

DOCKET No. 6

Number	Term	Year
18	Dec	1925

Petition of Jas. A. Campbell for

Appt. of viewers to assess damages

Bell Twp

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

Petition of James A. Campbell, Jr., respectfully represents:

FIRST: That he is the owner of a lot or ground situate in Bell Township, Clearfield County, Pennsylvania, bounded and described as follows:

Beginning at a white oak on the west side of the west branch of the Susquehanna River; thence by lands of Thomas Campbell north eighty (80) degrees east two hundred forty-seven (247) perches to a sugar; thence by lands of John and James Sunderland north twenty-five (25) degrees east twenty-nine (29) perches to a linn; thence by lands of the aforesaid Sunderland east two hundred (200) perches to a post on the bank of the river aforesaid; thence by the bank of said river to place of beginning. Containing sixty-two (62) acres and allowances. Being the same premises received from the heirs of James A. Campbell, Sr., dated the 25th day of May 1905, recorded in Clearfield County in Deed Book 165, page 122.

SECOND: That a public road has long since existed, running from the Borough of Mahaffey to the Village of Burnside, all of which is in the County of Clearfield, State of Pennsylvania.

THIRD: That the aforesaid public road has been improved as a permanent highway by action of the Commonwealth of Pennsylvania, acting by and through the State Highway Commissioner and his subordinates, and is known and designated in the highway system of the Commonwealth of Pennsylvania, as Route 62, as provided in the Act of May 31st, 1911, P. L. 468, Section 6.

FOURTH: That said road has been relocated so that, by the new location thereof, a strip of land approximately fifty feet in width, has been taken for the purpose of construction of the said highway across and through the land of your petitioner for an approximate distance of one thousand to twelve hundred feet.

FIFTH: That the Commonwealth of Pennsylvania,

acting through its officers, agents and directors, went on to the land of your petitioner, took material portions thereof for the purpose of construction of said highway and appropriated the land of your petitioner for such purposes and, in the course of construction, made various fills, cuts, ditches, culverts and other damage, all of which has caused the market value of the property of your petitioner to be greatly lessened and materially diminished.

WHEREFORE your petitioner prays your Honorable Court to appoint viewers to appraise and determine the damage so suffered, and that such further proceeding be had as provided by the acts of Assembly relating thereto.

And he will ever pray.

*James A. Campbell, Jr.*

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS

Before me, the subscriber hereto, came James A. Campbell, Jr., who being duly sworn according to law, deposes and says that the facts set forth in the above petition are true and correct to the best of his knowledge and belief.

*James A. Campbell, Jr.*

Sworn and subscribed to before me this  
13 day of December, A. D. 1925.

*U. J. Spert*

MY COMMISSION EXPIRES  
FIRST MONDAY IN JANUARY 1930

*U. J. Spert*

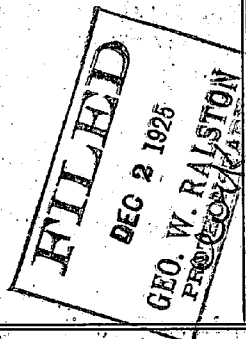
ORDER

Now, December 2<sup>nd</sup>, 1925, the within petition  
having been read and considered, *John Phillips Esq. J. E. Day*  
*and Hengemeier*

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

BY THE COURT

*A. R. Chase*  
*P. J.*

IN THE COURT OF QUARTER SES- SIONS OF CLEARFIELD COUNTY, PENNA. <i>18 Dec. 55 1925</i>	
James A. Campbell, Jr.	vs
Clearfield County	
PETITION FOR VIEWERS	
<div style="text-align: center;">  </div>	
BOULTON, FORSYTH & BELL ATTORNEYS AT LAW CLEARFIELD, PA.	

*4.00 By atty*

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 3rd day of December in the year of our Lord one thousand nine hundred twenty five

James A. Campbell Jr  
Judge of the same Court: Upon the petition of ~~XXXXXX~~  
habitants of the Township of Bell

in said County, setting forth that he is the owner of a lot or ground situate in Bell Twp bounded and described as follows:

Beginning at a white oak on the west side of the west branch of the Susquehanna River; thence by lands of Thomas Campbell north 80° east 247 perches to a sugar; thence by lands of John and James Sunderland north 25° east 29 perches to a linn; thence by lands of the aforesaid Sunderland east 200 perches to a post on the bank of the river aforesaid thence by the bank of said river to place of beginning. Containing 62 acres and allowance.

That a public road has since existed, running from the Boro of Mahaffey to the Village of Burnside.

That the aforesaid public road has been improved as a permanent highway of the Comth. of Penna, acting by and through the State Highway Commissioner and is known as Route 62.

