

No. 2 June Term 1936

In the Court of Quarter
Sessions of Cambria
County, Pennsylvania

RE: APPROPRIATION BY THE
COMMONWEALTH OF PENNSYLVANIA

-of-

LAND OF W. H. SARGEANT, MARY J.
SARGEANT, EMMA B. HEATH, LORETTO
BURGOON and JAMES T. SARGEANT

Order to View

and
Report of Viewers

CERTIFIED

County of Cambria

Filed Aug. 10, 1936

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, appointed by your honorable Court upon the attached order and therein directed to view and determine to damages, if any, which have been sustained or which seem likely to be sustained by W. H. Sargeant, Mary J. Sargeant, Emma B. Heath, Loretto Burgoon and James T. Sargeant, by reason of the change of the location and grade of State Highway Route No. 22. through and over their farm or premises situate in Munster Township, Cambria County, Pa., respectfully report:

Toat 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 serving and posting notices as required, and having each been first duly sworn according to law to perform the duties of our appointment faithfully, impartially and according 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: All of us met upon the premises in accord with the notices served and posted as aforesaid and having gone over and carefully examined the premises, noting particularly how said premises were divided by the lay of the new portion of highway through same, the extent of the fill upon the premises, how the farm has been divided by the location of said piece of road and the extreme inconvenience to the owners in getting from one side of the new highway to the other with cattle, crops and for other purposes and the danger attending the crossing of same, and considering any advantages and the disadvantages and offsetting one against the other we have estimated and determined that the above named parties have been damaged in excess of any and all benefits and should be compensated

by the County of Cambria.

After going over and carefully viewing the premises the undersigned viewers sat at the Court House, Ebensburg, Pa., to hear any testimony the parties in interest might have to offer concerning the matter of our enquiry and later and after due notice to the parties interested we again met at the Court House and exhibited our schedule of benefits and damages; at which second meeting no parties or representatives or attorneys appeared; and again the viewers went into the matter carefully reviewing all matters concerning the same which we had observed and which had been brought to our attention for the purpose of determining if the amount of the award as suggested on our schedule was as nearly correct as we could arrive at and to determine if our award as suggested should be lowered or increased and have finally determined as follows:

That the sons and daughters of Thomas Sargeant, deceased, above named should be assessed no benefits but should be allowed damages in the sum of Six Hundred Seventy Five and No / 100 Dollars, which amount should be paid to them ~~at~~ by the County of Cambria.

Witness our hands this 10th day of August, A. D., 1936.

A. M. Shoemaker

James McEann

Mahlon J. Bumpert

Viewers.

S C H E D U L E .

The undersigned members of the Permanent Board of Viewers of Cambria County, Pennsylvania, appointed by the Court of Quarter Sessions of said county and state, to view and determine the damages and benefits which have accrued or which seem likely to accrue to J. H. Sargeant, Mary J. Sargeant, Emma B. Heath, Lorette Burgoon and James T. Sargeant; by reason of the change and relocating of the line and grade of State ~~Highway~~ Highway Route NO. 22. through and over their premises, situate in Munster Township, Cambria Co., Pa., just westward from the Village of Munster; and containing forty acres one hundred fifty nine perches: Having viewed the premises and given the parties concerned an opportunity to be heard and offer any testimony they might desire relative to the matter of our inquiry, we have estimated ~~the~~ and determined the benefits and damages which have been sustained or which seem likely to be sustained by the parties above named and offsetting the having offset the benefits against the damages, we herewith report that the above named owners of the premises referred to have sustained damages in excess of benefits in the sum of *Six Hundred Seventy Five + no/100* Dollars, which amount should be paid them by the County of Cambria, Pennsylvania.

