

DOCKET No.

Number	Term	Y
1	MAY SS	19

Public road in Gulich Twp

Versus

X

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

ROAD IN GULICH)
TOWNSHIP :
) No. 1 May Sessions, 1930.
 :
)

This matter is before the Court on objection
to Confirmation of the Viewers Report; and also on objection/the
petition as originally filed, because of defects in the same. An
examination of the petition, and also the Report, indicates that
the exceptions must be sustained, therefore,

NOW, June 30, 1930, the Report of the Viewers
is set aside, and the confirmation of said report is refused.
Clearfield County is directed to pay the costs of the Viewers and
such other record costs as the view may have incurred.

By the Court,

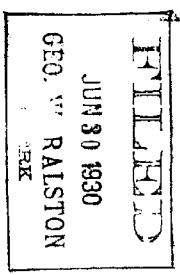
AK Blase
P. J.

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

NO. 1 May Sessions, 1930.

ROAD IN GULICH TOWNSHIP

OPINION & ORDER OF COURT



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

In the matter of | No. February Sessions, 1930.
Public Road in |
Gulich Township |

To the Honorable A. R. CHASE,

President Judge of said Court:

The petition of the undersigned inhabitants of the Township of Gulich, in the County of Clearfield, respectfully represents:

That your petitioners labor under inconveniences for want of a public road or highway to lead from a point in the Township Road (Old Tyrone Pike) near the Almaden School-house, and thence via the village of Almaden (Eureka #28) and ending in the State Highway Route No. , near Blyth Shaft.

Your petitioners therefore pray your Honorable Court to appoint a Board of Viewers to view and lay out a public road, in accordance with the Act of Assembly in such case made and provided.

And, they will ever pray.

R. Madigan
John Strongosky
J. S. David & Son Smithville Pa

Joe Joneskie.

John Bungo.

Rev. John Paly

metro Soacko
Michael Lumianyk
metro Kopylechko.

Alex Seger

Wasco Berszansky

Miron Garbinsky
Mike Finch &
W. Gazworsky
metro Hawsky x

State of Pennsylvania |
| ss.
County of Clearfield |

Before me, the subscriber, a
in and for said County and State, personally appeared Myron Garbinsky, Mike
Finch and Metro Stahorsky, petitioners within named, each of whom being duly
sworn according to law depose and say that the facts set forth in the fore-
going petition are true and correct.

Myron Garbinsky

Mike Finch

Myron Stahorsky

Sworn and subscribed before me, this 1 day of March, A.D.
1930.

J. S. David J.P.

COMMISSION EXPIRES FIRST MONDAY
IN JANUARY 1934

Wasco Kopylechek x

John Semidorsky

Mike Pollick

Harry Collenich

Steve Bair

Mr. Amieto Banto

Beesmer Coal Co.

James Ting

Frank Kawa

Martin Kukerak

John Marks

Frank S. Stahorsky

Mike Semidorsky

Frank Semetorsky

KNOW ALL MEN BY THESE PRESENTS:

That we, Myron Garbinsky, and
and of Gulich Township, Clearfield County,
Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania
in the sum of Dollars, lawful money of the
United States, to be paid to the said Commonwealth of Pennsylvania, or its
certain attorney or assigns; to which payment well and truly to be made we do
bind ourselves, our heirs, executors and administrators and every of them,
firmly by these presents. Sealed with our seals and dated the
day of March, A.D. 1930.

THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas the above bounden
and others have petitioned the Court of Quarter Sessions of Clearfield County
for the opening and laying out of a public road in Gulich Township, Clearfield
County, Pennsylvania, to No. February Sessions, 1930.

NOW THEREFORE, if the above bounden and other petitioners shall pay
all costs incidental to said proceedings in the event of an adverse report on
the part of the Board of Viewers, then this obligation to be void; otherwise
to be and remain in full force and virtue.

John Kinko

Mike Winko
Anna Laskuski &
Sam Kost
Chas Laskuski
Wasco Holobin co
Metco Blacha
Mike Sasaki
Ernest Srock
Herman S - rock
Fred Srock

Myron Garbinsky SEAL

(1) Mike Sasaki SEAL
(2) Myron Garbinsky SEAL

Ralph Srock
Wasco Linko
Metco Blacha
Mrs Helen Rayach
Wasco Rayach
John Nida

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENN'A.

No. / *May* - *Temporary Sessions, 1930.*

In the matter of

Public Road in

Gulich Township.

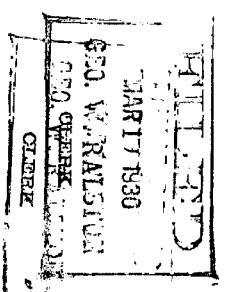
PETITION AND BOND.

And now, *March 15th 1930*
the within petition presented,
read and considered: whereupon,
John G. Moore
James E. Harry
George E. Newell
are appointed the Board of View-
ers to view and lay out the
public road within prayed for,
and report to Court, as provided
by Act of Assembly.

By the Court

H. J. Moore

P.J.



