

R.D. #3. MAR 1910
Not Microfilmed

IN RE ERECTION OF GUARDS
OR BARRIERS ALONG TOWNSHIP
ROADS IN TOWNSHIP OF UPPER
YODER, COUNTY OF CAMBRIA
AND STATE OF PENNSYLVANIA.

: IN THE COURT OF QUARTER
: SESSIONS OF CAMBRIA COUNTY,
: PENNSYLVANIA.
: NO. _____ MARCH SESSIONS, 1910.
:

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

The petition of the Supervisors of the said Township of Upper Yoder, respectively represent that a large part of the Hill Route of the Valley Pike Company Turnpike, as well as a large part of the Lower Route of the Condemned Valley Pike Turnpike, have been condemned and have become township roads, and therefor subject to be maintained by the said Township of Upper Yoder in which said portions of roads lie; wherefore the said Upper Yoder Township is greatly burdened.

That a part of the said Upper Route of the Condemned Valley Pike Company Turnpike, as well as a part of the Davidsville Road, both township roads in the said Township of Upper Yoder, to wit; on the Benscreek Hill on said road, more particularly on the Hill Route of said Valley Pike Company Turnpike at or near the residence of Nicholas Williams, to a point at or near the residence of Hooper, and on the said Davidsville Road at or near the residence of David Blough, to a point at or near the residence of Wm. Carpenter run or extend along the edge of a precipice, where it is necessary to erect guards or barriers, which will require more expense than it is reasonable that the said Township of Upper Yoder should bear.

WHEREFORE, your petitioners pray the Court to appoint proper persons and direct an order of view to the end that said guards or barriers may be erected, as county bridges are now erected; in accordance with the Act of May 25, 1878, P. L. 150.

L. H. Weimer

J. D. Barnhart

John Pullman & Co.
Supervisors of Upper Yoder
Township.

STATE OF PENNSYLVANIA,
County of Cambria

:
SS:
:

Personally appeared before me, a notary public in and
for State and County aforesaid, J. D. Barnhart, one
of the above named supervisors, who being duly sworn according to
law, deposes and says that the statements set forth in the
foregoing petition are true and correct.

J. D. Barnhart

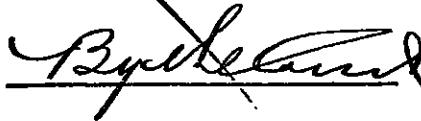
Sworn and subscribed to before me this 12th day
of March, 1910.

J. E. Biddle
Notary Public.
Commission expires 2/5/1911

No 3 March 1910

Filed 14 March 1910.

And now, March _____, 1910, the within petition read and considered; and the order to view directed to issue, and Chas. Burns (Surveyor), John Hannon and John Hubner are appointed viewers to view the said roads or highways along which guards or barriers are proposed to be constructed and make return thereof.

By 

LOCAL PHONE 2150

BELL PHONE 307

FRANK P. BARNHART
ATTORNEY AND COUNSELOR-AT-LAW
SUITE 308-311 SWANK BUILDING
JOHNSTOWN, PENNA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE, MD.

In the Court of Quarter Sessions of Cambria County.

NO. 3 March Sessions 1910. R. D.

In re petition of the County Commissioners for the appointment of Inspectors to inspect Guard Rails on public highway on Valley Pike and Davidsville Road, in the Township of Upper Yoder ,

-:DECREE:-

And now Sept. 7th A. D. 1911 the within petition read and considered and the following persons appointed Inspectors: J. P. McClarren, L. W. Kauffman, Elias Monday, Owen Roberts, James Howard, W. A. Heckman, to make report to the next Court of Quarter Sessions.

By the Court.

Extract from the Record,

Certified 18th Sept, . 1911.

A. A. Kinkead

Clerk, Q. S.

TO THE HONORABLE FRANCIS J. O'CONNOR,
PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS
OF CAMBERIA COUNTY:

We, the undersigned, having been appointed by the Court to inspect the guard rail for the public road situate in Upper Yoder Township on upper route of condemned Valley Pike Company turnpike, also a part of Davidsville Road, after having been severally sworn, state that we have attended to the duties of the appointment, and beg to report as follows:

That having examined the said guard rail, we find it to be erected according to the contract, plans and specifications, and in a workmanlike manner, and we do hereby approve the same, and recommend that the Contractor, John G. Hartley, be paid the sum of twenty-eight (28) cents per lineal foot, as per contract.

