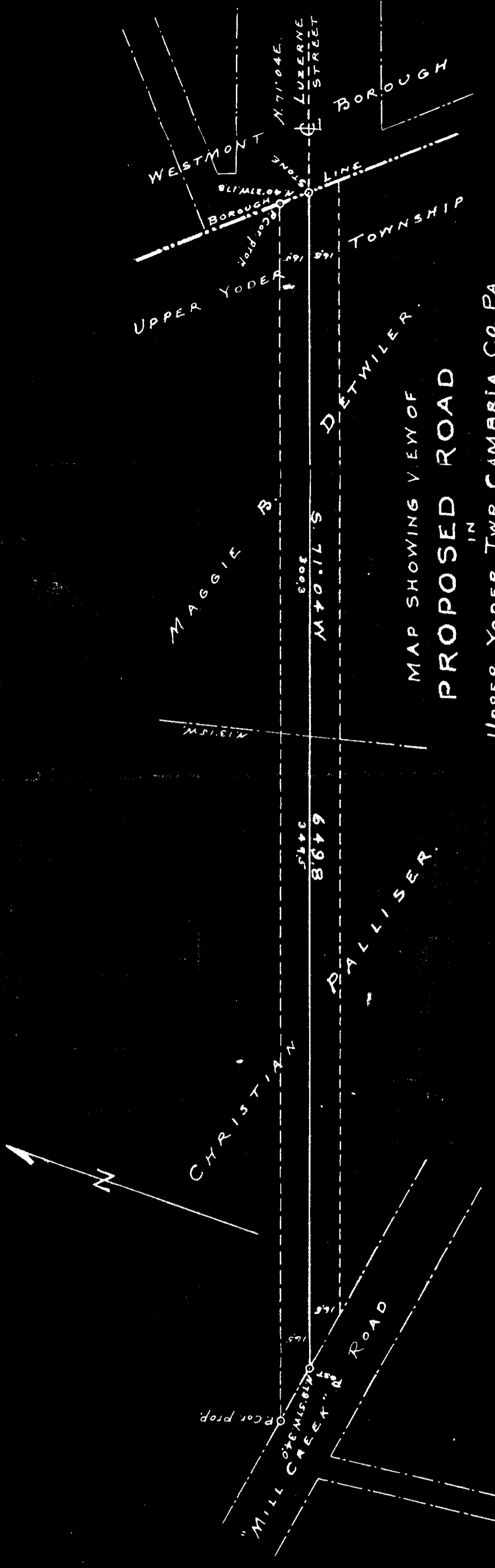


R. D. #3. June 1907

Not Microfilmed



MAP SHOWING VIEW OF
PROPOSED ROAD
 IN
 UPPER YODER TWP. CAMBRIA CO. PA.

NOTE.
 This road is now used its entire length
 and is 33 feet wide.
 The grades nowhere exceed 3 degrees.

Scale = 50 ft. to 1 in

Viewed Aug. 17, 1907.
 No. 3 June Session, 1907.

Frank D. Baker, Surveyor.
 John Hannon
 Robt. Sagerson } Viewers.

TO THE HONORABLE FRANCIS J. O'CONNOR, PRESIDENT JUDGE OF THE
COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY:

The petition of the undersigned inhabitants of the Township of Upper Yoder, in said County, respectfully represent: That they labor under great inconvenience for want of a public road to lead from the westerly end of Luzerne Street, on ^{the} line dividing said Township from the Borough of Westmont and extending by the center line of said Luzerne Street extended through said Township to a point on the public road in said Township known as the "Mill Creek" road, distant about three hundred and eighty (380) feet westwardly from the western property line of Joseph Gardner. Your petitioners, therefore, pray the Court to appoint the proper persons to view and lay out the same according to law: And they will ever pray,
&c.

<u>Names</u>	<u>Names</u>
W. S. Stutzman	Hayes R. Dunkle
Robert M. Chubb	Gerry J. Miller
Rinehart Boehm	Milton Rager
James M. W. Landis	E. F. Luning
H. J. Alwine	E. G. Peterson
Jovin E. Blough	James D. Hoyt
H. J. Jones	J. C. Penley
William Rowland	Christ Palliser
J. S. Stutzman	Frank Palliser
H. Adaper	Frank Gardner
Arzon S. Collins	William P. ...
M. H. Keifer	Robert. Dunkle

A. C. Lutzman

W. A. Stutzman

Al Paenen

John Paenen

Geo. Keden

John W. Lipp

L. L. Meyer

Samuel J. Baker

Henry Koch

Jerry Detmiler

STATE OF PENNSYLVANIA,
COUNTY OF CAMBRIA,

ss.

Personally appeared A. B. Cooper and

-----, who being sworn according to law say:

That the signers of the foregoing petition are inhabitants of the Township of Upper Yoder in said County, and that the facts set forth in said petition are correct and true; and that a notice of the time and place of presenting this Petition was served in writing upon the Supervisors of said Township on the 28 day of May, 1907. a copy of which is hereto annexed.

A. B. Cooper

Sworn to and subscribed, before me, this 3^d-----

day of June, A.D. 1907.

