

In Court of Quarter Sessions
No 4 Sept. Sess. 1930.

Order to View
and assess damages,
if any, to Tillie B. Shaffer
and Sophie E. Gillespie,
in Blacklick Twp.,
Cambria Co., Pa.
and

Report of Viewers

Filed 29 December 1930.

A. M. SHOEMAKER
ATTORNEY AT LAW
EBENSBURG, PA.

223 March 1931

Approved

By *W. C. G. G. G.*

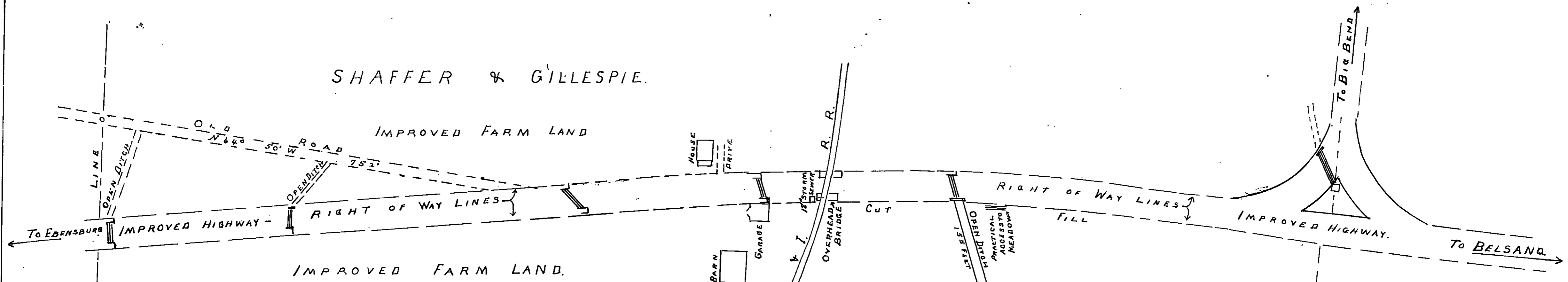
W. C. G. G. G.

22 June 1931

performed absolutely

Frank E. Bell

blank



SHAFFER & GILLESPIE.

SHAFFER & GILLESPIE.

Sketch showing the location of State Highway Route No. 422, where same passes through and over land of Sophia G. Gillespie and Tillie B. Shaffer, in Blacklick Township, Cambria County, Pennsylvania.

Viewed upon an order of the Court of Quarter Sessions of Cambria Co., Pa., dated the 25th day of Nov., A. D., 1930, and entered to No. 4 Sept. Sessions, 1930.
 A. M. Shoemaker, J. D. Ritter and Adam Shuman, Viewers.

Sophia E. Gillespie : In the Court of Quarter Sessions of
and : Cambria County, Pennsylvania.
Tillie B. Shaffer :
: vs. :
County of Cambria. : No. 4 September Sessions, 1930.

PETITION FOR THE APPOINTMENT OF VIEWERS
TO ASSESS DAMAGES.

To the Honorable, the Judges of said Court:

The petition of Sophia E. Gillespie and Tillie B. Shaffer respectfully represents:

1. That they are the owners of a certain farm or tract of land, with buildings thereon erected, situate in Blacklick Township, Cambria County, Pennsylvania, containing upwards of one hundred sixty acres (160), and have owned the same for a period in excess of twenty (20) years.
2. That your petitioners have been the owners of said tract of land prior to the time when the same was damaged as hereinafter complained of and when a part thereof was taken, injured and destroyed.
3. That prior to and at all times subsequent to the acquisition of land by your petitioners there had been laid out and in use for public travel a public highway known as "Clay Pike" leading from Ebensburg to Indiana, Pennsylvania, which said public highway ran through the lands of your petitioners in an easterly and westerly direction, for a distance of upwards of 2300 feet.
4. That some time in the year 1929 the Department of Highways of Pennsylvania, by virtue of the powers and authority vested in it, re-located said public highway known as "Clay Pike" through the land of your petitioners and supplied the said public road by another known as part of the "Benjamin Franklin Highway", route No. 422, which took the place of said "Clay Pike" that formerly passed through the land of your petitioners.

5. That in re-locating the said old road and laying out said part of route No. 422 the said Highway Department took and appropriated for highway purposes a part of your petitioners' land, being a strip thereof running in an easterly and westerly direction approximately 600 feet in length and 50 feet in width; and another portion of said land being a strip running in the same direction approximately 1700 feet in length and varying in width from 30 to 40 feet.

