

In re Public Road in Upper Yoder Township, beginning at point of Millcreek Road and extending to Luzerne Street Extension in Cambria County, Penna.

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

No. 5 March Sessions, 1924.

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 purpose of laying out a public road leading from a point on the Millcreek Road, a public road sometimes known as the Menoher Highway to the Luzerne Street Extension, being an intersecting public road or street already opened, in the Township of Upper Yoder, County of Cambria and State of Pennsylvania, 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, in the Johnstown Tribune and by handbills posted on the premises and by Notice served on the Commissioners of Cambria County and upon Frank P. Barnhart, Esq., Attorney for the Petitioners and upon the Supervisors of Upper Yoder Township, all of whom accepted service, at least ten days prior to the time of making of said View, evidence of which is shown by copies of the said Notices hereto attached and made a part of this report; that we met upon the premises according to notice given on Wednesday, February 20th., 1924 at 10 o'clock A. M. 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 at the intersection of North Avenue and the Northerly side of the Millcreek Road a distance of 1817.0 feet westwardly from the intersection of Luzerne Street Extension; thence by North Avenue North Twenty-six (26°) degrees Thirty-eight ($38'$) minutes East 190.0 feet; thence North Fifty-two (52°) degrees eight ($8'$) minutes East 423.0 feet; thence North Thirty (30°) degrees Twenty-one ($21'$) minutes East 978.0 feet to the center line of Hester Street; thence by Hester Street and through lot of William Palliser North Forty-nine (59°) degrees Thirty-nine ($39'$) minutes West 401.0 feet to the center line of South Avenue; thence by South Avenue South Thirty (30°) degrees Twenty-one ($21'$) minutes ^{West} 1506.51 feet; thence South Twenty-four (24°) degrees Fifty-six ($56'$) minutes West 134.95 feet to the intersection of the northerly side of the Millcreek Road to the place of ending; said place of ending being 1070.0 feet westwardly along the northerly side of the Millcreek Road from its intersection with Luzerne Street Extension, said location as laid out being colored green on map showing Plot # 1 laid out by Christopher Palliser in Upper Yoder Township, Cambria County, Pa., by S. E. Dickey and Company, August 13, 1907, being properly acknowledged and recorded, attached hereto and made a part hereof.

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 but we were unable to obtain releases, we therefore assess no benefits and further assess no damages to said owners. We do however assess no benefits and assess damages in the sum of NINE HUNDRED (\$900.00) Dollars to William Palliser the owner of a certain lot fifty feet wide and one hundred seventy-five feet long which will be appropriated by the Supervisors of the Township of Upper Yoder, Cambria County, Pennsylvania in the laying out of said road. That we are of the opinion that the damages as shown are due and should be paid to William Palliser as his interest may appear by the Supervisors of the Township of Upper Yoder, County and State aforesaid.

We attach hereto and make a part of this report a plot or draft of the proposed road giving the courses and distances laid out and returned for public use.

WITNESS our hands this 1st. day of March A. D. 1924.

J. E. Drisk
Lipon Tomb
Maple & Baumgardner
Viewers.

In re Public road in Upper Yoder Township, beginning at point of Millcreek Road and extending to Luzerne Street Extension in Cambria County, Pa.

In the Court of Quarter Sessions of Cambria County, Penna. No. 5 March Sessions 1924.

TO MAHLON J. BAUMGARDNER, S. E. DICKEY
and DIXON TOMB, DRS.

To Mahlon J. Baumgardner, Dr.

Order to View	.90
Preparing Notices to View	7.50
Stenographer and Stationery	3.50
Posting Notices of View	7.50
Mileage	.40
Advertising Notice to View Tribune	5.50
Making View	7.50
Mileage	.40
Data in re damages and property owners	7.50
Data and Preparing Report	7.50
Stenographer and Stationery	3.50
	<hr/>
	\$51.70

MAR 3 1924 CERTIFIED

To S. E. Dickey, Dr.

Making View	7.50
Mileage	.40
Data and Preparing Plans	7.50
3 linen Blueprints	4.75
Data in re damages and property owners	7.50
	<hr/>
	\$27.65

MAR 3 1924 CERTIFIED

To Dixon Tomb, Dr.

Making View	7.50
Mileage	.40
Data in re Damages and property owners	7.50
	<hr/>
	\$15.40

MAR 3 1924 CERTIFIED

In re Public Road in Upper
Yoder Township, beginning at
point on the Hillerock Road
and extending to Lanesville Street
Extension, Cambria County, Penna.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 3 March Sessions, 1934.

ORDER TO VIEW.

Do, the undersigned Viewers, appointed by the above Court to
view for the purpose of supplying a public road beginning at a point
on the Hillerock Road within the following courses and distances:-
North 20° 30' East; North 81° 00' East; North 30° 12' East; North 80°
30' West; South 80° 11' West to the aforesaid Hillerock Road, the
center line of the proposed road where its intersection the Hillerock
Road being 937.98 feet from the Lanesville Street Extension, will
meet on the premises on Wednesday, February 29th, A. D. 1934 at
10 o'clock A. M. for the purpose of performing the duties of our
appointment.

WILLIAM S. DAVIS, Viewers,

O. W. BISHOP,

DEWEY TOLB,
Viewers.

February 9, 1934.

VIEWERS' NOTICE—In re public road in Upper Yoder Township, beginning at point on Millcreek road and extending to Luzerne Street Extension in Cambria County, Pennsylvania. In the Court of Quarter Sessions of Cambria County, Pennsylvania. No. 5 March Sessions, 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of supplying a public road beginning at a point on the Millcreek road taking the following courses and distances: North 28° 38' east; north 52° 08' east; north 30° 21' east; north 52° 39' west; south 30° 21' west to the aforesaid Millcreek road, the center line of the proposed road where it intersects the Millcreek road being 987.95 feet from the Luzerne Street Extension, will meet on the premises on Wednesday, February 20, A. D. 1924, at 10 o'clock a. m., for the purposes of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,
S. E. DICKEY,
DIXON TOMB,
February 8, 1924.

Viewers.

In re Public Road in Upper
Yoder Township, beginning at
point on Millcreek Road and
extending to Luzerne Street
Extension in Cambria County,
Penna.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 5 March Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of supplying a public road beginning at a point on the Millcreek Road taking the following courses and distances: North 26°38' East; North 52° 08' East; North 30° 21' East; North 59° 39' West; South 30° 21' West to the aforesaid Millcreek Road, the center line of the proposed road where it intersects the Millcreek Road being 987.95 feet from the Luzerne Street Extension, will meet on the premises on Wednesday, February 20th. A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

S. E. DICKEY,

DIXON TOMB,

February 8, 1924.

Viewers.

And now February, 12, 1924, I hereby accept service of the above Notice to View for the Commissioners of Cambria County.

D. S. Kirkhead
Chief Clerk.

In re Public Road in Upper
Yoder Township, beginning at
point on the Millcreek Road
and extending to Luzerne Street
Extension, Cambria County, Penna.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 5 March Sessions, 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to
view for the purpose of supplying a public road beginning at a point
on the Millcreek Road taking the following courses and distances:-
North 26° 38' East; North 52° 08' East; North 30° 21' East; North 59°
39' West; South 30° 21' West to the aforesaid Millcreek Road, the
center line of the proposed road where it intersects the Millcreek
Road being 987.95 feet from the Luzerne Street Extension, will
meet on the premises on Wednesday, February 20th. A. D. 1924 at
10 o'clock A. M. for the purpose of performing the duties of our
appointment.

