

In re Change of Gilbert Street
in Lower Yoder Township between
its intersection with line of
City of Johnstown and line of
Brownstown Borough, Cambria
County, Pa., as affecting the
leasehold premises of Annie
E. Zamer

In the Court of Quarter
Sessions of Cambria
County, Penna.
No. 1 March Sessions 1924

EXCEPTIONS TO AWARD OF VIEWERS

TO THE HONORABLE THE JUDGES OF THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.:

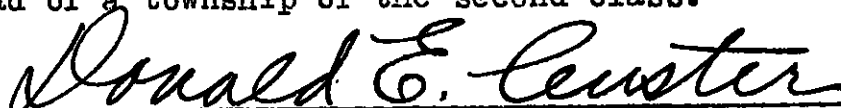
The Township of Lower Yoder above named, by its
attorney, Donald E. Custer, files the following exceptions to
the Award of viewers in the above stated proceeding:

(1) The petition of Annie E. Zamer for the appointment
of Viewers was prematurely presented.

(2) The Court was without authority to appoint
Viewers to assess damages.

(3) There is no liability upon a township of the
second class for damages caused by a change in grade.

(4) There is no authority, constitutional or statu-
tory, authorizing Viewers to assess damages occasioned by a
change in grade of a road of a township of the second class.


Attorney for Lower Yoder
Township

March 4, 1924

In the Court of Quarter Sessions
of Cambria County, Pa.
No. 1 March Sessions 1924

In re Change of Gilbert
Street in Lower Yoder Township
between its intersection with
line of City of Johnstown and
line of Brownstown Borough,
Cambria County, Pa., as affect-
ing the leasehold premises of
Annie E. Zamer

Exceptions to Viewers' Award

Filed 6 March, 1924.

LAW OFFICES
DONALD E. CUSTER
JOHNSTOWN, PENNA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY

To the Honorable, the Judges of the said Court.

Petition of Annie E. Zamer respectfully represents:

That she is the owner of a leasehold and building abutting on Gilbert Street in the Township of Lower Yoder in said County of Cambria and State of Pennsylvania.

That the Board of Supervisors of Lower Yoder Township have changed the grade of Gilbert Street between its intersection with the line of the City of Johnstown and line of Brownstown Borough, to the great damage of your petitioner. She therefore prays the Court to appoint viewers to view the said Gilbert Street and her premises and award her such damages, if any, as she may have suffered, by reason of the change of grade as aforesaid, as provided by law.

Cambria County SS:

Annie E. Zamer

Annie E. Zamer, being duly sworn according to law, deposes and says that the matters set forth in the foregoing petition are true and correct.

Annie E. Zamer

Sworn and subscribed before me this 19 day of January, 1924.

George C. Kiser
Notary Public

My Com. Ex. April 1, 1927

D E C R E E

Now the 24 day of January, 1924m this petition having been pre-

sented and read, on consideration therefore, the Court appoints *Walter*
J. Baumgardner, Dixon Lamb and Philip Canfield
viewers as within prayed for.

By the Court,
E

No 1 March Sessions 1924.

In the Court of Quarter
Sessions of Cambria County.

Petition of Annie A. Zamer
for appointment of viewers.

Filed 21 January 1924

D. P. WEIMER,
ATTORNEY AT LAW,
JOHNSTOWN, PA.

In re Change of Gilbert Street
in Lower Yoder Township between
its intersection with line of
City of Johnstown and line of
Brownstown Borough, Cambria
County, Pa., as affecting the
leasehold premises of Annie
E. Zamer

In the Court of Quarter
Sessions of Cambria
County, Pa.
No. 1 March Sessions
1924

To FRANK C. ROBB, Clerk of Court:

Place the above stated case on the next argument list.

Donald E. Custer
Attorney for Exceptant

April 12, 1924

In the Court of Quarter
Sessions of Cambria County, Pa.
No. 1 March Sessions 1924

In re Change of Gilbert
Street

Argument List

Filed 14 April 1924

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

In re Change of Gilbert Street
in Lower Yoder Township between
its intersection with line of
City of Johnstown and line of
Brownstown Borough, Cambria
County, Pa., as affecting the
leasehold premises of Annie
E. Zamer

To Frank C. Robb, Clerk of said Court:

Enter my appearance for the Township of Lower Yoder in
the above stated proceeding.

