

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENN'S.

To the Honorable, the Judges of the above named court:

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

That they labor under great inconvenience for want of a public road or highway, BEGINNING at a point in the Center line of Marion Street, a public highway of the Borough of Southmont in said county, now open, one hundred forty-eight (148) feet westerly from its intersection with the Millcreek Road; ~~whence~~ ~~x by a line extending north from the center line of Marion Street, a public highway, in said township, now open, three hundred fifty (350) feet east from the intersection of said Millcreek Road, with the Miller Road, a public highway in said township, now open.~~ ~~and ending at a point on the Millcreek Road, a public highway, in said township, now open, three hundred fifty (350) feet east from the intersection of said Millcreek Road, with the Miller Road, a public highway in said township, now open.~~ and ending at a point on the Millcreek Road, a public highway, in said township, now open, three hundred fifty (350) feet east from the intersection of said Millcreek Road, with the Miller Road, a public highway in said township, now open.

Petitioners, therefore, prays the Court to appoint three persons qualified according to law, to view the ground proposed for said road, and if they see occasion, lay out the same and make report of their proceedings to the next term of court.

And they will ever pray, etc.

Wm. H. Benford  
John F. Henderson  
Geo. T. Jordan  
C. C. Hays  
R. L. Benford  
Ned F. Benford

Charles Salem  
J. Hassell  
Charles W. Berkeley  
Samuel N. Adams  
Mrs E. James  
Jonas J. Lyden  
William Palliser  
Frank Palliser  
George Palliser  
Sara Palliser  
J. M. Walker  
Frederick Newell  
W. Marshall  
N. C. Marshall  
E. M. de Boute  
Andrew A. Criston  
Jm Wolf  
Richard W. Pine  
Geo. E. Ferguson  
Louis B. Wolf  
Mrs C. H. Gregory  
W. A. Black  
John H. Redding  
E. C. Binger  
Joseph March

Mar. 7 March Sessions 1924

In the Court of Quarter  
Sessions of Cambria County  
Pennsylvania.

In the matter of public  
road in Upper Yoder Twp.  
Cambria County, Penn'a.

Filed 5 March 1924.

*Advised March 3rd  
1924 after due considera-  
tion of the petition,  
Maple J. Baumgardner, Esq.,  
S. E. Tickey, and Philip  
Crawfield, appointed  
By the Court*

**STEPHENS, STEPHENS & GLASS**  
ATTORNEYS AT LAW  
JOHNSTOWN, PA.  
SUITE 14 ALMA HALL

map #2

IN RE ESTABLISHMENT OF  
DISPUTED BOUNDARY LINE IN  
THE TOWNSHIPS OF UPPER YODER  
AND LOWER YODER, CAMBRIA COUNTY,  
PENNSYLVANIA.

Ø In the Court of Quarter  
:  
:  
:  
Ø Sessions of Cambria County, Penna.  
No. 7 March Session, 1924.

EXCEPTIONS OF THE SUPERVISORS OF UPPER YODER TOWNSHIP,  
CAMBRIA COUNTY, PENNSYLVANIA.

NOW, November 29, 1924, come the Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, by their attorney, Frank P. Barnhart, and excepts to the last report of yours filed in the above stated proceeding as follows:

(1) That the boundary line between the Township of Upper Yoder and the Lower Yoder Township, Cambria County, Pennsylvania, should be as follows: starting on the boundary line of the old Johnstown Borough at a point on the opposite side of the Stonyoreek River from the old Union Grave Yard, and at the big bend in the river and running a line north 87° 8' west to the stone pile on the top of Laurel Hill Mountain; this line leaves on the northern Lower Yoder Township side the following buildings: the Sunnehanna Country Club, the Bunk House of the Sunnehanna Country Club, and the Stone House of Clarence Campbell; and on the southern side, or in Upper Yoder Township, the following: the House and Barn on the Farm of the Bethlehem Steel Company occupied by Harvey Roberts, the house of Mrs. H. R. Greer, the Residence of Charles Hecker, the Residence of Jefferson Rowland, and the residence of Jacob Stutzman, and the Residence and Barn of Ford Johns, and the residence and barn of Fred Straub, and continuing on in the westerly direction to the above pile of rock on the Laurel Hill, as shown by print hereto attached and made part thereof.

Supervisors of Upper Yoder Township,  
Cambria County, Penna., by their  
attorney

*Frank P. Barnhart*

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CAMBRIA :

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 one of the Supervisors within named, and that the said Frank P. Barnhart is the attorney for the said Supervisors and has authority to sign the within said exceptions.

Sworn and subscribed before  
me this 29<sup>th</sup> day of  
November, 1924.

Conrad L. Raab

Horace E. Squire  
Notary Public

MY COMMISSION EXPIRES MAY 2, 1927

No. 7, March Session, 1924.

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

IN RE ESTABLISHMENT OF  
DISPUTED BOUNDARY LINE IN  
THE TOWNSHIPS OF UPPER YODER  
AND LOWER YODER, CAMBRIA  
COUNTY, PENNSYLVANIA.

*Filed 1 December 1924.*

LAW OFFICES OF  
**FRANK P. BARNHART**  
JOHNETOWN, PENNA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In re Establishment of Disputed  
Boundary Line between the Town-  
ships of Upper Yoder and Lower  
Yoder, Cambria County, Penna.

No. 7 March Sessions, 1924.

REPORT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:-

We, the undersigned Viewers appointed by the order of the above Court to ascertain and establish the Township line between the Township of Upper Yoder and the Township of Lower Yoder respectfully report:-

That we were duly sworn or affirmed as members of the permanent Board of Viewers as shown by the records of the Court, that due public notice of the time and place of meeting of the Viewers was given by publication in the Johnstown Tribune and the Cambria County Legal Journal and by notices posted along the Boundary line in dispute, copies of which are hereto attached and made a part of this report, and by notices to the Supervisors of Upper Yoder and Lower Yoder Townships and the Commissioners of Cambria County, all of whom have accepted service of said notice of View, which said acceptances are hereto attached and made a part of this report, at least ten days prior to the time of making the said view.

The original order of the Court dated December 31st. 1923 appointed Mahlon J. Baumgardner, L. R. Owen and Dixon Tomb, Viewers to view the disputed Boundary line between the Townships of Upper Yoder and Lower Yoder in the aforesaid County and State. On January 28th. A. D. 1924, L. R. Owen one of the above named Viewers having come into the employ of Cambria County so as to disqualify him as a Viewer, and a vacancy thereby occurring in said Board, A. M. Shoemaker, Esq. is appointed in his place and

stead signed " By the Court, Evans." The above order of the Court being an Extract from the Record, Certified thereto on the 28th. day of January A. D. 1924, by Frank C. Robb, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, which order is hereto attached and made a part of this report.

That the notices to view as posted, advertised and served have the name of L. R. Owen as one of the Viewers and said notices setting forth that the view would take place on Tuesday January 29th. A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment and by virtue of the fact that the said View as duly advertised to take place on January 29th. A. D. 1924 and the Honorable Court of Cambria County having made an order on January 28th. A. D. 1924 appointing and substituting A. M. Shoemaker, Esq, in place of L. R. Owen.

We, Mahlon J. Baumgardner, A. M. Shoemaker and Dixon Tomb met on the premises on Tuesday, January 29th. A. D. 1924 at 10 o'clock A. M. as originally advertised for the purpose of performing the duties of our appointment, Members of the Board of Supervisors of the Townships of Upper Yoder and Lower Yoder were present and rendered such assistance as they in their relative positions could render.

On March 3rd. A. D. 1924, Mahlon J. Baumgardner, one of the Viewers aforesaid, presented a petition to the Honorable Court setting forth, in the fourth paragraph, that the Board of Viewers and particularly the Engineer in the above view has been unable to make proper and careful survey of the said Boundary line in dispute because of the fact that the ground in that vicinity has been continuously covered with snow and ice to a considerable depth, making it a physical impossibility to locate and determine

certain monuments which are vital and absolutely necessary in determining a true and accurate boundary line in the above view and prayed the Honorable Court to extend the time of filing report of Viewers in the above proceeding to the First Monday of June A. D. 1924. And now March 3rd. A. D. 1924 it was ordered and decreed by the said Honorable Court that the time for filing Report of Viewers in the above proceeding is extended to the First Monday of June A. D. 1924.

That we investigated all the Court records carefully and having found the original papers as filed by the Commissioners on the Division of the Township of Yoder into Upper Yoder and Lower Yoder, filed June 9th. 1879, from which we ascertained the point of Beginning on the Division between Johnstown Borough and Yoder Township at Big Bend in Stonycreek nearly opposite the Old Union Graveyard, thence by new line marked on the ground through Yoder Township due West Five (5) miles Three Hundred Three (303) perches to a stone heap on the top of Laurel Hill and on the division line between Cambria County and Westmoreland County.

From which data we located the point of beginning by running in a Southwestwardly direction *along* the Northwestwardly side of Somerset Street (formerly Water Street) Three Hundred Fifty (350) feet from the intersection of the Westerly side of Napoleon Street with said Somerset Street, thence turning a right angle and extending our measurements Two Hundred Thirty (230) feet in a ~~Northwardly~~ Northwestwardly direction to the Big Bend in Stonycreek as referred to in the report of the Commissioners as filed June 9, 1879 above referred to. From which point of beginning we extended our line, allowing for the natural variation of the compass, South Eighty-seven (87°) degrees Forty-two (42') minutes West for a total distance of Thirty-one thousand Eight Hundred Twenty-four and five tenths (31,824.5) feet to said Westmoreland County line.

Establishing the point of beginning of the dividing line between the Township<sup>s</sup> of Upper Yoder and Lower Yoder on the Westerly line of the Borough of Westmont and extending the same thence to a post and markers on Westmoreland and Cambria County line.

Having the properties of the Sunnehanna Country Club, John Thomas, ~~Henry~~ Harris; and H. R. Rose to the Northerly side of said line ~~and~~ in Lower Yoder Township. The houses of L. L. Myers and \_\_\_\_\_ Straub and the property of William Slagle on the Southerly side of said line and in Upper Yoder Township, and other properties to the North and South of said line as indicated on the plot or draft hereto attached and made a part of this report.

WITNESS our hands this 29th. day of March A. D. 1924.

Dixon Tomb  
Mahlon J. Baumgardner  
A. M. Shoemaker

Viewers.

In re Establishment of Disputed  
Boundary Line between the Town-  
ships of Upper Yoder and Lower  
Yoder, Cambria County, Penna.

No. 7 March Sessions 1924.

IN ACCOUNT WITH MAHLON J. BAUMGARDNER, A. II.

SHOEMAKER and DIXON TOMB.

Mahlon J. Baumgardner, Dr.

