

Ed #1 Dec. 1926

Not Microfilmed



No. 1 January Sessions 1924

now Jan. 10, 1929, upon consideration  
of the within petition, Mahlon  
J. Baumgardner Esq. & Philip  
V. Canfield & Olexa  
Tomb  
are appointed viewers

By the Court  
L.

Filed 10 January 1927

**ROMAN C. WIDMANN**  
**ATTORNEY AT LAW**  
**UNITED STATES NATL. BANK BLDG.**  
**JOHNSTOWN, PA.**

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

IN RE PETITION FOR THE LAYING OUT OF PUBLIC ROAD IN THE TOWNSHIP OF LOWER YODER, COUNTY OF CAMBRIA.

TO THE HONORABLE, THE JUDGES OF THE COURT OF QUARTER SESSIONS OF THE PEACE IN AND FOR THE COUNTY OF CAMBRIA, STATE OF PENNSYLVANIA.

The Petition of the undersigned inhabitants of the Township of Lower Yoder in the said County, respectfully sheweth:

That your petitioners labor under great inconvenience for want of a Public Road or Highway in the Township of Lower Yoder, beginning at the Edwards Road, a Public Road, at a point Ten Hundred Eighteen (1018) feet Southerly from the intersection of the Southerly side of Birch Avenue with the Edwards Road at a point on line between the City of Johnstown and Lower Yoder Township and extending thence through Lower Yoder Township to a point along the Elk Run approximately Twenty-four Hundred Twenty-two (2422) feet in a Southerly direction therefrom; that said road is necessary for public travel.

Your petitioners therefore pray the Court to appoint proper persons to view and lay out the same according to law,

And they will ever pray, etc.

<u>Mrs. Anna Gladki</u>	<u>Mr. Michael Stanko</u>
<u>J. P. Horton</u>	<u>Joseph Fred Cines</u>
<u>Karl Hofmann</u>	<u>Gustav Zajac</u>
<u>Samuel Bask</u>	<u>Mich. Chupko</u>
<u>Thomas Mlininsky</u>	<u>John F. Fritsch</u>

John Tessel

Espy Wonders

Witno Koban

Mrs E. Elizabeth rocha

Yusef Zaidan

Thomas G Butler

McC. Gary Hostetter

STATE OF PENNSYLVANIA, )  
 ) SS:  
COUNTY OF CAMBERIA, )

Before me, the undersigned, a Justice of the Peace, in and for  
said County and State, personally came A. P. Norton,  
Carl Hofmann and Gust Gajac,  
who having been first duly sworn according to law, depose and say that the  
facts set forth in the foregoing petition are true and correct.

W. H. Norton  
Carl Hofmann  
Gust Gajac  
N &

Sworn and subscribed to before me this  
4 day of October, A. D., 1926.

Robert Friedman  
Justice of the Peace.

My commission expires Jan 1928.

SUPERVISORS OF LOWER YODER TOWNSHIP:


Notice of the presentation of the foregoing petition to the Court  
of Quarter Sessions on the 19 day of January, A. D., 1927, is hereby  
accepted.

James Edwards  
John Luther

Chas. D. Beallie  
Supervisors of the Township of  
Lower Yoder, Cambria County.

COUNTY COMMISSIONERS:

Notice of the presentation of the foregoing petition to the  
Court of Quarter Sessions on the 10th day of January, A. D., 1927,  
is hereby accepted.

  
Clerk to the County Commissioners  
of Cambria County.

IN THE COURT OF QUARTER  
SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 1 DECEMBER SESSIONS, 1926.

IN RE LAYING OUT PUBLIC  
HIGHWAY LEADING FROM EDWARDS  
ROAD 1018 FEET SOUTH FROM IN-  
TERSECTION OF BIRCH AVENUE WITH  
EDWARDS ROAD AT POINT BETWEEN  
CITY OF JOHNSTOWN AND LOWER  
YODER TOWNSHIP TO A POINT ALONG  
ELK RUN IN LOWER YODER TOWN-  
SHIP, CAMBRIA COUNTY, PENN-  
SYLVANIA.

