

No. 1 SEPTEMBER SESSIONS 1926.

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY.

IN RE:

CONDEMNATION OF LAND BY THE  
SUPERVISORS OF ALLEGHENY TOWNSHIP  
OF LAND OF JEROME FLICK SITUATE IN  
ALLEGHENY TOWNSHIP, CAMBRIA COUNTY,  
PENNSYLVANIA.

EXCEPTIONS TO THE PROCEEDINGS  
AND TO THE CONFIRMATION OF THE  
REPORT OF VIEWERS.

*Filed 27 October 1926.*

F. J. HARTMANN,  
ATTORNEY,  
KENSBURG,  
CAMBRIA COUNTY, PA.

IN RE: CONDEMANCTION BY THE  
SUPERVISORS OF ALLEGHENY  
TOWNSHIP OF LAND OF JEROME  
FLICK LOCATED IN ALLEGHENY  
TOWNSHIP, CAMBRIA COUNTY, PA.

IN THE COURT OF QUARTER SESSIONS OF  
CAMBRIA COUNTY.

NO. 1 SEPTEMBER SESSIONS 1926. ROAD  
DOCKET.

REPORT OF VIEWERS FILED 25 OCTOBER 1926.

EXCEPTIONS.

Jerome Flick, the land owner affected by the above stated proceedings, by his attorney, F. J. Hartmann, now files the following exceptions to the above stated proceedings and to the confirmation of the report of viewers, to wit:

1. The supervisors of Allegheny Township, petitioners in the above proceeding, have neither jurisdiction in the premises nor power to condemn the land in question alleged to have been appropriated pursuant to the Act of Assembly of 17th March 1925, P. L. 38, because the purpose of such appropriation and condemnation by the said supervisors, namely land for a parallel winter road with an existing public highway, is not contained in said Act of Assembly in that said Act of Assembly authorizes the condemnation of land for the purpose of eliminating dangerous curves and widening narrow roads for the better protection and safety of the public and for no other purposes.

2. This Court is without jurisdiction in the premises to confirm a report condemning and appropriating land under said Act of Assembly because the alleged appropriation of the land of the exceptant is not for the purpose specified in said Act of Assembly but for the purpose of laying out a winter road along side of and parallel with an existing public highway.

3. The testimony filed in this proceeding discloses beyond any question that the purpose of the condemnation is not for the purpose of widening an existing public road but is for the purpose of establishing an additional parallel road to such existing highway.

4. The alleged appropriation of the land in question is not necessary, as is shown by the evidence, for the better protection and safety of the traveling public under any circumstances whatsoever.


5. There is no intention as disclosed by the evidence and the facts that the supervisors of Allegheny Township intend at any time to use the land alleged to have been appropriated either for the purpose of widening a public road or eliminating a dangerous curve in a public highway.

6. The highway abutting on the land alleged to have been condemned according to the evidence and facts in this proceeding is in good condition and is not dangerous in any respect whatsoever.

7. The highway adjoining or abutting the land alleged to have been condemned in this proceeding is practically straight and does not contain any curve or curves whatsoever.

8. The proceedings are irregular, invalid and void under the facts, the testimony and circumstances in that it is sought thereby generally to appropriate land for a purpose not authorized by law.

WHEREFORE it is respectfully urged that the whole proceeding from the beginning unto the conclusion thereof should be vacated, dismissed and stricken from the record.

  
\_\_\_\_\_  
Attorney for Jerome Flick, Exceptant.

