

No. 3, MARCH SESSIONS, 1930.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY

IN RE PETITION OF
ELMER E. SIMMONS
FOR
APPOINTMENT OF VITWERS TO
ASSESS DAMAGES

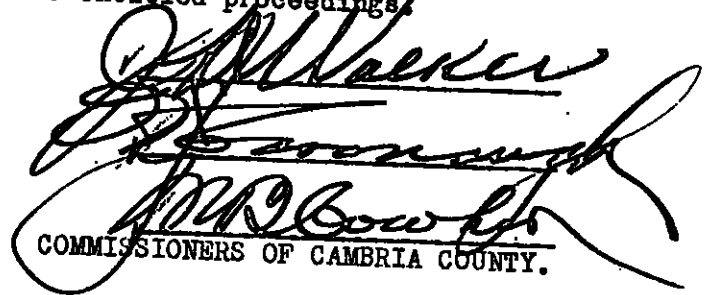
Filed 6 June 1930.

L. S. Jones

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA,
NO. 3 MARCH SESSIONS, 1930.

IN RE PETITION OF ELMER E. SIMMONS FOR APPOINTMENT OF VIEWERS TO
ASSESS DAMAGES.

We, the undersigned, being the Commissioners of Cambria County, for
Cambria County, hereby appeal from the award of the Viewers as filed on May 26,
1930, to No. 3 March Sessions, 1930, in the above entitled proceedings.

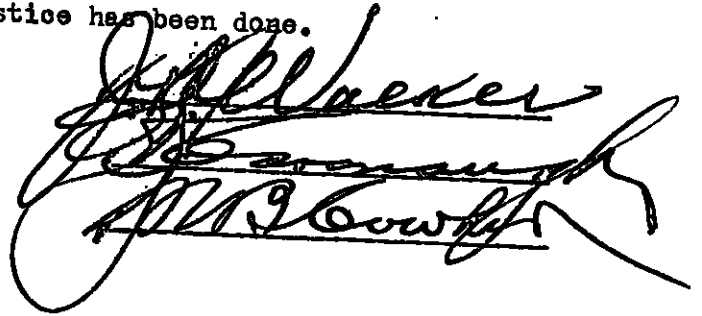

COMMISSIONERS OF CAMBRIA COUNTY.

CAMBRIA COUNTY, SS:

John D. Walker, M. B. Cowher and W. J. Cavanaugh, being
duly sworn according to law, depose and say that they are the Commissioners of
Cambria County and that this appeal is not taken for the purpose of delay, but
because your affiants firmly believe that injustice has been done.

Sworn and subscribed before me
this 6 day of June, 1930.

Frank L. Roth
clerk



No. 3 Marchi *de* *de* 1930

Petition of Elmer E. Simmons, of the Borough of Indiana, Indiana County, Pennsylvania, to have Viewers appointed for the purpose of awarding damages.

Filed 21 April 1930.

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

TO THE HONORABLE THE JUDGES OF THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA.

The petition of Elmer E. Simmons, of the
Borough of Indiana, Indiana County, Pennsylvania, respectfully
represents: That your petitioner is the owner of a piece
or parcel of land situate in Blacklick Township, Cambria
County, Pennsylvania adjoining lands of the heirs of Simon
Adams on the North, lands of the heirs of Simon Adams and
George Mardis on the East, lands of the heirs of Emanuel
Brallier Estate on the South and lands of Bert Adams on the
West, containing about ninety acres, more or less.

That the State Highway Department of the
Commonwealth of Pennsylvania, in the straightening and
relocation of Route 54 of the State of Pennsylvania, has
taken, injured and destroyed a part of the property of your
petitioner and that the County of Cambria has made no just
compensation therefor; nor has bond been filed to secure
payment of the same.

Your petitioner, therefore, prays your
Honorable Court to appoint three persons, duly qualified
as provided by law, to view the ground and make a report
to this Honorable Court on or before the first Monday of June,
1930 and award damages to your petitioner for the taking,
injuring and destroying of his property as aforesaid.

And he will ever pray.

Elmer E. Simmons

CAMBRIA COUNTY: SS

Elmer E. Simmons 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 and belief.

Sworn and subscribed

Elmer E. Simmons

this 21st day of April,

1930.

Frank C. Robb
clerk .