MAHLON J. BAUMGARDNER,
S. E. DICKET, Y,
DIXON TOMB,
Viewers.

February 8, 1924.

And now February, 1924, I hereby accept service of the
above Notice to View as Counsel for Petitioners.

W. R. P. Bunker
atty for Petitioners

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 February A. D. 192⁴, 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 on line of Millcreek Road, a public road sometimes known as the Mencher Highway, said point, which is here given as the center line of the proposed road, being ~~exactly Eight Hundred and Eight and Three Hundredths (808.03) feet~~ to Luzerne Street Extension, said Luzerne Street Extension being an intersecting public road or street already open. That said proposed road, as your petitioners desire it to extend, takes the following courses continuing from the aforesaid point: ~~North 26° 38' East; North 52° 08' East; North 30° 21' East; North 59° 39' West; South 30° 21' West~~ to the aforesaid Millcreek Road or Mencher Highway, the center line of said proposed road as it intersects with said Millcreek Road, as above stated, being exactly ~~Nine Hundred and Eighty-seven and Ninety-five hundredths (987.95) feet~~ from the aforesaid Luzerne Street Extension; said Millcreek Road, Luzerne Street Extension and the course desired by your petitioners to be taken by the said proposed road following the courses as above given, being more fully shown and set forth on Blue Print showing Plot No. 1 laid out for Christopher Talliser in Upper Yoder Township, Cambria County, Pennsylvania by S. E. Dickey and Co., August 13, 1907; said Blue Print identified as "7-A48" and which is hereto attached, made part hereof and marked "Exhibit A". The Course of said proposed road is indicated on the said map in green and designated North Avenue a portion of Hester Street, and South Avenue; and also a small course lying between the termination of said Hester Street and South Avenue.

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 J. Baumgardner and Dixon Tomb

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:
Franklin E. Pugh, 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, and 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. 5, March, SESSIONS, 1924

Order to view public road

in Township of Upper Yoder

beginning at a point on the

Millcreek Road and extending

to Luzerne Street Extension

Viewers

Mahlon J. Baumgardner

S. E. Dickey

Dixon Tomb

Clerk Robb 90 cts.

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

No. 5 March Sessions 1924.

In re Public road in
Upper Yoder Township, beginning
at point of Hillcreek
Road and extending to Luzerne
Street Extension in Cambria
County, Penna.

REPORT OF VIEWERS.

Filed 3 March 1924

MAR 8 1924 CERTIFIED

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

10 March 1924 Approved and heard the fixed at forty fee
By the Court
E

In re Public Road in Upper Yoder Township, beginning at point of Millcreek Road and extending to Luzerne Street Extension in Cambria County, Penna.

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

No. 5 March Sessions 1924.

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 purpose of laying out a public road leading from a point on the Millcreek Road, a public road sometimes known as the Menoher Highway to the Luzerne Street Extension, being an intersecting public road or street already opened, in the Township of Upper Yoder, County of Cambria and State of Pennsylvania, 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, in the Johnstown Tribune, in the Cambria County Legal Journal and by handbills posted on the premises and by notice served on the Commissioners of Cambria County and upon Frank B. Barnhart, Attorney for the Supervisors of Upper Yoder Township, all of whom accepted service, at least ten days prior to the time of making said View., evidence of which is shown by copies of the said Notices hereto attached and made a part of this report; that we met upon the premises according to notice given on Tuesday, August 19th. A.D. 1924 at 10 o'clock A. M. 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 at the intersection of North Avenue and the northerly side of the Millcreek Road a distance of 1817.0 feet westwardly from the intersection of Luzerne Street Extension thence by North Avenue North Twenty-six (26°) degrees, Thirty-eight (33') minutes East 190.0 feet; thence North Fifty-two (52°) degrees eight (3') minutes East 420.0 feet; thence North Thirty (30°) degrees Twenty-one (21') minutes East 973.0 feet to the centre line of Nester Street; thence by Nester Street and through lot of William Palliser North Fifty-nine (59°) degrees Thirty-nine (39') minutes West 401.0 feet to the centre line of South Avenue; thence by South Avenue South Thirty (30°) degrees Twenty-one (21') minutes West 1506.51 feet; thence South Twenty-four (24°) degrees Fifty-six (56') minutes West 134.95 feet to the intersection of the northerly side of the Millcreek Road to the place of ending; said place of ending being 1070.0 feet westwardly along the northerly side of the Millcreek Road from its intersection with Luzerne Street Extension, said location as laid out being colored green on map showing Plot # 1, laid out by Christopher Palliser in Upper Yoder Township, Cambria County, Pa., by G. E. Dickey and Company August 13, 1907, being properly acknowledged and recorded, attached hereto and made a part hereof.

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 but we were unable to obtain 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 re equivalent
to all damages which will be sustained by them.

Witness our hands this Twenty-third day of August, A. D. 1924

Adam Sherman

Mark J. Bannister

A. M. Shoemaker

Viewers.

In re Re-View of Public Road in Upper Yoder Township, beginning at point on the Hillcreek Road and extending to Luzerne Street Extension, Cambria County, Penna.

In the Court of Quarter Sess. of Cambria County, Penna. No. 5 March Sessions 1924.

TO HAZEL J. BAUMGARDNER, A. M. SHOEMAKER,

ADAM SHUMAN, Drs.

Mahlon J. Baumgardner, Dr.

Order to View.	.90
Data in re Order at Ebensburg	7.50
Preparing Notice to View.	7.50
Stenographer and Stationery	4.00
Posted Notices to View.	7.50
Mileage	.50
Making View	7.50
Mileage	.50
Preparing Report of Viewers	7.50
Stenographer and Stationery	3.50
Advertising Notice to View, Legal Journal,	4.50
Advertising Notice to View, Tribune	6.00
	<u>57.40</u>

CERTIFIED
Jacob M. Hoffman
 COUNTY CONTROLLER

CERTIFIED
Jacob M. Hoffman
 COUNTY CONTROLLER

Making View	7.50
Mileage	2.20
	<u>\$9.70</u>

A. M. Shoemaker, Dr.

Making View	7.50
Mileage	1.80
Engineering Work	30.00
2 Prints	1.50
	<u>40.30</u>

CERTIFIED
Jacob M. Hoffman
 COUNTY CONTROLLER

APPROVED FOR PAYMENT
[Signature]
[Signature]
 COMMISSIONERS

In re Laying our Public Road in Upper Yoder Township, beginning at a point on Millcreek Road and extending to Luzerne Street Extension and back again to Millcreek Road in Upper Yoder Township, Cambria County, Penna.

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

No. 5 March Sessions, 1924.

NOTICE TO RE-VIEW.

We, the undersigned Viewers, appointed by the above Court to re-view for the purpose of supplying a public road beginning at a point on line of Millcreek Road being the center line of the proposed road and being 808.03 feet to Luzerne Street Extension, said extension being an intersecting public road and ending on Millcreek Road, the centre line of proposed road as it intersects with Millcreek Road as its ending being 987.95 from Luzerne Street extension aforesaid, will meet on the premises on Tuesday August 19th., A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUNGARDNER,

ADAM SHUMAN,

A. H. SHOEMAKER,

Viewers.

