

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

The petition of Bernadette E. Flick, Margaret Flick, Charles F. Flick, and Mildred Flick, all of Allegheny Township, Cambria County, Pennsylvania; Marie Zeak, of Juniata Borough, Blair County, Pennsylvania; Cletus Flick, of Aspinwall^d Borough, Allegheny County, Pennsylvania; Stella Judd, of Dysart, Dean Township, Cambria County, Pennsylvania, and Rose Agnes Flick, of Ebensburg Borough, Cambria County, Pennsylvania, the widow and heirs of William F. Flick, late of Allegheny Township, Cambria County, Pennsylvania, deceased, respectfully represents:

That they are the owners of a certain farm situate in Allegheny Township, Cambria County, Pennsylvania, adjoining lands of Leo Schenk, Gust Storm, Pennsylvania Railroad, Denver J. Dodson, Harold Sumner, and Clearfield Bituminous Coal Corporation, containing about one hundred ten (110) Acres.

That the Secretary of Highways of the Commonwealth of Pennsylvania has caused to be constructed, reconstructed and improved on that part of a certain state highway known as No. 11038 where the same crosses over and through the lands of your petitioners. That the County Commissioners of Cambria County have consented and approved of the width and location, relocation or change of said highway through lands of your petitioners and they are therefore liable for any damages sustained by your petitioners for or by reason of the change of width, location or relocation of said state highway and for or by reason of the damages caused by draining the said relocated highway.

Your petitioners are therefore entitled to damages under and in pursuance of the provisions of an Act of Assembly, approved May 31, 1911 P. L. 468, as amended by the Act of April 13, 1933 P. L. 41 for the change of width and the location or relocation of state highway No. 11038 over land of

DECREE

AND NOW To-wit, Nov. 4, 1935, the foregoing
petition having been read and considered, the Court appoints P. F. Keane,
James McCann, and Al. Shewmaker, Esq.,
viewers, who, in accordance with the Rules adopted by the Court for the Board
of Viewers, and in pursuance of the Acts of Assembly in such case made and
provided, shall view the premises and make such award as to them shall seem
just and proper. Report of which viewers to be filed on or before the first
Monday of December, 1935.

By the Court
McKerrick
J

No. 5 Sept. Session 1935

In the Court of Quarter
Sessions of Commerce
County, Pennsylvania

Petition of Bernadette Fleck
et. al. for appointment of
Viewers to assess Damages

Filed: Nov. 4, 1935

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

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, Pa., appointed by your honorable Court and directed to view and determine the damages, if any, which have been sustained or which seem likely to be sustained by Bernadette F. Flick, Margaret Flick, Charles F. Flick, Mildred Flick, Marie Zeak, Cletus Flick, Stella Judd and Rose Agnes Flick; widow and heirs of William F. Flick, deceased; by reason of the change and alteration of the line and grade of State Highway Route No. 11038, through and over their premises, situate in Allegheny Township, Cambria County, Pennsylvania, 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 Petitioners, through their Attorney; as evidenced by attached notices; and to the public by printed hand bills posted upon the premises, as required by the Act of the General Assembly and the Rules of Court of Cambria County, and by notices published in the Cambria County Legal Journal and the Mountaineer Herald: All of us met upon the premises in accord with the notices given as aforesaid 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 ability, [and justly and truly to decide and true report to make concerning all matters and things submitted to us in relation to which we were authorized to inquire; and having gone over and carefully viewed the premises, noting particularly the change of the line and grade of the improved highway, the change of the water courses in three separate places, the amount, character and location of the land injured or destroyed, the location of the garden plot claimed to have been ruined and the necessity of the petitioners to extend their private driveway in order to reach the improved highway, &c., as well as any advantages which has or may result to the petitioners by reason of the said change and improvement, and offsetting

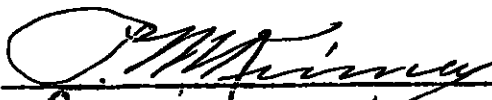


the advantages against the disadvantages we concluded the petitioners ;
[the widow and heirs of William F. Flick, deceased, above mentioned; had
sustained damages, in excess of benefits, in the sum of Three Hundred
Twenty Five (\$325.00) Dollars, and having so concluded we prepared a
Schedule of our findings and exhibited the same at the Court House and
gave the parties in interest an opportunity to be heard by themselves
and witnesses, and at the time of said exhibition of schedule we were
informed the Highway Department had agreed to turn the water from the
fields of the petitioners and still are ready and willing to perform
or execute their agreement to that extent; but to date no such adjust-
ment has been made; accordingly we have fixed our award on conditions
as we found them upon the premises on the date of the view.

