

DOCKET No.6

Number	Term	Year
4	Feb	1926

Petition of John A. McKeage for Appt
of viewers to assess damages in
Bell & Burnside Twp
Versus

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

In re: Reconstruction of :
Route No. 62, State Highway. :

PETITION.

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

The petition of John A. McKeage respectfully represents:-

(1). That he is the owner of a certain farm situated in Bell Township, Clearfield County, Pennsylvania, containing approximately 162 acres, title to which was derived by deed of Ray M. Campbell et al. dated May 1, 1920, and recorded in Clearfield County in Deed Book 242, page 380.

(2). That the petitioner is also the owner of another farm containing approximately 18 acres and 94 perches, located in Burnside Township, Clearfield County, Pennsylvania, title to which was derived from deed of John W. McCullough dated November 7, 1913 and recorded in Clearfield County in Deed Book 215, page 227.

(3). That the State Highway Commissioner of the State of Pennsylvania has undertaken and proceeded with the construction of an improved State Highway, being Route No. 62, particularly the portion thereof between McGees Mills and Burnside which passes through both of the farms of the petitioner aforesaid.

(4). That your petitioner has sustained damages by reason of the reconstruction of said State Highway, the course of which has been considerably changed and upon which a change of width and existing lines and locations has been occasioned; and that the construction of said portion of the State Highway through the lands of the petitioner has proceeded so far that the grading thereof has been done.

(5). That your petitioner has been damaged by the taking of ground from both of said farms, by the destruction of a pond, by being required to remove certain buildings from the course of said Highway, by the destruction of fences, trees, etc., by the readjustments required by reason of the changed location of the road,

and in various other particulars.

(6). That your petitioner has been unable to agree with the County Commissioners of Clearfield County on the amount of damages to be paid to your petitioner for the land appropriated and other injury resulting to your petitioner.

YOUR PETITIONER THEREFORE PRAYS your Honorable Court to appoint viewers to appear upon the premises and to view and assess the damages and injury for which your petitioner is entitled to receive compensation by reason of the appropriation of his land, and the other injury incidental to the reconstruction and re-location of said State Highway.

x John A. McKeage

STATE OF PENNSYLVANIA :
 :SS
COUNTY OF CLEARFIELD :

John A. McKeage, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct.

Sworn and subscribed to before
me this 21st day of December,

A.D. 1925.

W. W. McDowell

By _____

4 Feb 1926

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY
PENNSYLVANIA.

In re: Reconstruction of
Route No. 62, State Highway

PETITION.

Now due 23rd 1925

A. L. Warner Esq;
Ed. B. Little and
James H. Hanger
to view and report
by the Court
J. B. Little

FILED

DEC 20 1925

JNO. W. HARRISON

W. WALLACE SMITH
ATTORNEY AT LAW
CLEARFIELD, PENNSYLVANIA

JOHN A. MCKEAGE

MANUFACTURER OF

ALL KINDS OF LUMBER AND MINE MATERIAL

MAHAFFEY, PA.

Moving Hog House & Chicken Coop.

Horse Hackley	93 Hrs.	0 75¢	000.75
Wm. Dean	32 "	40¢	30.80
Left Gearhart	35 "	40	14.00
Hackley	58 "	40	23.20
Blair	44 "	40	17.60
Wm.	47 "	40	18.80
McDonald	18 "	50¢	9.00
David Bloom	9 "	50¢	4.50
McAllen	9 "	50	4.50
J. E. Butler	40 "	50	20.00
J. A. McKeage	40 "	50	20.00
Team 2 Days	2 da.	6.00	10.00
Tractor	1 "		10.00
6 Bbls Cement	003.25		16.25
6 BF Lumber Flooring	030.00		18.00
700 BF "	"n. "cn 030.00		21.00
40¢ Rails 0 5¢			2.00
Repair Block & Chains			1.50
4 Glass 9 x 12"	020¢		.80
500 Ft 2 x 8" & 6" x 8"			18.00

\$329.70

Moving Horse House.

