

IN Re Remonstrance against the laying out of the Public Road
in Upper Yoder Township as entered to No. 6 June Term 1912.

Remonstrances hereto attached and filed herewith were presented to the Viewers at the time of the view and by them duly considered, and for these among other reasons the Viewers have considered the remonstrances unfavorably.

Though the remonstrances were signed by all the Supervisors as well as by a large number of citizens of the Township, not one of the Supervisors or a single citizen appeared in person at the time of the view to give the Viewers any information as to why they regarded the road as unnecessary.

As far as the Viewers could learn the signers of the remonstrances were all citizens of a distant part of the Township and interested in the laying out of the road only in so much as a portion of the taxes of the Township will necessarily be expended in opening and constructing the said road in case the same is ordered to be opened; and further it appears that many of the signers are only in a meagre and indefinite way familiar with the location of the road as laid out even up to the present time.

As regards their estimate of the cost to open and keep up the proposed road, we scarcely feel inclined to consider it as it is utterly impossible for any one intelligently to estimate the cost of constructing any road before they know where the same is to be located and those signing the remonstrances could not have known before the Viewers had located the same and as they were not on the grounds they did not know its location when the remonstrances were presented.

Regarding their opposition on the ground that the Township

of Upper Yoder is at present taxed to its limitation; We seriously doubt our right to inquire into its financial condition but if we have such right, then those opposed to the road and having this information should have been present that they might have been sworn and given this evidence in a way that it might properly be considered.

As to whether or not the road is necessary for public or private road we are of the impression that that question is for the Viewers to decide from the location of the proposed road and the locality through and in the neighborhood of where the same is laid out from which they are to determine as to the use and convenience of the road to those living in the vicinity thereof and the traveling public. With no one on the ground to enlighten us as to any circumstance by which we might possibly have been misled, after an earnest endeavor to learn all the facts and a careful investigation to determine as far as possible as to the correctness thereof, we are unanimously of opinion that the road as petitioned for is necessary for a public road: That is, as we understand the legal interpretation of the word "necessary", meaning not absolutely indispensable to communication, but with reference to the reasonable accommodation of the traveling public. And accordingly we have reported that we are of opinion that the road is necessary for the reasonable convenience and accommodation of the traveling public and should be opened for public use.

We have carefully examined the cases cited by the Attorney representing the remonstrances and consider them as having little bearing upon the case in question.

A. M. Shoemaker
J. L. Stiger
W. J. [unclear]
Viewers.

FRANK P. BARNHART
ATTORNEY AND COUNSELOR-AT-LAW
SUITE 401-402 SWANK BUILDING
JOHNSTOWN, PENNA.

May 15, 1912.

Alfred M. Shoemaker,
Attorney-At-Law,
Ebensburg, Pa.

Dear Sir:

In compliance with our conversation yesterday relative to the remonstrances against the road in Upper Yoder Township which you and Mr. Singer and Mr. Cavanaugh viewed, I am herewith enclosing the remonstrances of the inhabitants and taxpayers and likewise the remonstrances of the Supervisors of Upper Yoder Township.

In the light of the case of Ohio and Ross Township Road reported in 166 Pa. 132, I believe that the law in this State to-day is that the Viewers are the sole judges of the necessity and we think that for that reason you should attach considerable weight to the remonstrances enclosed, including as they do all three supervisors of the said Upper Yoder Township and upwards of One hundred and thirty (130) taxpayers of said township, including in its number practically all of the taxpayers of Upper Yoder Township excepting those who own property on the proposed road. I would respectfully request your attention to some of the citations in the footnote on Page 4203 of Vol. 4, Purdon's Digest of Acts where it is stated that the road should not be

FRANK P. BARNHART
ATTORNEY AND COUNSELOR-AT-LAW
SUITE 401-402 SWANK BUILDING
JOHNSTOWN, PENNA.

