

DOCKET No. 6

Number      Term      Year

3              Sept              1928

Petition of Stephen Holenchick for  
Appt. of viewers to assess damages  
in Woodward Twp

**Versus**

X

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

In the matter of the :  
Public Road beginning at :  
Henderson Cross-Roads and :  
ending at the Morgan Run :  
School-house, in the Township :  
of Woodward. :  
:

To the Honorable A. R. Chase,

President Judge of said Court:-

The petition of Stephen Holenchick of the Township of Woodward, County of Clearfield and State of Pennsylvania, respectfully represents:

That a public road beginning at what is known as the Henderson Cross-Roads and ending at a point near the Morgan Run School House has been laid out in the Township of Woodward, in the County of Clearfield aforesaid, through the land of your petitioner; and has been opened as laid out within one year next preceding the presentation of this petition, by which said opening of the said public road your petitioner has sustained damages.

Your petitioner therefore prays your Honorable Court to appoint a Board of Viewers to view the premises and assess the damages sustained by him in consequence of the opening of said public road, agreeably to the Acts of Assembly in such case made and provided.

And he will ever pray.

*Stephen Holenchick*  
\_\_\_\_\_  
*John C. Jones*

State of Pennsylvania:

: SS,

County of Clearfield :

Personally appeared before me the subscriber, a Notary Public in and for said County and State, STEPHEN HOENCHICK, within named petitioner, who being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct.

Stephen Holencheck

Sworn and subscribed before me, this 2nd day of June,  
A. D. 1928.

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ORDER

And now, July 12<sup>th</sup> 1928, the  
within petition presented, read and considered: whereupon  
Aaron Kramer, Ed Belotte, and  
Jack Michaels  
are appointed viewers to view the premises and assess the damages  
of the within named petitioner, Stephen Holenchick of Woodward Township,  
and make report thereof to Court.

Returnable,

By the Court,

A. R. Blase

P. J.

IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY, PENNA.  
No. 3 September Sessions 1928.

In re: Proceedings by  
STEPHEN HOLENCHICK of the  
Township of Woodward to  
ASSESS DAMAGES.

PETITION AND ORDER

FILED

JUN 12 1928

GEO. W. RALSTON

CLERK

JOHN SCOLLINS  
ATTORNEY AT LAW  
HOUTZDALE, PENNSYLVANIA

400 rapidly

## 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 Woodward and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 24th day of July, 1928, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 25th day of July, 1928, at nine o'clock A. M. That used viewers appointed by the said order viewed the ground ~~and~~ for the above mentioned road, and that there were present at the view, Stephen Hellenchick the claimant with his Attorney John Scollins Esq and also Mike Magis.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 25th day of July, 1925, when the following appearances were noted:

John Scelins Esq the Attorney of the claimant and the  
claimant Stephen Holenchick, with Mike Magis.

That the claimant is the owner of a tract of cleared land situate in Woodward Township Clearfield County Pennsylvania and that several years ago a public road was laid out through his improved land leading from the Henderson cross roads to the Morgan Run School House in said Township through the improved land of the claimant now used as a truck patch cutting off from the rest of the claimants land including the road bed drains and ditches over one acre of his land rendering the same useless to the claimant which said land present time is planted with garden truct of difrent kind and that said road is now being opened destroying considerable of his garden vegetables; now greing on said lot of difrent kinds . And on account of the destruction of the wire fence around said lot and the cattle bei ng allowed to run loose at large will require him to construct a new wire fence along said road to protect his creps at a cost of not less than twenty five dollars.

Said road not previously been opened no damages were claimed or collected. .

The viewers therefore assess the damages as follows, to wit:

For the amount of his best improved land taken and

### decreased

**\$75.00**

For the replacing of the wire fence destroyed

15

For the replacing of the wire fence destroyed  
For the value of his oxen in his garden destroyed

25.00

For the value of his crops in his garden destroyed

~~5.00~~

## Tetsl

~~105.00~~

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 12th day of June in the year of our Lord one thousand nine hundred twenty eight

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

beginning at what is known as the Henderson Cross - Roads and ending at a point near the Morgan Run School House has been laid out in the Township of Woodward, in the County of Clearfield aforesaid, through the land of your petitioner; and has been opened as laid out within one year next preceding the presentation of this petition, by which said opening of the said public road your petitioner has sustained damages

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 Aaron Kramer, Esq Ed Billotte and Jack 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 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. Ralston, Clerk.