August 8, 1924.

And now August, 12, 1924, I hereby accept service of the within Notice to Re-View for the Commissioners of Cambria County.


Chief Clerk County Commissioners.

Barnhart

In re Laying out Public Road in Upper Yoder Township, beginning at a point on Millcreek Road and extending to Luzerne Street Extension and back again to Millcreek Road in Upper Yoder Township, Cambria County, Penna.

In the Court of Quarter Sessions of Cambria County, Pa. No. 5 March Sessions, 1924.

NOTICE TO RE-VIEW.

We, the undersigned Viewers, appointed by the above Court to re-view for the purpose of supplying a public road beginning at a point on line of Millcreek Road being the centre line of the proposed road and being 808.03 feet to Luzerne Street extension, said extension being an intersecting public road and ending on Millcreek Road, the centre line of proposed road as it intersects with Millcreek Road as its ending being 987.95 feet from Luzerne Street extension aforesaid, will meet on the premises on Tuesday, August 19th., A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAULGARDNER.

ADAM SHULIAN,

A. H. SHOEMAKER,

Viewers.

August 3, 1924.

And now August 12, 1924 I hereby accept service of the above Notice for Re-View as Counsel for petitioners.

Frank P. Barnhart

In re laying out of Public Road in Upper Yoder Township, beginning at a point on Millcreek Road and extending to Luzerne Street Extension and back again to Millcreek Road in Upper Yoder Township, Cambria County, Penna.

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

No 5 March Sessions, 1924.

NOTICE TO RE-VIEW.

We, the undersigned Viewers, appointed by the above Court to re-view for the purpose of supplying a public road beginning at a point on line of Millcreek Road being centre line of the proposed road and being 808.03 feet to Luzerne Street extension, said extension being an intersecting public road and ending on Millcreek Road, the centre line of proposed road as it intersects with Millcreek Road as its ending being 987.95 feet from Luzerne Street extension aforesaid, will meet on the premises on Tuesday, August 19th., A.D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUFGARDNER,


ADAM SHUMAN,

A. H. SHOELAKER,

Viewers

August 8, 1924.

And now August 11, 1924, I hereby accept service of the above Notice for Re-View for the Supervisors of Upper Yoder Township.


Secretary Board of Supervisors
Upper Yoder Township.

In so legia out of Public Road in
Upper Town Community, beginning at a
point on Millbrook Road and extending
to Masons Street Extension and back
again to Millbrook Road in Upper Town
Community, Middle County, Penn.

In the Court of Superior Sessions
of Middle County, Penn.

No. 63rd Session, 1934.

REPORT OF VISITORS.

No. the undersigned Visitors, appointed by the above Court to
re-view for the purpose of supplying a public road beginning
at a point on line of Millbrook Road being centre line of the pro-
posed road and being 333.43 feet to Masons Street extension, said
extension being an intersecting public road and ending on Millbrook
Road, the centre line of proposed road as it intersects with Mill-
brook Road as its ending being 337.04 feet from Masons Street
extension aforesaid, will meet on the bench on Tuesday, August
14th., A.D. 1934 at 10 o'clock A.M. for the purpose of performing
the duties of our appointment.

WILLIAM J. BULLOCK,

JOHN W. WATSON,

A. J. WILSON,

VISITORS

August 14, 1934.

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10-11

VIEWERS' NOTICE—In re laying out public road in Upper Yoder Township, beginning at a point on Millcreek road and extending to Luzerne Street Extension and back again to Millcreek road in Upper Yoder Township, Cambria County, Pa. In the Court of Quarter Sessions of Cambria County, Pennsylvania. No. 5 March Sessions, 1924.

NOTICE TO RE-VIEW.

We, the undersigned Viewers, appointed by the above Court to re-view for the purpose of supplying a public road beginning at a point on line of Millcreek road, being the center line of the proposed road and being 808.03 feet to Luzerne street extension, said extension being an intersecting public road and ending on Millcreek road, the center line of proposed road as it intersects with Millcreek road as its ending being 987.95 feet from Luzerne street extension aforesaid, will meet on the premises on Tuesday, August 19, A. D. 1924, at 10 o'clock a. m., for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,
ADAM SHUMAN,
A. M. SHUMAKER,
August 8, 1924.

Viewers.

NOTICE

In re Laying out Public Road in Upper Yoder Township, beginning at a point on Millcreek Road and extending to Luzerne Street Extension and back again to Millcreek Road in Upper Yoder Township, Cambria County, Pa. In the Court of Quarter Sessions of Cambria County, Pa. No. 5 March Sessions, 1924.

NOTICE TO RE-VIEW

We, the undersigned Viewers, appointed by the above Court to re-view for the purpose of supplying a public road beginning at a point on line of Millcreek Road being the center line of the proposed road and being 808.03 feet to Luzerne Street extension, said extension being an intersecting public road and ending on Millcreek Road, the center line of proposed road as it intersects with Millcreek Road as its ending being 987.95 feet from Luzerne Street extension aforesaid, will meet on the premises on Tuesday, August 19th, A. D. 1924, at 10 o'clock A. M., for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner,
Adam Shuman,
A. M. Shoemaker,

August 8, 1924.

Viewers.

8-8-24.

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 3rd day of June A. D. 1924, 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 ~~the petitioners have~~ ~~ventured for want of a~~ ~~road to be laid out~~

a road has been lately laid out by order of court, beginning at a point on line of Millcreek Road, a public road sometimes known as the Menoher Highway; said point being the center line of the proposed road and being exactly Eight Hundred Eight and Three Hundredths (808.03) feet to Luzerne Street extension, said Luzerne Street extension being an intersecting public road or street already open; and ending on the aforesaid Millcreek Road or Menoher Highway; the center line of said proposed road as it intersects with the said Millcreek Road at its ending, as above stated, being exactly Nine Hundred Eighty-seven and Ninety-five Hundredths (987.95) feet from the aforesaid Luzerne Street extension. That 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 shall pass.

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

Mahlon J. Baumgardner, Esq., surveyor, and

Adam Shuman and A. M. Shoemaker, Esq.

viewers, to re-view the ground proposed for said road, and if they re-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 E. Roth, 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. 5, March, SESSIONS, 1824

Order to re-view public road in

Upper Yoder Township.

Viewers

M. J. Baumgardner, Esq.

A. M. Shoemaker, Esq.

Adam Shuman

Clerk Robb 90 cts.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 5 March Sessions 1924.

In re Public road in Upper
Yoder Township, beginning
at point on Millcreek Road
and extending to Luferne
Street Extension in Cambria
County, Penna.

RECORD OF DECISION.

Filed 29 August 1924

Jacob M. Hoffman
COUNTY CONTROLLER

CERTIFIED

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

8 Sept. 1924 Approved and breadth fixed at forty feet.

By [Signature]

8 Dec. 1924 confirmed absolutely
Franko L. Robt. Clerk.



KNOW ALL MEN BY THESE PRESENTS, that we EMMA E. HURREL, of the Township of Upper Yoder, County of Cambria and State of Pennsylvania, and . . . L. J. WEIR, of the City of Johnstown, County of Cambria and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of FIFTY (50) DOLLARS, lawful money of the United States to be paid to the said Commonwealth or its certain attorney or assigns, to which payment well and truly to be made we do bind ourselves, our heirs, executors, and administrators and every of them firmly by these presents.