Order to View	.90	
Prepared Notices for View	7.50	
Stenographer and Stationery	5.00	
Posted Notices in Upper Yoder Twp.	7.50	
Mileage	1.50	
Posted Notices in Lower Yoder Twp.	7.50	
Mileage	1.50	
Making View	7.50	
Auto hire	5.00	
Going over the ground (2 days)	15.00	
Mileage	1.50	
Prepared petition for Continuance	7.50	
Meeting in re Survey and data	7.50	
Preparing Report	7.50	
Stenographer and Stationery	3.50	
Advertising Notice to View, Cambria Co. Leg. Jr.	3.50	
Advertising Notice to View, Tribune	7.50	
		<u>\$97.40</u>

DIXON TOMB, Dr.

Making View	7.50	
Going over the ground (2 days)	15.00	
With surveyors (4 days)	30.00	
Mileage on view	1.50	
Milage with surveyors	3.20	
		<u>\$47. 20</u>

A. M. Shoemaker, Dr.

6 days	45.00	
Engineering Work	285.00	
Mileage (456 miles at 5¢ 11 trips)	22.80	
Auto hire from Johnstown (3 days)	18.00	
Helpers ( Chainmen & axmen) 8 days	120.00	
Prints	3.00	
		<u>\$493. 80</u>

*John Swartz*  
*A. M. Shoemaker*  
*A. M. Shoemaker*

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

In re Establishment of  
Disputed Boundary Line  
between the Townships of  
Upper Yoder and Lower Yoder,  
Cambria County, Penna.

No. 7 March Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of ascertaining and establishing of the true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Pennsylvania, extending from the Borough line of the Borough of Brownstown to the County line of the County of Westmoreland, will meet at the dividing line in the Borough of Brownstown on Tuesday January 29th. A. D. 1924 at 10 o'clock A. M., for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,


DIXON TOMB,

L. R. OWEN,

January 10, 1924.

Viewers.

And now January 21 1924, I hereby accept service of the above Notice to View for the Supervisors of Upper Yoder Township.

  
Secretary of Supervisors of  
Upper Yoder Township.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

In re Establishment of  
Disputed Boundary Line  
between the Townships of  
Upper Yoder and Lower Yoder,  
Cambria County, Penna.

No. 7 March Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of ascertaining and establishing of the true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Pennsylvania, extending from the Borough line of the Borough of Brownstown to the County line of the County of Westmoreland, will meet at the dividing line in the Borough of Brownstown on Tuesday January 29th. A. D. 1924 at 10 o'clock A. M., for the purpose of performing the duties of our appointment.

MAHLON J. BAUEGARDNER,

DIXON TOMB,

L. R. OWEN,

January 10, 1924.

Viewers.

And now January 15<sup>th</sup> 1924, I hereby accept service of the above Notice to View for the Supervisors of Lower Yoder Township.

John Luther  
Secretary of Supervisors Lower Yoder  
Township.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

In re Establishment of  
Disputed Boundary Line  
between the Townships of  
Upper Yoder and Lower  
Yoder, Cambria County, Penna./

No 7. March Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of ascertaining and establishing of the true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Pennsylvania, extending from the Borough line of the Borough of Brownstown to the County line of the County of Westmoreland, will meet at the dividing line in the Borough of Brownstown on Tuesday January 29th., A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

DIXON TOMB,

L. R. OWEN,

January 10, 1924.

Viewers.

And Now January 17, 1924, I hereby accept service of  
the above Notice to View for the Commissioners of Cambria County.

  
Chief Clerk.

**IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY,  
PENNSYLVANIA.**

In re Establishment of Disputed  
Boundary Line between the Town-  
ships of Upper and Lower Yoder,  
Cambria County, Pennsylvania.  
No. 7 March Sessions, 1924.

**NOTICE TO VIEW.**

We, the undersigned Viewers, ap-  
pointed by the above Court to view for  
the purpose of ascertaining and es-  
tablishing of the true and accurate  
boundary line between the Townships  
of Upper Yoder and Lower Yoder,  
Cambria County, Pennsylvania extend-  
ing from the Borough line of the Bor-  
ough of Brownstown to the County  
line of the County of Westmoreland,  
will meet at the dividing line in the  
Borough of Brownstown, on Tuesday,  
January 29th, A. D. 1924 at 10 o'clock  
A. M., for the purpose of performing  
the duties of our appointment.

Mahlon J. Baumgardner,  
Dixon Tomb,  
L. R. Owens, Viewers.

January 10, 1924. 1-11-3t

**LEGAL NOTICES**

**VIEWERS NOTICE**—In the Court  
of Quarter Sessions of Cambria  
County, Pennsylvania. In re estab-  
lishment of disputed boundary line  
between the Townships of Upper  
Yoder and Lower Yoder, Cambria  
County, Pennsylvania. No. 7 March  
Sessions, 1924.

**NOTICE TO VIEW.**

We, the undersigned Viewers, ap-  
pointed by the above Court to view  
for the purpose of ascertaining and  
establishing of the true and accurate  
boundary line between the Townships  
of Upper Yoder and Lower Yoder,  
Cambria County, Pennsylvania, ex-  
tending from the borough line of the  
Borough of Brownstown to the  
county line of the County of West-  
moreland, will meet at the dividing  
line in the Borough of Brownstown,  
on Tuesday, January 29, A. D. 1924,  
at 10 o'clock a. m., for the purpose  
of performing the duties of our ap-  
pointment.

MAHLON J. BAUMGARDNER,  
DIXON TOMB,  
L. R. OWEN,  
January 10, 1924. Viewers.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

In re Establishment of  
Disputed Boundary Line  
Between the Townships of  
Upper Yoder and Lower Yoder  
Cambria County, Pennsylvania.

No. 7 March Sessions, 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of ascertaining and establishing of the true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Pennsylvania, extending from the Borough line of the Borough of Brownstown to the County line of the County of Westmoreland, will meet at the dividing line in the Borough of Brownstown, on Tuesday January 29th. A. D. 1924 at 10 o'clock A. M., for the purpose of performing the duties of our appointment.

HAROLD J. BAILEYMASTER,

MARION TOEBS,

L. R. OWEN,

Viewers.

January 10, 1924.

IN THE  
COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.

No. 7 March Sessions 1924.

In re establishment of Disputed Boundary line between  
the Townships of Upper Yoder and Lower Yoder.

And now Jan. 28, 1924 L. R. Owen having come  
into the employ of Cambria County so as to disqualify  
him as a viewer and a vacancy thereby occurring in  
said Board, A. M. Shoemaker, Esq., appointed in his  
place and stead.

BY THE COURT.  
E.

Extract from the Record.

Certified this 28th day of  
January A. D. 1924.

Frank C. Platt  
Clerk Q. S.

IN THE  
COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENN'A.

RE: ESTABLISHMENT OF  
DISPUTED BOUNDARY  
LINE BETWEEN THE  
TOWNSHIPS OF UPPER  
YODER AND LOWER YODER.

No. 7 March Sessions 1924.

TO THE HONORABLE THE JUDGES OF THE SAID COURT:

The petition of John Lebosky, John Luther and James Edwards respectfully represents:

(1). That your petitioners comprise the entire membership of the Board of Township Supervisors of the Township of Lower Yoder, Cambria County, Pennsylvania.

(2). That divers disputes have arisen as to the true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder in the County of Cambria, State of Pennsylvania.

(3). That at the present time there is a dispute as to the line of the boundary between the said Townships of Lower Yoder and Upper Yoder, extending from the borough line of the Borough of Brownstown to the county line of the County of Westmoreland.

(4). That the ascertainment and establishment of the true and accurate line between the Townships aforesaid becomes significant and necessary in the assessment and collection of taxes by the said Townships.

(5). WHEREFORE, your petitioners pray your Honorable Court that it appoint three impartial men, one of them a surveyor,

for the purpose of ascertaining and establishing the true and correct boundary line between the Township of Lower Yoder and the Township of Upper Yoder in the County of Cambria, extending from borough line of the Borough of Brownstown to the county line of the County of Westmoreland, as provided by section 81 of the Act of Assembly approved the 14 day of July, 1917, P. L. 840.

And they will ever pray, etc.

John Lebosky

John Luther

James Edwards  
Supervisors of Lower Yoder Township.

STATE OF PENNSYLVANIA, |  
COUNTY OF CAMBRIA, | ss.

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, JOHN LEBOSKY, JOHN LUTHER AND JAMES EDWARDS, who, being duly sworn according to law, depose and say that they are the members of the Board of Township Supervisors of the Township of Lower Yoder, Cambria County, Pennsylvania, and that the statements contained in the foregoing petition are true and correct.

John Lebosky

Sworn and subscribed before  
me this 21st day of December  
1923.

John Luther

James Edwards

Robert Stiegelman  
(J.P. Seal) Justice of the Peace  
My Commission Expires Jan. 1928.


ORDER OF COURT.

Now, December 31, 1923, upon consideration of the foregoing petition, Mahlon J. Baumgardner, L. R. Owen and Dixon Tomb are appointed commissioners to view the disputed boundary line between the Township of Upper Yoder and the Township of Lower Yoder in the County of Cambria, Pennsylvania, extending from the borough line of the Borough of Brownstown to the county line of the County of Westmoreland; and said commissioners are instructed to make a plat or draft of the lines and boundaries between the said Townships of Upper Yoder and Lower Yoder, if the same cannot be fully designated by natural lines or boundaries; said commissioners shall report to the next court of Quarter Sessions their findings, together with their opinion of the same. Before viewing the disputed boundary line aforesaid, the commissioners shall give notice thereof by posting at least twenty handbills along the reputed boundary between the said townships and by publication once a week for three consecutive weeks in one daily newspaper of general circulation published in the City of Johnstown and in the Cambria County Legal Journal.

BY THE COURT.  
E.

Extract from the Record.

Certified this 31st day of  
December A. D. 1923.

  
Clerk Q. S.

IN  
OF CA  
NO. 7 MA

ONS

In re Establishment of  
Disputed Boundary Line between  
the Townships of Upper Yoder  
and Lower Yoder, Cambria  
County, Penna.

REPORT OF VIEWERS

*Filed 31 March 1924*

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

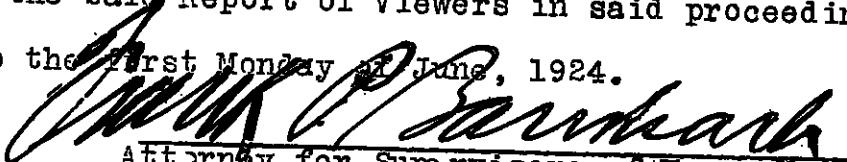
IN RE ESTABLISHMENT OF  
DISPUTED BOUNDARY LINE IN  
THE TOWNSHIPS OF UPPER YODER  
AND LOWER YODER, CAMBRIA COUN-  
TY, PENNSYLVANIA

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

No. 7 March Sessions, 1924

MOTION TO EXTEND TIME FOR FILING PETITION FOR RE-VIEW  
AND FILING EXCEPTIONS TO REPORT OF VIEWERS

April 28, 1924, the Supervisors of Upper Yoder Township,  
County of Cambria, State of Pennsylvania, by Frank P. Barnhart,  
their attorney, move the Court that the time for filing a  
petition for a re-view and the time for filing exceptions to the  
Report of the Commissioners, in the above stated proceeding,  
be extended until and including thirty days after the first Mon-  
day of June, 1924; the above named Court having heretofore, to  
wit: on the third day of March, 1924, ordered and decreed that  
the time for filing the said Report of Viewers in said proceeding  
shall be extended to the first Monday of June, 1924.

