

R.D. # 5 Mar. 1913
Not microfilmed

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

IN THE MATTER of the report of Viewers appointed April 22nd, 1913, to view and lay out a certain Road running from a point where the boundary line dividing the City of Johnstown and Lower Yoder Township in said County intersects with the center line of J Street (also called the intersection of J Street), which point is 155 feet from the intersection of J Street and Barron Avenue in said City and County and ending at a point on the center line of the Elk Run Road leading to Johnstown in said Lower Yoder Township, which point is near the house of Charles Reynolds and is 5823 feet distant from the intersection of the Elk Run Road and Barron Avenue, all in said Township of Lower Yoder, County of Cambria and State of Pennsylvania.

S. E. Dickey, George K. Schryock and Enoch James,
Viewers.

EXCEPTIONS to the
Report of Viewers, by
David H. Slagle.

1st.- Said road is not necessary.

2nd.- Proceedings to open and lay out a road on practically the same land as this road is laid out have heretofore, recently, been set aside by this Court.

3rd.- That no damages were awarded to David Slagle through whose land said road passes, the road not being of any benefit to him; and it taking of his land about one lot and entirely destroying twenty-four cherry trees, and doing him damage to the sum of \$500.00 or upwards, and awarding to him no benefit.

4th.- That said road would benefit but few people.

THEREFORE, David H. Slagle asks that said report be set aside or Re-viewers appointed.

David H. Slagle
by *[Signature]*
[Signature]

IN THE MATTER OF THE ROAD IN LOWER YODER
TOWNSHIP.

State of Pennsylvania, :
County of Cambria. : SS:

Before me, the subscriber, a Notary Public in and for said County and State, personally came David H. Slagle, who being by me duly sworn according to law does depose and say that the above mentioned Road passes through his land in said Township and takes of the same about one lot and damages and entirely destroys twenty-four (24) bearing cherry trees and deprives the owner thereof of the use of said land for all purposes, and damages the owner to the amount of Five Hundred Dollars (\$500.00).
Sworn and subscribed to before

me this twenty-fifth day of
September, A. D. 1913.

Wm. Williams
Notary Public.

My Commission Expires,
February 21, 1915.

David H. Slagle

No 5. March Term 1913

IN THE COURT OF QUARTER
SESSIONS OF CALIFORNIA COUNTY.

IN THE MATTER of the report
of Viewers appointed April
22nd, 1913, to view and lay
out a road in Lower Yoder
Township, said County,
S. F. Dickey, George K.
Schryock and Enoch James,
Viewers.

EXCEPTIONS of David H.
Slagle to said report.

Filed 1 Dec 1913

WM. WILLIAMS
ATTORNEY-AT-LAW
JOHNSTOWN, PA.

IN THE COURT OF QUARTER SESSIONS OF CALIBRIA COUNTY.

TO THE HONORABLE MARLIN B. STEPHENS, PRESIDENT JUDGE OF SAID COURT:

The petition of the undersigned, inhabitants of the township of Lower Yoder, in said county, respectfully represents:

That they labor under great inconvenience for want of a public road or highway beginning at a point where the boundary line dividing the City of Johnstown and Lower Yoder township, in said County, intersects with the center line of "J" street (also called the extension of "J" street), which point is One Hundred and fifty-five feet from the intersection of "J" street and Barrow Ave. in said City and County, and ending at a point on the center line of the Elkrun road leading to Johnstown, in said Lower Yoder town-

ship, which point is near the house of Charles H. Reynolds, and is Five thousand eight hundred and twenty-three feet distant from the intersection of the Elkrun road and Barrow Ave. (At this intersection the Elkrun road is called D. street.)

The petitioners, therefore, pray the court to appoint three persons qualified according to law, to view the ground proposed for such road, and if they see occasion to lay out the same and make report of their proceedings to the next term of this court.

And they will ever pary, etc.

Wm. Brown
A. H. Gray
ale Gray
O. G. Smith
Harold Wilson
Jack L. Miller
W. B. Cole
John Murray

G. H. Slagle
Porter Slagle
Chas. Derr
Samuel H. Smith
Bert Felix
Daniel Felix
A. Gray
Chas. H. Gray

COUNTY OF CAMBRIA

STATE OF PENNSYLVANIA

SS.

