

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 2 JUNE SESSIONS, 1929.

IN RE SUPPLYING A PUBLIC HIGHWAY,  
INTERSECTING WITH THE ST. CLAIR  
ROAD AND MENOHER HIGHWAY, IN THE  
TOWNSHIPS OF UPPER YODER AND  
LOWER YODER, CAMBRIA-COUNTY,  
PENNSYLVANIA.

REPORT OF VIEWERS.

Filed 26 August 1929

CERTIFIED

*Mahlon J. Baumgardner*  
COUNSELLOR AT LAW

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

9 Dec. 1929 Completed absolutely  
9 Dec. 1929 Approved  
By the Court  
Counselor  
Thomas E. Hoff, Clerk

IN RE SUPPLYING A PUBLIC  
HIGHWAY, INTERSECTING WITH  
THE ST. CLAIR ROAD AND  
MENOHER HIGHWAY, IN THE  
TOWNSHIPS OF UPPER YODER AND  
LOWER YODER, CAMBRIA COUNTY,  
PENNSYLVANIA.

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

NO. 2 JUNE SESSIONS, 1929.

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 said premises for the purpose of supplying a public highway in the Townships of Upper Yoder and Lower Yoder, in the County of Cambria and State of Pennsylvania, leading from a point on the "Menohar Highway," a public road 3535 feet West on said Highway of the intersection of the "St. Clair" road with said "Menohar Highway," the former being also a public highway and extending thence to a point on the said "St. Clair" road 2970 feet North of the intersection of the nearest Township road to the South thereof, 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; that we gave due public notice of the time and place of meeting of said Viewers by hand bills posted on the premises and by notice served upon the Commissioners of Cambria County, upon Donald E. Custer, Solicitor for the Board of Supervisors of the Township of Lower Yoder, and upon Barnhart & Bender, Esqs., Solicitors for the 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 and made a part of this report; that we met upon the premises according to the notice given on Friday, July 19, A. D. 1929, at ten o'clock A. M., Eastern Standard Time, and proceeded with the duties of our appointment.

That we viewed the site and locality of the road proposed to be laid out, making a personal inspection of the ground, beginning at the point in said Township located at a point in the Menoher Highway, a public road 3535 feet West on said Highway of the intersection of the St. Clair road with said Menoher Highway, the former being also a public highway and extending thence to a point on the said St. Clair road 2970 feet North of the intersection of the nearest Township road to the South thereof; and further that we had a survey made of said road, a copy of which plot or draft is hereto attached and made a part of this report, showing that approximately forty (40%) per cent. of said proposed road is situate in the Borough of Westmont.

We are of the opinion and unanimously agree that the Board of Viewers do not have jurisdiction to lay out a Public Highway in the Borough of Westmont, and since forty per cent. of the proposed road to be laid out would pass through the Borough of Westmont, a certain portion passing through the Township of Upper Yoder and a certain portion passing through the Township of Lower Yoder, we are without jurisdiction to recommend the laying out and opening of the road thus described; and for this reason we refuse to lay out and recommend for opening the said proposed road.

WITNESS our hands and seal this <sup>twenty-sixth</sup> ~~thirty-first~~ day of August, A. D.

1929.

Philip E. Canfield  
Walter J. Bacon  
Dixon Tomb  
Viewers.

IN RE SUPPLYING A PUBLIC HIGHWAY, INTERSECTING WITH THE ST. CLAIR ROAD AND MENOHER HIGHWAY, IN THE TOWNSHIPS OF UPPER YODER AND LOWER YODER, CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 2 JUNE SESSIONS, 1929.

TO MAHLON J. BAUMGARDNER, PHILIP CAULFIELD AND DIXON TOMB, DRS.

Mahlon J. Baumgardner, Dr.

Data and Preparing Notices to View	12.00	
Stenographer and Stationery	3.50	
Obtaining Acceptance of Service	12.00	
Posting Notices to View	12.00	
Mileage	1.60	
Making View - 2 days	24.00	
Mileage	3.20	
Preparing Report of Viewers	12.00	
Stenographer and Stationery	3.50	\$ 83.80
S. E. DICKEY, making survey and blue prints, a statement hereto attached		\$151.23
<u>Philip Caulfield, Dr.</u>		
Making View - 2 days	\$ 24.00	
Mileage	3.20	\$ 27.20
<u>Dixon Tomb, Dr.</u>		
Making View - 2 days	\$ 24.00	
Mileage	3.20	\$ 27.20

CERTIFIED  
 J. H. ...  
 COUNTY CONTROLLER

APPROVED FOR PAYMENT

*[Handwritten Signature]*

*[Handwritten Signature]*

COMMISSIONER

JOHNSTOWN, PA. Aug. 22, 1929

Mahlon J. Baumgardner

TO S. E. DICKEY & CO., DR.  
 CIVIL MINING AND CONSULTING ENGINEERS  
 809-811 JOHNSTOWN TRUST BLDG.  
 JOHNSTOWN, PENNA.