SEALED with our seals and dated the fourth day of February, 1924.

WHEREAS, a petition has been presented to the Court of Quarter Sessions of Cambria County, Penna., praying for the appointment of qualified persons to view the premises and to inquire into expediency of laying out a public road of the Township of Upper Yoder, in said County, which petition is to No. , March Sessions, 1924.

NOW THE CONDITION OF THIS OBLIGATION is such, that if the petitioners or any of them for said appointment of viewers shall pay the costs and expenses which shall be ordered and decreed, by the said Court of Quarter Sessions to be paid, then this obligation to be void; otherwise to be and remain in full force and virtue.

Signed, sealed and delivered in the presence of:

Lorence E. Squire

Emma E. Hurrel (SEAL)

L. J. Weir (SEAL)

(SEAL)

In the Court of Quarter
Sessions of Cambria Co. Pa.

In re laying out of Road in
Upper Yoder Township, Cambria
County, Penna.

B O N D

*Feb. 4 2 4 road
bond approved
By the Court
L.*

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

In re Laying Out Public Road in () In the Court of Quarter Sessions
the Township of Upper Yoder, : of Cambria County, Penna.
County of Cambria and State of :
Pennsylvania. () No. 5 March Term, 1924.

PETITION FOR RE-VIEW OF A PUBLIC ROAD

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

The Petition of the undersigned respectfully represents:

That they are inhabitants and supervisors of the said County of Cambria.

That a road has been lately laid out by order of court, beginning at a point on line of Millcreek Road, a public road sometimes known as the Menoher Highway; said point being the center line of the proposed road and being exactly Eight Hundred Eight and Three Hundredths (808.03) feet to Luzerne Street extension, said Luzerne Street extension being an intersecting public road or street already open; and ending on the aforesaid Millcreek Road or Menoher Highway; the center line of said proposed road as it intersects with the said Millcreek Road at its ending, as above stated, being exactly Nine Hundred Eighty-seven and Ninety-five Hundredths (987.95) feet from the aforesaid Luzerne Street extension. That 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 number and term of the original case is No. 5, March Term, 1924; and the number and page of the docket containing the record thereof is Road Docket, No. 6, Page 112.

Your Petitioners therefore pray your Honors to appoint proper persons to re-view the said road and parts adjacent, and make report to the Court according to law.

D.A. Wimmer
Edward L. Raab
A.E. Baume
Inhabitants of Upper Yoder Twp.
Cambria County, Pa.
D.A. Wimmer
Edward L. Raab
A.E. Baume
Supervisors of Upper Yoder Twp.
Cambria County, Pa.

STATE OF PENNSYLVANIA;
 : SS.
COUNTY OF CAMBERIA :

Personally appeared before me, a Notary Public in and
for said State and County, CONRAD L. RAAB one of the within
named Petitioners, who being duly sworn according to law, deposes and says
that the facts within set forth are true and correct.

Sworn and subscribed
before me this 2nd day
of June 1924.

Conrad L. Raab

Horace E. Squire
Notary Public

MY COMMISSION EXPIRES MAY 23, 1927

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 5 March Term, 1924.

In re Laying Out Public Road
in the Township of Upper
Yoder, County of Cambria and
State of Pennsylvania.

PETITION FOR RE-VIEW OF A
PUBLIC ROAD

Filed 24 July 1924.
O R D E R

Now, June 8, 1924, the within
Petition having been read and
considered *H. J. Barnhart* and
Adam Shuman and *A. M.*
Shuman Es. are appointed
re-viewers as within prayed for.

By this Court
E. J.

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

Johnstown, Pa.,

Mar. 27, 1924.

MR. FRANK C. ROEBB,
Clerk of Courts,
Ebensburg, Pa.

Dear Sir:

I am herewith enclosing Exceptions, in
re laying out of public road in the Township of
Upper Yoder, County of Cambria and State of Penn-
sylvania, beginning at a point on Millcreek Road
808.03 feet from Luzerne Street Extension and
ending on said Millcreek Road 987.95 feet from
said Luzerne Street Extension, entered to No.
5 March Sessions, which Exceptions I wish you
would please file.

Very truly yours,

Frank P. Barnhart

FES

In re laying out of public road in
the Township of Upper Yoder, County
of Cambria and State of Pennsylvania,
beginning at a point on Millcreek Road
808.03 feet from Luzerne Street
Extension and ending on said Millcreek
Road 987.95 feet from said Luzerne
Street Extension

In the Court of Quarter
Sessions of Cambria County, Pa.
No. 5 March Sessions, 1924

E X C E P T I O N S

Now, March 27, 1924 the Township of Upper Yoder, County of Cambria and State of Pennsylvania files the following exceptions in the above stated proceeding:

1. The report undertakes to assess damages in favor of William Palliser and against the Supervisors of the Township of Upper Yoder, County of Cambria and State of Pennsylvania, contrary to law.
2. The viewers are without authority or power to assess damages in this proceeding.
3. There was no evidence offered or heard to show the market value of the land of William Palliser for which damages were assessed.
4. This was not a proceeding to assess damages.
5. The viewers exceeded their power in assessing damages in this proceeding.
6. The report is irregular and not as required by law.

SUPERVISORS OF THE TOWNSHIP OF
UPPER YODER, COUNTY OF CAMBRIA AND
STATE OF PENNSYLVANIA

By Harold L. Raab
Secretary of the Board of
Supervisors

Frank P. Benham
Attorney for Supervisors of
Upper Yoder Township, Cambria
County, Pa.

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CAMBRIA

: SS.

Personally appeared before me a Notary Public in and for said state and county CONRAD L. RAAB, who being duly sworn according to law deposes and says that he is Secretary of the Board of Supervisors of the Township of Upper Yoder within named, that he as Secretary of said Board and Frank P. Barnhart as Attorney for said Board, have authority to sign the within Exceptions; and that the matters within set forth are true and correct.

Sworn and subscribed before me this 27th day of March, 1924.

Flourence E. Squire
Notary Public

My COMMISSION EXPIRES MAY 2, 1927.

Conrad L. Raab

In the Court of Quarter Sessions
of Cambria County, Pa.
No. 5 March Sessions, 1924

In re laying out of public road
in the Township of Upper Yoder
County of Cambria and State of
Pennsylvania, beginning at a
point on Millcreek Road 808.03
feet from Luzerne Street Extension
and ending on said Millcreek Road
987.95 feet from said Luzerne
Street Extension

E X C E P T I O N S

Filed 31 March 1924
F. P. Barnhart
clerk

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

COURT OF QUARTER SESSIONS

#5 March term 1924

Barnhart... In re. Petition to lay out public road begining atba point on line of Millcreek Road extending to Luzerne St. Extension, in Upper Yoder Township.

4 Feb. 1924 Petition for appointment of viewers filed
Now Feb. 4 1924, The within petition having been read and considered
M. J . Baumgardner, S. E. Dickey, and Dixon Tomb are appointed viewers as within prayed for.

By the Court---E---

5 Feb. 1924 Order to view issued.

4 Feb. 1924 Bond filed.

Feb. 4, 1924 within bond filed and approved.