  
Attorney for Supervisors of Upper Yoder  
Township, Cambria County, Penna.

Now, April 28, 1924, the above motion is allowed and the  
time for filing a petition for re-view and for filing exceptions  
in the above proceeding is extended to and including thirty  
days after the first Monday of June, 1924.

  
By the Court

No. 7 March Sessions, 1924  
In the Court of Quarter Sessions  
of Cambria Co., Penna.

IN RE ESTABLISHMENT OF DIS-  
PUTED BOUNDARY LINE IN THE  
TOWNSHIP OF UPPER YODER AND  
LOWER YODER, CAMBRIA COUNTY,  
PENNSYLVANIA

MOTION TO EXTEND TIME FOR  
FILING PETITION FOR RE-VIEW  
AND FILING EXCEPTIONS TO REPORT  
OF VIEWERS

*Filed 28 April 1924*

IN RE ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE IN THE TOWNSHIPS  
OF UPPER YODER AND LOWER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA.

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In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
No. 7 March Sessions, 1924.

EXTENSION OF TIME TO PRESENT A PETITION FOR A REVIEW  
AND FILE EXCEPTIONS

June 30, 1924, Frank P. Bernhart, Attorney for the Township  
of Upper Yoder, above named, moves the Court that the time to present a petition  
for a review and to except to the report of the commissioners be extended to  
and including the first Monday of September, 1924.

*Frank P. Bernhart*

Attorney for Upper Yoder Township,  
Cambria County, Penna.

June 30, 1924, the above motion is allowed and the time  
to present a petition to the court for a review and to except to the report  
of the commissioners in the above stated proceeding is extended to and inclu-  
ding the first Monday of September, 1924.

*By the Court*  
E.

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania  
No. 7 March Sessions, 1924.

IN RE ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE IN THE TOWNSHIPS  
OF UPPER YODER AND LOWER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA.

EXTENSION OF TIME TO PRESENT A  
PETITION FOR A REVIEW AND FILE  
EXCEPTIONS.

*Filed 30 June 1924*

LAW OFFICES OF  
FRANK P. BARNHART  
JOHNSTOWN, PENNA.

IN RE ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE IN THE TOWNSHIPS  
OF UPPER YODER AND LOWER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA.

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In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 7 March Sessions, 1924.

PETITION FOR RE-VIEW

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Conrad L. Raeb and D. P. Weimer respectfully represents:

That they are two (2) of the Supervisors of the Township of Upper Yoder above named, the third member of said Board of Supervisors being absent from his home and for that reason unable to join in this Petition.

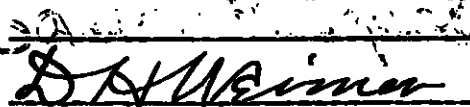
That the viewers in the above proceeding made their report and the same was filed on the 31st day of March, 1924.

That on the 30th day of June, 1924, it appearing that an error had inadvertently been made in said report, the Court, on motion of Frank P. Barnhart, attorney for the said Township of Upper Yoder, extended the time to present a Petition for a Re-view and to except to the report of the said viewers until and including the first Monday of September, 1924.

That it now appears certain that an error was committed inadvertently in the report of the viewers in that instead of the line extending from the Stonycreek River South 87° 42' West, as set forth in said report, the said line should extend North 87° West or approximately so.

In addition to the above, there is yet some information to be secured before the viewers can make a final and absolutely correct report.

WHEREFORE, your Petitioners pray that the Court will order a re-view and it is respectfully suggested that the same Board of Viewers who made the report heretofore referred to be re-appointed or that the matter be referred to the same Board of Viewers for further investigation and report as the Court may deem best.

  
Board of Supervisors of Upper  
Yoder Township, Cambria County, Pa.



In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 7 M rot Sessions, 1924.

IN RE ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE IN THE TOWNSHIPS  
OF UPPER YODEF AND LOWER YODEF,  
CAMBRIA COUNTY, PENNSYLVANIA.

PETITION FOR RE-VIEW

*Filed 9 July 1924.*

Now, July 1, 1924, the  
within Petition having been  
read and considered, it is  
ordered and decreed that a  
re-view be had in the within  
proceeding, and the same Board  
of viewers or commissioners who  
made the within named report;  
to-wit, MAHLON J. BAUTZGAEDNER,  
ESQ., A. K. SHUMAKER, and DIXON  
TOME, be appointed as said  
viewers or commissioners; and  
they are further directed to  
make report to the first Monday  
of September, 1924.

*By the Court*  
*E*

LAW OFFICES OF  
FRANK P. BARNHART  
JOHNSTOWN, PENNA.

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

In re Disputed Line between the Townships of Upper Yoder and  
Lower Yoder, Cambria County, Pennsylvania.

The report of the undersigned, appointed by your honorable Court  
to mark the line between the above named townships, as established by  
Commissioners appointed by the Court in 1924, respectfully reports:

In compliance with the order of your honorable Court, to me directed,  
I procured seventeen stone monuments size ~~XXXX~~ 4 x 4 x 18 inches  
with the letters U Y on one side and L Y on the opposite side and hav-  
ing ascertained the exact line as established; a portion of which had  
become obliterated by reason of the cutting of timber along the line  
in places and the removal of steaks at various other places; proceeded  
to plant or erect same at intervals averaging approximately fifteen  
hundred feet. In three instances/<sup>two of</sup> the monuments were set within sight of  
each other for the purpose of enabling any one interested to ascertain  
the course of the line without having to follow same with a transit or  
compass for some distanceto determine the course of same.

The monuments were erected as follows, viz: At the Easterly side of  
the road leading from the Menhor Highway, formerly the Mill Creek Road,  
to the Sunnehanna Country Club; one at the East and one at the West side  
of the brick road which leads from the Mnehor Highway, at the Stutzman  
School House, into Lower Yoder Township; one at either side of the pub-  
lic road, known as the St. Clair road, which likewise leads from the  
Menhor Highway to Lower Yoder Township, near the intersection of this  
public road with another public road and a private road each of which ~~are~~  
adjoin this road near the old Stutzman farm; one at the edge of the  
woodland and farmed land directly to the Westward of the last mentioned  
intersecting roads; one at either side of the right-of-way of the power  
company where the high tension power line intersects the township line;  
one on the brow of the hill looking to the West where same is conspicuous  
for a considerable distance; one on either side of the Mill Creek; one  
just to the West side of a n old log road high up on the hill facing to  
the Eastward; one at the East side of the Little Mill Creek; one to the  
West side of a frequented trail around the head waters of the Little Mill  
Creek; another along a ~~are~~ considerably used old path high up on Laurel

Ridge, and the last on the Westerly side of a large rock marked on the top, where the line crosses it, with an arrow pointing toward this monument at the Westmoreland County line.

The monuments are located as above suggested and the location and distance between same is more clearly and definitely indicated on the sketch hereto attached and made a part of this report.

Respectfully submitted this 23rd. day of April, A. D., 1928.

A. M. Shoemaker.

Costs of Executing attached  
order of the court.

County of Cambria

To A. M. Shoemaker, Dr.

For Stone monuments \$36.00

Four men for four  
days; distributing mar-  
kers, and auto hire for  
self and help during  
the work 96.00

Survey and sketch 130.00

2 Days @ 12.00 24.00

224 miles @ 10cts. 22.40

Total \$308.40

CERTIFIED  
George Cannon  
COUNTY CONTROLLER

APPROVED FOR PAYMENT  
James C. Murray  
COMMISSIONER

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

No. 7 March Sessions, 1924.

In the Matter of the Establishment of Disputed Line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Penna.

And now, April 4th, 1928, it is ordered and decreed that A. M. Shoemaker, one of the members of the Commission appointed by the Court in connection with the establishing of said line, and a civil engineer, shall proceed to mark the said Township line as established at this proceeding with stone monuments placed at intervals not exceeding fifteen hundred (1500) feet, particularly marking said line near the side of the public highway which it shall cross, and that the said engineer shall have such assistance as shall be necessary in order to place said monuments.

And it is further ordered and decreed that the cost of this proceeding and the costs of placing the said monuments, when approved by the Court, shall be borne equally by the Townships of Upper Yoder and Lower Yoder.

BY THE COURT:

Evans,

President Judge.

Extract from the Record.

Certified this 9th day  
of April, A. D. 1928.

Frank B. Rahr

Clerk of the Court of Quarter  
Sessions.

In the Court of,  
Quarter Sessions  
No 7 Mar, Sess 1924

Report of  
A. M. Shoemaker,  
In re placing  
permanent  
markers on  
line between  
Upper Yoder  
Township and  
Lower Yoder  
Township,  
Cambria Co., Pa.

Dated 23 April 1928.

CERTIFIED  
*Sherry L. Brown*  
COUNTY COMPTROLLER

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

In re Establishment of Disputed Boundary Line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Penna. |  
|  
| No. 7 March Sessions 1924. |  
|

To the Honorable, the Judges of the above Court.

The petition of Mahlon J. Baumgardner respectfully represents:

First. That your petitioner, Dixon Tomb and Alfred Shoemaker, were appointed by the above Court, Viewers to View for the purpose of ascertaining and establishing the true and accurate boundary line of the Townships of Upper Yoder and Lower Yoder, Cambria County, Pennsylvania, extending from the Borough line of the Borough of Brownstown to the County line of the County of Westmoreland.

Second. Pursuant to said Order of Court Notice of View the above was duly advertised in the Johnstown Tribune and the Cambria County Legal Journal and by service on all parties interested to view said Boundary lines on Tuesday, January 29th., A. D. 1924 at 10 o'clock A. M.

Third. The Viewers and all parties interested met on Tuesday, January 29th. A. D. 1924, at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

Fourth. That the Board of Viewers and particularly the Engineer in the above View has been unable to make proper and careful survey of said Boundary line in dispute, because of the fact that the ground in that vicinity has been continuously covered with snow and ice to a considerable depth, making it a physical impossibility to locate and determine certain monuments which are vital and absolutely necessary in determining a true and accurate boundary line in the above view.

We Therefore pray your Honorable Court to extend the time of filing Report of Viewers in the above proceedings until the first Monday of June, A. D. 1924.

Mahlon J. Baumgardner

STATE OF PENNSYLVANIA, |  
                                  | SS  
COUNTY OF CAMBRIA     |

Personally appeared before me, the undersigned authority, in and for said County and State, Mahlon J. Baumgardner, who being duly sworn according to law, deposes and says that the facts set forth in the above petition for Continuance of the Filing of Report of Viewers are true and correct.

