

P.O. # 2 Sept 1914

Put Addressed

2191 N. W. 3. 1812
~~made towards~~
~~the (the) street~~
~~of~~

Frank H. Jones

1300

21. 8. 1812

21. 8. 1812

Snyder Street

Jas. Smith

J. Gardner E. T. McNeill

M. Detweiler

10th Avenue

Milbrook

SOUTH 79° 57' E. 915 ft.

Road

J. Maxwell F. Otto E. Green

J. H. Grove B. Freed Omer Otto

Reiber

Sketch showing location of a piece of township road, in Upper Goshen township Cambria Co., Pa. Quined upon an order of the Court of Quarter Sessions, dated 3rd Mar. 1915.

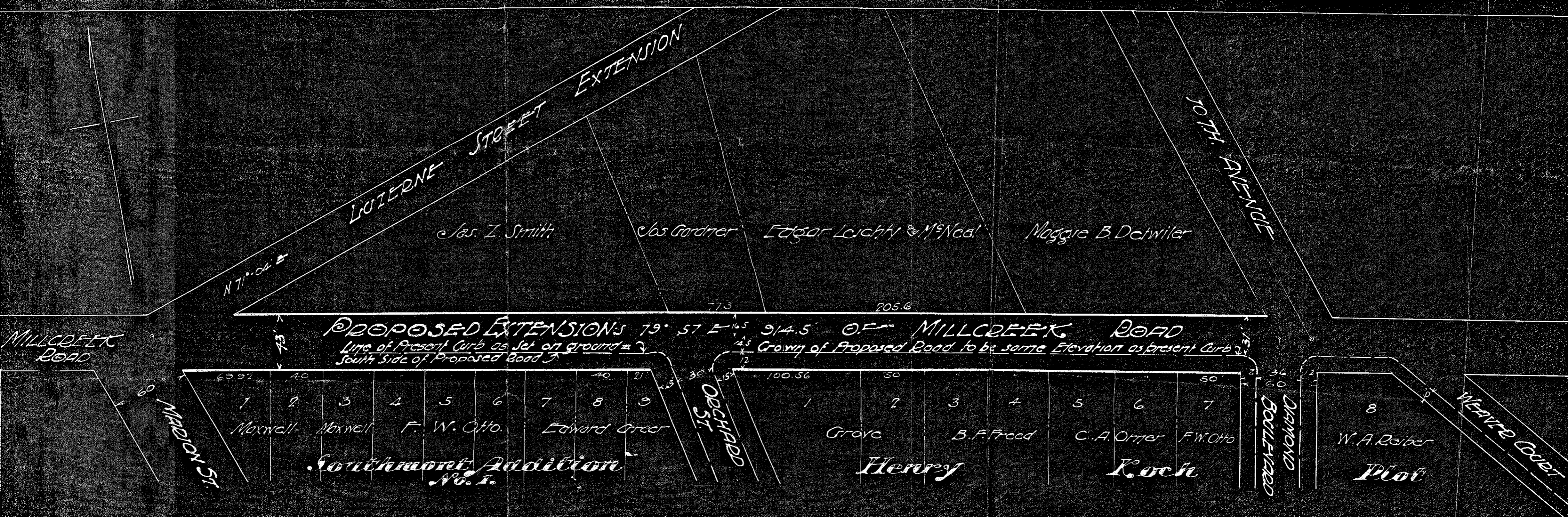
A. M. Shoemaker
Philip E. Garfield
Fred J. Easter.
Quiners.

R.O. # 2 Sept 1914

Not Microfilmed

||





PROPOSED EXTENSIONS 79° 57' E 914.5' OF MILLCREEK ROAD

Line of Present Curb as Set on ground = 2
 South Side of Proposed Road
 Crown of Proposed Road to be same Elevation as present Curb

MILLCREEK ROAD



Order No. - 2 - September Sessions 1914.

VIEWERS -
 Geo. K. Shoyock
 Russel B. Yost
 S. E. Dickey

VIEW OF PROPOSED EXTENSION OF MILL-CREEK ROAD

Subdiv. in Cooper Twp., Cambria Co., Pa.
 Scale 1"=50' S. E. Dickey & Co. Oct. 26, 1914
 Civil & Mining Engrs.
 Cambria, Pa.

IN RE ROAD IN UPPER
YODER TOWNSHIP.

In the Court of Quarter Sessions
of Cambria County, Penna.,
No. 2, September Sessions, 1914.

REPORT OF VIEWERS.

TO THE HONORABLE THE JUDGES OF SAID COURT :

We, the undersigned viewers appointed by the annexed order of Court to view the premises therein more fully described, respectfully report as follows :

1. We have been duly sworn as members of the permanent Board of Viewers, as shown by the records of the Court of Common Pleas of said Cambria County, Pennsylvania.

