

No. 1 June Term 1936

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

PETITION OF HEIRS OF MAE LEY
FOR APPOINTMENT OF VIEWERS TO
ASSESS DAMAGES CAUSED BY THE
RELOCATION OF THE WILLIAM PENN
HIGHWAY IN JACKSTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA

Filed: June 9, 1936

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

TO THE HONORABLES, THE JUDGES OF THE COURT OF QUARTER SESSION OF CAMBRIA
COUNTY, PENNSYLVANIA

The petition of Verna Dodson of Vintondale, Cambria County, Pennsylvania, Remina Jones, Mary Ley and Francis Ley in his own right and as guardian of Raymond Ley, all of Jackson Township, Cambria County, Pennsylvania, respectfully represents.

I. That they are the sons and daughters of Mae Ley, late of Jackson Township, Cambria County, Pennsylvania, deceased. That the said Mae Ley died seized of a certain piece or parcel of land situate in Jackson Township, Cambria County, Pennsylvania, bounded and described as follows: Beginning at a call for a sarvis (service), now pointers, on line of land of William Penatzer; thence by land now of Benjamin Ford North five (5) degrees East fifty-four and one-half ($54\frac{1}{2}$) perches to a post; thence by land now of the John Meegan Heirs North eighty-seven (87) degrees West one hundred sixty-seven and three-tenth (167.3) perches to a post; thence by land of Lackawanna Coal Company, formerly the Fisher Heirs, South three (3) degrees West fifty-three and eight-tenths (53.8) perches to a post; thence by land of George Barr's Heirs and land of William Penatzer South eighty-seven (87) degrees East one hundred sixty-six (166) perches to post the place of beginning; containing fifty-six (56) Acres, more or less.

Reserving all coal and mining rights sold by a previous conveyance.

2. That the said Mae Ley died intestate, leaving to survive her the sons and daughters who are your petitioners and one minor son, Raymond, who has for his guardian Francis Ley, one of the petitioners.

3. That State Highway Department of the Commonwealth of Pennsylvania caused to be relocated through the land above described State Highway Route No. which is known as the William Penn Highway United States Route No. 22. That the County Commissioners of Cambria County have consented and approved of the

width, location or relocation or change of said highway through land of your petitioners and the County of Cambria is therefore liable for any damages sustained by your petitioners for change of said location or relocation of said road.

Your petitioners claim damages under and in pursuance of the provisions of the 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 or relocation of said highway through the land of your petitioners. A detailed description of the reconstruction or change of said road, together with all details relative to the construction thereof is on file in the County Commissioners Office of Cambria County.

Your petitioners, therefore, pray your Honorable Court to appoint three viewers from among the members of the permanent Board of Viewers of the County of Cambria, one of whom shall be learned in the law, to assess the damages occasioned by your petitioners as above set forth in pursuance of the rules adopted for said Board and make report to your Honorable Court the first Monday of August, 1936.

And they will ever pray.

V.D. Verna Dodson

R.F. Remina Jones

M.F. Mary Ley

F.F. Francis Ley

R.F. Raymond Ley
Guardian of Raymond Ley

STATE OF PENNSYLVANIA

ss.

COUNTY OF CAMBRIA

Francis Ley, one of the heirs above named
and guardian of Raymond Ley, another of the above named heirs, being
duly sworn according to law, deposes and says that the facts set forth
in the foregoing petition are true and correct to the best of his
knowledge and belief.

Sworn and subscribed this

4th day of June,

1936.

J. P. Burns, Jr.
MY COMMISSION EXPIRES
FIRST MONDAY IN JAN. 1938

DECREE

AND NOW, to-wit, June 9th, 1936, the foregoing petition
having been read and considered, the Court appoints A. M. Shoemaker,
James M. Cairns and M. J. Panger
viewers, who in accordance with the rules adopted by the Court for the purpose
of the permanent Board of Viewers, and in accordance with the Act of Assembly
in such case made and provided, shall view the premises and make such award
as to them shall seem just and proper. The Report of Viewers to be filed on
or before the first Monday of August, and notice of filing shall be given the
County Commissioners of Cambria County and the attorney for petitioners.

By the Court
M. Cairns
J.

