

DOCKET No. 6

Number Term Year

4

Sept ss 1927

Petition of E. B. McCormick et al
for Appo of viewers to assess damages
in Burnside Twp
Versus

X

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

In re: Reconstruction of :
Route No. 62 State Highway. :
Damages of E.B. McCormick :
and R.M. McCormick :
:

PETITION.

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

The petition of E.B. McCormick and R.M. McCormick respectfully represents:-

(1). That your petitioners are the owners of a certain tract of land in Burnside Township, Clearfield County, Pennsylvania, bounded and described as follows:-

Beginning at stone at the Southeast corner of this tract of land where the same corners with land of R.H. George and J.L. Brothers; thence along land of said Brothers and John P. Sheppard, Vincent Tonkin's Estate and Mrs. Kinport, N. $87^{\circ}15'W$. 3267 feet to post; thence N. $61^{\circ}W$. 66 feet to post on the bank of the West Branch of the Susquehanna River; thence by land formerly owned by W.J. Nugent N. $9^{\circ}36'E$. 297 feet to post; thence still by said land N. $38^{\circ}E$. 247 feet to post; thence still by said land N. $10^{\circ}E$. 551 feet to post on West Branch of Susquehanna River; thence along said River the following courses and distances: N. $0^{\circ}30'W$. 87 feet to white oak stump; thence N. $3^{\circ}30'E$. 74 feet to post; thence N. $26^{\circ}36'E$. 140 feet to post; thence N. $35^{\circ}E$. 163 feet to post; thence N. $27^{\circ}15'E$. 245 feet to post; thence N. $21^{\circ}E$. 197 feet to post; thence N. $30^{\circ}E$. 315 feet to post; thence N. $54^{\circ}E$. 155 feet to post; thence leaving said river and running along the land of Moses L. McIlvain S. $53^{\circ}E$. 1780 feet to post and stones; thence S. $54^{\circ}E$. 893 feet to maple; thence by land late of R.H. George S. $14^{\circ}15'E$. 892 feet to stones and place of beginning. Containing 110 Acres, 86 perches, as surveyed April 14 and 15, 1915, by J. L. Elder & Son, Engineers.

Being the same premises which were conveyed to the said E.B. McCormick and R.M. McCormick by Alice P. Grilhart et al. by deed dated April 19, 1921, recorded in Clearfield County in Deed Book 251 page 81.

(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 Burnside and Cherry Tree Boroughs which passes through the tract aforesaid.

(3). That your petitioners have sustained damages by reason of the construction 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 has been completed.

(4). That your petitioners have been damaged by the taking of a substantial quantity of ground, extending in length more than two thousand (2000) feet, from their premises, by the change in the flow of water upon their premises, so that a large portion thereof has become wet and swampy, by the destruction of trees thereon, by making certain parts of said tract inaccessible and inconvenient of access, by the proximity to the buildings on said premises and in various other particulars by the change in location and construction of said Highway.

(5). That your petitioners have been unable to agree with the County Commissioners of Clearfield County on the amount of damages to be paid to your petitioners for the land appropriated and other injuries resulting to your petitioners.

YOUR PETITIONERS THEREFORE PRAY your Honorable Court to appoint viewers to appear upon the premises and to view and assess the damages and injury for which your petitioners are entitled to receive compensation by reason of the appropriation of their land and the other injuries incidental to the reconstruction and

relocation of said State Highway.

R.M. McCormick
E.B. McCormick

STATE OF PENNSYLVANIA :
:SS
COUNTY OF :
:

R.M. McCormick, 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

this 13th day of June, A.D.

1927.

R.M. McCormick
E.B. McCormick

Martha B. Cameron N.P.

NOTARY PUBLIC
My Commission expires Feb. 1, 1930

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY
Pennsylvania.

14 Sept. 22 1927

In re: Reconstruction of
Route No. 62 State Highway.
Damages of E.B. McCormick
and R.M. McCormick.

PETITION

NOW COME I, *George Wallace*, 1927
with this petition before present-
ed, the Court appoints,

*John H. Hollingshead, Harry
Keese, James Gandy, John
Hollingshead*

viewers to view and assess
the damages claimed and make
report there of.

by the Court,

Geo. W. Raison
President Judge

FILLED
JUN 28 1927

W. Wallace Smith
Attorney at Law
CLEARFIELD, PENNA

400 by attorney

IN THE COURT OF Jonathan Sissine OF CLEARFIELD COUNTY,

Route 61 Stat/Hwy In re Damages 9.0 & PM. Mc Cormick Versus Clearfield County.	Of <u>Six</u> <u>88</u> No. <u>4</u> <u>Claimants'</u> At <u>Blue River</u>	Term, 19 <u>27</u> Bill of Costs Term, 19 <u>27</u>
--	--	---

		Dollars	Cents
<u>J. M. Brys</u>	Days in attendance <u>40</u> Miles direct travel	<u>4</u>	<u>0</u>
<u>R. H. Dunlap</u>	Days in attendance <u>40</u> Miles direct travel	<u>4</u>	<u>0</u>
	Days in attendance Miles direct travel		
	Days in attendance Miles direct travel	<u>8</u>	<u>80</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		
	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		
	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		
	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 R. M. Mc Cormick, 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

19 day of Aug., A. D. 1927 }
Geo. W. Ralston, Prothonotary } R. M. Mc Cormick

No. 4 Syg 88 Term, 1927.

