

No. 2 September Term, 1931

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

PETITION FOR THE APPOINT-  
MENT OF VIEWERS.

October 12, 1931.

Service of a copy of  
the within petition and  
notice of its presentation  
on October 12, 1931, at  
10 o'clock A. M., is hereby  
accepted.

COMMISSIONERS OF  
CAMBRIA COUNTY

BY

H. F. Deen  
Chief Clerk.

*Filed 12 October 1931*

C. RANDOLPH MYERS  
ATTORNEY AT LAW  
EBENSBURG, PENNSYLVANIA

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

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of Mary Clara Jacobs and Annie E. Hamill, respectfully represents:

1.

That they are the owners of an undivided one-half interest in a certain tract of land, situate in Dean Township, Cambria County, Pennsylvania, containing approximately three hundred fifty (350) acres.

2.

That a public highway, known as Route No. 234, has been laid out by the Commonwealth of Pennsylvania through the tract of land, above mentioned.

3.

That in laying out said highway there has been taken and appropriated from the tract of land, above mentioned, belonging to your petitioners, a strip of ground approximately seventy (70) feet in width, which runs through said tract of land and causes a division thereof.

4.

That as a result of the laying out and the appropriation of said strip of land, your petitioners have been damaged in that the value of their land has greatly depreciated, and, by reason of the excavating and grading in connection with the building of said road, the surface water has been turned over the land, a deep ditch has been constructed and left open, and the water main has been damaged.

5.

Your petitioners further aver that no compensation for



D E C R E E .

And now, October 12, 1931, the foregoing petition having been read and considered, it is ordered that Philip E. Campbell, A.M. Shomaker, and J.H. Ruter, members of the Board of Viewers of Cambria County, be and hereby are appointed to view the said land, and it is further ordered that the said Board of Viewers shall hold its first meeting as required by law, Acts of Assembly and Rules of Court, after having given due notice of said meeting, as required by law, and make report of their findings to this Court.

By the Court  
John M. Kearney  
J.

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

In re View to estimate damages to Mary Clara Jacobs and Annie E. Hamill, if any, caused by construction of State Highway No. 234, in Dean Twp.

Order to View and Report of Viewers.

*Filed 13 November 1931*

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

*14 Dec. 1931*

*W. H. ...  
C. ...*

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, Pennsylvania, appointed by your honorable Court to view and ascertain the damages, if any, sustained by Mary Clara Jacobs and Annie E. Hamill by reason of the laying out and constructing of State Highway Route No. 234, through and over premises of which they are the owners of an undivided one half interest; respectfully report:

That having given due public notice of the view and time and place of meeting of the viewers, to the Commissioners of Cambria County and to the petitioners above named and having them accept service of notices hereto attached and to the general public by ten printed hand bills posted in conspicuous places on the said premises and along the route of the above referred to highway; and having each been first duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and true report to make concerning all matters and things submitted to us in relation to which we were authorized to enquire.

We met upon the premises, in accord with the notices served and posted as aforesaid, and having gone over and carefully examined the same and heard the testimony submitted and having gone over the testimony and reviewed the whole situation we estimated and determined the benefits and damages and, having given due notice of the time and place fixed, we met again at the Court House in Ebensburg, Pa., when and where we exhibited our schedule of benefits and damages.

From viewing the premises and the testimony submitted we learned that the State, in laying out the said highway, had taken and appropriated a long strip of land; interrupted in several places by plots of ground previously sold off the Swires lands; of irregular width varying at different points between eighty and one hundred feet

That a considerable portion of the ground taken had been laid off in lots through and over which the new road was constructed.

That owing to the cuts and fill along the new \_\_\_\_\_ ccess from the land of the petitioners to the road , over most of the distance, is almost impossible.

That the right of way of the said State Highway cuts through almost the center of a tenant house on the premises of the petitioners

That by reason of the construction of the new highway the natural water course has been changed somewhat to the detriment of the owners of the land.

That as a consequence of the laying out and constructing of the said new highway as aforesaid we have estimated and determined that the damage to the whole tract of land, over and above benefits, is the sum of four hundred seventy five dollars and that as each of the petitioners own a one fourth interest therein that each of them should be paid by the County of Cambria the sum of One Hundred Eighteen and 75/100 Dollars.

Unless an appeal or exceptions shall be taken to the foregoing award within thirty days from the date of filing of the same this report shall be confirmed absolutely.

Witness our hands this twelfth day of November, A.D., 1931.

A.M. Shoemaker

Philip E. Caulfield

J.D. Ritter

Viewers.

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

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, sustained by Mary Clara Jacobs and Annie E. Hamill; co-owners of an undivided one half interest in a certain tract of land situate in Dean Township, Cambria County, Pennsylvania; by reason of the laying out and constructing of State Highway Route No. 234, through and over said tract of land, consisting of some three hundred fifty acres: said viewers will meet upon the premises, in Dean Township, said county and state, Monday November 2nd., 1931, at 9:45 o'clock a. m., for the purpose of viewing same and hearing such testimony as the parties in interest may have to offer, and otherwise perform the duties of their appointment.

