

Road DOCKET No. 6

Number

11

Term

Sept

Year

1925

Petition for Appt. of viewers to view
and lay out a road in Beccaria Twp

Versus

Now, July 3, 1925, I hereby accept
service for the Board of Supervisors
of Beccaria Township.

J. L. Caldwell
.....
John L. Caldwell

ORIGINAL
TO EMORY NEVILL, GEORGE MULLEN, and W. H. MELLOTT, supervisors
of the Township of Beccaria, Clearfield County, Pa.

Please take notice that a petition will be presented to the
Court of Quarter Sessions of Clearfield County, Pa. on Monday,
July 13th, 1925 at 11 A.M., praying for the appointment of viewers
to view and lay out a Township Road beginning at a point at or
near the residence of the late Andrew Smith in said Township, in
the public road leading from the Village of Smoke Run to the Water
Tank, and extending from said Andrew Smith's to a point at or near
the residence of George Roholyak in said Township.

.....
Wm. McQuinn
.....
Attorney for Petitioners
July 3, 1925.

KNOW ALL MEN BY THESE PRESENTS, that we, W. J. Twigg, John Houdak, Joseph Polinsky, Harry Korolinchak, Mike Tompachak, Anisto Gafest, Andrew Mowczan, Wasco Finch, Sam Churner, Andrew Luksig, Martin Gunzilas, Nick Berzansky, Andrew Chervenik, Frank Gunjilac, all of the County of Clearfield and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, its certain attorneys in the sum of One hundred (\$100.00) Dollars lawful money of the United States; which sum well and truly to be paid, we and each of us, jointly and severally, do bind ourselves, our heirs executors and administrators firmly by these presents, Sealed with our seals and dated the First day of July, A.D. 1925.

WHEREAS the above bounded and other residents of Beccaria Township have presented their petition to the Court of Quarter Sessions of Clearfield County, praying the Court to appoint Viewers to view and lay out a public road from a point at or near the residence of the late Andrew Smith in Beccaria Township to a point near the residence of George Roholyak in the Township of Beccaria, said County.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if the said Court refuses to appoint Viewers or if the Viewers report unfavorable and the above bounden pay all the cost of the said view, then this obligation to be void; otherwise to be and remain in full force and virtue.

W. J. Twigg Wasco Finch
 John Houdak + Sam Churner
 Joseph Polinsky Andrew Luksig
 Harry Korolinchak Martin Gunzilas
 Mike Tompachak + Nick Berzansky
 Anisto Gafest + Andrew Chervenik
 Andrew Mowczan Frank Gunjilac

IN COURT OF QUARTER SESSIONS
CLAREFIELD COUNTY, PENNA.

No. 11 Sept Term, 1925.

In re: Petition for public
road in Seccaria Township.

BOND OF PETITIONERS

Answer July 13th 1925.

*Good approved
By the Court*

*W. H. H. H.
P. J.*

FILED
JUL 13 1925

GEORGE W. HARRIS
CLERK
JOHN E. MCGRATH
ATTORNEY-AT-LAW
HOUTZDALE, PENNA.

To The COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Public Road leading from a point near the residence of the late Andrew Smith on the Public Road leading from the Vill age o f Smoke Run to the Water Tanks in Beccaria Township. to a point near the residence of George Roholyak on the Public Road leading from Smoke Run to Hagerty's Cross Roads in said Beccaria Township, in the County aforesaid, will meet at the house of the late Andrew Smith in Beccaria Township, on Tuesday the 11 th day of August 1925 at 10:30 o'clock A.M. to attend to the duties assigned them.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield on Friday the 14th day of August 1925 at 9 o'clock A.M. when and where all interested parties may attend and be heard:

DuBois, Pa. July 27th 1925

Mark Shulton
E. D. Billotte
James W. Spangler
Viewers.

Now July 27 1925 Service of the above notice is accepted for the Commissioners of Clearfield County.

L. E. Morris
Clerk

TO THE ROAD SUPERVISORS OF BECCARIA TOWNSHIP, CLEARFIELD CO., PA.