6. That in re-locating and laying out the said new road the said Highway Department appropriated at the western terminus thereof on said land a triangular shaped piece of land containing upwards of one-fourth ($1/4$) of an acre and built thereon a piece of road to connect the said "Benjamin Franklin Highway" with the concrete road leading from Belsano to Twin Rocks, Pennsylvania.

7. That in laying out and constructing said road said highway department injured, destroyed and practically made useless a triangular strip of land on the eastern part of said land, being about 200 feet in width at the one end and running to a point at the other and being about 600 feet in length.

8. That in constructing said highway certain fruit trees of your petitioners were removed and destroyed; concrete steps and walks in front of the dwelling house were torn up and destroyed, and in addition to many items of damages sustained by your petitioners by reason of the construction of said road aforesaid of your petitioners were unable to use the said land for farming purposes and to raise crops on the same as they had theretofore been able to do.

9. That in the construction of said new road the said highway department caused ditches to be dug on the lands of your petitioners for the purpose of carrying away from said road, not only on your petitioners land but on other lands, large quantities of water which collect and accumulate upon the same.

10. That in the construction of said new highway the Department aforesaid has made fills and raised the road above the level of the land adjoining on either side on portions of your petitioners' farm and on other portions thereof deep cuts have been made with the result that it is dangerous, impractical and in places impossible to cross from one side of your petitioners' land over the said highway to reach the other side thereof.

11. That the said Department of Highways has practically completed the work on said new road as it passes through your petitioners' farm by constructing on said land appropriated and taken from them a permanent concrete highway.

12. That your petitioners will at all times be deprived of the ownership of the land appropriated as aforesaid and will also be deprived of the use of the other land injured and destroyed as hereinbefore set forth.

13. That your petitioners be reason of the facts averred in this petition, and by reason of many other items of damages not herein set forth in detail, have sustained damages and that the said damages are payable and owing to them by the said defendant, the County of Cambria, pursuant to law.

14. That your petitioners and the Commissioners of Cambria County can neither agree upon the amount of damages sustained nor are they able to arrive at an amicable settlement thereof.

WHEREFORE, your petitioners pray the Court to appoint Viewers to examine the said land and premises, as well as the land appropriated and taken, injured and destroyed, and make report of their proceedings according to law. And they will ever pray:

Sophia E. Gillespie

Tillie B. Shaffer

D E C R E E .

And now, 24 November, 1930, the within petition presented, read and considered, and the Court do thereupon appoint Adam Shuman, J. D. Ritter and A. M. Shoemaker, members of the Permanent Board of Viewers of the County of Cambria, as Viewers to view and examine the premises in said petition described, for the purpose of ascertaining the damages, if any, sustained by the petitioners, and to make return of their proceedings according to law.

By the Court,

Evans, P. J.

Extract from the Record.

Certified this 25th day
of November, A. D. 1930.

Frankie G. Rolt

Clerk of the Court of Quarter
Sessions.

REPORT OF VIEWERS .

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

We, the undersigned Viewers appointed by the Couty of Quar-
ter Sessions of Cambria County, Pa., to view and determine the
damages, if any, sustained by Sophia E. Gillespie and Tillie B.
Bhaffer, of Blacklick Township, said county and state, by reason
of the locating and construction of state highway Route NO. 422,
through and over their premises situate in the aforesaid county,
township and state, respectfully report:

That having given due and legal notice of the view and of the
time and place of meeting of the viewers to the Commissioners of
Cambria County, and to the said petitioners and their Attorney and
to the public by printed hand bills posted on the premises in publi
lic and conspicuous places; and having each been first duly sworn
according to law to perform the duties of our office justly, im-
partially and to the best of our judgment and ability and to justly
decide and true report to make concerning all matters relative to
which we were authorized to enquire: All of us met in accord with
the said notices so given and posted, as aforesaid, and having
carefully viewed the premises and the location of the old and new
road and the changes in the situation incident to the improvement
made by the state and having so viewed the premises we met again
at Ebensburg and carefully reviewed the whole situation and the
State Highway Maps showing the lacion and grade of the new road
and the relative location of the old and so considering the cuts,
fills and drains and determining the approximate number of perches
of land taken or destroyed and the trees and shrubery destroyed,
and the changed situation generally and the work, labor and expense
necessary/^{to}render the premises about the house accessible and pro-
tect same from damage by reason of the ground working and slipping
from under the lawn &c., and having thus reviewed the whole situa-
tion we have estimated the damages sustained, in excess of any
benefits to be the sum of Ten Hundred Fifty Eight and 50/100 Doll-

ars, which amount we believe should be paid to the petitioners, Sophia E. Gillespie and Tillie B. Shaffer by the County of Cambria

