

To the Hon. R. L. Johnson, President Judge of
the Court of Quarter Sessions of Cambria County.

We, the Undersigned Viewers, Appointed by the
Court of Quarter Sessions of Cambria County
to assess damages and Award Contributions
by reason of extending Grant Street, in the
Borough of Johnstown, in pursuance of the or-
dained Order of said Court, do report that, after
being duly sworn and affirmed according to
law to perform our duties under the Act of
General Assembly to incorporate Boroughs, and
its Supplements, with impartiality and fidelity
did proceed to view the premises described in
said Order of Court and found that the ex-
tension of said Street took a portion of the lot
of Conrad Lutz Sr., George Burkembush,
Win. Doepfer, John Ruckger, Henry Masten,
all of which said lots of ground are along
the easterly line of and adjoining said extension
of Grant Street, and also a portion of a piece
of ground of the Cambria Iron Company which
is also along the easterly line of and adjoining
said extension of Grant Street. And we also
found that the Extension of said Grant
Street took a portion of ground belonging
to the Cambria Iron Company and the lot
of Walter Hubert & Co., which said ground
and lot are along the westerly line of and
adjoining said Extension of Grant Street,
which lots of ground and the portions taken
thereof by reason of the Extension of said Grant

Street are more particularly designated on
a plat of said Street which is hereto at-
tached and made part of this report, and
having regard to both the advantages and
disadvantages caused to the several properties
along the line of and adjoining said extension
of Grant Street, and having given the owners
or reported Owners of lots adjoining the
line of said extension of Grant Street, Notice
of the Meeting of said View, a copy of which
notice is hereto attached and made part
of this report, do assess and allow to the
parties interested the sum set opposite
their names; it being the amount of damages
their property has sustained by reason of
said extension of Grant Street over and
above all advantages to said property, and
do assess and allow to Conrad Lutz, \$464,
George Barkenbush, \$407, Wm. Hoeffer, \$386,
John Runkger, \$282, Henry Martin, \$118, Walter
Albert Flew, \$100,

And the said Viewers further report that
they have assessed for contribution on the
properties of the following named persons, which
properties are on the line and adjoining said
extension of Grant Street, and which have
been respectively benefited over and above all
disadvantages by reason of the said extension
of Grant Street, viz: ^{on the part of the} Contra Iron Company
\$700. And the said Viewers further report
that they have assessed for contribution on
the Borough of Johnson the sum of \$1007

1 That sum being the difference between the
2 Assessment for damages for disadvantages to
3 the said several properties, and the assessment
4 for contributions for advantages to the said
5 several properties. All of which is respectfully
6 submitted.

7 Witness our hands and seals this first
8 day of September A.D. 1888

Wm Warden Seal

Charles Barnes Seal

Wernand Baumer Seal

John Thomas Seal

Lyons Seal

Joseph Runtz Seal

Jacob Swank Seal

Johnstown, Pa., Aug 21, 1888

1
2 L. D. Dierck Heins, Cambria Iron Co., Walter Dierck, Conrad Lotz & George
3 Berkenbush, Wm. Doepler, John Dwyer Henry Martin, George Craft, Henry Goble
4 August Dierck, Wm. Heverline, Conrad Lotz & Walter Lotz, M. E. Church.

5 The Undersigned Viewers, Appointed
6 by the Court of Quarter Sessions of
7 Cambria County to View and Assess
8 damages and award Contributions
9 for advantages and disadvantages
10 caused to properties along and adjoining
11 the boundary lines of Grant Street
12 extended, in the Fifth Ward of the
13 Borough of Johnstown, in the said
14 County of Cambria, by reason of declaring
15 said Grant Street extended a public
16 Street of the Borough aforesaid, hereby
17 give notice that they will meet for that
18 purpose on the premises aforesaid
19 at One O'clock P.M. on Thursday the thirtieth (30th)
20 day of August A.D. 1888, at which time
21 and place you can be present if you
22 see proper.

23 Wm. Hardern

24 John Thomas

25 Charles Barnes

26 Herman Baumer

27 George

28 Joseph Hunt

29 Jacob Swank
30
31

August 23rd 1888. Served by copy left at the residence
of the following named persons with an Adult member of their
family. William Herveoline, August Viering, Henry Gobert,
George Craft, Henry Martin, John Ruxer, William Doepfer,
George Burkenbush, Conrad Lotz Sr, Conrad Lotz Jr,
Served by copy left with Mrs Fulton Esqr manager of the Ambros
Iron Co, Copy left with H. P. Derrett one of the Trustees of
The U. Z. M. C. Church, Copy left personally with
Walter Ribert & Conrad Bader,

So answered

Cost # 2.56

Jno J. Harris

High Constable

Cambria County N.Y.