Ronald E. Custer

March 4, 1924

In the Court of Quarter
Sessions of Cambria County,
Pa.
No. 1 March Sessions, 1924

In re Change of Gilbert
Street in Lower Yoder Town-
ship between its intersec-
tion with line of City of
Johnstown and line of Browns-
town Borough, Cambria
County, Pa., as affecting
the leasehold premises of
Annie E. Zamer.

Appearance of Counsel

Filed, 21 March 1924

In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of the City of Johnstown and line of Brownstown Borough, Cambria County, Pa. as affecting the leasehold premises of Annie E. Zamer.

In the Court of Quarter Sessions of Cambria County, Penna.
No. 1 March Sess. 1924.

REPORT OF VIEWERS.

To the Honorable, the Judges of the above mentioned Court.

We, the undersigned Viewers, appointed by the annexed order of the above Court to view the above premises and determine and estimate the damages that have resulted or that may seem likely to result by reason of the Change of Grade of Gilbert Street in the Township of Lower Yoder, County of Cambria and State of Pennsylvania as affecting the leasehold premises of Annie E. Zamer, respectfully report:-

That we were duly sworn or affirmed as members of the permanent Board of Viewers of Cambria County, as shown by the records of the Court, that due public notice of the time and place of meeting of said Viewers was given by publication in the Johnstown Daily Tribune and the Cambria County Legal Journal, by acceptance of service of said Notice to View on the Supervisors of Lower Yoder Township and the Commissioners of Cambria County, and by hand bills posted upon the premises at least ten days prior to making said view, evidence of which is shown by the copy of said notices hereto attached; that we met upon the premises according to the notices given on Tuesday, February 5th., A D. 1924 at 10 o'clock A. M. and proceeded with the duties of our appointment. That due public notice was given of the time and place of meeting

of said Viewers in the Johnstown Daily Tribune and the Cambria County Legal Journal at least ten days prior to the time of Hearing of Testimony, evidence of which is shown by copy of said notice hereto attached and by acceptance of service of said Notice of Hearing by Counsel for Petitioner, Supervisors of Lower Yoder Township and by the Commissioners of Cambria County . Said taking of Testimony was held in the Viewer's Room, Wolfe Bldg., Franklin St., Johnstown, Pa. on Thursday, February 14th. A. D. 1924 at 10 o'clock A. M. for the purpose of hearing all evidence and testimony in said view, at which time witnesses appeared and we heard all evidence and testimony offered.

That having viewed said premises and hearing all evidence and testimony and taking into consideration all matters before us, we estimated and determined the quality, quantity of land, taken, occupied and injured by the said Change of Grade of Gilbert Street in the Township of Lower Yoder, Cambria County, Pa. and having due regards to and making just allowances for the damages which have resulted or which may seem likely to result to the leasehold property, we estimated and determined the amount of damages and prepared a schedule thereof. That all parties interested were notified of the time and place of meeting of the Viewers for the purpose of exhibiting said Schedule and considering all exceptions and evidence thereto, by due public notice in the Johnstown Daily Tribune and the Cambria County Legal Journal and by personal service on the Supervisors of Lower Yoder Township, upon the petitioner Annie E. Zamer; and the Commissioners of Cambria County, at least ten days prior to the time of said meeting evidence of which is shown by copies of said notices hereto attached and made a part of this report. That we met in accordance with the notices given on Tuesday, February 19th. A. D. 1924 at 10 o'clock A. M. in the Viewers Room, Wolfe Bldg., Franklin St., Johnstown, Pa. where said Schedule was exhibited and all exceptions and testimony offered

thereto was heard. That hearing all exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion and agree that said leasehold property of Annie E. Zamer, abutting on the Change of Grade of Gilbert Street in Lower Yoder Township, Cambria County, Penna., has been damaged therefore we assess ~~with~~ no benefits and with damages in the amount of EIGHT HUNDRED NINETY (\$890.00) DOLLARS.