In viewing the premises and the Highway Maps &c. the viewers noted particularly ^{that in all} some three acres of land had been taken for the new road in addition to the old road bed; this including the triangular strip at the easterly end of the premises, through which two drain ditches have been cut; a considerable strip of land through the middle of a meadow where the Highway Department have had a drain ditch dug for a length of approximately one hundred fifty five feet and being left open lets a large scope of good meadow land below open to flood after every thaw or rain and incidently, with the open ditch next to the road and the flooded area made soft below by reason of spreading the water which accumulates and washes down from the hill for some ten hundred feet on either side of the improved road, shuts off access to the easterly side of the meadow as well as to two large fields which lay beyond the wooded land to the north of the meadow

The strip of old road which will no doubt be vacated and revert to the owners of the premises will amount to nothing to them as it has practically been converted into a drain ditch, A scope of land has been taken at the extreme westerly end of the road at its juncture with the Twin Rocks-Beltsford road and in order to protect the lawn in front of the dwelling on the premises it will be necessary to construct a retaining wall of considerable length and to construct one or two pair of steps from the lawn to the level of the roadway, necessitating probably seven or eight steps.

Witness our hands this twenty ninth day of December, A.D., 1930.

A. M. Shoumaker

J. D. Ritter

Adam Sherman

Viewers.

N O T I C E O F V I E W .

Notice is herebu given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained by Sophie E. Gillespie and Tillie B. Shaffer, of Blacklick Township, said county and state, by reason of the laying out and constructing of State Highway Route NO. 422, through and over their property situate in the township, county and state aforesaid, lying just eastward from the juncture of said State Highway with the improved highway leading from the Village of Belsano to the Village of Big Bend, in said township; Said Viewers will meet on the premises on December 22nd., 1930, at 9:30 a. m., for the purpose of viewing the premises and hearing such testimony as the parties in interest may have to offer.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Now, Dec., 11th., 1930, service of the above notice is hereby accepted for the Commissioners of Cambria County, Pa.

George Kerby
Accepted

NOTICE OF VIEW.

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 by Sophie E. Gillespie and Tillie B. Shaffer, of Blacklick Township, said county and state, by reason of the laying out and constructing of State Highway Route No. 422, through and over their property situate in the township, county and state aforesaid, lying just eastward from the juncture of said State Highway with the improved highway leading from the Village of Jelsano to the Village of Big Bend, in said township; Said Viewers will meet on the premises on December 22nd., 1930, at 9:30 a. m., for the purpose of viewing the premises and hearing such testimony as the parties in interest may have to offer.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Now, Dec. 1930, service of the above notice is hereby accepted.

Sophie E. Gillespie
Tillie B. Shaffer
Owners of property above referred to.

NOTICE OF VIEW.

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 by Sophie E. Gillespie and Tillie B. Shaffer, of Blacklick Township, said county and state, by reason of the laying out and constructing of State Highway Route NO. 422, through and over their property situate in the township, county and state aforesaid, lying just eastward from the juncture of said State Highway with the improved highway leading from the Village of Belsano to the Villages of Big Bend, in said township; Said Viewers will meet on the premises on December 22nd., 1930, at 9:30 a. m., for the purpose of viewing the premises and hearing such testimony as the parties in interest may have to offer.

A. M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

1930,

Now, Dec., 11th, service of the above notice is hereby accepted for the petitioners hereinabove named.



IN RE VIEW TO ASCERTAIN DAMAGES, IF ANY, SUSTAINED BY SOPHIA E. GILLESPIE AND TILLIE B. SHAFFER, OF BLACKLICK TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA.

The undersigned Viewers having carefully viewed the premises, heard and considered the testimony offered by the parties in interest and after carefully reviewing the whole situation and the evidence, and fixed our award of benefits and damages we will sit at the Court House in Ebensburg, Pa., December 27th 1930, at 10:00 a. m. to exhibit our schedule of benefits and damages, and hear any further evidence the parties in interest may have to offer.

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

Viewers.

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

IN RE VIEW TO ASCERTAIN DAMAGES, IF ANY, SUSTAINED BY
SOPHIA E. GILLESPIE AND TILLIE B. SHAPPER, OF BLACKLICK TOWNE-
SHIP, CAMBRIA COUNTY, PENNSYLVANIA.

The undersigned Viewers having carefully viewed the premis-
es, heard and considered the testimony offered by the parties
in interest and after carefully reviewing the whole situation
and the evidence, and fixed our award of benefits and damages
we will sit at the Court House in Ebensburg, Pa., December 27th
1930,
at 10:00 a. m. to exhibit our schedule of benefits and damages,
and hear any further evi- A. M. Shoemaker,
dence the parties in int- J. D. Ritter and
erest may have to offer. Adam Shuman,

Viewers.