A. S. #2.

opened when it would benefit only a few (Marion Street,
19 Lancaster Law Review 294); and also in those cases
where the exceptions, remonstrances in this case, in
the light of the above authority that the question of
necessity and occasion for the road is solely for the
Viewers, are signed by a very large majority of the
citizens of the township. ~~was~~ (Springfield Township Road,
16 York 107.)

Very truly yours,

Frank P. Barnhart

In re road in Upper Yoder Town-
ship, Cambria County, Pa.

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

Petition to open road in Upper
Yoder Township, Cambria County, Pa.
Beginning at the intersection of a
private road between lands of W. S.
Stutzman and F. W. Otto with the
Mill creek road and ending at a
point in the public road leading
from the Millcreek road to Morrell-
ville, at a distance of about 2100
feet North West from the intersect-
ion of said Millcreek road with the
public road leading to Morrellville,
which is at the intersection of
said Twp. road with the private lane
of Jefferson Rowland.

REMONSTRANCE.

To A. M. Shoemaker, J. L. Singer and W. J. Cavanaugh,
Viewers in the above stated proceedings.

The remonstrance of the undersigned Supervisors of the
Township of Upper Yoder, County of Cambria and State of Pennsylvania,
respectfully sets forth: That the said Township of Upper Yoder is at
present taxed to its limitation, unless special permission, as pro-
vided by law, shall be secured to increase the said taxation; that
for the purpose of constructing and laying out the above mentioned
proposed road it would require approximately the sum of
One Thousand Dollars (\$1000.00) an expenditure that the said
Township of Upper Yoder is unable to make at this time; that the
said proposed road is and would be virtually a private road and not
a public road, as contemplated by law; that the said road is intended
and would be for the use of a limited few; that the said road is not
necessary for travel, as contemplated by the Act of Assembly; and
that by reason of the present system of public roads in said Upper
Yoder Township there is at this time no occasion for opening and
constructing the said road.

Therefore, your remonstrants pray that you, the above
named Viewers, report to the Court and advise against the opening
and laying out of said proposed road.

Adam Keafer

D. H. Mciner

J. D. Barnhart
Supervisors.

Commonwealth of Pennsylvania:

County of Cambria:

SS.

:

Personally appeared before me, a Notary Public in and for said State and County, Nelson Muhler who being duly sworn according to law deposes and says that the statements set forth in the within remonstrance are true and correct to the best of his knowledge, information and belief.

Nelson Muhler

Sworn and subscribed before me this 13 day of May,

A. D. 1913.

Frank P. Baruhart
Notary Public,

MY COMMISSION
JAN. 30. 1914

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

In re road in Upper Yoder
Township, Cambria County,
Pennsylvania.

REMONSTRANCE OF SUPERVISORS.

FRANK P. BARNHART
ATTORNEY AND COUNSELOR-AT-LAW
SUITE 401-402 SWANK BUILDING
JOHNSTOWN, PENNA.

In re: road in Upper Yoder Town-
ship, Cambria County, Pa.

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

Petition to open road in Upper
Yoder Township, Cambria County,
Pa. Beginning at the intersection
of a private road between lands of
W. S. Stutzman and F. W. Otto with
the Millcreek road and ending at a
point in the public road leading
from the Millcreek road to Morrell-
Ville at a distance of about 2100
feet North West from the inter-
section of said Millcreek road with
the public road leading to Morrell-
Ville, which is at the intersection
of said Twp. road with the private
lane of Jefferson Rowland.

REMONSTRANCE.

To A. M. Shoemaker, J. L. Singer and W. J. Cavanaugh,
Viewers in the above stated proceeding.