Mahlon J. Baumgardner

Sworn and subscribed to  
before me this 1st. day of  
March A. D. 1924.

Charles C. Green  
Notary Public.  
My com. expires January 1st 1925

DE C R E E

And now March 3rd., A. D. 1924, time for filing Report of Viewers in the above proceedings is extended until the first Monday of June A. D. 1924.

Bothe

M

IN THE COURT OF QUARTER SESS  
OF CAMBRIA COUNTY, PENNA.

No. 7 March Sess. 1924.

In re Establishing of  
Disputed Boundary line be-  
tween the Townships of  
Upper Yoder and Lower Yoder,  
Cambria County, Penna.

PETITION FOR CONTINUANCE

Decree inside.

*Filed 3 March. 1924.*

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

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNA.

RE ESTABLISHMENT OF  
DISPUTED BOUNDARY  
LINE BETWEEN THE  
TOWNSHIPS OF UPPER  
YODER AND LOWER YODER

No. 7 March Sessions,  
1924.

TO THE HONORABLE THE JUDGES OF THE SAID COURT:

The petition of John Lebosky, John Luther and James Edwards respectfully represents:

(1). That your petitioners comprise the entire membership of the Board of Township Supervisors of the Township of Lower Yoder, Cambria County, Pennsylvania.

(2). That divers disputes have arisen as to the true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder in the County of Cambria, State of Pennsylvania.

(3). That at the present time there is a dispute as to the line of the boundary between the said Townships of Lower Yoder and Upper Yoder, extending from the borough line of the Borough of Brownstown to the county line of the County of Westmoreland.

(4). That the ascertainment and establishment of the true and accurate line between the Townships aforesaid becomes significant and necessary in the assessment and collection of taxes by the said Townships,

(5). WHEREFORE, your petitioners pray your Honorable Court that it appoint three impartial men, one of them a surveyor,



ORDER OF COURT

Now, December 31, 1923, upon consideration of the foregoing petition, Walter J. Baumgardner  
L. R. Owen and Charles T. Zumb are

appointed commissioners to view the disputed boundary line between the Township of Upper Yoder and the Township of Lower Yoder in the County of Cambria, Pennsylvania, extending from the borough line of the Borough of Brownstown to the county line of the County of Westmoreland; and said commissioners are instructed to make a plat or draft of the lines and boundaries between the said Townships of Upper Yoder and Lower Yoder, if the same cannot be fully designated by natural lines or boundaries; said commissioners shall report to the next court of Quarter Sessions their findings, together with their opinion of the same. Before viewing the disputed boundary line aforesaid, the commissioners shall give notice thereof by *posting at least twenty handbills along the reputed boundary between the said townships and by publication once a week for three consecutive weeks in one, <sup>daily</sup> newspaper of general circulation published in the City of Johnstown and in the Cambria County Legal Journal.*

*By the Court*  
⏟

In the Court of Quarter  
Sessions of Cambria County, Pa.  
No. 7 March Sessions, 1944

Re:  
ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE BETWEEN THE  
TOWNSHIPS OF UPPER YODER  
AND LOWER YODER

PETITION FOR VIEWERS

*Answered Jan 28, 1944 LK*  
*Over land came into the*  
*county of Cambria County or*  
*as to disqualify him as a*  
*viewer, and a meeting thereby*  
*occurring in said state. All,*  
*Sheweth his appointment in*  
*the plan and plan*  
*By the Court*  
*LK*

*Filed 31 December 1943*

LAW OFFICES  
DONALD E. CUSTER  
JOHNSTOWN, PENNA.

IN THE MATTER OF THE ESTABLISHMENT OF ) IN THE COURT OF QUARTER  
DISPUTED LINE BETWEEN THE TOWNSHIPS ) SESSIONS OF CAMBRIA COUNTY,  
OF UPPER YODER AND LOWER YODER, ) No. 7 March Sessions, 1924.  
Cambria County, Pennsylvania. )

WHEREAS the proceeding was duly had to establish the location of the Township line between the Townships of Upper Yoder and Lower Yoder, and on the \_\_\_\_\_ day of \_\_\_\_\_ a decree was entered establishing said line, and

WHEREAS the Act of July 14, 1917 requires that where such a boundary line has been established the Courts shall cause the same to be marked with stone monuments placed at intervals not exceeding 1500 feet, and the expense of establishing said line or boundary and the placing of said monuments, when approved by the Court, shall be borne equally by the Townships interested. We, therefore, make the following order and decree:

And now, April ~~1928~~ 1928, it is ordered and decreed that A. M. Shoemaker, one of the members of the Commission appointed by the Court in connection with the establishing of said line, and a civil engineer, shall proceed to mark the said Township line as established at this proceeding with stone monuments placed at intervals not exceeding fifteen hundred (1500) feet, particularly marking said line near the side of the public highway which it shall cross, and that the said engineer shall have such assistance as shall be necessary in order to place said monuments.

And it is further ordered and decreed that the cost of

this proceeding and the costs of placing the said monuments,  
when approved by the Court, shall be borne equally by the  
Townships of Upper Yoder and Lower Yoder.

BY THE COURT:

*Craus*

\_\_\_\_\_  
President Judge.

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY,  
PENNSYLVANIA.

IN THE MATTER OF THE ESTABLISHMENT OF DISPUTED LINE BETWEEN THE TOWNSHIPS OF UPPER YODER AND LOWER YODER IN CAMBRIA COUNTY, PENNSYLVANIA.

ORDER AND DECREE.

*Filed 4<sup>th</sup> Nov 1928.*

Rhoda E. Rhody,  
Asst. Official Stenographer  
for the  
47th Judicial Dist.,  
Penna.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNA.

In re Establishment of Disputed  
Boundary Line between the Town-  
ships of Upper Yoder and Lower  
Yoder, Cambria County, Penna.

No. 7 March Sessions 1924.

REPORT OF RE-VIEW.

To the Honorable, the Judges of the above named Court.

We, the undersigned Viewers appointed by the order of the above Court to re-view for the purpose of ascertaining and establishing the Township line between the Township of Upper Yoder and the Township of Lower Yoder respectfully report:-

That we were duly sworn or affirmed as members of the permanent Board of Viewers as shown by the records of the Court, that due public notice of the time and place of meeting of the Viewers was given by publication in the Johnstown Tribune and the Cambria County Legal Journal and by notices posted along the Boundary line in dispute, copies of which are hereto attached and made a part of this report, and by notices to the Supervisors of Upper Yoder and Lower Townships and the Commissioners of Cambria County, all of whom have accepted service of said notice of View, which said acceptances are hereto attached and made a part of this report, at least ten days prior to the time of making of said re-view.

That we met on the premises at the dividing line in the Borough of Brownstown on Tuesday, July 29th., A.D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment. Members of the Board of Supervisors of the Townships of Upper Yoder and Lower Yoder were present and rendered such assistance as they in their respective positions could render.

Having ascertained the point of beginning on the division line between Johnstown Borough and Yoder Township at the Big Bend in the Stonycreek River, opposite the Old Union Grave-yard, thence by a new line, marked on the ground through Yoder Township due West Five (5) miles, three hundred and three (303) perches to the Stone heap, on the top of Laurel Hill and on division line between Cambria County and Westmoreland County.

From which data we located the point of beginning by running in a South-westerly direction along the North-westerly side of Somerset Street (formerly Water St.) three hundred fifty (350) feet from the intersection of the Westerly side of Napoleon Street with said Somerset Street, thence turning a right angle and extending our measurement two hundred and thirty (230) feet in a North-westerly direction to the Big Bend in Stonycreek River, as referred to in the report of the Viewers as filed June ninth, 1879 .

From which point of beginning we extended our line allowing for the natural variation of the compass North Eighty-seven (87°) degrees Forty-two (42') minutes West, for a total distance of thirty-one thousand, three hundred and ninety-nine and five tenths (31,399.5) feet to the Westmoreland County line.

Establishing the point of beginning of our division line, on the line dividing the Townships of Upper Yoder and Lower Yoder on the Westerly line of the Borough of Westmont and extending the same thence to a post in a stone pile on the Westmoreland County-Cambria County line.

Leaving the following buildings and structures, known as the Sunnehanna Country Club and what is known as the Bunk House on the same premises, the stone house of Clarence Campbell, the barn on the premises of Charles Hecker, the Jacob Stutzman house

and barn, Earl Thomas property, on the Northerly side of said line and in Lower Yoder Township; the house and barn on the farm of the Bethlehem Steel Company, occupied by Harvey Roberts, the home and summer house of Mrs. H. R. Geer, the residence of Charles Hecker and others, and the residence of Jefferson Rowland on the South-erly side of said line and in Upper Yoder Township, passing along the North end of the Spring house on the premises of Charles Hecker, above referred to and through the residence on the premises of Fred Johns and crossing a large rock, marked with an arrow, on the top of Laurel Hill, at a distance of nine hundred fifty-two (952) feet East of the corner established on the Westmoreland County- Cambria County line, as indicated on plot or draft hereto attached and made a part of this report.

WITNESS our hands this 3rd. day of September A. D. 1924.

Dixon Tombs  
A. M. Shoemaker  
Nelson J. Benjardner  
Viewers.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNA.

In re Establishment of Disputed Boundary Line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Penna.

No. 7 March Sessions 1924.

To MAHLON J. BAUMGARDNER, DIXON TOMB and  
A. M. SHOEMAKER, Drs.

To Mahlon J. Baumgardner, Dr.

Order to View  
Preparing Notices for Re-View  
Stenographer and Stationery  
Posted Notices  
Mileage  
Making view ( 3 days) at \$7.50  
Conference in re findings of fact  
Preparing report of Viewers  
Stenographer and stationery  
Advertising Notices of View, Tribune  
Advertising Notices of View, Legal Journal

	.90
	7.50
	4.75
	7.50
	.30
	22.50
	7.50
	7.50
	3.00
	5.00
	4.50
	<hr/>
	\$70.95-

*Jacob W. Hoffman*  
COUNTY CONTROLLER  
CERTIFIED

To Dixon Tomb, Dr.

Making View (11 Days)  
Mileage (176 miles)  
Conference in re finding of fact

	82.50
	8.80
	7.50
	<hr/>
	\$98.80-

*Jacob W. Hoffman*  
COUNTY CONTROLLER  
CERTIFIED

To A. M. Shoemaker, Dr.

3 days at \$7.50  
Engineering work  
788 miles at 5¢ (16 trips)  
Helpers employed by A.M. Shoemaker, 5 days  
Auto hire for 3 from Ebensburg 2 days  
Meals  
Incline fares .77¢ Phone calls 60¢

	22.50
	420.00
	39.40
	38.00
	12.00
	4.75
	1.37
	<hr/>
	\$538.02-

*Jacob W. Hoffman*  
COUNTY CONTROLLER  
CERTIFIED

ACCEPTED FOR PAYMENT  
*[Signature]*  
*[Signature]*  
*[Signature]*  
COMMISSIONER

IN RE ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE IN THE TOWNSHIP  
OF UPPER YODER AND LOWER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA.