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a public road leading from a point near the residence of the late Andrew Smith, on the public road leading from the Village of Smoke Run to the Water Tanks in Beccaria Township, to a point near the residence of George Roholyak on the Public Road leading from Smoke Run to Hagerty's Cross Roads, in Beccaria Township, in the County aforesaid, will meet at the ho use of the late Andrew Smith, in Beccaria Township on Tuesday the 11th day of August 1925 at 10:30 o'clock A.M. to attend to the duty assigned them, of which time and place all interested parties will take notice.

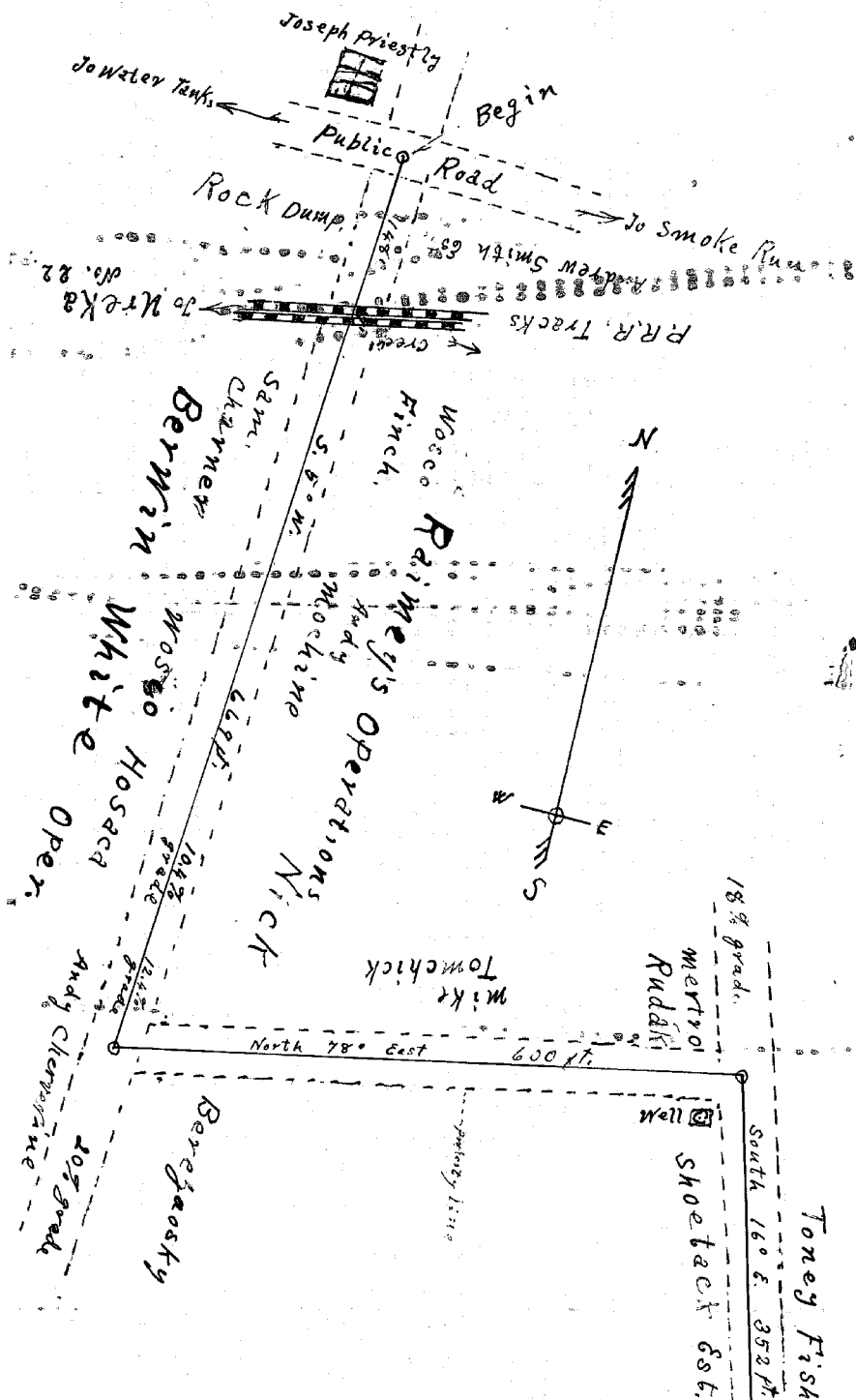
And that the required Public Hearing will be held in the Court House, in the Borough of Clearfield, on Friday the 14th day of August 1925 at 9 o'clock A.M. where you may attend and be heard if you so desire.