That we are of the opinion that the damages above shown are due and should be paid to Annie E. Zamer, as her interest may appear, by the Supervisors of Lower Yoder Township, Cambria County, Pa.

We had an examination of the records made as to liens that is, Judgments and Mortgages, and find the same to be as per certificates of examination hereto attached.

WITNESS our hands this 1st. day of March A. D. 1924.

Philip E. Leung

Dixon Horn

Mahton J. Baumgardner
Viewers.

In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of the City of Johnstown and with line of Brownstown Borough, Cambria County, as affecting the leasehold property of Annie E. Zamer.

In the Court of Quarter Sessions of Cambria County, Penna.
No. 1 March Sessions, 1924.

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

To Mahlon J. Baumgardner, Dr.

Order to View	.90
Data & Preparing Notice to View	7.50
Stenographer & Stationery	3.75
Advertising Notice to View Tribune	6.00
Advertising Notice to View, Legal Journal	3.50
Posting Notices of View	7.50
Mileage	1.00
Preparing Notices of Hearing	7.50
Stenographer & Stationery	3.00
Advertising Notice of Hearing, Tribune	6.00
Advertising Notice of Hearing, Legal Journal	4.00
Preparing Notice of Exhibit of Schedule	7.50
Stenographer & Stationery	3.00
Making View	7.50
Mileage	1.00
Prepared Subpoena for Supervisors	2.00
Personal Service on Annie E. Zamer of Exhibit of Schedule	7.50
Mileage	1.00
Prepared Subpoena for Mrs. Zamer	2.00
Hearing	7.50
Advertised Exhibit of Schedule Tribune	6.00
Advertised Exhibit of Schedule, Legal Journal	4.00
Considering, Estimating Amount of Schedule	7.50
Preparing Schedule of Damages	7.50
Stenographer and Stationery	2.00
Exhibit of Schedule	7.50
Preparing Report	7.50
Stenographer and Stationery	3.50
Preparing Notice of Filing Report	7.50
Stenographer and Stationery	1.50
Advertising Notice of Filing Report	2.50
List of Lines, Judgments	1.00
List of Liens, Mortgages,	1.00

To DIXON TOMB, Dr.

Making View	7.50
Mileage	1.00
Hearing	7.50
Considering, estimating damages etc.	7.50
Exhibit of Schedule	7.50

To PHILIP CAULFIELD, Dr.

Making View	7.50
Mileage	1.00
Hearing	7.50
Considering, estimating damages, etc	7.50
Exhibit of Schedule	7.50

\$ 148.65

MAR 3

31.00

MAR 3

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MAR 3 1924 CONTINUED

STATE OF PENNSYLVANIA }
County of Cambria } ss.

I, Geo. W. Williams, Prothonotary of the Court of Common
Pleas in and for said County, do hereby certify that I have
examined the index to docket of Judgment Liens remaining on
file in said Court for five years last past, and that there are no
Lien Judgments remaining unsatisfied therein against

ANNIE E. ZAMER

In Witness Whereof, I have hereunto set my hand and caused the seal of said Court to
be affixed, at Ebensburg, this 25th. day of February A. D. 1924.

FEES, \$1.00

Geo. W. Williams
Prothonotary.

RECORDER'S OFFICE
CAMBRIA COUNTY, PENN'A.

Ebensburg, Pa., February 25, 1924.

Dear Sir:

In reply to your inquiry of the 25th inst. requesting a mortgage search against Annie E. Zamer , please be advised that we find no Mortgages recorded against said name.

Very truly yours,
RECORDERS OFFICE.

\$1.00

PREVENT FOREST FIRES.

In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of City of Johnstown and line of Brownstown Borough Cambria County, Pa. as affecting the leasehold property of Annie E. Zamer.

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

No. 1 March Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages that have resulted or that may seem likely to result by reason of the change of Grade of Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria County, Pa., abutting the leasehold property of Annie E. Zamer in said Township, will meet at the Annie E. Zamer premises on Tuesday February 5th., A.D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

DIXON TOMB,

PHILIP CAULFIELD,

Viewers.

January 23, 1924.

And now January 23, 1924, I hereby accept service of the above Notice to View as Counsel for Annie E. Zamer.