2. We gave due public notice of said view and of the time and place of meeting by posting notices as required by law along the route and termini of said proposed road, and by service of such notice on the Commissioners of said Cambria County and the Supervisors of Upper Yoder Township, copies of which notices with service duly accepted are hereto attached.

3. We met in accordance with said notice on the 12th day of October, A. D. 1914, at 10 o'clock, A. M., and viewed the said premises and are of the opinion that there is an occasion for a public road as prayed for by the petitioners. We, therefore, proceeded to lay out the same having due respect to the shorter distance, the best ground for the road and in such manner as would be, as near as practicable, agreeable to the desire of the petitioners and at the same time do the least injury to private property. A plot or draft of said road as laid out by us is hereto attached, made a part of this report and herewith returned for public use, showing said road to take the following courses and distances :

BEGINNING at the intersection of Millcreek Road, a Public Road in said Township of Upper Yoder, and Luzerne Street, a public street, which street at said intersection is likewise in said Township of Upper Yoder, thence South 79 degrees and 57 minutes East 914.5 feet to a point in Tenth Avenue, a public street also terminating in said Upper Yoder Township, said point being the ending described in the order of view hereto attached.

The plot or draft hereto attached shows the improvements and the adjacent property along the route of said proposed road. Said road passes through or along land of *Anna* Maxwell, F. W. Otto, Edward S. Greer, *J. H.* Grove, B. F. Freed, C. A. Orner, W. A. Reiber, James Z. Smith, Joseph Gardner, Edgar Leahey, E. T. McNeelis and Maggie B. Detwiler, and having failed to procure releases of damages from the above, we assess them no damages. The Viewers further recommend to the Court that the width of said road be fixed at Thirty-one feet and that the grade be established as shown on the plot or draft hereto attached.

During the view of the ground proposed for said road the attorney for the petitioners was present and heard, as was also a number of owners of the ground affected by said road. After due consideration of all matters before us we are of the opinion that there is an occasion for said road as laid out, and that the same is necessary for a public road.

WITNESS our hands this Fourth day of November, A. D. 1914.

J. E. Sipey
Wm. K. S. Sipey
Marcellus Sipey
Viewers.

BILL OF COSTS.

S. E. DICKEY,

One day, posting notices,	\$ 5.00	
One day, view,	5.00	
One day, making drafts,	5.00	
Two prints,	.50	
Drawing material,	.75	
Mileage, 4 miles,	<u>.20</u>	\$16.45

RUSSELL R. YOST,

One day, view,	\$ 5.00	
One day, drawing report,	5.00	
Mileage, 4 miles,	<u>.20</u>	\$10.20

GEORGE K. SHRYOCK,

One day, view,	\$ 5.00	
Mileage, 4 miles,	<u>.20</u>	\$ 5.20

IN RE ROAD IN UPPER
YODER TOWNSHIP.

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

TO THE COUNTY COMMISSIONERS OF CAMBRIA COUNTY, PENNSYLVANIA :

PLEASE TAKE NOTICE THAT S. E. DICKEY, RUSSELL H. YOST, ESQ., AND GEORGE K. SHRYOCK, VIEWERS, DULY APPOINTED BY THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA, ON THE 16TH DAY OF SEPTEMBER, A. D. 1914, TO VIEW THE PREMISES BELOW DESCRIBED, WILL MEET AT THE POINT OF BEGINNING OF SAID PROPOSED ROAD, ON THE 12TH DAY OF OCTOBER, A. D. 1914, AT 10 O'CLOCK, A. M. FOR THE PURPOSE OF VIEWING THE SAID PREMISES. SAID VIEW BEING FOR THE PURPOSE OF DETERMINING WHETHER OR NOT TO LAY OUT A ROAD IN UPPER YODER TOWNSHIP, SAID COUNTY AND STATE, TO LEAD FROM AND BEGIN AT THE INTERSECTION OF MILLCREEK ROAD A PUBLIC HIGHWAY IN SAID TOWNSHIP, AND LUZERNE STREET, A PUBLIC STREET IN SAID TOWNSHIP, AND TO END AT THE INTERSECTION OF TENTH AVENUE, A PUBLIC STREET IN SAID TOWNSHIP, WITH THE MILLCREEK ROAD, A PUBLIC ROAD IN SAID TOWNSHIP. SAID POINT OF BEGINNING BEING DISTANT 765 FEET FROM THE INTERSECTION OF TENTH AVENUE AND LUZERNE STREET, AFORESAID, BOTH BEING PUBLIC HIGHWAYS IN SAID TOWNSHIP, AND SAID POINT OF ENDING BEING DISTANT 432 FEET FROM THE SAID INTERSECTION OF LUZERNE STREET AND TENTH AVENUE IN SAID TOWNSHIP.

