

ROAD DOCKET No. 6.

Number	Term	Year
5	Dec SS	1925

Petition of Joseph N. McCracken for
Appt. of Viewers to assess damages
in Greenwood Twp.

Versus

X

David
Quackenbush

No. *5* Dec. *8* Jan 19*25*

Joseph M. McInerney

Versus

Clearfield County

Bill of Costs

For.....Term 190...

Date..... 190....

Amount - - - \$.....

.....
.....
.....

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY.

Joseph N. McCracken
Versus
Clearfield County

Of December 28th, 1925.
No.
Plaintiff's Bill of Costs
At Harrisburg, Penn. Term, 1925.
Nov 18th, 1925

			Dollars	Cents
<u>M. B. Stephenson</u>	1 Days in attendance	<u>3.4</u> Miles direct travel	<u>4</u>	<u>04</u>
<u>James Dekey</u>	1 Days in attendance	<u>2.8</u> Miles direct travel	<u>3</u>	<u>68</u>
<u>Ed A. Thompson</u>	1 Days in attendance	<u>2.9</u> Miles direct travel	<u>3</u>	<u>74</u>
	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		
	Days in attendance	Miles direct travel		
	Serving subpoenas	Witness		
	Miles distance			
Whole amount of bill			<u>13</u>	<u>46</u>

CLEARFIELD COUNTY, SS:

Personally appeared before me Joseph N. McCracken, 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
18th day of November, A. D. 1925.

Geo W. Palatoy, Prothonotary
Clerk

Joseph N. McCracken

Beginning at a post, thence by lands of A.B. Tate south sixty-two (62) degrees east ninety-two and five-tenths (92.5) perches to a post; thence by lands of David McCracken south ninety-nine (99) degrees east one hundred forty-eight (148) perches to a beech; thence by same south ninety-five and one-fourth (95.25) degrees east eighty-four and eight-tenths (84.8/10) perches to a sugar tree; thence south sixty (60) degrees east seven and eight-tenths (7 8/10) perches to a post; thence by land of David McCracken south twenty-four (24) degrees east twenty-two (22) perches to a post on the bank of the river; thence along the same south eighty (80) degrees west ninety-five (95) perches, north sixty-six (66) degrees west thirty-four (34) perches to a chestnut, now post; thence north five (5) degrees west ninety-nine and seven-tenths (99 7/10) perches to a hemlock; thence by lands formerly of J. Nickolas McCracken north thirty (30) degrees west one hundred ninety-eight (198) perches to place of beginning. Containing one hundred three (103) acres ninety-nine (99) perches, more or less.

Excepting and reserving therefrom approximately one-half acre deeded to G. W. Hatch.

A public road has long existed, running from the Boro. of Mahaffey to the village of Bells Landing

The aforesaid public road has been improved as a permanent highway by the Comth. of Penna. being known and designated in the Highway system as Route 62, and has re-located the road, necessitating a change of the lines and location and has, as a result thereof, taken a strip of land approximately 500 feet in length and 50 feet in width. Also said Comth. of Penna. in the construction of said road, has changed the course of Haslett Run, which flows thru said property, and in the grading of said road, have made fills therein and placed culverts and ditches, all of which greatly diminishes and lessens the value of the property.

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 16th day of October in the year of our Lord one thousand nine hundred twenty-five.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of GREENWOOD

in said County, setting forth that he is the owner of a certain tract of land situate in Greenwood Twp, bounded & described as follows :--

and therefore, praying the Court to appoint proper persons to ^{assess damages} view and ~~between the points mentioned~~ 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 Aaron G. Kramer, Esq. Harry Reese, and Jas. Spangle

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 judgment, are to view the ground ^{damages} ~~and~~ 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~~ ^{said damages} ~~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~~ ~~and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or map of the road and the courses and distances and references to the improvements through which the same may pass; (and the viewers shall also report on the making of a road and structure which may be necessary for the crossing of the road and the preservation of the same 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 ^{said damages} ~~making a 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. Palston, 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 Claimant ~~XXXXXXXXXXXXX~~ was posted along the route of the

~~proposed~~ that the said view would be held on the 17th day of November

A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 18th day of November, 1925, at 9 o'clock A.M. That

the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Joseph N McCracken the claim

ant, J. L. Dickey. William, P. Stephenson and E. A. Thompson, -----

~~with cortize Bell Esq Attorney for claimant~~ ~~BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB~~
~~BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB~~ -----

Parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 18th day of November A. D. 1925, when the following appearances were noted: Joseph N McCracken the claimant, J. L. Dickey,
William, P. Stephenson, and E. A. Thompson as witnesses: -----

with Ex judge Singleton Bell Attorney for the claimant; with John M Chase, Esq representing the County Commissioners who were also present,

After the view and hearing above mentioned, the undersigned, ~~the majority of the said~~
viewers, do agree that there is no occasion for a road as desired by the petitioner, and that
the same is not 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

That the claimant Joseph, N. McCracken is the owner of one hundred and three (103) acres of land situate in Greenwood Township Clearfield County Pennsylvania of which about forty (40) acres are cleared and under good state of cultivation; the balance is unimproved woods land covered with small timber and is used for pasture land through which the stream of water called Hazelett Run flows which is used by the owner for pasture land wherein he pastures his cattle.