By the Court-----E-----

3 Mar. 1924 Report of viewers filed.

10 Mar. 1924 Approved and breadth fixed at 40 ft.

By the Court -----E----

~~XX~~ 31 Mar. 1924 Exceptions filed.

24 July 1924 petition for re-view filed.

25 July 1924 Order to re- view issued.

Now June 3, 1924, The within petition having been read and considered
, M.J. Baumgardner , Adam Shuman, and A. M. Shoemaker are appointed viewers as within prayed for.

By the court----E-----

29 Aug. 1924 Report of re-viewers filed.

8 Sept. 1924~~XX~~ Approved and breadth fixed at 40 ft.

8 Dec. 1924 Confirmed absolutely

5 + 1000 W

In re Laying Out Public Road in	0	
the Township of Upper Yoder,	:	In the Court of Quarter Sessions
County of Cambria and State of	:	of Cambria County, Penna.
Pennsylvania.	0	

PETITION TO LAY OUT PUBLIC ROAD

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of the undersigned inhabitants and tax payers 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, said proposed public road beginning at a point on line of Millcreek Road, a public road sometimes known as the Mencher Highway, said point, which is here given as the center line of the proposed road, being exactly Eight Hundred and Eight and Three Hundredths (808.03) feet to Luzerne Street Extension, said Luzerne Street Extension being an intersecting public road or street already opened. That said proposed road, as your petitioners desire it to extend, takes the following courses continuing from the aforesaid point: North 26° 38' East; North 52° 08' East; North 30° 21' East; North 59° 39' West; South 30° 21' West to the aforesaid Millcreek Road or Mencher Highway, the center line of said proposed road as it intersects with said Millcreek Road, as above stated, being exactly Nine Hundred and Eighty-seven and Ninety-five hundredths (987.95) feet from the aforesaid Luzerne Street Extension; said Millcreek Road, Luzerne Street Extension and the course desired by your petitioners to be taken by the said proposed road following the courses as above given, being more fully shown and set forth on Blue Print showing Plot No. 1 laid out for Christopher Falliser in Upper Yoder Township, Cambria County, Pennsylvania by S. E. Dickey and Co., August 13, 1907; said Blue Print identified as "7-A-8" and which is hereto attached, made part hereof and marked "Exhibit A". The course of said proposed road is indicated on the said map in green and designated North Avenue, a portion of Hester Street, and South Avenue; and also a small course lying between the termination of

said Hester Street and South Avenue.

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

Harvey S. Given
James K. Brock
E. L. J. Updegraff
Mar. Grace A. Beedrick
Kate Higson
Mrs. Peter Kiffel
A. J. Harris
Margt. M. Kernan
Chas. E. Hurrel
John A. East
Wm. J. Mulvihill
P. J. Fletcher
Frank Palliser
William Palliser
George A. Faulmer
Fred W. Clafflin
Oliver Brant
Annie March
John Mulvihill
Pearl Fite
Albert G. Gault
James A. Mulvihill
A. G. Hoyle
James S. Edwards
Emma S. Hurrel
L. J. Weir

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CAMBRIA :

Personally appeared before me, a Notary Public in and for said state and county, EMMA E. HUPREL, one of the within named petitioners, who being duly sworn according to law, deposes and says that the matters within stated are true and correct, and that she was personally present and saw each of the within signers affix his or her signature to said Petition.

Sworn and subscribed before me this 4th day of February, 1924.

Emma E. Hurrel

Jessie S. Boyer

NOTARY PUBLIC
My Commission Expires April 4, 1925

Mar. 5 March Term 1924

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

In re Laying Out Public
Road in the Township of Upper
Yoder, County of Cambria and
State of Pennsylvania.

PETITION TO LAY OUT PUBLIC ROAD

ORDER

Now, February 4 1924, the
within Petition having been read
and considered *Mahlon Baugh*
and *A. E. Dickey*,
and *Dixie Trout*, are
appointed viewers as within prayed
for.

By the Court
L

Filed 4 February 1924.

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.



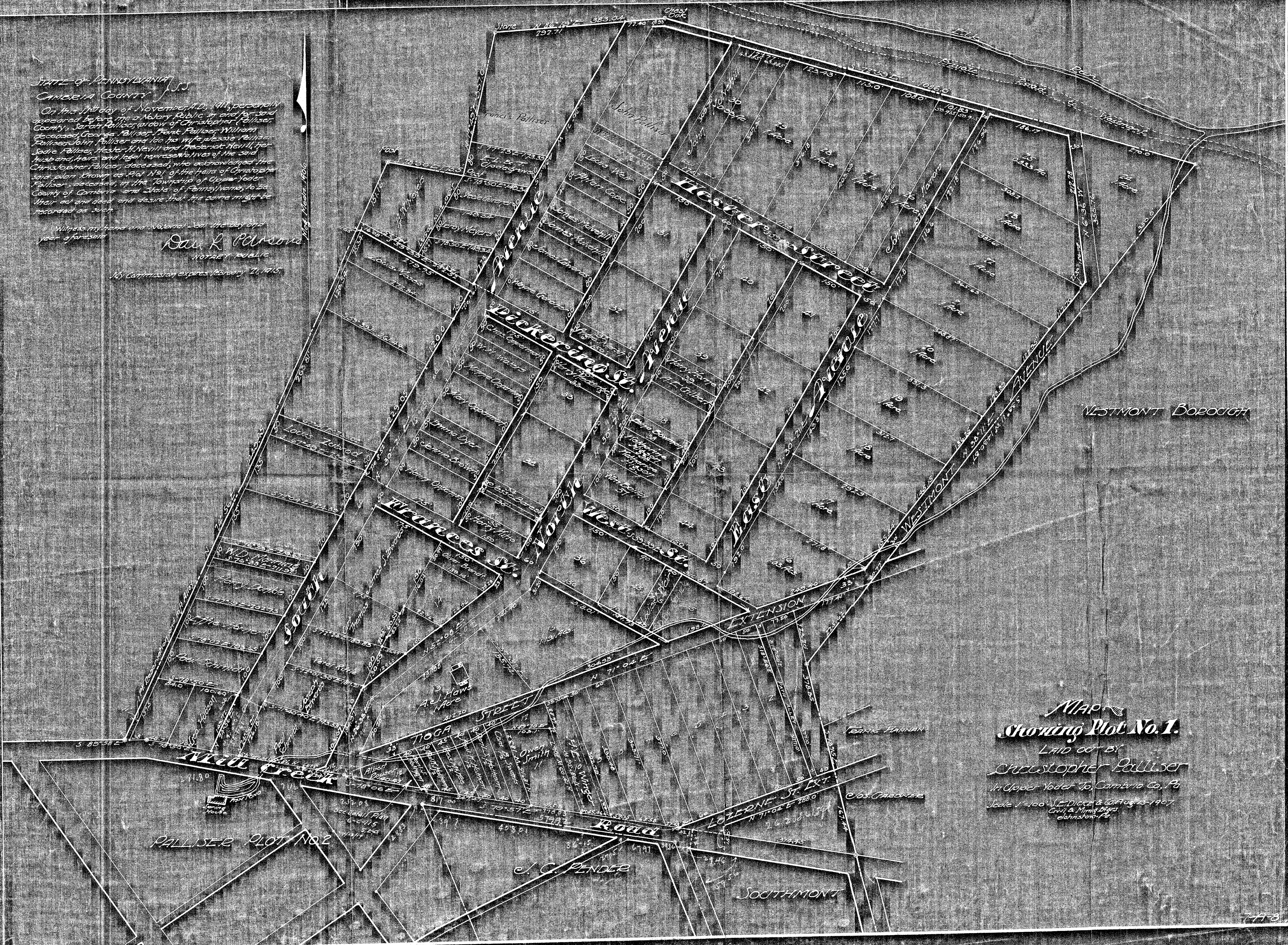
Sketch showing the location of a proposed new public road in Upper Yoder Township, Cambria County, Pennsylvania. Viewed Aug. 19th. 1924, upon an order of the Court of Quarter Sessions of Cambria County. A.M. Shoemaker, Adam Shuman and Mahlon J. Baumgardner, Viewers.

