

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNSYLVANIA

*No. 8 Sept. Sess. 1936*

GEORGE E. WILKINSON

VS.

COUNTY OF CAMBRIA

PETITION TO HAVE VIEWERS  
APPOINTED

*3-Dec-1936*

*Petition with Court appointment  
sent to view same  
206 Union St  
Harrisburg  
Pa*

*Filed - Dec. 2-1936  
Jm Jones*

LAW OFFICES  
CLARENCE E. DAVIS  
EBENSBURG, PENNSYLVANIA  
TRUST CO. BLDG.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

GEORGE E. WILKINSON

vs.

COUNTY OF CAMBRIA

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No. 8- *sept* Term, 1936

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

The petition of George E. Wilkinson, of the Township of Jackson, County of Cambria and State of Pennsylvania, respectfully represents:

1.

That he is the owner of that certain piece or lot of ground situate in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

Beginning at a post on the Pittsburgh Pike, or the old stone turn-pike at the South-western corner of land now owned by Howard Rose; thence along said Pittsburgh Pike North eighty-six (86) degrees and fifteen (15) minutes, West two hundred sixty-four (264) feet to a post on line of other land owned by B. F. Rose, grantor; thence along said land North eight (8) degrees thirty (30) minutes East three hundred thirty and four-tenths (330.4) feet to a post; thence continuing along lands of said B. F. Rose South eighty-six (86) degrees fifteen (15) minutes East two hundred sixty-four (264) feet to a post on line of land of Howard Rose; thence along line of said land of Howard Rose South eight (8) degrees thirty (30) minutes West three hundred thirty and four-tenths (330.4) feet to the place of beginning. Said piece or lot of ground containing two acres.

2.

Title to the above described piece or lot of ground became vested in your petitioner by deed of B. F. Rose et ux, dated October 14, 1921.

3.

That since the said piece or lot of ground was purchased by petitioner he has erected thereon a frame dwelling house, together with other buildings of considerable value.

4.

That prior to and at all times subsequent to the acquisition of said piece or lot of ground by your petitioner, there has been laid out and in use for public travel along said lot or piece of ground a public highway known as the Pittsburgh and Philadelphia Pike, and now known as the Pennsylvania State Highway Route No. 22, and also known as the William Penn Highway.

5.

Some time in the year 1934, or thereabouts, the Department of Highways of the Commonwealth of Pennsylvania, by virtue of the power and authority vested in it, relocated the said Route No. 22 and changed the grade thereof along and through the land of your petitioner, whereby damage resulted to your petitioner's said land.

6.

That in changing the grade by the said Highway Department of Pennsylvania there was a fill immediately in front of your petitioner's property of approximately seven (7) feet, by reason of which your petitioner's dwelling house was located, after said change in grade, a distance of approximately seven (7) feet below the level of said highway.

7.

That by reason of the change of grade as aforesaid, drainage and surface water filled frequently the basement or cellar of your petitioner's property and caused considerable damage and inconvenience to your petitioner.

8.

That your petitioner will at all times hereafter be deprived of the use of the said land as had been previously enjoyed by him,

and that your petitioner has sustained damages by reason of the facts averred in this petition, and that said damages sustained by him are payable and owing by the said defendant, the County of Cambria, pursuant to the Act of Assembly in such case made and provided.

9.

That your petitioner and the Commissioners of Cambria County have endeavored to agree on the amount of damages sustained, but they are unable to arrive at an amicable settlement thereof.

WHEREFORE, your petitioner prays your Honorable Court to appoint viewers to examine the said land and premises and make report of their proceedings according to law.

George E. Wilkinson

STATE OF PENNSYLVANIA :  
: SS.  
COUNTY OF CAMBRIA :

George E. Wilkinson, being by me, the undersigned authority, 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, information and belief.

George E. Wilkinson

Sworn to and subscribed before me this 1st. day of December,  
A.D. 1936.