A Court of Quarter Sessions held
at Canechury in and for the County
of Cambria on Monday the Fourth
day of June 1888, before Hon. R.
L. Johnston President Judge of said Court the pe-
tition of C. L. Dick, Burgess of the Borough of Johnstown
was presented setting forth "That the Town Council of
said Borough on the Eighteenth day of May 1888 passed
the following ordinance viz - Be it ordained and enacted
by the Burgess and Town Council of the Borough of
Johnstown and it is hereby enacted by the authority
of the same. Sec. 1. That Grant Street in said Borough
be extended from its present termination to Haynes Street
as follows. The northerly line of said extension to commence
at the present termination of the northerly line of said
Street and extend by a straight line, passing along
the southerly line of the Cambria Chapel of the N. M. E.
G. M. Church to a point on Haynes Street One hundred
and eighty-two and one half feet from the southern
corner of Haynes and Sherman Streets and the
southerly line of said Street as extended shall be
fifty feet distant and parallel with said northerly
line. Sec. 2. All ordinances of the Borough applicable to
Streets are hereby extended to and over said Street as
extended. Your petitioner therefore prays your Honor-
able Court to appoint seven disinterested freeholders
of said Borough who after being duly sworn or
affirmed according to law to perform their duties
under the Act of Assembly in such case made and
provided with impartiality and fidelity shall pro-
ceed to view the premises described in said Ordinance

or petition having regard both to the advantages and disadvantages caused to the several properties along the line of said adjoining said Grant Street and shall assess and allow to all persons injured thereby such damages as they shall have sustained respectively over and above all advantages and who shall also make assessment for contributions upon all such properties as shall be benefited by reason of upturning said Grant Street to Haynes Street. such sums respectively as they may have been benefited over and above all disadvantages and the said receivers shall make a report of their proceedings in writing to the next Sessions of the said Court describing the properties on which assessments have been made specifically stating whether for contributions or for damages with the amounts respectively. The Court upon due consideration had of the premises appointed William Hurdner, John Thomas, Charles Tornea, Herman Parmer, Emanuel Young, Joseph Kumbz, Jacob Swank as receivers who after giving due and legal notice of the time and place of meeting shall proceed to view the premises and make report of their proceedings as herein prayed for to the next Court of Quarter Sessions of said County and in which report they shall state distinctly that they had been sworn or affirmed according to law.

By the Court.

H. A. Macmaster
clerk.

As. 4 June. 1888. Rd

Order to view and assess
damages &c caused by
reason of extending Grant
Street in the Fifth Ward
of Johnston Township.

Viewers =

William Warden,

John Thomas

Charles Barnes,

Norman Palmer,

Emanuel Gering.

Joseph Kuntz,

Jacob Swank.

W. H. Shumaker J.

Kuhn

Return of owners to in value
to criminal cases damages
and criminal contributions
for criminal cases and other
damages caused by reason
of the explosion of Spanish
street, in the City of London
the Borough of Finsbury

3 Sept. 1888. Confirmed
Misc. By the Court

Exceptions filed
April 16. 1889. The Court
upon due consideration of
all the evidence of the case
and the arguments of counsel
modify the report of
Jewes by increasing the
sum awarded the Petitioner
or respondent the sum of
£2 to the sum of £400
and so confirm the
Report as confirmed
By the Court

Quart. Term

*In an exception
by
Grant Street*

In the Court of Common Pleas
of Cambria County, Pa.

Of *June* Term, A. D. 1888, No. *4*

And now, to-wit, the *fifth* day of *April* A. D., 188*9*
Rule on part of *Exceplants* to take depositions of
witnesses to be read on the hearing of the above stated case.

Cambria County, ss.

Extract from the Record of said Court. Certified

the *5* of *April* 188*9*

W A Shumaker Prothonotary.

To *John Hoels Rupp of Mt Borough of Johnstown & H H Kuhn Esq Borough of Johnstown*

Take Notice, That in pursuance of the above Rule the depositions of witnesses to be read
in evidence on the *day named* of the above stated *Exceptions* on part of
the *Platts who are exceptants* will be taken at the office of *John H Kuhn Esq*
on Twicken Street Mt Borough of Johnstown Pa on *Friday and Saturday*
the *12th and 13th* days of *April* A. D. 188*7*, between the hours
of *9* o'clock, A. M., and *9* o'clock, P. M., ^{*on said days*} before *John H Kuhn Esq Justice of*
the Peace in and for said *Borough*
or before some other person of competent authority, at the time and place aforesaid, when
and where you may attend if you think proper.

Wm Macdonald
Atty for Platts who are the

I hereby accept service for the Borough
of Johnston

Werry H. I. Allen

at for Johnston Borough
March 6. 1889.

In my Exception

to
Grand Jury.

Filed on part of Ex.

Captants to York

Separation

W. H. Allen

Depositions of Witnesses produced
sworn affirmed and examined at
the office of John H. Fisher one of the
Justices of the Peace in and for the
County of Cambria to & Franklin
Street Johnstown in said County
on Friday and Saturday the 12th
or 13th days of April 1889 between
the hours of 9 o'clock A.M. and 9 o'
clock P.M. of said days in pursuance
of a Rule of the Court of Quarter Sessions
of the Peace for Cambria County and
Notice hereto attached to be read in
a cause In re: Exceptions to Grant
Street.

H. Horace Rose Esq appearing for
the Exceptants. Walter Dibert & Co.

Henry H. Rubin Esq appearing for
the Street and Borough of Johnstown.