County of Highway
Reuben T. B. & Q. M.
McCracken

Versus

Clerk of Court

Claimant Bill of Costs

For _____ Term, 19 _____

Date _____ 19 _____

Amount — — — \$8.80

G.
FILED

AUG 19 1927

GEO. W. RALSTON
CLERK

Beginning at stone at the Southeast corner of this tract of land where the same corners with land of R.H. George and J. L. Brothers; thence along land of said Brothers and John P. Sheppard, Vincent Tonkin's Estate and Mrs. Kimport N. $87^{\circ} 15'$, W. 3267 feet to post; thence N. $61^{\circ} W.$ 66 feet to post on the bank of the West Branch of the Susquehanna River; thence by land formerly owned by W. J. Nugent N. $90^{\circ} 36' E.$ 297 feet to post; thence still by said land N. $38^{\circ} E.$ 247 feet to post; thence still by said land N. $10^{\circ} E.$ 551 feet to post on West Branch of Susquehanna River; thence along said river the following courses and distances; N. $0^{\circ} 30' W.$ 87 feet to white oak stump; thence N. $30^{\circ} 30' E.$ 74 feet to post; thence N. $26^{\circ} 36' E.$ 140 feet to post; thence N. $35^{\circ} E.$ 163 feet to post; thence N. $27^{\circ} 15' E.$ 245 feet to post; thence N. $21^{\circ} E.$ 197 feet to post; thence N. $30^{\circ} E.$ 315 feet to post; thence N. $54^{\circ} E.$ 155 feet to post; thence leaving said river and running along the land of Moses L. McIlvain S. $53^{\circ} E.$ 1780 feet to post and stones; thence S. $54^{\circ} E.$ 893 feet to maple; thence by land late of R.H. George S. $14^{\circ} 15' E.$ 892 feet to stones and place of beginning. Containing 110 Acres, 86 perches. AS

That the State Highway has proceeded with the construction of an improved state highway, being Route No. 62 particularly the portion thereof between Burnside and Cherry Tree boroughs which passes through the tract aforesaid.

That your petitioners have sustained damages by reason of the construction of said state highway by the taking of a quantity of ground, extending in length more than two thousand feet, by the change in the flow of water upon their premises and have been unable to agree with the County Commissioners on the amount of damages to be paid to your petitioners for the land appropriated and other injuries resulting to your petitioners.

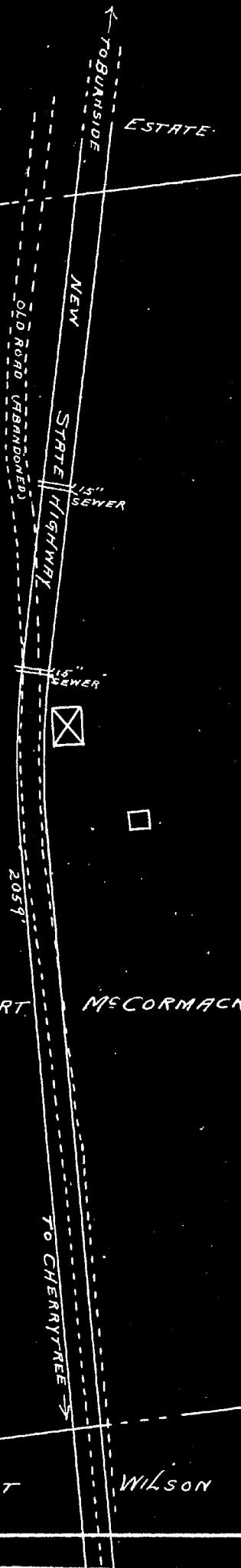
MC ELVAIN

ESTATE

PROPERTY OF ROBERT McCORMACK
IN BURNSIDE TOWNSHIP
CLEARFIELD COUNTY PA
VIEWED UPON A QUESTION OF DAMAGE
AUG 18-1927 BY JOHN SCOLLINS, ESQ.
SCALE 1"=200' H.A. REESE

ROBERT

McCORMACK



W. Wallace Smith, Esq., Attorney for Petitioners:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 4, September Sessions, 1927, to view and assess damages done to the property of E. B. McCormick and R. M. McCormick in the construction of the State Highway, being Route No. 62, particularly the portion thereof between Burnside and Cherry Tree boroughs, in Burnside Township, Clearfield County aforesaid, will meet at the dwelling-house of E. B. McCormick and R. M. McCormick in Burnside Township on Thursday, the 18th day of August, A. D. 1927 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 19th day of August, A. D. 1927, 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
Harry Reese
James Spangle
Viewers

Dated, August 2nd, 1927.

