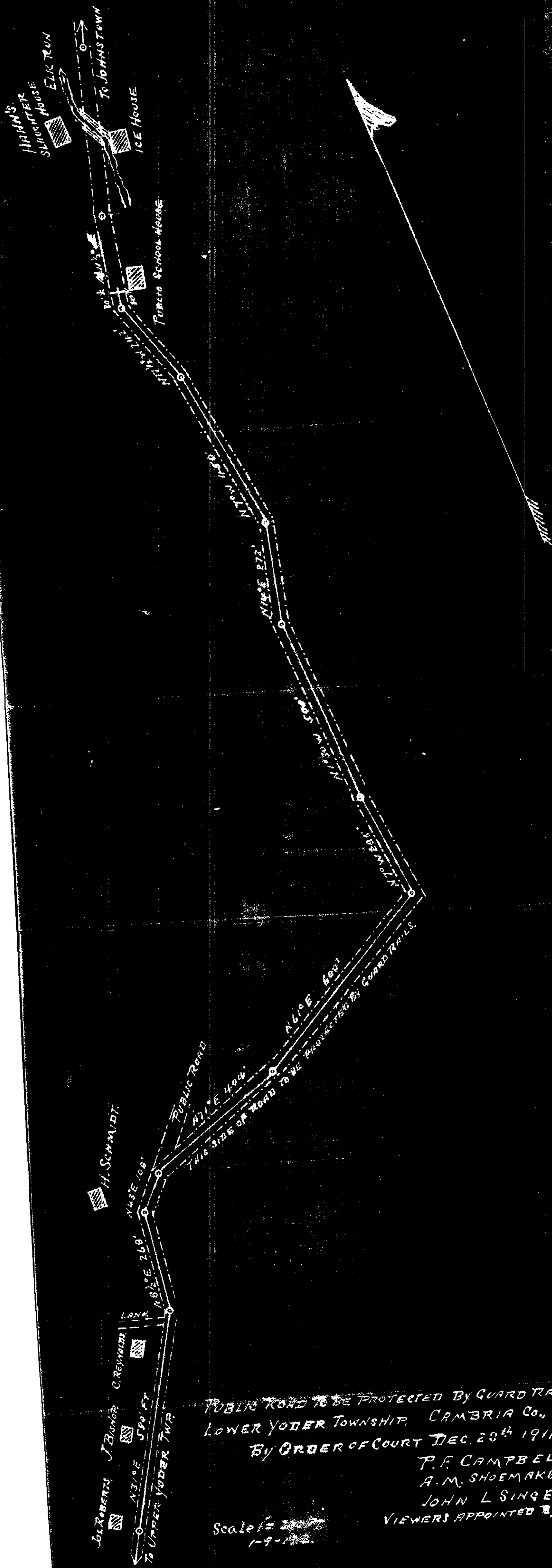


A. D. # 5 Dec. 1911

Not Microfilmed



PUBLIC ROAD TO BE PROTECTED BY GUARDRAILS.  
 LOWER YODER TOWNSHIP, CAMBRIA CO., PA.  
 BY ORDER OF COURT DEC. 28<sup>th</sup> 1911.  
 P. F. CAMPBELL  
 A. M. SHOEMAKER  
 JOHN L. SINGER  
 VIEWERS APPOINTED BY COURT.

Scale 1" = 200 FT.  
 1-9-1912.