That during the year 1925 the State Highway Commissioner by his contractor and employees by authority in him vested by the Act of Assembly of May 31st A. D. 1911 P. L. page 468 and the suppliments and amandments thereto entered upon and constructed over the land of the claimant, a State Highway, leading from Mahaffey to the village of Bell's Landing on Route Number (62) which said road through the land of the claimant; is from thirty eight (38) two forty two (42) feet in width on an average of about forty (40) feet in width by one thousand and forty eight (1048) feet in length: taking a slight fraction less than one acre of ground and that the land taken with the exception of about one fourth of an acre at the north east side; adjoining the James T Mitchell farm is low wet swampy and not fit for any purpose except for pasturing and woods land and is covered with small scrubby timber of not much value, through which through under the road flows the stream called the Hazlett Run.

Therefore all the land taken and occupied by the road is of little value except about one fourth of an acre adjoining the Mitchell lands and is therefore appraised by the viewers at \$50.00

Bill of cost of witnesses at the hearing

J. L. Dickey One day \$2.00 \$2.00

" " " Milage 48, mile at 3 cts per M 1.44
\$3.44 - \$3.44

W. P. Stephenson One day \$2.00

" " " Milage 56 miles at 3. cts 1.68
\$3.68 - \$3.68

E. A. Thompson One day \$2.00

" " " Milage 26 miles at 3 cts 1.56
\$3.56 - \$3.56

Total \$10.68

TO: JESSE, E. DALE, T. R. WEIMER AND B. W. McCracken
COUNTY COMMISSIONER'S OF CLEARFIELD, COUNTY. PENNSYLVANIA.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania; to view and assess the damages that Joseph N. McCracken has sustained by ~~the~~ the construction of the State Highway through his property situate in Greenwood Township in the County and State aforesaid and that in pursuance of the said order of Court the said viewers will meet at the residence of the said petitioner in Greenwood Township on Tuesday November the seventeenth (17th) A. D. 1925 at nine (9) o'clock A. M. to view and inspect the said premises of which time and place you will please take notice:

And that the public hearing in the case as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested a chance to be heard; will be held in the Arbitration Room in the Court House in Clearfield Pa, on Wednesday November the eighteenth (18th) 1925 at nine (9) o'clock A. M. when and where all parties interested may attend and be heard.

A. G. Kramer

H. A. Reese

James W. Shangle
VIEWERS.

Now November the 7th 1925 service accepted for the County
Commissioners of Clearfield County Pa.

J. E. Van Alen
Clerk.

TO: JOSEPH, N, McCracken, of Greenwood Township Clearfield
County, Pennsylvania.

You are hereby notified, that the undersigned viewers appointed
by the Court of Quarter Sessions of Clearfield County Pennsylvania, to
view and assess the damages that you have sustained by the construction
of the State Highway on Route Number 62, through your property situate in
Greenwood Township in the County and State aforesaid, the said viewers
therefore in persuance of the order of the Court will meet at your res-
idence in Greenwood Township on Tuesday November the seventeenth (17th)
A. D. 1925 at nine (9) o'clock A. M. to view and inspect
your said premises; of which time and place you will please take notice.

And that the public hearing in the case as required by the Act
of Assembly and the Rules of Court to be held by the viewers before the
filing of their report in Court in order to give all parties interested
a chance to be heard, will be held in the Arbitration Room in the Court
House in Clearfield Pa, on Wednesday November the eighteenth (18th) day
of November A. D. 1925 at nine (9) o'clock A. M. when and where all par-
ties interested may attend and be heard.

A. A. Kramer

H. A. Reese

James W. Spangle
VIEWERS.

Nov 7, 1925, Service of notice accepted for
Joseph M. McCracken.

Bill. Breillon Faryth
attest J. M. McCracken

which in the opinion covers the full value of all the land occupied by the entire road bed.