David A. Hoyt  
Notary Public.

My commission expires Mar. 27, 1937.

Now, December 2<sup>nd</sup>, 1936, the within petition presented,  
read and considered, the Court does thereupon appoint *James McLean*  
*Mr. Shoeneski* and *Walter Baumgardner*, members of the  
permanent Board of Viewers of Cambria County as viewers to view and  
examine the premises in the within petition described, and for the  
purpose ascertaining the damages, if any, sustained by the petitioner,  
and make return of their proceedings according to law.

*By the Court*  
*McKenrick*  
*J*

In Re:- Petition of George E. Wilkinson for the appointment of viewers to assess damages for the Reconstruction of State Highway Route No. 22 at the land of the Petitioner

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

No. 8 September Term, 1936

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 George E. Wilkinson located in Jackson Township, Cambria County, Pennsylvania, and to estimate and determine the damages, if any, they have sustained or are likely to sustain by reason of the reconstruction of said Highway No. 22 abutting on their property line by the State Highway Department of the State of Pennsylvania beg leave to report as follows:-

THAT we have been duly sworn as members of the Permanent Board of Viewers of Cambria County as shown by the records of said Court. That proper notice was personally served on the Cambria County Commissioners, and notice also served on the Petitioner and his attorney and by the posting of handbills on the land of the Petitioner and on places adjacent thereto. Setting forth the hour, day and place of the view at least ten (10) days prior to the holding of said view - evidence of which is shown by copies of said notices hereto attached.

THAT we met in accordance with the notices on December 19th at 10:00 A. M. and proceeded with the duties of our appointment. We viewed the premises of the Petitioner and considered carefully all the elements entering into the claim for damages as claimed by the Petitioner. The Petitioner and his attorney were present as well as several citizens. By agreement between the viewers and the parties at interest Monday, December 21st was fixed as the day to take testimony. Accordingly the viewers, the Petitioner, his attorney and a number of witnesses were present and testimony was taken. The hearing was held in No. 4 Court Room in the Court House at Ebensburg, Pennsylvania. A schedule of damages was prepared and Wednesday, December 23rd, was the date fixed for the exhibit of schedule at the Court House at Ebensburg, at which time and place the viewers met and no further evidence being offered, and again giving careful consideration to all matters affecting the case, we exhibited the schedule showing that in our opinion the premises owned by George E. Wilkinson has been damaged by the reconstruction of said State Highway No. 22 as follows:-

Benefits - None;

Damages \$1,000.00

The petition presented to the Court shows a lot or parcel of land two hundred and sixty-four feet by three hundred and fourteen feet. This is an error as half of this land has been sold and the part in dispute consists of one hundred and thirty-two feet by three hundred and fourteen feet and this was brought out in the evidence and all the parties at interest so understood. We are of the opinion that the amount of \$1,000.00 is due the said George E. Wilkinson as the records show no notes or mortgages against the property as certified to by the Recorder of Deeds and the Prothonotary of said County of Cambria. Copies of which are hereto attached and made part of this report.

WITNESS our hands and seals this 28th day of December, 1936.

VIEWERS

*James M. Cannon*  
*Walter B. Cunningham*

In re: Petition of George E. Wilkinson for the appointment of Viewers to assess damages for the reconstruction of Pennsylvania State Highway Route No. 22 and also known as William Penn Highway from the property of the Petitioner

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

No. 8 September Term 1936.

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 George E. Wilkinson due to the Reconstruction of State Highway Route No. 22, fronting on his property.

The undersigned viewers appointed by the Court of Quarter Session of Cambria County, Pennsylvania in the above stated case having viewed the premises and sat in the Court House at Ebensburg to hear testimony from the parties in interest, Have carefully reviewed the evidence given and examined the premises and have estimated and determined as follows, viz:

That the above named George E. Wilkinson has received no benefits by reason of the reconstruction of above named Highway but has sustained damages which should be paid them by the County of Cambria in the sum of \$1,000.00

James M. Cane  
Malton B. Bannister  
A. M. Shoemaker

Viewers

In Re:- Petition of George E.  
Wilkinson for the appointment  
of viewers to assess damages  
for the Reconstruction of State  
Highway Route No. 22 at the land  
of the Petitioner.