The remonstrance of the undersigned inhabitants and
taxpayers of the Township of Upper Yoder, County of Cambria and
State of Pennsylvania, respectfully sets forth: That the said
Township of Upper Yoder is at present taxed to its limitation,
unless special permission, as provided by law, shall be secured to
increase the said taxation; that for the purpose of constructing
and laying out the above mentioned proposed road it would require
approximately the sum of One Thousand Dollars (\$1000.00)
an expenditure that the said Township of Upper Yoder is unable to
make at this time; that the said proposed road is and would be
virtually a private road and not a public road, as contemplated
by law; that the said road is intended and would be for the use of
a limited few; that the said road is not necessary for travel, as
contemplated by the Act of Assembly; and that by reason of the
present system of public roads in said Upper Yoder Township there
is at this time no occasion for opening and constructing the said
road.

Therefore, your remonstrants pray that you, the above
named Viewers, report to the Court and advise against the opening
and laying out of said proposed road.

<u>Geo. R. Young</u>	<u>David D. Blough</u>
<u>J. M. Young</u>	<u>Clayd S. Livingston</u>
<u>Wilson Kelly</u>	<u>W. Carpenter</u>
<u>John W. Kelly</u>	<u>Cyrus Anstead</u>
<u>Norman Kaufman</u>	<u>Nash S. Sagle</u>
<u>Frank H. Peterson</u>	<u>Christian Sagle</u>
<u>Clyde Hummel</u>	<u>Herman Galt</u>
<u>Edwin Hummel</u>	<u>Samuel Wagner</u>
<u>George W. Hummel</u>	<u>Chas. Spicker</u>
<u>William K. Hingger</u>	<u>James Spicker</u>
<u>W. J. Livingston</u>	<u>A. N. Kaufman</u>
<u>W. V. Schaffer</u>	<u>Simon L. Kaufman</u>
<u>David A. Cotton</u>	<u>John W. Keefer</u>
<u>Henry Hafesler</u>	<u>R. M. Haines</u>
<u>Mr. Hafesler</u>	<u>M. H. Keeler</u>
<u>Samuel Kacker</u>	<u>John H. Kachob</u>
<u>Wilson L. Kaddy</u>	<u>John E. Miller</u>
<u>Jacob S. Kacker</u>	<u>Henry J. Miller</u>
<u>Samuel Shanley</u>	<u>Ralph Barnhart</u>
<u>Henry Schenkel</u>	<u>Charles Borchers</u>
<u>Joseph A. Schenkel</u>	<u>R. A. Costlow</u>
<u>Earl Keeler</u>	<u>J. M. Kelly</u>

J. R. Miller	H. E. Burley
Wm. Fisher	H. T. Ling
John J. Mitchell	John Livingston
Robert C. ...	L. C. ...
Thomas ...	H. G. ...
John E. ...	L. L. ...
Robert ...	E. W. ...
Elmer ...	Wm. ...
Herman Livingston Nelson	...
John A. Livingston	Harry J. ...
Harry ...	
Richard H. Pearce	
Charles J. ...	
John D. ...	
Robert ...	
Carl ...	
William ...	
Robert ...	
Wm. Hershberger	
Simon ...	

Henry M Fisher

William Kester

Henry J Nagel

Kinter Pearson

Joseph Young

S. W. Beaman

Samuel West

David Hepler

Harry Wagner

Emmett Shaffer

Frank Hite

C. B. Cary

Charles Kimmel

P. S. Bender

Walter Dowling

J. S. Edwards

Clarence Cary

H. W. Livingston

John M. ...

N. H. ...

...

Wm. ...

John Palliser

Albert Palliser

George Palliser

William Palliser

Frank Palliser

108

James H. ... & Peterson

H. J. ...

L. P. Peterson

G. L. Peterson

John ...

Eliza Sanders

Wm. ...

Wm. Gardner

James ...

...

Chas. O'Connor

H. E. O'Connor

J. J. ...

Wm. ...

E. T. ...

...

...

Geo B. ...

...

