

ROAD

DOCKET No. 6

Number	Term	Year
5	Dec. SS	1940

Petition of DOMENIC MACALE for
damages to property in LAWRENCE FWP.

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 :

Domenic Macale

PLATINUM

O R D E R

By the Court,

R. G. Miller, Jr.
P.J.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY,
PA., DECEMBER 5, 1940.

RE: Claim of DONALD CALLEN for damages in the construction of State Highway.

SECTION FOR ADJUDICATION OF VIEWERS

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 : NO. 5 December Sess. 1940
DAMAGES IN THE CONSTRUCTION :
OF STATE HIGHWAY :
: :
: :

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 1/00 and 1052 1/68 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 Lawrence Township, between Stations 1027 1/00 and 1052 1/68, have been examined and the County Commissioners agree that the County of Clearfield will assume liability for twenty-five (25) percent of all property damages including the removal of structures involved in said improvement as contemplated by these plans."

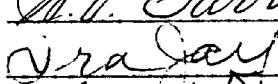
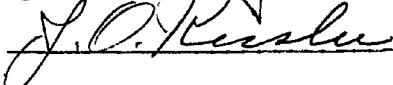

COUNTY SOLICITORS

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.


W. V. Carr
RECORDED DECEMBER 1, 1940
RECORDER OF DEEDS


Ira Jay

J. O. Kessler

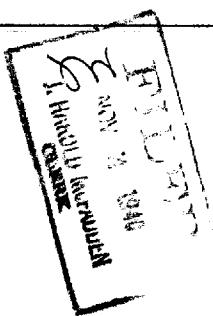
No. 5 December Sess. 1940

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

RE:

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

ANSWER TO PETITION FOR
APPOINTMENT OF VIEWERS



SMITH & MAINE
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

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

~~VERSUS~~
Claim of Dominic Macale
for damages in the Court
of Common Pleas of State Highway

No. 15 Term Dec. 55. 1940

To Harold J. McFadden
Prothonotary.
Sir: Enter Decay appearance for State Dept of
Highways

in above case.

W. E. H. Hamm
Attorney for State Dept of Highways

No. 5 Term Dec 55 1940

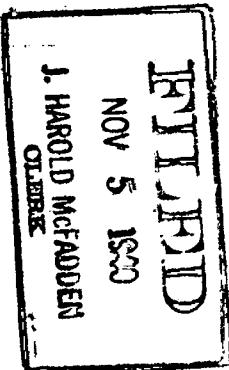
Re:

Claim of Dennis Macale
for damages in the
County of Lake Superior.

vs.

APPEARANCE

For
Dennis Macale



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

In the Matter of Assessment of :

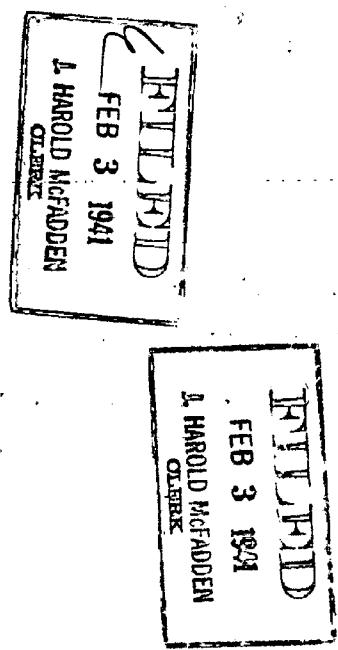
Damages on the property of : No. 5 December Sessions 1940
Domenic Macale in Lawrence :
Township :

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

Bell & Silberblatt, Attorneys
for Domenic Macale.



In the Court of QUARTER SESSIONS

Clearfield County,

Re: Claim of DOMENIC MACALE
for damages in construction of
State HighwayOf 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 Lippert	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		
	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. } Domenic Macale
J. Harold McFadden, Prothonotary } J. Harold McFadden

Reed
No. 5 December Sessions Penn, 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
J. HAROLD McGAUGHEY 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 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

Viewers

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

Geo B. Reed

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. Harrington
Area Engineer
Dept. of Highways*

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, ~~including from~~ and benefits, if any, by reason of the construction and relocation of State Highway Route 567, through the premises of DOMINIC MAGALE, STUARTE.....

in ship ship to

in LAWRENCE..... Township, in the County aforesaid, will meet at the house of . DOMINIC MAGALE.....
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 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. G. SKOW

