

In the Court of Quarter Sessions of Cambria County:

To the Honorable F.J. O'Connor Judge of the above named Court:

We the undersigned, being duly qualified electors and taxable citizens and residents of Lower Yoder Township in Cambria County, respectfully represent.

That on the 17 day of July 1896 the report of the viewers appointed by the above named court, to view and lay out a public road in the said township, beginning at a point in known as the Edwards Road at the slaughter house of John Hahn, to a point on Township Road about 200 feet, Eastward or less between the lands of John Hahn, Edwards & J. J. Hahn, was confirmed, and an order to open the said road was duly issued to the supervisors of the said township.

That in pursuance of the said order, the supervisors, opened the said road from the place of beginning for the distance of 150 feet and have since the opening of part of the said road, kept the said part of road in repairs-

That the supervisors of the said township have refused and still refuse to comply with the order of the court, and refuse to open the said road to the place of ending, as laid out by the said viewers and confirmed by the said Court.

That the citizens residing along side of the said laid out road and the citizens of the township, suffer great inconvenience, by reason of the failure of the supervisors to open the said road as laid out.

That the supervisors heretofore and the present supervisors have been notified to and requested to open the said road, and now refuse.

Your petitioners therefore pray your Honor, to grant a rule on the supervisors of the said township, to show cause why the said road should not be opened, according to the report of the viewers and the order of Court. And they will ever pray.

Dean Boyer
John Saliday
McFarland
Jas. A. Cowles

James H. Boyer
Lawrence Boyer

State of Pennsylvania |

SS:

County of Cambria |

Personally apperaed before me Alderman in
and for the said ccunty, James Boyer and who being duly sworn according
to law says, that the facts as set forth in the above petition are true
and correbt, and that he was present when the within citizens signed their
names to this petition and that their names are in their respective hand
writing.

Sworn and subscribed to this the |

11th day of Sept. 1909 |

Joseph Hornberger
My Commission expires first Monday of May 1913

James L. Boyer

23
NO 4 June 1895
1895

Petition of Citizens of Lower Yoder Township, for rule to show cause why the Super- visors, should not open road.

And now Sept, 13th 1909, the within petition read and con- sidered, and rule granted as pryed for, returnable at Argu- ment court next.

By the Court

Filed 13 September, 1909,
May 3, 1910, ~~rule ab-~~
~~solute~~, ~~Attorneys to~~
~~renew after sixty days~~
~~unless ring is then given~~
By the Court
Martin

To John Selman, Joseph Schindler and George Herbin

Supervisors of Lower yoder township in Cambria County Penn-
sylvania.

Sirs- The Court of Quarter Session of Cambria County, has some
twelve years ago issued an order to open a public road in the said
leading from Elk run road at Hahn's Slaughter House to the said Elk
run at or near Henry Schmidt's premises where it connects as shown
as shown by the return of the viewers. And of which the supervisors
have heretofore opened a part of said road, and does work on the
same every year.

The citizens of Lower yoder township labor under great inconven-
ience by reason of the road not being opened according to the order
of the said court. You are hereby notified and required to open the
said road as laid out by the said viewers and confirmed by the said
court, within thirty (30) days from the service of this notice. This
is given by the undersigned ~~xxxxxxx~~ taxables and citizens of the
said township.

McGary Herbin
John Holiday
John A. Corlies
James L. Boyer

Served on the
19th Day of July 1909
1050 ft of Road Opened

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

In Re Rule on Supervisors of Lower Yoder Township to Show Cause why
they should not be adjudged in contempt, etc., Rule
Returnable March 23, 1910.

Now, March 23, 1910, it is agreed between counsel for
petitioner and respondents, that the time for filing answer of respondents is extended to first Monday of April.

D. P. Martin

Attorney for Petitioner.

E. T. Menden

Attorney for Respondents.

4 June Sessions, 1898
Court of Appeals
Circuit Court

June Rich M Super
visors of Lower Grade
Sup. Rich 3rd
Red of 11th
1910

Agreement to extend
time to answer

Filed 23 March 1910

-:IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY:-

NO 4 JUNE SESSIONS 1895, R. D.

In re Petition for road from point on public road known as the "Edwards Road" at the Slaughter House of Wm. Hahn to a point on Township road about two hundred yards esatward from the house of Joynathan Edwards on line between the lands of Jonathon Edwards and J. J. Strayer in Lower Yoder Township.

13 Sept. 1909, Petition for Rule on Supervisors of Lower Yoder Township to show cause why the above road should not be opened, filed.

And now Sept 13th 1909, the within petition read and considered and rule granted as prayed for, returnable at Argument Court next.

By the Court.

6 Dec. 1909, on motion of F. P. Martin, Esq., Atty. for Pet. the time in which to file an answer extended to first Monday Jany. 1910.

Per Cur.

Extract from the Record,

Certified 23 Dec. 1909,

S. S. Kirkhead

Clerk, Q. S.

No. 4 June Sess. 1895.
R. D.

In re Road

in

Lower Yoder Township.

—: R U L E :—

Martin

DEC.: 27th, 1909, Served the within RULE upon John Salmon, George R. Morris and Joseph Scheidinger, Supervisors of Lower Yoder Township, by handing a certified copy thereof to an adult member of each of their families at their respective dwelling houses, they not being conveniently found.

