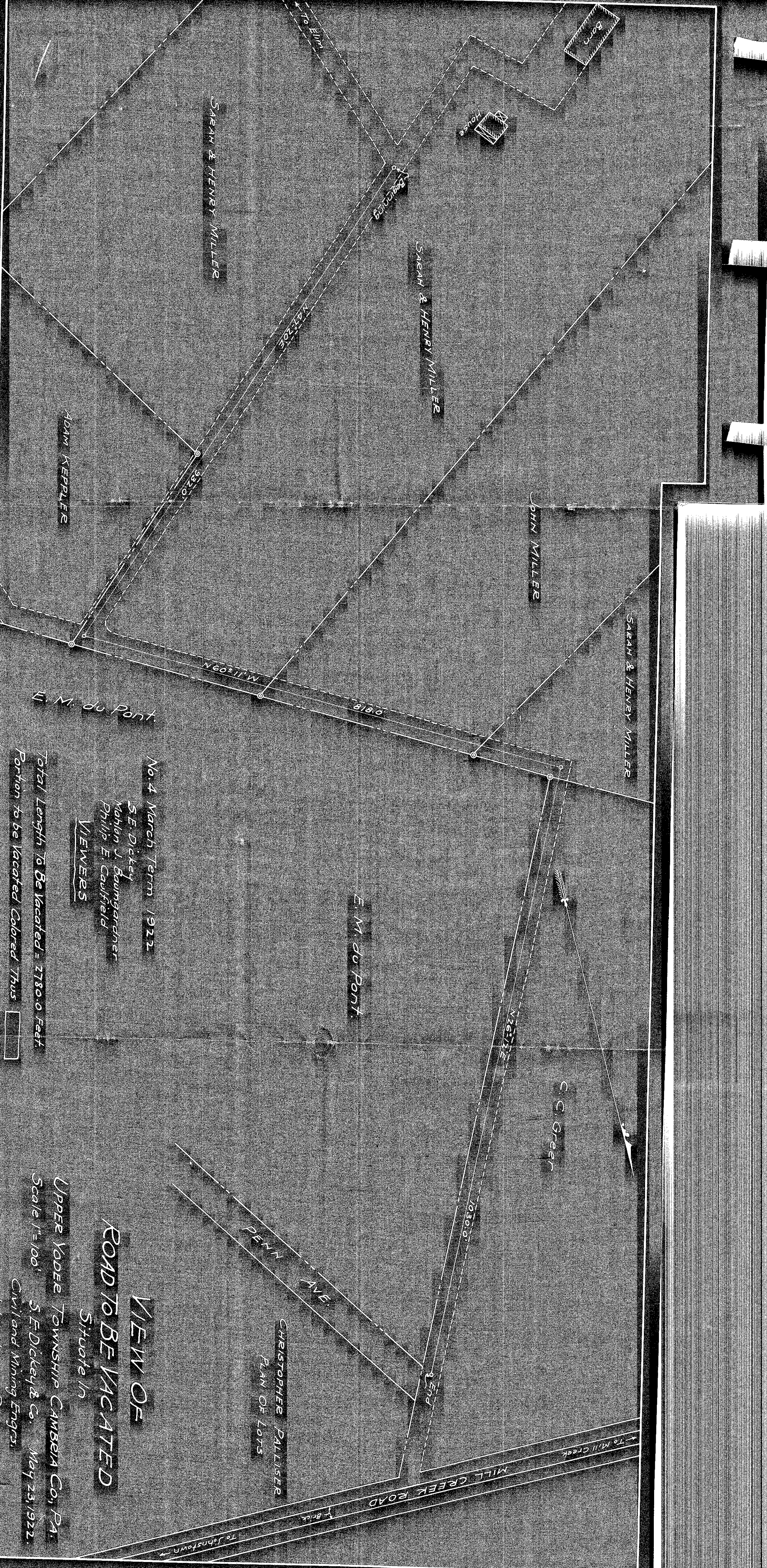


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RD# 4

Mar. 1922

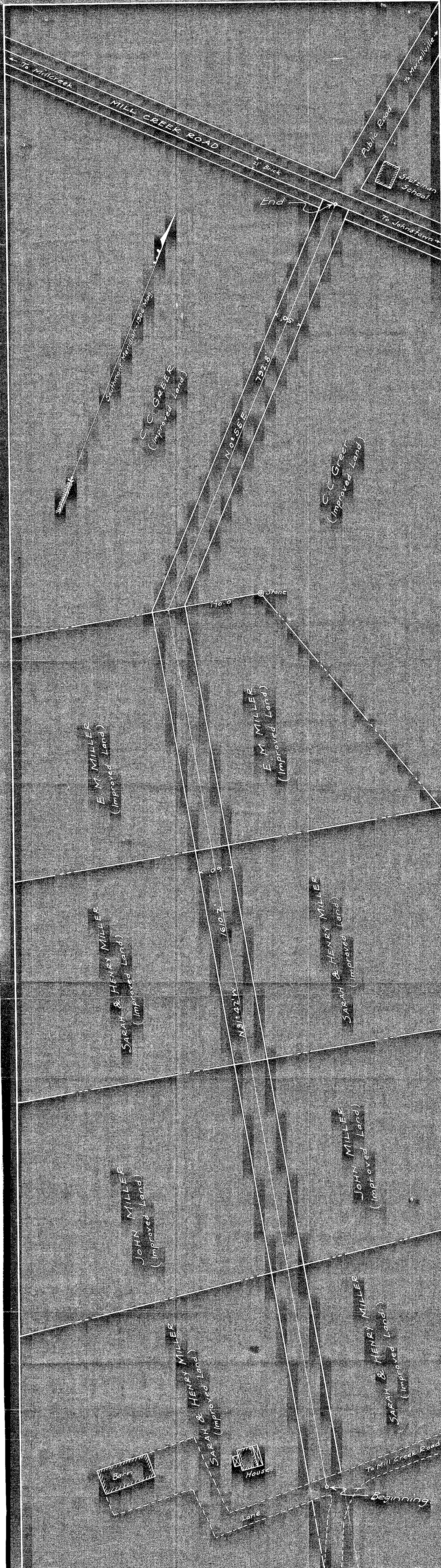


No. 4 March Term 1922  
 S.E. Dickey  
 Mahlon J. Baumgardner  
 Phillip E. Caulfield  
**VIEWERS**  
 Total Length To Be Vacated = 2780.0 Feet  
 Portion to be Vacated Colored Thus

**VIEW OF ROAD TO BE VACATED**  
 Situate In  
 UPPER YODER TOWNSHIP CAMBERA Co., PA.  
 Scale 1" = 100'  
 S.E. Dickey & Co. May 23, 1922.  
 Civil and Mining Engrs.  
 Johnstown Pa.

CHRISTOPHER PALLISER  
 PLAN OF LOTS

To Mill Creek  
 To Johnstown



No. 4 March Term 1922  
 S. E. Dickey  
 Mahlon J. Baumgardner  
 Philip E. Caulfield  
 Viewers

New Road Colored Thus

### VIEW OF PROPOSED NEW ROAD

Situate In

UPPER YODER TOWNSHIP, CAMBRIA CO., PA.  
 Scale 1"=100 S. E. Dickey & Co. May 23, 1922  
 Civil and Mining Engrs.  
 Johnstown, Pa.

Total Length = 2403.0 Feet

4 March Sess 1922

Bond

Upper Yoder Township.

Wm May 29-1922  
The bond approved  
as of May 8 1922

Filed 29 May 1922

**CHARLES C. GREER**  
LAWYER

SWANK BUILDING

JOHNSTOWN, PA.

Now May 29-1922 permissum  
James C. Green to become  
Warden in such bond  
upon his motion. By the Court

M

KNOW ALL MEN BY THESE PRESENTS, THAT WE,

E. M. Miller, Charles C. Greer and  
Henry J. Miller,

are held and firmly bound unto the Commonwealth of Pennsylvania, for the use of the parties interested, in the sum of ONE HUNDRED DOLLARS, (\$100.00), lawful money of the United States, to be paid unto the Commonwealth of Pennsylvania for use of the County of Cambria, to which payment well and truly to be made and done, we do bind ourselves and each of us, our and each of our heirs executors and administrators, and every of them, jointly and severally, firmly by these presents.