Philip E. Caulfield,  
J. D. Ritter and  
A. M. Shoemaker,  
Viewers.

Now, October 1931, service of the above notice is hereby accepted for the Commissioners of Cambria County, Pa.

*H. F. Dore*

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 ~~and~~ determine the damages, if any, sustained by Mary Clara Jacobs and Annie E Hamill; co-owners of an undivided one half interest in a certain tract of land situate in Dean Township, Cambria County, Pennsylvania; by reason of the laying out and constructing of State Highway Route No. 234, through and over said tract of land consisting of some three hundred fifty acres: said viewers will meet upon the premises, in Dean Township, said county and state, Monday, November 2nd., 1931, at 9:45 o'clock a. m., for the purpose of viewing same and hearing such testimony as the parties in interest may have to offer, and otherwise perform the duties of their appointment.

Philip E. Cauffield,  
J. D. Ritter and  
A. M. Shoemaker,  
Viewers.

*Service of the above notice accepted  
in behalf of the petitioners.*

*Charles Joseph Myers  
Attorney for Petitioners.*

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, sustained by Mary Clara Jacobs and Annie E. Hammil; co-owners of an undivided one half interest in a certain tract of land situate in Dean Township, Cambria County, Pa Pennsylvania; by reason of the laying out and constructing of State Highway Route No. 234, through and over said tract of land consisting of some three hundred fifty acres: said viewers will meet upon the premises, in Dean Township, said county and state, Monday, November 2nd., 1931, at 9:45 o'clock a. m., for the purpose of viewing same and hearing such testimony as the parties in interest may have to offer, and otherwise performing the duties of their appointment.

Philip E. Caulfield,  
J. D. Ritter and  
A. M. Shoemaker,  
Viewers.

SCHEDULE .

The undersigned Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, and directed to view and determine the damages sustained by Mary Clara Jacobs and Annie E. Hamill, if any, resulting to them from the laying out and construction of State Highway Route No. 234, through and over a certain tract of land situate in Dean Township, said county and state, in which they are co owners of one undivided half interest.

Said Viewers having viewed, after due notice being served and ~~post~~ posted as required by law, the said premises and heard such testimony as the parties in interest had to offer and having carefully examined the premises and considered the testimony offered they have estimated and determined that the owners of the said premises have sustained ~~in~~ damages, in excess of benefits, in the sum of Four Hundred Seventy-five Dollars.

The above co-owners each having a one fourth interest should therefore, according to our estimation, be paid by the County of Cambria the sum of One hundred Eighteen and 75/100 Dollars each.

Philip E. Caulfield,

J. D. Ritter and

A. M. Shoemaker,

Viewers.

## Cost of View

a. m. Shoemaker

Preparing, posting & serving notices of view and notifying viewers	\$18 <sup>00</sup>
44 miles at 10 cts per mile	4 <sup>40</sup>
Stenographer and stationery	2 <sup>75</sup>
Making view and hearing testimony	12 <sup>00</sup>
Preparing notices of sitting to exhibit schedule and schedules & serving notices	6 <sup>00</sup>
Making survey, plotting & drafting, help and transportation	32 <sup>15</sup>
Consultation & exhibition of schedule	6 <sup>00</sup>
Preparing, having signed, assembling and filing report & notifying parties of filing	18 <sup>00</sup>
Stenographer & stationery	3 <sup>25</sup>
	\$102 <sup>53</sup>

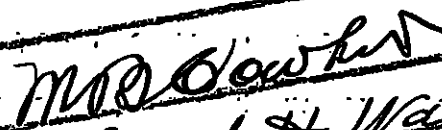
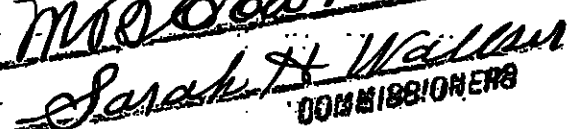
J. D. Ritter

Day on View and hearing testimony	\$12 <sup>00</sup>
78 miles at 10 cts. per mile	7 <sup>80</sup>
Consultation & exhibition of schedule	6 <sup>00</sup>
34 miles to Eby & return	3 <sup>40</sup>
	29 <sup>20</sup>

Philip E. Caulfield

Day on View and hearing	\$12 <sup>00</sup>
80 miles @ 10 cts	8 <sup>00</sup>
Consultation & exhibition of schedule	6 <sup>00</sup>
36 miles	3 <sup>60</sup>
	29 <sup>60</sup>

APPROVED FOR PAYMENT

  
  
 COMMISSIONERS

State of Pennsylvania

SS.