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 Permanent Board of Viewers of Cambria County, Pa., appointed by your honorable Court upon the attached order and therein directed to view and determine the damages sustained by Jerome Flick, of Allegheny Township, said county and state, ~~xxxx~~ and to return a description of the land condemned; as set forth in the order of the Court hereto attached; respectfully report:

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of the County of Cambria, the Supervisors of the Township of Allegheny, to Jerome Flick and to the public by serving personal notice on the parties interested and by posting hand bills in public and conspicuous places along the public road where same passes through and over the premises of said Jerome Flick and by advertising the view in the Cambria County Legal Journal and the Cambria Freeman of Ebensburg, and 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 true report to make concerning all matters and things concerning which we were authorized to enquire; we met upon the premises in accord with the notices given, as above stated, and having gone over and carefully viewed the premises and the land proposed to be taken - a description of which is hereinafter incorporated in this report and a plot or draft hereto attached and made a part of this report, - and having given due notice to all parties interested ~~xx~~ of the time and place of meeting, we met at the Court House in Ebensburg; when and where the parties in interest appeared and were heard, and having carefully considered the whole situation and the evidence produced we prepared a schedule of benefits and damages and ~~XXXXXXXX~~ having given the parties in interest personal notice of the time and place, we then and there exhibited a schedule of our finding of benefits and damages, which was as follows, viz: That Jerome Flick would sustain damages in the sum of TWO HUNDRED EIGHTY DOLLARS and NO benefits. said damages to be paid to him by the Township of Allegheny.

The piece of land proposed to be condemned by the Supervisors of the Township of Allegheny is enclosed, bounded and described thus: Beginning at a post set twenty feet Eastward from the center of the gutter on the East side of the cement road on the crown of the hill approximately 470 feet Northward on said road from the center of the Flick residence and two feet Southward from a large locust tree which sets to the right or Easterly side of the cement road at the crown of the hill above the Flick residence, thence bounded on the Easterly side by a line extending South  $9^{\circ} 25'$  West eleven hundred feet and enclosing either end with a line twenty feet long drawn at right angles from said eleven hundred feet line to the center of the gutter at the Easterly side of the said cement road, embracing within said bounds, to the Easterly side of the cement road a strip of ground eleven hundred feet long with a maximum width of twenty two feet and a minimum width, on top of the bank, of twelve feet. Clearly bounded and shown on the attached sketch or draft, which is made a part hereof.

From the Act of the General Assembly of the 17th. day of March, A. D., 1925, P. L. 38, and the order of the Court of Quarter Sessions hereto attached, the Viewers are of the opinion that it is not within the province of the Viewers to determine the necessity or non necessity of the taking of the piece of land in question; however, the viewers are of the opinion that the taking of the piece of land in question is not necessary for the purpose of widening the present improved township road which passes through and over the land of Jerome Flick along and adjacent to the strip in question.

Witness our hands this 18th. day of October, A. D., 1926.

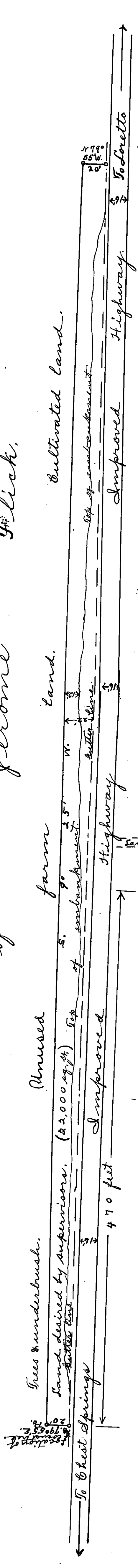
A. M. Shoemaker.

Adam Shuman

J. D. Ritter

Viewers.

Land of Jerome Flick.



Plot or draft showing the location of a narrow strip of land situate in Allegheny Township, Cambria Co., Pa., adjacent to the improved public highway leading from Loretto to Chest Springs, where said highway passes through and over land of one Jerome Flick, which said piece of land is sought to be condemned for the use of said township of Allegheny (Viewed upon an order of the Court of Quarter Sessions of Cambria Co., Pa., dated 1<sup>st</sup> Sept. 1926 & entered to No. 1. Sept. Sess., 1926. R. D. A. M. Shoemaker, J. D. Ritter by 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, ascertain and determine the damages which shall be sustained by Jerome Flick of Allegheny Twp., said county and state, by reason of the taking and condemning of a certain piece of land along the township road leading from Loretto to Chest Springs, in said township, - where said road passes through and over his premises - for the property taken, injured or destroyed by reason of said taking for the purpose of widening and improving said public road for the safety and better protection of the traveling public:

will meet ON THE PREMISES in the Township of Allegheny aforesaid on the 11th. day October 1926.; at 9:30 o'clock A. M., for the purpose of performing the duties of their appointment.