Sealed with our seals, Dated this 8th day of May  
A. D. 1922.

WHEREAS, a certain petition was presented in the Court of Quarter Session, for the laying out and vacating of a certain highway in Upper Yoder Township, entered to No. June Term 1922.

NOW the conditions of this obligation is such, that should the petitioners not pay to the County of Cambria, the costs of said view, should the Court so direct, then this bond remains in full force and virtue otherwise to be void and none effect.

.....  
E. M. Miller

~~.....~~  
Henry J. Miller

No. 4 March Sessions 1922

In the County

June Sessions

Common Pleas

No June Term '22

Petition for Vacans

To Lay out a  
Road in Upper Merion

Wm. Vaccari

part of another

Filed 8 May 1922

Now May 8<sup>th</sup> 1922

when petition

read upon consideration

and do approve

J. E. Dickey

Philip V. Campbell

and William J. Baumgardner Clerks

To view proposed road  
and proposed vacans  
and report thereon  
according to law

Done & By the Court  
E

To the Honorable Judges of the Court of Quarter Sessions of the County of Cambria, Pennsylvania.

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

That they labor under great inconvenience for want of a public road or highway, beginning at a point opposite the dwelling of Henry Miller on the highway leading from Millcreek road to Roxbury, in the Township of Upper Yoder, County of Cambria and State of Pennsylvania, distant from the nearest intersecting highway known as the Elin<sup>7</sup>road, 2640, feet and ending on the Millcreek road, a public highway directly opposite the intersection of said Millcreek road and Morrellville road, another public highway in said Township of Upper Yoder, the proposed road throughout being in the aforesaid Township of Upper Yoder and being approximately                      feet in length.

Your petitioners pray therefore, that the Court do appoint three persons, qualified according to law, to view the ground proposed for such road and if they see occasion to lay out the same, to inquire of and vacate the public road now open from a point opposite the dwelling of said Henry Miller, being the place of beginning, thence in a Northerly direction to a point on the public highway known as the Roxbury road at its junction with Penn Avenue, a highway in said Township of Upper Yoder, distant from aforesaid Millcreek road about One hundred fifty feet.

Which said last mentioned section of said Roxbury road will by reason of the laying out of the proposed road become useless.

Said commissioners of three persons to report of these proceeding to the next court.

S. E. Peterson.....  
Geo. L. Peterson.....  
Elisha Sanders.....  
Stella Boehm.....  
Anna P. Boehm.....  
Bertie Stutzman.....  
Fred Boehm.....  
Mike Kliuko.....  
Robt. G. Stutzman.....  
Emma Stutzman.....  
Louis Fritz.....  
Rheinhard Boehm.....  
Sarah Miller.....  
Henry J. Miller.....  
E. M. Miller.....  
Lizzie Miller.....



*Deputies*

We the undersigned commissioner of Upper Yoder Township, County of Cambria and State of Pennsylvania, hereby accept service of the notice of the intention to present the within petition on the Eighth day of May A. D. 1922.

*D.H. Weimer* ..... *Yes* .....

*Samuel L. Raab* Sec + Treas. ....

*A.B. Jauner* .....  
Commissioners  
*Deputy*  
*Yoder Twp*

We the undersigned commissioners of ~~Upper Yoder~~ Township, County of Cambria and State of Pennsylvania, hereby accept service of notice of the intention to present the within petition on May 8, 1922.

*Geo. M. Glue*  
Clerk

In the Court of Quarter Sessions of Cambria County, Penna No. 4 March Term, 1922

In re Vacating and Supplying a Public Road in the Township of Upper Yoder, Cambria County, Penna. Beginning at a point opposite the dwelling of Henry Miller leading from Millcree Road to Roxbury, etc.,

REPORT OF VIEWERS.

June 5, 1922  
Report of viewers  
approved and  
width of road  
fixed at ~~thirteen~~  
~~fourteen~~ **50** feet  
Pythian  
m

JUN 5 - 1922 CERTIFIED

Filed 5 June 1922

MAILON J. BAUMGARDNER  
ATTORNEY AT LAW  
JOHNSTOWN, PENNA.  
SWANK BLDG.