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.... Fourth..... day of.... December..... A. D. 190<sup>11</sup>, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Lower Township....., in the said County, setting forth that ~~they labor under the~~ ~~inconvenience~~ ~~of~~ ~~having~~ ~~to~~ ~~travel~~ ~~over~~ ~~the~~ ~~road~~ ~~of~~ ~~highway~~, to lead from a portion of the Elk Run Road leading from Johnstown to Upper Yoder Township beginning at the line of land of the \_\_\_\_\_ Edwards heirs and ending at the public school on said road, runs along the edge of a precipice and along which it is necessary to erect guard rails or barriers for proper protection of the travelling public, and the erection of such guards or barriers requires more expense than is reasonable the township should bear,

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 P. F. Campbell, A. W. Shoemaker, Esq., surveyor, and John I. Singer

viewers, to view the ground proposed for said ~~road~~ <sup>barriers</sup> and if they view the same, and shall agree that there is occasion for such ~~road~~ <sup>barriers</sup> they shall proceed to lay out the same, having respect to the ~~shortest~~ <sup>barriers</sup> distance and the best ground for a ~~road~~ <sup>barriers</sup> 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~~ <sup>barriers</sup> or ~~private~~ <sup>barriers</sup> road, together with a plot or draft thereof, and the courses and distances, and references to the improvements ~~through which they pass~~

By the Court.

Attest:

..... J. 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 Dec. SESSION 1901

Order to view Guard Rails  
along Elk Run Road in  
Lower Yoder Twp.

Filed 4 March 1912 m  
open court

Viewers.

P. F. Campbell  
A. M. Shoemaker, Esq.  
John L. Singer

Clerk Doerr 90 cts.

HERSBERG MOUNTAINEER-REPAID ELECTRIC PRINT.

Contd - 3-19-12  
646

Now March 6, 1913 the within report of viewers approved and it is recommended that the county pay the costs of erecting said barriers, and maintaining same.

L. Roberts  
Foreman of Grand Jury

Now March 6, 1913 the above recommendation is concurred in and approved.

By the Court

REPORT OF VIEWERS.

To the Honorable Marlin Bingham Stephens, President  
Judge of the Court of Quarter Sessions of Cambria County, Pa.:

We, the undersigned members of the Board of Viewers  
appointed by your Honorable Court, as shown by the annexed  
order, respectfully report:

That in pursuance of our said appointment, after hav-  
ing given due public notice of the view and of the time and  
place of the meeting of the viewers, by serving notice on  
the Supervisors of the Township of Lower Yoder, on the  
County Commissioners and to the public by printed hand bills  
posted in public and conspicuous places at and near the site  
of the view; we, P. F. Campbell and A. M. Shoemaker met in  
accordance with the notice given and having been first  
duly qualified according to law to perform the duties of  
our appointment faithfully and to the best of our ability;  
we viewed the premises and are of opinion that there is  
occasion for guard rails or barristers along the Easterly  
side of the stretch of road, as shown on the plot or draft  
hereto attached and made a part of this report, for the  
safety and protection of the traveling public without which  
it is exceedingly dangerous, owing to the heavy grade of the  
road, with one or two awkward curves and a steep and danger-  
ous embankment all along the Easterly side of the road and  
therefore we recommend that new and substantial guard rails  
or barristers be placed in accordance with the desire of  
the petitioners along the piece of road which takes the fol-  
lowing courses and distances:- Beginning at a point opposite  
the residence of Joseph Roberts on line of land of Edwards'

heirs, thence North thirty-one degrees East five hundred and ninety feet, thence North eight and one half degrees East two hundred and sixty-eight feet, thence North forty-three degrees East one hundred and eight feet, thence North seventy-one degrees East four hundred and four feet, thence North sixty-one degrees East six hundred feet, thence North seven degrees West two hundred and eighty-five feet, thence North one degree and thirty minutes West five hundred feet, thence North fourteen degrees East two hundred and seventy-two feet, thence North seven degrees West four hundred and fifty feet, thence North seventeen and one half degrees West two hundred and forty-two feet, the point in the side of the public road eighty feet South of the Southern end of the Public School House.

And whereas we believe the burden attending the erection of the said guard rails or barristers will be in excess of what the Taxpayers of the Township should reasonably be required to bear, we recommend that the expense of erecting the same be borne by the County.

Witness our hands this tenth day of January, A. D. 1912.

