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RD#5 June 1943

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA.

IN RE : Appointment of Viewers
to assess damages and benefits
to land of A. L. Garman in
Gallitzin Township, Cambria Co.,
Pennsylvania by reason of laying-
out new road passing through his land.

No. 5 June Sessions
1943.

REPORT OF VIEWERS.

To the Honorable the Judges of the above named Court, we, the undersigners Viewers appointed by the attached Order of the above Court to view certain land in Gallitzin Township, Cambria County, Pennsylvania, owned by A. L. Garman, and to determine what damages, if any, was caused by the Pennsylvania State Highway Department laying out a new road running through his property, or that may seem likely to be done, or benefits accruing by the taking of said land, respectfully report as follows :

That we have been duly sworn or affirmed as members of the permanent Board of Viewers of Cambria County as attested by records of said court. That due notice was given to the public, at least ten days prior to the holding of said view, of the time and place of meeting for viewing the premises and the taking of testimony, by posting notices on the property affected, by service of said notice on the Commissioners of Cambria County and on A. L. Garman, owner of land taken, evidence of such service is shown by copies of said notices, properly signed hereto, attached and made a part of this report: that we met in accordance with the notices given on Thursday, Dec. 2, 1943, at 10 o'clock A. M. and proceeded with the duties of our appointment and viewed the premises affected.

There were present the three Viewers, Frank Doerr, Chief Clerk to the County Commissioners and A. L. Garman, owner of the land; also a few interested citizens. After viewing the land, a meeting was arranged for the following day for the purpose of taking testimony, to be held in the Court House at Ebensburg, and notices were served on all those interested; that another meeting would be held in the Court House at Ebensburg, on the 13th day of December 1943, at 10 o'clock A. M. at which time and place a schedule of damages would be exhibited and further evidence heard, if any is offered and all exceptions will be noted and if the evidence warrants a change will be made in the award made. At the hearing held on December 3, 1943 A. L. Garman and Chief Clerk, Frank Doerr, gave evidence as to the damages caused to the land and an agreement was made by them that the sum of \$300.00 would be acceptable to both parties. Accordingly, the Viewers agreed that the sum of \$300.00 should be awarded for the damages to the surface, as to the damages to the coal under the surface

it is agreed that this should be left to a Commission appointed by the Cambria County Court and provided for by a recent Act of Legislature.

Respectfully Submitted,


James McCann,

Louis E. Kaylor.

S. H. Jenks.

Viewers.

Certified to be a true and
exact copy on this the 29th
day of December A. D. 1943.


Clerk of Courts.

$$\begin{array}{r} 265 \\ 360 \\ \hline 265 \\ 95 \end{array}$$

ACCOUNT AGT OF PROSECUTION
 ST. LOUIS MO. DISTRICT COURT AND PROSECUTOR FOR PA
 IT IS DIRECTED THAT THE SUM OF ONE HUNDRED AND FIFTY DOLLARS (\$150.00) BE PAID TO THE PROSECUTOR FOR PA

$$\begin{array}{r} 17 \\ 14 \\ \hline 68 \\ 17 \\ \hline 238 \end{array}$$

IN THE COURT OF QUARTER SESSIONS
OF

CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to
assess damages and benefits to
land of A. L. Garman in Gallitzin
Township, Cambria County,
Pennsylvania.

No. 5 JUNE SESSIONS

JAMES McCANN

VIEWERS S. H. JENCKS

L. E. KAYLOR

Filed
Dec 24. 1943

How August 11-1944
the Report within is
contained absolutely
there pro tunc as
of June 12-1944
By the Court
McKenrick
Judge

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

IN RE: Appointment of Viewers to assess
damages and benefits to land of A. L. Garman
in Gallitzin Township, Cambria County, Penn-
sylvania by reason of laying out new road
passing through his land.