D E C R E E

AND NOW, to-wit, April 21st, 1930, the foregoing petition having been read and considered and the Court appoint Wm. Shuman Esq.
Adam Shuman and J. D. Ritten viewers, to award damages, if any there be, to the petitioner, for the taking, injuring and destroying his property in Blacklick Township, Cambria County, by reason of the change of State Highway Route No. 54 of the Commonwealth of Pennsylvania and make report to this Court on or before the first Monday of June, 1930.

By the Court
Evans J

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, appointed by your honorable Court to view and determine the damages, if any, which have been or which seem likely to be sustained by Elmer E. Simmons by reason of the straightening and relocating of Route No. 54 of the State of Pennsylvania, 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 Cambria County, and to Elmer E. Simmons and his Attorney; and having them accept service of notices hereto attached; and to the general public by advertising same in the Cambria County Legal Journal and the Cambria Freeman and by posting ten hand bills in public and conspicuous places along the route of the old and the new locations of said highway on and in the vicinity of the premises alleged to have been damaged by reason of the change and relocating as aforesaid; and having each been first duly sworn of affirmed to perform the duties of our appointment with fidelity, justly and impartially and to the best of our ability and true report to make concerning all matters and things submitted to us regarding which we were authorized to inquire:

All of us met at the time and place appointed, on the premises, and having gone over and carefully viewed both the old and the new locations of the said route where it passes along and over the property of said Elmer E. Simmons and having viewed the whole property generally, we adjourned to meet again at a time and place of which both parties had ample written notice and in accord with such notices we met at the Court House in Ebensburg, where all parties in interest had ample opportunity to be heard after which we again met at the Court House, in Ebensburg Pa. to exhibit our schedule of benefits and damages which we had prepar-

ed after carefully reviewing the testimony offered and carefully considering the whole situation; of which time and place of meeting to exhibit schedule and hear any further testimony the parties in interest might have to offer both parties had had ten days written notice, acceptances of which are hereto attached; and having so met for the purpose so stated when and where neither parties appeared nor were they represented, accordingly after having again reconsidered our award as fixed we have prepared this report attaching hereto a copy of said schedule and likewise a plot or draft noting the improvements and locations of the old and the new route of the particular section of the State Highway, making same a part of this report.

In viewing the premises we have found that in straightening said highway a new route through the entire width of the Simmons property was selected and the road constructed upon the same.

That in preparing for the construction of the new road a considerable number of trees; according to the testimony about one hundred five; were cut down and destroyed or removed and that in the course of the work the state employees had damaged or destroyed some twenty five additional trees of various sizes most of which were such as might have made props; with the exception of possibly a few sticks the timber cut or destroyed would not have made what is considered saw timber.

That in going over the property of the petitioner a small fill and likewise a small cut were made and in each case a width ranging from seventy to ninety five feet was torn up or disturbed.

That in consequence of the construction of the new improved road just east of the Simmons property undoubtedly there is a greater volume of water carried on to the old road than formerly flowed along same and the same is carried on to the Simmons road with greater force than formerly, causing some wash along the old road, but in the minds of the viewers being by no means responsible for all the wash and cave in of the bank along and westward from the piece of ground which has recently been dedicated, by Mr. Simmons, as a burying ground.

That in constructing the new road a right of way covering approximately two acres of land has been taken and occupied, none of which however was farm land.

That in going from the farm buildings on the Simmons property to the public highway it is now necessary to traverse a private road for some twelve hundred feet while formerly the public road ran immediately in front of the buildings.

That both the Simmons farm and the farm buildings are falling into disuse and disrepair which of course renders same less valuable than it formerly was.

That after carefully viewing the premises, hearing and reviewing the testimony offered and taking all matters pertaining to our inquiry into consideration the viewers are of the opinion the Elmer E. Simmons has sustained damages, in excess of any benefits, in the sum of nine hundred twenty five dollars, which amount should be paid him by the County of Cambria.

Unless an appeal or exceptions to this report shall be taken within thirty days of the filing hereof the same may be confirmed absolutely.

Witness our hands this twenty sixth day of May, A. D., 1930.

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers.

Elmer E. Simmons.

Elmer E. Simmons.

Elmer E. Simmons.

Elmer E. Simmons

Bert Adams.

Barn.

House.

Cement Bridge

Simmons

Recently vacated public road suggested to be left as a private road under Act of 1929.

Plot or draft showing recently relocated section of State Highway Route No. 54 where same passes through and over premises of Elmer E. Simmons, in Blacklick Township, Cambria County, Pennsylvania and also a section of road recently vacated public road which formerly was a part of Route No. 54.

