

DOCKET No. 6

Number Term Year

4

Sept ss 1927

Petition of E. B. McCormick et al  
for Appto 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 13<sup>th</sup> day of June, A.D.

1927.

R. M. McCormick  
E. B. McCormick

Martin R. Cameron N.P.

NOTARY PUBLIC

My Commission expires Feb. 1, 1930

4

LAP OVER MARGIN

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

*NOV 27 1927*  
within this petition being present-  
ed, the Court appoints,  
*John Hollinsworth*  
*here, James H. H. H.*

viewers to view and assess  
the damages claimed and make  
report thereof.

by the Court,

*W. Wallace Smith*  
President Judge

FILED  
JUN 28 1927  
GEO. W. RAISTON  
CLERK

W. WALLACE SMITH  
ATTORNEY AT LAW  
CLEARFIELD, PENNSA

*4.00 Ray ally*



No. 4 Sup. 88 Term, 1927.

Debt in West/High  
Debt in S.B. & Q.M.  
McCrack  
VERSUS

Clairfield Court

Clairmont Bill of Costs

For \_\_\_\_\_ Term, 19\_\_

Date \_\_\_\_\_ 19\_\_

Amount — 1 — — \$ 8.50

2

FILED  
AUG 19 1927  
GEO. W. RALSTON  
CLERK

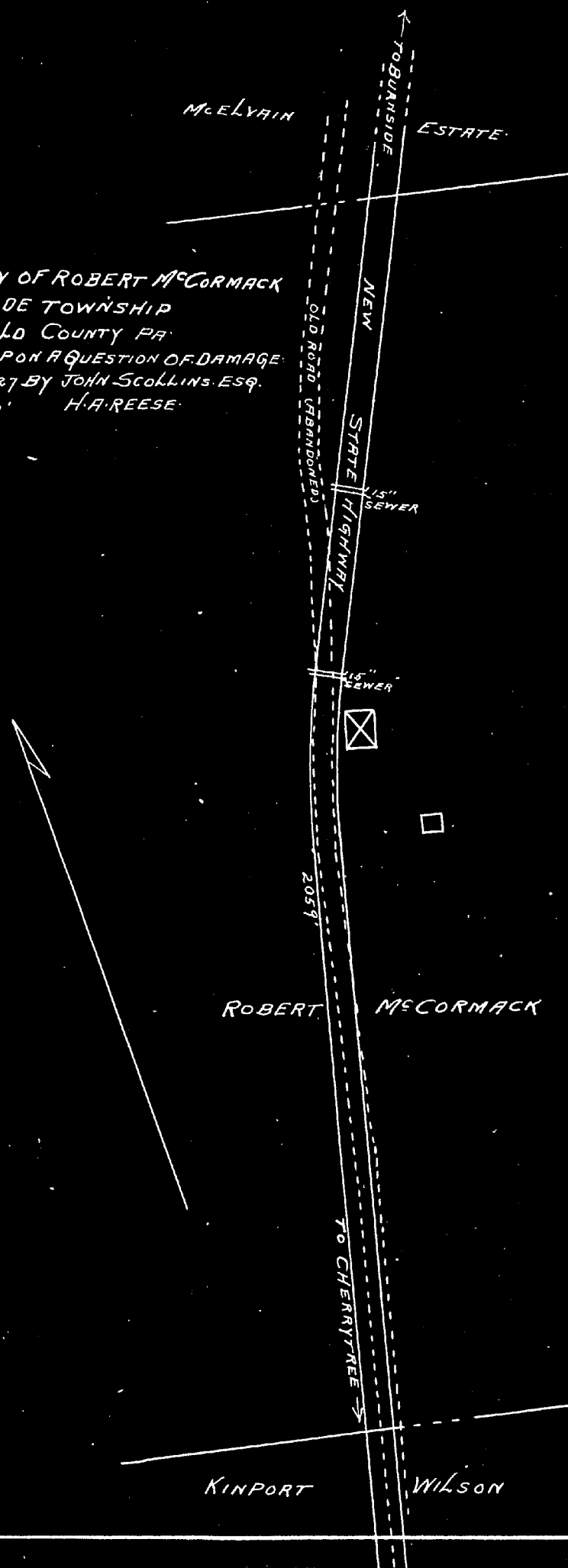
Beginning at stone at the Southeast corner of this tract of land where the same corners with land of R.H. George and J. L. Brothers; thence along land of said Brothers and John P. Sheppard, Vincent Tonkin's Estate and Mrs. Kimport N. 87° 15' W. 3267 feet to post; thence N. 61° W. 66 feet to post on the bank of the West Branch of the Susquehanna River; thence by land formerly owned by W. J. Nugent N. 9° 36' E. 297 feet to post; thence still by said land N. 38° E. 247 feet to post; thence still by said land N. 10° E. 551 feet to post on West Branch of Susquehanna River; thence along said river the following courses and distances; N. 0° 30' W. 87 feet to white oak stump; thence No. 30 30' E. 74 feet to post; thence N. 26° 36' E. 140 feet to post; thence N. 35° E. 163 feet to post; thence N. 27° 15' E. 245 feet to post; thence N. 21° E. 197 feet to post; thence N. 30° E. 315 feet to post; thence N. 54° E. 155 feet to post; thence leaving said river and running along the land of Moses L. McIlvain S. 53° E. 1780 feet to post and stones; thence S. 54° E. 893 feet to maple; thence by land late of R.H. George S. 14° 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.



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



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 Gallin*  
*Harry Reese*  
*James Spangle*  
Viewers

Dated, August 2nd, 1927.

*Aug. 4, 1927. Service of above notice is  
acknowledged.*  
*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. 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.

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*Orin Callin*  
*Harry Reese*  
*James Spangle*  
Viewers

Dated, August 2nd, 1927.

Clearfield County, SS:

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

*L. E. 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 5<sup>th</sup> 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~~  
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 quali-  
fied 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. C. 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 re-build 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  
M.A. Revere  
M.A. Revere

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 E. B. McCormick and R. M. McCormick, the sum of 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 view-

ers, after having considered the advantages to be derived to them, do assess them damages and arise from opening the same, and that they procured such releases from

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

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

degrees, excepting

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

and that a plan or draft of said road showing courses and distances and the properties affected

No. 4 Sept Sessions, 1927

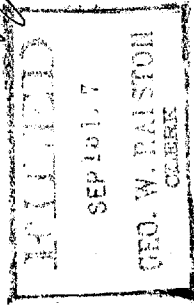
## ORDER

To view and assess damages to  
road by R. B. McCormick  
for R. M. McCormick use in the  
township of Burnside  
Clearfield County

September 26, 1927  
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  
A. Wallace



Filed \_\_\_\_\_ 19

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.

	DAYS	MILES	AM'T.
H. A. Reese	3	102	\$27.60
John Scollins	3	102	\$27.60
R. H. Dunlap	1	43	\$4.58
J. M. Byers	1	43	\$4.58

## 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. 1927 \_\_\_\_\_

Seal

Seal

Seal

Seal