D. J. Munnies

January 23rd 1934.

Viewers.

SHINLE CRYSTAL LTD.

DIAMOND ROAD.

WIMBORNE, DORSET.

Advertisement.

To all persons who for the purpose of performing the duties of our
own nature and to persons on our behalf - especially after the 1st of
the month of January of this year in said Township, will meet at
of the Borough of Wimbourn, Dorset County, Dorset, appointing the
its intersection with the line of the City of Wimbourn and the line
the change of grade of Albert Street in lower lower Township between
that have resulted or that may result directly to result by reason of
to view the above premises and determine and estimate the damages

We, the undersigned Viewers, appointed by the above Court

NOTICE TO ALL

THE

To all persons who for the purpose of performing the duties of our
own nature and to persons on our behalf - especially after the 1st of
the month of January of this year in said Township, will meet at
of the Borough of Wimbourn, Dorset County, Dorset, appointing the
its intersection with the line of the City of Wimbourn and the line
the change of grade of Albert Street in lower lower Township between
that have resulted or that may result directly to result by reason of
to view the above premises and determine and estimate the damages

No. 1 - 1st of January 1934.
of Wimbourn, Dorset.
In the Court of Quarter Sessions

In re Change of Grade of Gilbert Street in Township of Lower Yoder between its intersection with line of City of Johnstown and line of Brownstown Borough, Cambria County, Pa. as affecting the leasehold property of Annie E. Zamer,

In the Court of Quarter Sessions of Cambria County, Penna.
No. 1 March Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages that have resulted or that may seem likely to result by reason of the change of Grade of Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria County, Pa., abutting the leasehold property of Annie E. Zamer, in said Township, will meet at the Annie E. Zamer premises on Tuesday, February 5th. A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

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

January 23, 1924.

And now *John* January, 5 1924, I hereby accept service of the above Notice to View for the Supervisors of Lower Yoder Township.

John Gelinsky
Secretary of Supervisors of
Lower Yoder Township.

In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of City of Johnstown and line of Brownstown Borough Cambria County, Pa. as affecting the leasehold property of Annie E. Zamer.

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

No. 1 March Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages that have resulted or that may seem likely to result by reason of the change of Grade of Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria County, Pa., abutting the leasehold property of Annie E. Zamer in said Township, will meet at the Annie E. Zamer premises on Tuesday February 5th., A.D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

DIXON TOME,

PHILIP CAULFIELD,

Viewers.

January 23,,1924.

And now January 28th. 1924 I hereby accept service of the above Notice to View for the Commissioners of Cambria County.

A. S. Kinkadee
Chief Clerk.

201-242-1115

Atkinson

1575 GOLF RD

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BIBLIOGRAPHY

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20. J. G. Thompson, *ibid.*

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ST. LOUIS, MO. 63101

In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of City of Johnstown and line of Brownstown Borough, Cambria County, Pa. as affecting the leasehold property of Annie E. Zamer.

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

No. 1 March Sessions, 1924.

NOTICE OF HEARING.

We, the undersigned Viewers, appointed by the above Court, to view the above premises and determine and estimate the damages that have resulted by reason of the Change of ^{Grade of} Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria County, Pa. abutting the leasehold property of Annie E. Zamer in said Township, will meet in the Viewer's Room, Wolfe Bldg., Franklin St., Johnstown, Pa. on Thursday, February 14th, 1924 at 10 o'clock A. M. for the purpose of hearing all evidence and taking testimony in said view, at which time all witnesses in the matter will be heard.

MAHLON J. BAUMGARDNER,

DIXON TOMB,

PHILIP CAULFIELD,
Viewers.

February 4th, 1924.

And now February, 5 1924, I hereby accept service of the above Notice of Hearing as Counsel for Annie E. Zamer.



In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of City of Johnstown and line of Brownstown Borough, Cambria County, Pa. as affecting the leasehold property of Annie E. Zamer.

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

No. 1 March Sessions, 1924.

NOTICE OF HEARING.