Not Microfilmed

STATE OF PENNSYLVANIA
CAMBRIA COUNTY

On the 14th day of November A.D. 1915, personally appeared before me a Notary Public in and for said County, *Christopher Palliser*, widow of *Christopher Palliser*, deceased, *George Palliser*, *Frank Palliser*, *William Palliser*, *John Palliser* and for the wife *Elizabeth Palliser*, *Sadie Palliser*, *Heater H. Nevill* and *Frederick Nevill*, the husbands, heirs and legal representatives of the said *Christopher Palliser*, deceased, who acknowledged the said plan known as *Plot No. 1* of the heirs of *Christopher Palliser*, deceased, in the Township of *Upper Yoder*, Cambria County of Cambria and State of Pennsylvania, to be their act and deed, and desire that the same might be recorded as such.

Witness my hand and seal the day and year aforesaid.
Sam L. Peterson
NOTARY PUBLIC
My Commission expires February 11, 1915.



MAP
Showing Plot No. 1.
Laid out by
Christopher Palliser
in Upper Yoder, Cambria Co., Pa.
Scale 1/400 J.C. Pender & Co. Aug. 15, 1915
J.C. Pender & Co.
Johnstown, Pa.

Not Microfilmed

STATE OF PENNSYLVANIA
CAMBRIA COUNTY

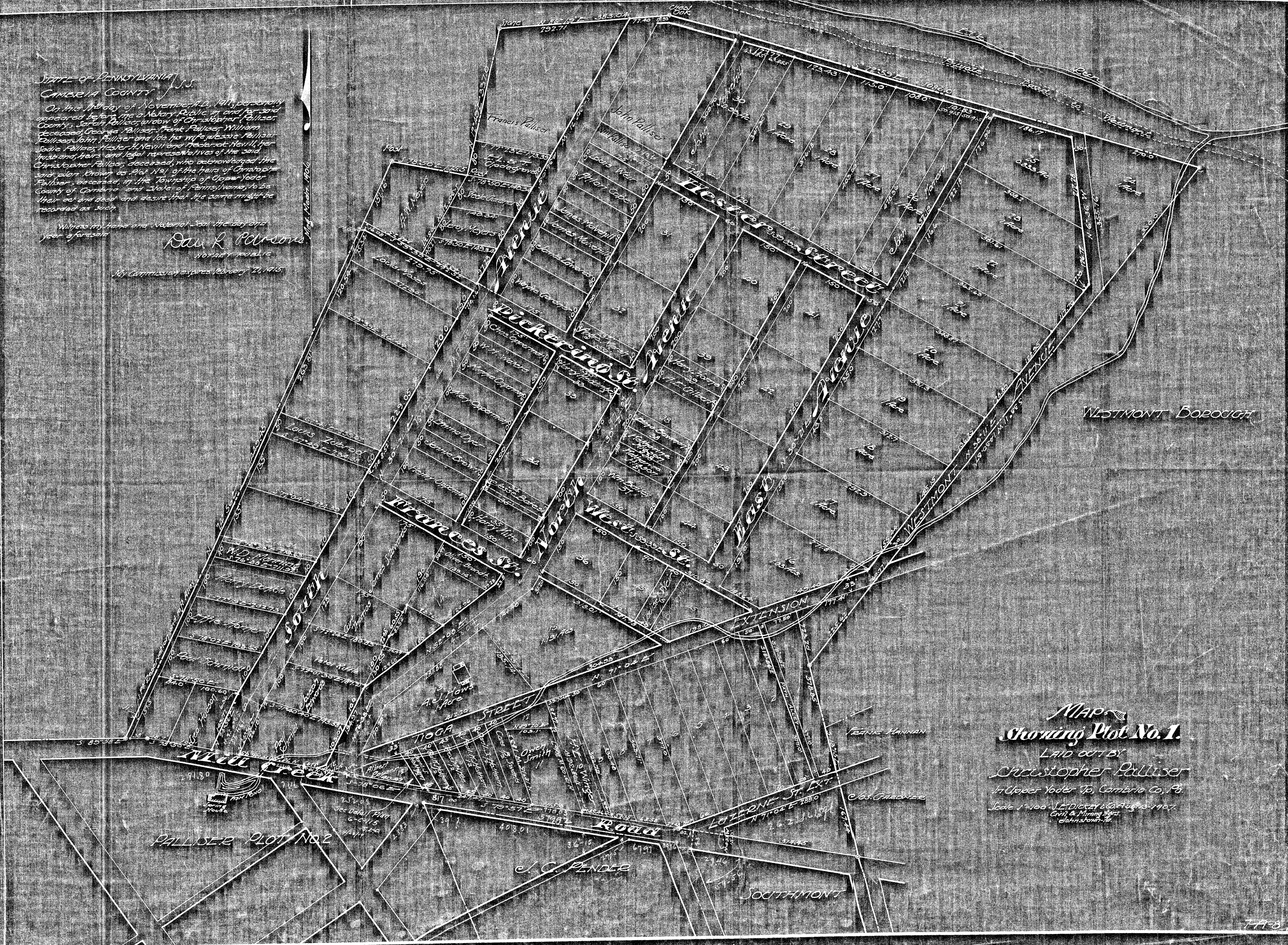
On this 14th day of November, 1915, I, J.S. personally appeared before me a Notary Public in and for said County, Sarah Palliser, widow of Christopher Palliser deceased, George Palliser, Frank Palliser, William Palliser, John Palliser and Ida his wife, Jesse William Palliser, Walter H. Nevill and Frederick Nevill, her husband, heirs and legal representatives of the said Christopher Palliser, deceased, who acknowledged the said plan known as Plot No. 1 of the heirs of Christopher Palliser, deceased, in the Township of Upper Yoder, County of Cambria and State of Pennsylvania, to be their act and deed and desire that the same might be recorded as such.

Witness my hand and Notarial Seal the day and year aforesaid.

Sam R. Parsons

Notary Public

My Commission expires February 21, 1915.



MAP
Showing Plot No. 1
LAID OUT BY
Christopher Palliser
in Upper Yoder Tp., Cambria Co., Pa.
Scale 1"=100' J.E. DICKEY & CO. AUG. 10, 1907.
Civil & Mining Engineers
Pittsburgh, Pa.

