

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

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of Jacob Ley of Jackson Township, Cambria County, Pennsylvania, respectfully represents:

That on or about the 1st day of October, 1921, engineers, agents, servants, and workmen of the State of Pennsylvania, caused a certain road known as the Huntingdon, Ebensburg and Pittsburgh Turnpike, and more recently known as state highway route, No. 314 and now known as the William Penn Highway, through the property of your petitioner in Jackson Township, Cambria County, to be relocated, regraded and improved.

That no petition was presented to the court for a view changing the alignment or grade of said road, the said changes were made by the State of Pennsylvania in accordance with the powers and privileges afforded them by the laws of this Commonwealth. That under and by virtue of the Act of July 18, 1917, P. L. 1040, which is provided that the county shall pay all damages for change of location of said road.

That your petitioner has been greatly damaged by the change of alignment and change of grade of said road where it crosses his property in Jackson Township, Cambria County, which property is described as follows:

All that certain tract or piece of land situate, lying and being on the turn-pike leading from Blairsville to Ebensburg, in Jackson Township, Cambria County, Pennsylvania, bounded and described as follows:

Beginning at a called for sarves, now pointers, now land of William Penantzer; thence by land now of Benjamin Ford North five degrees East fifty four and one half perches to a post; thence by land now of John Meegan North eighty seven degrees West fifty seven and three tenth perches to a post; thence by land of the Lackawanna Coal

Company, formerly of the Fisher Heirs, South three degrees West fifty three and eight tenths perches to a post; thence by land of George Barr Heirs and William Penantzer South eighty seven degrees East one hundred sixty perches to the place of beginning, containing fifty six acres, more or less. That the said County of Cambria has not paid nor have they caused to be assessed, the damages suffered as aforesaid as required by the constitution and the laws of the State of Pennsylvania.

Your petitioner, therefore, prays the court to appoint viewers to assess the said damages suffered as aforesaid and make return to this court as provided by the Act of Assembly approved May 23, 1891, P. L. 109.

And he will ever pray.

Jacob Ley

Cambria County, SS:

Jacob Ley, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are correct and true to the best of his knowledge, information and belief.

Sworn and subscribed this
27th day of March, 1924.

Jacob Ley

Dorothy Hoyle
Notary Public
my comm. expires end of
next session of Senate.

D E C R E E .

And now, to wit, March 31st, 1924, the foregoing petition having been read and considered, the court appoint W. H. [unclear]
J. D. Ketter and Adam [unclear] and _____

_____ viewers to meet upon the premises in the foregoing petition described at such time as shall be fixed by said viewers, after giving notice as required by law; and the said viewers or any two of them, having first been duly sworn and affirmed to perform faithfully the duties imposed upon them, and having viewed the premises in the said petition described, they shall estimate and determine whether any, and if any, what amount of damages has been or may be sustained by the petitioner by reason of the change of alignment, relocation and change of grade of the road in the said petition described, together with all other injury or damage done to the said property in the construction of the relocated highway, and to make report thereof to said court on or about the next term thereof.

By the Court.
L

R E P O R T O F V I E W E R S .

To the Honorable, the Judges of the Court of Quarter Sessions of
Cambria County, Pennsylvania.

We, the undersigned members of the board of viewers of Cambria county, appointed by your honorable Court to view and determine the damages, if any, sustained by Jacob Ley by reason of the change, re-locating and regrading of that portion of the William Penn Highway, where it passes through and over his premises in Jackson Township, Cambria county, Pennsylvania, respectfully report:-

That having been first duly sworn, according to law, to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability; and having given due notice of the time and place of meeting to the Commissioners of Cambria county and the petitioner and having them accept service of notices hereto attached, and having posted notices in conspicuous places on the premises: All of us met on the premises, in accord with the notices so given, and having gone over and carefully viewed and examined the premises and the changes in the location of the present permanent road and the grade thereof, and noting the damages which has resulted and which seems likely to result to the owner we found as follows:

We found that the new permanent road constructed by the State employees crosses through and over the premises of said Jacob Ley for a distance of seventeen hundred and ninety seven feet.

That the line of said new permanent road deviates very considerable in numerous places, as it crosses said premises of Jacob Ley, from the location of the old road through and over his said premises; as is more particularly and clearly indicated on the plot or draft hereto attached and made a part of this report.

That a small building used and occupied by said Jacob Ley as a store and originally located near the old public road was twice moved by the employees of Cambria county, to the detriment of the owner and occupant.

That a watering place near the end of the lane leading to the farm buildings from the public highway has been permanently destroyed and a spring, formerly along the Northerly side of the public highway and at the edge of the petitioners field, about midway between the end of the lane leading to his farm buildings and the end of the lane leading to the farm of one John Meegan, has been completely covered up by the new permanent road.