County of Cambria

Before me, James McClune, Deputy Controller, personally came A. M. Shoemaker, one of the viewers named on the attached order of Court, who being duly sworn according to law deposes and says that the items contained in the attached bill relative to time of employment, milage, stenographer, stationery, postage and so forth are true and correct and the expense of auto hire, help, stenographer, stationery, help &c. paid and settled as he varily believes.

A. M. Shoemaker

Sworn and subscribed to this

13th. day of November, A. D. 1931.

James McClune  
Deputy Controller

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

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petitioner of Mary Glara Jacobs and Annie E. Hamill, respectfully represents:

1.

That they are the owners of an undivided one-half interest in a certain tract of land, situate in Dean Township, Cambria County, Pennsylvania, containing approximately three hundred fifty (350) acres.

2.

That a public highway, known as Route No. 234, has been laid out by the Commonwealth of Pennsylvania through the tract of land above mentioned.

3.

That in laying out said highway there has been taken and appropriated from the tract of land, above mentioned, belonging to your petitioner, a strip of ground approximately seventy (70) feet in width, which runs through said tract of land and causes a division thereof.

4.

That as a result of the laying out and the appropriation of said strip of land, your petitioners have been damaged in that the value of their land has greatly depreciated, and, by reason of the excavating and grading in connection with the building of said road, the surface water has been turned over the land, a deep ditch has been constructed and left open, and the water main has been damaged.

5.

Your petitioners further aver that no compensation for this damage has been paid them or agreed upon between them and the County of Cambria.

WHEREFORE, your petitioners pray your Honorable Court to appoint a Board of Viewers to assess the damages arising by reason of the appropriation of said land and the destruction of their property and to report the same to your Honorable Court agreeably to the Acts of Assembly in such case made and provided.

And your petitioners will ever pray.

Mary Clara Jacobs

Annie E. Hamill.

D E C R E E.

And now, October 12, 1931, the foregoing petition having been read and considered, it is ordered that Philip E. Cauffield, A. M. Shoemaker, and J. D. Ritter, members of the Board of Viewers of Cambria County, be and hereby are appointed to view the said land, and it is further ordered that the said Board of Viewers shall hold its first meeting as required by law, Acts of Assembly and Rules of Court, after having given due notice of said meeting, as required by law, and make report of their findings to this Court.

By the Court,

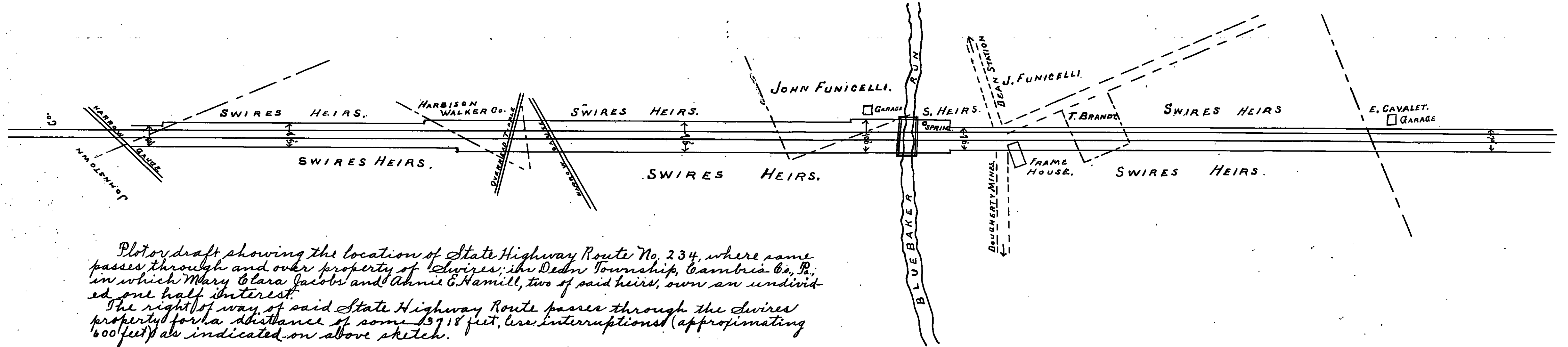
John H. McCann,

J.

Certified this 14th day  
of October, A. D. 1931.

Frank B. Robb  
Clerk of the Court of Quarter  
Sessions.





Plot or draft showing the location of State Highway Route No. 234, where same passes through and over property of Swires; in Dedn Township, Cambria Co., Pa.; in which Mary Clara Jacobs and Annie E. Hamill, two of said heirs, own an undivided one half interest.  
 The right of way of said State Highway Route passes through the Swires property for a distance of some 13718 feet, less interruptions (approximating 600 feet) as indicated on above sketch.

Viewed Nov. 11, 1931, upon an order of the Court of Quarter Sessions of Cambria County, Pennsylvania, dated 12<sup>th</sup> October, 1931, and entered to No. 3. Sept., 1931.

Philip E. Caulfield,  
 J. D. Ritter and  
 A. M. Shoemaker,  
 Viewers.