James King being produced and
first duly sworn testified as follows:
I am about fifty five years of age reside
in Johnstown Third Ward. I am familiar
with the ground of Walter Dibert & Co in Fifth
Ward. through which the proposed Extension

of Grant Street passes and have examined it so as to know where the exact line passes within the last ten days past. On this proposed survey the opening of said Street would be a disadvantage to the property of Walter Dibert & Co. It will require him to build a retaining wall and will take the best portion of their grounds. The ground lies on the Hill side. On the upper part of the Street. The top of the embankment from the level of the Street will be from 8, 10 to 12 feet upon the upper side. They have a building on the upper part of the ground now above the Street and a wall would be a necessity to retain the building as it now stands. The wall could be built for a dollar a perch I think. Mr Dibert showed me the lines of his property and told me the distance something over two hundred feet. This wall would have to be built the entire length of the property at an average height of Eight feet. The ground taken by the Street would be worth from five to six hundred dollars.

Cross Examined.

The Borough would be at great expense

in opening the Street. It

2. Would not it be necessary for the Borough in opening the Street under the proposed survey to build a retaining Wall along the line that you have spoken of in order to prevent them from taking more ground than the width of the Street as fixed by the Survey.

1. It would not for this reason that the Borough can require the property owner to grade and lay down side ^{walk} thereby leaving abut that the property hold would be required to build a retaining wall.

2. If the retaining wall was not built on the line of the Street as proposed ~~it~~ it not be necessary to enter upon the property of Walter Debut ~~the~~ beyond the line of the Street and cut it down in order that the grade of the Street could be fixed.

It is objected by Moore that a legal proposition is in effect submitted to the Witness for his determination disguised under a question of fact the object being to mislead the property holder on the line of the proposed Street and is further not a proper Cross Examination.

A. It would of course for about six feet to make a good safe slope. I reside in Third Ward Johnston and do not own any property near or along this proposed street. I have not either bought or sold property in ~~that~~ neighborhood recently. I am not a freeholder in Johnston. The business carried on in this building is a warehouse for a Soap Factory. I am not a stone mason or contractor. I have not been engaged in furnishing stone or building stone walls.

Re street

I have been and served as a member of Johnston Borough Council for about eleven years. Was one year Burgess. This proposed street would be of course to Mr Dibert. He could not have access but except over the stone wall spoken of.

Re Cross Examined.

It is four years past ~~that~~ since I have been in Council.

James King

Halter Dibert sworn.

I am a member of the firm of Halter Dibert & Co party to these proceedings.

3
I have a draft of the premises showing the
lines of the proposed street. This draft
was furnished by Mr Peelor. From my
survey I think the street as proposed will
take off fifty feet of my ground, the
length of my lot is Two Hundred & Eight
feet, and taken off Eight feet at the
rear end as I understand. There is a
lead pencil mark on the draft that shows
the approximate amount of ground
taken by the proposed street. The opening
of the street will be a disadvantage to
my property for the reason that we
could not use the lower part of the
lot for any thing, and it would leave
nothing but a hill and an embankment
along the line of the street. And my
building will fall down unless a
strong retaining wall is built. The
character of the ground being a hill
side. The street with the retaining wall
would be of no advantage to the whole
being all embankment. If the street
would be ~~built~~^{opened} then making the sur-
vey told us that the height of the re-
taining wall to save my building
would be about ten feet when the cut is
and this is the entire length of the lot
and the women be the average height

The cost for the wall would be about Eight Hundred Dollars.

Q. State what outside of the cost of the retaining wall would be the probable expense to you of grading paving and curbing the side walk on the line of your property.

Objected to by Mr. Kuhn on the ground that the costs of grading ^{and setting curbing} laying sidewalk cannot be taken into consideration in fixing the damages caused to a property by reason of opening a street.

A. To the best of my knowledge five hundred dollars.

Q. ^{HAYNES} ^{213 EEL} Showing outside any cost or charge you would be put to by reason of the opening of the proposed street. What is the actual value of the ground taken by reason of the opening of the street.