REPORT OF VIEWERS

Filed 7 March 1927

CERTIFIED

*Jacob M. Hoffman*

COUNTY CONTROLLER

MAHLON J. BAUMGARDNER

ATTORNEY AT LAW

JOHNSTOWN, PENNA.

SWANK BLDG.

14 March 1927 Approved

By the Court  
Circuit 2

13 June 1927 Confirmed absolutely.

Frank C. Robb.

clerk

IN RE LAYING OUT PUBLIC HIGHWAY  
LEADING FROM EDWARDS ROAD 1018  
FEET SOUTH FROM INTERSECTION OF  
BIRCH AVENUE WITH EDWARDS ROAD  
AT POINT BETWEEN CITY OF JOHNSTOWN  
AND LOWER YODER TOWNSHIP, THROUGH  
SAID TOWNSHIP TO A POINT ALONG ELK  
RUN IN LOWER YODER TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER  
SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 1 DECEMBER SESSIONS, 1926.

REPORT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned Viewers appointed by the annexed Order of the Court to view the premises for the purpose of laying out a road, leading from the Edwards Road, a public road, at a point ten hundred eighteen (1018) feet South from the intersection of the Southerly side of Birch Avenue with the Edwards road at a point on line between the City of Johnstown and Lower Yoder Township, and extending thence through Lower Yoder Township to a point along the Elk Run, approximately twenty-four hundred twenty-two (2422) feet in a Southerly direction therefrom, all in the Township of Lower Yoder, Cambria County, Pennsylvania, 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 said Court; that we gave due public notice of the time and place of the meeting of said Viewers by hand bills posted upon the premises and by notice served upon the Commissioners of Cambria County, upon Roman C. Widmann, Esq., counsel for the petitioners and upon Donald E. Custer, Esq., solicitor for the Supervisors of Lower Yoder Township, all of whom accepted service at least ten (10) days prior to the making of said view, evidence

of which is shown by copies of the notices of such acceptance hereto attached; that we met upon the premises according to the notice thus given at the place of beginning of said road on Thursday, January 27, A.D. 1927, at ten o'clock A. M. for the purpose of performing the duties of our appointment.

We viewed the site and locality of the road proposed to be laid out, making a personal inspection between the points designated in the Petition and Order. There were present several Supervisors of the Township of Lower Yoder and counsel representing the petitioners.

The road in question only had one terminus, that is where it leads off Birch Avenue, the other terminus was not established; as required by the statutes of Pennsylvania, the road to be laid out must lead from one road to another road and this is not the case in this petition. While there is no point of ending designated in said petition, if a road were to be opened it would be exceedingly cumbersome upon the Township of Lower Yoder, in that it would be impossible to procure release of damages to abutting property owners. The Viewers feel that under a later Act of Assembly a road can be procured into this portion of the Township of Lower Yoder for the purpose of taking care of persons residing along same.

We, therefore, recommend that the road as prayed for in the within petition should not be laid out.

Witness our hands and seals this fifth day of March,  
A. D. 1927.

Philip E. Canfield  
Marlon Bannister  
Viewers.

IN RE LAYING OUT PUBLIC HIGHWAY  
LEADING FROM EDWARDS ROAD 1018  
FEET SOUTH FROM INTERSECTION OF  
BIRCH AVENUE WITH EDWARDS ROAD  
AT POINT BETWEEN CITY OF JOHNSTOWN  
AND LOWER YODER TOWNSHIP, THROUGH  
SAID TOWNSHIP TO A POINT ALONG ELK  
RUN IN LOWER YODER TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER  
SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA,

NO. 1 DECEMBER SESSIONS, 1926.

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

Mahlon J. Baumgardner, Dr.

Data and Preparing Notices to View	\$ 7.50
Stenographer and Stationery	4.75
Procuring Acceptance of Service of View	7.50
Posting Notices	7.50
Mileage	.40
Making View	7.50
Mileage	.40
Preparing Report of Viewers	7.50
Stenographer and Stationery	4.50
	\$ 47.55

Philip Caulfield, Dr.

Making View	7.50
Mileage	.40
	\$ 7.90

Dixon Tomb, Dr.

