

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 occasion-
ed thereby.

3rd; That your petitioner has sustained damages by rea-
son 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

My Commission Expires
First Monday in January, 1922.

IN THE COURT OF COMMON SE-
SISTS OF CLEARFIELD COUNTY,

Mo 6 May 1922

To Re

Construction State High-
way, Route 40, 11,

NOTICE ON JAS. C. G. COOKE
for appointment of Viewers

June 8, 1922. A. Z. Edwards
Harry Rose and J. M. Shantz
an appraiser wherein property

Myth Creek,
Clearfield, Pa.

APR 8 1922
GW. W. GALETTI
JOHN C. ARNOLD CLEARFIELD, PENNA.

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

JAMES O. CAMPBELL
Judge of the same Court: Upon the petition of syndry inhabitants 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 grevious 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 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.

Geo W Rolstone, 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.

Rice & E. D. Billotte, viewers Gro. Turnbull, Wm. See, 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, Rice & Billotte
viewers, Gro Turnbull, Wm See & 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 herewith 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 ~~50~~ 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 Turnbull - Produced + sworn

Lived there since 1873 - Farmer with 30 acres

Owned property before + after highway was put there.

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

Property was worth front \$1600 to \$1700 before
Value now at least \$400. less.

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

William Sheeg - produced + sworn.

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

Possibly 7 feet while length of lot was taken.

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

Fred Price - Produced + sworn.

Lived in Morristown 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 \$180.50

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 19 Sessions, 19 22

ORDER

To view and assess damages a
road~~way~~ to Jas. O. Campbell in the
township of Morris _____
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.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. E.—If the viewers believe the parades are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

— Sessions, 19 —,
read and confirmed Ni. Si. Road to be
opened 33 feet wide, except where there
is side hill cutting or embankment arm-
bridging, there to be 16 feet wide.

Woss August 11th 1923
Power of Justice is always
to defend them. 1923.
by the court
Englehardt
P. J.

Filed 19 Fees \$1.25 paid by 19

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J. C. Arnold, Atty.
Appeal #22 Dec. 5, 1923

FILED
SEP 5 1923
OEO. W. RAISTON CLERK

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 —