.

(14). That your Petitioner is advised and informed and believes that an arrangement has been entered into between the County of Clearfield and the Pennsylvania State Department of Highways under which a part of any damage caused by the construction of said highway is to be contributed by the County of Clearfield, and the balance from the funds of the Commonwealth of Pennsylvania.

(15). That your Petitioner, during the year 1940, endeavored to use some of his ground remaining for the growing of vegetables but because of the dust and dirt blown thereon from the public

O R D E R

NOW, October __A.D. 1940, the within Petition having been
read and considered, _____,

_____ and _____,
are appointed Viewers to view the property of the within Petitioner,
and after hearing had to assess and determine such damages as they
shall deem just and proper should be allowed to the Petitioner.

By the Court,

P.J.

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 23rd day of October in the year of our Lord one thousand nine hundred forty.

Judge of the same Court: Upon the petition of Domenic Macale
~~petitioner~~ of the Township of Lawrence
in said County, setting forth that

and therefore, praying the Court to appoint proper persons to ^{assess damages} 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.,
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.

J. Harold McGadden, 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 the Dept of Highways of the Commonwealth of Pennsylvania~~ ^{On Mr. Albert Ramey, Esq. acting counsel for the Dept of Highways of the Commonwealth of Pennsylvania} and that ~~three~~ ^{three} notices thereof were posted along the route of the proposed road, that the said view would be held on the 12th day of November A. D. ⁴⁰~~1940~~, and the hearing to be held in the ^{Grand Jury}~~Assessor's~~ Room, at the Court House, in Clearfield, Pa., on the 14th day of November, A.D., 19~~24~~⁴⁰, at 10:00 o'clock A.M. That ~~three~~ ^{three} viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view F. Cortez Bell Esq of the law firm of Bell and Silberblatt, Attorneys for the petitioner, together with Dominic Macale, the petitioner.

parties in interest. That the hearing was held in the ^{Grand Jury}~~Assessor's~~ Room, in the Court House, at Clearfield, Pa., on the 14th day of November A. D. 19~~24~~⁴⁰, when the following appearances were noted: F. Cortez Bell, Esq of the law firm of Bell & Silberblatt, Attorneys for the petitioner, together with Dominic Macale, the petitioner and the following witnesses, Della Macale, R.M. Hearsey, W.J. Blakely, Roy Price, Ed Lippert, also W. Albert Ramey, Esq, acting counsel for the Commonwealth, and O.H. Rickenbrode, an employe of the Department of Highways, also Robert V. Maine, Esq, of the law firm of Smith & Maine, Solicitors for Clearfield County

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that ~~there is a necessity 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 avoidably~~ ^{the following damage has been sustained by Dominic Macale, the petitioner, by reason of the construction of State Highway Route # 57 Sec. 6, through his premises. That approximately one fourth acre of the choice land of the petitioner, used for garden purposes has been taken and appropriated in the construction of said Highway. That by reason of the construction of State Highway Route # 57 Sec. 6 through the premises of Dominic Macale, his land has been cut practically in half, leaving his dwelling house on one side of the Highway, facing State Highway Route # 57 Sec. 3, and the other half on the opposite side of State Highway Route # 57 Sec. 6, on which is is erected a brick chicken coupe, approximately 8X10 feet in dimension. It was also brought to the attention of your undersigned viewer's that in addition to depriving the petitioner of a large portion of his garden space, that one grape arbor 18 X 26 feet was destroyed, together with approximately 60 grape vines, 80 raspberry bushes, 36 blackberry bushes, 14 current plants, 500 strawberry plants, 1 apple tree, 1 pear tree, 7 plum trees, all of which were of bearing age, and in addition to the foregoing damage, the petitioner, was obliged to lay a new sewer or drain from his dwelling house at a total cost of \$43.04.}

The amount of damage claimed by Dominic Macale, the petitioner, and as testified too by his witnesses, ranges from \$1500.00 to \$4200.00. After viewing the premises of Dominic Macale, and the conditions surrounding the same, and taking into consideration the special benefits accruing thereto by reason of the construction of State Highway Route # 57 Sec. 6 through the premises of the said Dominic Macale, your Viewer's are of the opinion that the foregoing estimates are excessive, but the said Dominic Macale should be compensated for the land taken and occupied, and the damage and inconvenience caused him in the construction of said highway, and do assess to the said Dominic Macale, damages in the sum of \$ 795.00.

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 feet 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 view as 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 14th day of November
A. D. 1940.


H. A. Reese
F. G. Giles.

Seal

Seal

Seal

Seal

No. 5 December Sessions, 1940

ORDER

To view and assess damages on property of DOMENIC MACARE ~~road for~~

township of Lawrence

Clearfield County

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.

Jan. 16, 1941, as per 18, 1940
Confirmed view & be
confirmed ability of no
exception in 30 days
H. Seaton
Jan. 16, 1941, confirmed
Filed November 18, 1940
Fees \$1.25 paid by

Bell & Silberblatt, Attys

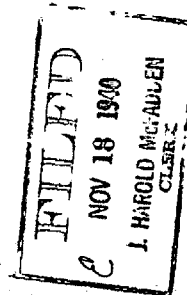
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
A. B. Shaw	3	5	30.25
H. A. Reese	3	94	34.70
H. A. Giles	2	15	20.75



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 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