

No. 2 March Sessions 1937.

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

INRE: Petition of Minnie M.  
Price for the Appointment of  
Viewers to Assess damages for  
the Relocation of Highway Route  
219 from the Land of your  
Petitioner.

CERTIFIED

*Wm. H. ...*

CERTIFIED COPY OF PETITION  
AND  
ORDER TO VIEW

*and*  
Report of Viewers

Filed: July 16, 1937

13 Sept. 1937

Approved

By the Court  
*W. H. Kennerly*

13 Dec. 1937.

Confirmed Absolutely

Prof. Jones, Clark

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

In Re; Petition of MINNIE M. PRICE ;: No. 2 March Sessions 1937.  
for the Appointment of Viewers to ::  
Assess Damages for the relocation ::: PETITION FOR THE APPOINTMENT OF VIEWERS.  
of Highway Route 219 from the land ::  
of your Petitioner. ::

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

The petition of MINNIE M. PRICE, a resident of East Taylor Township, Cambria County, Pennsylvania, respectfully represents:

1. That she is the owner of a certain piece or parcel of land, situate, lying and being in the Township of East Taylor, County of Cambria, and State of Pennsylvania, bounded and described as follows:

1. Beginning at a post on line of land of Z. Varner and land leased by William H. Killen, et ex., to the School Board of the Township of East Taylor; thence along the line of land leased to the School Board of East Taylor, South 12 degrees 5' West 120 feet to a post; thence along line of same South 78 degrees 25' East 112 feet to a post in the Township Road; thence along Township Road South 10 degrees West 134 feet to a post; thence through land of which the parcel being described is a part North 78 degrees 25' West 239.1 feet to a post; thence by same North 12 degrees 5' East 208 feet to a post at line of land of Z. Varner; thence along the line of land of Z. Varner North 81 degrees East 131 Feet to a post at land leased to School Board of East Taylor Township, the place of beginning; containing one (1) acre. Being the same piece or parcel of land which William H. Killen and Jennie Killen, his wife, by their deed dated the 16th day of April, A. D. 1910, conveyed to Minnie M. Price, same being recorded in the office of the Recorder of Deeds in and for Cambria County, in Deed Book, Vol. 243, at page 81.

2. Beginning at a point on the Ebensburg Road at corner of lot No. 3; thence by a curve of 4 degrees 15' to the left 153.76 feet to a point at corner of lots Nos. 1 and 2; thence North 75 degrees 48' West 229.37 feet to a point; thence North 13 degrees 51' East 188.39 feet to a point at township road; thence South 83 degrees 10' West 202.46 feet to a point; thence South 19 degrees West 270.63 feet to a point; thence South 75 degrees 48' East 439.4 feet to a point, at place of beginning; containing 2.2221 acres.

Being the same piece or parcel of land which Edward Custer, Trustee for E. J. Custer, Frank H. Goebert, George Kondor, William R. Fry and Edward Custer, by their deed dated the 23rd day of June, A. D. 1922, conveyed to Minnie M. Price, same being recorded in the office of the Recorder of Deeds in and for Cambria County, in Deed Book, Vol. 428, page 110.

Subject to exceptions and reservations of coal, mineral, mining rights, etc., heretofore sold and reserved.

2. That the Secretary of Highways has caused to be constructed a highway, known as Route No. 219, and the same crosses over and through the land of your petitioner, and in so doing, the State has taken and appropriated to its own use or to the use of the public a portion of said land belonging to your petitioner.



In Re: Petition of Minnie M. Price ( In the Court of Quarter Sessions  
for the appointment of Viewers to ) of Cambria County, Pennsylvania.  
assess damages for the relocation ( )  
of State Highway Route No. 219 ( )  
from the land of the Petitioner ( No. 2 March Sessions, 1937.

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court. We, the undersigned Viewers, appointed by said Court to view the premises of Minnie M. Price, located in East Taylor Township, Cambria County and State of Pennsylvania, and to estimate and determine the damages, if any, she has sustained, or seems likely to sustain, by reason of the reconstruction of said Highway Route No. 219, abutting on her property line by the State Highway Department of the State of Pennsylvania, beg leave to report as follows:

That we met in accordance with the notices given on Tuesday, June 15th, 1937, at 9:30 A.M., on the premises. That due notice had been given to all interested parties by personal service and by posting notices at and adjacent to the property above described, copies of which notices are hereto attached and made part of this report. These notices set forth the day, the hour, and the place of meeting and were served at least ten (10) days prior to said meeting.