Making View	7.50
Mileage	.40
	\$ 7.90

*CERTIFIED*  
*James H. Hoff*  
*COUNTY CONTROLLER*  
*APPROVED FOR PAYMENT*  
*James H. Hoff*  
*COMMISSIONER*

IN RE LAYING OUT PUBLIC  
HIGHWAY LEADING FROM EDWARDS  
ROAD 1018 YKBT SOUTH FROM  
INTERSECTION OF BIRCH AVENUE  
WITH EDWARDS ROAD AT POINT  
BETWEEN CITY OF JOHNSTOWN AND  
LOWER YODER TOWNSHIP, THROUGH  
SAID TOWNSHIP TO A POINT ALONG  
ELK RUN IN LOWER YODER TOWNSHIP,  
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER  
SESSIONS.

CAMBRIA COUNTY, PENNSYLVANIA.

NO. 1 DECEMBER SESSIONS, 1926.

NOTICE TO VIEW

We, the undersigned Viewers appointed by the  
above Court to view for the purpose of supplying a Public  
Road in the Township of Lower Yoder, Cambria County, Penn-  
sylvania, leading from Edwards Road, a Public Road, at a  
point ten hundred eighteen (1018) feet Southerly from the  
intersection of the Southerly side of Birch Avenue with the  
Edwards Road at a point on line between the City of Johnstown  
and Lower Yoder Township, and extending thence through Lower  
Yoder Township to a point along the Elk Run approximately  
twenty-four hundred twenty-two (2422) feet in a Southerly  
direction therefrom, all in the Township of Lower Yoder,  
County aforesaid, will meet at the point of beginning on  
Thursday, January 27, A. D. 1927, at ten o'clock A. M. for  
the purpose of performing the duties of their appointment.

MAHLON J. BAUMGARDNER,

PHILIP H. CAULFIELD,

DIXON TOMB.

Viewers.

IN RE LAYING OUT PUBLIC  
HIGHWAY LEADING FROM EDWARDS  
ROAD 1018 FEET SOUTH FROM  
INTERSECTION OF BIRCH AVENUE  
WITH EDWARDS ROAD AT POINT  
BETWEEN CITY OF JOHNSTOWN AND  
LOWER YODER TOWNSHIP, THROUGH  
SAID TOWNSHIP TO A POINT ALONG  
ELK RUN IN LOWER YODER TOWNSHIP,  
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER  
SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA,

NO. 1 DECEMBER SESSIONS, 1926.

NOTICE TO VIEW

We, the undersigned Viewers appointed by the  
above Court to view for the purpose of supplying a Public  
Road in the Township of Lower Yoder, Cambria County, Penn-  
sylvania, leading from Edwards Road, a Public Road, at a  
point ten hundred eighteen (1018) feet Southerly from the  
intersection of the Southerly side of Birch Avenue with the  
Edwards Road at a point on line between the City of Johnstown  
and Lower Yoder Township, and extending thence through Lower  
Yoder Township to a point along the Elk Run approximately  
twenty-four hundred twenty-two (2422) feet in a Southerly  
direction therefrom, all in the Township of Lower Yoder,  
County aforesaid, will meet at the point of beginning on  
Thursday, January 27, A. D. 1927, at ten o'clock A. M. for  
the purpose of performing the duties of their appointment.

MAHLON J. BAUMGARDNER,

PHILIP N. CAULFIELD,

DIXON TOMB,

Viewers.

And now the <sup>14th</sup> day of January, A. D. 1927, I hereby  
accept service of the within notice to view as Solicitor  
for the Supervisors of Lower Yoder Township.

*Ronald E. Custer*

Solicitor for Supervisors  
of Lower Yoder Township.

IN RE LAYING OUT PUBLIC  
HIGHWAY LEADING FROM EDWARDS  
ROAD 1018 FEET SOUTH FROM  
INTERSECTION OF BIRCH AVENUE  
WITH EDWARDS ROAD AT POINT  
BETWEEN CITY OF JOHNSTOWN AND  
LOWER YODER TOWNSHIP, THROUGH  
SAID TOWNSHIP TO A POINT ALONG  
ELK RUN IN LOWER YODER TOWNSHIP,  
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER  
SESSIONS.