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

No. 8 September Term, 1936.

ORDER TO VIEW and  
REPORT OF VIEWERS

*Filed: Dec. 28, 1936*

CERTIFIED

*James L. McCann*

COUNTY CONTROLLER

James McCann  
A. M. Shoemaker  
Mahlon J. Baumgardner

Viewers

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

GEORGE E. WILKINSON :

: No. 8 Sept. Term, 1936

vs. :

COUNTY OF CAMBRIA :

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

The petition of George E. Wilkinson, of the Township of Jackson, County of Cambria and State of Pennsylvania, respectfully represents:

1.

That he is the owner of that certain piece or lot of ground situate in The Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

Beginning at a post on the Pittsburgh Pike, or the old stone turn-pike at the south-western corner of land now owned by Howard Rose; thence along said Pittsburgh Pike North eighty-six (86) degrees and fifteen (15) minutes west two hundred sixty-four (264) feet to a post on line of other land owned by B. F. Rose, grantor; thence along said land north eight (8) degrees thirty (30) minutes east three hundred thirty and four-tenths (330.4) feet to a post; thence continuing along lands of said B. F. Rose south eighty-six (86) degrees fifteen (15) minutes east two hundred sixty-four (264) feet to a post on line of land of Howard Rose; thence along line of said land of Howard Rose south eight (8) degrees thirty (30) minutes west three hundred thirty and four-tenths (330.4) feet to the place of beginning. Said piece or lot of ground containing two acres.

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3.

That since the said piece or lot of ground was purchased by petitioner he has erected thereon a frame dwelling house, together with other buildings of considerable value.

4.

That prior to and at all times subsequent to the acquisition of said piece or lot of ground by your petitioner, there has been laid out and in use for public travel along said lot or piece of ground a public highway known as the Pittsburgh and Philadelphia Pike, and now known as the Pennsylvania State Highway Route No. 22, and also known as the William Penn Highway.

5.

Some time in the year 1934, or thereabouts, the Department of Highways of the Commonwealth of Pennsylvania, by virtue of the power and authority vested in it, relocated the said Route No. 22 and changed the grade thereof along and through the land of your petitioner, whereby damage resulted to your petitioner's said land.

6.

That in changing the grade by the said Highway Department of Pennsylvania there was a fill immediately in front of your petitioner's property of approximately seven (7) feet, by reason of which your petitioner's dwelling house was located, after said change in grade, a distance of approximately seven (7) feet below the level of said highway.

7.

That by reason of the change of grade as aforesaid, drainage and surface water filled frequently the basement or cellar of your petitioner's property and caused considerable damage and inconvenience to your petitioner.

8.

That your petitioner will at all times hereafter be deprived of the use of the said land as had been previously enjoyed by him

and that your petitioner has sustained damages by reason of the facts averred in this petition, and that said damages sustained by him are payable and owing by the said defendant, the County of Cambria, pursuant to the Act of Assembly in such case made and provided.

9.

That your petitioner and the Commissioners of Cambria County have endeavored to agree on the amount of damages sustained but they are unable to arrive at an amicable settlement thereof.

WHEREFORE, your petitioner prays your Honorable Court to appoint viewers to examine the said land and premises and make report of their proceedings according to law.

Decree of the Court.

Now, December, 2nd. 1936. the within petition presented, read and considered, the court does thereupon appoint, James McCann, A.M. Shoemaker, and Mahlon Baumgardner, members of the permanent Board of Viewers of Cambria County as viewers to view and examine the premises in the within petition described, and for the purpose ascertaining the damages, if any, sustained by the Petitioner, and make return of their proceedings according to law.