Aug. 4, 1927. Service of above notice is
executed.
W. Wallace Smith
Atty for Petitioners.

To: The 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, in re: No. 4, September Sessions, 1927, to view and assess damages done to the property of E. B. McCormick and R. H. McCormick in the construction of the State Highway, being Route No. 62, particularly the portion thereof between Burnside and Cherry Tree boroughs, in Burnside Township, Clearfield County aforesaid, will meet at the dwelling-house of E. B. McCormick and R. H. McCormick in Burnside Township on Thursday the 18th day of August, A. D. 1927 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 19th day of August, A. D. 1927, 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 Ballind
Harry Peese
Jude Spangle
Viewers

Dated, August 2nd, 1927.

Clearfield County, SS:

Now, this 4th day of August, A. D. 1927, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk

To: Stanley Young, Frank Beck and J. B. Shepherd, Supervisors of Burnside Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 4, September Sessions, 1927, to view and assess damages done to the property of E. B. McCormick and R. M. McCormick in the construction of the State Highway, being Route No. 62, particularly the portion thereof between Burnside and Cherry Tree boroughs, in Burnside Township, Clearfield County aforesaid, will meet at the dwelling-house of E. B. McCormick and R. M. McCormick in Burnside Township on Thursday, the 18th day of August, A. D. 1927 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 19th day of August, A. D. 1927, 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
Harry Reese
James Spangle
Viewers

Dated, August 2nd, 1927.

CLEARFIELD COUNTY, SS:

Now, this ^{5th} day of August, A. D. 1927, service of the above Notice is accepted for the Supervisors of Burnside Township, Clearfield County.

J. B. Shepherd
S. S. Young
Frank Beck

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 4th day of September

in the year of our Lord one thousand nine hundred twenty seven

E. B. McCormick &
R. M. McCormick

Judge of the same Court: Upon the petition of ~~sundry~~^{xxx} habitants of the Township of Burnside

in said County, setting forth that they are the owners of a certain tract of land, bounded and described as follows:

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 John Scollins, Esq.,

Harry Reese 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 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 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 Burnside and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 18th day of August A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 19th day of August, 1927, at 10 o'clock A. M. That two of the [3]viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view R. M. McCormick, of petitioners; S. S. Young, Supervisor; John Byers and R. H. Dunlap,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 19th day of August A. D. 1927, when the following appearances were noted: W. Wallace Smith, Esq., for petitioners; F. G. Smith, Esq., of the office of A. M. Liveright, County Solicitor, with T. R. Weimer and J. E. Dale, County Commissioners. R. M. McCormick, petitioner; R. H. Dunlap, and J. M. Byers, witnesses on the part of petitioner, produced, 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 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) damages have been sustained by the petitioners. We further find that Route 6 (formerly Route 62) of the Pennsylvania State System of Highways, particularly that portion thereof leading from Cherry Tree Borough to Burnside Borough, has been re-located, regraded and improved as a permanent highway; and by the change in the course thereof, as well as the change of width and existing lines and location, a certain portion of petitioners' land was taken as shown on the map or draft thereof hereto attached and made a part hereof; that in the construction thereof four (4) catalpa shade trees in front of petitioners' dwelling-house were cut down and destroyed, as well as a Pine thicket along the Northern end of petitioners' land; that petitioners' were also required to rebuild a fence along said new road; that by the construction of a new sewer-drain certain of petitioners' land on the Western side of said Road has become wet and swampy; and that the barn is inconvenient of access, as a result thereof.

The amount of damages as testified to by petitioner and witnesses is \$1000 to \$1200.

After viewing the premises and conditions, hearing the evidence, and taking into consideration the special benefits accruing thereto by reason of the improvement of said Route 6 (formerly 62) as a permanent highway, your viewers are of the opinion that the foregoing estimates are excessive; but that the petitioners should be compensated for the land taken and occupied and the damages caused to them.

Seal

Seal

Seal

Seal

A. D. 1927.

WITNESS our hands and seals this 31st day of August

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

three hundred dollars.

make report thereof as follows: To B. McCormick and H. McCormick, the sum of
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 them damages and
the following persons having refused to release the damages to which they respectively may

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

~~when it was not practical to procure it within that limit~~

is hereto attached and made a part hereof, said road being at an elevation not exceeding five
degrees, excepting
and that a plan or draft of said road showing courses and distances and the properties affected

No. 4 Sept Sessions, 1927

ORDER

To view and assess damages to
roads for E. B. McCormick use in the
township of Burnside _____,
Clearfield County _____.

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.
H. A. Reese		3	102	\$27.6
John Scollins		3	102	\$27.6
R. H. Dunlap		1	43	\$4.1
J. M. Byers		1	43	\$4.1

CEO, M. PAUL STOTH
COUNSEL
SEP 10, 1977

19
Filed Fees \$1.25 paid by

W. Wallace Smith, Esq.,

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 af 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

Seite

Scal.

Seal.

Seal.