S. E. Dickey
Russell H. Yost
George K. Shryock.

OCTOBER / , 1914. I HEREBY ACCEPT SERVICE OF THE ABOVE NOTICE.

C. E. Trofoll,

COUNTY COMMISSIONER'S CLERK.

NOTICE.

TAKE NOTICE THAT S. E. DICKEY, RUSSELL R. YOST, Esq., AND GEORGE K. SHRYOCK, VIEWERS, DULY APPOINTED BY THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA, ON THE 16TH DAY OF SEPTEMBER, A. D. 1914, TO VIEW THE PREMISES BELOW DESCRIBED, WILL MEET AT THE POINT OF BEGINNING OF SAID PROPOSED ROAD, ON THE 12TH DAY OF OCTOBER, A. D. 1914, AT 10 O'CLOCK, A. M., FOR THE PURPOSE OF VIEWING THE SAID PREMISES. SAID VIEW BEING FOR THE PURPOSE OF DETERMINING WHETHER OR NOT TO LAY OUT A ROAD IN UPPER YODER TOWNSHIP, SAID COUNTY AND STATE, TO LEAD FROM AND BEGIN AT THE INTERSECTION OF HILLCREEK ROAD A PUBLIC HIGHWAY IN SAID TOWNSHIP, AND LUZERNE STREET, A PUBLIC STREET IN SAID TOWNSHIP, AND TO END AT THE INTERSECTION OF TENTH AVENUE, A PUBLIC STREET IN SAID TOWNSHIP, WITH THE HILLCREEK ROAD, A PUBLIC ROAD IN SAID TOWNSHIP. SAID POINT OF BEGINNING BEING DISTANT 765 FEET FROM THE INTERSECTION OF TENTH AVENUE AND LUZERNE STREET, AFORESAID, BOTH BEING PUBLIC HIGHWAYS IN SAID TOWNSHIP, AND SAID POINT OF ENDING BEING DISTANT 432 FEET FROM THE SAID INTERSECTION OF LUZERNE STREET AND TENTH AVENUE IN SAID TOWNSHIP.

S. E. DICKEY.

RUSSELL R. YOST.

GEORGE K. SHRYOCK.

IN RE ROAD IN UPPER
YODER TOWNSHIP.

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

TO THE BOARD OF ROAD SUPERVISORS OF UPPER YODER TOWNSHIP :

PLEASE TAKE NOTICE THAT S. E. DICKEY, RUSSELL R. YOST, Esq., AND GEORGE K. SHRYOCK, VIEWERS, DULY APPOINTED BY THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA, ON THE 16TH DAY OF SEPTEMBER, A. D. 1914, TO VIEW THE PREMISES BELOW DESCRIBED, WILL MEET AT THE POINT OF BEGINNING OF SAID PROPOSED ROAD, ON THE 12TH DAY OF OCTOBER, A. D. 1914, AT 10 O'CLOCK, A. M., FOR THE PURPOSE OF VIEWING THE SAID PREMISES. SAID VIEW BEING FOR THE PURPOSE OF DETERMINING WHETHER OR NOT TO LAY OUT A ROAD IN UPPER YODER TOWNSHIP, SAID COUNTY AND STATE, TO LEAD FROM AND BEGIN AT THE INTERSECTION OF MILLCREEK ROAD A PUBLIC HIGHWAY IN SAID TOWNSHIP, AND LUZERNE STREET, A PUBLIC STREET IN SAID TOWNSHIP, AND TO END AT THE INTERSECTION OF TENTH AVENUE, A PUBLIC STREET IN SAID TOWNSHIP, WITH THE MILLCREEK ROAD, A PUBLIC ROAD IN SAID TOWNSHIP. SAID POINT OF BEGINNING BEING DISTANT 765 FEET FROM THE INTERSECTION OF TENTH AVENUE AND LUZERNE STREET, AFORESAID, BOTH BEING PUBLIC HIGHWAYS IN SAID TOWNSHIP, AND SAID POINT OF ENDING BEING DISTANT 432 FEET FROM THE SAID INTERSECTION OF LUZERNE STREET, AFORESAID, AND TENTH AVENUE IN SAID TOWNSHIP.

*S. E. Dickey
Russell R. Yost
George K. Shryock.*
VIEWERS.

OCTOBER 1, 1914.

SERVICE OF THE WITHIN NOTICE THIS DAY ACCEPTED.

*C. J. Keefer
J. H. Warner
J. W. P. Allinger*
SUPERVISORS OF UPPER YODER TOWNSHIP.

OCTOBER 1, 1914. SERVICE OF THE ALTHIM NOTICE THIS DAY ACCEPTED.

Handwritten signature: C. H. ...

ALLENERS.

Handwritten signature: ...

LUSERNE STREET, VEREGARD, AND TENTH AVENUE IN SAID TOWNSHIP.