Adam Shuman,

J. D. Ritter and

A. M. Shoemaker,

Viewers.

Ebensburg, Pa. 9/23/26.

Now, <sup>Oct. 2nd</sup> ~~Sept.~~ 1926, service of the within notice is  
hereby accepted for the Commissioners of Cambria County,  
Pennsylvania.

A. S. Kincaid

V I E W E R ' S   N O T I C E .

In the matter of the Appointment of Viewers to determine the damages sustained by Jerome Flick, of Allegheny Township, Cambria County, Pennsylvania, by reason of the taking and appropriating of land adjacent to the public highway, where same passes through and over his premises, in said township, for the purpose of widening and improving said highway: the undersigned viewers having viewed the premises, heard the testimony offered will fix and exhibit a schedule of their award and hear any further evidence which the parties in interest may have to offer, at the Court House in Ebensburg, Pa., October 16th. at 1:30 o'clock P. M., 1926.

A. M. SHOEMAKER,  
J. D. RITTER and  
ADAM SHUMAN,  
Viewers.

(copy)

SCHEDULE OF AWARD.

In the matter of the View to determine the damages sustained by Jerome Flick of Allegheny Twp., Cambria Co., Pa., by reason of the taking and appropriating of land adjacent to the township road, where same passes through and over his premises, for the purpose of widening and improving same and to render it more safe for the traveling public.

The undersigned viewers appointed in the above stated matter having viewed the premises, heard the testimony offered by the parties in interest, <sup>have</sup> prepared their schedule showing the following award of benefits and assessment of damages, viz:

Benefits	-	-	-	-	-	-	-	\$ none
Damages	-	-	-	-	-	-	-	\$ 280. <sup>00</sup>

A. E. Shoemaker,  
J. D. Ritter and  
Adam Shuman,  
Viewers.

V I E W E R S ' N O T I C E .

In the matter of the appointment of Viewers to determine the damages sustained by Jerome Flick, of Allegheny Township, Cambria Co., Pa., by reason of the taking and appropriating of land adjacent to the public highway, where said highway passes through and over his premises in said township, county and state, for the purpose of widening and improving said highway; having viewed the premises, heard and considered the evidence submitted by the parties in interest, fixed a date for the exhibition of a schedule of damages, if any; we, the undersigned viewers, will file our report in the Court of Quarter Sessions of Cambria County, October, 18th., A.D., 1926, and unless exceptions thereto are filed within thirty days of the filing of said report, the same shall be confirmed absolutely.

The schedule contained in the above referred to report shows that said Jerome Flick has received no benefits but has sustained damages in the sum of *Two Hundred Eighty Dollars* to be paid him by *the Township of Allegheny* -

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,  
Viewers.

V I E W E R S   N O T I C E .

In the matter of the appointment of Viewers to determine the damages sustained by Jerome Flick, of Allegheny Township, Cambria Co., Pa., by reason of the taking and appropriating of land adjacent to the public highway, where said highway passes through and over his premises in said township, county and state, for the purpose of widening and improving said highway; having viewed the premises, heard and considered the evidence submitted by the parties in interest, fixed a date for the exhibition of a schedule of damages, if any; we, the undersigned viewers, will file our report in the Court of Quarter Sessions of Cambria County, October, 18th., A.D., 1926, ~~and unless exceptions thereto are filed within thirty days of the filing of said report, the same shall be confirmed absolutely.~~

The schedule contained in the above referred to report shows that said Jerome Flick has received no benefits but has sustained damages in the sum of *Two Hundred Eighty Dollars* to be paid him by *The Township of Allegheny*.

A. M. Shoemaker,  
J. D. Ritter and  
Adam Shuman,  
Viewers.

(copy)

EBENSBURG, PA.

TO Freeman Publishing Corporation, DR.