Witness our hands and seals this 20th day of September, A. D. 1911.

J. B. McClain (SEAL)

L. M. Huffman (SEAL)

Walter Beckman (SEAL)

James Howard (SEAL)

Elias Monday (SEAL*)

Owen Roberts (SEAL)

James F. Howard

Upper Jordan
Ms. March Term 1910

THE COURT OF COMMONS
IN PARLIAMENT ASSEMBLED
DO HEREBY ORDER THAT THE
MONEY HEREIN PROVIDED BE
PAID TO THE SEVERAL
PERSONS AND BODIES
MENTIONED IN THE
SCHEDULES HEREIN
CONTAINED IN SUCH MANNER
AND FOR SUCH PURPOSES
AS THEY MAY THINK FIT
TO DO IN THIS BEHALF

AND THAT THE SEVERAL
PERSONS AND BODIES
MENTIONED IN THE
SCHEDULES HEREIN
DO BEHAVE THEMSELVES
IN ACCORDANCE WITH
THE PROVISIONS OF
THIS ACT

Filed 11/10/1910

IN WITNESS WHEREOF
WE HAVE HEREUNTO SET
OUR HANDS AND SEAL
AT PARLIAMENT
THIS 11th DAY OF
MARCH 1910

BY THE SPEAKER

AND THE CLERK OF THE PARLIAMENTS

(SIGNED)

(SIGNED)

(SIGNED)

(SIGNED)

(SIGNED)

(SIGNED)

To the Honorable the Judge of the Court of Common Pleas of the County of Cambria, now holding a Court of Quarter Sessions of the Peace in and for said County.

THE PETITION OF THE COMMISSIONERS OF THE COUNTY OF CAMBRIA RESPECTFULLY REPRESENTS:

That it having appeared to the Court, to the Grand Jury, and the Commissioners of the said County, that ~~a bridge over~~ *Guard Rails* ~~Creek,~~ ^{on} a public highway ~~from~~ *on Valley Pike* ~~and~~ ^{to} *Davidsville Road* ~~crosses the said Creek,~~ in the Township of *Upper Yoder*, in said County, ^{were} necessary, and that it would be too expensive for the said Township to erect said ~~bridge,~~ ^{Guard Rails,} and the same having been entered of record, your petitioners procured an estimate to be made as nearly as might be, of the expense of the same, and did proceed to have such ~~bridge~~ ^{Guard Rails} erected, by entering into a contract with *John G. Hartley* of *Johnstown, Pa* for the building of ~~the superstructure~~ ^{same} for the sum of *28 cents per* ~~linear foot~~ ^{linear foot}, of *about 2000 feet*, ~~for the building of the superstructure for the sum of \$~~ ^{Guard Rails are} ~~the said bridge is~~ now completed agreeably to the said contracts.

Your petitioners, therefore, pray the Court to appoint six fit persons to inspect said ~~bridge~~ ^{Guard Rails} and the workmanship thereof, agreeably to the Act of Assembly, and to make report to the next Court of Quarter Sessions to be held in and for the said County.

ATTEST:

L. E. Soyee
Clerk.

Charles Leventy
J. J. Brown
Commissioners of Cambria County.

No. 3 March Term. 1911

PETITION

Of the County Commissioners for the
appointment of inspectors to
inspect the bridge across

Guard Rails Creek, in
Upper Yoder Township.

And now Sept 7 A. D. 1911,
the within petition read and consider-
ed and the following persons ap-
pointed Inspectors:

- J. O. McClarren
- L. A. Kauffman
- Elias Monday
- Owen Roberts
- James Howard
- M. A. Heckman

To make report to the next Court of
Quarter Sessions.

Byche

Attorney.

Filed 7 Sept 1911 1911

COMMONWEALTH OF PENNSYLVANIA, :
 : SS
 COUNTY OF CAMBRIA, :

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 14th day of March, A. D., 1910, before the Honorable Judge of the said Court:

The petition of the Supervisors of the said Township of Upper Yoder, respectfully represent that a large part of the Hill Route of the Valley Pike Company Turnpike, as well as a large part of the Lower Route of the Condemned Valley Pike Turnpike, have been condemned and have become township roads, and therefor subject to be maintained by the said Township of Upper Yoder in which said portions of roads lie; wherefore the said Upper Yoder Township is greatly burdened.