The Petitioner and her attorney and a number of interested citizens, also the three Viewers, were present at the meeting. We proceeded with the duties of our appointment and carefully viewed the premises taking into consideration all the matters in connection with the claim for damages as claimed by the petitioner and the various view-points of all parties interested.

By agreement between the Viewers and the interested parties, June 18th, 1937, at 10:00 o'clock A.M. was fixed as the date to hear testimony and the Court House at Ebensburg named as the place of meeting. Accordingly the Viewers, the Petitioner and her Attorney, the Chief Clerk to the County Commissioners, two of the County Commissioners and a number of witnesses appeared at the hearing and testimony was taken.

A Schedule of Benefits and Damages was prepared and Thursday, July 1st, 1937, at 10:00 o'clock A.M. was fixed as the date for the Exhibit of Schedule and the Court House at Ebensburg as the place of meeting, at which time and place the Viewers met, and no further testimony being offered and again carefully re-viewing the testimony and all questions affecting the case, we exhibited the Schedule showing that in our opinion, arrived at after careful deliberation, the premises owned by Minnie M. Price, has been damaged by the reconstruction of said State Highway No. 219 as follows:

BENEFITS -- NONE

DAMAGES \*\* \$175.00

We are of the opinion that the amount of \$175.00 is due Minnie M. Price and should be paid to her as her interest appears

by the County of Cambria. Copies of the record being  
hereto attached and made a part of this report.

WITNESS our hands and seals this 16th. day of July, 1937.

James M. Camm

A. M. Shoemaker

Louis E. Taylor

Viewers.

To Cam. a County Commissioner  
 Chesham 2 July 16th 1936.

To James McCarroll Dr.

Preparing & posting notices 18<sup>00</sup>  
 Serving notices and gathering data 16<sup>00</sup> ✓

16 miles  
 Day on view 12<sup>00</sup> ✓  
 16 mileage 1<sup>60</sup> ✓

Day at hearing 12<sup>00</sup> ✓  
 26 mileage 3<sup>60</sup> ✓

Day at exhibit of schedule 12<sup>00</sup> ✓  
 26 mileage 3<sup>60</sup> ✓

Day preparing filing Report. Getting  
 copies of record and gathering data 12<sup>00</sup> ✓  
 Type writing said Stationery 35<sup>00</sup> ✓  
 \$ 79.90

To A M Shoemaker Dr.

Day making view 12.00  
 22 mileage 2.20  
 12.00

Day taking testimony \$12.00  
 Day making exhibit of schedule \$ 38.20

To Louis E Kaylor Dr.

Day on view 12.00  
 22 miles 2.20

Day at hearing 12<sup>00</sup>  
 Day at exhibit of schedule 12<sup>00</sup>

\$ 38.20

CERTIFIED  
 TRUE AND CORRECT  
 FOR PAYMENT

COMMISSIONER

State of Pennsylv

County of Cambria

I, JOHN L. HITE, Prothonotary of the Court of Common Pleas in and for said County, do hereby certify that I have examined the index to docket of Judgment Liens remaining on file in said Court for five years last past, and that there are no Lien Judgments remaining unsatisfied therein against.

MINNIE M. PRICE

In Witness Whereof, I have hereunto set my hand and caused the seal of said Court to be affixed, at Ebensburg, this 15th day of July A. D. 1937

*John L. Hite*  
Prothonotary.

FEES \$1.00

State of Pennsylvania,  
County of Cambria

) SS:

Leo F. McKenrick

I, ~~MINNIE M. PRICE~~, Recorder of Deeds, in and for the County of Cambria, do hereby certify that I have made a careful search of the "Index to Mortgage Book" in the Recorder's Office of said County and that I find no mortgages recorded against

*Minnie M. Price*

IN TESTIMONY WHEREOF I have hereunto set my hand and Official Seal this 15 day of July A. D. 1937

Fees \$1.00

*Leo F. McKenrick* Recorder

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

In Re: Petition of Minnie M. Price  
for the Appointment of Viewers to  
Assess Damages for the relocation  
of Highway Route 219 from the land  
of your Petitioner.