Now, Dec. 16th. 1930, service of the above notice is here-
by accepted by the undersigned petitioners.

Sophia E. Gillespie
Tillie B. Shaffer
Petitioners for appointment of viewers

SCHEDULE.

Quarter Sessions

The undersigned Viewers appointed by the Court of ~~Common Pleas~~ of Cambria County, Pennsylvania, to view and determine the damages if any, sustained by Sophia E. Gillespie and Tillie B. Shaffer, by reason of the construction of State Highway Route No. 422, through and over their premises in Blacklick Township, said county and state: having viewed the premises and taken into consideration the advantages and disadvantages and offsetting one against the other, we have estimated and determined that said Sophia E. Gillespie and Tillie B. Shaffer have sustained damages, over and above benefits, in the sum of Ten Hundred Fifty Eight and 50/100 Dollars.

Al M. Shoemaker,

J. D. Ritter and

Adam Shuman,

Viewers.

Pennsburg, Pa.
Dec. 26th 1930.

This is to certify that a careful examination of the records of Cambria County, Pa., discloses no record liens against the property, of Sophie E. Gillespie and Tillie B. Shaffer, situate in Blacklick Township, said county and state.

A. M. Shoemaker.

Costs of View

To A. W. Shoemaker

Preparing, serving & posting notices of view, notifying viewers and preparing notices for publication. - 2 days @ 12.00 per day	\$24.00
Posting & serving notices 16 miles at 10¢ per mi	1.60
Advertising view - C. Co Legal Journal 3 ⁰⁰ Cambria Freeman 4 ²⁰	7.20
Stenographer & Stationery	2.40
Day on view \$12.00 x 16 mi at 10¢ 1.60	13.60
Consultations with viewers, checking data & figuring award	12.00
Survey, plotting, drafting transportation	31.25
Examination of records and certificate relative to liens against property	9.00
Preparing schedules & sitting to exhibit same	12.00
Preparing, having signed, assembling and filing report of viewers and preparing notices for publication of filing report - 2 days	2.40
Stenographer & Stationery	2.60
Advertising, in Legal Journal & Cambria Freeman - notices of filing report - charged to county	139.64

J. D. Ritter

Day on View	\$12.00
4 miles @ 10 cts per mi	4.80
Consultations with viewers & checking data	12.00
36 miles	3.60
Day exhibiting schedules	12.00
36 miles	3.60
	\$48.00

Adam Shuman

To 3 days @ 12.00 per day	\$36.00
368 miles @ 10¢ per mi	6.80
	\$42.80

J. D. Ritter
 J. D. Ritter
 J. D. Ritter

State of Pennsylvania

SS.

County of Cambria

Personally appeared before me, James Mc Clune, Deputy Controller, A. M. Shoemaker, one of the viewers within mentioned who being duly sworn according to law deposes and says that the attached bill is correct and the items charged for, as for help, ^{transportation, ~~advertisements,~~} stenographer &c. are paid ~~paid~~ and fully satisfied to the best of his knowledge and belief.

A. M. Shoemaker

Sworn and subscribed to this

29th. day of December, A.D., 1930.

James Mc Clune

Deputy Controller.

THE CAMBRIA FREEMAN

EBENSBURG, PA.

SOLD TO A. M. Shoemaker, Esq.,
Ebensburg, Pa.

EBENSBURG, PA. 12-10-30

OUR JOB NO.

Dec. 5, 12 and 19 Viewers' Notice, Gillespie & Shaffer 4.20

No. 4 ^{*Adkins*} December Term, 1930.

In the Court of Quarter Sessions of
Cambria County, Pennsylvania.

SOPHIA A. GILLESPIE
AND
TILLIE B. SHAFFER,

vs.

COUNTY OF CAMBRIA.

PETITION FOR THE APPOINTMENT
OF VIEWERS TO ASSESS DAMAGES.

Filed 24 November 1930

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

SOPHIA ~~E~~ GILLESPIE : In the Court of Quarter Sessions of
and : Cambria County, Pennsylvania.
TILLIE B. SHAFFER, :
: :
vs. : :
: : No. _____ Dec. Term, 1930.
COUNTY OF CAMBRIA. : :

PETITION FOR THE APPOINTMENT OF VIEWERS
TO ASSESS DAMAGES.

To the Honorable, the Judges of said Court:

The petition of Sophia ~~E~~ Gillespie and Tillie B. Shaffer respectfully represents:

1. That they are the owners of a certain farm or tract of land, with buildings thereon erected, situate in Blacklick Township, Cambria County, Pennsylvania, containing upwards of one hundred sixty (160) acres, and have owned the same for a period in excess of twenty (20) years.