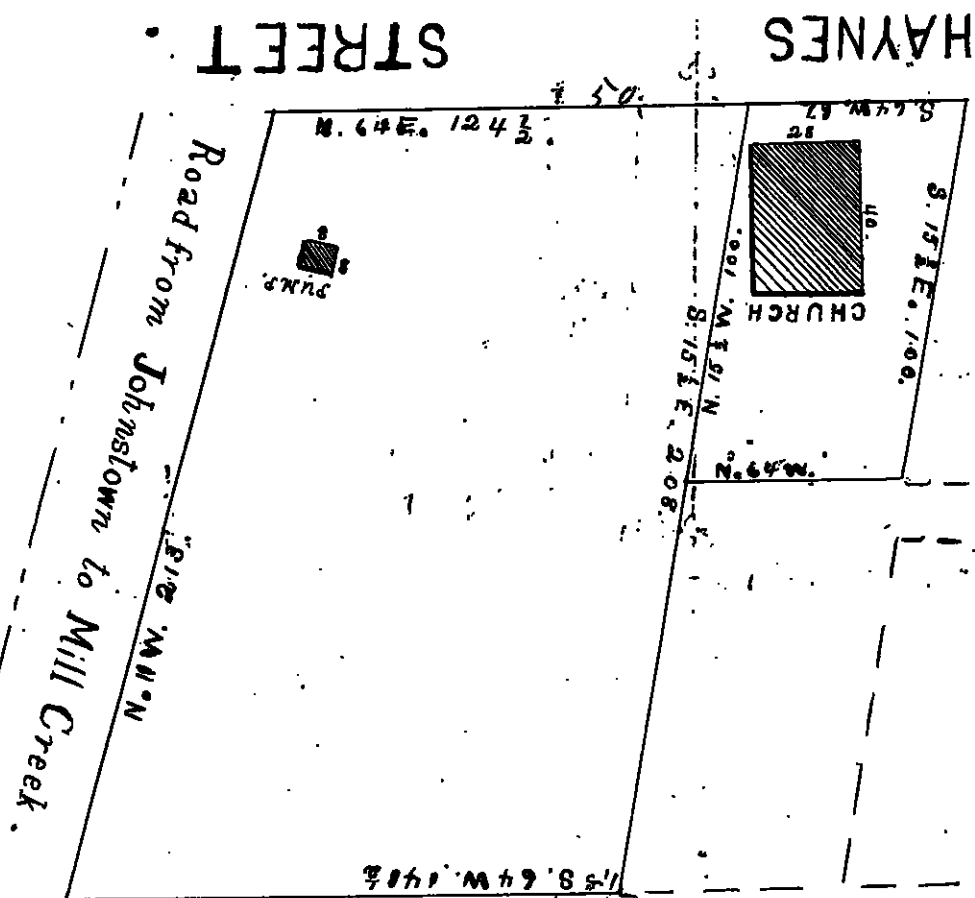
A. Six Hundred Dollars.

Draft shown witness identified by Louis Hunt and marked Exhibit "4".

Cross Examined

I have no estimate on my other property I can state what it cost me near

Exhibit A. I designed by the witness in
his examination before me this day. *M. J. P.*



- Q. How do you undertake to estimate the value of the property ^{taken for the Street} when you have no estimate of your whole property?
- A. The best strip of ground is taken by the Street. I estimate the cost of the stone wall by what persons have told me. The opening of this proposed Street would not give me building sites along the South line of the Street for there would be nothing but stone wall and hill left and no place to build. I don't know that there are dwelling houses built in that part of the town when the grade is as heavy as at my lot. I suppose houses might be built at great advantage. The driveway top would be ten feet off the side walk but could be built. The foundation of the building ^{could} ~~might~~ be so built as to answer for retaining wall and the entrance being on a level with the side walk into the basement story. I fix the cost of curbing grading and laying side walk at five hundred dollars from what I know of the cost of doing such work. I have had no experience with laying pavements. I never done any myself but from what I know.

that it has cost parties ~~nothing~~ having done
work done

Walter Dibert.

Jacob Swank sworn.

I am familiar with ground of
Walter Dibert also in Fifth Ward on
the line of the proposed extension
of Grant Street. I was one of the
viewers on the proposed extension
of this Street.

2. State whether or not in estimating
the advantages and disadvantages
allowed Walter Dibert also you
took into consideration the expense
they would be at in building a
retaining wall along the line of this
property to keep the same from sliding
down on the Street, and if you did
not allow them for the same state
why not.

The question objected to on the
ground that it is ~~an attempt~~ an
effort to make the witness contra-
dict his finding as a viewer in the
proceeding to extend Grant Street.
Whilst acting under oath as such
in obedience to an Order of the Court
of Quarter Sessions of Cameron County

5
and which said Report of Reeves
is now part of the Records of said
Court.

1. I did not allow them for the wall to
the best of my knowledge we ~~took~~
the ground into consideration. I did
not understand that it was part of
our duty to do that.

2. Mr. Swank state whether or not
the opening and grading of that street
will not leave a high embankment
along the line of that property

Same objection as to previous question

1. It would

2. State whether or not that embankment
will not require a retaining wall
to keep it from sliding down into the street.

Same objection

1. It will require a wall or some sup-
port

2. State whether or not in your esti-
mate of damage to Debert & Co you
took into consideration the question
of how that embankment should
be supported

Same objection

1. My understanding was that the
Borough was to build the retaining
wall

2. Who informed you that the Borough
was to build this retaining wall
Same objections

A. That was the talk among the
viewers on the ground at least
that was the way I understood it

2. Had you understood that Dibert & Co.
would have to be at the expense of
protecting their own property, on the
line of the Street, State whether or
not. You would have allowed
them as a viewer a greater amount
of damages than was allowed by
the reports.

Same objections

A. Oh yes he would be entitled to those
damages if he had to build the wall
on his own expense.

2. Then you as a viewer based your
award of damages to Haller Dibert
& Co upon the assumption that the
Borough without expense to Dibert
& Co would erect a retaining wall
on the line of Dibert & Co's property
to protect the same.