Hackley 10 Hrs	\$75 ¢	7.50
Wm Dean 3 "	40	3.20
Blair Gearhart 3 Hrs	40¢	1.20
W Gearhart 5 "	40¢	2.00
Tractor 4 Hrs	\$1.00	4.00 17.90

Taking Down Shed 22' x 40'

H. Hackley 5 Hrs	075¢	3.75
Wm. Dean 15 "	40	6.00
Blair Gearhart 8H	040¢	3.20
J. E. Butler 11 Hrs	030¢	3.50
J. A. McKeage 8 Hrs	50¢	4.00
Team 1 Day		5.00
10 Sq. Roofing	\$2.10	21.00
Estimate for Rebuilding shed		80.00 0126.45

General.

Dms

Timber

Wire & Changing Fence

4 1/4 Acres

1 Cherry Tree.

\$1,000.00
 400.00 225.00
 34.00
 425.00
 30.00 \$1880.00

Damage to Barn & Shed

That he is the owner of a certain farm situated in Bell Twp. containing approximately 162 acres and 94 perches.

That the petitioner is also the owner of another farm containing approximately 18 acres and 94 perches. located in Burnside Twp.

That the State Highway Commissioner has undertaken and proceeded with the construction of an improved State Highway, being Route No. 62, particularly the portion thereof between McGees Mills and Burnside which passes through both of the farms of the petitioner.

That your petitioner sustained damages by reason of said reconstruction and has been unable to agree with the County Commissioners of Clearfield County as to the amount of damages sustained.

IN THE COURT OF Quarter Session OF CLEARFIELD COUNTY,

John A. McKeage

Of Term, 190.....

No.

Versus

Clearfield County

Bill of Costs

At Before Viewers Term, 190.....

			Dollars	Cents		
<u>H. D. Brown</u>	1	Days in attendance	30	Miles direct travel	3	80
<u>James B. Stauffer</u>	1	Days in attendance	30	Miles direct travel	3	80
<u>J. H. Smith</u>	1	Days in attendance	28	Miles direct travel	3	68
		Days in attendance		Miles direct travel	<u>7</u>	<u>28</u>
		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		
		Serving subpoenas		Witness		
		Miles distance				
Whole amount of bill						

CLEARFIELD COUNTY, SS:

Personally appeared before me W. Wallace Smith, 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

18 day of January, A. D. 1906
Geo. W. Ralston, Prothonotary

W. Wallace Smith

No. Term 190.

.....
J. A. McKeay
Versus
Clearfield County
.....
.....
.....

..... *Bill of Costs*

For..... Term 190 ...

.....
Date..... 190....

Amount -- -- \$.....

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

TO: JESSE, E, DALE; T. R. WEIMWE AND B. W, MCCrackEN.
County Commissioners 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 inspect the premises of John A, McKeage consisting of a farm of 162 acres of farm land situate in Bell Township and an eighteen (18) acre farm situate in Burnside Township County and State aforesaid and assess the damages that the said petitioner sustains by the construction of the State Highway leading from the Borough of Burnside to the village of McGees in Bell Township in the County and State aforesaid through his said farms on Route Number 62 lately laid out and graded by the Highway Commission by his contractors and employees for which damages if any the County of Clearfield is liable.

You are therefore hereby notified, that the said viewers will meet for the discharge of the duties of their appointment on the farm of the said claimant in Bell Township in the County and State aforesaid on Tuesday January 12th 1926 at nine (9) o'clock A. M. to view and inspect the said premises; and on the same day at eleven (11) o'clock A. M. the same viewers will meet on the farm of the said claimant on his said farm of eighteen (18) acres situate in Burnside Township through which the said road also passes to view and inspect what damages the petitioner sustains by the construction of the said road through the said eighteen (18) acre tract in Burnside Township County and State aforesaid.

And that the public hearing 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 in the said case a chance to be heard by the viewers, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday the thirteenth (13th) day of January A. D. 1926, at nine o'clock A. M. at which time and place all parties interested may attend and be heard.

Now January 12 1926 service accepted
for the County Commissioners of
Clearfield. County. Pa.

clerk.

A. G. Kramer
E. D. Billott
James W. Spangley
viewers

TO; John. A. McKeage.