2. That your petitioners have been the owners of said tract of land prior to the time when the same was damaged as hereinafter complained of and when a part thereof was taken, injured and destroyed.

3. That prior to and at all times subsequent to the acquisition of said land by your petitioners there had been laid out and in use for public travel a public highway known as "Clay Pike" leading from Ebensburg to Indiana, Pennsylvania, which said public highway ran through the lands of your petitioners in an easterly and westerly direction, for a distance of upwards of 2300 feet.

4. That some time in the year 1929 the Department of Highways of Pennsylvania, by virtue of the powers and authority vested in it, re-located said public highway known as "Clay Pike" through the land of your petitioners and supplied the said public road by another known as part of the "Benjamin Franklin Highway", route No. 422, which took the place of said "Clay Pike" that formerly passed through the land of your petitioners.

5. That in re-locating the said old road and laying out said part of route No. 422 the said Highway Department took and appropriated for highway purposes a part of your petitioners' land, being a strip thereof running in an easterly and westerly direction approximately 600 feet in length and 50 feet in width; and another portion of said land being a strip running in the same direction approximately 1700 feet in length and varying in width from 30 to 40 feet.

6. That in re-locating and laying out the said new road the said Highway Department appropriated at the western terminus thereof on said land a triangular shaped piece of land containing upwards of one-fourth ($1/4$) of an acre and built thereon a piece of road to connect the said "Benjamin Franklin Highway" with the concrete road leading from Belsano to Twin Rocks, Pennsylvania.

7. That in laying out and constructing said road said highway department injured, destroyed and practically made useless a triangular strip of land on the eastern part of said land, being about 200 feet in width at the one end and running to a point at the other and being about 600 feet in length.

8. That in constructing said highway certain fruit trees of your petitioners were removed and destroyed; concrete steps and walks in front of the dwelling house were torn up and destroyed, and in addition to many items of damages sustained by your petitioners by reason of the construction of said road aforesaid your petitioners were unable to use the said land for farming purposes and to raise crops on the same as they had theretofore been able to do.

9. That in the construction of said new road the said highway department caused ditches to be dug on the lands of your petitioners for the purpose of carrying away from said road, not only on your petitioners land but on other lands, large quantities of water which collect and accumulate upon the same.

10. That in the construction of said new highway the Department aforesaid has made fills and raised the road above the level of the land adjoining on either side on portions of your petitioners' farm and on other portions thereof deep cuts have been made with the result that it is dangerous, impractical and in places impossible to cross from one side of your petitioners' land over the said highway to reach the other side thereof.

11. That the said Department of Highways has practically completed the work on said new road as it passes through your petitioners' farm by constructing on said land appropriated and taken from them a permanent concrete highway.

12. That your petitioners will at all times be deprived of the ownership of the land appropriated as aforesaid and will also be deprived of the use of the other land injured and destroyed as hereinabove set forth.

13. That your petitioners by reason of the facts averred in this petition, and by reason of many other items of damages not herein set forth in detail, have sustained damages and that the said damages are payable and owing to them by the said defendant, the County of Cambria, pursuant to law.

14. That your petitioners and the Commissioners of Cambria County can neither agree upon the amount of damages sustained nor are they able to arrive at an amicable settlement thereof.

WHEREFORE, your petitioners pray the Court to appoint Viewers to examine the said land and premises, as well as the land appropriated and taken, injured and destroyed, and make report of their proceedings according to law. And they will ever pray.

Sophia E. Gillespie
Tillie B. Shaffer

STATE OF PENNSYLVANIA, :
COUNTY OF CAMBRIA, : ss.

SOPHIA ~~F.~~ GILLESPIE and TILLIE B. SHAFFER, petitioners above named, being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are true and correct as they verily believe.

Sworn and subscribed before me :
this 21st day of November, 1930. :

A. H. Froelicher J.P. :
Bellevue Pa. :
My commission expires :
1st Monday January 1931 :

Sophia E. Gillespie :
: :
Tillie B. Shaffer :
: :

My commission expires
1st Monday January 1931

DECREE.

And now, 24th November, 1930, the within petition presented, read and considered, and the Court do thereupon appoint Adam Shuman, J. D. Ritter and Al Shuman, members of the Permanent Board of Viewers of the County of Cambria, as Viewers to view and examine the premises in said petition described, for the purpose of ascertaining the damages, if any, sustained by the petitioners, and to make return of their proceedings according to law.

By the Court:
Evans