Same objections

A. Yes Sir. That was my understanding
Cross Examined

6.
The opening of this Street will give
Debut also a front along the entire length
of their lot. Jacob Swank

Joseph Kintz sworn.

I reside in Fifth Ward Johnstown.
I am familiar with the ground through
which the proposed extension of
Grant Street passes. I was one of
the Viewers causing damage on
the proposed extension of this
Street. It will take some of their
ground as shown by the draft given
to us. The effect as shown by the
Surveyor who went with us, would
cause a cutting down of the ground
and leave an embankment on the
upper side. The ground lies on the
hill side. It was raining when we
were there and I can form no esti-
mate of the height of this embank-
ment I don't know. The opening
of this Street will necessitate the
building of a wall along the line
of Debut's property

2. State whether or not the Viewers
in estimating the damage took
into consideration the expense that
Debut would have to be at in building

a retaining wall to protect their property and prevent it from sliding into the street and if not why not

Same objection to the question as noted to similar question made by Jacob Swank the previous winter ~~question~~

A. We took this into consideration and thought that the Borough would have to build this wall, or we would, or least I would, have allowed them more than a hundred dollars for their damages.

Q. State whether or not there was any ~~talk~~ ^{talk} or understanding among the Viewers in reference to the Report showing who was to be at the cost and expense of erecting the retaining wall and if so what was the conclusion was

Same objection.

A. My understanding was that the Borough was to build the wall and I understood that the other Viewers all agreed to it. When we met in John Dietz's Office.

Q. Then if in law and in fact the opening of ^{the} street will put Walter

9
Dibert also to the expense of building a wall along the line of the street to protect the same. State whether or not the damages awarded by the viewers in your judgment was sufficient.
Some objection

A. It couldn't be sufficient if he had to do this.

Cross examined
Could not the retaining ~~the~~ wall be obviated by grading or sloping down beyond the line of the street?

A. It could be done. It would damage him more ground. The opening of the street would give Dibert also building sites along the entire two hundred and eight feet. Joseph Hurst

Charles Barnes, sworn.

I was one of the viewers on the proposed extension of Grant Street and was over the ground two or three times. I was with Dibert also in Fifth Ward and over which the proposed extension passes. The opening of the street will necessitate the cutting down of this property and leave an embankment on the upper side of some ten feet, and would necessitate the building of

2. a retaining wall on the upper side
State whether or not your estimate
of damage awarded Dibert also
you took into consideration the
question of how that embankment
should be supported.

Same objection to like question
proposed to previous witnesses
Q. Nothing more than ^{that} the Borough was
to build the wall along the Dibert
property and if they do not then
the damage awarded is not
enough.

Charles Barnes

Dr. J. K. Lee sworn.

I reside at 40126 Main Street Johnstown.
I am familiar with the property of
Halter Dibert & Co. through which the ex-
tension of Grant Street passes in Fifth
Ward Johnstown. From my knowl-
edge of the property if this ditch is opened
through it will be a disadvantage to
the property in this that the Street will
take all the available ground he has to
build on besides requiring a retain-
ing wall to keep up the balance
of his property, costing something

8
like Five Hundred Dollars, taking
into consideration the advantages and
disadvantages of owning the property
I would not take Fifteen Hundred
Dollars ~~for~~ for the ~~damage~~ ~~that~~ ~~would~~
~~be done if the street is opened~~ ground
actually taken by the street and the
outside of any other damages.

Cross Examination

I have not, either bought or sold
any property in that neighborhood.
It takes fifty feet off his lot the
full length. I don't know if it
takes fifty feet wide off the back
end of the lot as I never saw the
draft. I know where the line is
the at the Hayes Street front and
it takes fifty there. I don't know
the whole length of the Lot. I don't
know the whole width of the Lot
never saw a draft of the Lot or of
the Street. If the Street was opened
it would require a retaining wall
to hold up the balance of his lot.
The Lot could not be used for build-
ing purposes when the Street is open-
ed without heavy retaining walls.
The walls could be built by having
a ten foot wall, then another wall

back to keep up second story: so you would have three stories to keep up the hill and buildings. It would depend upon the height you would want to go. I never put up any buildings along the hill side. I have seen them put up. I can't tell how high the embankment would be along the line of the Dink property. I say that the retaining walls are not guess work. but that these walls would have to be built or at least I would build them in the way described to B. retain the building and not interfere with the township Road above.

2. If you don't know the distance from the level of the Street when it would be opened to the highest point of the embankment along the Dink property. how do you undertake to say that it will require a retaining wall for each story as it is built up.

A. I say that the first story would require a good solid wall to hold the hill up & to keep the hill from tumbling down. on your first story you would have

is

to grade the hill down and put in a retaining wall, to keep up the ~~level~~ balance of the hill and the Township Road. And make your building safe. There are one or two buildings on this lot now. There is one wall close to the Township Road that forms the foundation for the barn, making a basement stable. There is also a retaining wall one story high, that holds up the Factory. This wall is six or eight feet high. I was not present when these walls were built. I have had no practical experience in building along the hill side.