We therefore submit that in our opinion the widow and heirs of
said William F. Flick have sustained damages, in excess of benefits,
in the sum of Three Hundred Twenty Five and No/100 Dollars which
amount should be paid them by the County of Cambria.

Unless an appeal shall be taken herefrom, exceptions filed or a
stay granted by the Court this report shall be confirmed absolutely
at the expiration of thirty days from the date of filing same in the
office of the Clerk of Courts of Cambria County.

A copy of the notices served, published and posted together with a
copy of the schedule exhibited are hereto attached and made a part of
this report.

Witness our hands this fourth day of December, A. D., 1935.

Viewers.

PETITION FOR CONTINUANCE.

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

To the Honorable, the Judges of the said Court.

The Petition of the Viewers appointed by your Honorable Court to view the premises of Bernadette E. Flick, Margaret Flick, Charles F. Flick, Mildred Flick, Marie Zeak, Cletus Flick, Stella Judd and Rose Agnes Flick; widow and heirs of William F. Flick, deceased; situate in Allegheny Township, Cambria County, Pennsylvania, and determine the damages, if any, resulting or which seem likely to result to the said widow and heirs of said William F. Flick by reason of the change or alteration of the line and grade of State Highway Route No. 11038, through and over said premises, respectfully submit:

That P. M. Kinney, James McCann and A. M. Shoemaker, members of the Permanent Board of Viewers of Cambria County were appointed to view and determine the damages, if any, as aforesaid and an order being issued in due course the above referred to view was duly advertised for and held on the 30th. day of November last.

That whereas the report of said viewers is now returnable and said viewers have not had sufficient time to exhibit a schedule of benefits and damages, as provided by law, and prepare their report and therefore pray your honorable Court to grant a continuance or extension of time that them may perform the remaining duties devolving on them as viewers, and they will ever pray, &c.

A. M. Shoemaker

Attorney for Viewers.

Now, December 2nd. 1935, the foregoing petition having been read and considered the time for filing the report of the above named viewers is hereby extended for *ten (10) days* from this date.

By the Court
McKinnis

No. 5. Sept. Sess. 1935.

In re View of property of
widow and heirs of William F.
Flick, deceased, situate in
Allegheny Township, Cambria
County, Pa., to determine
the damages, if any, which
have resulted by reason of
the change of State Highway
Route No. 11038.

Petition for Continuance.

A. M. Shoemaker.

S C H E D U L E.

In re View of the property of Bernadette E. Flick, Margaret Flick, Charles F. Flick, Mildred Flick, Marie Zeak, Cletus Flick, Stella Judd, & Rose Agnes Flick; widow and heirs of William F. Flick, deceased; to determine the damages, if any, which have been or which seem likely to be sustained by said widow and heirs of William F. Flick, dec'd., by reason of the change or alteration of the line and grade of State Highway Route No. 11038, through and over their premises situate in Allegheny Township, Cambria County, Pa.

The undersigned members of the Permanent Board of Viewers of Cambria County, Pa., having been appointed by the Court of Quarter Sessions of said county and state, and after due notice of the view and of the time and place of meeting of the viewers we met upon the premises and having gone over and carefully viewed the same and considered the damages and benefits and having offset the one against the other we are of the opinion that the said widow and heirs of William F. Flick, dec'd. have sustained damages in excess of benefits in the sum of Three Hundred Twenty Five (\$325.00) Dollars, which amount should be paid them by the County of Cambria, Pa,

P. M. Kinney,
James McCann and
A. M. Shoemaker,
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 which seem likely to be sustained by Bernadette E. Flick, Margaret Flick, Charles F. Flick, Mildred Flick, Marie Zeak, Cletus Flick, Stella Judd, and Rose Agnes Flick widow and heirs of William F. Flick, dec'd., by reason of the relocating, changing and altering of the lines, width and grade, and the placing and constructing of certain drains and conduits in the course of rebuilding and improving State Highway Route No. 11636, through and over their premises situate in Allegheny Township, Cambria County, Pa., adjoining lands of Leo Schenk, Gust Storm, Pennsylvania Railroad, Denver J. Dodson, Harold Sumner and the Clearfield Bituminous Coal Corporation: Containing approximately one hundred ten acres.