AND SAID POINT OF BEGINNING BEING DISTANT 135 FEET FROM THE SAID INTERSECTION OF AND LUSERNE STREET, VEREGARD, BOTH BEING PUBLIC HIGHWAYS IN SAID TOWNSHIP,

POINT OF BEGINNING BEING DISTANT 105 FEET FROM THE INTERSECTION OF TENTH AVENUE SAID TOWNSHIP, WITH THE MILLCREEK ROAD, A PUBLIC ROAD IN SAID TOWNSHIP. SAID

TOWNSHIP AND TO END AT THE INTERSECTION OF TENTH AVENUE, A PUBLIC STREET IN A PUBLIC HIGHWAY IN SAID TOWNSHIP, AND LUSERNE STREET, A PUBLIC STREET IN SAID

COUNTY AND STATE, TO LEAD FROM AND BEGIN AT THE INTERSECTION OF MILLCREEK ROAD OF DETERMINING WHETHER OR NOT TO LAY OUT A ROAD IN UPPER YODER TOWNSHIP, SAID

THE BOARD OF VIEWING THE SAID PREMISES. SAID VIEW BEING FOR THE PURPOSE BASED ROAD, ON THE 15TH DAY OF OCTOBER, A. D. 1914, AT 10 O'CLOCK, A. M., FOR

THE PREMISES BELOW DESCRIBED, WILL MEET AT THE POINT OF BEGINNING OF SAID ROAD OAKBRIA COUNTY, PENNSYLVANIA, ON THE 15TH DAY OF SEPTEMBER, A. D. 1914, TO VIEW

GEORGE K. SHRYOCK, VIEWERS, DULY APPOINTED BY THE COURT OF QUARTER SESSIONS OF PLEASE TAKE NOTICE THAT S. F. DICKEY, RUSSELL W. YODER, Esq., AND

TO THE BOARD OF ROAD SUPERVISORS OF UPPER YODER TOWNSHIP :

Handwritten signature: Upper Yoder

Commonwealth of Pennsylvania, }
County of Cambria. } as

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the...16th.....day of September.....A. D. 1904 , before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Upper Yoder....., in the said County, setting forth that they labor under inconvenience for want of a public road or highway in the ~~road or highway to be made from~~ Township of Upper Yoder, to begin at the intersection of Millcreek Road, a public road in said Township of Upper Yoder, and Luzerne Street a public Street, which street at the said intersection is likewise in said Township of Upper Yoder; and extending thence to a point in Tenth Axen Avenue, a public street terminating in said Upper Yoder Township at intersection, said Tenth Avenue extending from its intersection with the proposed road, Northwesterly to said Luzerne Street. The exact distance from the beginning of said proposed road Northwesterly over said Luzerne Street, to the said intersecting Tenth Avenue, a public street, as aforesaid, is seven hundred and sixty-five (765) feet; and the exact distance from the ending of said proposed road Northwesterly to the said intersecting Luzerne Street, a public street, as aforesaid, is four hundred and thirty-two (432) feet.....

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint S. E. Dickey.....surveyor, and.....

George K. Shryock and *Russel R. Hoyt Esq.*.....viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such 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, 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, stating particularly whether they judge the same necessary for a public or private road, 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:

A. J. Kinkead....., Clerk.

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, agreeable to the desire of the petitioners."

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

NO. 2, September Session, 1914

Order to view road in Upper Yoder

Twp.

*Filed 7 December 1914 in
open court.*

Called DEC 18 1914

S. E. Dickey

George K. Shryock

Quincy R. Yoder

Viewers.

Clerk

90 cts.

Barnhart

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 Board of Viewers of Cambria County, appointed by your honorable Court, upon the attached order, to review a certain road in Upper Yoder Township, beginning at the junction of Luzern Street with the Mill Creek Road, at a point 765 feet South West from the intersection of Tenth Avenue with Luzern St., and ending on the Mill Creek Road where Tenth Avenue adjoins said road at a point 432 feet Southward from the intersection of Luzern Street with Tenth avenue; respectfully report:-

That having given due notice of the view and of the time and place of meeting of the viewers, to the Commissioners of Cambria County and to the Supervisors of the Township of Upper Yoder, by having them accept service of notices hereto attached, and to the traveling public by printed hand bills posted in public and conspicuous places at and near the site of the road to be reviewed; and having been first duly qualified according to law to perform the duties of our appointment faithfully, justly, impartially and to the best of our judgment, we met in accord with the notices so given upon the line of the road to be reviewed, and are of the opinion that the said road is necessary for the convenience of the traveling public and those living in the vicinity of the said road which is already laid out, opened, and in use by the public and, as indicated by the records is and for many years has been a public road opened and in use by the public. The said road as opened is of ample width and so located as to do the least possible injury to private property and takes a direct line of South seventy nine degrees fifty seven minutes East for nine hundred fourteen and five tenth feet between the points of beginning and ending.