Not Microfilmed

RD#5

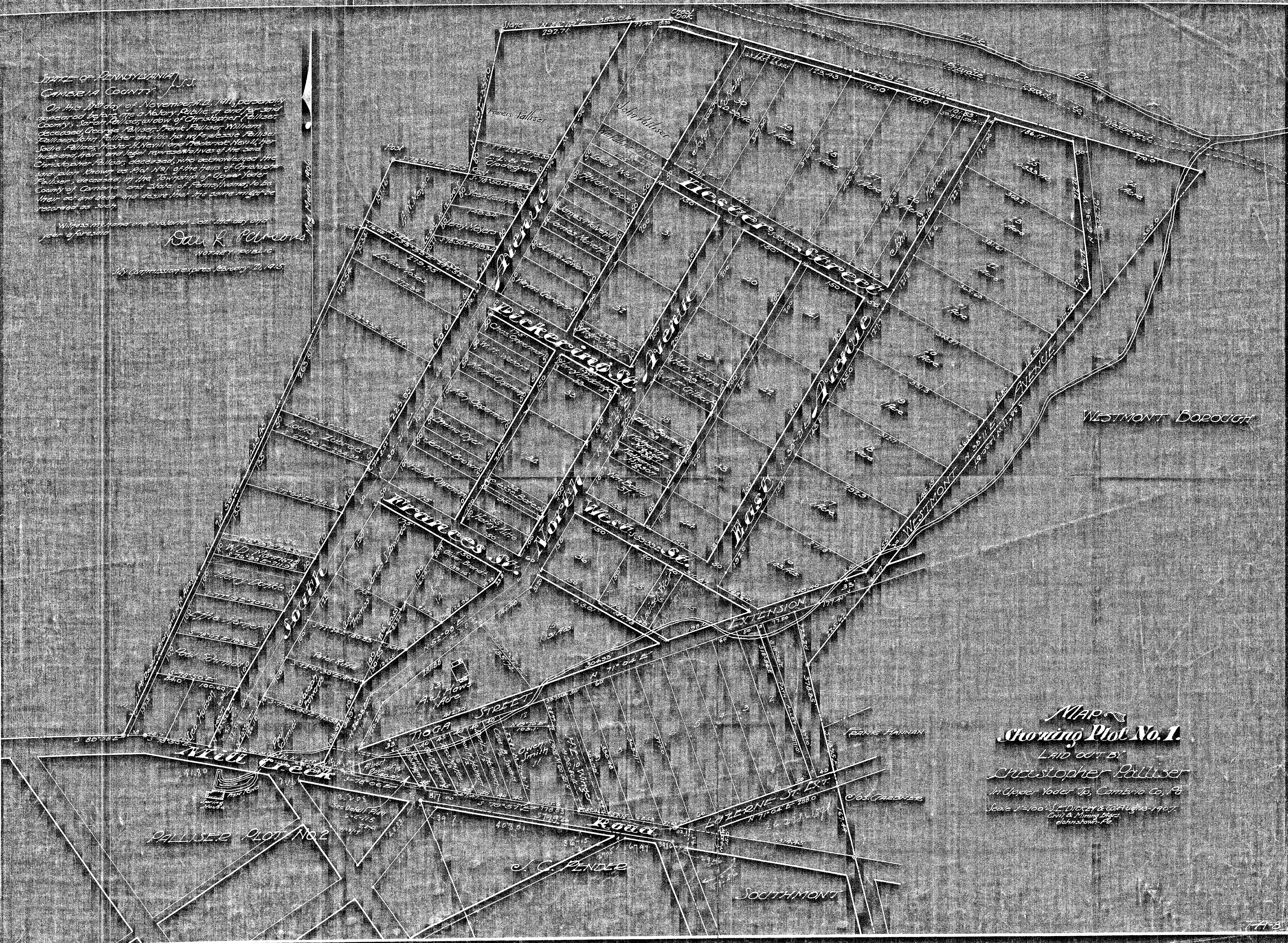
Mar. 1934

map # 5

STATE OF PENNSYLVANIA
CAMBRIA COUNTY

On this 14th day of November, 1915, personally appeared before me a Notary Public in and for said County, Sir Christopher Palliser, widow of Christopher Palliser deceased, George Palliser, Frank Palliser, William Palliser, John Palliser and his wife, Jessie Palliser, Sadie Palliser, Walter H. Nevill and Frederick Nevill, her husband, heirs and legal representatives of the said Christopher Palliser deceased, who acknowledged the said plan known as Plot No. 1 of the heirs of Christopher Palliser, deceased, in the Township of Upper Yoder, Cambria County of Cambria and State of Pennsylvania, to be their act and deed and desire that the same might be recorded as such.

Witness my hand and Notary Seal this day and year of aforesaid
Sam R. Parsons
 Notary Public
 My Commission Expires February 21, 1915.



MAP
Showing Plot No. 1.
 LAID OUT BY
 Christopher Palliser
 In Upper Yoder Twp, Cambria Co., Pa.
 Scale 1"=100'. S.C. Dickey & Co. August 13, 1907.
 Civil & Mining Engineers
 Johnstown, Pa.

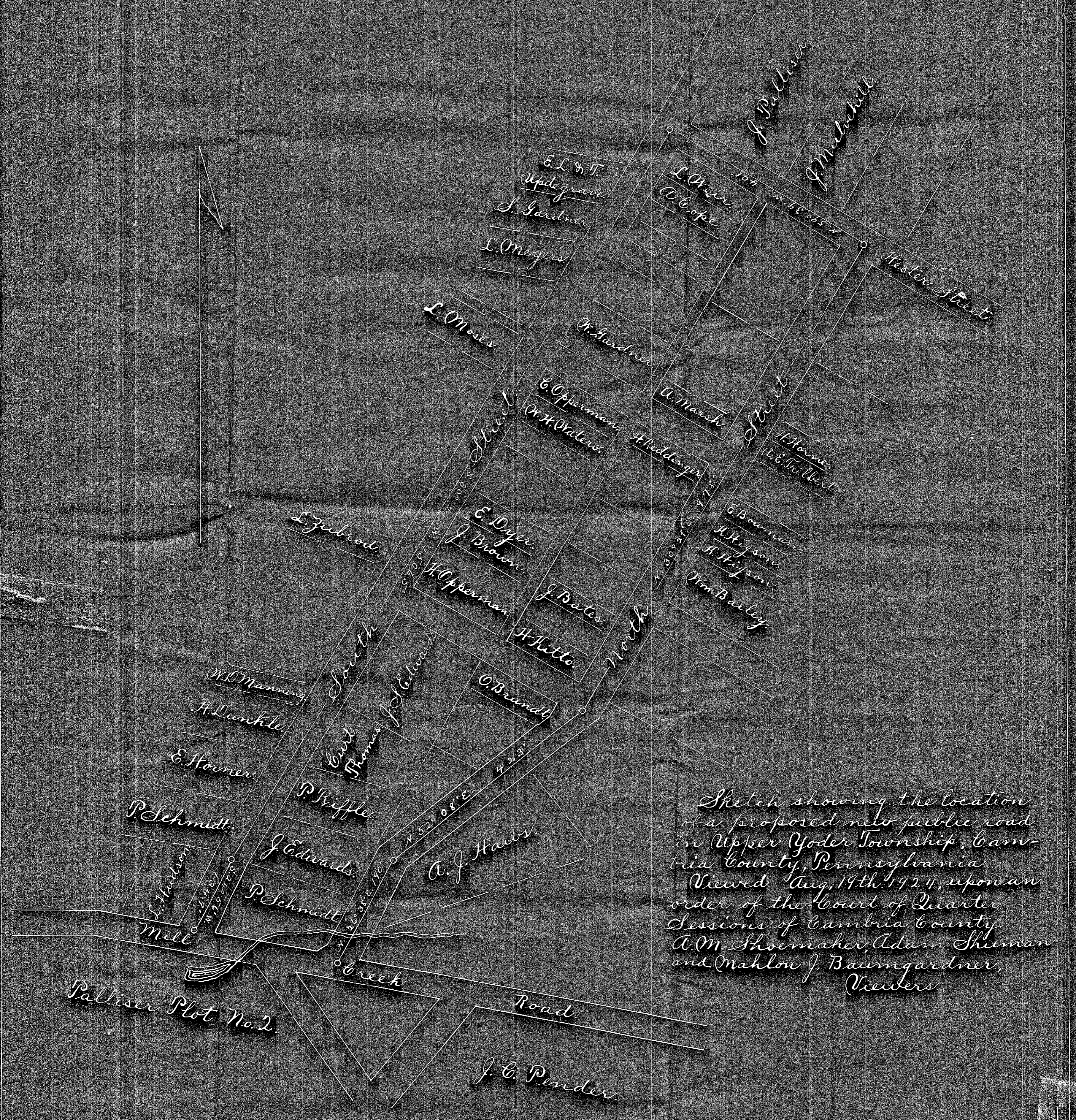
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RD#5