Order to view public road in

Upper Yoder Township

S.E. Dickey

Mahlon Baumgardner

Philip Cauffield

Viewers

Clerk Robb 90 cts.

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."

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 8th. day of May A. D. 1922, 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 a point opposite the dwelling of Henry Miller on the highway leading from Millcreek road to Roxbury, in the Township of Upper Yoder, County of Cambria and State of Pennsylvania, distant from the nearest intersecting highway known as the Elim road, 2640 feet, and ending on the Millcreek road, a public highway directly opposite the intersection of said Millcreek road and Morrellville road, another public highway in said Township of Upper Yoder, the proposed road throughout being in the aforesaid Township of Upper Yoder and being approximately ----- feet in length.

Your petitioners pray therefore, that the Court do appoint three persons, qualified according to law, to view the ground proposed for such road and if they see occasion to lay out the same, to inquire of and vacate the public road now open from a point opposite the dwelling of said Henry Miller, being the place of beginning, thence in a Northerly direction to a point on the public highway known as the Roxbury road at its junction with Penn Avenue, a highway in said Township of Upper Yoder, distant from aforesaid Millcreek road about One hundred fifty 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

Mahlon Baumgardner and Philip Cauffield

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:

Frank C. Robb Clerk.

50364

In re Vacating and Supplying of a Public Road in the Township of Upper Yoder, Cambria County, Penna., beginning at a point opposite the dwelling of Henry Miller leading from Millcreek Road to Roxbury, etc.,

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

No. 4 March Term 1922.

REPORT OF VIEWERS.

To the Honorable, the Judges of said Court?

We, the undersigned Viewers, appointed by the annexed order of the above Court, to view the premises for the vacating and supplying of a Public Road leading from a point opposite the dwelling of Henry Miller on the highway leading from Millcreek Road to Roxbury in the Township of Upper Yoder, County and State aforesaid, distant from the nearest intersecting highway known as the Elim Road, 2640 feet and ending on the Millcreek Road, a public highway directly opposite the intersection of said Millcreek Road and Morrellville Road, another public highway in the said Township of Upper Yoder, the proposed road throughout being in the aforesaid Township and for vacating a public road now open from a point opposite the dwelling of said Henry Miller, being the place of beginning, thence in a Northerly direction to a point on the public highway known as the Roxbury Road at its junction with Penn Avenue, a highway in said Township of Upper Yoder, respectfully, report:

That we were duly sworn or affirmed as members of the permanent Board of Viewers of Cambria County, as shown by the records of said Court, gave due public notice of the time and

place of meeting of said Viewers by publication in the Johnstown Daily Tribune and by handbills posted on the premises and by notice served upon the Commissioners of Cambria County, and upon Frank P. Barnhart, Esq., Solicitor for the Board of Supervisors of the Township of Upper Yoder and upon Charles C. Greer, Esq., Attorney for the Petitioners, at least ten days prior to the time of the making of the said View, evidence of which is shown by copies of said Notice hereto attached; that we met upon the premises according to notice given at the dwelling of Henry Miller on the 24th day of May A. D. 1922, at nine o'clock A. M. Standard Time, and proceeded with the duties of our appointment.

We viewed the site and locality of the road proposed to be laid out, making a personal inspection of the ground between the points designated in the petition and order.

We are of the opinion and agree that a public road between the points mentioned is necessary, and that we authorize the laying out of a road according to the accompanying draft. We therefore lay out and return for public use a road as follows: Beginning at a point in the center of the road leading from a lane connecting with the Millcreek Road thence North thirty-one (31°) degrees forty-two (42') minutes West one thousand six hundred ten and two-tenths (1610.2) feet to a point; thence North 0° fifty-five (55') minutes East seven hundred ninety two and eight-tenths (792.8) feet to a point on the Millcreek Road.

We further report that we endeavored to obtain from all the owners of land upon which the said road is located, releases of the damages to arise by reason of such location, we were unable to secure the releases therefore we allow no damages to

them because we consider the advantages which will accrue to their respective properties by reason of the road are equivalent to all damages which will be sustained by them.