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

No. 7 March Sessions, 1924.

NOTICE TO VIEWERS

So, the undersigned Viewers, appointed by the above Court to  
view for the purpose of ascertaining and establishing of a true and  
accurate boundary line between the Townships of Upper Yoder and Lower  
Yoder, Cambria County, Pa., extending from the Borough line of the  
Borough of Brewstown to the County line of the County of Westmoreland,  
will meet at the dividing line in the Borough of Brewstown on Tuesday,  
July 23rd, 1924 at 10 o'clock A. M. for the purpose of performing the  
duties of our appointment.

HARLAN J. D'URQUHART,  
A. H. BRIDGEMAN,  
DIXON FORD.

Viewers.

IN RE ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE IN THE TOWNSHIPS  
OF UPPER YODER AND LOWER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA.

: In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
: No. 7 March Sessions, 1924.

**NOTICE TO RE-VIEW**

We, the undersigned Viewers, appointed by the above Court to Re-view for the purpose of ascertaining and establishing of a true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Pa., extending from the Borough line of the Borough of Brownstown to the County line of the County of Westmoreland, will meet at the dividing line in the Borough of Brownstown on Tuesday, July 29th, 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

HARLOW J. DANEBARDINE.

A. H. STEINBAUER.

DIXON YODER.

Viewers.

IN RE ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE IN THE TOWNSHIPS  
OF UPPER YODER AND LOWER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA.

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania:  
No. 7 March Sessions, 1924.

NOTICE TO RE-VIEW

We, the undersigned Viewers, appointed by the above Court to  
Re-view for the purpose of ascertaining and establishing of a true and  
accurate boundary line between the Townships of Upper Yoder and Lower  
Yoder, Cambria County, Pa., extending from the Borough line of the  
Borough of Brownstown to the County line of the County of Westmoreland,  
will meet at the dividing line in the Borough of Brownstown on Tuesday,  
July 29th, 1924 at 10 o'clock A. M. for the purpose of performing the  
duties of our appointment.

MAHLON J. BAUMGARDNER,

A. M. SHOEMAKER,

DIXON TOMB.

Viewers.

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

*Lawrence Raab*

Secretary Supervisors Upper Yoder  
Township.

Please sign & return to Mahlon J.  
Baumgardner - 310 Swank Bldg  
City.

IN RE ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE IN THE TOWNSHIPS  
OF UPPER YODER AND LOWER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA.

: In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
: No. 7 March Sessions, 1924.

NOTICE TO RE-VIEW

We, the undersigned Viewers, appointed by the above Court to Re-view for the purpose of ascertaining and establishing of a true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Pa., extending from the Borough line of the Borough of Brownstown to the County line of the County of Westmoreland, will meet at the dividing line in the Borough of Brownstown on Tuesday, July 29th, 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

A. M. SHOEMAKER,

DIXON TOMB.

Viewers.

And now July 19, 1924, I hereby accept service of the within Notice for Re-View for the Commissioners of Cambria County.

A. S. Kistner  
Chief Clerk.

IN RE ESTABLISHMENT OF DISPUTED  
BOUNDARY LINE IN THE TOWNSHIPS  
OF UPPER YODER AND LOWER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA.

: In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
: No. 7 March Sessions, 1924.

NOTICE TO RE-VIEW

We, the undersigned Viewers, appointed by the above Court to Re-view for the purpose of ascertaining and establishing of a true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Pa., extending from the Borough line of the Borough of Brownstown to the County line of the County of Westmoreland, will meet at the dividing line in the Borough of Brownstown on Tuesday, July 29th, 1924 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

A. M. SHOEMAKER,

DIXON TOMB.

Viewers.

And now July 24<sup>th</sup> 1924, I hereby accept service of the  
within Notice for Re-View as Solicitor for the Supervisors of  
Lower Yoder Township.

Donald E. Custer

**NOTICE**  
In Re Establishment of Disputed Boundary Line in the Townships of Upper Yoder and Lower Yoder, Cambria County, Pennsylvania.  
In the Court of Quarter Sessions of Cambria County, Pennsylvania. No. 7 March Sessions, 1924.

**NOTICE TO RE-VIEW**

We, the undersigned Viewers, appointed by the above Court to review for the purpose of ascertaining and establishing of a true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Pa., extending from the Borough line of the Borough of

Brownstown to the County line of the County of Westmoreland, will meet at the dividing line in the Borough of Brownstown, on Tuesday, July 29th, 1924 at 10 o'clock A. M., for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner,  
A. M. Shoemaker,  
Dixon Tomb,

7-18-24

Viewers.

**VIEWERS' NOTICE**—In re establishment of disputed boundary line in the Townships of Upper Yoder and Lower Yoder, Cambria County, Pennsylvania. In the Court of Quarter Sessions of Cambria County, Pennsylvania. No. 7, March sessions, 1924.

**NOTICE TO RE-VIEW**

We, the undersigned Viewers, appointed by the above Court to review for the purpose of ascertaining and establishing of a true and accurate boundary line between the Townships of Upper Yoder and Lower Yoder, Cambria County, Pa., extending from the borough line of the Borough of Brownstown to the county line of the County of Westmoreland, will meet at the dividing line in the Borough of Brownstown on Tuesday, July 29, 1924, at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,  
A. M. SHOEMAKER,  
DIXON TOMB,

Viewers.

IN RE ESTABLISHMENT OF DISPUTED : In the Court of Quarter Sessions  
BOUNDARY LINE IN THE TOWNSHIPS : of Cambria County, Pennsylvania.  
OF UPPER YODER AND LOWER YODER, :  
CAMBRIA COUNTY, PENNSYLVANIA. : No. 7 March Sessions, 1924.

PETITION FOR RE-VIEW.

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The petition of Conrad L. Raab and D. P. Weimer respectfully represents:

That they are two (2) of the Supervisors of the Township of Upper yoder above named, the third member of said Board of Supervisors being absent from his home and for that reason unable to join in this Petition.

That the viewers in the above proceeding made their report and the same was filed on the 31st day of March, 1924.

That on the 30th day of June, 1924, it appearing that an error had inadvertently been made in said report, the Court, on motion of Frank P. Barnhart, attorney for the said Township of Upper Yoder, extended the time to present a Petition for a Re-view and to except to the report of the said viewers until and including the first Monday of September, 1924.

That it now appears certain that an error was committed inadvertently in the report of the viewers in that instead of the line extending from the Stonycreek River  $87^{\circ} 42'$  West, as set forth in said report, the said line should extend North  $87^{\circ}$  West or approximately so.

In addition to the above, there is yet some information to be secured before the viewers can make a final and absolutely correct report.



Extract from the Record,

Certified this 9th day  
of July, A. D. 1924.

Frank C. Roll.

Clerk.

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

No. 7 March Sessions 1924.

*Accepted as final*  
*7/3/24*  
*Albert Williams con.*  
In re Establishment of

Disputed Boundary Line be-  
tween the Townships of Upper  
Yoder and Lower Yoder in  
Cambria County, Penna.

Report of Re-View.

RECEIVED  
*[Signature]*  
COUNTY COMMISSIONER

Filed 1 Sept. 1924

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

8 Sept. 1924 Approved  
By the Court  
E.

map #4

In re Supplying Public Highway beginning 148 feet West from Center line of Marion Street, Southmont Borough, intersecting with Millcreek Road and ending at point on Millcreek road 350 feet East from intersection of Millcreek Road with the Miller Road in the Township of Upper Yoder, Cambria County, Penna.

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

No. 7 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 supplying a public highway leading from a point in the Center of Marion Street, a public highway of the Borough of Southmont in said County, now open, one hundred forty-eight (148) feet westerly from its intersection with the Millcreek Road and ending at a point on the Millcreek Road, a public highway, in said township, now open, three hundred fifty (350) feet east from the intersection of said Millcreek Road, with the Miller Road, a public highway in said township, now open, in the Township of Upper Yoder, County of Cambria, 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 by publication in the Johnstown Daily Tribune, the Cambria County Legal Journal and by handbills posted on the premises and by notices served upon the Commissioners of Cambria County, upon Frank P. Barnhart, Esq., Solicitor for the Board of Supervisors of Upper Yoder Township at least ten days

prior to the time of the making of said view, evidence of which is shown by copies of said Notices hereto attached; that we meet upon the premises according to notices given on the 30th. day of April 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 the centre line of Marion Street, a public highway of the Borough of Southmont, said County, now opened, South Twenty ( $20^{\circ}$ ) degrees One ( $01'$ ) minute East One Hundred Fifty-three ( $153$ ) feet from its intersection with the Millcreek Road, thence from said center line of Marion Street afore- said South Sixty-three ( $63^{\circ}$ ) degrees Forty-eight ( $48'$ ) minutes West a distance of Five Hundred Fifty-seven and two one-hundredths ( $557.02$ ) feet to a point; thence from said point South Fifty-five ( $55^{\circ}$ ) degrees Fifty ( $50'$ ) minutes West a distance of Nine Hundred Fifty-two and thirty-five one-hundredths ( $952.35$ ) feet to a point; thence from said point North Thirty-four ( $34^{\circ}$ ) degrees Ten ( $10'$ ) minutes West a distance of One Thousand Three Hundred Ninety-four and fifty-one-hundredths ( $1394.50$ ) feet to a point and ending on the Millcreek Road, a public highway in the Township of Upper Yoder, now opened, said point and ending being South Eighty-nine ( $89^{\circ}$ ) degrees Forty-seven ( $47'$ ) minutes West a distance of Three Hundred Sixty-four ( $364$ ) feet from the intersection of said Millcreek Road with the Miller Road, a public highway in said Township of Upper Yoder, now opened.

We further report that we endeavored to obtain from all the owners of land upon which the said road is located, releases of damages that may 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.

WITNESS our hands this ~~Thirti~~ <sup>Thirti</sup> first day of May A. D. 1924.

J. E. Dickey  
Philip E. Langford  
Mahlon J. Baumgardner  
Viewers.

IN ACCOUNT WITH MAHLON J. BAUMGARDNER, S. E. DICKEY,

PHILIP CAULFIELD, DRS.

MAHLON J. BAUMGARDNER, Dr.

Order to view	.90
Data in re Order Ebensburg	7.50
Preparing Notice to View	7.50
Stenographer and Stationery	3.50
Posting Notices	7.50
Mileage	.30
Making View	7.50
Mileage	.20
Data and Preparing Report of Viewer's	7.50
Stenographer and Stationery	3.00
Advertising Notice of View, Tribune	6.50
Advertising Notice of View, Legal Journal	3.00
	<hr/>
	\$54.90

S. E. DICKEY, Dr.

Making View	7.50
Mileage	.20
Data in re: survey and plans	7.50
Making tracing	7.50
Tracing cloth	.60
3 linen blue prints	3.00
	<hr/>
	\$26.30

PHILIP CAULFIELD, Dr.