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages that have resulted or that may seem likely to result by reason of the Change of ^{Grade of} Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria Co. Pa., abutting the leasehold property of Annie E. Zamer in said Township, will meet in the Viewers Room, Wolfe Bldg., Franklin St., Johnstown, Pa. on Thursday, February 14th., 1924 at 10 o'clock A. M. for the purpose of hearing all evidence and taking testimony in said view, at which time all witnesses in the matter will be heard.

MAHLON J. BAUMGARDNER,

DIXON TOMB,

PHILIP CAULFIELD,

Viewers.

February 4, 1924.

And now February, 5th 1924, I hereby accept service of the above Notice of Hearing for the Supervisors of Lower Yoder Township.

John Lebovitz

Secretary of Supervisors of
Lower Yoder Township.

In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of City of Johnstown and line of Brownstown Borough, Cambria County, Pa. as affecting the leasehold property of Annie E. Zamer.

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

No. 1 March Sessions, 1924.

NOTICE OF HEARING.

We, the undersigned Viewers, appointed by the above Court, to view the above premises and determine and estimate the damages that have resulted by reason of the Change of ^{Grade of} Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria County, Pa. abutting the leasehold property of Annie E. Zamer in said Township, will meet in the Viewer's Room, Wolfe Bldg., Franklin St., Johnstown, Pa. on Thursday, February 14th, 1924 at 10 o'clock A. M. for the purpose of hearing all evidence and taking testimony in said view, at which time all witnesses in the matter will be heard.

HANLON J. BAUMGARDNER,

DIXON TOME,

PHILIP CAULFIELD,
Viewers.

February 4th, 1924.

And now, February 6, 1924, I hereby accept service of the above Notice of Hearing as Chief Clerk for the Commissioners of Cambria County, Penna.

J. S. Kirkhead

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

THE UNIVERSITY OF CHICAGO

1. The 1950-1951 season was a record for the State of New York, with a total of 1,000,000 bushels of apples produced.

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THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

1. The first part of the document is a list of references. The references are listed in a standard format, with the author's name, the title of the work, and the publisher. The references are as follows:

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THE UNIVERSITY OF CHICAGO

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In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of the City of Johnstown and line of Brownstown Borough, Cambria County, Pa. as affecting the leasehold premises of Annie E. Zamer.

In the Court of Quarter Sessions of Cambria County, Penna

No. 1 March Sessions, 1924.

NOTICE OF EXHIBIT OF SCHEDULE.

We, the undersigned Viewers, appointed by the above Court to view the premises, have estimated and determined the damages that have resulted or that may seem likely to result by reason of the Change of Grade of Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria County, Pa. as affecting the leasehold premises of Annie E. Zamer, will meet in the Viewers room Wolfe Bldg., Franklin St., Johnstown, Pa. on Tuesday February 19th. 1924 at 10 o'clock A. M. at which time a schedule of damages will be exhibited and all exceptions thereto and evidence will be heard.

MAHLON J. BAUMGARDNER,

DIXON TOMB,

PHILIP CAULFIELD,
Viewers.

February 8, 1924.

And now February 9th. 1924 I hereby accept service of copy of the above Notice of Exhibit of Schedule.

Annie E. Zamer

TEJASWITA SINGH

ALBERT
B. TIBB C. (TIBB)

11-01-2013

11-107-2 372-66-23

Useful:

will be exhibited and all exceptions thereto and evidence will be taken. 1938-39 of 11 o'clock . . . at which time a schedule of games in room Wolfe Bldg., Franklin St., Johnston, N. H. on Tuesday following the Terrochold Properties of Annie M. Jones, will meet in the Victoria line of the Borough of Frametown, Campbell County, Pa. as affecting its intersection with the line of the City of Johnston and the the change of grade of Gilbert Street in Lower Yeager Township between that have resulted or ~~first may~~ ^{seem} likely to result by reason of to alien the premises, have anticipated and determined the damages

10. The undersigned Vice-President for the above Court

NOTICE OF AFFIDAVIT OF PREJUDICE.

the Tennessee purchase of 1796 to 1801. I attach herewith, 1800.

TO : DIRECTOR, FBI

series, and to avoid

THE UNIVERSITY OF MICHIGAN

ZAMER.