S. J. ...

W. J. ...

Commonwealth of Pennsylvania: 38.
County of Cambria: :

Personally appeared before me, a Notary Public in and for said State and County, James W. Hunt, J. E. Peterson, *Nelson Mishler*, and D. H. Weimer who being duly sworn according to law, depose and say: that the persons whose names are herein attached affixed their own signatures in the presence of one of the affiants herein or authorized one of the affiants herein to sign their names for them.

Sworn and subscribed before me
this *13* day of May, A. D.
1913.

Frank P. Bauharts
Notary Public.

MY COMMISSION EXPIRES
JAN. 30, 1914

James W. Hunt
J. E. Peterson
Nelson Mishler
D. H. Weimer

106 Mich Sec 1912 R.D.

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

In re road in Upper Yoder
Township, Cambria County,
Pennsylvania.

REMONSTRANCE.

Filed 5 June 1912

FRANK P. BARNHART
ATTORNEY AND COUNSELOR-AT-LAW
SUITE 401-402 SWANK BUILDING
JOHNSTOWN, PENNA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY

IN RE ROAD IN UPPER YODER: No. June Sessions, 1912
TOWNSHIP : B O N D

KNOW ALL MEN BY THESE PRESENTS, that we, William S. Stutzman and Bruce H. Campbell both of Upper Yoder Township, County of Cambria and State of Pennsylvania, are held and firmly bound unto the County of Cambria, aforesaid in the sum of Fifty (50) Dollars, lawful money of the United States to be paid to the said County of Cambria, to which payment well and truly be made, we bind ourselves, our heirs, executors and administrators and every of them firmly by these presents.

Sealed and dated the 6th day of April, one thousand nine hundred and twelve.

The condition of this obligation is such that if the above bounded William S. Stutzman and Bruce H. Campbell, their heirs, executors or administrators or any of them shall and well and truly pay or cause to be paid unto the said Cambria County a sufficient sum to pay for the purpose of viewing the above mentioned road, when the same is concluded, then this obligation to be void, or else to remain in full force and virtue.

W. S. Stutzman (SEAL)

Bruce H. Campbell (SEAL)

Signed, sealed and delivered
in the presence of:-

James B. Hemmett

IN THE COURT OF QUARTER
SESSIONS OF CALBRIA COUNTY
No. 6 *March* Sessions, 1912

IN RE ROAD IN UPPER
YODER TOWNSHIP

B O N D

And now, *April 8th* 1912
the within bond approved.

Martin B. Hamilton
President

Filed 18 April 1912

FRANCIS B. HAMILTON
ATTORNEY AT LAW
JOHNSTOWN, PA.
301 JOHNSTOWN TRUST CO. BLDG.

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

To the Honorable Marlin B. Stephens, President Judge of the said Court.

The petition of the undersigned, inhabitants of the Township of Upper Yoder, County of Cambria and State of Pennsylvania, respectfully represents.

That they labor under great inconvenience for want of a Public Road or highway beginning at a point at the intersection of a Private Road between lands of W. S. Stutzman and F. W. Otto with the Public Road known as the Millcreek Road in the Township of Upper Yoder, County and State aforesaid, *about 1900* feet in an *easterly* direction from the intersection of the said Millcreek Road with the Township Road leading to Morrellville between properties of W. S. Stutzman and Dr. Charles E. Hannan; and ending at a point in the Township of Upper Yoder, County and State aforesaid on the Township Road leading from Millcreek Road to Morrellville a distance of *about 2100* feet in a *North-westerly* direction from intersection of the said Millcreek Road with the said Township Road leading to Morrellville, which is at the intersection of said Township Road with the Private Lane of Jefferson Rowland.

The petitioners therefore pray your Honorable 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 this Court.

_____	<u>Amos W. Campbell</u>
<u>Chas. J. Johns</u>	<u>J. H. Stutzman</u>
<u>W. S. Stutzman</u>	<u>W. S. Stutzman</u>
<u>Webb Marshall</u>	<u>Samuel R. Johnson</u>
_____	<u>F. G. Johns</u>
_____	<u>William Rowland</u>
_____	<u>Jefferson Rowland</u>
_____	<u>Wm. D. Slagle</u>
_____	<u>Robt. B. Stutzman</u>
_____	<u>John J. Johnson</u>

NOTICE

To the supervisors of Upper Yoder Township, County of Cambria and State of Pennsylvania.