Viewed upon an order of the Court of Quarter Sessions of Cambria County, Pa., dated 21st April A. D., 1930.

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

Cemetery.

Village of

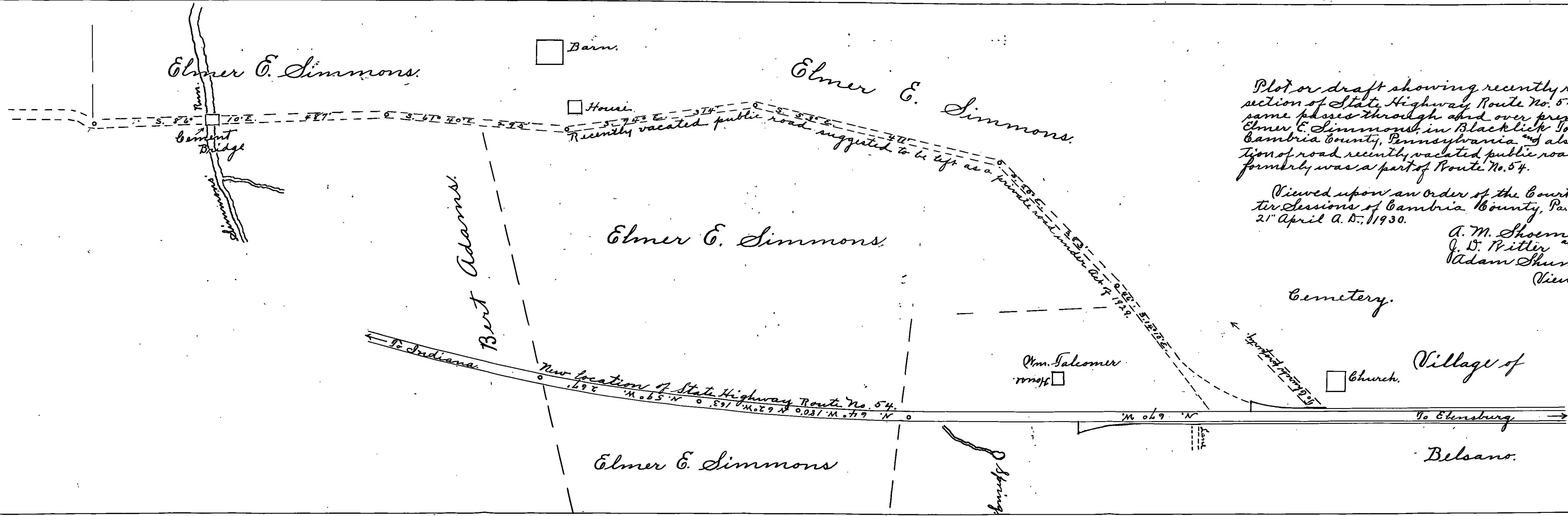
Church.

Wm. Falcomer
House

Spring

Belsano.

New location of State Highway Route No. 54.
M. 65 N
S 91 M 29 N
0.281 M 79 N



NOTICE OF VIEW.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the damages, if any, which have been sustained or seem likely to be sustained by Elmer E. Simmons, by reason of the re-locating and straightening of State Highway Route No 1 54. where said highway passes through and over his premises in Blacklick Township, said county and state; said premises being bounded on the North by lands of Simon Adams Est., on the East by lands of Simon Adams Est. and George Hardis, by lands of the heirs of Emanuel Brallier on the South and by lands of Bert Adams on the West. Containing ninety acres, more or less. Will meet on the premises on the 19th. day of May, A. D., 1930, at 10:00 o'clock a. m., for the purpose of performing the duties of their appointment.

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

Viewers.

Now, May 1930, service of the above notice is hereby accepted for the Commissioners of Cambria County.

Walter C. Post
for Clerk

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

In re View of Property of Elmer E. Simmons, of Blacklick Township, Cambria County, Pennsylvania.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained or likely to be sustained by Elmer E. Simmons of Blacklick Township, said county and state, by reason of the straightening and relocating of State Highway Route No. 54, through and over his premises: will meet at the Court House, Ebensburg, Pa., Wednesday May 21st., 1930, at 10:00 o'clock a. m. to hear such testimony relative to the matter of our enquiry as the parties in interest may have to offer, and will sit again at the same place and hour Saturday May 24th., 1930, to exhibit their schedule of benefits and damages, at which time the viewers will hear exceptions to their award and such further testimony as the parties may desire to offer.