That a considerable strip of ground from one of the best fields of the petitioners farm was taken and utalized for road purposes between the ends of the two lanes mentioned in the last paragraph.

That between the lane leading to the Meegan farm, asbefore mentioned, and the Easterly line of said Ley farm another spring was destroyed and a considerable quantity of timber cut and destroyed and many rods of wire fence broken down or covered up.

As a result of which change, relocation and regrading through and over the premises of said Jacob Ley we are of the opinion that he has sustained damages; in excess of any benefits which might or seem likely to acrae to him; in the sum of eight hundred dollars, which amount we find should be paid to him by the County of Cambria.

Witness our hands this 26th. day of April, A. D., 1924.

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers.

Notice of View!

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and ascertain the damages, if any, sustained by Jacob Ley - the owner of a certain tract or piece of land situate in Jackson Twp., said county and state, on the Blairsville-Ebensburg turnpike, known as the William Penn Highway:

Beginning at land of Wm. Penantzer, thence by land of Benj. Ford N. 5° E. 54 1/2 ps. to a post; thence by land of John Meegan N. 87° W. 57.3 ps. to a post; thence by land of the Lackawanna Coal Co. S. 3° W. 53.8 ps. to a post; thence by land of George Barr Heirs and Wm. Penantzer S. 87° E. 160 ps. to a post and place of beginning; containing about 56 acres: Through and over which the employees of the state of Pennsylvania caused said William Penn Highway to be relocated, regraded and improved;

will meet **ON THE PREMISES** in the Township of Jackson aforesaid on the 15th day of April 1924, at 9:30 o'clock a. M., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Ebensburg, Pa. April 3rd., 1924.

Now, April 3rd. 1924, service of the within notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.

A. S. Kintner

clerk.

511
L.P.

Notice of View!

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and ascertain the damages, if any, sustained by Jacob Ley- the owner of a certain tract or piece of land situate in Jackson Twp., said county and state, on the turnpike leading from Blairsville to Ebensburg - known as the William Penn Highway:

Beginning at land of Wm. Penantzer; thence by land of Benjamin Ford N. 5° E. 54½ ps. to a post; thence by land of John Meegan N. 87° W. 67.3 ps. to a post; thence by land of the Lackawanna Coal Co., S. 3° W. 53.8 ps. to a post; thence by land of George Barr Heirs and Wm. Penantzer N. 87° E. 160 ps. to place of beginning; Containing about 56 acres.; Through and over which the employees of the State of Pennsylvania caused said William Penn Highway to be relocated, regraded and improved;

will meet **ON THE PREMISES** in the Township of Jackson aforesaid on the 15th. day April 19 24, at 9:30 o'clock a. m., M., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Ebensburg, Pa. April 3rd., 1924.

Viewers.

Now, April 3rd. 1924, service of the within notice is hereby accepted for Jacob Ley, of Jackson Twp., Cambria Co., Pa.

J. H. Smith

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Costs of View

A. M. Shoemaker

Lifting Order	\$ 90
5 Days	37.50
Engineering work	75.00
Sivery hire (three trips)	12.00
	<u>\$125.40</u>

CERTIFIED
Jacob M. Hoffman
COUNTY CONTROLLER

J. D. Ritter

2 Days	\$15.00
Auto hire	5.00
46 miles @ 5¢ per mi	2.30
	<u>\$22.30</u>

CERTIFIED
Jacob M. Hoffman
COUNTY CONTROLLER

Adam Shuman

2 Days	\$15.00
Sivery hire	4.00
	<u>\$19.00</u>

CERTIFIED
Jacob M. Hoffman
COUNTY CONTROLLER

APPROVED FOR PAYMENT

[Signature]
[Signature]
[Signature]
COMMISSIONERS

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 31st day of March A. D. 1924, before the Honorable Judge of the said Court: Upon the petition of Jacob Ley of Jackson Township, in the said County; setting forth