A. M. Shoemaker,
James McCann and
M. J. Baumgardner,
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 W. H. Sargent, Mary J. Sargent, Emma B. Heath, Loretto Burgoon, and James T. Sargent by reason of the change and relocation of State Highway Route No. 22., through and over their premises situate in Munster Township, said county and state:

Bounded as follows, viz: Beginning at a post on the north west corner of an original survey to Samuel Leech, of which this is a part; thence along the south line of said survey to Wm. Cole east 85.2 perches to a post, the north west corner of the town lots of Munster; thence along said lots south 36 perches to a post and stones in the Turnpike road; thence north 82° west 20 perches to a post; thence south $65\frac{1}{2}^{\circ}$ west 21 perches to a post; thence south 45° west 9 perches to a spruce; thence south 67.3 perches to a post; thence along north line of land conveyed to Neil Mallon 40 perches to a post, and north 118.6 perches to beginning. Containing 40 acres and 159 perches.

Said Viewers, appointed as aforesaid, will meet upon the premises in Munster Township, Cambria County, Pennsylvania, July 18th. 1936, at 10:00 O'clock a. m., for ~~the~~ the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

James McCann and

M. J. Baumgardner,

Viewers.

Now, July 1936, service of the above notice is hereby accepted.



For the Commissioners of Cambria Co.

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 W. H. Sargent, Mary J. Sargent, Emma B. Heath, Loretto Burgoon, and James T. Sargent by reason of the change and relocation of State Highway Route No. 22., through and over their premises situate in Munster Township, said county and state:

Bounded as follows, viz: Beginning at a post on the north west corner of an original survey to Samuel Leech, of which this is a part; thence along the south line of said survey to Wm. Cole east 85.2 perches to a post, the north west corner of the town lots of Munster; thence along said lots south 36 perches to a post and stones in the Turnpike Road; thence north 82° west 20 perches to a post; thence south 65 1/2 ° west 21 perches to a post; thence south 45° west 9 perches to a spruce; thence south 67.3 perches to a post; thence along north line of land conveyed to Neil Mallon 40 perches to a post, and north 118.6 perches to beginning. Containing 40 acres and 159 perches.

Said Viewers, appointed as aforesaid, will meet upon the premises in Munster Township, Cambria County, Pennsylvania, July 18th. 1936, at 10:00 O'clock a. m., for ~~the~~ the purpose of performing the duties of their said appointment.


A. M. Shoemaker,

James McCann and

M. J. Baumgardner,

Viewers.

Now, July 10 1936, service of the above notice is hereby accepted.


Atty. for above named 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, which have been sustained or which seem likely to be sustained by W. E. Sargent, Mary J. Sargent, Emma E. Heath, Loretto Burgoon and James T. Sargent by reason of the change and relocation of State Highway Route No. 22., through and over their premises situate in Munster Township, said county and state,

Bounded as follows, viz: Beginning at a ~~point~~ post on the north west corner of an original survey to Samuel Leach, of which this is a part; thence along the south line of said survey to Wm. Cole east 85.2 perches to a post, the north west corner of the town lots of Munster; thence along said lots south 36 perches to a post and stones in the turnpike road; thence north 82° west 20 perches to a post; thence south $65^{\circ} 30'$ west 21 perches to a post; thence south 45° west 9 perches to a spruce, thence south 67.3 perches to a post; thence along north line of land conveyed to Neil Mallon 40 perches to a post, and north 118.6 perches to beginning. Containing 40 acres and 159 perches.

Said viewers, appointed as aforesaid, will meet upon the premises in Munster Township, Cambria County, Pennsylvania, July 18th. 1936, at 10:00 O'clock a. m., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,

James McCann and

M. J. Beungardner,

Viewers.