In accordance with the provisions of the Act of Assembly of the Commonwealth of Pennsylvania notice is hereby given that an application will be made to the Court of Quarter Sessions of Cambria County on Tuesday, April, 2, 1912 for the appointment of viewers to lay out a Public Road beginning at a point at the intersection of a Private Road between lands of W. S. Stutzman and F. W. Otto with the Public Road known as the Millcreek Road in the Township of Upper Yoder, County and State aforesaid, *about 1400 feet in an easterly* direction from the intersection of the said Millcreek Road with the Township Road leading to Morrellville between properties of W. S. Stutzman and Dr. Charles E. Hannan; and ending at a point in the Township of Upper Yoder, County and State aforesaid on the Township Road leading from Millcreek Road to Morrellville a distance of *about 2100* feet in a *Northwesterly* direction from intersection of the said Millcreek Road with the said Township Road leading to Morrellville, which is at the intersection of said Township Road with the Private Lane of Jefferson Rowland.

Francis B. Hammett
Atty for petitioners

I hereby certify that a copy of the foregoing notice was served upon Daniel Weimer, Isaac Barnhart and Adam Keifer supervisors of Upper Yoder Township by handing them a true and correct copy thereof March, 29, 1912.

Francis B. Hammett

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY.

No. *6 Mar* June Sessions, 1912

IN RE ROAD
IN UPPER YODER TOWNSHIP

PETITION OF CERTAIN INHAB-
ITANTS FOR APPOINTMENT OF
VIEWERS.

Filed 2 April 1912.

*Now April 2 1912
certain petition
read and considered
and A M Shrock
J L Linger and
William Casanovich
appointed viewers
to view and report as
provided by law
By the Court*

FRANCIS B. HAMILTON
ATTORNEY AT LAW
JOHNSTOWN, PA.

R E P O R T O F V I E W E R S .

TO THE HONORABLE M. B. STEPHENS, PRESIDENT JUDGE OF THE
COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.:

We, the undersigned members of the Board of Viewers of Cambria County appointed by your Honorable Court to view the ground proposed for a public road in the Township of Upper Yoder, Cambria County, Pa., to lead from a point at the intersection of a private road between lands of W. S. Stutzman and F. W. Otto with the Mill Creek road and to end at a point in the public road leading from the Mill Creek road to Morrellville at a point, at or near the residence of Jefferson Rowland, as set forth in the Order of Court hereto attached, respectfully report:-

That having given due public notice of the ~~time and place~~ view and of the time and place of meeting of the Viewers, to the County Commissioners of Cambria County and to the Supervisors of the Township of Upper Yoder, by having them accept service of notices, hereto attached, and to the public generally by printed handbills posted in public and conspicuous places at and near the termini of the proposed road: All of us met in accordance with the notice given and having been first duly qualified according to law to perform the duties of our appointment faithfully, impartially and to the best of our ability; we viewed the premises and are of opinion that there is occasion for a public road, as prayed for by the petitioners, and therefore we proceeded to lay out the same, having due respect to the shortest distance, the best ground for a road and in such manner as would be as near as

practicable agreeable to the desire of the petitioners and at the same time do the least injury to private property.

