

DOCKET No. 6,

Number	Term	Year
8,	Feb,	1926

Petition of Thos, J., Campbell for
Appt of viewers to assess damages
in Bell Twp.

Versus

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

In re: Re-construction of :
Route No. 62, State Highway. :
Damages of Thomas J. Campbell :

PETITION.

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

The petition of Thomas J. Campbell respectfully represents:-

(1). That he is the owner of a certain farm situated in Bell Township, Clearfield County, Pennsylvania, containing approximately 102 acres, title to which was derived by conveyance from Agnes A. McGee and J. Russel McGee, Executors of Henry L. McGee, dated November 27, 1896 and recorded in Deed Book 94, page 544.

(2). 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 the farm of your petitioner aforesaid.

(3). 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 your petitioner has proceeded so far that the grading thereof has been done.

(4). That your petitioner has been damaged by the taking of a substantial quantity of ground from his premises aforesaid and in various other particulars by the change in location of said road.

(5). 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 other injury incidental to the reconstruction and relocation of said State Highway.

T J Campbell

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Thomas J. Campbell, 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 before me T J Campbell
this 5th day of January,

A.D. 1926.

W. M. McDonnell J.P.

8 Feb 1926

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY
PENNSYLVANIA.

In re: Reconstruction of
Route No. 62, State Highway.
Damages of Thomas J. Campbell

PETITION

How far 12th 1926
from Elmore to
Harry Lee and back
Richards are allowed
to reconstruct report
by the court

J. J.

JAN 1926
W. W. RAISER
ORER

W. WALLACE SMITH
ATTORNEY AT LAW
CLEARFIELD, PENNSYLVANIA

J. S. Michaels

VIEWERS.

Now January 18 1926 service accepted for the county Commissioners

of Clearfield County Penna.

of Congress.

Clerk.

TO: Jesse, E. Dale, T. R. Weimer and W. B. 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 farm property of Thomas J Campbell situate in Bell Township in the county and State aforesaid containing one hundred and two (102) acres of land and assess the damages that he has sustained by the construction of the State Highway through his farm 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 contractor and employees of the State Highway Commissioner through the farm of the said claimant, for which damages if any the County of Clearfield is liable.

You are therefore hereby notified, that the said viewers will meet on the said farm on the aforesaid State Highway in the Township of Bell county and State aforesaid on Tuesday January the twenty sixth (26th 1926 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 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 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 twenty seventh (27th) day of January A. D, 1926 at nine (9) o'clock A. M. at which time and place all parties interested may attend and be heard.

A G Kramer

H A Reese

TO: Thomas, J. Campbell.

Dear Sir.

You are hereby notified, that the undersigned
viewers appointed by the Court of Quarter Session of Clearfield County
Pennsylvania to view and inspect your farm property consisting of one
hundred and two (102) acres, situate in Bell Township county and State
aforesaid and assess the damages you sustained by the construction of the
State Highway lately constructed through the same leading from the Boro-
ugh of Burnside to the village of McGees in Bell Township on route Number
sixty two (62) lately laid out and graded by the State Highway Commissi-
oner by his contractors and employees for which if any damages you susta-
in 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 Tuesda-
y January the twenty sixth (26th) A. D. 1926 at ten (10) o'clock A. M.
to view and inspect the said premises of which time and place of meeting
you will please take notice.

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 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 January the (27th) A. D.
1926 at nine o'clock A. M. at which time and place all parties intere-
sted may attend and be heard.

A G Kramer
A A Reesl
J S Michaels
VIEWERS.

Now January 18th 1926 service accepted for Thomas J Campbell the
claimant and personal service waived.

D. Deller, Jr.
Atty for Thos. J. Campbell.

IN THE COURT OF Justice, Sessions OF CLEARFIELD COUNTY,

J. J. Campbell

Of..... Term, 190.....

No.

Claimants'.....Bill of Costs

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

.....Term, 190.....
Before the Vienna

CLEARFIELD COUNTY, SS:

Personally appeared before me J. Conkell, 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
27 day of January, A. D. 1926 }
Geo. W. Paltason, Prothonotary }
I. J. Campbell

No. Term 190....

Versus

Bill of Costs

For..... Term 190

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

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

That the claimant Thomas J Campbell is the owner of a certain tract of land situate in Bell Township Clearfield County Pennsylvania containing approximately (102) acres, a part of which is cleared and under cultivation, and the balance is composed of unimproved woods land, through which said farm, the State Highway Commissioner during the year 1925 by his contractor and employees constructed an improved State Highway on route Number 62, leading from the Borough of Burnside to the village of McGees in Bell Township 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 31st 1911 P. L. page 468 and the supplements and amendments thereto; changed the location of the said road or Highway through the land of the said claimant from the Township road through the same, and in doing so has taken a strip of claimants land on an average of about forty five (45) feet in width by 1580 feet in length, through the entire length of his farm.

The land taken by the road consists of one and a half(1,1/2) acre through about the middle of his farm and part of his best land which is assessed by the viewers at one hundred (\$100.00) per acre or the one and one half of land taken is assessed at one hundred and fifty dollars for the one and one half acre of land taken.