Haring 20th 21.0

Offered to sell 4000 for \$1,800

Ex Sched 0:30 Mon 27th

Large View

Costs of View

To A. M. Shoemaker

Preparing posting & serving	
notices of view	\$12.00
14 miles	1.40
Day on view	12.00
14 miles	1.40
Hearing & consultation	
with viewers	12.00
Preparing schedules & prepar-	
ing & serving notices of exhibition	
& meeting to exhibit same	12.00
Preparing report & preparing	
& serving notice of filing same	12.00
Stenographer & stationery	\$68.80
	2.40
	\$71.20

M. J. Baumgardner

Day on view	\$12.00
63 miles	6.30
Hearing	12.00
36 miles	3.60
Exhibition of Schedule	12.00
36 miles	3.60
	\$49.50

James McCann

Day on view	\$12.00
63 miles	6.30
Hearing 1 day	12.00
36 miles	3.60
Exhibition of schedule	12.00
36 miles	3.60
	\$49.50

APPROVED FOR PAYMENT

John Thomas

L. M. Keller

Wm. P. Holburn

COMMISSIONERS

No. 2 June Term 1936

RE: APPROPRIATION BY THE
COMMONWEALTH OF PENNSYLVANIA

-of-

LAND OF W. H. SARGEANT, MARY J.
SARGEANT, EMMA B. HEATH, LORETTO
BURGOON and JAMES T. SARGEANT

Filed: June 19, 1936

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

RE: APPROPRIATION BY THE COMMONWEALTH OF PENNSYLVANIA

-of-

LAND OF W. H. SARGEANT, MARY J. SARGEANT, EMMA B. HEATH,
LORETTO BURGOON and JAMES T. SARGEANT

To the Honorables, the Judges of the Court of Quarter Session of Cambria
County, Pennsylvania.

The petition of W. H. Sargeant, for himself and for Mary J.
Sargeant, Emma B. Heath, Loretto Burgoon and James T. Sargeant, sons and
daughters of Thomas Sargeant, late of Munster Township, Cambria County,
Pennsylvania, deceased, respectfully represents;

That by deed dated February 4, 1839, William S. Vaux conveyed to
James Sargeant, then of Cambria Township, Cambria County, Pennsylvania; All
that piece or parcel of land situate in the Township of Cambria, in the County
of Cambria aforesaid and beginning at a post on North West corner of an original
survey to Samuel Leech of which this is a part; thence along the South line of
an original survey to William Cole East eighty-five (85) perches and two Tenths
(.2) of a perch to a post the North West corner of the Town lots of Munster;
thence by said lots South thirty-six (36) perches to post and stones in a
Turnpike road; thence North eighty-two (82) degrees West twenty (20) perches
to a post; thence South sixty-five (65) degrees and a half ($\frac{1}{2}$) a degree West
twenty-one (21) perches to a post; thence South forty-five (45) degrees West
nine (9) perches to a Spruce, thence South sixty-seven (67) perches and three
Tenths (.3) of a perch to a post; thence along North line of Land conveyed to
Neil Mallon forty (40) perches to a post; thence North one hundred eighteen
(118) perches and six Tenths (.6) of a perch to the place of beginning; containing
forty (40) Acres and one hundred fifty-nine (159) perches.

James Sargeant died, intestate, leaving to survive him a widow,
since deceased, and one heir, Thomas Sargeant.

That the said Thomas Sargeant died the 28th day of March, 1908, leaving to survive him your petitioners. That there are no other persons interested in the said estate.

That the Commonwealth of Pennsylvania, with the approval of the County Commissioners of Cambria County, relocated a part of the highway known as No. 22 in the State of Pennsylvania through and over the above described lands of petitioners.

That the County of Cambria, by the approval of said relocation of said Highway No. 22, made itself liable for the damages occasioned by the property owners over whose lands such relocation was made.

That your petitioners are unable to agree with the representatives of the County of Cambria upon the amount of damages sustained by such relocation.

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

And they will ever pray.

W H Sargent

STATE OF PENNSYLVANIA

COUNTY OF CAMBERIA

ss.