Dear Sir.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania to view and inspect your farm property consisting of 162 acres situate in Bell Township County and State aforesaid and assess the damages that you sustain by the construction of the State Highway leading from the Borough of Burnside to the village of McGees in Bell Township on Route Number 62 lately laid out and graded by the contractors and employees of the State Highway Commissioner through the said farm for which damages if any the County of Clearfield is liable

You are therefore hereby notified that the said viewers will meet on your said farm in Bell Township county and State aforesaid on Tuesday January 12th 1926 at nine oclock A. M. to view and inspect the said premises; and on the same day at eleven (11) o'clock A. M. the same viewers ^{meet} will on your farm situate in Burnside Township consisting of eighteen (18) acres through which the said road passes to view and inspect the damages you sustain by the construction of the said road through your said 18 acre tract. in Burnside Township County and State aforesaid.

And that the public hearing 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 in the said case a chance to be heard by the viewers, will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday the thirteenth (13th) day of January A. D. 1926, at nine o'clock A. M. at which time and place all parties interested may attend and be heard.

A. G. Kramer
E. D. Billott
James W. Spangle
VIEWERS.

Now January. 2, 1926 service accepted for John A McKeage the claimant and personal service waived.

W. William Smith

That the claimant John A. McKeage the owner of a certain farm or tract of land situate in Bell Township Clearfield County and State of Pennsylvania containing 162 acres and a second tract containing 18, acres partly cleared situate in Burnside Township County and State aforesaid. and also part of first tract is also cleared and under cultivation the balance is unimproved woods land. Through each of said tracts the State Highway Commissionrt during the year 1925 by his contractor and employees constructed an improved State Highway on Route Number 62 leading from the Borough of Cherry Tree in Indiana County to the village of McGees in Bell Township Clearfield County and State aforesaid and the said State Highway Commissioner in exercising the power and authority conferred upon him by the act of Assembly of May 31th. 1911 P. L. page 468 and the supplements and amendments thereto; changed the location of the said road or Highway through the said tracts of land of the said claimant from the location of the Township road through each of the said tracts of land of the said claimant; and in so doing has taken in the lower tract a strip of the petitioner's land on an average of about forty five feet in width by two thousand four hundred (2400) feet in length. used for the bed of the road and of the lower tract consisting of two and one fourth ($2\frac{1}{4}$) acres and is in the opinion of the viewers on account of passing through the middle of the farm and therefore on account of the effect it has on the value of the farm worth one hundred (\$100.00) dollars per acre or a total of two hundred and twenty five (\$225.00) dollars.

As to the injury claimed to the barn the viewers after an inspection thereof cannot conceive ----- that they are justified in allowing any damages as from appearance it dont seem that it has been damaged in any way, as the road is far enough away from the barn not to interfere with it or the use of it as the road not being within twenty feet from the nearest point to the barn, and as to whether it will ever be necessary to enlarge it is to uncertain and if so to fare in the future, as the viewers cannot in fixing the damages take into consideration what may or may not ef ever happen in the distant future; they therefore cannot fix or allow any damages on the barn.

As to the timber taken and destroyed was mostly small second growth and would not amount to over five thousand feet which was not worth over twenty (\$20.00) dollars per thousand feet so that the entire amount of timber taken and destroyed on the lower place at the value stated would not exceed (\$100.00) dollars they therefore appraise the timber taken and destroyed at one hundred (\$100.00) dollars.

As to the damages claimed for the dam destroyed, which was an old saw mill dam build according to the testimony produced at the hearing build over thirty years ago and of no value except for ice secured by the owner for his own use as the saw mill has been torn down and taken away some twelve years ago and the dam having been build over thirty years ago was evidently getting very rotten and would not have lasted very much longer and as the value of it was of very little account and as the cost of reconstruction of the same for a small ice pond to furnish ice to the owners use would not cost over two hundred (\$200.00) dollars they therefore assess the damages at two hundred (\$200.00) dollars.

And as to the cost or expense of moving and replacing the pig pen and chicken coop as by using some new timber to replace that which was rotten which would no doubt improve the buildings and make them more valuable; therefore instead of assessing the damages at the bill claimed of (\$328.70) they assess the damages at two hundred and seventy five (\$275.00) dollars.

And for the moving of the Harness house and roofing thereof they assess the damages the same as claimed to wit; seventeen dollars and ninety (\$17.90) cents. And the moving and roofing of the lumber shed allow the same as claimed to wit twenty seven dollars and forty five (\$27.45) cents.