A plot or draft of said road is hereto attached, made a part of this report and herewith returned for public use; showing the said road to take the following courses and distances: ~~viz~~:

Beginning at the point of beginning, above noted, and running thence North seventeen degrees West two hundred thirty feet, thence North thirty-four degrees West seven hundred fifteen feet thence South fifty-six degrees West six hundred three feet, thence North thirty five degrees West three hundred thirty-eight feet, thence North sixty-three degrees West seven hundred eighty-two feet; following up to this point private roads or ways already thrown open to the public, between lands of parties as shown on the attached draft; thence North eighty-eight degrees West four hundred four feet, thence South eighty degrees West one hundred thirty-two feet, thence South eighty-two and one half degrees West three hundred forty eight feet to the point of ending of ^{proposed} said road; near the residence of Jefferson Rowland, on the Public road leading from the Mill Creek Road to Morrellville; the last three courses being through and over cleared land of J. S. Stutzman and a small corner of property of F. P. Barnhart, Esq. The viewers have obtained a release of damages from J. S. Stutzman which is hereto attached, and Mr. Barnhart refusing to sign a release of damages, we have assessed him NO damages.

During the view of the ground proposed for said road the Attorney for the Township and the Supervisors appeared and presented remonstrances against the laying out of said road, signed by a number of the Citizens and the Supervisors of the Township and yet

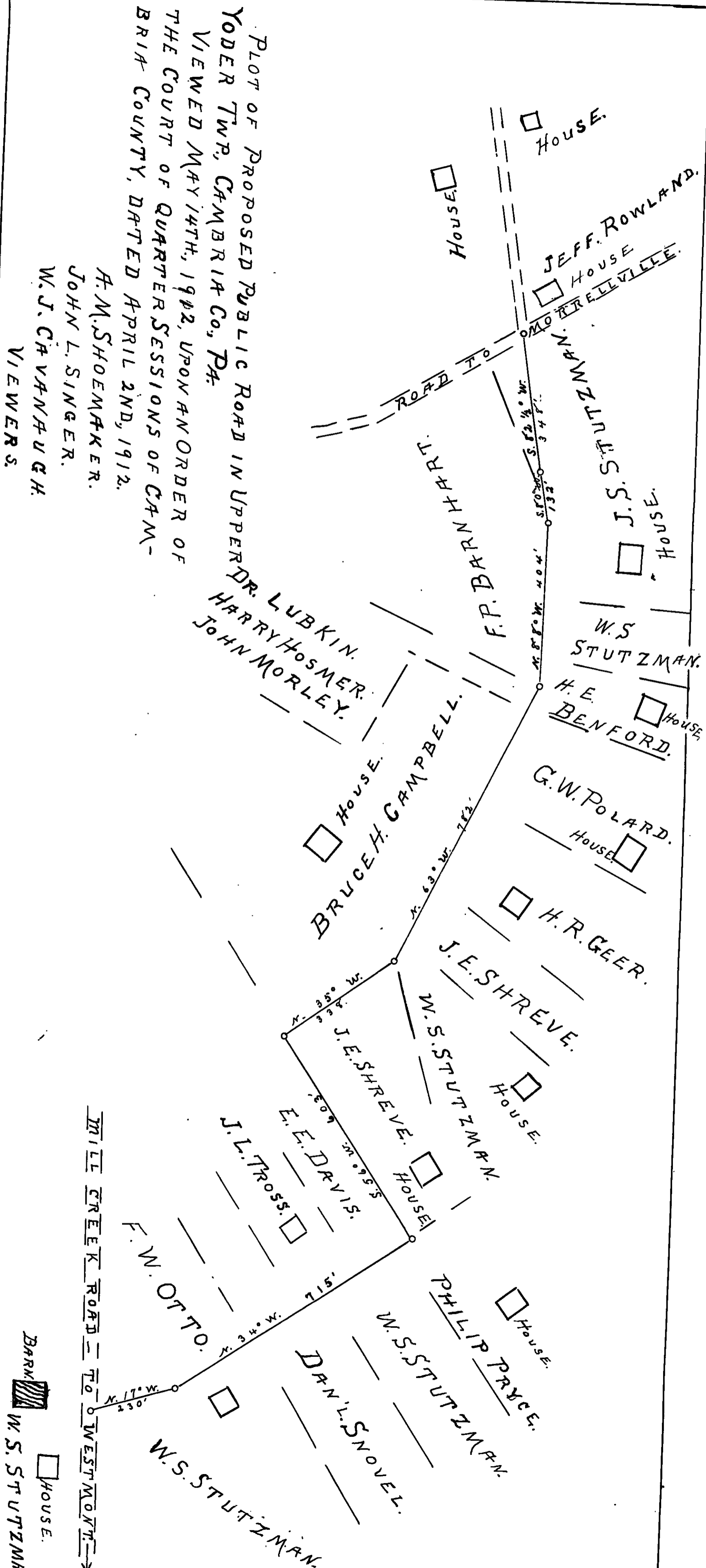
not one of the Supervisors, nor a single citizen appeared on the ground to point out to the Viewers, why they regarded the road as unnecessary or to give them an opportunity to question them concerning facts set forth in the remonstrances, upon which they based their statements of fact set forth in said remonstrances: The said remonstrances are filed herewith, together with a brief statement of some of the reasons why the Viewers failed to consider the remonstrances favorably.