PUBLISHERS OF THE CAMBRIA FREEMAN

FINE JOB, BOOK AND COMMERCIAL PRINTING

MR Cambria County Commissioners,  
Ebensburg, Pa.

Sept. 24

To Pub. Notice of view 3t--Jerome Flick

4 35

APPROVED FOR PAYMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMISSIONERS

RETURN THIS BILL FOR RECEIPT

**NOTICE OF VIEW**

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view ascertain and determine the damages which shall be sustained by Jerome Flick of Allegheny Township, said county and state, by reason of the taking and condemning of a certain piece of land along the township road leading from Loretto to Chest Springs, in said township—where said road passes through and over his premises—for the property taken, injured or destroyed by reason of the taking for the purpose of widening and improving said public road for the safety and better protection of the traveling public; will meet on the premises, in the township of Allegheny, aforesaid, on the 11th day of October, 1926 at 9:30 o'clock A. M., for the purpose of performing the duties of our appointment.

A. M. Shoemaker,  
J. D. Ritter and  
Adam Shuman,  
Viewers.

Ebensburg, Pa.,  
Sept. 23d, 1926.

9-4-3t

Ebensburg, Pa., *Sept 24 1926*  
*County Commissioners*  
To Cambria County Legal Journal, Dr.

The Official Medium for Publication of Legal Notices in Cambria County

Insertion of attached advertisement 3 times \$ 4.38

*notice to view -*  
*Jerome Flick*

APPROVED FOR PAYMENT

COMMISSIONERS

**NOTICE OF VIEW.**

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view, ascertain and determine the damages which shall be sustained by Jerome Flick of Allegheny Township, said county and state, by reason of the taking and condemning of a certain piece of land along the township road leading from Lorette to Chest Springs, in said township, - where said road passes through and over his premises - for the property taken, injured or destroyed by reason of the taking for the purpose of widening and improving said public road for the safety and better protection of the traveling public; will meet on the premises, in the township of Allegheny, aforesaid, on the 11th. day of October 1926, at 9:30 o'clock A. M., for the purpose of performing the duties of our appointment.

A. H. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Ebensburg, Pa.

Sept., 23d., 1926.

# Costs of View.

A. M. Shoemaker.

Preparing serving & posting notices of view and preparing notices for publication	\$22.50
View	7.50
Preparing & serving notices of hearing (personal service)	7.50
Hearing	7.50
Reviewing evidence and consultation with viewers	3.75
Preparing & serving notices of exhibition of schedule (personal service)	3.75
Exhibition of schedule & sitting to hear additional evidence	7.50
Preparing schedule & subpoenas	3.75
Engineering work - survey, plotting, draft help & transportation	30.00
Auto hire - 3 trips @ \$5.00	15.00
Preparing report, going over same with viewers, assembling & filing	15.00
Advertising to be paid by A.M.S. Legal Journal	\$123.75
	8.73
	<u>\$132.48</u>

J. D. Ritter	
4 Days	30.00
180 miles (4 trips to Ebq)	9.20
Auto hire two trips to place of view	10.00
	<u>\$49.20</u>

Adam Shuman	
4 Days	30.00
Auto hire - 4 trips to view -	10.00
- 88 mi - 4 trips to Ebq	4.40
	<u>\$44.40</u>

APPROVED FOR PAYMENT

*[Signature]*

COMMISSIONER

COUNTY CONTROLLER

CERTIFIED

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

No. 1 September Sessions, 1926.  
Road Docket.

In the Matter of the Condemnation by the Township of Allegheny, in the County of Cambria and State of Pennsylvania, of property along a certain highway in said Township for the purpose of widening the highway.

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:

The petition of James A. Farabaugh, Edward Lenz and John Koontzman respectfully represents:

That your petitioners are the duly qualified and acting supervisors of the Township of Allegheny, in the County of Cambria and State of Pennsylvania.