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 and directed to view and determine the damages, if any, which have been sustained or which seem likely to be sustained by Verna Dodson, Remina Jones, Mary Ley, Francis Ley and Raymond Ley, heirs of Mae Ley, deceased, by reason of the relocating and constructing of State Highway Route No. 22. - known as the William Penn Highway - through and over their premises situate in Jackson Township, said county 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, the Attorney for the petitioners and to the public by printed hand bills posted in public and conspicuous places on the premises along the line of the improvement as required by the rules of Court and having the parties interested accept service of notices hereto attached: All of us met upon the premises in accord with the notices so given,,having first each been 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 right-of-way over the premises in question, the deep cut and the high fill across the premises and particularly the hight and width of the fill directly in front of the residence which shuts off the view of almost the entire portion of the place to the east of the fill, the fact that the former approach to the premises from the old highway is entirely obstructed by a fill some twenty two feet high and close to one hundred twenty foot wide at the base, that the water course which formerly carried the surface water

and the overflow from the springs near the residence in the direction of the old highway had been diverted and during recent wet weather had already cut a very deep gulley through the meadow on the east side of the fill and very greatly interfere with farming upwards of an acre of good fertile land, that the access to the new highway from the farm house and buildings is by means of a ramp approximately one hundred twenty feet long and quite steep and so constructed that on reaching the top of the ramp it will be difficult and always attended with danger to turn southward on the new highway, that to get back and forth from the barn and other buildings to the portion of the farm lying to the east side of the new highway will be very inconvenient and require traveling a long way around, that in constructing the new highway some ten or twelve fruit trees have been removed or destroyed as well as probably twelve to fifteen trees of second growth timber and the land formerly used for pasture has been divided by the new right-of-way, &c., and-though the matter of benefits/^{was}~~did~~ not passed over without consideration- the viewers were unable to discover that any such had resulted to the property owners in this instance.

After the view the viewers met again at the Court House when and where the parties, having first had due notice of said meeting, had an opportunity to present any testimony relative to the matter of our inquiry which they might desire, and the Attorney for the petitioners and the Chief Clerk for the County Commissioners did appear and display maps and photographs relative to the matter, and after having served further notice of the sitting of the viewers to exhibit a schedule of benefits and damages and giving the parties in interest a further opportunity to be heard when we did meet and exhibit said schedule, and have finally estimated and determined that the above named heirs of Mae Ley have sustained damages, in excess of any benefits, in the sum of Seventeen Hundred Ten & no/100 (\$ 1710.00) - - Dollars, which amount should be paid them by the County of Cambria.

Unless an appeal shall be taken herefrom or exceptions filed within thirty days from the date of filing same in the office of the Clerk of the Courts of Cambria County this report shall

be confirmed absolutely.

A copy of the notices served and posted together^{ly} with copy of the schedule exhibited and notices served are hereto attached and ~~a~~ de a part of this report.

Witness our hands this

day of July, A. D., 1936.

A. M. Shremaker

James M. Carr

Mahlon J. Benford
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 amount of damages, if any, which have been sustained or which seem likely to be sustained by reason of the relocating of State Highway Route No. 22.- known as the William Penn Highway - through and over the premises of Verna Dodson, Remina Jones, Mary Ley, Francis Ley and Raymond Ley; heirs of Mae Ley, dec'd.; situate in Jackson Township, said county and state, and bounded and described as follows:

Beginning at pointers on line of land of Wm. Penatzer; thence by land of Benj. Ford 54 1/2 perches to a post; thence by land of John Meegan Heirs 167 3/10 perches to a post; thence by land of the Lackawanna Coal Co., formerly Fisher Heirs, 53 8/10 perches to a post; thence by land of the heirs of George Barr and Wm. Penatzer 166 perches to the place of beginning. Containing about 56 acres.

Said viewers will meet upon the premises, in Jackson Township, Cambria County, Pennsylvania, on the line of the proposed improvement on Thursday, June 25th. 1936, at 10:00 O'clock a. m., E. S. T., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

James McCann and

M. J. Baumgardner,

Viewers.

Now, June /' 1936, the date indicated for the above referred to view is hereby agreed upon and service of notice of said view accepted.



For the Commissioners of Cambria County.

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 amount of damages, if any, which have been sustained or which seem likely to be sustained by reason of the relocating of State Highway Route No.22. - known as the William Penn Highway - through and over the premises of Verna Dodson, Remina Jones, Mary Ley, Francis Ley, and Raymond Ley; heirs of Mae Ley, dec'd.; situate in Jackson Township, said county and state, and bounded and described as follows:

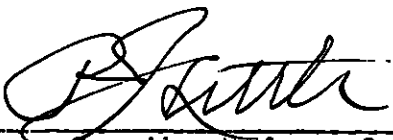
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Containing approximately 56 acres.

Said viewers will meet upon the premises on the line of the proposed improvement on Thursday, June 25th. 1936, at 10:00 O'clock a. m., E.S.T., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,
James McCann and
M. J. Baumgardner,
Viewers.

Now, June // 1936, the date indicated for the above referred to view is hereby agreed upon and service of notice of said view accepted.


Attorney for the Heirs of Mae Ley dec'd.