For the taking down of the two story frame out house used for butchering and the storage of various articles and the rebuilding of the same the viewers assess the cost or damages at three hundred (\$300.00) dollars.

The cost of moving the pig pen the sum of fifty (\$50.00) dollars For the eleven (11) apple trees destroyed, as some of them were old and neglected and not of much value they assess the same at twenty (\$20.00) dollars a tree or the eleven trees at \$220.00 dollars.

For the walnut tree destroyed the same price as for the apple trees destroyed twenty dollars.

The cost of the two culverts or bridges necessary to be erected across the drains of the road to enable the claimant to get across the drains of the State Highway from the one side of the State road of his farm to the other, The viewers therefore assess the cost of the construc-

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 12th day of January in the year of our Lord one thousand nine hundred twenty six

Thomas J. Campbell

Judge of the same Court: Upon the petition of ~~sundry~~ inhabitants of the Township of Bell

in said County, setting forth that he is the owner of a certain farm situated in Bell Twp. containing approximately 102 acres.

That the State Highway Commissioner has undertaken the construction of an improved State Highway, being Route No. 62, particularly the portion thereof between McGees Mills and Burnside, which passes throught the farm of your petitioner.

That your petitioner has sustained damages by reason the reconstruction of said State Highway, by the taking of a substantial quantity of ground from his premises and in various other particulars. That your petitioner has been unable to agree with the County Commissioners on the amount of damages to be paid

ASSESS DAMAGES
and therefore, praying the Court to appoint proper persons to view and ~~fix 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 Aaron G. Kramer, Esq.,
Harry Reese and Jack Michaels

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~~
~~and make return~~ 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. Palestine, 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 claimant REBBER notices thereof were posted along the route of the proposed road, that the said view would be held on the 26th 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 26th day of January, 1926, at 9, o'clock A. M. That viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Thomas J. Campbell the claimant and C. C. McGee, J. H. Iferd and D. E. Bird as witnesses.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 27th day of January A. D. 1926, when the following appearances were noted: Thomas J. Campbell, the claimant and C. C. McGee, J. H. Iferd and D. E. Bear as witnesses.

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 new 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 the use the following described road, to wit: Beginning at the junction of each of said culverts at \$25.00 a piece or at all total cost of one fifty (\$50.00) dollars for the two culverts.

As to the land of the part of the chicken yard and the part of the garden taken is part of the road bed and is therefore already covered at the rate of one hundred (\$100.00) dollars allowed for the road bed they therefore allow no extra pay for the part of the chicken yards taken; but as the garden was more valuable they allow fifty (\$50.00) dollars extra which did not contain over one third of an acre therefore the amount allowed for the garden would put the value of the land of the garden considering what was allowed for the road bed and the extra (\$50.00) dollars would the land used for the garden at \$225.00 per acre.

As to the cost claimed for the destruction of the well at his out house which was rarely used as the only time the building was used for butching and for storage of other items for a number of years and as the claimant already has two well one at his dwelling house on his porch and the other one at his barn for the watering of his stock the viewers see no necessity for another well or that the destruction of the one destroyed has damaged him in any account. They therefore allow no damages for the destruction of the well or the cost of digging a new well.

As to the damages claimed for the inconvenience of driving his cattle over the State road to his pasture fields; the viewers cannot see that the claimant is inconvenienced enough to entitle him to any damages for driving his cattle across the state road to award any damages for the same; as the Railroad lays between his barn and the State road and his house and as the Railroad and the State road are along side of each other

close together as the State road joins the right of way of the Railroad so that to pasture his cattle on the upper side of the road which is his pasturing fields he has to drive his cattle over the railroad and has only to drive them the width of the State road about forty five feet further over the State road which only requires a very few minutes.

The viewers therefore allow no damages for the inconvenience of driving his cattle across the State road.

The Viewers therefore allow damages as follows:

For the land taken	\$150.00
For rebuilding the out house taken down	300.00
For the moving of the pig pen	50.00
For eleven (11) apple trees destroyed	220.00
For walnut tree destroyed	20.00
For the cost of the erection of two culverts	50.00
For the value of the garden destroyed	50.00
Total amount of damages awarded	\$840.00

Cost of witnesses attending hearing as per bill attached \$7.60

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 respectively 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:

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

WITNESS our hands and seals this 28th day of January;

A. D. 1926.

Seal

Seal

Seal

Seal

No. 8 Feb Sessions, 19

ORDER

To view and assess damages a road THOMAS J. CAMPBELL use in the township of Bell, Clearfield County Jan-2nd 1926 Sessions, 19,

read and confirmed Ni. Si. Home to be opened 33 feet wide, except where there is side hill cutting or embankment and bridges, there to be 10 feet wide.

By the court
J. H. Share
J. H. Share

your honor for 1925
convinced absolutely
by the court of
A. H. Stone
P. J.
10
Filed
Fees \$1.25 paid by

W. Wallace Smith, Esq.,

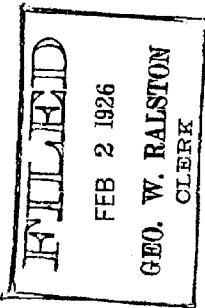
NOTE—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.

DAY	MILES	W.M.T.



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