Also requiring the construction of five driveways or culverts across the drains of the State road and the pipes for the water of the drains to pass through under the culverts build to enable the claimant to get across the drains into his fields for which the cost of (\$25.00) a piece or one hundred and twenty five (\$125.00) for the five culverts is allowed.

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 23rd day of December in the year of our Lord one thousand nine hundred twenty five

JOHN A. McKEAGE

Judge of the same Court: Upon the petition of ~~subscribing~~ ~~habitants~~ of the Township of Bell and Burnside in said County, setting forth that

ASSESS 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. G. Kramer, Esq., Ed. Billotte and James 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 judgement, are to ~~view the ground proposed for the said road and if they think 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 moderate filling and bridging the declination of the roadway 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~~ ~~the view would be held on the 12th~~ ~~proposed road, that the said view would be held on the~~ ~~day of January A, D.~~

~~A. D. 1926~~, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 13th day of January, 1926, 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 no one but the claimant and the viewers;

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 13th day of January A. D. 1926, when the following appearances were noted: as witnesses besides the claimant to wit

H. W. Brown, James B Stouffer and J. H. Iferd. with the claimants Attorney W. Wallace, Smith Esq. and John M Chase Esq Attorney for the County Commissioners together with the county Commissioners

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

As above stated

AND, AS, TO THE SECOND OR UPPER 18, Acre PIECE in Burnside Township Clearfield County Penna.

The viewers assess the damages as follows. For the one and a fourth acre acre of the claimant's land taken by the road bed being most of it rough side hill and rocky is not in the opinion of the viewers worth over sixty (\$60.00) dollars or the amount taken being along the side of the old road bed is not worth over sixty (\$60.00) dollars per acre or a total of seventy five (\$75.00) dollars:

And the value of the timber taken and destroyed was mostly small second growth and does not in the opinion of the viewers much if any over three thousand feet and was not worth over seventy five (\$75.00) dollars. The viewers therefore assess the total damages to the second piece at one hundred and fifty (\$150.00) dollars.

The viewers therefore assess the damages as follows

ON THE FIRST OR LOWER PIECE.

For the two and a fourth acres of land taken at \$100.00 dollars per acre for the road bed	\$225.00
For five culverts across the drains at (\$25.00) each	\$125.00
For the timber taken and destroyed	\$100.00
For damage to the dam	\$200.00
For moving the Chicken pen and pig pen	\$275.00
For the moving and re-roofing of the Harness house	17.90
For the moving and roofing of the lumber shed	27.45
Total amount of damages in the lower piece	\$970.35

The amount of damages assessed in the upper
or 18, acre piece in Burnside Township

For land taken	\$75.00
For amount of timber taken and destroyed	\$75.00
	\$150.00 - \$150.00
Total amount assessed	\$120.35

Bill of costs of witnesses at hearing filed and attached \$ 11.04

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 their damages and make report thereof as follows:

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

WITNESS our hands and seals this 22, day of January

A. D. 1926.

A. G. Kramer Seal
E. J. Billotte Seal
James W. Spang Seal
Seal

1921
No. 4 Feb Sessions, 19

ORDER

To view and assess damages to
~~road~~ John A. McKeage use in the
township of Bell & Burnside
Clearfield County
Now Jan 20th 1926
confirmed in 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
W. Wallace

Now Feb 6th 1926
Confirmed absolutely
By the court
W. Wallace

Filed _____ 19
Fees \$1.25 paid by _____

W. Wallace Smith, Atty.

423

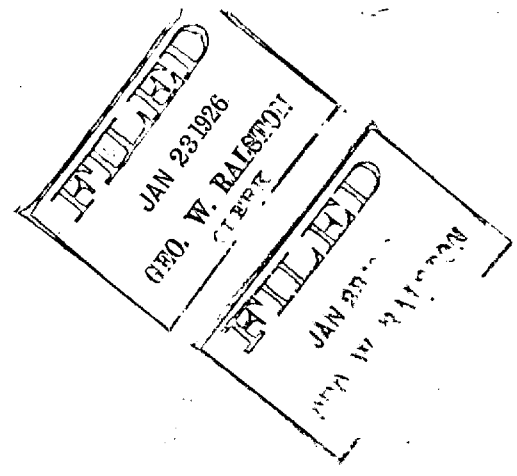
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.



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 enrolling 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