View June 25 - 10:00 am

Continued to 1:30 PM

Leaving June 27 - 10:00

Exp Schedule 29 2:30

St Lawrence Rd on

July 11th - 10:00 am

Marquette via Munster Tp

July 18th

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 amount of damages, if any, which have been sustained or which seem likely to be sustained by reason of the relocating of State Highway Route No. 22. - known as the William Penn Highway - through and over the premises of Verna Dodson, Remina Jones, Mary Ley, Francis Ley and Raymond Ley; heirs of Mae Ley, dec'd.; situate in Jackson Township, said county and state, and bounded and described as follows:

Beginning at pointers on line of land of Wm. Penatzer, thence by land of Benj. Ford 54 1/2 perches to a post; thence by land of John Keegan heirs 167 3/10 perches to a post; thence by land of the Lackawanna Coal Co., formerly Fisher Heirs, 53 8/10 perches to a post; thence by land of the heirs of George Barr and Wm. Penatzer 166 perches to the place of beginning. Containing approximately 56 acres.

Said viewers will meet upon the premises on the line of the proposed improvement on Thursday, June 25th. 1936, at 10:00 O'clock a. m., E. S. T., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

James McCann and

M. J. Baumgardner,

Viewers.

Notice of Exebition of Schedule.

NOTICE OF SITTING TO EXHIBIT SCHEDULE.

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 Verna Dodson, Remina Jones, Mary Ley, Raymond Ley and Francis Ley, heirs of Mae Ley, deceased; by reason of the relocation, opening and grading of State Highway Route No. 22.--known as the William Penn Highway - through and over their farm or premises situate in Jackson Township, said county and state: having met upon, gone over and viewed the said property and the improvements thereon and later met at the Court House in Ebensburg to hear such testimony as the parties in interest had to offer, when and where P. J. Little, Esq., and H. Frank Dorr, Chief Clerk and Engineer for the County Commissioners met with the viewers and having together gone over and reviewed the situation submitted the matter without testimony for the decision of the viewers, and ths having met and carefully reviewed the whole situation taking into consideration all matters brought to our attention and have estimated the benefits and damages resulting from the aforesaid improvement and will meet at the Court House, in Ebensburg at 2:30 p. m., Monday, June 29th. 1936, to exhibit same; when and where the parties in interest will have a further opportunity to offer any testimony the may have to submit.


A. M. Shoemaker,

James McCann and

M. J. Baumgardner,

Viewers.

Now, June, 27th. 1936, the above noted date of exebition of schedule agreed upon and service of notice hereby accepted.


Clerk for Commissioners of
Cambria County, Pennsylvania.

Viewer's Schedule of Benefits and Damages.

In re View to determine the damages, if any, sustained or which seem likely to be sustained by Verna Dodson, Remina Jones, Mary Ley, Francis Ley and Raymond Ley, heirs of Mae Ley, deceased.

The undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the ~~damages~~ damages, if any, sustained or which seem likely to be sustained by reason of the relocating and constructing of State Highway Route No. 22. - known as the William Penn Highway - through and over their premises situate in Jackson Township, said county and state; having viewed the premises and sit to hear such testimony as the parties in interest might have to offer pertaining to the matter of our enquiry, we have carefully reviewed the whole situation and have estimated and determined as follows, viz:

That the above named heirs of Mae Ley, dec'd. have received no benefits by reason of the above referred to relocating and constructing of the said highway but have sustained damages, which should be paid to them by the County of Cambria, in the sum of Seventeen Hundred Ten & NO/100, (\$1710.00), Dollars.

A. M. Shoemaker,

James McCann and

H. J. Baumgardner, Viewers.

Costs of View

County of Cambria Dr
To A.M. Shoemaker

Preparing, serving & posting notices of view	\$18.00 ✓
28 miles	2.80 ✓
Day on View	12.00 ✓
20 miles	2.00 ✓
Hearing, securing data & figuring award	12.00 ✓
Preparing & serving notices of objection of schedule & preparing schedules	6.00 ✓
Preparing & filing report	12.00 ✓
" & serving notices of filing report & time limit for taking appeal or exceptions	3.00 ✓
	<u>\$67.80</u>

125-352 63.00
125-352 4.80
67.80

RECEIVED
COUNTY CONTROLLER

APPROVED FOR PAYMENT

John L. ...

