

COMMONWEALTH

VERSUS

In Re Road in
Girard
Graham Twp

P. 4. #5 - Page 308

CHARGE

Walter Welch,
District Attorney

Vacated

TO:- Jessie. E. Dale, H. H. Spencer and Austin, Haney.
County Commissioners of Clearfield County Pa.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and lay out a public road leading from a point in the public road leading from Clearfield to Karthaus, at or near the residence of Kyler Murray in W Girard Township; to a point in the same public road, at or near the residence of Mike Kalavoisky in Girard Township in the County aforesaid, will meet at the house of Kyler Murray in Girard Township on Tuesday the 28th day of November

A. D. 1916 at 12.30 oclock P. M. to make said view and attend to the duties of their appointment at which time and place aforesaid all parties interested may attend.

A. G. Kramer,
E. D. Billotte,
J. S. Michaels.

VIEWERS.

Now November 17th 1916 service of this notice accepted for
the County Commissioners of Clearfield County Pa.

L. C. Norris
Clerk.

TO:- Ashley Kyler, Alex, Billotte and Alfred, Krise,
Supervisors of Girard Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County Pa
to view and lay out a public road, leading from a point in the
public road leading from Clearfield to Karthaus, at or near the
residence of Kyler Murray in Girard Township; to a point in the
same public road, at or near the residence of Mike Kalavoisky in
Girard Township in the County aforesaid, will meet at the house of
Kyler Murray in Girard Township, on Tuesday the 28th day of
November A. D. 1916 at 12.30 oclock P. M. to make said view and
attend to the duties of their appointment at which time and place
aforesaid all parties interested in said road may attend.

A. G. Kramer

E. H. Billotte

J. S. Michaels

VIEWERS.

Now November 20 1916 served this notice on Ashley Kyler, Alex
Billotte and Alfred Krise the Supervisors of Girard Township
personally by handing each of them a true and correct copy of
same.

E. H. Billotte

↑
Bald Hill } stop
start } Leewards
Mills

Girad

Begin at a point in Public
Road leading from Clearfield
to Karthus near J. Kyler Murray
to a point in Public Road
leading from Clearfield to
Karthus at the new Catholic
Church.

Confirmed Absolutely May 1917
33-16

F O R D

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the
County of Clearfield, held at Clearfield, Pa., in and
for said County, on the 13 day of
November in the year of our Lord
one thousand nine hundred sixteen

Judge of the same Court: Upon the petition of
sundry inhabitants of the Township of
Girard

in said County, setting forth that they are in need
of a public road in said Township to commence at a point
on Public road leading from Clearfield to Karthaus at or near
the residence of Kyler Murray and to end on the same public
road at a point at or near the residence of Mike Kalavosky
in said Township of Girard

and therefore, praying the Court to appoint proper persons to view and
lay out the road between the points mentioned, whereupon the Court upon
due consideration had of the premises, do order and appoint from and
among the County Board of Viewers

A. G. Kramer Esq., E. D. Billotte, and J. S. Michaels

who have been duly appointed by the Court and filed their oaths of office and
are duly qualified to perform the duties of their appointment with impari-
ality and according to the best of their judgment, are to view the ground
proposed for the said road, and if they view the same, and a majority of
the actual viewers agree that there is occasion for such road, they shall
proceed to lay out the same, as agreeable to the desire of the petitioner as
may be, having respect to the best ground for a road and the shortest dis-
tance, in such a manner as to do the least injury to private property; and
shall make report thereof, 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 the same may pass; (and wherever practicable, the viewers shall lay
out the said road at an elevation not exceeding five degrees, except at the
crossing of ravines and streams, when by moderate filling and bridging the
declination of the road may be preserved within that limit,) to the next Court
of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public
road, they shall obtain from the persons through whose lands the said road
shall pass, releases from any damages that may arise to them on opening
the same; but if the owner or owners of such land refuse to release their
claim to damages, the said viewers shall assess the same, taking into view
the advantages as well as disadvantages arising from said location, and
make report of such assessments; which report they shall in like manner
transmit to the next Court of Quarter Sessions, with the draft or plot
aforesaid. In which said reports they shall state that they have been
sworn or affirmed according to law, and that due and legal notice was
given of the time when, and place where, they should meet, to view and
lay out said road, and the time and place of hearing

By order of the Court.

John H. Moore, Clerk.

RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of Girard and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 28th day of November, A. D 1916, and ~~the hearing to be held in the Arbitration room at the Court House in Clearfield on the 28th day of November, A. D 1916~~. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Clarence Lefevre Superintendent of State Highway Department for Clearfield County Ashley Kyler one of the Supervisors of Girard Township, J. R. Beauseigneur, J. K. Murray Rev M. J. Ranahan parties in interest. ~~That the hearing was held in the Arbitration Room in the Court House on the 28th day of November, A. D 1916~~ No hearing was deemed necessary therefore the public hearing was dispensed with.

After the view ~~subscribed above mentioned~~ the undersigned, ~~the undersigned viewers~~, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a public road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioners and do return for public use the following described road, to-wit: Beginning at a point in the public road leading from Clearfield to Karthaus near the residence of J Kyler Murray in Girard Township; thence over improved lands of the Bald Hill Coal Company the following courses and distances; to wit, North thirty eight (38) degrees, and ten (10) minutes East seven hundred (700) feet; thence North twenty two degrees, forty five minutes, East two hundred (200) feet; thence North eleven (11) degrees, East three hundred (300) feet; thence North seventy four (74) degrees thirty (30) minutes East two hundred (200) feet; thence North seventy seven degrees, East three hundred (300) feet; thence North eighty nine (89) degrees, forty five minutes, East seven hundred (700) feet; Thence over unimproved land of the said Bald Hill Coal Company, North eighty six (86) degrees, East nine hundred and ninety (990) feet; Thence over improved land of the said Bald Hill Coal Company and improved land of the P Beauseigneur Estate; South thirty one (31) degrees, East two hundred and fifty five (255) feet to a point in the said public road leading from Clearfield to Karthaus at the new Catholic Church near the residence of M Kalivoskey in Girard Township, Clearfield County Pa.

No. 6 DEC Sessions, 1916

ORDER

To view and lay out a road for public use in the township of Girard, Clearfield County

February Session, 1917, read and confirmed N. S. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

By the Court
Magistrate
May 26 1917 (may be
Clerk's authority
By the Court
Magistrate
1917

Filed

Fees \$1.25 paid by

Magistrate

Note.—In case of a private road, the release must be executed in favor of the petitioner for said road.

Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	DAYS	MILES	AM'T.
A. G. W. Rames	2	30	\$11.50
E. D. Bullock	2	10	\$10.50
J. S. Michaels	2	9	\$14.80

RELEASE OF DAMAGES.

Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

at and before the enrolling and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said

all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this day of

A. D. 191



and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees,

~~When the same was opened, the undersigned failed to secure such releases~~
The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they ~~failed to secure such releases~~

the following persons having refused to release the damages to which they respectfully may be entitled by the reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows:

Bald Hill Coal Company	\$1.00
P Beauseigneur, Estate	\$1.00

and we herewith return ~~herewith~~ copy of the notices.

WITNESS our hands and seals this 28th day of NOVEMBER
A. D. 1916.

A. G. Kramer
E. B. Clotte
J. S. Michaels