No. 2 March Sessions, 1937

SCHEDULE OF DAMAGES.

We, the undersigned Viewers, appointed by the abovenamed Court to view the above described premises of Minnie M. Price, situate in East Taylor Township, Cambria County, Pennsylvania, to estimate and determine the damages, if any, that have resulted, or that may seem likely to result, to said premises by reason of the relocation of State Highway Route #219, over and through land of the petitioners, and the appropriation of additional land for said Public Highway, having viewed the premises and taken into consideration all evidence and testimony before us, have estimated and assessed benefits and damages as follows:

<u>Name</u>	<u>Benefits</u>	<u>Damages</u>
Minnie M. Price as set forth in the Petition	None	\$175.00

Said damages to be paid by the County of Cambria to  
Minnie M. Price, named in the Petition, as her interest may appear.

*Refused Payment  
of Damages  
County Controller*

*James M. Cannon*  
*Louis E. Taylor*  
*A. M. Shoemaker*  
Viewers.

In Re: Petition MINNIE M. PRICE  
for the Appointment of Viewers to  
Assess Damages for the relocation  
of Highway Route 219 from the land  
of your Petitioner, in East Taylor  
Township, Cambria County, Penna.

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

No. 2 March Sessions, 1937

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages and benefits that have resulted, or that may seem likely to result, by reason of the changing and relocating Route 219 State Highway, affecting the property line of two lots of ground, Minnie M. Price, owner, in the Township of East Taylor, Cambria County, Pennsylvania, will meet on the premises at 9:30 o'clock A.M., E.S.T., Tuesday, June 15th, 1937, for the purpose of performing the duties of our appointment.

JAMES McCANN

A. H. SHOENAKER

L. E. KAYLOR

VIEWERS.

*notified - June - 6 - 1937*  
*H. J. [Signature]*

In Re: Petition  
for the Appointment  
Assess Damages  
of Highway Route 219 from the land  
of your Petitioner, in East Taylor  
Township, Cambria County, Penna.

MINNIE M. PRICE  
of Viewers to  
the relocation

In the Court of Quar  
of Cambria County, Penna. Sessions  
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No. 2 March Sessions, 1937

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JAMES MCCANN

A. H. SHOEMAKER

L. E. KAYLOR

VIEWSERS.

*Received Copy of  
Notice June 16 1937  
Minnie M. Price*

In Re: Petition of MINNIE M. PRICE  
for the Appointment of Viewers to  
Assess Damages for the relocation  
of Highway Route 219 from the land  
of your Petitioner, in East Taylor  
Township, Cambria County, Penna.

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania

No. 2 March Sessions, 1937

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages and benefits that have resulted, or that may seem likely to result, by reason of the changing and relocating Route 219 State Highway, affecting the property line of two lots of ground, Minnie M. Price, owner, in the Township of East Taylor, Cambria County, Pennsylvania, will meet on the premises at 9:30 o'clock A.M., E.S.T., Tuesday, June 15th, 1937, for the purpose of performing the duties of our appointment.

JAMES McCANN

A. H. SHOEMAKER

L. E. KAYLOR

VIEWERS.

In Re: Petition of  
for the Appointme  
Assess Damages fo  
of Highway Route 219 from the land  
of your Petitioner, in East Taylor  
Township, Cambria County, Penna.

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In the Court of Quarter  
of Cambria County, Penn  
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No. 2 March Sessions, 1937

NOTICE OF VIEW

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JAMES McCANN

A. H. SHOEMAKER

L. E. KAYLOR

VIEWERS.

**Empire State**  
Insurance Company  
of New York, N.Y.

EVERY TYPE OF PROPERTY INSURANCE  
FOR INDUSTRY AND THE HOME

*No. 2 March 1937.*

**O. JOHN PRAVE, AGENT**  
LA MANTIA BUILDING  
NANTY-GLO. PENNSYLVANIA

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

In Re: Petition of Minnie M. Price ( )  
for the Appointment of Viewers to ( )  
Assess Damages for the relocation ( No. 2 March Sessions, 1937  
of Highway Route 219 from the land )  
of your Petitioner. ( )

SCHEDULE OF DAMAGES.