Witness our hands this 22nd day of May, A. D., 1912.

Costs of View

A. M. Shoemaker	
3 1/2 Days	17.50
Lifting order	90
Transportation ^{meal}	2.95
Helper	1.50
2 Prints	.50
John L. Singer	
1 Day	5.00
Transp, feed & meals	6.10
W. J. Cavanaugh	
1 Day	5.00
Transportation + meal	2.00

A. M. Shoemaker
J. L. Singer
W. J. Cavanaugh
 Viewers.



PLOT OF PROPOSED PUBLIC ROAD IN UPPER
 YODER TWP, CAMBRIA CO, PA.
 VIEWED MAY 14TH, 1912, UPON AN ORDER OF
 THE COURT OF QUARTER SESSIONS OF CAM-
 BRIA COUNTY, DATED APRIL 2ND, 1912.

A. M. SHOEMAKER.
 JOHN L. SINGER.
 W. J. CHAVANUGH.
 VIEWERS.

R E L E A S E O F D A M A G E S .

Know All Men by These Presents: That I, J. S.

Stutzman, through and over whose land a certain public road, this day laid out, passes; do hereby release all claim or claims for damages whatsoever which, by reason of the laying out or opening of the said road, shall or might result to me

Witness my hand and seal this 14th day of May A.D. 1912.

J. S. Stutzman (SRAL).

ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the ground

for a proposed road in Upper
Yoder Twp, Cambria Co, Pa. Beginning at
the intersection of a private road between
lands of W. S. Stutzman & F. W. Otto with
the Millcreek Road & ending at a point in the
public road leading from Millcreek Road to
Morrisville, a distance of about 2,100 ft.
North West from the intersection of said Mill-
creek Road with the public road leading to
Morrisville, which is at the intersection
of said Twp road with the private lane of
Jefferson Rowland

will meet at the place of beginning, above noted, in the Township
of Upper Yoder aforesaid, on the 14th day of May
1912, at 10:00 o'clock a.m. for the purpose of viewing said ground.

A. W. Shoemaker
J. L. Singer
W. J. Cavanaugh
Viewers.

April 26th 1912.

Now April 22nd 1912, service of within
notice accepted for the County Com-
missioners of Cambria County, Pa.

L. C. Foyell
clerk

ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view the ground for a proposed road in Upper Yoder Twp, Cambria Co., Pa. - Beginning at the intersection of a private road between lands of W. S. Stutzman and F. W. Otto with the Mill-Creek Road & ending at a point in the public road leading from Millcreek Road to Morrellville a distance of about 2,100 ft. Northwest from the intersection of said Millcreek Road with public road leading to Morrellville which is at the intersection of said Twp road with the Private Lane of Jefferson Rowland

will meet at the place of beginning above noted in the Township of Upper Yoder, aforesaid, on the 14th day of May 1912, at 10:00 o'clock a.m. for the purpose of viewing said ground.