TO GEORGE MINN, J.C, GATEHOUSE AND W. E. TOBIAS  
THE COUNTY 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 and assess the damages that the Petitioner Stephen Holenchick sustained by the construction of a public road through his property lately opened to the public leading from what is known as the Henderson cross roads to a point at or near the Morgan School House in Woodward Township in the County and State aforesaid .

And that the said viewers in the discharge of the duties of their appointment will meet at the end of the said road to be viewed at or near the Henderson Cross Roads in said township on Tuesday the 24th day of July A. D. 1928 at nine o'clock A. M. at which time and place you will please take and attend.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested a chance to appear and be heard by the viewers before the filing of their report in Court. Will be held in the Arbitration Room in the Court House in Clearfield on Wednesday July 25th A. D. 1928 at nine (9) o'clock A. M. at which time and place all parties interested may attend and be heard.

A G Kramer  
E D Billotte  
J S Michaels  
VIEWERS.

Now July 14 A. D. 1928 service accepted for the County Commissioners of Clearfield County Pa and personal service waived.

L O Morris  
Clerk.

TO STEPHEN, HOLENCHICK.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania to view and assess the damages you sustained by the construction of a public road through your property lately opened to the public leading from what is known as the Henderson cross roads to at or near the Morgan Run School House in Woodward Township in the County and State aforesaid.

And that the said viewers in the discharge of the duties of their appointment will meet at the end of the said road to be viewed at or near the Henderson cross roads in said Township, on Tuesday the 24th day of July A. D. 1928 at nine o'clock A. M. at which time and place you will please attend.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested a chance to appear and be heard by the viewers before the filing of their report in Court..

Will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday July 25th A. D. 1928 at nine o'clock A. M. at which time and place all parties interested may attend and be heard.

A G Kramer  
E D Billotte  
J S Michaels

VIEWERS.

Now July 16<sup>th</sup> A. D. 1928 service accepted for Stephen Holenchick and personal service waived.

Stephen Holenchick

July 16<sup>th</sup> 1928 service accepted of notice of intimation this day to present report for confirmation in.

A. M. Sweright  
County Surveyor.

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, ~~for the purpose of presentation and explanation of the same~~ five ~~days~~ ~~days~~ ~~days~~ ~~days~~ ~~days~~

~~RECORDED IN THE OFFICE OF THE CLERK OF THE COUNTY OF BOSTON, MASSACHUSETTS, ON THE 30TH DAY OF JULY, 1926.~~

~~RECORDED IN THE OFFICE OF THE CLERK OF THE CITY OF BOSTON, MASSACHUSETTS, ON THE 30TH DAY OF JULY, 1926.~~

~~RECORDED IN THE OFFICE OF THE CLERK OF THE CITY OF BOSTON, MASSACHUSETTS, ON A copy of the notices, served.~~

WITNESS our hands and seals this 30th day of July,  
A. D. 1926.

Seal

Seal

Seal

Seal

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

No. 3 Sept Sessions. 1928

## ORDER

To view and assess damages <sup>at</sup> ~~for~~ Stephen Holenich ~~Max the~~ township of Woodward \_\_\_\_\_, Clearfield County \_\_\_\_\_,

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.
A. G. Kramer	3	52	\$24
E. D. Billotte	4	45	\$32
J. S. Michaels	3	65	2

## 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.

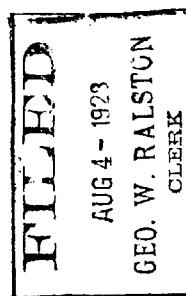
*Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_*

*A. D. 192* \_\_\_\_\_.

Seal.

Filed 19  
Fees \$1.25 paid by

John Scollins, Atty.



Henderson Est.

Public Road to Montzdale

Chase  
High Holenckick

J.W.

Draft showing location  
of a public road laid out in  
Woodward Twp. Cyl. Co. Pa. through  
land of Steve Holenckick. Viewed and  
Surveyed July 24th. A.D. 1928.

A.G. Kramer.

E.D. Billotte } viewers.  
J.W. Michæls.

Scale  $\frac{1}{2}'' = 100'$