DuBois, Pa. July 27th 1925

Irish Hutton
Ed Bellotti
Geo W Spangler
Viewers.

Now July 30, 1925. I hereby accept service of the above notice for the Board of Supervisors of Beccaria Township.

Geo. J. Mulliff
Supervisor and President of the Board.



Draft showing location
of Public Road viewed and laid
out in Beccaria Township, Clear-
field County, Pa. August 11th, A.D. 1926.
834 feet of said New Road being on line
dividing Bermin White and Raimy
operations, in said Twp.

Scale 1" to 100'

Frank Hutton,
E.D. Billotte,
James Spangle,
viewers.

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 11th day of September
in the year of our Lord one thousand nine hundred
twenty five

Judge of the same Court: Upon the petition of sundry in-
habitants of the Township of Beccaria

in said County, setting forth that they labor under great
inconvenience for want of a public road or highway in the Twp. of Beccaria
to begin at a point near the residence of the late Andrew Smith in Beccaria
Twp. on the public road leading from the village of Smoke Run to the Water
Tanks, and extending thence by a convenient route to a point near the
residence of George Roholyak on the public road leading from Smoke Run to
Hagerty's Cross Roads in said Twp. of Beccaria.

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 Frank Hutton, Esq.,
Ed. Billotte and James Spangle

who have been duly appointed by the Court and filed their oaths of office and are duly quali-
fied to perform the duties of their appointment with impartiality and according to the best of
their judgement, 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 distance, 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.

Geo W Palston, 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, be 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 Beccaria and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 11th day of August

A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 14th day of August, 1925, at 9 o'clock A.M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Geo Mullen, Wm. Mellott, and Emory Nevling, Supervisors of said Twp; Chas Snaw, Perry Ball, Guy Ball, Joe Priestles, Joe Plinsky, Tony Zonza, Andrew Mochan, John Ball, S.T. Withero, F.C. Caldwell, Clark Westover, John Trolen, John Lovd, J.K. Gorman, Park Baers, Tina Baers, et al parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at

Clearfield, Pa., on the 14th day of August A. D. 1925, when the following appearances were noted: J.B. McGrath Esq for petitioners, and Cortez Ball Esq for Supervisors and, Saml Charney, Tony Johnson, Andrew Petrovich, Joe Polinski, Morgan D. Hays, Steven Munchak, John Lord, John K. Gorman, S.G. Warrick, Wm. H. Mellott, Valentine Beer, Perry Ball all of whom were either sworn or affirmed and testified for or against the petition

After the view and hearing above mentioned, the undersigned, the majority of the said 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 petitioner, and do return for~~ use the following described road, to wit Beginning Your Viewers feel that all interested parties are entitled to know the principal reasons for their action in refusing to recommend the road as petitioned for. First there are already two public roads nearly parallel and at the point where this road was asked for are some 1200 feet apart; most of the mining village of Eureka No. 22 comprising some 37 houses, is located between these two public Roads, the former owners of the lands on which the village stands layed out the lands for Streets some 50 feet wide over which the petitioners have access to the road leading from Smoke Run to Hagerty's Cross Roads without trespassing on private lands. This is objected to by the petitioners on the ground that the grade is too steep, but the petition asks for a road over this same land and grade, the viewers were able to lay out a route having very little excess grade.