W. H. Sargeant for himself and the other heirs of Thomas Sargeant, deceased, 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

W H Sargent

this 17th day of June,

A. D., 1936.

John L. Hite,

Prothonotary

(Court of Common Pleas Seal)

D E C R E E

AND NOW, to-wit, June 19th, 1936, the foregoing petition having been read and considered, the Court appoints A. M. Shoemaker,

James McCann

and Mahlon J Baumgardner, Esq.

viewers, who in accordance with the Rules adopted by the Court for the Board of Viewers and in accordance with the Acts of Assembly in such case made and approved 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 next term of this Court; notice of filing shall be given to the attorneys for the Commonwealth of Pennsylvania and the petitioners.

By the Court

Greer J.

*Extract from Record
Certified true 19th
day of June A. D
1936
James M. Jones
Clerk of Court*

RE: APPROPRIATION BY THE COMMONWEALTH OF PENNSYLVANIA

-of-

LAND OF W. H. SARGEANT, MARY J. SARGEANT, EMMA B. HEATH,
LORETTO BURGOON and JAMES T. SARGEANT

To the Honorables, the Judges of the Court of Quarter Session of Cambria County, Pennsylvania.

The petition of W. H. Sargeant, for himself and for Mary J. Sargeant, Emma B. Heath, Loretto Burgoon and James T. Sargeant, sons and daughters of Thomas Sargeant, late of Munster Township, Cambria County, Pennsylvania, deceased, respectfully represents;

That by deed dated February 4, 1839, William S. Vaux conveyed to James Sargeant, then of Cambria Township, Cambria County, Pennsylvania; All that piece or parcel of land situate in the Township of Cambria, in the County of Cambria aforesaid and beginning at a post on North West corner of an original survey to Samuel Leech of which this is a part; thence along the South line of an original survey to William Cole East eighty-five (85) perches and two Tenths (.2) of a perch to a post, the North West corner of the Town lots of Munster; thence by said lots South thirty-six (36) perches to post and stones in a Turnpike road; thence North eighty-two (82) degrees West twenty (20) perches to a post; thence South sixty-five (65) degrees and a half ($\frac{1}{2}$) a degree West twenty-one (21) perches to a post; thence South forty-five (45) degrees West nine (9) perches to a Spruce, thence South sixty-seven (67) perches and three Tenths (.3) of a perch to a post; thence along North line of Land conveyed to Neil Mallon forty (40) perches to a post; thence North one hundred eighteen (118) perches and six Tenths (.6) of a perch to the place of beginning; containing forty (40) Acres and one hundred fifty-nine (159) perches.

James Sargeant died intestate, leaving to survive him a widow, since deceased, and one heir, Thomas Sargeant.

That the said Thomas Sargeant died the 28th day of March, 1908, leaving to survive him your petitioners. That there are no other persons interested in the said estate.

That the Commonwealth of Pennsylvania, with the approval of the County Commissioners of Cambria County, relocated a part of the highway known as No. 22 in the State of Pennsylvania through and over the above described lands of petitioners.

That the County of Cambria, by the approval of said relocation of said Highway No. 22, made itself liable for the damages occasioned by the property owners over whose lands such relocation was made.

That your petitioners are unable to agree with the representatives of the County of Cambria upon the amount of damages sustained by such relocation.

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

And they will ever pray.

W. H. Sargeant

STATE OF PENNSYLVANIA .

COUNTY OF CAMBRIA

ss.

W. H. Sargeant for himself and the other heirs
of Thomas Sargeant, deceased, 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 17th day of June,

A. D.; 1936.

John E. White
Prothonotary

W. H. Sargeant

D E C R E E

AND NOW, to-wit, June 17th, 1936, the foregoing petition
having been read and considered, the Court appoints Amthorn
James M. C. C. C. and Wahlen J. B. B. B.
viewers, who in accordance with the Rules adopted by the Court for the Board
of Viewers and in accordance with the Acts of Assembly in such case made and
approved 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 next term of
this Court; notice of filing shall be given to the attorneys for the Commonwealth
of Pennsylvania and the petitioners.

By the Court
Yung