A plot or draft showing the location of the piece of road reviewed together with the adjoining property owners and a reference to the improvements along the line of the same, is attached and made part hereof.

As the road as laid out opened and used does no damage or injury to private property, we assess no damages.

All of which is respectfully submitted this ^{26th} day of May, A.D.,

1915.

Philip E. Campfield

F. J. Conster

A. W. Shoemaker

Viewers.

ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to ^{re-}view a certain road in Upper Yoder township; beginning at the junction of Luzern Street with the Mill Creek Road, at a point 765 feet South West from the intersection of Tenth Ave. with Luzern Street, and ending on the Mill Creek Road where Tenth Ave. adjoins said road, at a point 432 feet Southward from the intersection of Luzern Street with Tenth Ave. Said points of beginning and ending being both in the township, county and state aforesaid;

will meet at the place of beginning, above noted, in the township of Upper Yoder aforesaid, on the 14th. day of May 1915, at 10:00 o'clock a. m. for the purpose of performing the duties of their appointment.

A. M. Shoemaker

Philip E. Caufield

Fred J. Custer,

Viewers.

Ebg., Pa., 4/30/1915.

Now, May, ^{3rd} 1915, service of the within notice is hereby accepted by &
the undersigned supervisors of the township of Upper Yoder, Cambria
County, Penn'a.

John P. Dill

D. H. Weimer

Adam Keafer
Supervisors

ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view a certain road in Upper

Yoder Township: beginning at the junction of Luzern Street with the Mill Creek Road, at a point 765 feet South West from the intersection of Tenth Ave. with Luzern Street, and ending on the Mill Creek Road where Tenth Ave adjoins said road, at a point 432 feet Southward from the intresection of Luzern Street with Tenth Ave. Said points of beginning and ending both being in the township, county and state aforesaid:

will meet at the place of beginning, above noted, in the township of Upper Yoder aforesaid, on the 14th day of May 1915., at 10:00 o'clock a.m. for the purpose of performing the duties of their appointment.

A. M. Shoemaker

Fred J. Custer and

Philip E. Caufield

Viewers.

Ebg., Pa., 4/30/1915.

Now May. ^{1st} 1915, service of the within notice is hereby accepted for the
Commissioners of Cambria County, Penn'a.

L. E. Trofke
Commissioner

ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to ^{re-}view a certain road in Upper Yoder township; beginning at the junction of Luzern Street with the Mill Creek Road, at a point 765 feet South West from the intersection of Tenth Ave. with Luzern Street, and ending on the Mill Creek Road where Tenth Ave. adjoins said road, at a point 432 feet Southward from the intersection of Luzern Street with Tenth Ave.. Said points of beginning and ending both being in the township, county and state aforesaid;

will meet the place of beginning, above noted, in the township of Upper Yoder aforesaid, on the 14th. day of May 1915, at 10:00 o'clock a. m. for the purpose of performing the duties of their appointment.

A. M. Shoemaker

Philip E. Caufield

Fred J. Custer

Emb., Pa., 4/ 30/ 191 5.

Viewers.

ALFRE
AT

SHOEMAKER
EY-AT-LAW
BURG, PA.

Cost of View Upper York

Philip C. Canfield
1 Day 5⁰⁰

4 miles 20

Fred J. Custer

1 Day 5⁰⁰

8 miles 40

A. W. Shoemaker

3½ Days 17.5⁰

40 miles 2.00

Lifting Order .90

COUNTY OF CAMBRIA

ORDER OF THE COURT.

At a Court of Quarter Sessions of the Peace held at Ebensburg in and for the said County of Cambria on the third day of March, A.D., 1915, before the Honorable the Judges of the said Court.

Upon the petition of divers inhabitants of the Township of Upper Yoder, in said County, setting forth that a road has been laid out for public use by order of the Court, dated the 16th day of Sept. A.D., 1914, beginning at Luzerne Street and extending by the several courses and distances thereof to Tenth Avenue, a distance of 914.5 feet, which said road, if confirmed by the Court, will be injurious to your petitioners and burdensome to the inhabitants of the Township through which the same will pass, the Court, on due consideration, do appoint A. M. Shoemaker, Fred J. Custer and Philip E. Cauffiel, Viewers who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to review the said road and parts adjacent; and if they, or any of them, review the same, and any of the actual reviewers agree that there is occasion for such a road, they shall proceed to lay out the same, as agreeably to the desire of the petitioners as may be, having respect to the best ground for a road, and the shortest distance, and in such a manner as to do the least injury to private property; and shall make report of their proceedings to the next Court of Quarter Sessions to be held for the said County, stating particularly whether they judge the same necessary for a public road, and furnish along with said report, a plot or draft of said road and the courses and distances, together with references to the improvements through which it may pass.