No. 5 June Sessions

1943

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court, we the undersigned Viewers appointed by the attached order of the above Court to view certain land in Gallitzin Township, Cambria County, Pennsylvania, owned by A. L. Garman, and to determine what damages, if any, was caused by the Pennsylvania State Highway Department laying out a new road running through his property, or that may seem likely to be done, or benefits accruing by the taking of said land, respectfully report as follows:

That we have been duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County as attested by records of said Court; That due Notice was given to the public, at least ten days prior to the holding of said View, of the time and place of meeting for Viewing the premises and the taking of testimony, by posting Notices on the property affected, by service of said Notices on the Commissioners of Cambria County and on A. L. Garman, owner of land taken, evidence of such service is shown by copies of said Notices, properly signed, hereto attached and made part of this report; that we met in accordance with the Notices given on Thursday, December 2nd 1943, at 10 O'clock A. M. and proceeded with the duties of our appointment and viewed the premises affected.

There were present, the three Viewers, Frank Doerr, Chief Clerk to the County Commissioners and A. L. Garman, owner of the land, also, a few interested citizens. After viewing the land, a meeting was arranged for the following day for the purpose of taking testimony, to be held in the Court House at Ebensburg, and Notices were served on all those interested; that another Meeting would be held in the Court House at Ebensburg, on the 13th day of December 1943, at 10 O'clock A. M., at which time and place, a schedule of damages would be exhibited and further evidence heard, if any is offered and all exceptions will be noted and if the evidence warrants, a change will be made in the award made. At the hearing held on December 3rd 1943, A. L. Garman and chief Clerk, Frank Doerr, gave evidence as to the damages caused to the land and an agreement was made by them that the sum of \$300.00 would be acceptable to both parties. Accordingly, the Viewers agreed that the sum of \$300.00 should be awarded for the damage to the surface, as to the damage to the coal under the surface, ~~and~~ it is agreed that this should be left to a Commission appointed by the Cambria County Court and provided for by a recent Act of the Legislature.

Respectfully submitted,

Viewers { James M. Cannon
Louis E. Taylor
D. H. Jucks

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agree- to the desire of the petitioners."

viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state fully: First, who of them were present at the view, second, whether they were severally sworn or affirmed; whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plat or draft thereof, stating the courses and distances, and noting briefly the improvements through which they pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five feet (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declina- tion of a road may be preserved within that limit."

NO 5 June 43 SESSIONS, 192

Order to XXXX Assess damages

affecting the property of

A. L. Garman, Gallitzin Township.

Viewers

James McCann

S. H. Jencms

L. E. Kaylor.

90 cts.

Clerk

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg,
said County, on the 18th day of November A. D. 1943
fore the Honorable Judge of the said Court: Upon the petition of ~~James McCann~~ ^{A. L. Garman} of the
of Gallitzin, in the said County, ~~setting forth that the State Highway Route~~

~~Setting forth that in March 1941 the State Highway Route~~
No. 221 was changed and parts of it rebuilt. That said re-
built portion of said highway extended over the land of the
Petitioner in the Township of Gallitzin, Cambria County, Pa.,

That the construction of the said change of road was
completed in the fall of 1942. That in the construction of the
said change of road the Commonwealth through the County of
Cambria was required to cut and destroy a large quantity of
timber on the land of the Petitioner as well as take Acres
for the relocation and reconstruction of said highway.

Your Petitioner therefore prays your Hon. Court to appoint
among the permanent Board of Viewers three persons to view and
to assess the damages which your petitioner has sustained.

Note : This report to be presented to the Court on or before
December 6, 1943.

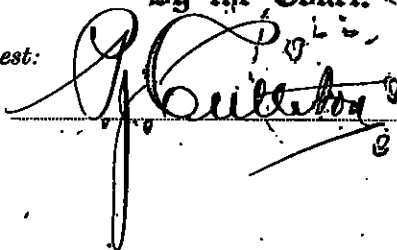
Please make two extra copies.