We, the undersigned Viewers, appointed by the abovenamed Court to view the above described premises of Minnie M. Price, situate in East Taylor Township, Cambria County, Pennsylvania, to estimate and determine the damages, if any, that have resulted, or that may seem likely to result, to said premises by reason of the relocation of State Highway Route #219, over and through land of the petitioners, and the appropriation of additional land for said Public Highway, having viewed the premises and taken into consideration all evidence and testimony before us, have estimated and assessed benefits and damages as follows:

<u>Name</u>	<u>Benefits</u>	<u>Damages</u>
Minnie M. Price as set forth in the Petition	None	\$175.00

Said damages to be paid by the County of Cambria to Minnie M. Price, named in the Petition, as her interest may appear.

James M. Carr  
A. M. Shoemaker  
Louis E. Taylor  
Viewers.

VIEWERS NOTICE.

To Commissioners of Cambria County.

This is to notify you that the viewers appointed by the Court of Quarter Sessions of Cambria County to view and determine the damages, if any, which have resulted or which seem likely to result to Sarah Hagerich, by reason of the change or alteration of the line and grade of State Highway Route No. 219, along and over her premises in East Taylor Township, Cambria County, Pennsylvania have this day filed their report in the Office of the Clerk of Courts of said county and state, awarding damages to Sarah Hagerich, in excess of benefits, in the sum of Three Hundred (\$300.00) Dollars, which amount shall be paid her by the County of Cambria; and that unless exceptions shall be taken to said report or an appeal filed within thirty days from the date of filing, the same shall be confirmed absolutely.

A. M. Shoemaker

James M. Carr  
Louis E. Taylor  
Viewers.

Ebensburg, Pa.

July 19th 1937.

No. 2 *March* Sessions, 1937.

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

In Re: Petition of MINNIE M. PRICE  
for the Appointment of Viewers to  
Assess Damages for the Relocation of  
Highway Route 219 from the Land of  
your Petitioner.

PETITION FOR APPOINTMENT OF VIEWERS.

*Filed March - 18 - 1937*

RAY PATTON SMITH

ATTORNEY AND COUNSELLOR AT LAW:  
506 U. S. National Bank Bldg.

JOHNSTOWN, PA.

UNITED STATES COMMISSIONER

Now - March - 18 - 1937 I hereby accept  
service <sup>of the above rule</sup> of the within petition.

James D. ...  
Pres County Commissioners

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

In Re: Petition of MINNIE M. PRICE  
for the Appointment of Viewers to  
Assess Damages for the relocation of  
Highway Route 219 from the land of  
your Petitioner.

0 No. 2 MAR. Sessions, 1937.  
:  
: PETITION FOR APPOINTMENT OF  
:  
: VIEWERS.  
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TO THE HONORABLE, THE JUDGES OF THE ABOVE-NAMED COURT:

The petition of MINNIE M. PRICE, a resident of East Taylor Township,  
Cambria County, Pennsylvania, respectfully represents:

1. That she is the owner of a certain piece or parcel of land,  
situate, lying and being in the Township of East Taylor, County of Cambria, and  
State of Pennsylvania, bounded and described as follows:

#1. BEGINNING at a post on line of land of Z. Varner and land leased  
by William H. Killen, et ux., to the School Board of the Township  
of East Taylor; thence along the line of land leased to the  
School Board of East Taylor, South  $12^{\circ} 5'$  West 120 feet to a post;  
thence along line of same South  $78^{\circ} 25'$  East 112 feet to a post in  
the Township Road; thence along Township Road South  $10^{\circ}$  West  
134 feet to a post; thence through land of which the parcel being  
described is a part North  $78^{\circ} 25'$  West 239.1 feet to a post; thence  
by same North  $12^{\circ} 5'$  East 208 feet to a post at line of land of  
Z. Varner; thence along the line of land of Z. Varner North  
 $81^{\circ}$  East 131 feet to a post at land leased to School Board of East  
Taylor Township, the place of beginning; containing one (1) acre  
BEING the same piece or parcel of land which William H. Killen and  
Jennie Killen, his wife, by their deed dated the 16th day of April,  
A. D. 1910, conveyed to Minnie M. Price, same being recorded in the  
office of the Recorder of Deeds in and for Cambria County, in Deed  
Book, Vol. 243, at page 81.