Said viewers will meet upon the premises, above described, situate in said Township of Allegheny, Cambria Co., Pa., at 10:00 o'clock a. m. , November 30th. 1935, for the purpose of performing the duties of their appointment.

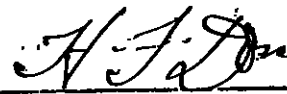
P. M. Kinney,

James McCann and

A. M. Shoemaker,

Viewers.

Now, November 1935, service of the above notice is hereby accepted for the Commissioners of Cambria County.



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 which seem likely to be sustained by Bernadette E. Flick, Margaret Flick, Charles F. Flick, Mildred Flick, Marie Zeak, Cletus Flick, Stella Judd, and Rose Agnes Flick, widow and heirs of William F. Flick, dec'd., by reason of the relocating, changing and altering of the lines, width and grade, and the placing and constructing of certain drains and conduits in the course of rebuilding and improving State Highway Route No. 11636, through and over their premises situate in Allegheny Township, Cambria County, Pa., adjoining lands of Leo Schenk, Gust Storm, Pennsylvania Railroad, Denver J. Dodson, Harold Sumner and the Clearfield Bituminous Coal Corporation: Containing approximately one hundred ten acres.

Said viewers will meet upon the premises, above described, situate in said Township of Allegheny, Cambria Co., Pa., at 10:00 o'clock a. m., November 30th. 1935, for the purpose of performing the duties of their appointment.

P. M. Kinney,

James McCann, and

A. E. Shoemaker,

Viewers.

Now, Nov., 1935, service of the above notice is hereby accepted for the above named widow and heirs of William F. Flick, deceased.


B. J. Little
J. L. Little

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 or which seem likely to be sustained by Bernadette E. Flick, Margaret Flick, Charles F. Flick, Mildred Flick, Marie Zeak, Cletus Flick, Stella Judd, and Rose Agnes Flick, widow and heirs of William F. Flick, dec'd., by reason of the locating or relocating, constructing and changing of the line, grade, width of State Highway Route No. 11036, through and over their premises situate in Allegheny Township, Cambria County, Pa., adjoining lands of Leo Schenk, Gust Storm, Pennsylvania Railroad, Denver J. Dodson, Harold Sumner and Clearfield Bituminous Coal Corporation, containing approximately one hundred ten acres: Also by reason of said Highway Department placing and constructing certain drains where same have caused damages to said above described premises.

Said Viewers will meet upon the premises, above described, and situate in said Township of Allegheny, Cambria Co., Pa., at 10:00 a. m., November 30th. 1935, for the purpose of performing the duties of their said appointment.

P. M. Kinney,
James McCann and
A. M. Shoemaker,
Viewers.

Viewers Notice of Filing Report.

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 which seem likely to be sustained by Bernadette E. Flick, Margaret Flick, Charles F. Flick, Mildred Flick, Marie Zeak, Cletus Flick, Stella Judd and Rose Agnes Flick; widow and heirs of William F. Flick, deceased; have this day filed their report in the office of the Clerk of Courts of Cambria County to No. 5 Sept. Sess. 1935, and unless exceptions thereto are filed or an appeal taken within thirty days of the date of filing same said report shall be confirmed absolutely.

P. M. Kinney,
James McCann and
A. M. Shoemaker,
Viewers.

Costs of View.