Frank P. ...
COMMISSIONER

County of Cambria — Dr
 To M. J. Baumgardner, Esq.
 3 Days (on view, hearing
 & sitting to exhibit schedule) - \$36.00 ✓
 103 miles (1 trip to view 31 miles
 & 2 trips Johnstown to Ebensburg 72) $\frac{10.30}{\$46.30}$ ✓

124-345 = 36.00
 125-3422 10.30
46.30

CERTIFIED
 COUNTY OF CAMBRIA

To James M. Cannon
 3 Days 103 miles (same
 days & mileage as M. J. B., Esq.) - \$46.30

125-345 36.00
 125-3422 10.30
46.30

APPROVED FOR PAYMENT
 John Thompson

Frank P. Holler
 COMMISSIONER

No. 1 June Term 1936

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

PETITION OF HEIRS OF MAE LEY
FOR APPOINTMENT OF VIEWERS TO
ASSESS DAMAGES CAUSED BY THE
RELOCATION OF THE WILLIAM PENN
HIGHWAY IN JACKSTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA

and Decree of Court

*Order to View
and determine the
damages, if any,
sustained by peti-
tioners -
and*

Report of Viewers

Filed: July 1, 1936

~~R. J. BATTLE
ATTORNEY AT LAW
EBENSBURG, PA.~~

TO THE HONORABLES, THE JUDGES OF THE COURT OF QUARTER SESSION OF CAMBRIA
COUNTY, PENNSYLVANIA

The petition of Verna Dodson of Vintondale, Cambria County, Pennsylvania, Remina Jones, Mary Ley and Francis Ley in his own right and as guardian of Raymond Ley, all of Jackson Township, Cambria County, Pennsylvania, respectfully represents.

I. That they are the sons and daughters of Mae Ley, late of Jackson Township, Cambria County, Pennsylvania, deceased. That the said Mae Ley died seized of a certain piece or parcel of land situate in Jackson Township, Cambria County, Pennsylvania, bounded and described as follows: Beginning at a call for a sarvie (service), now pointers, on line of land of William Penatzer; thence by land now of Benjamin Ford North five (5) degrees East fifty-four and one-half (54½) perches to a post; thence by land now of the John Meegan Heirs North eighty-seven (87) degrees West one hundred sixty-seven and three-tenth (167.3) perches to a post; thence by land of Lackawanna Coal Company, formerly the Fisher Heirs, South three (3) degrees West fifty-three and eight-tenths (53.8) perches to a post; thence by land of George Barr's Heirs and land of William Penatzer South eighty-seven (87) degrees East one hundred sixty-six (166) perches to post the place of beginning; containing fifty-six (56) Acres, more or less.

Reserving all coal and mining rights sold by a previous conveyance.

2. That the said Mae Ley died intestate, leaving to survive her the sons and daughters who are your petitioners and one minor son, Raymond, who has for his guardian Francis Ley, one of the petitioners.

3. That State Highway Department of the Commonwealth of Pennsylvania caused to be relocated through the land above described State Highway Route No. which is known as the William Penn Highway United States Route No. 22. That the County Commissioners of Cambria County have consented and approved of the

width, location or relocation or change of said highway through land of your petitioners and the County of Cambris is therefore liable for any damages sustained by your petitioners for change of said location or relocation of said road.

Your petitioners claim damages under and in pursuance of the provisions of the 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 or relocation of said highway through the land of your petitioners. A detailed description of the reconstruction or change of said road, together with all details relative to the construction thereof is on file in the County Commissioners Office of Cambria County.

Your petitioners, therefore, pray your Honorable Court to appoint three viewers from among the members of the permanent Board of Viewers of the County of Cambria, one of whom shall be learned in the law, to assess the damages occasioned by your petitioners as above set forth in pursuance of the rules adopted for said Board and make report to your Honorable Court the first Monday of August, 1936.

And they will ever pray.

Verna Dodson

Remina Jones

Mary Ley

Francis Ley

Raymond Ley
Guardian of Raymond Ley

STATE OF PENNSYLVANIA

COUNTY OF CAMBRIA

ss.

Francis Ley, one of the heirs above named and guardian of Raymond Ley, another of the above named heirs, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

Sworn and subscribed this

Francis Ley

4th day of June,

1936.

T P Burns J.P.

MY COMMISSION EXPIRES
FIRST MONDAY IN JAN. 1938

(Justice of The Peace Seal)

DECREE

AND NOW, to-wit, June 9th., 1936, the foregoing petition having been read and considered, the Court appoints A.M. Shoemaker, James McCann and M. J. Baumgardner viewers, who in accordance with the rules adopted by the Court for the purpose of the permanent Board of Viewers, and in accordance with the Act of Assembly in such case made and provided, shall view the premises and make such award as to them shall seem just and proper. The Report of Viewers to be filed on or before the first Monday of August, and notice of filing shall be given the County Commissioners of Cambria County and the attorney for petitioners.

By the Court.

McCann.

P.J.

Extract from the Record.
Certified this 9th day
of June A. D. 1936.

James M. Jones
Clerk of Courts