C. W. Shoemaker
J. D. Singer
W. J. Cavanaugh
Viewers.

April 26th 1912

Now April 26-1912, Service of the
within notice accepted by
the undersigned supervisors
of Upper Yoder Trwp, Cambria
Co., Pa. —

Adam Keifer

J D Barnhart

D. H. Green

Supervisors

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

IN RE ROAD IN :
: No. 6 Marsh June Sessions, 1912.
UPPER YODER TOWNSHIP : ORDER TO VIEW

CAMBRIA COUNTY: SS.

At a Court of quarter Sessions of the Peace of the County of Cambria held on the second day of April, 1912 before the Honorable Marlin B. Stephens, President Judge of the said Court.

The petition of divers inhabitants of the Township of Upper Yoder, County of Cambria and State of Pennsylvania was presented, setting forth that they labor under great inconvenience for want of a Public Road or highway beginning at a point at the intersection of a Private Road between lands of W. S. Stutzman and F. W. Otto with the Public Road known as the Millcreek Road in the Township of Upper Yoder, County and State aforesaid, about 1900 feet in an eastern direction from the intersection of the said Millcreek Road with the Township Road leading to Morrellville between properties of W. S. Stutzman and Dr. Charles E. Hannan and ending at a point in the Township of Upper Yoder, County and State aforesaid on the Township Road leading from Millcreek Road to Morrellville a distance of about 2400 feet in a North Westerly direction from intersection of the said Millcreek Road with said Township Road leading to Morrellville which is at the intersection of said Township Road with the Private Lane of Jefferson Rowland, and praying 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 according to law.

Whereupon the Court upon due consideration, did appoint As Mr. Shoemaker, Esq., J. E. Dinger and W. J. Cavanaugh three persons qualified as aforesaid, who, after being respectively sworn or affirmed to perform their duties impartially and according to the best of their judgment are to view the ground proposed for the said road, and if they, or a majority of them agree that there is occasion for said road, they shall proceed to lay out the same, having respect to the shortest distance and the proposed ground for the Road and in such manner as will do the least injury to private property and also as far as practicable agreeable to the desires of the petitioners; and if practicable the viewers shall lay out the said road at an elevation not exceeding five degrees, and before such view public notice of the time and place of meeting of the viewers shall be given by advertisement put up in three of the most public places in the vicinity, at least ten days before said meeting, and written or printed notice of such time and place of meeting shall be given to the supervisors of the Township of Upper Yoder through which the proposed road passes at least five days before the said meeting and notice shall be given to the Clerk of the County Commissioners of the time and place of such meeting of viewers at least six days before the time fixed for the said meeting. The said viewers shall make report at the next term of Court, stating particularly who of them were present at the view, whether they were severally sworn or affirmed, and whether the desired road be necessary for public

or private Road, and shall also annex to their report and return to the Court a plot or draft of the said road stating the courses and distances and noting the improvements through which it may pass. If the viewers shall decide in favor of locating the Public Road they shall also endeavor to procure from the owners of land through which it shall pass releases in writing of all claims for damages that may arise from opening the same and in case they fail to procure such releases they shall then assess the damages, if any, to be done thereby, taking into consideration the advantages to be derived from the road passing through said lands and return the same together with the releases obtained to the Court.

By the Court

Attest: A. A. Kirkhead.

clerk

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY

No. 6 Manew. June Sessions, 1912

IN RE ROAD
IN UPPER YODER TOWNSHIP

ORDER TO VIEW

*Filed 5 June, 1912, in
open court.*

FRANCIS B. HAMILTON
ATTORNEY AT LAW
JOHNSTOWN, PA.

*5 June 1912, approved and breadth fixed as
Equity fees. By the Court*

16 Sept 1912 confirmed. S. A. Kinkead, Clerk