Commission expires
1st. Monday in May
1910.

Joseph Finkbeiner
J. F.

---N-O-T-I-C-E---

Upper Yoder Township- Pa., May 1907

TO Samuel Peterson, James Hunt and
William Worder, Supervisors of Upper
Yoder Township:

Notice is hereby given that the petition of sundry citizens of Upper Yoder Township will be presented to the Court of Quarter Sessions of said County on Monday, June 3, 1907, for the appointment of Viewers to lay out a public road leading from the westerly end of Luzerne Street in the Borough of Westmont, Beginning at a point on the line dividing said Borough from said Township, and extending by the center line of said Luzerne Street extended, and through lands of Maggie B. Detwiler and Christian Palliser to a point on the Mill Creek Road in said Township.

H. J. Rudisley
Attorney for Petitioners.

Above notice served upon Samuel Peterson,
James Hunt and William Worder, Supervisors
of Upper Yoder Township. May 28th 1907,
by handing to them true copies of the same
duly signed -

A. B. Cooper

Notice
to
Supervisors of
Upper Grades.

Notice to Supervisors of Upper Grades

No. 3. June Sessions, 1907.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY.

--PETITION--

Of the Citizens of Upper Yoder Town-
ship for appointment of Viewers
to view and lay out a public road
leading from the westerly end of
Luzerne Street to the Mill Creek
Road.

June 3, 1907 Frank A. Baker
John Hannan, and Robt.
Sagerson are appointed
viewers. By the Court

Filed 3 June 1907

Commonwealth of Pennsylvania, }
County of Cambria. } ss

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the third day of June A. D. 1907, 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, to lead from the westerly end of Luzerne Street, on the line dividing said Township from the Borough of Westmont and extending by the center line of said Luzerne Street extended through said Township to a point on the public road in said Township known as the "Mill Creek" road, distant about three hundred and eighty (380) feet westwardly from the western property line of Joseph Gardiner.

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

Frank D. Baker surveyor, and John Hamman and Robt. Sagerson

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:

L. E. Triffel, 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. 3, JAMES SESSION, 1907

Order to view and lay out public road in Township of Fairbanks

Filed 4 Sept. 1907

Viewers.
Frank D. Baker
John Hamman
Matt. Sagerman

Clerk 90 cts.
Erickson

LEWIS AND CLARK PRINTING HOUSE

1 Oct. 1907, approved and bench fixed at thirty feet,

[Signature]

IN THE MATTER OF THE ORDER (IN THE COURT OF QUARTER SESSIONS
TO VIEW AND LAY OUT A PUBLIC(OF CAMBRIA COUNTY.
ROAD IN UPPER YODER TOWNSHIP(#3 June Sessions, 1907.

To the Hon. Frances J. O'Connor,
President Judge of said Court.

The undersigned Viewers named in the within
order, respectfully report;

1st - That the notices required by Law were
duly given - that is to say, notice in writing of the time,
and place, of view to the Commissioners of Cambria County,
of which a copy is hereto annexed, and an acknowledgement
of service of same upon said Commissioners on the 29th day
of July, 1907, signed by J. B. Lahman, Commissioner's Clerk;

Also a written notice to the Supervisors of
Upper Yoder Township, of the time and place of the meeting
of Viewers, a copy of which is also hereto annexed, together
with the written acknowledgement of the service of notice
dated 3rd of August, 1907, and signed by James W. Hunt,
W. H. Wonder and S. E. Peterson, Supervisors;

Also a notice to the land owners and public of
the time and place of meeting, put up in the most public
places in the vicinity of the ground to be viewed, ten days
before the time fixed for the holding of said view, a copy
of which notice is also hereto annexed.

2nd - That we, the said Viewers, were severally
duly sworn to well and truly perform our duties as Viewers,
impartially and according to the best of our judgment, and
a true report to make, on the 29th day of July, 1907, which
oath as sworn and subscribed by us is hereto annexed and
made part hereof.

3rd - That we met at the time and place specified in the notice, to wit, on Saturday, the 17th day of August, A.D. 1907, at nine o'clock A.M., at the westerly end of Luzerne Street, as mentioned in the within order to view, all of the said Viewers being present.

4th - That we viewed the site and locality of the road proposed to be laid out, having found the same to have been already laid out as a road and being then used by the traveling public, and we made a personal inspection of the ground between the points designated in the petition and order.

5th - We are of the opinion and agree that a public road between the points mentioned is necessary, and we authorize the laying out of a road according to the annexed draft.

We therefore laid out and return for public use a road as follows:-

Beginning at a point on the property of Maggie B. Detwiler, being on the line of the westerly end of Luzerne Street, said line being also the dividing line between the Borough of Westmont and the Township of Upper Yoder, and said point being on the center line of Luzerne Street and distant north forty (40) degrees thirty-seven (37) minutes west seventeen and eight-tenths (17.8) feet from post corner on property line; thence through land of the said Maggie B. Detwiler, south seventy-one (71) degrees four (4) minutes west three hundred and three-tenths (300.3) feet to land of Christian Palliser; thence by the same course through land of said Palliser three hundred forty-nine and five-tenths (349.5) feet to a point on the northerly side of Millcreek Road, which is north seventy-nine (79) degrees fifty-seven (57) minutes west thirty-four (34) feet from post corner on property line.