BY THE COURT.

ATTEST:

A. J. Kirkend
Clerk.

NO. 2 September Term 1914.

ORDER TO REVIEW ROAD IMPROVEMENT

ORDER TO REVIEW ROAD IMPROVEMENT IN TOWNSHIP OF MODER, COUNTY OF ...

Certified JUN 14 1915

SHOEMAKER
CUSTER
PHILIP E. CAUFFIELD

Walter J. Jones
John J. ...

Clerk Lloyd.

Walter J. Jones

Walter J. Jones

ORDER TO REVIEW ROAD IMPROVEMENT IN TOWNSHIP OF MODER, COUNTY OF ...

ORDER TO REVIEW ROAD IMPROVEMENT

...

...

IN THE COURT OF QUARTER SESSIONS OF CAMBERIA COUNTY, PENN'A.

IN RE ROAD IN

} NO. 2

UPPER YODER TOWNSHIP.

} SEPTEMBER SESSIONS, 1914.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The undersigned, owners of property along the proposed road and who are parties in interest in said proceeding, do hereby except to the confirmation of the report of viewers filed in above proceeding, for the following reasons:

- 1 No sufficient notice, as required by law, was given by petitioners to the supervisors of the township of Upper Yoder, of the intention to petition for opening of road.
- 2 No sufficient notice, as required by law, was given by viewers to owners of property through which road was to be opened, of the time and place of meeting of viewers.
- 3 The report of viewers fails to give information about improvements along line of proposed road, and fails to show the improvements and character of improved property along the line of said road, and through which the road was projected and passes, as required by law.
- 4 The report of viewers does not note briefly the improvements through which the road passes, as required by law, nor does the draft accompanying the report show the improvements or improved character of land through which the road passes or along the proposed road, as required by law.
- 5 The report is insufficient and inadequate to correctly inform the court of the improvements along the proposed road, or the owners of such improved property, or the character of the same, as required by law.
- 6 The viewers did not endeavor to procure releases from the owners of land through which the proposed road passes, and the report of viewers does not show that viewers did endeavor to pro-

cure releases from owners of land through which the proposed road passes, as required by law.

- 7 The report does not show that viewers took into consideration the advantages and disadvantages to owners of property through which the proposed road passes in estimating damages caused by the opening of said road.
- 8 The viewers failed in considering the advantages and disadvantages to award damages to the owners of property on the northerly side of said road, who are the exceptants hereto.
- 9 That while this proceeding is styled "A proceeding to open a road," yet in effect and in reality, it is a proceeding intended to correct an error in a former proceeding, wherein a portion of Millcreek road lying eastward from the portion of road now before the court was intended to be vacated or abandoned, and the report of viewers in that proceeding inadvertently and through error included the section of said Millcreek road now before the court, and thereby caused it to be vacated, contrary to all intentions and purposes of said proceedings. The intention of the petitioners in this proceeding being to relocate and reestablish the line of the road now before the court, as it was originally, and to re-locate and re-establish the original lines of said road, as they formerly were and before the erroneous and unintentional vacation thereof. And this report does not re-locate and re-establish said original lines in keeping with the desire of the petitioners, but on the contrary locates a new road and establishes new lines, greatly to the damage of the exceptants.

R. Edgar Leaky
E. J. McHugh
James R. Smith

CAMBRIA COUNTY, SS:

STATE OF PENNSYLVANIA,)
) SS.
COUNTY OF CAMBRIA.)

Before me, the subscriber, a Notary Public of the Commonwealth of Pennsylvania, duly commissioned for and residing in the City of Johnstown, in said County, personally appeared James V. Smith, who being duly sworn according to law, deposes and says that he is a resident of Upper Yoder Township, County aforesaid, and the owner of real estate along the line of the proposed road in Upper Yoder Township, and that the facts set forth in the within exceptions to the opening of a road in Upper Yoder Township to No. 2 September Sessions, 1914, in the Court of Quarter Sessions of Cambria County, are true and correct to the best of his knowledge and belief.

James V. Smith

Sworn to and subscribed before me this first day of March, A. D., 1915. My commission expires February 27th, 1917.

Myrtle R. Johnston
NOTARY PUBLIC.

NO. 2 SEPTEMBER SESSIONS, 1924

IN THE COURT OF QUARTER SESSIONS
OF CAMBERIA COUNTY, PENN'A.

IN RE ROAD

IN

UPPER YOBER TOWNSHIP.

Filed 1 March 1915.

EXCEPTIONS TO REPORT OF
VIEWERS.

W. DAVID LLOYD,
E. T. MCNEELIS,
Attorneys for Exceptants.

IN RE ROAD IN THE TOWNSHIP OF
UPPER YODER, COUNTY OF CAMBRIA
AND STATE OF PENNSYLVANIA.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. _____ Sept. Sessions, 1914.