Making View	7.50
Milage	.20
	<hr/>
	\$ 7.70

COUNTY CONTROLLER

APPROVED FOR PAYMENT

COMMISSIONERS

In Re Supplying Public Highway  
beginning 148 feet West from centre  
line of Marion Street, Southmont  
Boro, intersecting with Millcreek  
Road and ending at point on Millcreek  
road 350 feet East from intersection of  
Millcreek Road with the Miller Road  
in the Township of Upper Yoder,  
Cambria County, Pa.

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

No 7 March Sess., 1924.

NOTICE--TO--VIEW

We, the undersigned Viewers, appointed by the above Court  
to view for the purpose of supplying a Public Road leading from a  
point in the centre line of Marion Street, a public highway of the  
Boro of Southmont in said County, now open, 148 feet westerly from  
its intersection with the Millcreek Road, and ending at a point on  
the Millcreek Road, a public highway in Upper Yoder Township, now  
open, 350 feet East from the intersection of said Millcreek Road,  
with the Miller Road, a public highway in Upper Yoder Township,  
Cambria County, Pa., now open will meet on the premises on Wednesday  
April 30th, 1924 at 10 o'clock A. M. for the purpose of performing  
the duties of our appointment.

MAHLON J. BAUMGARDNER,

S. E. DICKEY,

PHILIP CAULFIELD.

Viewers.

And now April 26, 1924, I hereby accept service of the  
above Notice to View as Solicitor for the Supervisors of Upper Yoder  
Township, Cambria County, Penna.

*Frank C. Bayne*  
Solicitor for Supervisors  
of Upper Yoder Twp., Cambria Co., Pa.

In Re Supplying Public Highway beginning 148 feet West from center line of Marion Street, Southmont Boro. intersecting with Millcreek Road and ending at point on Millcreek Road 350 feet East from intersection of Millcreek Road with the Miller Road in the Township of Upper Yoder, Cambria County, Penna.

In the Court of Quarter Sessions of Cambria County Penna.

No. 7 March Sess. 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of supplying a Public Road leading from a point in the centre line of Marion Street, a public highway of the Borough of Southmont, in said County, now open, 148 feet westerly from its intersection with the Millcreek Road, and ending at a point on the Millcreek Road, a public highway in Upper Yoder Township, now open, 350 feet East from the intersection of said Millcreek Road, with the Miller road, a public highway in Upper Yoder Township, Cambria County, Pa., now open, will meet on the premises on Wednesday April 30th., 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

S. E. DICKEY.

PHILIP CAULFIELD,

Viewers.

Now April 21, 1924, I accept service of the within notice to view for the Commissioners of Cambria County, Penna.:

D. S. Nickhead  
Chief Clerk

*Received copy of return  
& made by Baumgardner*

*Johnston*  
*Suburban*

*Legal Journal*

**VIEWERS' NOTICE**—In re supplying Public Highway beginning 148 feet west from center line of Marion street, Southmont Borough, intersecting with Millcreek road and ending at point on Millcreek road 350 feet east from intersection of Millcreek road with the Miller road in the Township of Upper Yoder, Cambria County, Pa. In the Court of Quarter Sessions of Cambria County, Pa. No. 7 March Session, 1924.

**NOTICE TO VIEW.**

We, the undersigned Viewers, appointed by the above Court to view for the purpose of supplying a public road leading from a point in the center line of Marion street, a public highway of the Borough of Southmont in said county, now open, 148 feet westerly from its intersection with the Millcreek road and ending at a point on the Millcreek road, a public highway in Upper Yoder Township, now open, 350 feet east from the intersection of said Millcreek road with the Miller road, a public highway in Upper Yoder Township, Cambria County, Pa., now open, will meet on the premises on Wednesday, April 30, 1924, at 10 o'clock a. m., for the purpose of performing the duties of our appointment.

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

**NOTICE TO VIEW.**

In the Court of Quarter Sessions of Cambria County, Penna. No. 7 March Session, 1924. In Re Supplying Public Highway beginning 148 feet West from center line of Marion Street, Southmont Boro. intersecting with Millcreek Road and ending at point on Millcreek Road 350 feet East from intersection of Millcreek Road with the Miller Road in the Township of Upper Yoder, Cambria County, Penna.

**NOTICE TO VIEW.**

We, the undersigned Viewers, appointed by the above Court to view for the purpose of supplying a Public Road leading from a point in the centre line of Marion Street, a public highway of the Borough of Southmont, in said County, now open, 148 feet westerly from its intersection with the Millcreek Road, and ending at a point on the Millcreek Road, a public highway in Upper Yoder Township, now open, 350 feet East from the intersection of said Millcreek Road with the Miller road, a public highway in Upper Yoder Township, Cambria County, Pa., now open, will meet on the premises on Wednesday, April 30th, 1924, at 10 o'clock A. M., for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner,  
S. E. Dickey,  
Philip Caulfield,  
Viewers.

4-25-11

In Re Supplying Public Highway  
beginning 143 feet west from centre  
line of Marion Street, Southmont  
Boro, intersecting with Millcreek  
Road and ending at point on Millcreek  
road 350 feet East from intersection of  
Millcreek Road with the Miller Road  
in the Township of Upper Yoder,  
Cambria County, Pa.

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

No 7 March Sess., 1924.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above Court  
to view for the purpose of supplying a Public Road leading from a  
point in the centre line of Marion Street, a public highway of the  
Boro of Southmont in said County, now open, 143 feet westerly from  
its intersection with the Millcreek Road, and ending at a point on  
the Millcreek Road, a public highway in Upper Yoder Township, now  
open, 350 feet East from the intersection of said Millcreek Road,  
with the Miller Road, a public highway in Upper Yoder Township,  
Cambria County, Pa., now open will meet on the premises on Wednesday,  
April 30th, 1924 at 10 o'clock A. M. for the purpose of performing  
the duties of our appointment.

HAMILTON J. BUNNARDPETER,

D. A. LICKY,

PHILIP GANZFEL.

Viewers.

Commonwealth of Pennsylvania, }  
County of Cambria. } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the third day of March 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 in the Center line of Marion Street, a public highway of the Borough of Southmont in said County, now open, one hundred forty-eight (148) feet westerly from its intersection with the Millcreek Road, and ending at a point on the Millcreek Road, a public highway, in said township, now open, three hundred fifty (350) feet east from the intersection of said Millcreek Road, with the Miller Road, a public highway in said township, now open.

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, Esq., 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:

Frankie L. Robb, Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to 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. 7      March      SESSIONS, 1924

Order to view Public road in

Upper Yoder Township, leading

from a point on Marion Street

in Southmont to Millcreek

Road.

Viewers  
Mahlon J. Baumgardner  
S. E. Dickey  
Philip Cauffman

Clerk Robb      90 cts.

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNA.  
No. 7 March Sessions, 1924.

In re Supplying Public  
Highway beginning 148 feet  
West from Center line of Madison  
Street, Southmont Borough, inter-  
secting with Millcreek Road  
and ending at point on Mill-  
creek road 350 feet East from  
intersection of Millcreek  
Road with the Miller Road in  
the Township of Upper Yoder  
Cambria County, Penna.

REPORT OF VIEWERS.

Filed 2 June 1924.

CERTIFIED

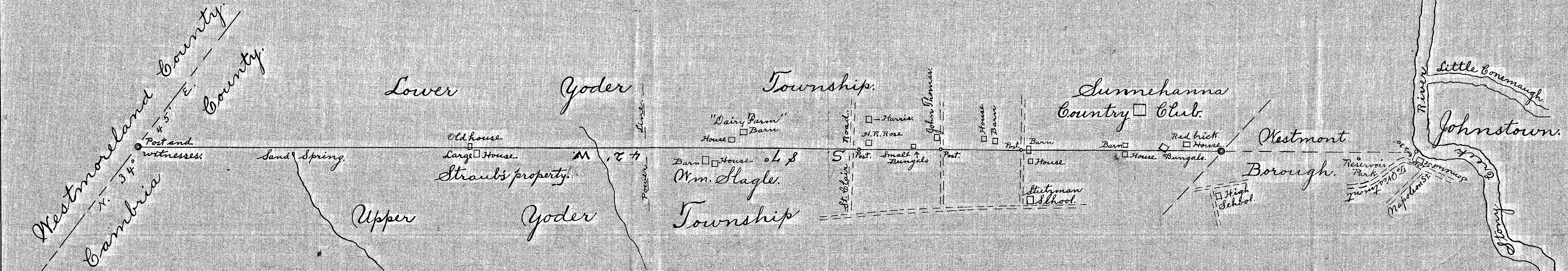
*Jacob M. Hoffmann*

COUNTY CONTROLLER

MAELON J. BAUMGARDNER  
ATTORNEY AT LAW  
JOENSTOWN, PENNA.  
SWARE BLDG.

9 June 1924 Approved and breadth fixed at forty feet  
*By the Court*

8 Sept. 1924 Confirmed absolutely  
Frank B. Robb Clerk



Sketch showing location of boundary line, between the townships of Upper Yoder and Lower Yoder, as ascertained and established by Commissioners appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, January, A. D., 1924.  
 A. M. Shoemaker, Mahlon J. Baumgardner and Dixon Tomb - Commissioners.