Cost of View-

P. F. Campbell \$7 50  
 1/2 day  
 Milage 45  
 Meals 50

A. M. Shoemaker  
 2 Days 10 00  
 Milage 1 20  
 meal 50

Lifting Order — — 90

P. F. Campbell

A. M. Shoemaker

# Notice of View!

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the site and determine as to the

necessity of erecting guard rails or barriers, for the protection of the traveling public, along a portion of Elk Run Road leading from Johnston to Upper Yoder Township, beginning at the line of land of Edward Heirs and ending at the public school house on said road

will meet at the site of said run, above noted in the Township of Lower Yoder aforesaid, on the 9th day of January 1912, at 3:30 o'clock P.M., for the purpose of viewing said ground.

P. J. Leander  
A. W. Shoemaker  
John S. Singer  
Viewers.

Dec 28th 1911

Now, we the undersigned  
supervisors of the township of Lower  
Yoder accept service of the within  
notice —

J. L. Boyer.  
Henry J. Schmidt  
Ben. Smith  
Supervisor

# Notice of View!

Notice is hereby given that the Viewers, appointed by the Court of Quarter Sessions to view the site and determine as to the necessity of erecting guard rails or barriers, for the protection of the traveling public, along a portion of Elk Run Road, leading from Shustown to Upper Yoder township, beginning at the line of land of Edward's Heirs and ending at the public school on said road -

will meet at the site of said view, above noted, in the Township of Lower Yoder aforesaid, on the 9<sup>th</sup> day of January 1912, at 1:30 o'clock P.M., for the purpose of viewing said ground.

P. F. Campbell  
A. W. Shoemaker  
John L. Singer  
Viewers.

Dec 28<sup>th</sup> 1911

# Notice of View!

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the site and determine as to the necessity of erecting guard rails or barriers for the protection of the traveling public along a portion of the Railroad leading from Plattsburgh to Ripper Township, beginning at the house of Edward H. Lewis and ending at the public school building at

will meet at the site of said view above noted, in the Township of Lower Yaker aforesaid, on the 7th day of November 1911 at 10:30 o'clock for the purpose of viewing said ground.

O. P. Campbell  
A. J. V. Thoenesker  
Howard J. Singer  
Viewers.

Dec 28th 1911

To the Honorable the Judges 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 ~~it is necessary~~ <sup>Guard rails</sup> are necessary on the ~~Elk Run~~ <sup>Road</sup> ~~crossing~~, ~~at the place where the bridge crosses the Elk Run~~, for a distance of 3,700 feet. ~~in the Township of Lower Yoder~~, in the Township of Lower Yoder, in said County, was necessary, and that it would be too expensive for the said Township to erect said ~~bridge~~ <sup>Guard rails</sup>; and the same having been entered of record, your petitioners procured an estimate to be made as ~~near~~ <sup>Guard rails</sup> nearly as might be, of the expense of the same, and did proceed to have such ~~bridge~~ <sup>Guard rails</sup> erected, by entering into a contract with John T. Mishler of City of Johnstown for the building of the ~~bridge~~ <sup>Guard rails</sup> for the sum of ~~29 cents~~ <sup>29 cents</sup> per lineal foot, or \$1,075.00 full ~~contract price~~ <sup>Guard rails</sup>; and that the said ~~bridge~~ <sup>Guard rails</sup> are now completed agreeably to the said contracts.

Your petitioners, therefore, pray the Court to appoint six fit persons to inspect said ~~bridge~~ <sup>Road</sup> 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:

C. E. Trofoll  
Clerk.

J. A. Osborn.  
W. G. Anderson  
Commissioners of Cambria County.

1075

# ▷PETITION◁

*Of the County Commissioners for  
the appointment of Inspectors  
to inspect the ~~bridge~~*

*Guard rails in  
Lower Yoder Township, ~~the~~*

*on Elk Run Road ~~Township~~.*

*And now Apr. 21 A. D. 1914,  
the within petition read and con-  
sidered and the following per-  
sons appointed Inspectors:*

*Joseph Roberts*

*Henry Schmidt*

*James Boyer*

*James Felix*

*Ben Smith*

*Julius Guyer*

*To make report to the next Court  
of Quarter Sessions.*

*By the Court  
Walter B. Stephens*

*Attorney.*

Road Socket

No 2 Dec 1911

In re Guard rails  
in Lower Yoder Township  
On Elk Run Road.