Petition to open Road.

B O N D.

KNOW ALL MEN BY THESE PRESENTS, That we,

H. H. Weaver and *Samuel B. Waters*, both of Upper Yoder Township, Cambria County, Pennsylvania, are held and firmly bound unto the County of Cambria, aforesaid, in the sum of Fifty Dollars (\$50.00) lawful money of the United States, to be paid to the said County of Cambria, to which payment well and truly to be made we bind ourselves, our heirs, executors and administrators and every of them firmly by these presents. Sealed and dated the day of September, 1914.

WHEREAS, H. H. Weaver, et al. have presented a petition to the Court of Quarter Sessions of Cambria County, Pennsylvania, praying for the appointment of viewers to view and locate the above mentioned road beginning at a point in MILLCREEK ROAD, a public road in said Township of Upper Yoder and ending at TENTH AVENUE, a public street, likewise located in the said Township of Upper Yoder; and whereas the said Court has appointed viewers for the purpose aforesaid;

NOW THE CONDITION OF THIS OBLIGATION IS SUCH That if the above bounden *H. H. Weaver* and *Samuel B. Waters*, their heirs, executors, or administrators or any of them shall and do well and truly pay or cause to be paid unto the said Cambria County a sufficient sum to pay for the purpose of viewing the above mentioned road, if the Court shall so direct, when the same is concluded, then this obligation to be void or else remain in full force and effect.

Signed, sealed and delivered
in the presence of

H. H. Weaver

H. H. Weaver (SEAL)
Samuel B. Waters (SEAL)

Sept Sessions 1914

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.
NO. 2 SEPT. SESSIONS, 1914

IN RE ROAD IN THE TOWNSHIP OF UPPER YODER, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA.

BOND.
Filed 16 September, 1914

*Sept 16 1914
Bond approved
Psych Court*

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

IN RE ROAD IN THE TOWNSHIP OF
UPPER YODER, COUNTY OF CAMBRIA
AND STATE OF PENNSYLVANIA.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. _____ Sept. Sessions, 1914.

Notice to Supervisors.

To D. H. Weimer, Adam Keafer and John Palliser, Supervisors of
Upper Yoder Township, Cambria County, Pennsylvania:

You will please take notice that there will be a
petition presented to the Court of Quarter Sessions of Cambria
County, Pennsylvania, at Ebensburg, in said County, at ten o'clock,
A. M. *Wednesday*, September *15*, 1914, asking the Court for
the appointment of viewers to view and lay out a proposed road in
said Township of Upper Yoder to begin at the intersection of
MILLCREEK ROAD, a public road in said Township of Upper Yoder, and
LUZERNE STREET, a public street, which street at the said inter-
section is likewise in said Township of Upper Yoder, and extend-
ing thence to a point in TENTH AVENUE, a public street in said
Upper Yoder Township, said TENTH AVENUE extending from its inter-
section with the proposed road Northwestwardly to said LUZERNE
STREET. The exact distance from the beginning of the said pro-
posed road Northeastwardly ^{over} ~~to the~~ said LUZERNE STREET to the said
intersecting TENTH AVENUE, a public street, as aforesaid, is seven
hundred and sixty-five (765) feet; and the exact distance from the
ending of said proposed road Northwestwardly to the said intersect-
ing LUZERNE STREET, a public street, as aforesaid, is four hundred
and thirty-two (432) feet.

Frank P. Baruhart
Attorney for petitioners.

September *12*, 1914, service of the above stated
notice is hereby accepted.

D. H. Weimer
Adam Keafer
John Palliser
Supervisors of Upper Yoder
Township, Cambria County, Pa.

September, Seas 1914

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.
NO. 2 SEPT. SESSIONS, 1914

IN RE ROAD IN THE TOWNSHIP OF UPPER YODER, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA.

NOTICE TO SUPERVISORS.

Filed 16 September, 1914.

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

IN RE ROAD IN THE TOWNSHIP OF
UPPER YODER, COUNTY OF CAMBRIA
AND STATE OF PENNSYLVANIA.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. _____ September Sessions, 1914.
Petition to open road.

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

The petition of the undersigned inhabitants of the
said Township of Upper Yoder respectfully represents:

That your petitioners labor under great inconvenience
for want of a public road or highway in the said Township of Upper
Yoder, to begin at the intersection of MILLCREEK ROAD, a public
road in said Township of Upper Yoder, and LUZERNE STREET, a public
street, which street at the said intersection is likewise in said
Township of Upper Yoder; and extending thence to a point in TENTH
AVENUE, a public street ^{terminating} in said Upper Yoder Township, ^{at said intersection} said TENTH
AVENUE extending from its intersection with the proposed road,
Northwestwardly to said LUZERNE STREET.