The petitioners insist that the natural outlet for them is on to and over the road from Smoke Run to the water Tanks, this would give them a better grade but involves a grade crossing over the Penna R.R. tracks and right of way, and also involves the erection of a bridge over a stream at a very considerable cost estimated by Supervisor at \$2500.00 To procure this R.R. crossing would necessitate going to the Dept at Harrisburg by the Supervisors, with witnesses showing the necessity, and in view of the petitioners having access to the Hagerty's Cross Road road, and the further fact that such crossing would be a dangerous one it is very doubtful, if the consent of the State Dept. could be secured.

Your viewers are of the unanimous opinion, that the petitioners having

already a Public Road on each of two sides of them only a short distance from their properties, have such access to a Public Highway as is contemplated by the law.

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, excepting as noted on draft

when it was not practical to preserve it within that limit.

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 procured such releases from

no releases necessary

the following persons having refused to release the damages to which they respectfully may be entitled by 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:

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 18th day of August

A. D. 1925.

Mark Stearn Seal
E. B. Gillette Seal
James W. Spangle Seal
Seal

No. 11 Sept Sessions, 19 25

ORDER

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

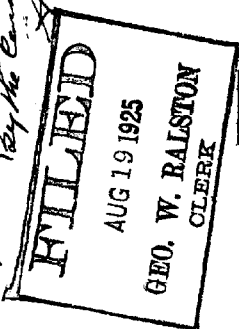
Sept

Sessions, 1925

read and confirmed Ni. Si. 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

*Now Done as 1925
Confirming absolute
By the Court. P. J.*



Filed 19

Fees \$1.25 paid by

John B. McGrath, Atty.,

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	AMT.

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 ensealing 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 respectfully 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. 192 _____.

Seal
Seal
Seal
Seal

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

To the Honorable A. R. Chase, President Judge of the Court of Quarter Sessions of Clearfield County, Pennsylvania.

The petition of the subscribers, residents of the Township of Beccaria, in the County of Clearfield and State of Pennsylvania respectfully represents:

That your petitioners labor under great inconvenience for want of a public road or highway in the Township of Beccaria, Clearfield County, Pa. to begin at a point near the residence of the late Andrew Smith in Beccaria Township, on the public road leading from the Village of Smoke Run to the Water Tanks, and extending thence by a convenient route to a point near the residence of George Roholyak on the public road leading from Smoke Run to Hagerty's Cross Roads in said Township of Beccaria.

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.

..... Joseph Lige	X Nick Beccaria
..... John B. Lige	X Andrew Beccaria
..... George Lige	Frank G. Gajdos
X John B. Lige	Robt. D. Lloyd
..... William Lige	Frank McLaughlin
..... Joseph Polinsky	Timothy L. Lige
..... Harry K. Polinsky	Steve Gajdos
..... Mike Tomchick	Steve Munchak
X Andrew Gefor	Paul Lucas
..... Andrew Mowczan	Antoni Gajdos
..... Wosko X Fincoz	
+ Sam Churner	
..... Andrew Lukic	
X Morton Gajdos	

STATE OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Before me personally came John Lloyd, who being duly sworn according to law, says that he has full knowledge of the facts contained in the foregoing petition, and that the same are true to the best of his knowledge and belief.

.....*John Lloyd*.....

Sworn and subscribed to before me this 3rd day of July,
A. D. 1925.

.....*James McGrath*.....
Notary Public
My Commission expires Feb. 27, 1929.

IN THE COURT OF QUARTER SESSIONS OF CHESTERFIELD COUNTY PENNSYLVANIA	
No. 11	Sept. Term 1925.
In re: Petition for appointment of Viewers to view and lay out a road in Beccaria Township from Andrew Smith's to residence of George Roholyak.	
<p>Now July 13th 1925</p> <p>Frank Hutton Esq Ed Killeto & James Hampden are appointed to view and report by the Court</p> <p><i>W. B. McGraith</i></p> <p>FILED</p> <p>JUL 13 1925</p> <p>W. B. MCGRAITH ATTORNEY-AT-LAW CLERK CHESAIRE, PENNA.</p>	

Now July 13th 1925
 Service accepted by the County Commissioners
 of Chesterfield County, L. B. Sharratt
Sharratt