In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of the City of Johnstown and line of Brownstown Borough, Cambria County, Pa., as affecting the leasehold property of Annie E. Zemor.

In the Court of Quarter Sessions of Cambria County Penna.
No. 1 March Sessions, 1924.

NOTICE OF EXHIBIT OF SCHEDULE.

We, the undersigned Viewers, appointed by the above Court to view the premises, have estimated and determined the damages that have resulted or that may seem likely to result by reason of the Change of Grade of Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria County, Pa., as affecting the leasehold premises of Annie E. Zemor, will meet in the Viewers room, Wolfe Bldg., Franklin St. Johnstown, Pa. on Tuesday, February 19th, 1924, at 10 o'clock A. M. at which time a schedule of damages will be exhibited and all exceptions thereto and evidence will be heard.

HAROLD J. BAUMGARTNER,

DIXON TOMB,

PHILIP CAWLEY.

Viewers.

February 8, 1924.

And now February // 1924, I hereby accept service of the above Notice of Exhibit of Schedule for the Supervisors of Lower Yoder Township.

John Luther
Secretary of Supervisors
Lower Yoder Township.

Supervisors Lower Yoder Twp. .

The following information was obtained from the records of the
 Bureau of Prisons, Washington, D.C., dated June 10, 1964.
 The name of the inmate is [redacted]
 The date of birth is [redacted]
 The date of admission is [redacted]
 The date of release is [redacted]
 The date of death is [redacted]

In re Change of Grade of Gilbert Street in the Township of Lower Yoder between its intersection with line of the City of Johnstown and line of Brownstown Borough, Cambria County, Pa. as affecting the leasehold property of Annie E. Zamer.

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

No. 1 March Sessions, 1924.

NOTICE OF EXHIBIT OF SCHEDULE.

We, the undersigned Viewers, appointed by the above Court to view the premises, have estimated and determined the damages that have resulted or that may seem likely to result by reason of the Change of Grade of Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria County, Pa. as affecting the leasehold premises of Annie E. Zamer, will meet in the Viewers room, Wolfe Bldg. Franklin St. Johnstown, Pa. on Tuesday, February 19th. 1924 at 10 o'clock A. M. at which time a schedule of damages will be exhibited and all exceptions thereto and evidence will be heard.

MAHLON J. BAUMGARDNER,

DIXON TOMB,

PHILIP CAULFIELD,

Viewers .

February 8, 1924.

And now February 7, 1924, I hereby accept service of Notice of Exhibit of Schedule for the Commissioners of Cambria County, Pa.

A. S. Kindred
Chief Clerk.

In re Change of Gilbert Street
in Lower Yoder Township between
its intersection with line of
City of Johnstown and line of
Brownstown Borough, Cambria County,
Pa. as affecting the leasehold
premises of Annie E. Zamer.

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

No. 1 March Sessions 1924.

SCHEDULE OF DAMAGES.

We, the undersigned Viewers, appointed by the Court of
Quarter Sessions of Cambria County, Penna. to view the above pre-
mises, have performed the duty and have taken into consideration
all the benefits and damages that have resulted or that may seem
likely to result by reason of the Change of Gilbert Street in Lower
Yoder Township between its intersection with line of the City of
Johnstown and line of Brownstown Borough as affecting the property
of Annie E. Zamer, have estimated and assessed benefits and damages
as follows:-

NAME
ANNIE E. ZAMER

BENEFITS

None

DAMAGES.

\$ 890 ⁰⁰/₁₀₀

MARLOW J. BAUMGARDNER,

DIXON TOMB,

PHILIP GAULFIELD,

Viewers.

February 19, 1924.

In re Change of Grade of Gilbert Street in Township of Lower Yoder between its intersection with line of City of Johnstown and line of Brownstown Borough, Cambria County, Pa. as affecting the leasehold property of Annie E. Zamer,

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

No. 1 March Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages that have resulted or that may seem likely to result by reason of the change of Grade of Gilbert Street in Lower Yoder Township between its intersection with the line of the City of Johnstown and the line of the Borough of Brownstown, Cambria County, Pa., abutting the leasehold property of Annie E. Zamer, in said Township, will meet at the Annie E. Zamer premises on Tuesday, February 5th. A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARINER,

DIXON TOMB,

PHILIP CAULFIELD,

Viewers.