Personally appeared before me the undersigned, C. C. Grazier, one of the above petitioners, who being duly sworn as the law directs, deposes and says that the facts set forth in the foregoing petition are true and correct.

C. C. Grazier

Sworn and subscribed before me

this 21st day of April, 1913.

Genevieve Leakey
Notary Public.
My commission expires
March 25th, 1917.

To James Boyer, Henry Schmidt and Ben Smith,
Supervisors of the township of Lower Yoder, in Cambria County;

Notice is hereby given that a petition will be presented to the Court of Quarter Sessions of Cambria County, on Tuesday, the 22nd day of April, 1913, at ten o'clock A. M. for the appointment of viewers to lay out a public road beginning at a point where the boundary line dividing the City of Johnstown and Lower Yoder township, in said County, intersects with the center line of "J" street (also called the extension of "J" street), which point is One Hundred and fifty-five feet from the intersection of "J" street and Baron Ave in said City and county, and ending at a point on the center line of the Elkrun road leading to Johnstown, in said Lower Yoder township, which point is near the house of Charles M. Reynolds, and is 5873 feet from the intersection of the Elkrun road and Baron Ave.

The undersigned, supervisors of the township of Lower Yoder, in Cambria County, hereby accept service of the above notice.
April 22th, 1913.

Ben Smith
J. L. Boyer
Henry J. Schmidt
Supervisors.

KNOW ALL MEN BY THESE PRESENTS.

That J. Malbrauc and C. C. Graizer are held and firmly bound unto the County of Cambria in the sum of one hundred dollars (\$100.00), lawful money of the United States of America, to be paid unto the said County of Cambria, to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators firmly by there presents. Sealed with our seals the Twenty-first day of April, in the year of our Lord one thousand nine hundred and thirteen.

Whereas on the Twenty-second day of April 1913, the petition of divers inhabitants of the township of Lower Yoder, in the County of Cambria, State of Pennsylvania, will be presented to the Court of Quarter Sessions of Cambria County for the appointment of viewers to view and lay out a public road to begin at a point where the boundary line dividing the city of Johnstown and Lower Yoder township, in said County, intersects with the center line of "J" street (also called the extension of "J" street), which point is One Hundred and fifty-five feet from the intersection of "J" street and Barrow Ave. in said city and county, and ending at a point on the center line of the Elk Run road leading to Johnstown, in said Lower Yoder township in said county, whic point is near the house of Charles M. Reynolds, and is 5823 feet distant from the intersection of the Elk Run road and Barrow Ave.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said petitioners asking for the appointment of said viewers shall pay or caused to be paid the fees and expennses of the viewers appointed in said recited proceedings, if the court shall so require, then this obligation to be void, otherwise to be and remain in full force and virtue.

Signed, Sealed and Delivered
in the presence of

Rudolph Lechler

E. Graizer

J. Malbrauc (SEAL)

C. C. Graizer (SEAL)

And now, April 22, 1913, the foregoing petition having been read and approved, S. C. Dickey, George K. Shappell and E. J. ...

are appointed viewers to view the proposed road and make a report of their findings according to law.

By the Court

No. 5, March Term 1913

WM. G. JOHNSON & CO., PITTSBURGH, PA.

In the Court of Quarter
Sessions of Cabell
County.

Petition of in -
habitants of lower
Godwin Township
for public road,
Brid and Order
of Court.

Filed 27 April 1913.

W. Carl Soren,
Att'y-at-law.

REPORT OF VIEWERS

TO THE HONORABLE MARLIN B. STEPHENS, PRESIDENT JUDGE OF THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

We the undersigned Viewers appointed by the annexed order of the court to view the road within mentioned respectfully report, that we have been duly sworn as members of the permanent board of viewers as shown by the records of the court, that having given due public notice of the said view and of the time and place of meeting by posting notices as required by the law along the route and termini of said proposed road and by service of such notices on the commissioners of Cambria County and the supervisors of Lower Yoder Township, acceptance of service of said notices being hereto attached. We met in accordance with the notice given on the 23rd day of May A. D. 1913 at 9:30 A. M. and on account of rain we continued the View until the 5th day of June A. D. 1913 at 8:30 A. M. having said continuance approved by the court. We met then in accordance with the notice of continuance above given on the 5th day of June A. D. 1913 at 8:30 A. M. and viewed the premises and are of the opinion that there is an 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 the road and in such manner as would be as near as practicably 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 as laid out by us is hereto attached and made part of this report and, herewith returned for public use, showing said road to take the following courses and distances:

Beginning at a stake on the line between the city of Johnstown and Lower Yoder Township S. 31° 00' W., 150.0' from the intersection of the South line of Barron Avenue with "J" Street; thence through lands of John Burkhard and along a private road S. 10° 00' E., 785.1' to a stake in said private road; thence along the center of travel of said private road and paralleling the lines of a plan of lots laid out by Charles Griffith as follows, S. 48° 00' W., 193.0', S. 7° 39' W., 63.0', S. 47° 25' E., 197.0', S. 64° 40' E., 244.2', S. 36° 51' E., 58.9', S. 13° 20' E., 32.9', to a stake in said road and on line of land of David H. Slagle and C. C. Grazier; thence through lands of C. C. Grazier as follows, S. 3° 19' W., 468.0', S. 38° 24' W., 67.8', S. 72° 13' W., 180.7', S. 86° 05' W., 270.0' to a stake on line of land of Daniel Felix; thence by said Daniel Felix land N. 61° 50' W., 302.0' to stake on land of C. C. Grazier 15.0' distance from line of Daniel Felix; thence through lands of C. C. Grazier and paralleling line of Daniel Felix S. 34° 17' W., 1170.3' to a stake; thence through land of C. Malbranc S. 50° 49' E., 137.3' and S. 64° 57' E. 178.0' to a stake on line of lands of James Felix; thence along the line of land of James Felix, Daniel Felix and C. Malbranc S. 0° 50' W., 675.0' to a stake; thence through lands of C. Malbranc S. 52° 30' W., 212.0' to a post on line of land which is claimed by both Henry Schmidt and C. Malbranc but is in possession of the later; thence through said disputed land and by the center of a 30' wide laid out street S. 29° 19' W., 579.5'; thence continuing by the center of said 30' wide street S. 60° 20' E., 1355.0' to the intersection of said street with the Elk Run Road and place of ending as described in the within order of view.

The plot or draft hereto attached shows the improvements and the owners of the adjacent property along the route of said road and passing through the following land, to wit: Charles Griffith, John Burkhard, David H. Slagle, C. C. Grazier, Daniel Felix, C. Malbranc, James Felix and land claimed by Henry Schmidt

and C. Malbranc. A release of damages was obtained from John Burkhard, C. C. Grazier, T. Malbranc, Daniel Felix and James Felix a signed copy of which is herewith attached and having failed to obtain a release of damages from David H. Slagle, Charles Griffith and Henry Schmidt we assess David H. Slagle no damages, Charles Griffith no damages and Henry Schmidt no damages.

During the view of the ground proposed for said road the attorney for the petitioners, the supervisors and the owners of the ground affected by said road were present and heard and after due consideration of all the matters so before us we are of the opinion that there is an occasion for the said road as laid out, and the same is necessary for a public road.

Witness our hands this 18th day of June A. D. 1913.

J. E. Sickey
Geo. W. S. S. S. S.
Samuel J. S. S.
VIEWERS.

NOTICE OF VIEW

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County to view the site and determine as to the necessity of laying out a public road to begin at a point where the boundary line dividing the City of Johnstown and Lower Yoder Township, in said County, intersects with the center line of "J" street (also called the extension of "J" street), which point is one hundred and fifty-five feet from the intersection of "J" street and Barron Avenue in said City and County, and ending at a point on the center line of the Elk Run Road leading to Johnstown, in said Lower Yoder Township, which point is near the house of Charles Reynolds, and is 5823 feet distant from the intersection of the Elk Run Road and Barron Avenue (at this intersection the Elk Run Road is called "D" street)- will meet at the place of beginning in the Township of Lower Yoder aforesaid on the 23 day of May, 1913, at 9.30 o'clock am, for the purpose of performing the duties of this appointment.

J. E. Dickey
Samuel James
Geo. H. Shryock
Viewers.

May 12 ? 1913.