That the value of all the timber destroyed judging from that standing on each side of the road was small scrubby and could therefore not be of much value and is therefore appraised at the sum of \$40.00

The land destroyed by the drain adjoinign the Mitchell farm which said drain; one hundred and ten (110) feet in length from one to two feet in depth and about the same in width in- ding the land between the drain and the Mitchell line that can- not be farmed does not amount over one fourth of an acre and is therefore appraised at \$25.00

The damage to the claimants land out to straighten the course of Hazlett Run through under the road is appraised at \$10.00

The cost of the construction of a bridge or culvert across the drain at the upper side of rge road to enable the claimant to get over the drain unto the parch of land to farm it is appraised at a cost of \$20.00

And the same for a bridge or culvert across the drain on the lower side of the road to farm the patch on lower side of the road \$20.00

And for the inconvenience of having to drive his cattle to and from pasture across the road about a distance of one fourth of a mile from his barn to his pasture land above the road is worth in the opinion of the viewers and damages the claimant \$75.00
The claimant is therefore in the opinion of the viewers damaged \$240.00

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 we, the undersigned view- ers, after having considered the advantages to be derived to them, do assess their damages and make report thereof as follows:

and we herewith return ~~herewith~~ a copy of the notices. *sered*

WITNESS our hands and seals this, 24th day of November:-----

A. D. 1925..

A. A. Kramer Seal
H. A. Reese Seal
James W. Spangle Seal
Seal

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

To the Honorable A. R. Chase, President Judge of said Court:

Petition of Joseph K. McCracken respectfully represents:

FIRST: That he is the owner of a certain tract of land, situate in Greenwood Township, Clearfield County, Penna., bounded and described as follows:

BEGINNING at a post, thence by lands of A. B. Tate south sixty-two (62) degrees east ninety-two and five-tenth (92.5) perches to a post; thence by lands of David McCracken south ninety-nine (99) degrees east one hundred forty-eight (148) perches to a beech; thence by same south ninety-five and one-fourth ($95\frac{1}{4}$) degrees east eighty-four and eight-tenths ($84\frac{8}{10}$) perches to a sugar tree; thence south sixty (60) degrees east seven and eight-tenth ($7\frac{8}{10}$) perches to a post; thence by land of David McCracken south twenty-four (24) degrees east twenty-two (22) perches to a post on the bank of the river; thence along same south eighty (80) degrees west ninety-five (95) perches, north sixty-six (66) degrees west thirty-four (34) perches to a chestnut, now post; thence north five (5) degrees west ninety-nine and seven-tenth ($99\frac{7}{10}$) perches to a hemlock; thence by lands formerly of J. Nickolas McCracken north thirty (30) degrees west one hundred ninety-eight (198) perches to place of beginning. Containing one hundred three (103) acres ninety-nine (99) perches, more or less.

Excepting and reserving therefrom approximately one-half acre deeded to G. W. Hatch.

SECOND: That a public road has long existed, running from the Borough of Mahaffey to the Village of Bells Landing, all of which lies within Clearfield County, Pennsylvania.

THIRD: That the aforesaid road has been improved, by the Commonwealth of Pennsylvania as a permanent highway, being known and designated in the Highway system of said Commonwealth, as provided for by the Act of May 31st, 1911, P.L. 468, Section six, as Route 62.

FOURTH: That the Commonwealth of Pennsylvania, acting through its officials, agents and employees, has re-located the road, necessitating a change of the lines and location and has, as a result thereof, taken a strip of land approximately five hundred feet in length and approximately fifty feet in width.

FIFTH: That, in the construction of said road, the Commonwealth of Pennsylvania, through its agents and employees, has changed the course of Haslett Run, which flows through the property of your petitioner and, in the grading of said road, have made fills therein and placed culverts and ditches therein, all of which greatly diminishes and lessens the value of your petitioner's property.

WHEREFORE your petitioner prays your Honorable Court that viewers may be appointed to determine and appraise the damages so suffered, and such further proceedings be had as provided by the Acts of Assembly relating thereto.

And he will ever pray.

Bell Boutten & Traylor

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

Before me, the subscriber hereto, came Joseph N. McCracken who, being duly sworn according to law, deposes and says that the facts set forth in the above petition are true and correct.

J. N. McCracken

Sworn and subscribed to before me
this 14th day of October, A.D. 1925.

F. Cortez Bell
Notary Public

MY COMMISSION EXPIRES MARCH 5, 1927

ORDER

Now, October , 1925, the within petition having
been read and considered,

are appointed viewers to proceed as required by the Acts of
Assembly relating thereto.

BY THE COURT

IN THE COURT OF QUARTER SES-
SIONS OF CLEARFIELD COUNTY
PENNSYLVANIA.

No. 5 Dec. Sessions 1925

James M. "O'Brien

VS

Clearfield County

PETITION FOR VIEWERS

*View OCT 16th 1925.
Aaron H. Thomas Esq.
Harry River's for Plaintiff
are appointed viewers
to view and report
to me and report
to the court*

FILED

OCT 16 1925

W. W. RALSTON
CLERK

BOULTON, FORSYTH & BELL
ATTORNEYS AT LAW
CLEARFIELD, PA.