January 23, 1924.

NOTICE
In the Court of Quarter Sessions of
Cambria County, Penna. No. 1 March
Sessions 1924.

In re Change of Grade of Gilbert
Street in the Township of Lower
Yoder between its intersection with
line of City of Johnstown and line of
Brownstown Borough, Cambria County,
Pa., as affecting the leasehold prop-
erty of Annie E. Zamer.

NOTICE TO VIEW

We, the undersigned Viewers, ap-
pointed by the above Court to view
the above premises and determine and
estimate the damages that have re-
sulted or that may seem likely to re-
sult by reason of the change of Grade
of Gilbert Street in Lower Yoder
Township between its intersection
with the line of the City of Johns-
town and the line of the Borough of
Brownstown, Cambria County, Pa.,
abutting the leasehold property of
Annie E. Zamer in said Township, will
meet at the Annie E. Zamer premises
on Tuesday, February 5th, A. D. 1924,
at 10 o'clock A. M. for the purpose of
performing the duties of our appoint-
ment.

Mahlon J. Baumgardner,
Dixon Tomb,
Philip Caulfield,

Viewers.

January 23, 1924.

1-25-2t

VIEWERS' NOTICE—In re change
of grade of Gilbert street in the
Township of Lower Yoder between
its intersection with line of City of
Johnstown and line of Brownstown
Borough, Cambria County, Pa., as af-
fecting the leasehold property of
Annie E. Zamer. In the Court of
Quarter Sessions of Cambria County,
Pa. No. 1 March Sessions, 1924.

NOTICE OF HEARING.

We, the undersigned Viewers, ap-
pointed by the above Court, to view
the above premises and determine and
estimate the damages that have re-
sulted by reason of the change of
grade of Gilbert street in Lower
Yoder Township between its intersec-
tion with the line of the City of
Johnstown and the line of the Bor-
ough of Brownstown, Cambria Coun-
ty, Pa., abutting the leasehold prop-
erty of Annie E. Zamer in said town-
ship, will meet in the Viewers' room,
Woolf Building, Franklin street,
Johnstown, Pa., on Thursday, Febru-
ary 14, 1924, at 10 o'clock a. m., for
the purpose of hearing all evidence
and taking testimony in said view, at
which time all witnesses in the mat-
ter will be heard.

MAHLON J. BAUMGARDNER,
DIXON TOMB,
PHILIP CAULFIELD,
February 4, 1924. Viewers.

NOTICE

In the Court of Quarter Session of
Cambria County, Penna. No. 1 March
Sessions, 1924. In re Change of Grade
of Gilbert Street in the Township of
Lower Yoder between its intersections
with line of the City of Johnstown and
line of Brownstown Borough, Cambria
County, Pa., as affecting the leasehold
property of Annie E. Zamer.

NOTICE OF EXHIBIT OF SCHEDULE
We, the undersigned Viewers, ap-
pointed by the above Court to view the
premises, have estimated and deter-
mined the damages that have resulted
or that may seem likely to result by
reason of the Change of Grade of Gil-

bert Street in Lower Yoder Township
between its intersection with the line
of the City of Johnstown and the line
of the Borough of Brownstown, Cam-
bria County, Pa., as affecting the
leasehold premises of Annie E. Zamer,
will meet in the Viewers room, Wolfe
Bldg., Franklin St., Johnstown, Pa. on
Tuesday, February 19th, 1924, at 10
o'clock A. M., at which time a schedule
of damages will be exhibited and all
exceptions thereto and evidence will be
heard.

Mahlon J. Baumgardner,
Dixon Tomb,
Philip Caulfield,

Viewers.

February 8, 1924.

2-15-1t

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

In re petition of Annie E. Zamer for appointment of Viewers
to assess damages.

To the Honorable, the Judges of the said Court.

Petition of Annie E. Zamer respectfully represents:

That she is the owner of a leasehold and building abutting
on Gilbert Street in the Township of Lower Yoder in said County of
Cambria and State of Pennsylvania.