That the Comth. of Penna. went on to the land of your petitioner, took material portions thereof for the purpose of construction of said highway and appropriated the land of your petitioner for such purposes and, in the course of construction, made various fills, cuts, ditches, culverts, and other damage, all of which has caused the market value of the property of your petitioner to be greatly lessened.

they shall proceed to lay out the same, as agreeable to the desire of the petitioner; 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 H. 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~~ James A. Campbell, Jr., petitioner and that ~~three~~ three notices thereof were posted along the route of the proposed road, that the said view would be held on the 7th day of January A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 8th day of January, 1926, at 10 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., Amelia Campbell, Charles McGee, Frank Wetzel

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 8th day of January A. D. 1926, when the following appearances were noted: F. Cortez Bell, Esq., for petitioner; A. M. Liveright, Esq., Solicitor; B. W. McCracken and J. E. Dale, County Commissioners; Amelia Campbell, Charles McGee, William McGee, J. C. Maines, F. R. Wetzel, witnesses, sworn, examined and cross-examined by Counsel and your Board.

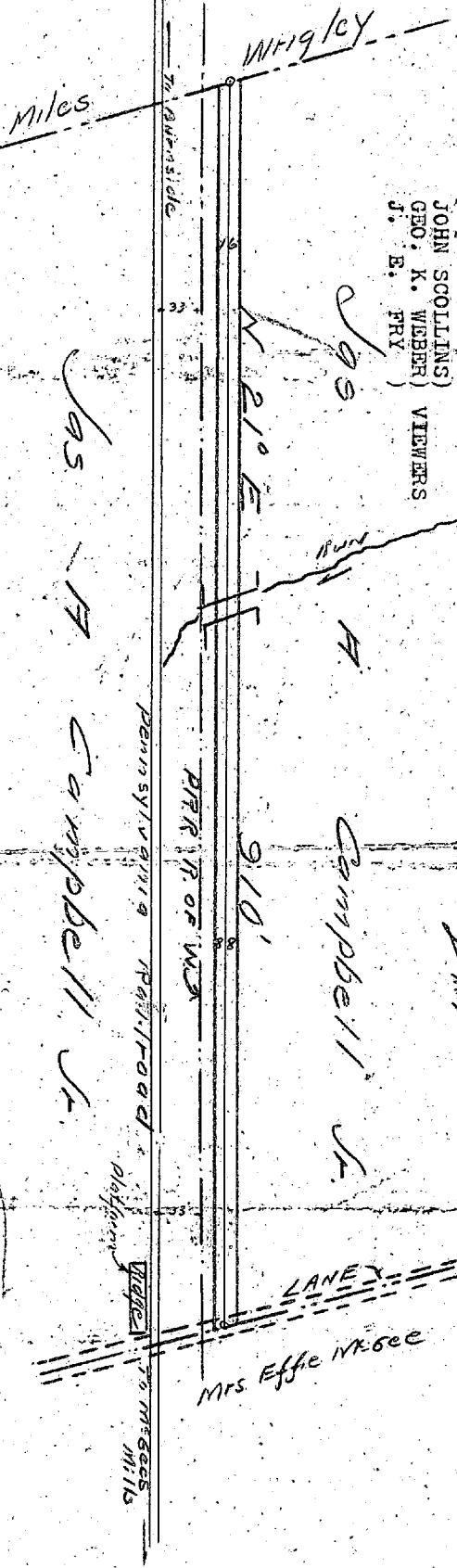
After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree, ~~that there is~~ no occasion for a road as desired by the petitioner, and that the same is ~~not~~ not necessary for a ~~road.~~ road. And having had respect to the shortest distance and the best 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~~ find and return that damages have been sustained by the petitioner; that petitioner is the owner of a certain tract of land in Bell Township, comprising in area 62 acres and allowances; and that Route 62 of the Pennsylvania State System of Highways, leading from McGees Mills to Burnside, has been re-located and improved as a permanent highway, and that by the relocation and construction thereof a strip of petitioner's land, comprising nine-tenths (0.9) acres in area, and underlying minerals, approximately 29 feet in width running North 21 degrees East 910 feet in length was taken as shown on plan or draft thereof hereto attached and made a part hereof. That the relocation and construction of said highway resulted in inconvenience to petitioner, the destruction of part of petitioner's orchard: 10 apple trees, 1 chestnut and 1 hickory; and 480 feet of fence, and the building of two crossings. The amount of damage as testified to by the petitioner and witnesses is \$1000.00.

After viewing the premises and conditions and hearing the evidence and taking into consideration the benefits accruing thereto by reason of the improvement of said Route 62 as a permanent highway, your Board is of the opinion that the foregoing estimate is excessive; but that the petitioner should be compensated for the land taken and occupied and the damage caused to him.

ROAD VIEW - ASSESSMENT OF DAMAGES  
IMPROVED HIGHWAY - ROUTE NO. 62 -  
THROUGH LAND OF JAS. A. CAMPBELL, JR.  
BELL TOWNSHIP, CLEARFIELD CO., PENNA.  
DISTANCE - 910 feet.  
LAND TAKEN FOR ROAD - .0.9 ACRES.  
VIEWED JANUARY 7, 1926.