That a part of the said Upper Route of the Condemned Valley Pike Company Turnpike, as well as a part of the Davidsville Road, both township roads in the said Township of Upper Yoder, to wit; on the Benscreek Hill on said road, more particularly on the Hill Route of said Valley Pike Company Turnpike at or near the residence of Nicholas Williams, to a point at or near the residence of _____ Lape, and on the said Davidsville Road at or near the residence of David Blough, to a point at or near the residence of Wm. Carpenter, run or extend along the edge of a precipice, where it is necessary to erect guards or barriers, which will require more expense than it is reasonable that the said Township of Upper Yoder should bear.

Wherefore, your petitioners pray the Court to appoint proper persons and direct an order of view to the end ~~of~~ that said guards or barriers may be erected, as county bridges are now erected, in accordance with the Act of May 25, 1878, P. L. 150.

D. H. Welmer

I. D. Barnhart

John Palliser, Sr.

Supervisors of Upper Yoder
Township.

And now, March 14, 1910, the within petition read and considered; and the order to view directed to issue, and Chas. Owens, Surveyor, John Hannan and John Huebner are appointed viewers to view the said roads or highways along which guards or barriers are proposed to be constructed and make return thereof.

By the Court.

Attest:



Clerk

No. 3 March Sessions, 1910 R.D.

Order to View part of the Hill
Route of the Valley Pike Com-
pany Turnpike, and part of the
Lower Route of the Condemned
Valley Pike Turnpike.

Chas. Owens

John Hannan

John Huebner.

Viewers.

Clerk Kinhead 90 cents.

Barnhart.

IN RE ERECTION OF GUARDS OR : IN THE COURT OF QUARTER SESSIONS
BARRIERS ALONG TOWNSHIP : OF CAMBRIA COUNTY, PENNSYLVANIA.
ROADS IN TOWNSHIP OF UPPER :
YODER, COUNTY OF CAMBRIA AND : NO. 3 MARCH SESSIONS 1910.
STATE OF PENNSYLVANIA. :

REPORT OF VIEWERS.

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

The undersigned viewers named in the within order, re-
spectfully report:

FIRST. That we met at the time and place specified in
the notices, to wit: on the 12th day of April, 1910 at 10 o'clock
A. M., at the point of beginning at or near the residence of
Nicholas Williams on the Hill Route of the condemned Valley Pike
Company turnpike, mentioned in said notices, and completed our
labors on said date.

SECOND. That notices required by law were duly given;
that is to say, written notices of the application to the Court
of Quarter Sessions of said Cambria County for the erection of
guards or barriers by the said County of Cambria along the Upper
Route of the condemned Valley Pike Company turnpike, and also
along the Davidsville Road, as set forth in the petition presented
to the Court on the 14th day of March, 1910, and as shown on the
draft hereto annexed and made part hereof; that notice of the
time and place of the meeting of viewers was also given to the
supervisors of said Township, and that public notice, by written
or printed advertisement of the time and place where we were to
meet for the purpose of viewing the said roads, to determine
whether or not it should be advisable to construct guards or
barriers along said roads, as aforesaid, was given at least ten
days before such meeting, as required by the Act of Assembly of the

6th day of April, 1843, P. L. 177, and the Act of Assembly of the 12th day of March, 1873, P. L. 258; that at least six days notice in writing of the time and place of holding said view was given to the County Commissioners of the said County of Cambria, as required by the Act of Assembly of the 3rd day of April, 1889, P. L. 26; and that written notice was given to the Supervisors of said Township, in accordance with the Act of the 29th day of March, 1905, P. L. 70.

THIRD. That we were severally sworn or affirmed according to law, and therefore proceeded to discharge our duties.

FOURTH. That we viewed the site and locality of the roads along which it is proposed to erect guards or barriers, as aforesaid, making a personal inspection of the ground between the points designated in the petition and order on the 12th day of April, 1910.

FIFTH. That we are of the opinion and agree that it is necessary to erect guards or barriers for the proper protection of the traveling public along the roads, as set forth in the said order to view, and as designated on the map accompanying this return and made part hereof; and we are further of the opinion and agree that the erecting of such guards or barriers requires more expense than it is reasonable the township should bear, and we, therefore, authorize the construction, erection and maintenance of guards or barriers along said roads, as aforesaid, on the part of the said County of Cambria as county bridges are now erected.