#2. BEGINNING at a point on the Ebensburg Road at corner of lot No. 3;  
thence by a curve of  $4^{\circ} 15'$  to the left 153.76 feet to a point at  
corner of lots Nos. 1 and 2; thence North  $75^{\circ} 48'$  West 229.37  
feet to a point; thence North  $13^{\circ} 51'$  East 188.39 feet to a point  
at township road; thence South  $83^{\circ} 10'$  West 202.46 feet to a  
point; thence South  $19^{\circ}$  West 270.63 feet to a point; thence  
South  $75^{\circ} 48'$  East 439.4 feet to a point, at place of beginning;  
containing 2.2221 acres.  
BEING the same piece or parcel of land which Edward Custer, Trustee  
for E. J. Custer, Frank H. Goebert, George Kondor, William R. Fry  
and Edward Custer, by their deed dated the 23rd day of June, A.D.  
1922, conveyed to Minnie M. Price, same being recorded in the office  
of the Recorder of Deeds in and for Cambria County, in Deed Book,  
Vol. 428, page 110.

Subject to exceptions and reservations of coal, mineral, mining rights,  
etc., heretofore sold and reserved.

2. That the Secretary of Highways has caused to be constructed a highway, known as Route No. 219, and ~~where~~ the same crosses over and through the land of your petitioner, and in so doing, the State has taken and appropriated to its own use or to the use of the public a portion of said land belonging to your petitioner.

3. That the County Commissioners of Cambria County have consented and approved of the width, location, and relocation or change of said highway through land of your petitioner, and are therefore liable for any damages sustained by your petitioner for change of said width, location and relocation of said road. Your petitioner is therefore entitled to damages under and in pursuance of the Acts of Assembly in such case made and provided, for the change of the width, location and relocation of said highway No. 219 over the land of your petitioner. A detailed description of the construction, relocation and change of said road is on file in the office of the County Commissioners of Cambria County.

4. Your petitioner therefore prays your Honorable Court to appoint three viewers from among the Board of Viewers of Cambria County, one of whom shall be learned in the law, to assess the damages occasioned to your petitioner, and make report thereof to the next term of said Court.

And she will ever pray, etc.,

Minnie M. Price  
Petitioner

STATE OF PENNSYLVANIA    ◊  
                                  :    SS:  
COUNTY OF CAMBERIA    ◊

Personally appeared before me, the undersigned authority, a Notary Public, in and for said State and County, MINNIE M. PRICE, who, being duly sworn according to law, deposes and says that she is petitioner herein, and that the averments of fact set forth in the foregoing petition are true and correct, as she verily believes.

Minnie M. Price

Sworn and subscribed before me  
this 11<sup>th</sup> day of March,  
A. D. 1937.

Clair Salinger  
Notary Public

My commission expires March 6th, 1939.

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

In Re: Petition of MINNIE M. PRICE  
for the Appointment of Viewers to  
Assess Damages for the Relocation of  
Highway Route 219 from the Land of  
your Petitioner.

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No.

Sessions, 1937.

ORDER and DECREE

AND NOW, ~~MARCH~~ <sup>MAY</sup> 24, A. D. 1937, the foregoing petition

having been read and considered, the Court appoints James M. Lamm,  
A. M. Krenaker, and S. T. Taylor, Viewers.

who, in accordance with the Acts of Assembly in such case made and provided  
shall view the premises and make an award as to them shall seem just and proper;  
report of the Viewers to be filed on or before the next term of this Court, and  
notice of the filing of this report shall be given to the County Commissioners  
of Cambria County, and to the attorney for the petitioner.

BY THE COURT,

W. Lamm

Now, 18 Mar 1937, a rule is granted on the  
County Commissioners to show cause why  
the above petition should not be granted.  
Rule returnable ten days hence.

By the Court  
M. Lamm