A. K. Lee

Theodore F. Seigh sworn

I reside at 38 Rapetown Street in Fifth Ward. and am a carpenter by trade. I am with the property of Walter Dehnert & Co and with the ~~front~~ line of the proposed extension of Grant Street through it. It would be a disadvantage to this property to have this ~~street~~ opened up through it. In the first place it takes off part of the ground and also I will require a retaining wall to keep up

The balance of the ground. There are
buildings on the ground. I think it
would require retaining walls to keep
these buildings from sliding down
into the street. I could not place
any value or price of the land taken
as I am not acquainted with the
value of land in that locality, but
the cost of the retaining wall running
the entire length of the lot would
be in the neighborhood of Six-
hundred Dollars.

Cross Examination

I suppose the entire front could be
used for building purposes, but it
would add to the cost of building.
The first story could be used for
a basement but of course you
have to build another wall behind
to retain the hill. I would suppose
that it would be about ten feet
at Hayes Street of curb and perhaps
not so much at the upper end of
the lot. I do not know the grade
of the street. My estimate of cost of
the retaining wall is for ten feet in
height the whole length.

J. H. Leigh

William Warden sworn.

I reside in Fifth Ward Johnston Borough and was one of the viewers to open or extend Grant Street through the property of Walter Dibert & Co in the Fifth Ward. It would necessitate a cut in making this Street through this property leaving an embankment on the upper side. And this embankment would require a retaining wall to keep up the ground and hill from sliding down.

Q. State whether or not in your estimate of damages awarded Dibert & Co you took into consideration the question of the cost of building the retaining wall and if you did not make an allowance to Dibert & Co for the expense and cost they would be at, State why not.

Same objection as to questions asked previous viewers called as witnesses

- A. We allowed him, Mr Dibert one hundred dollars with the understanding that the Borough was to build the retaining wall along his property.
- Q. Then as a question of law and fact Dibert & Co. have to be at the expense

of building their own retaining wall
to the amount of damages you
awarded them should be added
the cost of building the retaining wall

Same objection

A. Yes Sir. that is it

Cross Examined

Q. This frontage along the line of the
Shut when opened was used for
building purposes. The walls of the
houses might be used for retaining
walls by building them stronger
than usual

Re direct

Q. Would it not have to be retain-
ing wall to be built to keep the
ground from sliding down on the
Shut while the same was being
graded

A. There would if the Boosongh owned
the ground themselves they would
have to build a retaining wall

Re cross examined

Q. It might be down to sloping the
hill back thirty or forty feet back and

new slope and carrying away the
dirt

Wm Warden

John Thomas sworn.

I reside in Fourth Ward Johnstown and
was one of the viewers appointed to assess
damage and award benefits for the
extension of Grant Street. I am famil-
iar with the property of Walter Deibert
over which this extension passes.

- Q State whether or not in estimating
the advantages and disadvantages
allowed Walter Deibert & Co you took
into consideration the expense that
they would be at in building a
retaining wall along the line of
their property to keep the same
from sliding down on the street,
and if you did not allow in your
estimate of damages state why
not.

A Same objection as noted with
question the other viewers

- Q He did not allow Walter Deibert & Co
for a stone wall, I want to know if
there was anything said about the
stone wall on the upper side of the
street or not.

- Q State whether or not the opening

and grading of that street will not leave a high embankment along the line of Walter Debert Leo's property.

Same objection as to the questions to previous witnesses

A. I will.

Q. State whether or not ⁱⁿ your estimate of damages to Debert Leo you took into consideration the question of how that embankment should be supported

Same objection to the questions proposed to other witnesses

A. It appears to me since I come to think that we agreed that the Borough should build the street wall required along the Debert property.

Q. Had you understood that Debert Leo would have to be at the expense of protecting their property on the line of the street State whether or not you as viewers would have allowed him a greater amount of damages than is allowed in your report

Same objection

12
A. Yes if we had not have under-
stood that the Borough was to
build the Stone Wall along the
line of this property we would
have given him more damages
than he did John Thomas

Caribria County S.S.

I hereby certify that
the above witnesses were qualified
and Examined at the time and place
stated in the Caption and subscribed
their depositions in my presence

Witness my hand and seal this
13th day of April 1889

John S. Fisher
Justice of the Peace

No. 4. Term Term
Quarter Sessions

In re. Exceptions,
Grant Street

Depositions of
part of Exemptants,

Just fees \$6⁰⁰

1701-

Filed 16 Apr. 1879.

J. Horace Rose

In the matter of the Report
of viewers appointed to
assess damage and award
contribution for the advantages
and disadvantages, caused by
reason of opening Grant Street
in the Fifth Ward of Johnstown
Borough

Exceptions to said Report
First: The viewers erred in
not allowing to Wm Doepfer
more than three hundred and
eighty six \$386.⁰⁰ Dollars
Second: That Wm Doepfer was
damaged by ~~the~~ opening of
Grant St to a greater amount
than three hundred and eighty
six dollars
Third that the opening of said
street is not necessary

Chas J. Pick
Atty for Exceptions

204 June 2nd 1888
Rd

Exceptions in
the matter of the
Report of the
viewers in the
opening of Grant
St Johnstone
Borough

Filed 4 Mar 1889.