NATURE OF WORK

Cambria County #2 June Sessions 1929

TERMS NET CASH

STATEMENTS RENDERED MONTHLY

Data and making survey	93	88
Survey Stakes	1	25
Transportation on survey	6	00
Plotting survey and making draft	47	50
Detail Paper, tracing cloth and blue Prints	2	60
	151	23

IN RE SUPPLYING A PUBLIC  
HIGHWAY, INTERSECTING WITH  
THE ST. CLAIR ROAD AND  
MENOHER HIGHWAY, IN THE TOWN-  
SHIPS OF UPPER YODER AND LOWER  
YODER, CAMBRIA COUNTY, PENNA.

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 2 JUNE SESSIONS, 1929.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view a public road or highway leading from a point on the Mencher Highway, a public road 3535 feet West on said Highway of the intersection of the St. Clair Road with said Mencher Highway, the former being also a public highway and extending thence to a point on the said St. Clair Road 2970 feet North of the intersection of the nearest Township Road to the South thereof, the beginning of said road being in the said Township of Upper Yoder and the ending in the Township of Lower Yoder, will meet at the place of beginning on Friday, July 19, A. D. 1929, at ten o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

HANLON J. BAUMGARDNER,  
PHILIP CAULFIELD,  
DIXON TOMB.

Viewers.

Dated July 5, 1929.

IN RE SUPPLYING A PUBLIC  
HIGHWAY, INTERSECTING WITH  
THE ST. CLAIR ROAD AND  
MENOHER HIGHWAY, IN THE TOWN-  
SHIPS OF UPPER YODER AND LOWER  
YODER, CAMBRIA COUNTY, PENNA.

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 2 JUNE SESSIONS, 1929.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view a public road or highway leading from a point on the Menoher Highway, a public road 3535 feet West on said Highway of the intersection of the St. Clair Road with said Menoher Highway, the former being also a public highway and extending thence to a point on the said St. Clair Road 2970 feet North of the intersection of the nearest Township Road to the South thereof, the beginning of said road being in the said Township of Upper Yoder and the ending in the Township of Lower Yoder, will meet at the place of beginning on Friday, July 19, A. D. 1929, at ten o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,  
PHILIP CAULFIELD,  
DIXON TOMB,  
Viewers.

Dated July 5, 1929.

AND NOW, this <sup>12</sup> day of July, A. D. 1929, I hereby accept service of the above Notice to View as ~~Chief Clerk~~ for the County Commissioners.

*A. S. D. M. W.*  
Chief Clerk, County Commissioners.  
*S. H. S. O. I.*

IN RE SUPPLYING A PUBLIC  
HIGHWAY, INTERSECTING WITH  
THE ST. CLAIR ROAD AND  
MENOHER HIGHWAY, IN THE TOWN-  
SHIPS OF UPPER YODER AND LOWER  
YODER, CAMBRIA COUNTY, PENNA.

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

NO. 2 JUNE SESSIONS, 1929.

NOTICE TO VIEW.

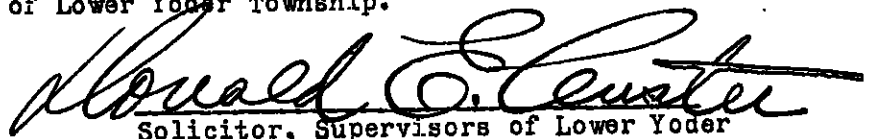
We, the undersigned Viewers, appointed by the above Court to view a public road or highway leading from a point on the Menoher Highway, a public road 3535 feet West on said Highway of the intersection of the St. Clair Road with said Menoher Highway, the former being also a public highway and extending thence to a point on the said St. Clair Road 2970 feet North of the intersection of the nearest Township Road to the South thereof, the beginning of said road being in the said Township of Upper Yoder and the ending in the Township of Lower Yoder, will meet at the place of beginning on Friday, July 19, A. D. 1929, at ten o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,  
PHILIP CAULFIELD,  
DIXON TOMB.

Viewers.

Dated July 5, 1929.

AND NOW, this 10<sup>th</sup> day of July, A. D. 1929,  
I hereby accept service of the above Notice to View as Solicitor  
for the Supervisors of Lower Yoder Township.