That many years ago a public road or highway was laid out and opened in said township extending between the termini which are described as follows/according to present conditions upon the ground: Beginning at the northern line of the terminus of Main Street in the Borough of Loretto and continuing through said Borough of Loretto to the line dividing said Borough from the Township of Allegheny, and extending thence through said Township of Allegheny to the Borough line of Chest Springs where Main Street in said Borough of Chest Springs becomes a continuation of said road, and being commonly known as the Loretto and Chest Springs Road.

That your petitioners and their counsel have been unable to find the proceedings in the Road Docket of this county whereby said Township road above mentioned was laid out and opened to public use, and therefore are unable to set forth herein the place where said proceedings are recorded.

That said township highway has been maintained as such and has been used by the public for a time so great that the memory of living residents of the district do not recall the time when the same was laid out and opened. That by reason of the fact that the record of the proceedings laying out and opening said road cannot be found,

your petitioners cannot state with certainty the width which was fixed for said road by the court at the time when the proceedings in laying out and opening the same were had, but that said road as layed out, worked and used is of a width not exceeding thirty-three feet.

That in the opinion of your petitioner as supervisors of the Township of Allegheny aforesaid, it is necessary to condemn certain land lying along and adjacent to said township highway in order to eliminate dangerous curves and to widen said road where the same is not of sufficient width to accommodate the travelling public and to render travel thereon safe for such travelling public.

That the land which is needed and desired for the purpose aforesaid is owned by one Jerome Flick, and your petitioners have been unable to purchase from the said Jerome Flick the land needed for the purpose above mentioned.

That there are no liens upon the land and property of the said Jerome Flick which petitioners seek by this proceeding to condemn.

Your petitioners further represent that by the provisions of the Act of the General Assembly of the 17th day of March, 1925, P.L. 38, it is provided that any county or township may acquire by purchase or by the right of eminent domain such property and lands situate along and adjacent to any county or township highway as in the opinion of the commissioners of such county, or the commissioners or supervisors of such township, may be necessary to eliminate dangerous curves and widen narrow roads or highways for the better protection and safety of the travelling public.

That said Act of Assembly further provides that the proceedings for the condemnation of such property and lands and for the assessment of damages for property taken, injured or destroyed,

shall be taken in the same manner as is now provided for the condemnation of land by counties and townships for the laying out and opening of county or township roads or highways as the case may be.

WHEREFORE, your petitioners pray the Court to appoint three suitable persons as viewers to view the road aforesaid and to report to the Court their findings, together with a description of the land taken and condemned hereunder, and a statement of the assessment of damages for property taken, injured or destroyed by reason of such condemnation.

And they will ever pray, etc.

Edward Lenz,

J. H. Kuntzman,

J. A. Farabaugh,

Supervisors of Allegheny Township.

Now, September 1st 1926, the within petition having been read and considered, the Court do thereupon appoint A. M. Shoemaker, Adam Shuman and J. D. Ritter as viewers to view the road within mentioned and to report their findings, together with a description of the land taken and condemned hereunder, and a statement of the assessment of damages for property taken, injured or destroyed by reason of the condemnation to be made thereof by the said Township of Allegheny. And the said viewers shall make return of their proceedings to this Court on the 1st Monday of November, 1926.

By the Court,  
Samuel Lemmon Reed,  
P. J. O. C. S. P.

Extract from the Record.

Certified this 20th day  
of Sept. A. D. 1926.

Frank L. Roll

Clerk of the Court of Quarter  
Sessions.

In the Court of Quarter Sessions  
of Cambria Co Pa  
No. 1 Sept Sess 1926 R.D.

In re Condemnation  
of land of Jerome Flick  
by the Township of  
Allegheny -

Order to View<sup>and</sup>  
Report of Viewers

Filed 18 October 1926

**CERTIFIED**

Jacob M. Hoffman

**COUNTY CONTROLLER**

13 Dec. 1926

Approved

By the Court  
E

14 March 1927

confirmed absolutely

Frank L. Rolt, Clerk

C

Q

No. 1 September Sessions 1926  
In the Court of Quarter Sessions  
of Cambria County, Pennsylvania

In the Matter of the Condemna-  
tion by the Township of Allegheny, in  
the County of Cambria and State of Penn-  
sylvania; of property along a certain  
highway in said township for the pur-  
pose of widening said highway.