The exact distance from the beginning of said pro-
posed road, Northeastwardly, over said LUZERNE STREET, to the said
intersecting TENTH AVENUE, a public street, as aforesaid, is seven
hundred and sixty-five (765) feet; and the exact distance from the
ending of said proposed road Northwestwardly to the said intersect-
ing LUZERNE STREET, a public street, as aforesaid, is four hundred
and thirty-two (432) feet.

Your petitioners, therefore, pray the Court to
appoint proper persons to view and lay out the same according to
law.

~~W. H. W. W.~~

~~W. A. Kirby~~

Samuel B. Waters

Commonwealth of Pennsylvania:
County of Cambria : SS.

Personally appeared before me, a Notary Public in and for said State and County, A. H. Weaver, who being duly sworn according to law deposes and says that the statements contained in the within petition are true and correct to the best of his knowledge, information and belief.

A. H. Weaver

Sworn and subscribed before me this 15 day of September, A. D. 1914.

Frank P. Burdick
Notary Public.

MY COMMISSION EXPIRES
JAN. 30, 1915.

Sept. Sess 1914

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.
NO. 2 SEPT. SESSIONS, 1914.

IN RE ROAD IN UPPER YODER TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA.

PETITION TO OPEN ROAD.
Filed 16 September, 1914.

And now, September 16, 1914, *A. B. Decker* and *Wm. R. Shrock* are appointed Viewers for the purposes within prayed for.

By the Court

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

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

IN RE ROAD IN)
UPPER YODER) TO NO.2 SEPTEMBER SESSIONS, 1914.
TOWNSHIP.)

TO THE HONORABLE THE JUDGES OF THE SAID COURT:

The petition of the undersigned, inhabitants of the Township of Upper Yoder, in the County aforesaid, respectfully represents:

That a road has been lately laid out for public use, by order of Court dated the *16th* day of September, A.D., 1914, beginning at Luzerne Street and extending by the several courses and distances thereof to Tenth Avenue, a distance of *914.5* feet, which said road, if confirmed by the Court, will be very injurious to your petitioners and burdensome to the inhabitants of the Township through which the same will pass.

That the proceedings for the opening of said road is instituted for the purpose of correcting an error made in the proceedings in this Court, in the matter of the vacation of a portion of Millcreek Road in Upper Yoder Township. In said proceedings to vacate, the viewers inadvertently and through error included a portion of Millcreek Road lying between Luzerne Street and Tenth Avenue, while it was the intention of the residents and property owners along the line of said road, as well as the intention of the petitioners for the vacation, that the vacation should extend to Tenth Avenue and not to Luzerne Street. The error so made left your petitioners who own property between Luzerne Street and Tenth Avenue without an outlet. To correct this error, the present proceedings to open has been brought.

It was the intention of the petitioner in the present proceedings, and it was so understood by your petitioners, that the pro-

ceedings was for the purpose of relocating and reestablishing a road extending from Luzerne Street to Tenth Avenue over the same route and between the lines of the road erroneously and unintentionally vacated, and that the road now to be opened be of the same width as the road vacated. But the viewers in their report failed to relocate and re-establish the lines and width of the original road as was desired and intended by all parties in interest, and have fixed the width of said road at thirty-one feet, whereas, the original road was upwards of forty-three feet in width. That the establishing of new lines for said road and fixing its width at thirty-one feet is greatly to the damage of your petitioners, and by making the road thirty-one feet in width gives the surplus land amounting to upwards of twelve feet in width to the property owners on the Southerly side of the road without paying benefits.

Your petitioners, therefore, showing that they are persons interested, respectfully pray your Honorable Court to appoint three persons properly qualified to review the ground proposed for said road and make report of their proceedings at the next term of Court.

Maggie B. Detwiler

James A. Smith

Witness David Lloyd

Joseph ^{his} Gardner

R. Edge Leach

E. T. McNeely

STATE OF PENNSYLVANIA,)
) SS.
COUNTY OF CAMBRIA.)

Before me, the subscriber, a Notary Public of the Commonwealth of Pennsylvania, duly commissioned for and residing in the City of Johnstown, in said County, personally appeared Maggie B. Detwiler, who 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 her knowledge and belief.

Maggie B. Detwiler

Sworn to and subscribed before me this second day of March, A.D., 1915. My commission expires February 27th, 1917.

Myrtle P. Johnston
NOTARY PUBLIC.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY.
NO.2. SEPTEMBER SESSIONS
1914.

Petition for appointment
of viewers in re road in
Upper Yoder Township. *Et*
re - new.

Decree attached.

Filed 3 March 1915.

New March 3-1915
the court appoint
William
Philip Claupe
Fred J. Busby
viewers.

By the Court

W. DAVID LLOYD,
ATTORNEY-AT-LAW,
JOHNSTOWN, - PA.