A. H. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Now, May 17 1930, service of the above notice is hereby accepted for the Commissioners of Cambria County, Pa.

George E. Kerney
Clerk

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the damages, if any, which have been sustained or seem likely to be sustained By Elmer E. Simmons, by reason of the re-locating and straightening of State Highway Route No. 54. where said highway passes through and over his premises in Blacklick Township, said county and state, :Said premises being bounded on the North by lands of Simon Adams Est., on the East by lands of Simon Adams Est. and George Mardis, by land of the heirs of Emanuel Brallier on the South and by lands of Bert Adams on the West. Containing ninety acres, more or less: Will meet on the premises on the 19th. day of May, A. D., 1930, at 10:00 o'clock a. m., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

*Now, May 9th 1930, Service
of above notice accepted.*

Elmer E. Simmons

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

In re View of Property of Elmer E. Simmons, of Blacklick Township, Cambria County, Pennsylvania.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained or likely to be sustained by Elmer E. Simmons of Blacklick Township, said county and state, by reason of the straightening and relocating of State Highway Route No. 54, through and over his premises: will meet at the Court House, Ebensburg, Pa., Wednesday May 21st., 1930, at 10:00 o'clock a. m. to hear such testimony relative to the matter of our enquiry as the parties in interest may have to offer, and will sit again at the same place and hour Saturday May 24th., 1930, to exhibit their schedule of benefits and damages, at which time the viewers will hear exceptions to their award and such further testimony as the parties may desire to offer.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Now, May *9th* 1930, service of the above notice is hereby accepted.

Elmer E. Simmons

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

In re View of Property of Elmer E. Simmons, of Blacklick Township, Cambria County, Pennsylvania.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained or likely to be sustained by Elmer E. Simmons of Blacklick Township, said county and state, by reason of the straightening and relocating of State Highway Route No. 54, through and over his premises: will meet at the Court House, Shensburg, Pa., Wednesday May 21st., 1930, at 10:00 o'clock a. m. to hear such testimony relative to the matter of our enquiry as the parties in interest may have to offer, and will sit again at the same place and hour Saturday May 24th., 1930, to exhibit their schedule of benefits and damages, at which time the viewers will hear exceptions to their award and such further testimony as the parties may desire to offer.

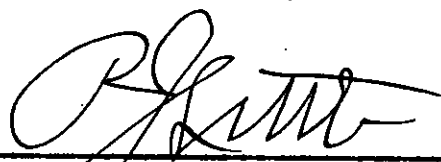
A. H. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Now, May 10th 1930, service of the above notice is hereby
accepted



Atty. for Petitioner

Judgments.

Emri Flack)
vs.) Amount \$100.00. Costs \$1.50. Interest from
Mrs. Elmer Simmons) 5 January, 1915. Entered 16 June 1917, to
Elmer E. Simmons. (NO. 293 March 1917, Judgment Note.

Harvey Eash) Amount \$150.00. Costs \$1.50. Int. from 1 Apr. 1915.
vs.) Lien 20 Apr. 1917. Entered to 268 June 1917.
E. E. Simmons) Judgment Note.

Family Loan Co.) Amount \$210.00. Lien 31 October 1928.
vs.) Entered to 570 December 1928.
Elmer Simmons)

I hereby certify that having made a careful examination of the records of Cambria County, Pa., I have found no other than the above liens which might affect the property of Elmer E. Simmons which was viewed upon the attached order of the Court of Quarter Sessions of Cambria County, Pa.

A. M. Shoemaker

V I E W E R ' S S C H E D U L E .

The undersigned Viewers, appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained or likely to be sustained by Elmer E. Simmons by reason of the straightening and relocating of State Highway Route No. 54. through and over his land in Blacklick Township, said county and state, having carefully viewed the premises, heard and considered the testimony offered before the viewers, and having estimated and determined ^{the benefits and} the damages done and which seem likely to result to the said Elmer E. Simmons by reason of the straightening and relocating as aforesaid: We have estimated and determined that the damages and benefits, which should be paid by the County of Cambria to the said Elmer E. Simmons, is as follows.

Damages resulting to Elmer E. Simmons - - -	\$ 25.00.
Benefits accruing to " " "	<u>None</u>
Amount payable to Elmer E. Simmons	\$ 25.00.