Assess damages
and therefore praying the Court to appoint proper persons to view and ~~XXXXXX~~ according
to law. The Court, upon due consideration had of the premises, do order and appoint
James McCann surveyor, and S. H. Jencks
and L. E. Kaylor

viewers, to view the ground ~~XXXXXX~~, and if they view the same, and shall
agree that there is occasion for ~~XXXXXX~~ damages they shall proceed ~~XXXXXX~~
~~XXXXXX~~, and in such manner as shall do the least injury to
private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that
they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County,
~~XXXXXX~~ together with
a plot or draft thereof, and the courses and distances, and references to the improvements through
which it may pass.

By the Court.

Attest:



Clerk.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to
assess damages and benefits to land
of A. L. Garmen in Gallitsin Town-
ship, Cambria County, Pennsylvania,
by reason of laying out new road,
passing through his property.

No. 5 JUNE SESSIONS
1943

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the
purpose of viewing land in Gallitsin Township, Cambria County, Pennsylvania,
owned by A. L. Garmen, and to determine what damages, if any, were caused by
the Pennsylvania State Highway Department, in laying out a new road running
through his property, will meet on the land affected on Thursday, December 2nd
1943, at 10 O'clock A. M. for the purpose of attending to the duties of our
appointment, at which time and place, all persons interested, may appear and
be heard if they think proper.

VIEWERS

JAMES MCCANN

B. H. JENCKS

L. E. KAYLOR

Nov-22-1943 accepted

*H. J. Davis
clerk*

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to
assess damages and benefits to land
of A. L. Garman in Gallitsin Town-
ship, Cambria County, Pennsylvania,
by reason of laying out new road,
passing through his land.

No. 5 JUNE SESSIONS
1943

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court for the
purpose of viewing land in Gallitsin Township, Cambria County, Pennsylvania,
owned by A. L. Garman, and to determine what damages, if any, were caused by
the Pennsylvania State Highway Department in laying out a new road running
through his property, will meet on the land affected on Thursday, December 2nd
1943, at 10 o'clock A.M. for the purpose of attending to the duties of our ap-
pointment, at which time and place, all persons interested, may appear and be
heard if they think proper.

VIEWERS

JAMES MCCANN

S. H. JENCKS

L. E. KAYLOR

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to assess damages and benefits to land of A. L. Garman in Gallitzin Township, Cambria County, Pennsylvania, by reason of laying out new road, passing through his land.

No. 5 JUNE SESSIONS

1943

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court for the purpose of viewing land in Gallitzin Township, Cambria County, Pennsylvania, owned by A. L. Garman, and to determine what damages, if any, were caused by the Pennsylvania State Highway Department in laying out a new road running through his property, will meet on the land affected on Thursday, December 2nd 1943, at 10 o'clock A.M. for the purpose of attending to the duties of our appointment, at which time and place, all persons interested, may appear and be heard if they think proper.

VIEWERS

JAMES McCANN

S. H. JENCKS

L. E. KAYLOR

R. L. Youmans

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to assess damages and benefits to land of A. L. Garman in Gallitzin Township, Cambria County, Pennsylvania by reason of laying out new road passing through his land.

No. 5 JUNE SESSIONS

1943

Commissioners of Cambria County to

James McCann

Dr.

Nov. 22	Preparing, posting and serving Notices-----	\$18.00	
	78 Miles-----	7.80	
	Stenographer-----	2.00	
Dec. 2	Day on View-----	12.00	
	78 Miles-----	7.80	
3	Hearing at Court House-----	12.00	
	40 Miles-----	4.00	
13	Exhibit of Schedule-----	12.00	
	Stenographer-----	2.00	
	40 Miles-----	4.00	
	Preparing and filing Report-----	12.00	
	Stenographer-----	2.00	\$95.60

DEC 24 1943 CERTIFIED

To S. H. Jencks

Dr.

Dec. 2	Day on View-----	\$12.00	
	38 Miles-----	3.80	
3	Hearing at Court House-----	12.00	
13	Exhibit of Schedule-----	12.00	39.80

DEC 24 1943 CERTIFIED

To L. E. Kaylor

Dr.

Dec. 2	Day on View-----	\$12.00	
	38 Miles-----	3.80	
3	Hearing at Court House-----	12.00	
13	Exhibit of Schedule-----	12.00	39.80

DEC 24 1943 CERTIFIED

I hereby certify that the above is an exact copy of bill presented to the County Commissioners.