We, therefore, lay out and return for the construction and erection of guards or barriers, as aforesaid, the following courses and distances:

Beginning at a point one hundred and two (102) feet from the residence of Nicholas Williams along the Upper Route of the condemned Valley Pike Company Turnpike, in the Township of Upper Yoder, as aforesaid; thence North eighty (80) degrees West three hundred (300) feet to a point; thence North eighty-one (81) degrees West three hundred and ninety (390) feet to a point; thence North eighty-two (82) degrees West three hundred and seventy (370) feet to a point, excepting, however, that the said guard rail shall be placed on the curve of road as indicated on the accompanying draft; thence South thirty-two (32) degrees West one hundred and twenty-three (123) feet to a point, with the exception as aforesaid; thence South fifty-eight (58) degrees West one hundred and fifty (150) feet to a point; thence South seventy-two (72) degrees West three hundred and seventy (370) feet to a point at junction of said Upper Route of the condemned Valley Pike Company turnpike and a private road near the residence of Herman Lape, as shown on the accompanying draft; also on the said Davidsville Road, beginning at a point eighty (80) feet from the residence of David Blough in the said Township of Upper Yoder; thence South fifty (50) degrees West sixty-eight (68) feet to a point; thence South sixty-one (61) degrees West sixty-nine (69) feet to a point; thence South forty-one (41) degrees West one hundred and seventy (170) feet to a point, junction of the said Davidsville Road and the Lower Route of the condemned Valley Pike company turnpike and one hundred and sixty-five (165) feet from the so called Octagon House, all of which will more particularly appear on the draft accompanying this return and made part hereof.

SIXTH. That in our opinion the said guard rails, as proposed to be constructed, will be of such public necessity and utility that the costs of this proceeding ought to be paid by the County.

SEVENTH. That we annex hereto the plot or draft before referred to, showing the location of the said guards or barriers, proposed to be constructed, stating thereon the courses and distances and setting forth the specifications, which we deem advisable, to be filed in construction of said guard rails or barriers, all of which is made a part of this return.

Witness our hands this 4 day of June, A. D. 1910.

G. A. Owen
John H. Hubert
John H. Cannon
Viewers.

Bill of Costs

Chas? A. Owen, surveyor,	
To viewing for guard rail 1 day	\$5.00
To mileage 3 miles @ 10¢	30
To Posting notices of view	1.25
To mapping and plotting 1 day	5.00
To helper for above survey	2.00
	<hr/>
	\$13.55

John Hannan, Viewer,	
To Viewing, 1 day	\$3.00
To Mileage 3 miles @ 10¢	30
	<hr/>
	\$3.30

John Huebner, Viewer,	
To Viewing, 1 day,	\$3.00
To Mileage 3 miles @ 10¢	30
	<hr/>
	\$3.30

And now, this 6th day of June, A. D. 1910, it appearing to the Grand Jury that the guards or barriers, as within set forth, are necessary, and it further appearing that it would be too expensive for the said Township of Upper Yoder to erect same, the within report is approved, and it is ordered and directed that said guards or barriers shall be erected and maintained as County bridges are now erected, and in accordance with the within report.

J. H. von Alt
Foreman Grand Jury.

Res - same as before

And now, this 6th day of June A. D. 1910, it appearing to the Commissioners that guards or barriers, as within set forth, are necessary, and it further appearing that it would be too expensive for the said Township of Upper Yoder to erect same, the within report is approved, and it is ordered and directed that said guards or barriers shall be erected and maintained as County bridges are now erected, and in accordance with the within report.

John Owens
Charles Leventy
J. A. Osborn
Commissioners of Cambria Co.

103 March Term 1910 R. D.

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

In re Erection of Guards or
Barriers along Township Roads
in Township of Upper Yoder,
County of Cambria and State
of Pennsylvania.

REPORT OF VIEWERS.

Filed 6 June 1910.

And now, this 6th day
of June A. D. 1910, it ap-
pearing to the Court that
guards or barriers, as with-
in set forth, are necessary,
and it further appearing
that it would be too ex-
pensive for the said Town-
ship of Upper Yoder to erect
same, the within report is
approved, and it is ordered
and directed that said guards
or barriers shall be erected
and maintained as County
bridges are now erected, and
in accordance with the with-
in report.

Frank S. Farnhart
FRANK S. FARNHART
ATTORNEY AND COUNSELOR-AT-LAW
SUITE 308-311 SWANK BUILDING
JOHNSTOWN, PENNA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE, MD.