JOHN SCOLLINS  
GEO. K. WEBER  
J. E. FRY  
VIEWERS

SCALE 1" = 100'



To: James A. Campbell of Bell Township, Clearfield County:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in-re: No. 18, December Sessions, 1925, to view and assess damages done to the property of James A. Campbell, Jr. in the construction of the State Highway, commonly known as Route No. 62, running from the Borough of Mahaffey to the Village of Burnside in Clearfield County aforesaid, will meet at the dwelling-house of James A. Campbell, Jr., in Bell Township on Thursday, the 7th day of January, A. D. 1926 at nine (9:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And 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 the said damages an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 8th day of January, A.D. 1926 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Tollin  
J. E. Fry  
Geo. K. Weber  
Viewers

Dated, December 21st, 1925

Clearfield County, SS;

Now, this 23 day of December, A.D. 1925, service of the above notice is accepted for James A. Campbell, Petitioner.

Bill. Boutin - Longth  
Attorney for Petitioner

To: The County Commissioners of Clearfield County, Penn'a:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 18, December Sessions, 1925, to view and assess damages done to the property of James A. Campbell, Jr. in the construction of the State Highway, commonly known as Route No. 62, running from the Borough of Mahaffey to the Village of Burnside in Clearfield County aforesaid, will meet at the dwelling-house of James A. Campbell, Jr., in Bell Township on Thursday, the 7th day of January, A. D. 1926 at nine (9:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And 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 the said damages an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 8th day of January, A.D. 1926 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

*John Scollins*  
*J. E. Fry*  
*Geo. H. Weber*  
Viewers

Dated, December 21st, 1925

Clearfield County, SS:

Now, this 20 day of December, A.D. 1925, service of the above notice is accepted for the Commissioners of Clearfield County.

*L. C. Morris*  
Clerk

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.

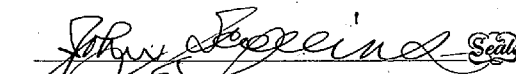
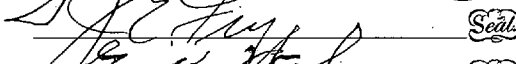
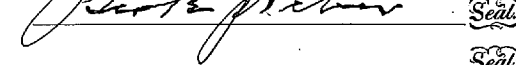

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from \_\_\_\_\_

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: The sum of Three Hundred (\$300.00) Dollars

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

WITNESS our hands and seals this 17th day of February

A. D. 1926.

No. 18 Dec Sessions, 19 25

# ORDER

To view and assess damage  
to James A. Campbell use in the  
road for Bell  
township of  
Clearfield County

Now March 22nd 1926  
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

By the Court  
Affirmed  
P. J.

For April 26th 1926  
Carried over

By the Court  
Affirmed  
P. J.

Filed

Fees \$1.25 paid by

Bell, Boulton & Forsythe

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.

FILED  
FEB 19 1926  
GEO. 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 ensembling 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

IN THE COURT OF Quarter Session OF CLEARFIELD COUNTY.

James A. Campbell

Of Dec Term, 1905

No. 18

Versus

Clearfield County

Plaintiff Bill of Costs

At..... Term, 190.....

			Dollars	Cents
<u>Mrs. James A. Campbell</u>	Days in attendance.....	<u>33</u>	<u>3</u>	<u>78</u>
<u>Chas. Maguire</u>	Days in attendance.....	<u>33</u>	<u>3</u>	<u>78</u>
<u>Wm. Maguire</u>	Days in attendance.....	<u>33</u>	<u>3</u>	<u>78</u>
<u>L. M. Maguire</u>	Days in attendance.....	<u>33</u>	<u>3</u>	<u>88</u>
<u>Frank Maguire</u>	Days in attendance.....	<u>30</u>	<u>15</u>	<u>84</u>
	Days in attendance.....		<u>3</u>	<u>80</u>
	Days in attendance.....		<u>19</u>	<u>74</u>
	Days in attendance.....			
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	Days in attendance.....			
	Days in attendance.....			
	Days in attendance.....			
	Days in attendance.....			
	Serving subpoenas.....	Witness.....		
	Miles distance.....			
Whole amount of bill.....				

CLEARFIELD COUNTY, SS:

Personally appeared before me..... John Bell..... 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

day of Jan A. D. 190.....  
Geo. W. Palston Prothonotary

John Bell

No. *K* *Shen* Term 190*5*

*James A Campbell*

Versus

*Marquitt Trust*

*Plaintiff* Bill of Costs

For Term 190*5*

Date *Jan 8* 190*5*

Amount - - - \$ *19.75*

**PRINTED**  
JAN 8 1926  
GEO. W. RALSTON  
CLERK