CAMBRIA COUNTY, PENNSYLVANIA,

NO. 1 DECEMBER SESSIONS, 1926.

NOTICE TO VIEW

We, the undersigned Viewers appointed by the  
above Court to view for the purpose of supplying a Public  
Road in the Township of Lower Yoder, Cambria County, Penn-  
sylvania, leading from Edwards Road, a Public Road, at a  
point ten hundred eighteen (1018) feet Southerly from the  
intersection of the Southerly side of Birch Avenue with the  
Edwards Road at a point on line between the City of Johnstown  
and Lower Yoder Township, and extending thence through Lower  
Yoder Township to a point along the Elk Run approximately  
twenty-four hundred twenty-two (2422) feet in a Southerly  
direction therefrom, all in the Township of Lower Yoder,  
County aforesaid, will meet at the point of beginning on  
Thursday, January 27, A. D. 1927, at ten o'clock A. M. for  
the purpose of performing the duties of their appointment.

MAHLON J. BAUMGARDNER,

PHILIP N. CAULFIELD,

DIXON TOMB,

Viewers.

And now the 18<sup>th</sup> day of January, A. D. 1927, I  
hereby accept service of the within notice to view for  
the County Commissioners of Cambria County, Pennsylvania.

*J. S. Kuntz*  
Chief Clerk, County Commissioners.

IN RE LAYING OUT PUBLIC  
HIGHWAY LEADING FROM EDWARDS  
ROAD 1018 FEET SOUTH FROM  
INTERSECTION OF BIRCH AVENUE  
WITH EDWARDS ROAD AT POINT  
BETWEEN CITY OF JOHNSTOWN AND  
LOWER YODER TOWNSHIP, THROUGH  
SAID TOWNSHIP TO A POINT ALONG  
ELK RUN IN LOWER YODER TOWNSHIP,  
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER  
SESSIONS,

CAMBRIA COUNTY, PENNSYLVANIA,

NO. 1 DECEMBER SESSIONS, 1926.

NOTICE TO VIEW

We, the undersigned Viewers appointed by the  
above Court to view for the purpose of supplying a Public  
Road in the Township of Lower Yoder, Cambria County, Penn-  
sylvania, leading from Edwards Road, a Public Road, at a  
point ten hundred eighteen (1018) feet Southerly from the  
intersection of the Southerly side of Birch Avenue with the  
Edwards Road at a point on line between the City of Johnstown  
and Lower Yoder Township, and extending thence through Lower  
Yoder Township to a point along the Elk Run approximately  
twenty-four hundred twenty-two (2422) feet in a Southerly  
direction therefrom, all in the Township of Lower Yoder,  
County aforesaid, will meet at the point of beginning on  
Thursday, January 27, A. D. 1927, at ten o'clock A. M. for  
the purpose of performing the duties of their appointment.

MAHLON J. BAUMGARDNER,

PHILIP N. CAULFIELD,

DEXON TOMB.

Viewers.

And now the 14<sup>th</sup> day of January, A. D. 1927, I hereby  
accept service of the within notice to view as attorney for  
the Petitioners.

*Roman C. Widmann*  
Atty. for Petitioners.

NO. 1, December SESSIONS, 1926

Order to view and lay out public  
road in Lower Yoder Township.

Mahlon J. Baumgardner

Philip N. Caulfield

Dixon Tomb

Viewers

Clerk

Robb

xxx  
90 xxx

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."

Commonwealth of Pennsylvania, }  
County of Cambria. } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 10th day of January A. D. 1927, 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 public road or highway, to lead from Edwards Road, a Public Road, at a point Ten Hundred Eighteen (1018) feet Southerly from the intersection of the Southerly side of Birch Avenue with the Edwards Road at a point on line between the City of Johnstown and Lower Yoder Township and extending thence through Lower Yoder Township to a point along the Elk Run approximately Twenty-four Hundred Twenty-two (2422) feet in a Southerly direction therefrom; that the said road is necessary for public travel.

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

Mahlon J. Baumgardner surveyor, and Philip N. Gaulfield and Dixon Tomb

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:

Frank L. Rolt

Clerk.