~~That on or about the 1st day of October, 1921, engineers, agents, servants, and workmen of the State of Pennsylvania, caused a certain road known as the Huntingdon, Ebensburg and Pittsburgh Turnpike, and more recently known as state highway route No. 314, and now known as the William Penn Highway, through the property of your petitioner in Jackson Township, Cambria County, to be relocated, regraded and improved. That no petition was presented to the Court for a view changing the alignment or grade of said road, the said changes were made by the State of Pennsylvania in accordance with the powers and privileges afforded them by the laws of this Commonwealth. That under and by virtue of the Act of July 18, 1917, P.L. 1040, it is provided that the county shall pay all damages for change of location of said road. That your petitioner has been greatly damaged by the change of alignment and change of grade of said road where it crosses his property in Jackson Township, Cambria County, which property is described as follows: All that certain tract or piece of land situate, lying and being on the turn-pike leading from Blairsville to Ebensburg, in Jackson Township, Cambria County, Pennsylvania, bounded and described as follows: Beginning a a called for sarves, now pointers, now land of William Penantzer; thence by land now of Benjamin Ford north five degrees East fifty four and one half perches to a post; thence by land now of John Meegan North eighty seven degrees West fifty seven and three tenth perches to a post; thence by land of the Lackawanna Coal Company, formerly of the Fisher Heirs, South three degrees West fifty three and eight tenths perches to a post; thence by land of George Barr Heirs and William Penantzer South eighty seven degrees East One hundred sixty perches to the place of beginning, containing fifty six acres, more or less. That the said County of Cambria has not paid nor have they caused to be assessed, the damages suffered as aforesaid as required by the constitution and the laws of the State of Pennsylvania.~~
assess damages

and therefore praying the Court to appoint proper persons to view and ~~assess~~ according to law. The Court, upon due consideration had of the premises, do order and appoint

A. M. Shoemaker surveyor, and

J. D. Ritter and Adam Shuman

viewers, to view the ground ~~proposed for said road~~, and if they ~~assess~~ view the same, and shall agree that there is occasion for such ~~road~~, they shall proceed to ~~locate~~ the same, ~~having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to the property and also be as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public highway, and if so, what kind of road, and the course and distance, and the places to be crossed, and the places to be crossed, which to be done.~~

By the Court.

Attest:

Frank L. Robb Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

NO 8, March SESSIONS, 1924

Order to view and assess damages

caused by relocation of road

over land of Jacob Ley in

Jackson Township, Cambria Co.

CERTIFIED

W. Hoffmann

CLERK

Jacob M. Hoffmann

Filed 30 April 1924

Viewers

A. M. Shoemaker, Esq.

J. D. Ritter

Adam Shuman

Clerk Robb 90 cts.

P. J. Little

*May 19 1924 Read and confirm nisi,
Confirmation to become absolute unless
Exceptions are filed within five days, notice
of delinquency to begin by petition,
By the Court*

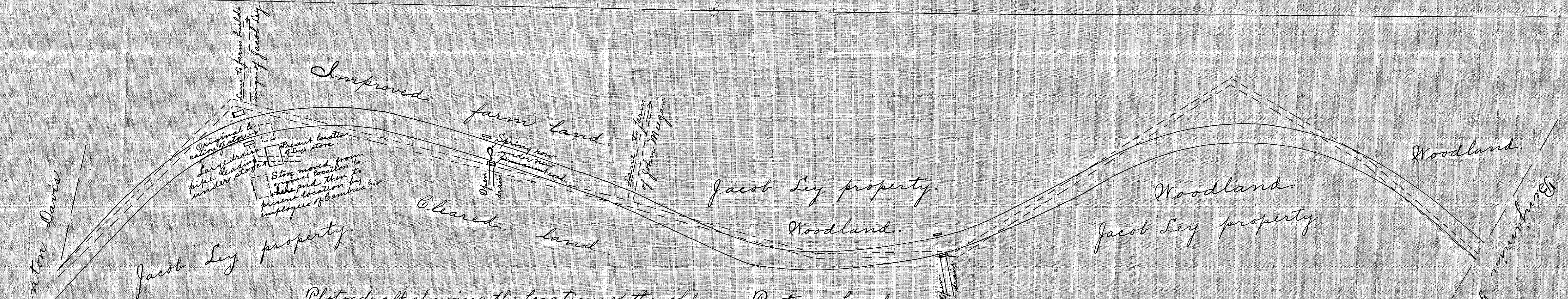
No. 5 March Sessions 1924

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.

Petition of Jacob Ley for the appointment of viewers to assess damages caused by the relocation, change of grade and construction of said highway, No. 314, through his land in Jackson Township, Cambria County, Pennsylvania.

*Filed 31 March 1924
P. J. Little*

P. J. LITTLE
ATTORNEY AT LAW
EBENSBURG, PA.



Plot or draft showing the location of the old Philadelphia-Pittsburgh turnpike and the comparative location of the new permanent road now known as the William Penn Highway; where same pass through and over lands of Jacob Ley, in Jackson Township, Cambria Co., Pa.

Viewed upon an order of the Court of Quarter Sessions of Cambria County, Pennsylvania, dated 31st March, A. D., 1924.
 A. M. Shoemaker, J. D. Ritter and Adam Shuman, Viewers.