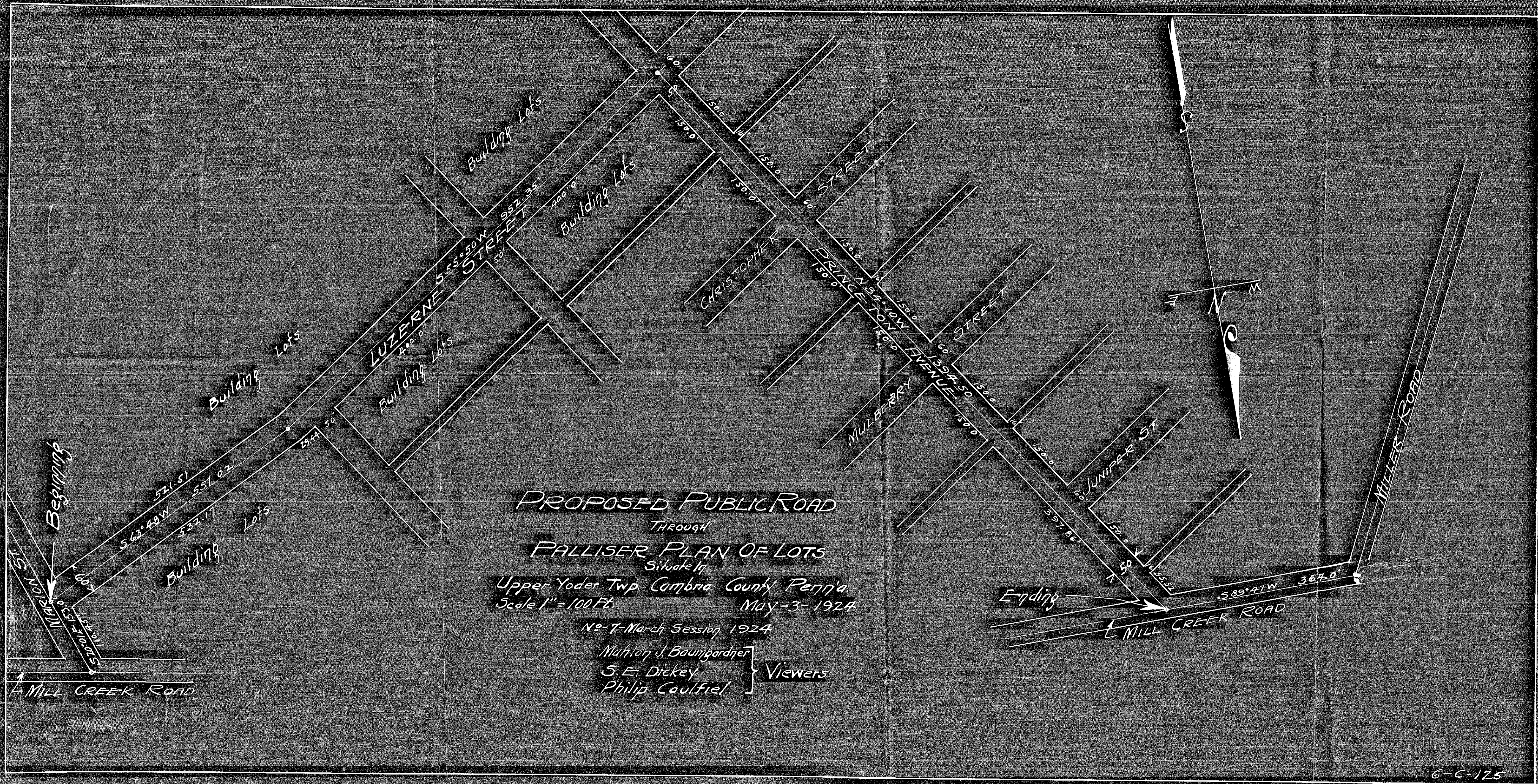


Not Microfilmed

RD#7

map: 1924

map# 1, 2, 3, 4



**PROPOSED PUBLIC ROAD**

THROUGH

**FALLISER PLAN OF LOTS**

Situate In

Upper Yoder Twp. Cambria County Penn'a

Scale 1" = 100 Ft.

May-3-1924

No-7-March Session 1924

Malton J. Baumgardner }  
 S. E. Dickey } Viewers  
 Philip Caulfield }

Not Microfilmed

RO #7

Mar 1924

Map #3



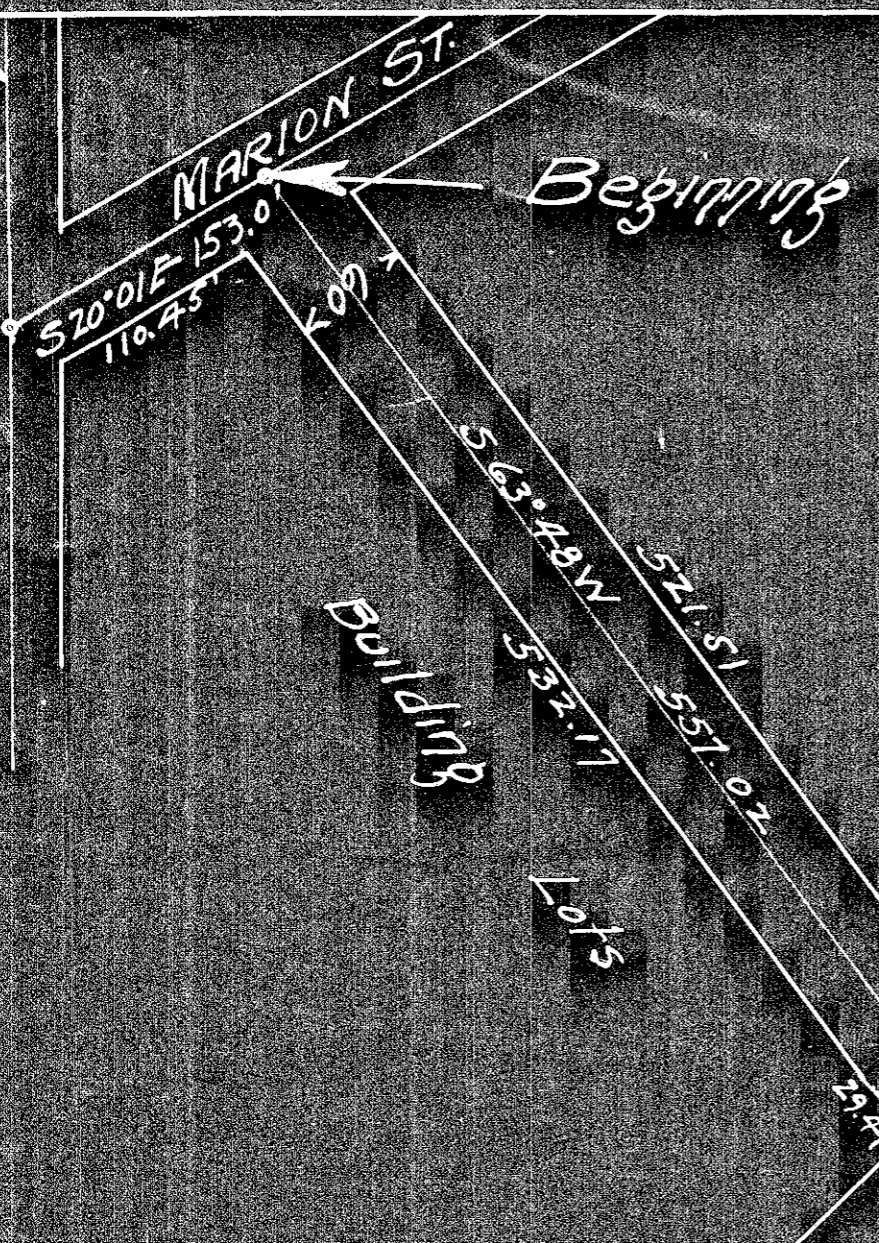
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RD#7