C. L. Hefk

In the matter of the Report
of Viewers appointed to assess
Damage and award Contribution
for Advantage and disadvantage
caused by reason of opening
Gravel Pit in Fifth Ward
of Johnston Borough

Exceptions to said Report
First: The viewers erred in
not allowing Henry
Martin, more than
One hundred and eighty
Dollars
Second: That Henry Martin
was damaged by opening
of Gravel Pit to a greater
amount than \$1100
Third: That the opening of said
Pit is not necessary

Chas. L. Dick
Atty for Exceptions

Recd June 2nd 1888
Receipts in the
matter the Report
of Viewers of opening
Grant of land
with Wood Johnston
Borough

Receipts to
Report of Viewers

Filed 4 Mar 1889.

C. L. Dick

In the matter of the Report
of Viewers, appointed to assess
damage and award contribution
for advantages and disadvantages
caused by reason of extending
Grant Street, in the Fifth
ward of Johnston Borough

Exceptions to said Report
First the viewers erred in
not allowing to Geo
Barkmusk more than the
sum of four hundred and seven
(\$407) Dollars
Second; That Geo Barkmusk
was damaged by opening of
of Grant St to a greater
amount than four hundred
and seven Dollars
Third; That the opening of said
street is not necessary

Chas L. Dick
Atty for Exemptants

2
No 11 June 2nd 1888
Rd.

Exceptions in the
matter of the
Report of
revenue in the
opening of Great
Street Johnson
Borough

Feb 4 Mar 1889.

C. L. Luck

In the matter of the Report
of Viewers appointed to
assess damage and award
Contribution for the advantage
and disadvantage, caused by
reason of opening of Grout
Street in the Fifth Ward
of Johnston Borough

Exceptions to said Report
First; The viewers used in
not allowing John Rutgers
more than \$232⁰⁰ two hundred
and thirty two Dollars
Second; That John Rutgers was
damaged by opening of Grout
St to a greater amount than
\$232⁰⁰
Third; That the opening of said
Street is not necessary

Chas L. Hick
Att'y for Exceptions

Now June ^{July 1888}
and

Excerpting in the
material of the Report
the views on the
opening of Grant
St. Johnston
Borough

4 Mar 1889 filed

C. L. Black

In the matter of the Report of Viewers
appointed to assess damages and
award contributions for advantages
and disadvantages caused by reason
of extending French Street in the Fifth
Ward of Johnston Borough.

Exceptions ordered of the Borough
of Johnston.

1st. The viewers erred in assessing
the Borough of Johnston for contribution
the sum of one thousand and seven
dollars.

Henry H. Parker
att'y for Exceptions

Noted from Dec 1885
R.D.

Exceptions to Report
of members.

Filed 3 Dec. 1888

In the matter of the
Report of Viewers, appointed
to assess damage and
award contribution for
advantages and disadvantages
caused by reason of
extending Grant Street in
the Fifth Ward of Johnston
Borough

Exceptions to said Report
First; The viewers could in
no allowance to Conrad
Lutz more than the sum
of four hundred and sixty
four dollars
Second; That Conrad Lutz
was damaged by opening
of Grant St, to a greater
amount than four hundred
and sixty-four dollars
Third; That the opening of
said street is not necessary

Chas L Nick
Atty for Exceptions

No 10 June 27 1887
rd

Exemption in the
matter of the
Refugee of the
Viviers in
opening of
Grand St -
Johnstown
Borough

Fil'd 4 Mar 1889.

Ed. Dick

To the Honorable R. L. Johnson, President Judge of the
Court of Quarter Sessions of Cambria County.

The petition of the Honorable C. L. Nick, Burgess of the
Borough of Johnstown, respectfully represents that the Town
Council of said Borough on the eighteenth day of May
1888, passed the following Ordinance, viz:

Be it ordained and enacted by the Burgesses and
Town Council of the Borough of Johnstown, and
it is hereby enacted by the Authority of the same.

Section 1. That Grant Street, in said Borough, be
extended from its present termination to Haynes Street,
as follows; The northerly line of said extension to
commence at the present termination of the northerly
line of said street, and extend by a straight line, passing
along the southerly line of the Cambria Chapel of the
A. M. E. Zion Church to a point on Haynes Street
one hundred and sixty-two and one-half feet
from the southern corner of Haynes and Sherman
Streets; and the southerly line of said street as extended
shall be fifty feet distant and parallel with said
northerly line.

Sec. 2. All ordinances of the Borough applicable to
streets are hereby extended to and over said street
as extended.

Passed in Council May 18, 1888.

John H. Fisher, Clerk.

Alex. Kennedy
President

Approved May 22, 1888.

