

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

State of Pennsylvania:

: SS,

County of Clearfield :

Personally appeared before me the subscriber, a
Notary Public in and for said County and State, STEPHEN HOLENCHICK,
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 Holenchick

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

ORDER

And now, *July 12th* 1928, the
within petition presented, read and considered: whereupon
Harmon Kramer Esq., Ed Billette, and
Jack Michallo
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. B. Huse

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

PROCLAM

JOHN SCOLLINS
ATTORNEY AT LAW
HOUTZDALE, PENNSYLVANIA

400 Royal



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; ~~-----~~ A. D. 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 ~~-----~~ viewers appointed by the said order viewed the ground ^{used} and for the above mentioned road, and that there were present at the view, Stephen Helenchick the claimant with his Attorney John Scollins Esq and also Mike Magis.

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

After the view and hearing above mentioned, the undersigned, the _____ viewers, do agree that there is an occasion for a road as desired by the petitioner, and that the same is ----- necessary for a public road: -----

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 truck of different kind and that said road is now being opened destroying considerable of his garden vegetables; now growing on said lot of different kinds. And on account of the destruction of the wire fence around said lot and the cattle being allowed to run loose at large will require him to construct a new wire fence along said road to protect his crops 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 destroyed	\$75.00
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For the replacing of the wire fence destroyed	25.00
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For the value of his crops in his garden destroyed	5.00
--	------

Total \$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 in-
habitants of the Township of Woodward

in said County, setting forth 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

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 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. Polston, 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 Holsenchick 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. C. 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 16th A. D. 1928 service accepted for Stephen Holenchick and personal service waived.

Stephen Holenchick

25 October 1928 Service accepted of notice of intention this day to present report for confirmation view.

A. M. Swearing
County Solicitor.

1. The undersigned hereby certifies that the information furnished herein is true and correct to the best of his knowledge and belief.

WITNESS our hands and seals this 30th day of July.

A G Kramer
E Billore
J S Michael

No. 3 Sept Sessions, 1928

ORDER

To view and assess damages at
xxxxxx for Stephen Holenchick
township of Woodward
Clearfield County

Sessions, 19____
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.

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

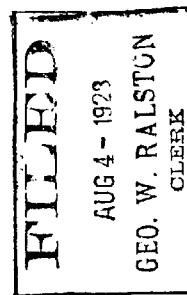
Also, viewers will carefully note the number of
days employed and set the amount out at the foot
of their return.

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	\$24.10
E. D. Billotte	4	45	\$32.30
J. S. Michaels	3	65	\$5.85

Now Dec 3 1928 No Exception
having been filed Report
Confirmed absolute
Geo. W. Ralston
Clerk



Filed _____ 19____
Fees \$1.25 paid by _____

John Scollins, Atty.,

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.

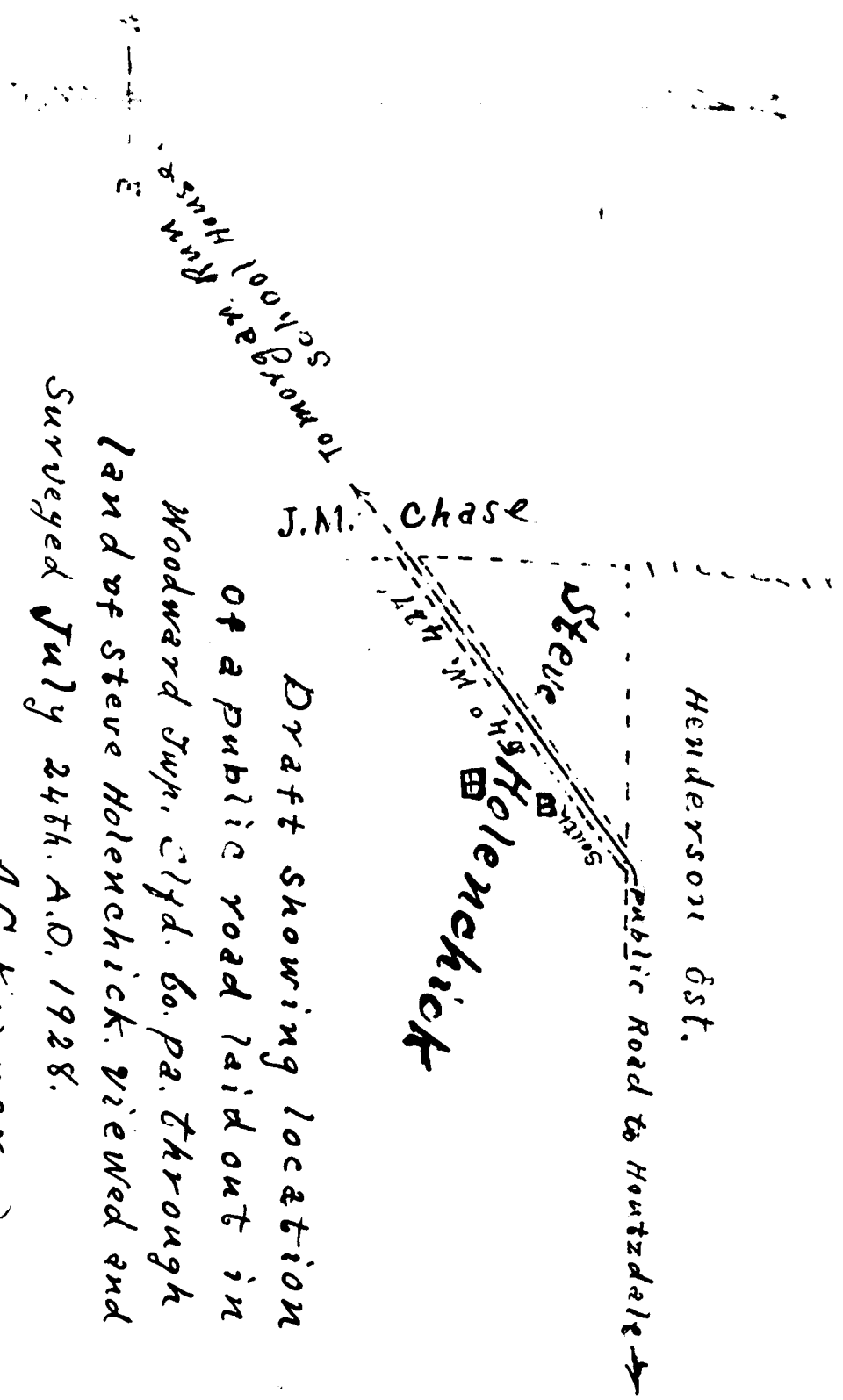
Witness our hands and seals this _____ day of _____
A. D. 192____.

Seal

Seal

Seal

Seal



Surveyed July 24th. A.D. 1928.

Draft showing location
of a public road laid out in
Woodward Twp. Cityd. Co. Pa. through
land of Steve Holenchick. Viewed and

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

A.G. Kramer.
E.D. Billotte } viewers.
J.S. Michaels.