6th - We further report that the said Maggie B. Detwiler and Christian Palliser have released the County of Cambria of and from all damages that may accrue to them or either of them from or on account of the laying-out, opening and maintenance of said road, and that no damage will be sustained by any other person by reason of the location and laying out of said road.

WITNESS OUR HANDS, this 26th day
of August, 1907.

Frank A. Baker

John Hannon

Robert Lagerson

MILEAGE, PER DIEM AND COSTS OF VIEW.

Frank D. Baker, Surveyor;

1 Day (field) -----	\$5.00	
1 " (office) -----	5.00	
Mileage 2 miles -----	.10	
Typewriting and Affidavits -----	2.00	
		<u>\$12.10</u>

John Hannan, Viewer,

1 Day -----	3.00	
Mileage 2 Miles -----	.10	3.10

Robert Sagerson, Viewer,

1 Day -----	3.00	
Mileage 2 Miles -----	.10	3.10
		<u>\$18.30</u>

NOTICE OF VIEWING

Notice is hereby given that the undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., on the third day of June A.D. 1907 to lay out and view a public road or highway to lead from the westerly end of Luzerne Street on the line dividing said township (Upper Yoder) from the borough of Westmont and extending by the center line of said Luzerne Street extended through said Township to a point on the public road in said Township known as the "Mill Creek" road, distant about three hundred and eighty (380) feet westwardly from the western property line of Joseph Gardner, will meet at the westerly end of said Luzerne Street on Saturday the seventeenth day of August, A.D. 1907 at nine o'clock A.M. for the purpose of laying out said road, viewing said ground and performing their duties as such viewers.

Frank W. Baker

John H. Hamman

Robert S. Sagon

Viewers.

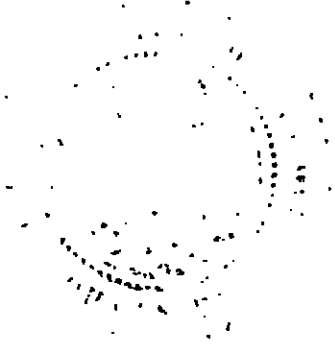
NOTICE OF VIEW.

Notice is hereby given that the undesignated viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., on the third day of June A.D. 1907 to lay out and view a public road or highway to lead from the westerly end of Luzerne Street on the line dividing Upper Yoder Township from the borough of Westmont and extending by the center line of said Luzerne Street extended through said Township to a point on the public road in said Township known as "Mill Creek" road, distant about three hundred and eighty feet westwardly from the western property line of Joseph Gardner, will meet at the westerly end of said Luzerne Street on Saturday the seventeenth day of August, A.D. 1907 at nine o'clock A.M. for the purpose of laying out said road, viewing said ground and performing their duties as such viewers.

Frank H. Baker
John F. Hamman
Robert S. Saylor

We, the undersigned, Commissioners of Cambria County, Pa., hereby accept service upon us of the above notice, and acknowledge the receipt of a copy of the same this 29th day of July, A.D. 1907.

J. B. Shuman
County Clerk



NOTICE OF VIEW .

Notice is hereby given that the undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, Pa. on the third day of June, A.D. 1907 to lay out and view a public road or highway to lead from the westerly end of Luzerne Street on the line dividing said Township (Upper Yoder) from the borough of Westmont and extending by the center line of said Luzerne Street extended through said Township to a point on the public road in said Township known as the "Mill Creek" road, distant about three hundred and eighty (380) feet westwardly from the western property line of Joseph Gardner, will meet at the westerly end of said Luzerne Street, on Saturday the Seventeenth day of August, A.D. 1907 at nine o'clock A.M. for the purpose of laying out said road, viewing said ground and performing their duties as such viewers.

Frank H. Baker
John H. Hannon
Robert Sagerman
Viewers.

We, the undersigned, Road Supervisors of Upper Yoder Township, Cambria County, Pa., hereby acknowledge the receipt of a copy of the above notice and accept service upon us of the same, this 3rd day of August, A.D. 1907.

James W. Hunt
W. H. Horden
S. E. Peterson

State of Pennsylvania, :
County of Cambria, : ss.
City of Johnstown. :

Before me, the subscriber, a Notary Public in and for said City, County and State, personally came F.D. Baker, John Hannan and Robert Sagerson, who being by me duly sworn according to law, do depose and say that as viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and lay out a public road or highway to lead from the Westerly end of Luzern Street on the line dividing said Township (Upper Yoder) from the Borough of Westmont and extending by the center line of said Luzern Street extended through said Township to a point on the public road in said Township known as the Mill Creek Road, distant about three hundred and eighty (380) feet Westwardly from the western property line of Joseph Gardner, they will well and truly perform their duties as such viewers impartially and according to the best of their judgment and a true return will make of the same.

Sworn and subscribed to before :
me this 29th day of July, A.D. 1907. :
W. Williams :
Notary Public. :
My commission expires 2nd July 1910.

Frank F. Baker
John Hannan
Robert Sagerson