PETITION FOR THE APPOINTMENT OF  
VIEWERS.

Filed 13 Sept. 1926

SHETTIG & NELSON  
ATTORNEYS AT LAW  
EBENSBURG, PA.

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

In the Matter of the Condemnation by the Township of Allegheny, in the County of Cambria and State of Pennsylvania, of property along a certain highway in said Township for the purpose of widening said highway.

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:

The petition of James A. Farabangh, Edward Lenz and John Koontzman respectfully represents:

That your petitioners are the duly qualified and acting supervisors of the Township of Allegheny, in the County of Cambria and State of Pennsylvania.

That many years ago a public road or highway was laid out and opened in said township extending between the termini which are described as follows according to present conditions upon the ground: Beginning at the northern line of the terminus of Main Street in the Borough of Loretto and continuing ~~through said Borough of Loretto to the line dividing said Borough from the Township of Allegheny,~~ and extending thence through said Township of Allegheny to the Borough line of Chest Springs where Main Street in said Borough of Chest Springs becomes a continuation of said road, and being commonly known as the Loretto and Chest Springs road.

That your petitioners and their counsel have been unable to find the proceedings in the Road Docket of this county whereby said township road above mentioned was laid out and opened to public use, and therefore are unable to set forth herein the place where said proceedings are recorded.

That said township highway has been maintained as such and has been used by the public for a time so great that the memory of living residents of the district do not recall the time when the same was laid out and opened. That by reason of the fact that the record of the proceedings laying out and opening said road cannot be found, your petitioners cannot state with certainty the width which was fixed for said road by the court at the time when the proceedings laying out and opening the same were had, but that said road as layed out, worked and used is of a width not exceeding thirty-three feet.

That in the opinion of your petitioners as supervisors of the Township of Allegheny aforesaid, it is necessary to condemn certain land lying along and adjacent to said township highway in order to eliminate dangerous curves and to widen said road where the same is not of sufficient width to accommodate the travelling public and to render travel thereon safe for such travelling public.

That the land which is needed and desired for the purpose aforesaid is owned by one Jerome Flick, and your petitioners have been unable to purchase from the said Jerome Flick the land needed for the purposes above mentioned.

That there are no liens upon the land and property of the said Jerome Flick which petitioners seek by this proceeding to condemn.

Your petitioners further represent that by the provisions of the Act of the General Assembly of the 17th day of March, 1925, P. L. 38, it is provided that any county or township may acquire by purchase or by the right of eminent domain such property and lands situate along and adjacent to any county or township highway as in the opinion of the commissioners of such county, or the commissioners or supervisors of such township, may be necessary to eliminate dangerous curves and widen narrow roads or highways for the better protection and safety of the travelling public.

That said Act of Assembly further provides that the proceedings for the condemnation of such property and lands and for the assessment of damages for property taken, injured or destroyed, shall be taken in the same manner as is now provided for the condemnation of land by counties and townships for the laying out and opening of county or township roads or highways as the case may be.

WHEREFORE, your petitioners pray the Court to appoint three suitable persons as viewers to view the road aforesaid and to report to the Court their findings, together with a description of the land taken and condemned hereunder, and a statement of the assessment of damages for property taken, injured or destroyed by reason of such condemnation.

And they will ever pray, etc.

Edmond Lenz  
J. H. Kuntzman  
J. A. Parabell  
Supervisors of Allegheny Township.

State of Pennsylvania

County of Cambria

SS.

James A. Farabaugh being duly sworn according to law says that he is one of the qualified and acting supervisors of Allegheny Township, Cambria County, Pennsylvania, and that the matters set forth in the foregoing petition are true and correct as he verily believes.

Sworn and subscribed before me

this 10 day of September, 1926.

Frank B. Rott

J. A. Farabaugh

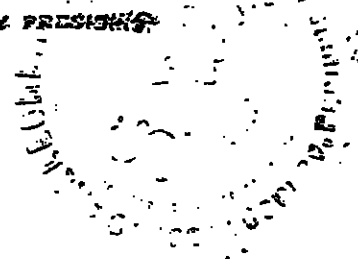
ORDER.