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

NOTICE OF VIEW.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the damages, if any, which have been sustained or seem likely to be sustained by Elmer E. Simmons, by reason of the relocating and straightening of State Highway Route No. 54, where said highway passes through and over his premises in Blacklick Township, said county and state; said premises being bounded on the North by lands of Simon Adams Est., on the East by lands of Simon Adams Est. and George Hardie, by lands of the heirs of Emanuel Brullier on the South and by lands of Bert Adams on the West. Containing ninety acres, more or less. Will meet on the premises on the 19th. day of May, A. D., 1930, at 10:00 o'clock a. m., for the purpose of performing the duties of their appointment.

A. H. Shoemaker,

J. D. Ritter and

Adam Chuman,

Viewers.

Costs of View

W. M. Shoemaker

Preparing, posting & serving notices
of view & certifying viewers — \$ 24.00
 Publication of notices in Legal Journal
at \$4.35 & in Cambria Freeman \$3.80 — 8.15
 Stenographer & Stationery — 3.75
 Auto hire posting notices — 4.00
 May 19th View of premises — 12.00
 36 mi. @ 10¢ per mile — 3.60
 Preparing & making personal service
of notice of time of hearing & time
of sitting to exhibit schedule — 12.00
 Day taking testimony — 12.00
 Consultation with viewers &
reviewing testimony — 12.00
 Sitting to exhibit schedule — 12.00
 Examination of records & cer-
tificate of liens against this property — 12.00
 Survey help, plotting, drafting &
transportation — 43.60
 Preparing, having signed, assent-
ing & filing report of viewers — 24.00
 Preparing schedules and notices
of filing report for publication — 6.00
 Publication of notice of filing report
paid by A.M.S., in Legal Journal \$2.00 in Freeman \$1.85 3.85
 Stenographer & Stationery — 4.20

\$197.15

J. D. Ritter

Day on View — \$12.00
 .. at Hearing — 12.00
 .. Reviewing testimony & fixing award — 12.00
 .. Sitting to Exhibit Schedules — 12.00
 168 miles (four trips) @ 10¢ — 16.80
\$64.80

Adam Sherman

4 days @ \$12.00 per day — \$48.00
 104 miles @ 10¢ per mi (4 trips) — 10.40
\$58.40

J. D. Ritter
 J. M. Cowley
 J. S. ...

185.15
 + adv. 12.
 197.15

CERTIFIED
 J. D. Ritter
 J. M. Cowley

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

No. 3 March Sessions, 1930.

PETITION TO ASSESS DAMAGES IN
BLACKLICK TOWNSHIP.

The petition of Elmer E. Simmons, of the Borough of Indiana, Indiana County, Pennsylvania, respectfully represents: That your petitioner is the owner of a piece or parcel of land situate in Blacklick Township, Cambria County, Pennsylvania adjoining lands of the heirs of Simon Adams on the North, lands of the heirs of Simon Adams and George Mardis on the East, lands of the heirs of Emanuel Brallier Estate on the South and lands of Bert Adams on the West, containing about ninety acres, more or less.

That the State Highway Department of the Commonwealth of Pennsylvania, in the straightening and relocation of Route 54 of the State of Pennsylvania, has taken, injured and destroyed a part of the property of your petitioner and that the County of Cambria has made no just compensation therefor; nor has bond been filed to secure payment of the same.

Your petitioner, therefore, prays your Honorable Court to appoint three persons, duly qualified as provided by law, to view the ground and make a report to this Honorable Court on or before the first Monday of June, 1930, and award damages to your petitioner for the taking, injuring and destroying of his property as aforesaid.

And he will ever pray.

Elmer E. Simmons.

D E C R E E .

AND NOW, to-wit, April 21st, 1930, the foregoing petition having been read and considered and the Court appoint A. M. Shoemaker, Esq., Adam Shuman and J. D. Ritter viewers, to award damages, if any there be, to the petitioner, for the taking, injuring and destroying his property in Blacklick Township, Cambria County, by reason of the change of State Highway Route No. 54 of the Commonwealth of Pennsylvania and make report to this Court on or before the first Monday of June, 1930.

By the Court,

Evans, P. J.

Extract from the Record.

Certified this 21st day
of April, A. D. 1930.

Frank B. Pratt

Clerk of the Court of Quarter
Sessions.

No. 3. March Sess. 1930
In the Court of
Quarter Sessions
of Cambria Co., Pa.

Order to View
Property of
Elmer E.
Simmons,
in Blacklick Twp.,
Cambria Co., Pa.
and
Report of Viewers

Filed 26 May 1930

CERTIFIED

George L. Simon
COUNTY CONTROLLER

2 June 1930
Reviewed
By the Court
James P. P.