  
Solicitor, Supervisors of Lower Yoder  
Township.

IN RE SUPPLYING A PUBLIC  
HIGHWAY, INTERSECTING WITH  
THE ST. CLAIR ROAD AND  
MENOHER HIGHWAY, IN THE TOWN-  
SHIPS OF UPPER YODER AND LOWER  
YODER, CAMBRIA COUNTY, PENNA.

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 2 JUNE SESSIONS, 1929.


NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view a public road or highway leading from a point on the Menoher Highway, a public road 3535 feet West on said Highway of the intersection of the St. Clair Road with said Menoher Highway, the former being also a public highway and extending thence to a point on the said St. Clair Road 2970 feet North of the intersection of the nearest Township Road to the South thereof, the beginning of said road being in the said Township of Upper Yoder and the ending in the Township of Lower Yoder, will meet at the place of beginning on Friday, July 19, A. D. 1929, at ten o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,  
PHILIP CAULFIELD,  
DIXON TOMB,  
Viewers.

Dated July 5, 1929.

AND NOW, this <sup>10th</sup> day of July, A. D. 1929,  
I hereby accept service of the above Notice to View as Solicitor  
for the Supervisors of Upper Yoder Township.

  
Solicitor, Supervisors of Upper  
Yoder Township.

IN RE SUPPLYING A PUBLIC  
HIGHWAY, INTERSECTING WITH  
THE ST. CLAIR ROAD AND  
MENOHER HIGHWAY, IN THE TOWN-  
SHIPS OF UPPER YODER AND LOWER  
YODER, CAMBRIA COUNTY, PENNA.

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 2 JUNE SESSIONS, 1929.

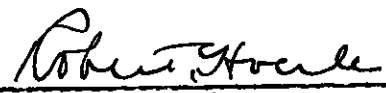
NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view a public road or highway leading from a point on the Menoher Highway, a public road 3535 feet West on said Highway of the intersection of the St. Clair Road with said Menoher Highway, the former being also a public highway and extending thence to a point on the said St. Clair Road 2970 feet North of the intersection of the nearest Township Road to the South thereof, the beginning of said road being in the said Township of Upper Yoder and the ending in the Township of Lower Yoder, will meet at the place of beginning on Friday, July 19, A. D. 1929, at ten o'clock A. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,  
PHILIP CAULFIELD,  
DIXON TOMB,  
Viewers.

Dated July 5, 1929.

AND NOW, this 9<sup>th</sup> day of July, A. D. 1929,  
I hereby accept service of the above Notice to View as Counsel for  
the Petitioners.

  
Counsel 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 24th day of June A. D. 1929, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Upper and Lower Yoder, in the said County, setting forth that they labor under inconvenience for want of a

road or highway, to lead from a point on the "Menohar Highway", a public road 3535 feet West on said Highway of the intersection of the "St. Clair" road with said "Menohar Highway," the former being also a public highway and extending thence to a point on the said "St. Clair" road 2970 feet North of the intersection of the nearest Township road to the South thereof, the beginning of said road being in the said Township of Upper Yoder and the ending in the Township of Lower Yoder.

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

Dixon Tomb surveyor, and M. J. Baumgardner and Philip N. Cauffield

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest: Frank 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. 2, June 1929 SESSIONS, 1929

Order to view public road in

Upper and Lower Yoder Townships.