County of Cambria

To P. M. Kinney	-	-	-	Dr.	
To preparing, serving and posting notices of view	-	-	-		\$18.00. ✓
" 44 miles at .10 cts. per mile	-	-	-		4.40. ✓
Stenographer and stationery	-	-	-		1.60. ✓
Day on View	-	-	-		12.00. ✓
44 miles at 10 cents per mile	-	-	-		4.40 ✓
Day exhibiting Schedule	-	-	-		12.00 ✓
22 miles at 10 cents per mile	-	-	-		2.20 ✓
Preparing Schedules, Report of Viewers, preparing and serving notices of filing report of viewers	-	-	-		18.00. ✓
Stenographer and stationery	-	-	-		2.00. ✓
					<u>\$74.60</u>

James McCann

To One Day attending View	-				12.00. ✓
58 miles at 10 cents per mile	-				5.80. ✓
One day exhibiting Schedules	-				12.00. ✓
36 miles at ten cents per mile	-				\$ 3.60. ✓
					<u>\$33.40.</u>

A. M. Shoemaker

To one day on View	-	-	-		\$12.00.
22 miles at 10 cents per mile	-	-	-		2.20.
Preparing and presenting petition for continuance					3.00.
One day exhibiting Schedules	-	-	-		12.00.*
					<u>\$ 29.20.</u>

APPROVED FOR PRESENT

L. M. Keller

John A. Shoemaker

COMMISSIONERS

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

The petition of Bernadetto E. Flick, Margaret Flick, Charles F. Flick, and Mildred Flick, all of Allegheny Township, Cambria County, Pennsylvania; Marie Zeak, of Juniata Borough, Blair County, Pennsylvania; Cletus Flick, of Aspinwall Borough, Allegheny County, Pennsylvania; Stella Judd, of Dysart, Dean Township, Cambria County, Pennsylvania, and Rose Agnes Flick, of Ebensburg Borough, Cambria County, Pennsylvania, the widow and heirs of William F. Flick, late of Allegheny Township, Cambria County, Pennsylvania, deceased, respectfully represents:

That they are the owners of a certain farm situate in Allegheny Township, Cambria County, Pennsylvania, adjoining lands of Leo Schenk, Gust Storm, Pennsylvania Railroad, Denver J. Dodson, Harold Sumner, and Clearfield Bituminous Coal Corporation, containing about one hundred ten (110) Acres.

That the Secretary of Highways of the Commonwealth of Pennsylvania has caused to be constructed, reconstructed and improved on that part of a certain state highway known as No. 11038 where the same crosses over and through the lands of your petitioners. That the County Commissioners of Cambria County have consented and approved of the width and location, relocation or change of said highway through lands of your petitioners and they are therefore liable for any damages sustained by your petitioners for or by reason of the change of width, location or relocation of said state highway and for or by reason of the damages caused by draining the said relocated highway.

Your petitioners are therefore entitled to damages under and in pursuance of the provisions of an Act of Assembly, approved May 31, 1911 P. L. 468, as amended by the Act of April 13, 1933 P. L. 41 for the change of width and the location or relocation of state highway No. 11038 over land of

Your petitioners, therefore, pray your Honorable Court to appoint three viewers from among the Board of Permanent Viewers of the county, one of whom shall be learned in the law, to assess the damages occasioned your petitioners above set forth, pursuant to the Rules adopted by said Board and to make report to the next term of court.

Bernadette Flick

Cletus Flick

Margaret Flick

Stella Judd

Rose Agnes Flick

Charles F. Flick

Mildred Flick

Charles F. Flick being duly sworn according to law, deposes and says that he is acquainted with the facts set forth in the foregoing petition, and that he makes this affidavit on behalf of himself and for the other heirs of William F. Flick, deceased, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

Charles F. Flick

Prothonotary

D E C R E E

AND NOW To-wit, Nov. 4., 1935, the foregoing
petition having been read and considered, the Court appoints P. F. Kinney,
James McCann, and A.M. Shoemaker Esq.,
viewers, who, in accordance with the Rules adopted by the Court for the Board
of Viewers, and in pursuance of the Acts of Assembly in such case made and
provided, shall view the premises and make such award as to them shall seem
just and proper. Report of which viewers to be filed on or before the first
Monday of December, 1935.

By the Court
McKenrick, J.

Extract from the Record.

Certified this 4th day
of Nov. A. D. 1935.

James M. Lane
CLERK OF COURTS

April 28-1936
Report approved
By the Court
McKenna

No. 5 September Sessions 1935

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

Petition of Bernadette Flick
et al for appointment of
Viewers to assess damages
and Order to View.

and

Report Viewers.

Filed. Dec. 4-1935.
Jm Jones