Now, September 13 1926, the within petition having been read and considered, the Court do thereupon appoint A. M. Shoemaker, Adam Shuman and J. D. Pitta as viewers to view the road within mentioned and to report to the Court their findings, together with a description of the land taken and condemned hereunder, and a statement of the assessment of damages for property taken, injured or destroyed by reason of the condemnation to be made thereof by the said Township of Allegheny. And the said viewers shall make return of their proceedings to this Court on the 1st Monday day of November 1926.

*[Handwritten signature]*

PRESIDENT JUDGE OF THE DISTRICT COURT

SPECIALY PRESIDING



IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY.

NO. 1 SEPTEMBER SESSIONS 1926.

ROAD DOCKET.

REPORT OF VIEWERS FILED  
25 OCTOBER, 1926.

MOTION FOR LEAVE OF  
COURT TO WITHDRAW  
EXCEPTIONS.

*Filed 15 November 1926.*

F. J. HARTMANN,  
ATTORNEY,  
EBENSBURG,  
CAMBRIA COUNTY, PA.

IN RE: CONDEMNATION BY THE  
SUPERVISORS OF ALLEGHENY  
TOWNSHIP OF LAND OF JEROME  
FLICK LOCATED IN ALLEGHENY  
TOWNSHIP, CAMBRIA COUNTY, PA.

IN THE COURT OF QUARTER SESSIONS OF  
CAMBRIA COUNTY.  
NO. 1 SEPTEMBER SESSIONS 1926. ROAD  
DOCKET.  
REPORT OF VIEWERS FILED 25 OCTOBER 1926.

AND NOW 15<sup>th</sup> November, 1926, comes F. J. Hartmann,  
Attorney for Jerome Flick, on whose behalf exceptions were filed by  
him in the above stated case, and moves the Court to grant him leave  
to withdraw the exceptions filed in this proceeding.

F. J. Hartmann  
Attorney for Jerome Flick, Exceptant.

DE C R E E

AND NOW 15<sup>th</sup> November, 1926, the foregoing motion is  
granted and the exceptions are ordered to be withdrawn and so marked  
upon the records in said proceeding.

By the Court  
E.

- BOND -

The Township of Allegheny

To

Jerome Flick.

Now, September 13<sup>th</sup>, 1926,  
within bond approved.

*By the Court*  
*Samuel Howard Reed*

CLERK OF THE ORPHANS' COURT.  
SPECIALLY PRESIDING

*Filed 13 Sept. 1926*

**SHETTIG & NELSON**

**ATTORNEYS AT LAW**

**EBENSBURG, PA.**

KNOW ALL MEN BY THESE PRESENTS, That the Township of Allegheny, in the County of Cambria and State of Pennsylvania, being a Township of the second class under the laws of the Commonwealth of Pennsylvania, is held and firmly bound unto Jerome Flick in the sum of Five Hundred Dollars, lawful money of the United States to which payment well and truly to be made and done, it binds itself firmly by these presents. Sealed with its seal and dated the \_\_\_\_\_ day of September, 1926.

WHEREAS said Township of Allegheny, through its regularly constituted Board of Supervisors has condemned certain land and property of said Jerome Flick along and adjacent to a certain township highway in said township, which said land and property is necessary to eliminate dangerous curves and widening said highway for the better protection and safety of the travelling public.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if said Township of Allegheny shall pay to the said Jerome Flick, his executors, administrators or assigns, such sum or amount as may be agreed upon between the said Jerome Flick and the said Township of Allegheny, or as may be awarded to the said Jerome Flick as his damages by reason of the taking and appropriation of said land and property, then this obligation to be void and of no effect; otherwise to be and remain in full force and virtue.

THE TOWNSHIP OF ALLEGHENY

BY

*Edward Lenz*  
*J. H. Kunzman*  
*J. A. Parsburg*  
Supervisors.