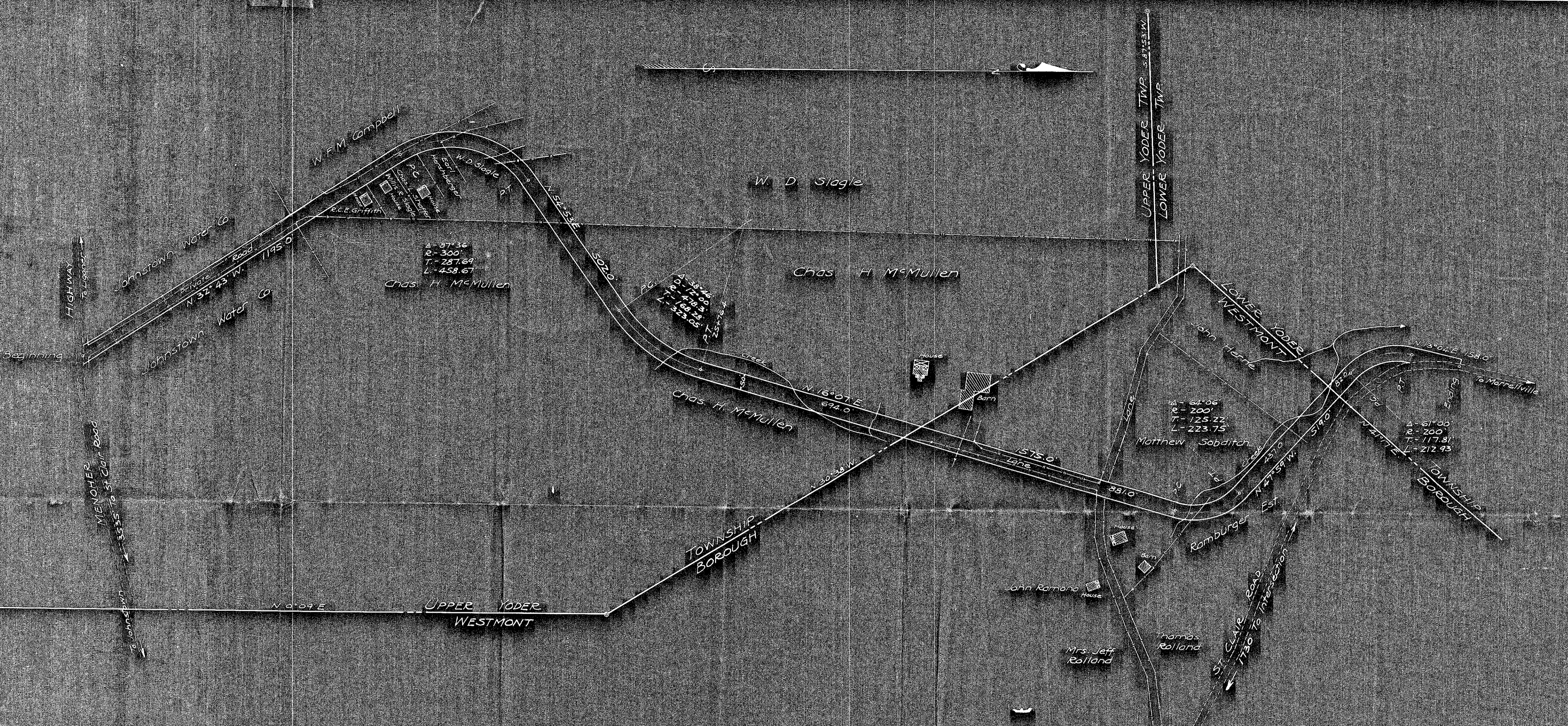
Viewers

M. J. Baumgardner, Esq.

Philip Cauffield

Dixon Tomb

Clerk 90336



No 2-June Session 1929  
 Mahlon Baumgardner  
 Philip Caulfield  
 Dixon Tomb  
 Viewers

VIEW OF  
**PROPOSED ROAD**  
 SITUATE IN  
 UPPER & LOWER YODER TOWNSHIPS & WESTMONT BORO, CAMBRIA CO., PA.  
 SCALE 1"=200 FT. — S. E. DICKEY & CO. — AUGUST 8, 1929  
 CIVIL AND MINING ENGINEERS  
 JOHNSTOWN, PA.

LEGEND  
 Portion in Upper Yoder Twp = 3172.72 Feet  
 Portion in Lower Yoder Twp = 452.93 Feet  
 Portion in Westmont Boro = 1541.75 Feet  
 Total Length = 5167.40 Feet

Ed # 2 June

1929

Not microfilmed

No. 2 June Sessions, 1929.

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

IN RE APPLICATION FOR APPOINT-  
MENT OF VIEWERS TO LAY OUT ROAD  
IN UPPER AND LOWER YODER TOWNSHIPS.

Filed 24 June 1929

ORDER.

And now, June 24, 1929,

*M. J. Baumgardner Esq.*  
*Philip V. Campbell* and  
*Dwight T. Smith*

are hereby appointed Viewers in the  
within matter.

By the Court  
*Edw. P. J.*

LAW OFFICES

ROBERT G. HOERLE

JOHNSTOWN, PA.

UNITED STATES NATIONAL BANK BUILDING

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

IN RE APPLICATION FOR APPOINTMENT )  
OF VIEWERS TO LAY OUT ROAD IN UPPER ) No. , June Sessions, 1929.  
AND LOWER YODER TOWNSHIPS )

The petition of the undersigned, inhabitants of the Townships of Upper and Lower Yoder, County of Cambria, and State of Pennsylvania, respectfully represents:

That your petitioners labor under great inconvenience for want of a public road or highway in the said Townships of Upper and Lower Yoder, to begin at a point on the "Mencher Highway," a public road 3535 feet West on said highway of the intersection of the "St. Clair" road with said "Mencher Highway," the former being also a public highway and extending thence to a point on the said "St. Clair" road 2970 feet North of the intersection of the nearest Township road to the South thereof, the beginning of said road being in the said Township of Upper Yoder and the ending in the Township of Lower Yoder.