We further report and are of the opinion and agree not to vacate that portion of road beginning at intersection of the road opposite the premises of Sarah and Henry Miller and public road leading to Elim, thence North forty-seven (47°) degrees, twenty (20') minutes East nine hundred thirty-two (932) feet to a point; thence North sixty (60°) degrees eleven (11') minutes West eight hundred and eighteen (818) feet to a point; thence North twenty-six (26°) degrees twelve (12) minutes East ten hundred and thirty (1030) feet to a point on Penn Avenue.

Witness our hands and seals this 3rd day of June A.D. 1922.

W. E. Gaugfield  
S. E. Dickey  
Mahlon J. Baumgardner  
Viewers.

In re Vacating and Supplying  
of a Public Road in the Town-  
ship of Upper Yoder, Cambria  
County, Penna., beginning at a  
point opposite the dwelling of  
Henry Miller leading from  
Millcreek Road to Roxbury, etc.

In the Court of Quarter  
Sessions of Cambria County, Pa

No. 4 March Term 1922.

To S. E. DICKEY, MAHLON J. BAUMGARDNER.

PHILIP E. CAULFIELD. DR.

To S. E DICKEY, DR.

Making View	\$7.50	
Mileage	.45	
Making Survey	32.50	
Mileage	.42	
Stakes	3.60	
Field Prints	1.20	
Preparing Drafts	18.00	
Tracing Cloth and Detail Paper	1.20	
6 Linen Blueprints	<u>3.60</u>	\$68.47

To MAHLON J. BAUMGARDNER. Dr

Data and Preparing Notice to View	7.50	
Stenographer and Stationery	2.00	
Posting Notices to View	7.50	
Advertising Notice	6.00	
Making View	7.50	
Mileage	.45	
Data and Preparing Report	7.50	
Stenographer and Stationery	2.50	
Order to View	<u>.90</u>	\$41.85

To PHILIP E. CAULFIELD. Dr.

Making View	7.50	
Mileage	<u>.45</u>	7.95
		<u>\$118.27</u>

*PAID FOR PAYMENT*  
*Philip E. Caulfield*  
*March 1922*  
*1820*

In re Vacating and Supplying  
of a Public Road in the Town-  
ship of Upper Yoder, Cambria  
County, Penn'a. beginning  
at a point opposite the  
dwelling of Henry Miller leading  
from Millcreek Road to Roxbury, etc.

In the Court of Quarter  
Sessions of Cambria County, Pa.  
No. 4 March Term 1922.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court  
to view for the purpose of vacating and supplying a road in the  
Township of Upper Yoder, County and State aforesaid, beginning  
at a point opposite dwelling of Henry Miller on the highway leading  
from Millcreek Road to Roxbury, distant from the nearest inter-  
secting highway known as the Elim Road 2640 feet and ending on the  
Millcreek Road opposite intersection of Millcreek Road and Morrell-  
ville Road, will meet at the dwelling of Henry Miller, the place  
of beginning on the 24th., day of May A. D. 1922 at nine o'clock  
A. M. Standard Time, for the purpose of performing the duties of  
our appointment.

S. E. DICKEY,

MAHLON J. BAUMGARDNER,

PHILIP B. GADLFIELD.

VIEWERS.

NOW May 15<sup>th</sup> 1922, I accept service of the within and above  
notice to view for the Commissioners of Cambria County, Pa.

  
Chief Clerk to Commissioners.

In re Vacating and Supplying  
of a Public Road in the  
Township of Upper Yoder,  
Cambria County, Penna. be-  
ginning at a point opposite  
the dwelling of Henry Miller  
leading from Millcreek Road  
to Roxbury, etc.

In the Court of Quarter Sessions  
of Cambria County, Penna

No 4 March Term 1922.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court,  
to view for the purpose of vacating and supplying a road in the  
Township of Upper Yoder, County and State aforesaid, beginning  
at a point opposite dwelling of Henry Miller on the highway leading  
from Millcreek Road to Roxbury, distant from nearest intersecting  
highway known as the Elim Road 2640 feet and ending on the Millcreek  
Road opposite intersection of Millcreek Road and Morrellville  
Road, will meet at the dwelling of Henry Miller, the place of be-  
ginning on the 24th., day of May A. D. 1922 at nine o'clock A. M.  
Standard Time, for the purpose of performing the duties of our  
appointment.

