

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 : : SS
COUNTY OF CLEARFIELD : :

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.

M. J. Gert

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 1930

M. J. Gert

ORDER

Now, December 2nd, 1925, the within petition
having been read and considered, *John Collins Esq; J. E. Lly.
and Gengenbier.*

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

BY THE COURT

A. B. Chase
D. J.

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

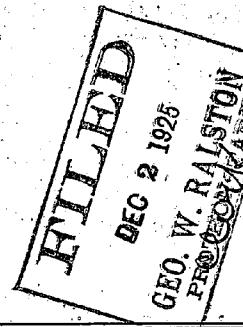
18 Dec. 55 1925

James A. Campbell, Jr.

vs

Clearfield County

PETITION FOR VIEWERS



COMMERCIAL PRINTING CO., CLEARFIELD, PA.

100 by 100

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 ~~and~~ xxix

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 people, 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~~ James A. Campbell, Jr., petitioner and that 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. G. Meines, 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 necessary for a permanent 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 his 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.

VIENNA JANUARY 7, 1926.

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

11/20/2002

Wrigley

Miles

SCALE 1" = 100'

110

PENNSYLVANIA APRIL 1940

P. 10. IN

LANE
Mrs. Effie M. Gooch

Hippocratic - 1926

5. A. Campbell.

L'opéra

Platform **George** 70 m² 600 ft² Mil

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.

Dw. Scollard
J. E. Fry
Geo. K. Weber
Viewers

Dated, December 21st, 1925

Clearfield County, SS;

Now, this 29 day of December, A.D. 1925, service of the above notice is accepted for James A. Campbell, Petitioner.

Bill Boulton - Lawyer
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 Scallion
J. E. Try
Geo. W. 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 _____

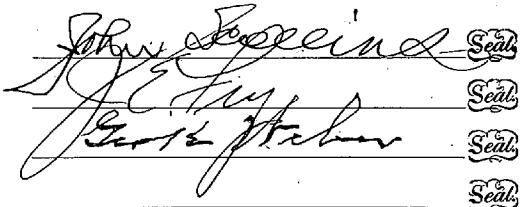
when it was not practical to preserve it within that limit.

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.


John Speeind Seal
George Fletcher Seal
Seal
Seal

18 Dec. 1918 10:25

ORDER
C

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 record, they will report to that effect.

By the weight
Additional
B. J.
Price 26-1826
Compound acid 10
By the count
of Millions

Bell, Boulton & Forsythe
Fees \$1.25 paid by _____

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 ____.

Seals

Seal.

Seal.

Seal.

IN THE COURT OF Quarter Session OF CLEARFIELD COUNTY,

James A. Campbell
Versus
Clayfield County
Of..... On..... Term, 190.....
No. 18 Plaintiff Bill of Costs
At..... Term, 190.....
.....

		Dollars	Cents
Mr. James A. Campbell	Days in attendance	33	Miles direct travel
Chas. Maguet	Days in attendance	33	Miles direct travel
Wm. Meyers	Days in attendance	33	Miles direct travel
W. M. Daniels	Days in attendance	33	Miles direct travel
Frank Wright	Days in attendance	30	Miles direct travel
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	Days in attendance		Miles direct travel
	Serving subpœnas		Witness
	Miles distance		
Whole amount of bill			

CLEARFIELD COUNTY, SS:

Personally appeared before me, I. Carter Well, 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

7 day of January, A. D. 1905.
Geo. W. Ralston, Prothonotary

No. 6, Term 1926

James T. Campbell

Versus

John and Mary

Plaintiff. Bill of Costs

For the Term 1900

Date: Jan 8, 1900

Amount: \$19 72

