

DOCKET No. 5

Number	Term	Year
6	May	SS 1922

Petition of Jas, O. Campbell
for viewers to assess damages

Versus

X

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

In Re: :
Construction of State Highway : Petition of James D. Campbell
Route No. 313. : for the appointment of Viewers

To the Honorable Singleton Bell, President Judge of said Court;

The petition of James D. Campbell respectfully represents;

1st; That he is the owner of a certain piece of land situate in the township of Morris, Clearfield County, Pennsylvania, along the highway leading from Philipsburg to Kylertown.

2nd; That the State Highway Commissioner of the State of Pennsylvania, has undertaken the construction of an improved State Highway, known as Route No. 313, through said premises, a change of width and of existing lines and location being occasioned thereby.

3rd; That your petitioner has sustained damages by reason of said road construction, and he has been unable to agree with the County Commissioners of Clearfield County as to the damage sustained by him.

Your petitioner, therefore, prays the Court to appoint Viewers to ascertain and assess his damages, as provided by the Act of April 6, 1921, Amending Section 16 of the Act of May 31, 1911, P.L. 468; said amendatory act being No. 62 of the Statutes of 1921, and as approved by other pertinent Acts of Assembly.

James D. Campbell

Clearfield County, SS:

Personally appeared before me the subscriber, James D. Campbell, who being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Sworn & subscribed before me :

this 7th day of November 1921:

James D. Campbell

William Stee J

My Commission Expires
First Monday in January, 1922.

THE COURT OF QUERER SES-
SIONS OF CLARENDON COUNTY,

No 6 May 1922

To Be

Construction State High-
way, Route 10, 113

COMMISSION OF THE C. C. C. C.
for appointment of Viewers

*Paul April 8, 1922. A. E. Edwards
Harry Rice and J. W. Shugart
are appointed viewers for the*

*Myth Coult
Angela 12/19*

RECEIVED

APR 8 1922

GEO. W. CALVERT

JOHN C. ARNOLD
COUNSEL ATTORNEY
CLARENDON, PENNA.

ARIZ STATIONER STORE, CLARENDON, PA.

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 8th day of April
in the year of our Lord one thousand nine hundred
twenty-two

Judge of the same Court: Upon the petition of JAMES O. CAMPBELL
~~of sundry in-~~
~~habitants~~ of the Township of Morris

in said County, setting forth that he is the owner of a
certain piece of land situate in the Twp of Morris, along the highway
leading from Philipsburg to Kylertown. That the State Highway
Commissioner has undertaken the construction of an improved State
Highway, known as Route No. 313, through said premises, a change of width
and of existing lines and location being occasioned thereby and in
which the petitioner sustained grievous damages

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. L. Edwards, Esq
Harry Reese and E. D. Billotte

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.

Geo W Ralston, 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 _____ notices thereof were posted along the route of the proposed road, that the said view would be held on the 17th day of July A. D. 1922, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 29 day of July, 1922, at 11 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 A. L. Edwards, H. A. Reese & E. D. Billotte, viewers Geo. Trumbull, Wm. Lee, Fred Price & Jas. D. Campbell

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29th day of July A. D. 1922, when the following

appearances were noted: J. C. Arnold, Esq. Atty for petitioner or claimant, A. H. Woodward for County Commissioners. Edwards, Reese & Billotte viewers, Geo Trumbull, Wm Lee & Fred Price & Jas D. Campbell, Claimant

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 _____

Testimony of witnesses herein attached. Viewers are of the opinion that considering the enhancement to the value of property of claimant \$180. is an adequate compensation for the damage done him.

James D. Campbell - Produced + sworn.

Has ~~6~~ foot front - Had concrete wall along
premises with iron fence on it.

2 trees destroyed - 18 inches in diameter at bottom.

walk of concrete in front + from front to house was
destroyed.

Claims damages approximately 4 to 6 hundred dollars.

George Grumbell - Produced + sworn

Lived there since 1873 - familiar with values
around property before + after highway was put there.

Says State + County took from 5 to 7 feet in front.

Property was worth from \$1600 to \$1700. Before
value now at least \$400. less.

Fence + wall would cost at least \$200. to \$250. to
replace.

William She Gay - produced + sworn.

Says value prior to road \$1500. to \$1700.

Possibly 7 feet whole length of lot was taken.

Wall was destroyed + 2 trees cut down + sink hole
in front. Depreciation \$300 to \$400. he says.

Fred Price - Produced + sworn.

Lived in Morandale since 1889.

Value before \$1600 to \$1800 Value now \$1200.

James D. Campbell.
Continued

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: James O. Campbell \$180.⁰⁰

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

WITNESS our hands and seals this 9th day of October
A. D. 1922.

A. L. Edwards. Seal

H. A. Reese Seal

Seal

Seal

No. 6 May Sessions, 19 22

ORDER

To view and assess damages a
roadway to Jas. O. Campbell
use in the
township of Morris
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.

*From August 11th 1923
power of Junior is enlarged
to September Term, 1923
By the Court
Englebert Bell
CJ.*

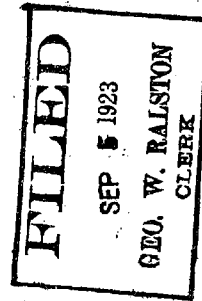
NOTE.—In case of a private road, the release
must be executed in favor of the petitioner for
said road.

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.



Filed 19

Fees \$1.25 paid by

J. C. Arnold, Atty.

Appeal #22 Dec. J. 1923

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