Your petitioners therefore pray your Honorable Court to appoint a jury to view and lay out the same according to law. And they will ever pray.

NAME	RESIDENCE
<i>Chas. McMillen</i>	<i>9<sup>th</sup> Ward, Johnstown Pa.</i>
<i>Wm. H. Shagle</i>	<i>Upper Yoder Twp.</i>
<i>Chas. L. Schiffer</i>	<i>Upper Yoder Twp.</i>
<i>Mr. A. C. Shagle</i>	<i>Upper Yoder Twp.</i>
<i>Richard B. C. [unclear]</i>	<i>Upper Yoder Twp.</i>
<i>J. S. Sunkle</i>	<i>Upper Yoder Twp.</i>
<i>Ralph Kriss</i>	<i>Upper Yoder Twp.</i>
<i>W. J. Kriss</i>	<i>Upper Yoder Twp.</i>

Frank L. Friedhoff. Upper Yoder, Dub.  
 Henry Hefner Upper Yoder Top  
 Wilbur Hefner upper yoder top  
 Rowell D. Little upper yoder top.  
 M. H. Keifer Upper Yoder Top  
 Wilson L. Roddy Upper Yoder Top  
 Fred Straub Upper yoder Top  
 J. J. Krafft Upper yoder  
 Wm. C. Hunt upper yoder  
 Ron Gardner Upper yoder  
 Wm. H. Rummel upper yoder  
 J. H. Sherkel upper yoder top  
 Lloyd A. Mott Upper yoder top  
 Edward C. Mosholder Upper yoder top  
 W. M. Campbell. Upper Yoder Top.  
 R. W. Conklin Upper Yoder Top.  
 Mary Shuff 6<sup>th</sup> ward Johnstown Pa  
 Thos R. Parfitt 13<sup>th</sup> Ward Johnstown Pa  
 John Richgaden 19<sup>th</sup> Ward Johnstown Pa  
 Frank J. Teptach 16<sup>th</sup> Ward Johnstown Pa  
 Geo. W. Swank 715 Luzerne St. Johnstown  
 Gary Barrow 7<sup>th</sup> Ward Johnstown  
 J. J. Nunnel 70<sup>th</sup> Ward Johnstown Pa  
 Wm. M. Kurt 3<sup>rd</sup> ward Johnstown Pa  
 L. L. Poreh 19<sup>th</sup> Ward Johnstown Pa  
 Henry M. Fisher 12<sup>th</sup> State Southern  
 William Wrieger Brownstown Pa.  
 Robert Higelman Lower Yoder township  
 Chas. A. Blair Lower yoder top.  
 David H. Slagle Lower yoder top  
 Daniel Sauer Lower yoder top

Joseph Scheidinger Lower yoder Twp  
 Martin Gates lower yoder township  
 Ralph J. Birkbill Lower Yoder Twp  
 Joshua Harshberger Lower yoder  
 Earl Gate Lower yoder  
 John W. Hearn Lower yoder Twp  
 Matt Soldatich Westmont Pa  
 Catherine Soldatich Westmont Pa  
 Alex Stecker Lower Yoder Twp  
 Mary E. Sales Lower yoder  
 Chas. Dillingen 20<sup>th</sup> Ward Johnstown Pa  
 Geo. Siffith 8<sup>th</sup> Ward, Johnstown Pa  
 Sackman 19<sup>th</sup> Ward Johnstown Pa

STATE OF PENNSYLVANIA, )  
 ) SS:  
 COUNTY OF CAMBRIA, )

Personally appeared before me, the undersigned authority,  
 W. F. M. Campbell, who being duly sworn according to law deposes and says  
 that the facts set forth in the foregoing petition are true and correct.

*W. F. M. Campbell*

Sworn to and subscribed before me  
 this 24<sup>th</sup> day of June, 1929.

*Rhea V. Spots*  
 Notary Public.  
 MY COMMISSION EXPIRES APRIL 1, 1931

*Harman E. Mattem 5<sup>th</sup> Ward Johnstown Pa.*  
*Leon R. Davis Westmont, Pa.*  
*Mrs. Addy C. Thomas Upper yoder Twp.*  
*S. D. Gates Lower Yoder Twp.*  
*S. W. Birch. Lower Yoder Township.*  
*E. E. Eichelberger Lower yoder Township*  
*Ben M. Deussen Lower yoder Twp.*