James M. Cann
Chairman

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re: Appointment of Viewers to
assess damages and benefits to land
of A. L. Garman, in Gallitzin Town-
ship, Cambria County, Pennsylvania,
by reason of laying out new road pass-
ing through his land.

No. 5 JUNE SESSIONS

1913

NOTICE OF EXHIBIT OF SCHEDULE

We, the undersigned Viewers appointed by the above named Court, to
view a certain tract of land owned by A. L. Garman in Gallitzin Township,
Cambria County, Pennsylvania, to estimate and determine the amount of damages,
if any, that have resulted or may seem likely to result to said land by reason
of changing said highway, will meet in the Court House, at Ebensburg on the
13th day of December 1913, at 10 o'clock A. M. at which time and place, a sched-
ule of damages will be exhibited and further evidence will be heard if any is
offered and all exceptions will be noted and if the evidence warrants, a change
be made in the Schedule of damages hereto exhibited.

VIEWERS

JAMES MCCANN

B. H. JENCKS

L. B. KAYLOR

June
No. 5 ~~Sept.~~ Term, 1943.
IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

Petition of A. L. Garman for the
Appointment of Viewers to Assess
Damages for the Taking of Pro-
perty for the relocation and Re-
construction of State Highway
Route No. 221 over his land in
Gallitzin Township, Cambria County
Pennsylvania.

Filed 8/16-43

Now August 16th 1943, this
presented, and rule granted, direct-
ed to County Commissioners to
show cause why viewers be not
appointed as within prayed for,
returnable First Monday of Sept-
ember next.

*Perth Amboy
McCurry
J.*

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

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

Petition of A. L. Garman of the City of Altoona, County of Blair and State of Pennsylvania, respectfully represents:

That in March, 1941 (the exact date unknown to your petitioner) the State Highway Route No. 221 was changed and parts of it rebuilt.

That said rebuilt portion of the highway extended over land of your petitioner in the Township of Gallitzin, Cambria County, Pennsylvania, which said land of your petitioner is described as follows:

Beginning at a post on the northern boundary line of said highway as originally located dividing land of Josiah Chrsty tract and land of Mrs. Calvert; thence along land of Honorable Samuel Calvin North thirty-eight degrees twenty-five minutes West two thousand eight hundred and fifty feet to a chestnut ; thence still along land of Honorable Samuel Calvin North twenty-three degrees twenty-five minutes West five hundred and ninety-five feet to a chestnut stump; thence North seventy-six degrees thirty minutes West fifty feet to a post; thence along land formerly of V. Fogel and land of Patrick McGuire South five degrees twenty-five minutes East three thousand six hundred feet to a post on the Gallitzin Township road; thence along same two thousand feet, more or less, to the place of beginning. Containing sixty-four and two-tenths acres.

That the construction of said change of road was completed sometime in the fall of 1942 (the exact date unknown to your petitioner).

That in the construction of said change of road the Commonwealth through the County of Cambria was required to cut and destroy a large quantity of timber on the land of your petitioner as well as take _____ acres for the relocation and reconstruction of said highway.

Your petitioner therefore prays your Honorable Court to appoint from among the permanent Board of Viewers three persons to view the said premises and to assess the damages which your petitioner has sustained

as aforesaid.

And he will ever pray.

A. L. Garman

Blair County § SS.

A. L. Garman, the petitioner above named, being duly sworn according to law, deposes and states that the facts set forth in the foregoing petition are true and correct.

A. L. Garman

Sworn and subscribed this

14th day of August,

1943.

W. H. Cree

W. H. CREE

NOTARY PUBLIC

Commission Expires March 5, 1946

220518
And now to-wit; August 16th 1943, the foregoing petition having been presented, the Court appoint James McCann, S.H. Jencs and L.E. Kaylar Viewers to view the premises, hear testimony and assess damages, if any, and make return of their findings to this court, on or before December 6th 1943.

By the Court
McKenica
Judge