Now May 12 1913, service of within notice is hereby accepted by the undersigned Commissioners of Cambria County, Pennsylvania.

H. C. Troell
Commissioner

COMMISSIONERS.

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May 12, 1913.

J. E. Dickey
Emek James
Geo K. Dwyer
Viewers.

Now May 12 1913, service of within notice is hereby accepted by the undersigned Supervisors of the Township of Lower Yoder, County of Cambria and state of Pennsylvania.

James L. Boyer
Henry J. Schmidt
Ben Smith

SUPERVISORS.

Now.....1913, service of within notice is hereby
accepted by the undersigned Supervisors of the Township of
Lower Yoder, County of Cambria and state of Pennsylvania.

J. H. Yoder

Henry J. Schmidt

Ben Smith

SUPERVISORS.

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M.D.

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May 22, 1913.

J. E. Sisk
Harold Jones
Geo. H. Sisk
Viewers.

Johnstown, Pa., June 18, 1913.

Cambria County.

TO S. E. DICKY, ENOCH JAMES AND GEO. K. SHRYOCK DR.

For view of road from a stake on line dividing the city of Johnstown and Lower Yoder Township to the Elk Run Road, Lower Yoder Township, Cambria County, Pennsylvania.

TO S. E. DICKY DR.

May	13	Preparing, signing and posting notices. $\frac{1}{2}$ day.	\$2.50
	23	Starting view. S. E. Dickey. $\frac{1}{2}$ day	\$2.50
		Chainmen: F. Chapple. $\frac{1}{2}$ day	1.00
		Chainmen: Scott Cypher. $\frac{1}{2}$ day	1.00
	23	Mileage. S. E. Dickey and Chainmen.	4.50
June	5	Viewing and surveying proposed road. S. E. Dickey. 1 day	.60
		Chainmen: Frank Chapple 1 day	5.00
		Chainmen: Scott Cypher 1 day	\$2.00
	5	Engineering stakes.	4.00
	5	Mileage for self and Chainmen.	.25
	7	Plotting and tracing survey. 1 day.	1.20
	7	Tracing cloth and detail paper.	5.00
	18	Report of view. 1 day.	.95
	18	Two prints on linen.	5.00
			<u>1.50</u>
			\$30.50

TO ENOCH JAMES DR.

May	23	Starting view. $\frac{1}{2}$ day	\$2.50
		Mileage	.20
June	5	Viewing proposed road. 1 day	5.00
		Mileage	.40
	18	Report of view. $\frac{1}{2}$ day.	<u>2.50</u>
			\$10.60

TO GEO. K. SHRYOCK DR.

May	23	Starting view. $\frac{1}{2}$ day	\$2.50
		Mileage	.20
June	5	Viewing proposed road. 1 day	5.00
		Mileage	.40
	18	Report of view. $\frac{1}{2}$ day	<u>2.50</u>
			\$10.60

TOTAL COST OF THE VIEW.

\$51.70

Copy

Commonwealth of Pennsylvania, }
County of Cambria. }

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the...22.....day of....April.....A. D. 1903 , before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Lower Yoder....., in the said County, setting forth that they labor under inconvenience for want of a.....road or highway, ~~to lead from~~ beginning at a point where the boundary line dividing the City of Johnstown and Lower Yoder Township, in said County intersects with the centre line of "I" street (also called the extension of "J" street), which point is one hundred and fifty-five feet from the intersection with "J" street and Barron Avenue in said City and County, and ending at a point on the centre line of the Elk Run Road leading to Johnstown in said Lower Yoder Township, which point is near the house of Charles Reynolds, and is 5823 feet distant from the intersection of the Elk Run Road and Barron Avenue, (at this intersection the Elk Run Road is called "D. Street").

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint S. E. Dickey.....surveyor, and George K. Shryock Enoch James.....

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:

A. J. Kirkhead, 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."

41
NO. 5, March SESSION, 1913

Order to view Public road in...

Lower Yoder Twp.

Filed September 1913
in open court

Viewers.

S. E. Bigkey
George K. Shryock
Emory James

Clerk *Carter* 1913 *90 cts.*

SORENSEN

BRASSING MOUNTAIN-HERALD ELECTRIC PRINT.

1 Sept. 1913. Appraised and located fence at thirty feet.
By the Court