By the Court  
McKenrick. Judge.

Certified and extract from  
the Record, this 3rd Day of  
December. A.D. 1936

James M. Jones  
Clerk Of Court of Quarter Sessions.

# Cambria County Commissioners

To James McLean Dr.

Dec 10th 1936 Preparing det.

Writing and posting Notices

Mileage 24 miles

Stenographer

Dec 19th Day on view

Mileage

Dec 21 Day at hearing

Mileage 36

Preparing Notices for exhibit of schedule  
Stenographer

Dec 23 Day at exhibit & schedule

36 miles

Dec 28 Preparing and filing Report  
1 day. Stenographer

APPROVED FOR PAYMENT

L. M. Geller  
Commissioner

8.00
2.40
2.00
12.00
2.40
12.00
3.60
1.00
12.00
3.60
<u>\$172.00</u>
\$83.00

To A. M. Phamaker Dr.

Dec 19th Day on view

14 miles

Dec 2 Day at hearing

Dec 23 Day at exhibit & schedule

APPROVED FOR PAYMENT

L. M. Geller  
Commissioner

12.00
1.00
12.00
12.00
<u>\$37.00</u>

Mahlon J Baumgardner Dr.

Dec 19th 1/2 day on view

24 miles

Dec 21 Day at hearing

36 miles

Dec 23 Day at exhibit & schedule

36 miles

APPROVED FOR PAYMENT

L. M. Geller  
Commissioner

12.00
2.40
12.00
3.60
12.00
3.60
<u>\$45.60</u>

State of Pennsylvania,  
County of Cambria

) SS:

)  
)  
) Leo F. McKenrick

I, ~~Rank S. McKenrick~~, 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

*George E. Dickinson*

IN TESTIMONY WHEREOF I have hereunto set my hand and Official Seal this 21st day of December A. D. 1936.

Fees \$1.00

*Leo F. McKenrick* Recorder

State of Pennsylvania }  
County of Cambria } ss.

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.

GEORGE E. WILKINSON

In Witness Whereof, I have hereunto set my hand and caused the seal of said Court to be affixed, at Ebensburg, this 21st day of December A. D. 1936

FEE \$1.00

*John L. Hite*  
Prothonotary.

In re: Petition of George F. Wilkinson for the appointment of Viewers to assess damages for the relocation of State Highway Route No. 22 at the land of the petitioner.

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

No. 8 September Term 1936.

### 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 to result, by reason of the changing the Highway No. 22 passing property of petitioner and creating a fill in front of his property and damaging by water, will meet on the premises in the Township of Jackson, Cambria County, Pennsylvania, on December 10th at 10 o'clock A.M., for the purpose of performing the duties of our appointment, at which time and place all persons may appear and be heard, if they think proper.

JAMES MCCANN

A. L. SHOEMAKER

MAHON J. BAULGARDNER

VIEWERS

Dated - December 8, 1936.

Dec. 8, 1936

Received copy of above  
notice.

Clarence E. Davis

per D. H.

In re: Petition of George E. Wilkinson for the appointment of Viewers to assess damages for the relocation of State Highway Route No. 22 at the land of the petitioner.

x  
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x  
x

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

No. 8 September Term 1936.

### NOTICE OF VIEW

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JAMES McCANN

A. M. SHOEMAKER

MAHLON J. BAUMGARDNER

VIEWERS

Dated - December 8, 1936.

13

In re: Petition of George E. Wilkinson for the appointment of Viewers to assess damages for the relocation of State Highway Route No. 22 at the land of the petitioner.

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

No. 8 September Term 1936.

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JAMES MCCAIN

A. M. SHOELAKER

MAHON J. PAULGARDNER

VIEWERS

Dated - December 8, 1936.

*12/8/36 Recd Copy of above notice  
W.C. [Signature]*