Mar. 1924

Mapt 4

MILL CREEK ROAD



Building Lots

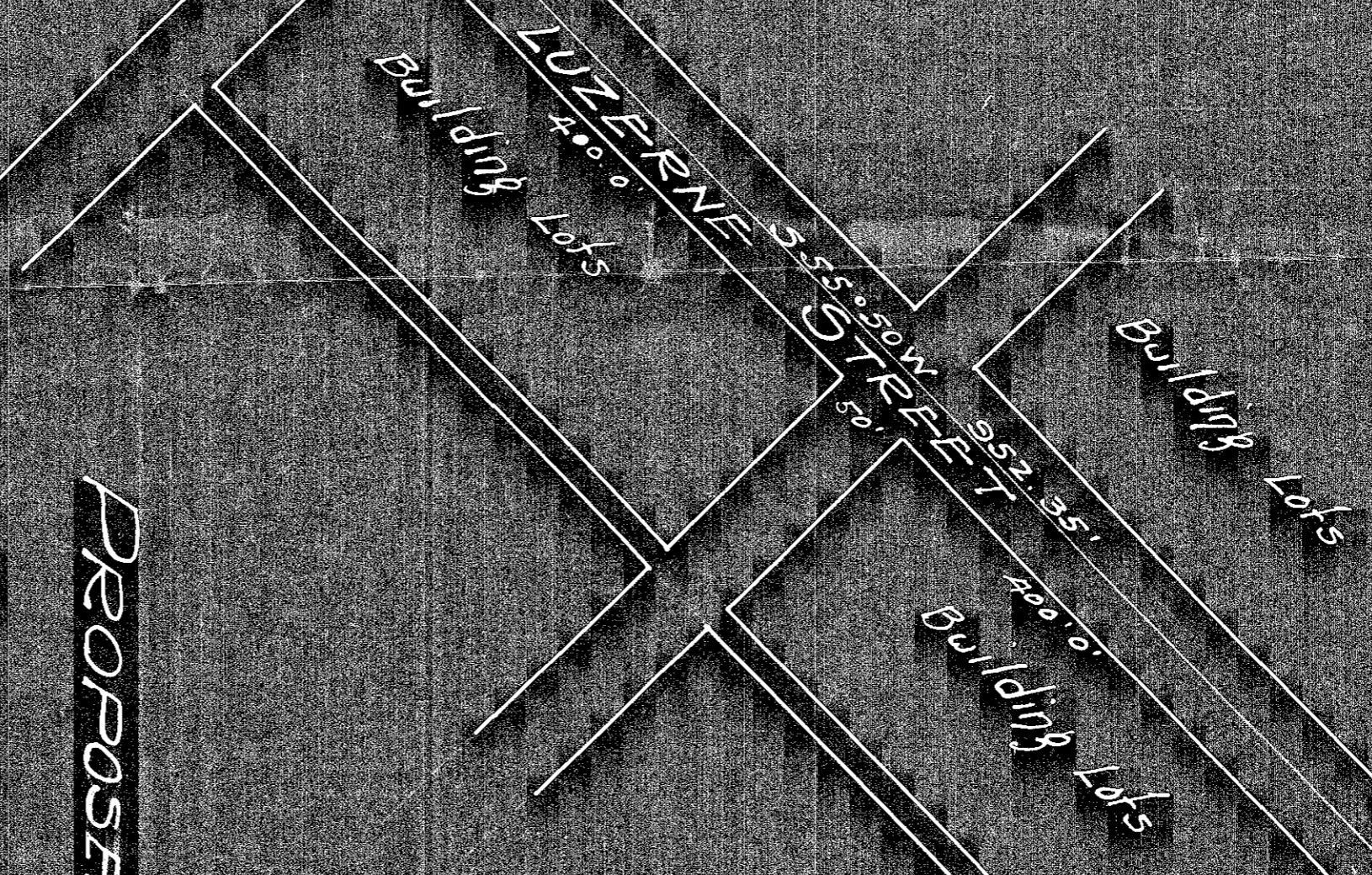
Building Lots

# PROPOSED PUBLIC ROAD

## PULLISER PLAN OF LOTS

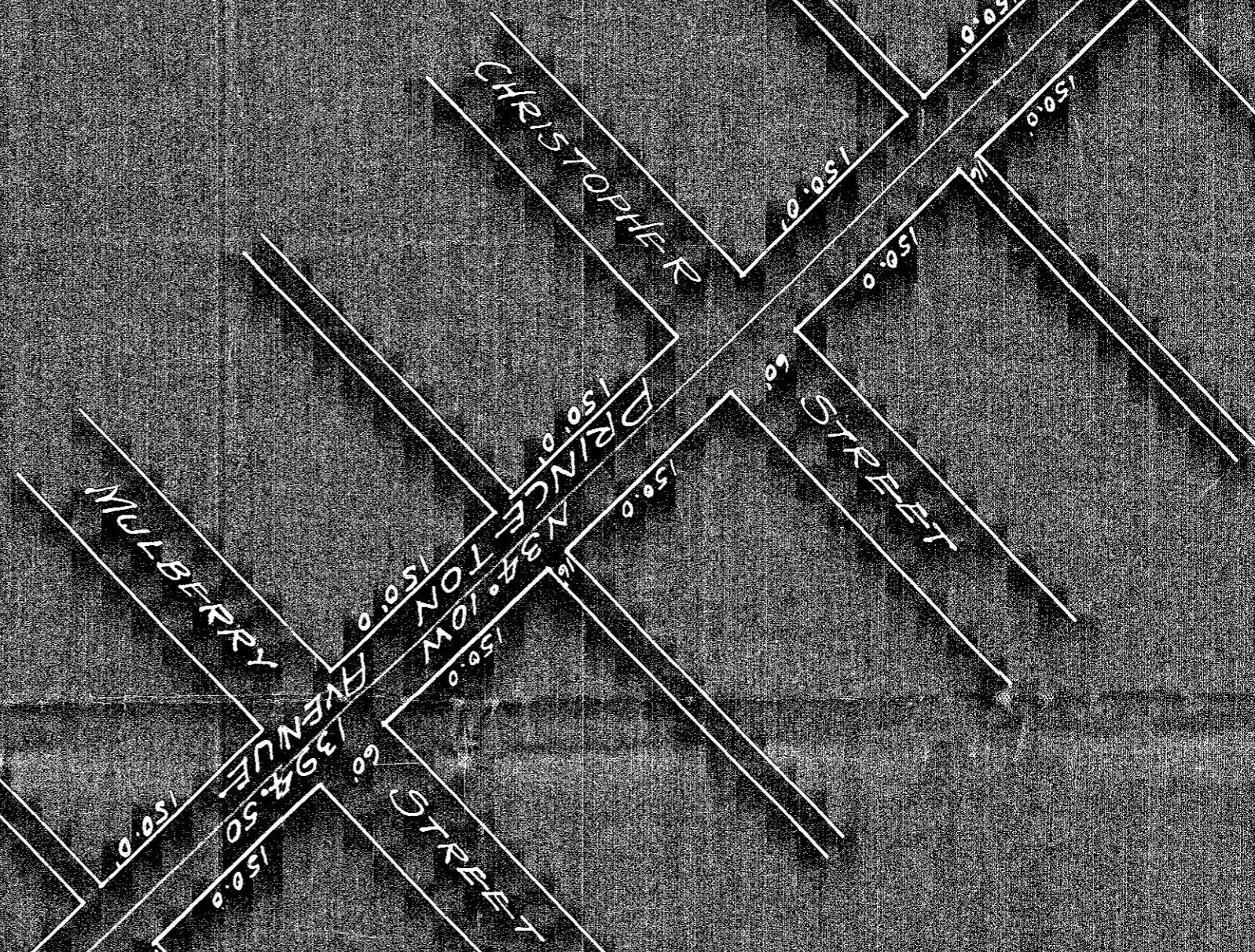
Upper Yoder Twp, Cambria County Penna.  
Scale 1" = 100 FT.  
May-3-1924

W. T. March Sessing 1924  
 Mathey & Baumgardner  
 S. E. Dickey  
 Philip Coulter } Viewers



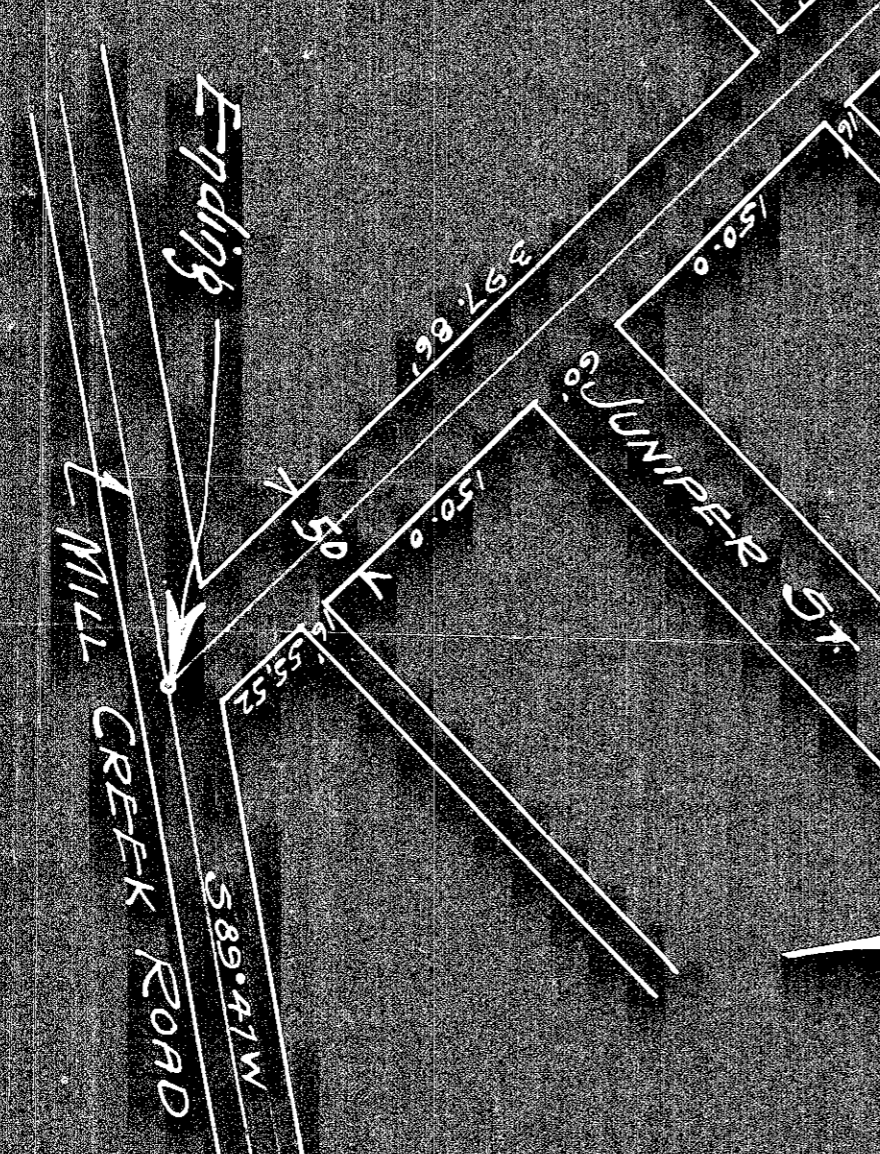
Building Lots

Building Lots



Building Lots

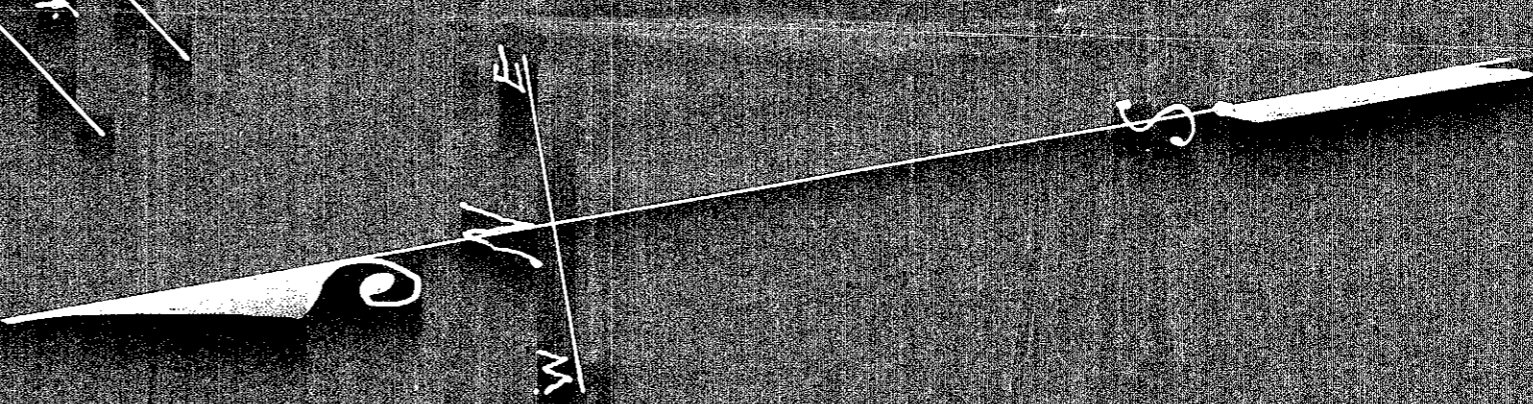
Building Lots

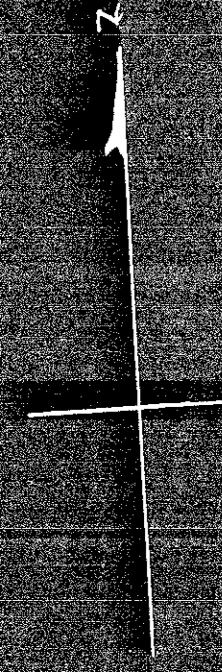


Ending

MILL CREEK ROAD

MILLER ROAD





WESTMORELAND COUNTY  
CAMBRIA COUNTY

Stone Pile

LOWER YODER

TOWNSHIP

$N 87^{\circ} 09' W$

Fred Straub  
House & Barn

MILL CREEK

UPPER YODER

TOWNSHIP

Sunshine Club

Bunk House

Clarence Campbell

Fred Johns

Tacoa Shuman Rowland

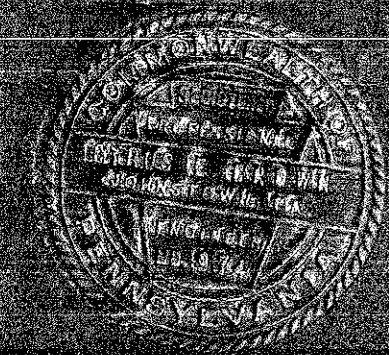
Chas Hecker

Mrs. H.A. Groar

Bethlehem Co. House & Barn

Old Union  
Graveyard

South  
Branch  
of  
Yoder  
Creek



MAP SHOWING  
DIVISION LINE BETWEEN  
UPPER AND LOWER YODER TOWNSHIPS

C.E. Brown, Eng.  
Nov. 29, 1924

Scale 1650-1"

Not Microfilmed

RD #17

Mar. 1924

map #2