S. E. DICKEY,

MAHLON J. BAUMGARDNER,

PHILIP E. CAULFIELD.

VIEWERS.

NOW May 15 1922, I accept service of the within and above notice  
to view for the Supervisors of the Township of Upper Yoder.

*Frank P. Barshack*  
Counsel, Supervisors Upper Yoder Township.

In re Vacating and Supplying  
of a Public Road in the Town-  
ship of Upper Yoder, Cambria  
County, Penn'a. beginning  
at a point opposite the  
dwelling of Henry Miller leading  
from Millcreek Road to Roxbury, etc.

In the Court of Quarter  
Sessions of Cambria County, Pa.  
No. 4 March Term 1922.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of vacating and supplying a road in the Township of Upper Yoder, County and State aforesaid, beginning at a point opposite dwelling of Henry Miller on the highway leading from Millcreek Road to Roxbury, distant from the nearest intersecting highway known as the Elim Road 2640 feet and ending on the Millcreek Road opposite intersection of Millcreek Road and Morrellville Road, will meet at the dwelling of Henry Miller, the place of beginning on the 24th., day of May A. D. 1922 at nine o'clock A. M. Standard Time, for the purpose of performing the duties of our appointment.

B. E. DICKEY,

MAHLON J. BAUMGARDNER,

PHILIP E. GAULFIELD.

VIEWERS.

NOW, May 07 1922, I accept service of the above notice to view for the Petitioners praying for said road.



In re Vacating and Supplying  
of a Public Road in the Town-  
ship of Upper Yoder, Cambria  
County, Penn'a. beginning  
at a point opposite the  
dwelling of Henry Miller leading  
from Millcreek Road to Roxbury, etc.

In the Court of Quarter  
Sessions of Cambria County, Pa.  
No. 4 March Term 1922.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court  
to view for the purpose of vacating and supplying a road in the  
Township of Upper Yoder, County and State aforesaid, beginning  
at a point opposite dwelling of Henry Miller on the highway leading  
from Millcreek Road to Roxbury, distant from the nearest inter-  
secting highway known as the            ad 2640 feet and ending on the  
Millcreek Road opposite inter- section of Millcreek Road and Morrell-  
ville Road, will meet at the dwelling of Henry Miller, the place  
of beginning on the 24th., day of May A. D. 1922 at nine o'clock  
A. M. Standard Time, for the purpose of performing the duties of  
our appointment.

S. E. DICKEY,

MAHLON J. BAUMGARDNER,

PHILIP E. CAULFIELD.

VIEWERS.

VIEWERS' NOTICE—In re vacating  
and supplying of a public road  
in the Township of Upper Yoder,  
Cambria County, Pennsylvania, be-  
ginning at a point opposite the dwell-  
ing of Henry Miller, leading from  
Millcreek Road to Roxbury, etc. In  
the Court of Quarter Sessions of Cam-  
bria County, Pa. No. 4 March Term,  
1922.

NOTICE TO VIEW.

We, the undersigned Viewers, ap-  
pointed by the above Court to view  
for the purpose of vacating and sup-  
plying a road in the Township of  
Upper Yoder, County and State afore-  
said, beginning at a point opposite  
dwelling of Henry Miller on highway  
leading from Millcreek Road to Rox-  
bury, distant from the nearest inter-  
secting highway known as the Elim  
Road 2640 feet and ending on the  
Millcreek Road opposite intersection  
of Millcreek Road and Morrellville  
Road, will meet at the dwelling of  
Henry Miller, the place of beginning,  
on the 24th day of May, A. D. 1922, at  
9 o'clock A. M., Standard Time, for  
the purpose of performing the duties  
of our appointment.

S. E. DICKEY,  
MAHLON J. BAUMGARDNER,  
PHILIP E. CAULFIELD,

Viewers.