C. L. Nick,
Burgess

Your petitioner therefore prays Your Honorable Court
to appoint seven disinterested Freeholders of said Borough,
who, after being duly sworn or affirmed according to law
to perform their duties, under the Act of Assembly in
such case made and provided, with impartiality and
fidelity, shall proceed to view the premises described
in said Ordinance or petition, having regard both
to the advantages and disadvantages caused to the
several properties along the line of said adjoining said
Grant Street; and shall assess and allow to all persons
injured thereby such damages as they shall have sustained
respectively over and above all disadvantages; and
who shall also make assessment for contributions upon
all such properties as shall be benefited by reason
of extending said Grant Street to Baynes Street such
sums respectively as they may have been benefited over and
above all disadvantages, and the said Viewers shall
make a report of their proceedings in writing to the
next session of said Court, describing the properties
on which assessments have been made, specifically stating
whether for contribution or for damages, with the
amounts respectively, and, as in duty bound, Your
petitioner will ever pray &c.

Wm. L. Nick
Burgess

Camden County ss

Before me, a Justice of the Peace in
and for the said County of Camden, personally came
the Hon. L. Nick, the above-named petitioner, who being
duly sworn according to law, hath depone and said
that the facts set forth in the foregoing petition

are correct and true, according to the best of his
knowledge and belief. *Wm R. D. K.*
Sworn and subscribed to before me this 4th
day of June A.D. 1888.
A. A. Shaemake
Prathy.

No 4 June Session 1885

Petition of L. S. Dick Bur-
gers of the Borough of
Johnston for appointment
of assessors to assess damages
and award contributions for
advantages and disadvantages
caused by reasons of extending
Grand Street viz the Fifth
Ward of Johnston Borough

and on June 4. 1888. the
within petition read and
the following named persons
appointed assessors viz:

William Warden
John Thomas
Charles Barnes
Herman Brauer
Emanuel ~~Warden~~
Joseph Kintz
Jacob Swanik
By the Court

Filed June 4. 1888,

Kuhn

In the matter of the
Report of viewrs appointed
to assess damage and
award contribution for
advantages and disadvantages
caused by reason of opening
Grant Street in the
Fifth Ward of Johnstown
Borough

Exceptance to said Report
First: The viewrs award is
not allowing to Walter
Hibert & Co, more than
One hundred Dollars
Second: That Walter Hibert & Co
was damaged by opening
of Grant Street to a
greater amount than
\$100⁰⁰

Third: That the opening of
of said street is not
necessary

Chas L Nick
Atty for Expts

No H ~~June~~ ^{June} 1888
R.D.

Exemptions in the
matter of the
Report of the
vicins of opening
of Grant St
Johannston
borough

Exemptions ^{to Report} filed

Filed 4 Mar 1889

Ed Mick

In the matter of the New to open damages and
advantages in the matter of the extension of front street
in the Fifth Ward of the Borough of Johnston.

Especially to the confirmation of the report of
the views - on the part of Belter about the

Belter about the except to the confirmation of the
report of the views in the above states case for the following
reasons.

First. The amount of damages awarded to the exception
is too low.

Second the views in making their award of damages. Left
out of view the part of the exception which will be put to in
grading the sidewalk which will necessarily follow the opening
of the street.

Third. The views did not allow sufficient damages for the
land taken for the street.

Fourth. The amount of damages allowed will not pay for the
grading of sidewalk ~~but also the~~ to say nothing of the value of
the land taken.

Fifth. The views were misled in regard to the question of
who must pay the sidewalk - were under the impression
that the same would be done by the Borough authorities
and hence made no allowance therefor in their estimate
of damages.

Sixth. The opening of the Street will be of no advantage to the exponents, they now being on either the Township Road.

Seventh. The opening of the Street will put the exponents to large costs and expense, which was not considered by the viewers.

Eighth. The opening of the Street will compel the exponents to erect a retaining wall of an average height of six feet or distance of two hundred and eighty feet on the line of the Street to support his land and buildings, located on the hillside; which expense was not considered by the viewers in their estimate of damages.

Ninth. The opening of the Street will take 6/36 square feet of the best, and level piece of the lot except towards frontage on the Street, the balance of the lot being on the hillside.
Wherefore
Ally to the above the

104 June 2nd 1888

In the matter of the
Opening of a new
in the matter of the
Opening of a new
of the Township of Hamilton

Exponents to compensation
of the viewers by
the Township of Hamilton

Ally to the above.

W. HORACE ROSE,
Attorney at Law,
J. W. Rose, Jr.

DAVID HAMILTON.

CAMBRIA IRON CO.

TOWNSHIP ROAD FROM MILL CREEK.

DIBERT HEIRS.

CAMBRIA IRON CO.

SOAP FACTORY.

GRANT STREET.

C. I. Co.

CAMBRIA CHAPEL.
A. Z. M. E. C.

MAP
OF
PROPOSED EXTENSION
OF
GRANT ST.
SCALE
1" = 40'

Conrad Bueden.

Conrad Lotz, Jr.

Conrad Lotz, Sr.

Geo. Berkenbush.

Wm. Doeppfer.

John Ruxer.

Henry Martin.

Geo. Craft.

Henry Gobert.

August Viering.

Wm. Heverling.

SHERMAN ST.
DIBERT ST.

HAYNES ST.