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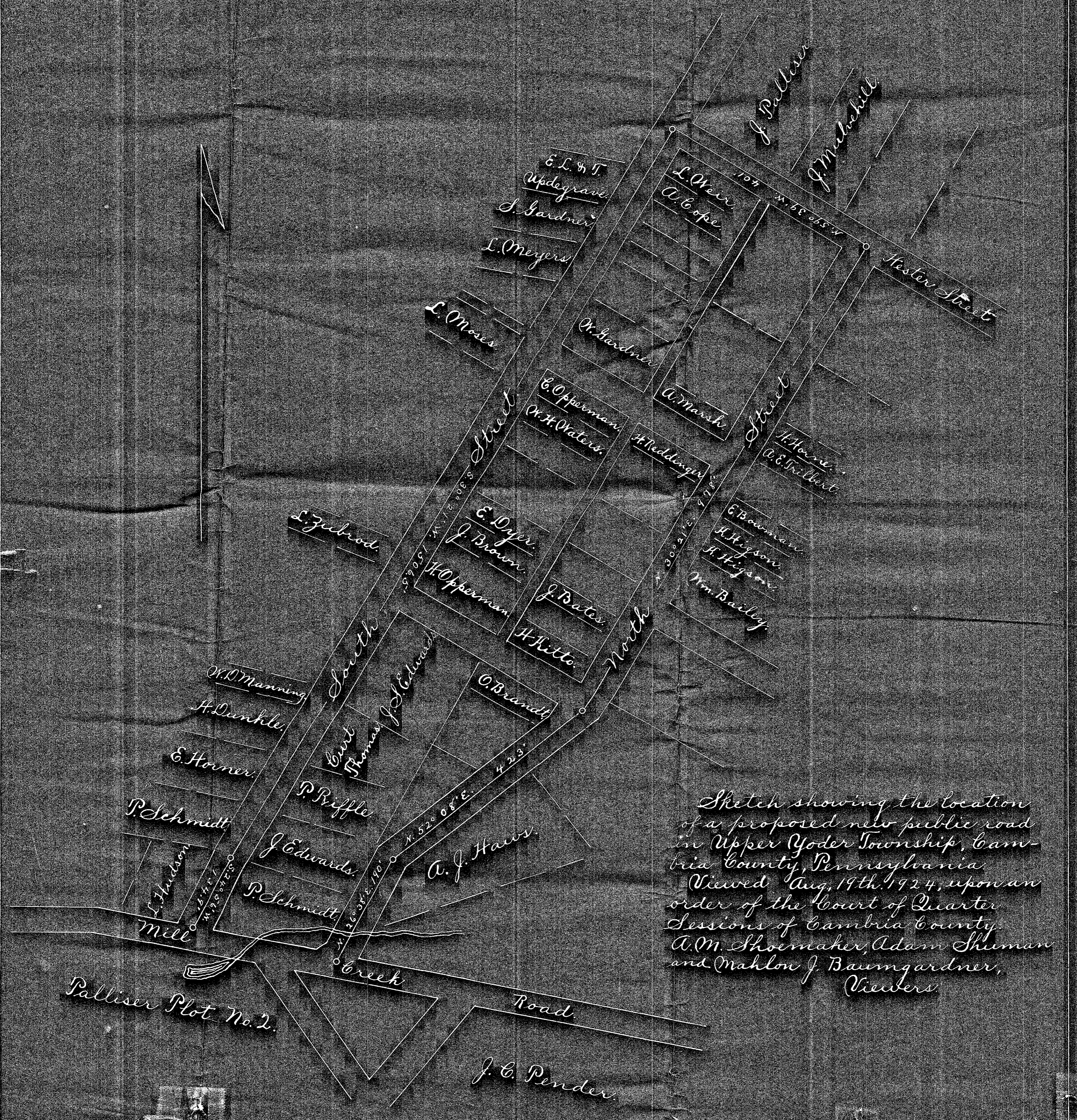
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Sketch showing the location
of a proposed new public road
in Upper Yoder Township, Cam-
bria County, Pennsylvania.
Viewed Aug. 19th. 1924, upon an
order of the Court of Quarter
Sessions of Cambria County,
A.M. Shoemaker, Adam Shuman
and Mahlon J. Baumgardner,
Viewers

Palliser Plot No. 2.

J. C. Pender.



Sketch showing the location of a proposed new public road in Upper Yoder Township, Cambria County, Pennsylvania. Viewed Aug. 19th, 1924, upon an order of the Court of Quarter Sessions of Cambria County. A.M. Shoemaker, Adam Shuman and Mahlon J. Baumgardner, Viewers.

STATE OF PENNSYLVANIA
CAMBERIA COUNTY

On this 11th day of November, A.D. 1911, personally appeared before me a Notary Public in and for said County, *Christopher Palliser*, widow of *Christopher Palliser*, deceased, *George Palliser*, *Frank Palliser*, *William Palliser*, *John Palliser* and his wife *Jessie Palliser*, *Sadie Palliser*, *Master H. Nevill* and *Master J. Nevill*, her husband and heirs and legal representatives of the said *Christopher Palliser*, deceased, who acknowledged the said plan known as *Plot No. 1* of the heirs of *Christopher Palliser*, deceased, in the Township of *Upper Yoder* County of *Cambria* and State of *Pennsylvania*, to be their act and deed and desire that the same might be recorded as such.

Witness my hand and Notarial Seal, the day and year aforesaid.

Sam R. Parsons
NOTARY PUBLIC

My Commission expires February 2, 1915.



MAP
showing Plot No. 1.
LAID OUT BY
Christopher Palliser
in Upper Yoder Twp, Cambria Co, Pa
Scale 1"=100' J. Dickey & Co. Aug. 13-1907.
Civil & Mining Engineers
Johnstown, Pa.

Not Microfilmed

RD# 5

Mar. 1924

#1