R.D.&R. 1.00
Serving 2.00
Mileage 7.80

\$10.80

So answers,

Webster Griffith Sheriff,
Per E. H. Hume Depy.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

In Re Road in Lower Yoder Township.

No. 4 June Sessions, 1895.

Rule on Supervisors to Show Cause why They should not be Committed for Contempt, etc.

Now, April 4, 1910, comes Joseph Scheddinger, and Henry J. Schmidt ~~Marshall~~, supervisors, and saving and reserving to themselves all right to except to the regularity of the foregoing proceeding, in answer to said rule do say:

That the reasons given in their answer to the rule granted by this Court on September 13, 1909, requiring them to show cause why the above road should not be opened, which said answer was filed in this Court on the day of January, 1910, are sufficient in law, and that they have not done, knowingly or willfully, any act or thing in the premises, wherefor they should be committed for contempt.

Wherefore they ask that the rule granted on the 7th day of March, 1910, be dismissed.

Henry J. Schmidt
Joseph Scheddinger
Supervisors.

CAMBRIA COUNTY, SS:

Joseph Scheddinger and Henry J. Schmidt, being duly sworn according to law depose and say that the facts set forth in the foregoing answer are correct and true, as they verily believe.

Henry J. Schmidt
Joseph Scheddinger

Sworn and subscribed to before me
this 2nd day of April, A. D., 1910.

Jose Netzlue
Notary public.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY.

No. 4 June Sessions, 1895.

In Re Road in Lower Yoder
Township.

Answer of Supervisors to
Rule to Show Cause why
They should not be Punish-
ed for Contempt.

Filed 2 April, 1910.

McNeelis

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

No. 4 June Sessions, 1895, R. D.

In Re Petition for Rule on Supervisors of Lower Yoder Township to show
Cause why Road should not be opened.

ANSWER OF RESPONDENTS.

Joseph Scheddinger, John Sellmann and
supervisors of Lower Yoder Township, respondents in the above stated
rule, appear and for answer thereto say: that the section or part of
said road which the petitioners pray to be opened has not been opened to
the public for the reason that the road, if opened, would be of such a
steep grade as to be impracticable and dangerous for use and entirely too
expensive and burdensome upon the taxpayers of the township to maintain
and keep in passable condition; another reason why said portion of the
road has not been opened is that in the opinion of the respondents, there
is absolutely no necessity for the same to be opened, and fourteen years
having elapsed since the report of viewers was filed by this court and no
action having been taken by the predecessors of the respondents to open
the same for the reason above set forth, the respondents hesitate to take
any action towards opening the same until further order of the court.

Joseph Scheddinger
John Sellmann

CAMBRIA COUNTY, SS:

Joseph Scheddinger and John Sellmann

being duly sworn according to law says the facts
set forth in the foregoing answer are correct and true, to the best of
their knowledge, information and belief.

Joseph Scheddinger
John Sellmann

Sworn and subscribed to before me
this *10th* day of January, A. D., 1910.

Albert W. Steyer
Notary Public
Notary Public
My commission expires
Mar. 10, 1910

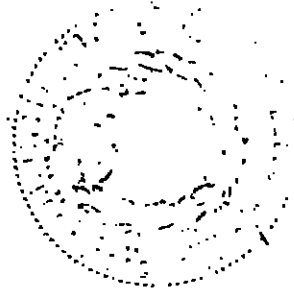
NO 4 June Dec 1890

See note to show
cause why road
should not be opened.

Answer of Superior

Filed 3 January, 1910.

Murder



IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

No. 4 June Sessions, 1895.

In Re Rule on Supervisors of Lower Yoder Township.

To S. S. Kinhead, Prothonotary:

Issue rule to take depositions
before Albert W. Stenger, on part of respondents in rule.

E. J. Whelan

Attorney for Respondents.

April 8, 1910.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA CO.

No. 4 June Sessions, 1895.

In Re Rule on Supervisors
of Lower Yoder Township.

PRAECIPE TO TAKE
DEPOSITIONS.

Filed 8 April, 1910.

McNeelis

In Re Road in Lower
Yoder Township

In the Court of Sessions of Cambria County
NO 4 June Sessions of 1895

Rule to Show Cause why said Road Should
not be opened, etc.

Whereas, the supervisors of Lower Yoder Township filed their answer to
the above mentioned rule on Jan'y 3rd 1910.

And Whereas, the said answer is not sufficient in law to vacate the
Order of Said Court, nor gives any sufficient reason in law, why the said
road should not be opened, according to the confirmed report of viewers
and the Order of Court.

Therefore with leave of Court. F.P. Martin attorney for the petitioners
moves the Court, for a rule to show cause why the supervisors should not
be committed to the County Jail for contempt. Said rule to be returnable
on the Third Wednesday of March 1910.



Attorney for Petitioners.

NO 4 June Sessions 1895

In Re Road in Lower Yoder
Township

Rule to show cause

And now March 7th 1910, the
within motion directed filed
and Rule granted as prayed
for. Returnable Third Wednes-
day of March at 10 O'Clock
A.M.

By the Court

Filed 7 March 1910,

Martin