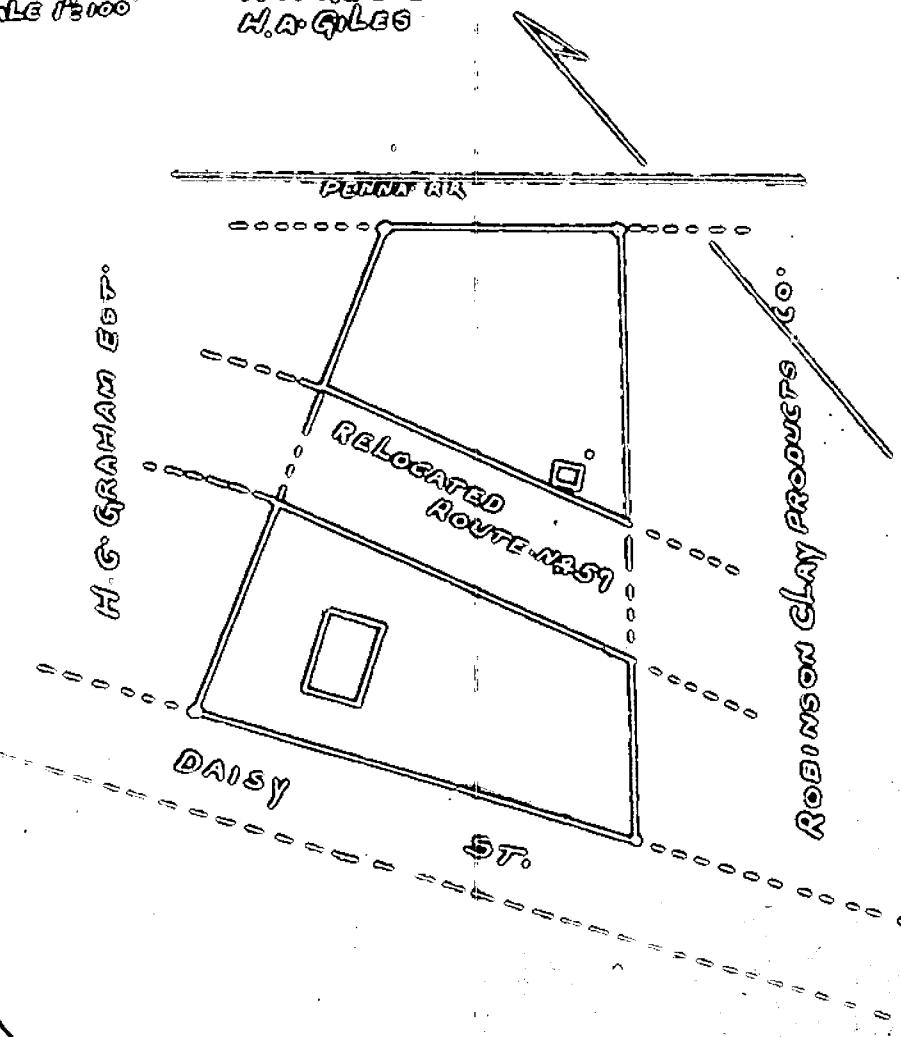
..... H. A. REPESE

..... H. A. GILES

VIEWERS.

..... OCTOBER 31..... 1940 .

PROPERTY OF DOMENIC MAGALE
IN LAWRENCE TOWNSHIP, CLEARFIELD CO., PA
VIEWED UPON A QUESTION OF DAMAGE
NOV. 12 - 1940 BY A.B. SHAW E.S.Q.
SCALE 1" = 100'
H.A. REESE
H.A. GILES



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

Re: Claim of DOMENIC MACALE :
for damages in the con- : No. 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 improvements.

Expectations of lesson to bring fulfillment.

To several other departments, however, he devoted his time and energy. He was a source of great strength and inspiration to the members of the Board of Education, and his influence was felt in every department of the school system.

(2) * Just giving the last page of the original, which is now in the possession of the author.

(S) What are some of your best tips for staying organized?

bevoluta: *bedtag* as *bedtag*

(J). Must not certain letters be taken out of the name of the town? —

THE BERTHON TO FORTRESS KEEPS THE SECRETARY OF DEFENSE:

of those plates to engage in a battle royal, little realizing, as old soldiers do, that

(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.

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(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.

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(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 marked 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,

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 ___ day of October A.D. :
1940. :

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.

Domenic Macale
Judge of the same Court: Upon the petition of ~~and~~
~~inhabitants~~ 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 ~~the Dept of Highways of the Commonwealth of Pennsylvania~~
~~the Dept of Highways of the Commonwealth of Pennsylvania~~
and that 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. 1920, and the hearing to be held in the ~~Assessor's~~ Room, at the Court House, in Clear-
field, Pa., on the 14th day of November, A.D., 19240, at 10:00 o'clock A.M. That
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 Silberbatt, Attorneys for the petitioner, together with Dominic Macale,
the petitioner.

parties in interest. That the hearing was held in the ~~Accommodation~~ Grand Jury Room, in the Court House, at Clearfield, Pa., on the 14th day of November A. D. 1924 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. Rickenbradde, an employee of the Department of Highways, also Robert V. Maine, Esq, of the law firm of Smith & Maine, Solicitors for Clearfield County, Commonwealth of the said

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 surrouding 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 degrees, excepting~~

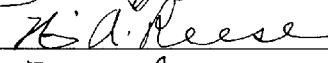
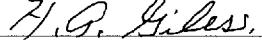
~~when it was not practical to preserve it within that limit.~~

~~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 when the undersigned viewed the same after having considered the advantages to be derived to them to assess the 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. 1920.


John H. Ham 

H. A. Reese 

H. P. Giles 

No. 5 December Sessions, 1940

ORDER

To view and assess damages
On property of DOMINIC MACATE
FARNAFAX
township of Lawrence
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
days employed and set the amount out at the foot
of their return.

Viewers 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.

	DAY	MILES	AMT.
A. B. Shaw	3	5	30.25
H. A. Reese	3	94.34	34.70
H. A. Giles	2	15	20.75

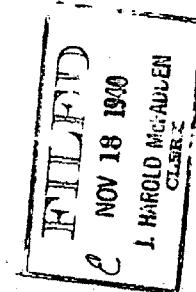
Sessions, 1940
read and confirmed Ni. Si. Road to be
opened 33 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide.

Jan. 16, 1941 Confirmed & re
confirmed acidity if no
exception in 30 days
R. Scollar, Jr.

Jan. 16, 1941 Confirmed & re
confirmed acidity if no
exception in 30 days
R. Scollar, Jr.

Filed November 18, 1940
Fees \$1.25 paid by _____

Bell & Silberblatt, Atty



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 sealing 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