Filed 21 April 1914

W. W. Lewis, County So-  
licitor

To THE HONORABLE JUDGES OF THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY:

We the undersigned having been appointed by the Court to inspect the Guard Rails for the Elk Run Road in Lower Yoder Township as entered to No. 2 Dec. Term 1911, after having been severly sworn, state that we have attended to the duties of the appointment and beg to report as follows:

That having examined the said Guard Rails, we find it to be erected according to the contract, plans and specifications and in a workmanlike manner and do hereby approve the same and recommand that the Contractor, John T. Mishler, be paid the sum of 29 cents per lineal foot, or \$1075.00 as per contract.

Witness our hands and seals this 28th day of April 1914.

Joseph Roberts (SEAL)

Ben Smith (SEAL)

Henry J. Schmidt (SEAL)

James A. Felix (SEAL)

J. H. Boyer (SEAL)

----- (SEAL)

No. 2 Dec. Term 1911 R. D.

In re Guard Rails

Lower Yoder Township

Report of Inspectors.

Filed

*28 April 1914*

To the Honorable F.J.O'Connor, president judge of the court of Quarter Sessions of Cambria County.

The petition of the subscribers, inhabitants of the township of Lower Yoder, in the county of Cambria, respectfully represents, that a portion of the Elk Run Road, leading from Johnstown to Upper Yoder Township, beginning at the line of land of the \_\_\_\_\_ Edwards Heirs, and ending at the public school on said road, runs along the edge of a precipice and along which it is necessary to erect guards or barriers for the proper protection of the traveling public, and the erection of such guards or barriers requires more expense than is reasonable the township should bear, and your petitioners therefore pray your honor to order a view of same as required by law to the end that if such guards or barriers are necessary and would be too expensive for the township to bear the same shall be erected and maintained as county bridges are now erected, and maintained.

And they will ever pray, etc.

Names.

Names.

Robt. Higginman  
John Schubert  
Joseph Chorba  
Ed. Peise  
Michael Lucas  
M. List  
Chas Karaffa  
J. J. Wise  
Sanford Wise  
Gilbert Gates  
Louis Becker  
Henry Schubert  
John Stram

Wm C Becker  
Edgar M Haddle  
Reinhold Schuberth  
Jerry Irwin  
Thos. DeHelsel  
John McCabe  
Henry J Schmidt  
Edward J. Schmidt  
John P Becker  
Conrad Becker sr.  
August G. Meyer Jr.  
George Sellman  
John Bishop  
Wm Heim

Names

Names

Henry Maser

Lawrence Boyer

Philip Boyer

John Sellman

Sydney Gates

John Daboe

Oliver Fraehlich

Julius Geyer

George Boyer

Mary Hastler

Elmer Brown

George Warner

Cambria County, SS:

Before me the subscriber a Justice of the Peace in and for said county personally came John Schubert who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct and that the signatures appended to this petition are in the proper handwriting of the petitioners.

John Schubert

Sworn to and subscribed before me this 30th day of October, 1911.

Robert M. Mendenhall  
Justice of the Peace  
Comm. exp. Jan 12, 16

No 2. Dec. Sess. 1911

In the Court of Quarter  
Sessions

Petition of Citizens  
of Lower Yoder  
Township  
For Guard Rails

Dec. 4, 1911, this petition  
presented, considered and  
F. F. Campbell, A. M. Shornick  
and J. W. Linger are appointed  
panels members

By the Court

Filed 4 December, 1911.

*[Signature]*