That the Board of Supervisors of Lower Yoder Township have
changed the grade of Gilbert Street between its intersection with the
line of the City of Johnstown and line of Brownstown Borough, to the
great damage of your petitioner. She therefore prays the Court to
appoint viewers to view the said Gilbert Street and her premises and
award her such damages, if any, as she may have suffered, by reason
of the change of grade as aforesaid, as provided by law.

(Signed) Annie E. Zamer

Cambria County SS:

Annie E. Zamer, being duly sworn according to law, deposes
and says that the matters set forth in the foregoing petition are true
and correct.

(Signed) Annie E. Zamer

Sworn and subscribed before me this 19 day of January, 1924.

George C. Keim
(N.P. Seal) Notary Public
My Com. ex. April 1, 1927.

D E C R E E.

Now the 21 day of January, 1924, this petition having been presented and read, on consideration therefore, the Court appoints Mahlon J. Baumgardner, Dixon Tomb and Philip Cauffiel viewers as within prayed for.

BY THE COURT.
E.

Extract from the Record.

Certified this 21st day of
January A. D. 1924.

Frank C. Pott
Clerk Q. S.

In the Court of Quarter Sess.
of Cambria County, Penna.
No. 1 March Sessions 1924.

In re Change of Grade of
Gilbert Street in the Township
of Lower Yoder between its
intersection with line of the
City of Johnstown and line of
Brownstown Borough, Cambria
County, Penna. as affecting
the leasehold premises of
ANNIE E. ZAMER.

REPORT OF VIEWERS.

Filed 3 March 1924

MAR 2 1924

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

In Re Change of Gilbert Street
in Lower Yoder Township between its
intersection with Line of City of
Johnstown and Line of Brownstown
Borough, Cambria County, Pa., as
affecting the Leasehold Premises of
Annie E. Zamer.

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

No. 1, March Sessions, 1924.

--:Opinion of the Court:--

Opinion by Evans, P. J.

This case arises out of a proceeding to have damages assessed alleged to have been sustained by a change of grade in the improvement of Gilbert Street, which is an ordinary dirt road in Lower Yoder Township. Four exceptions were filed, the first alleging that the presentation of the Petition of the Viewers was premature. This exception, however, it is not necessary to discuss, for the reason that the matter is controlled by the reasons raised in the second, third and fourth exceptions. These last mentioned exceptions, raise the question as to whether or not there is any statutory authority for a proceeding to have damages assessed for change of grade in a Township road.

Counsel for the petitioner has not seen fit to submit any brief upon the question arising so that we are limited to such authority as has been presented by the exceptant and as we have discovered by our own efforts.

It is well settled that the only powers which Townships possess are derived from Statute, Union Township vs. Gibbony, 94 Pa., 534.

A Township is not liable for damages to the adjoining property ~~in~~ owner in the case of a change of grade in a public road made by the Supervisors, Shoe vs. Nether Providence Township, 3 Superior, 137.

In the opening and improvement of public highways land owners are entitled only to such redress as is given by Statute, State Highway Route No. 272, 265 Pa., 369.

Lower Yoder Township is a Township of the second class. An examination of the Statutes so far as we have been able to investigate them, fails to show any provision whereby a land owner in a Township of the second class may be compensated for a change ^{of grade} in a Township road.

We therefore enter the following decree:

And now, January 12, 1925, after due consideration, the second, third and fourth exceptions are sustained and the proceedings dismissed.

BY THE COURT:

Craws, J.

To all of which defendant prays that an exception be noted and bill sealed; all of which is, the day and year aforesaid, accordingly done.

John E. Craws, Clerk

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

No. 1 March Sessions, 1924.

In Re Change of Gilbert Street
in Lower Yoder Township between
its intersection with Line of City
of Johnstown and Line of Brownstown
Borough, Cambria County, Pa., as
affecting the Leasehold Premises
of Annie E. Zamer.

OPINION OF THE COURT.

Filed 17 Jan 1925

H. A. ENGLEHART
OFFICIAL STENOGRAPHER
FOR THE
FORTY-SEVENTH JUDICIAL DISTRICT
PENNSYLVANIA