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

IN RE: Petition for Public Road beginning at a point in the Township Road (Old Tyrone Pike) near the Almaden School House, and thence via the village of Almaden (Eureka No. 28) and ending in the State Highway Route No. near Blyth Shaft.)) NO. 1 MAY SESS. 1930))

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

The subscribers, Supervisors of Township Road in the Township of Gulich, said county, file the following exceptions to the petition for appointment of Viewers to view said road:

1. That the said petition does not definitely designate the beginning and ending of said road; the points stated in the petition are indefinite and cannot be easily located.

2. That said petition specifies the route of said road inasmuch as it shall pass by way of the Village of Almaden.

3. That the names ^(of some) ~~of~~ of the subscribers to the said petition were not written by the persons themselves, and were written without authority of the persons named in a number of cases.

^{4. That no bond has been filed as required by law.}
Your petitioners pray that the said petition be set aside and all proceedings in said matter be dismissed by the Court.

John A. Battistow
Ed. H. David,
Joseph E. Glinsky.
SUPERVISORS OF GULICH TWP.

STATE OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)ss:

Before me personally came Joseph E. Glinsky, above named, who being duly sworn according to law says that the facts stated in the foregoing statement are true and correct to the best of his knowledge and belief.

Sworn and subscribed to before me this 19th day of April, A.D. 1930.

Joseph E. Glinsky.
James McGrath
NOTARY PUBLIC
Commission expires Feb. 27, 1933

COURT OF QUARTER SESSIONS

NO. 1 MAY SESS. 1930

IN RE: Petition for Public
Road in Gulich Township

EXCEPTIONS TO PETITION

Our Office 21st
1930, Petition
presented, subject
matter to be heard
at regular argument
Court.

By the Court

John P. McNamee
J. J.

APR 21 1930
C. O. W. R. JOHN B. McGRATH
CLERK ATTORNEY AT LAW
HOUZDALE, PENNA.

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

In the Matter of :
Viewers' Report in : No. 1, May Sessions, 1930.
Gulich Township :
:

To the Honorable A. R. Chase, President Judge of said Court:

WHEREAS, upon petition by various persons in Gulich Township, your Honorable Court appointed Harry Reese, Harry P. Dowler and E. G. Boose, Esq., viewers for the purpose of determining questions concerning the opening of a road in Gulich Township; and

WHEREAS, said viewers filed their report the 12th day of April, 1930, in the office of the Clerk of Quarter Sessions of Clearfield County, Pennsylvania, to the effect that they returned for public use a road described in a plan attached.

NOW, Boulton & Boulton, Attorneys for Wasco Rapoch, Wasco Holebinko, John Nida and Fannie Nida, his wife, John Sungusky and Metro Bungo, except to the confirmation of the above report and move that the same be stricken off and the proceedings set aside for the following reasons:

1. The termini of the road are not set forth in the petition with the certainty required by law.

2. The report shows upon its face that no damages were awarded to John Nida and Fannie Nida, his wife, and John Sungusky, through whose premises the report shows the proposed road passes, and damages were not waived.

3. That the damages awarded to
Wasco Rapoch, Wasco Holebinko and Metro
Bungo are totally inadequate and in effect
confiscate the property without due compen-
sation.

Baillargeon Baillargeon

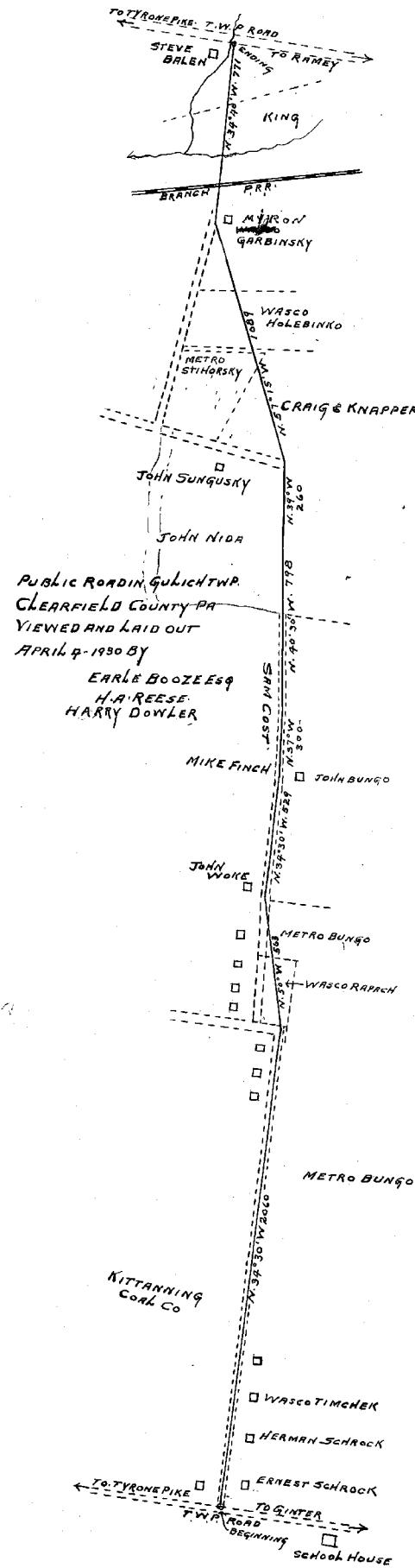
IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA.
No. 1, May Sessions, 1930

In the Matter of
Viewers' Report in
Gulich Township.

Objection to Confirmation
of Viewers' Report.

Now June 1930
directed to be
placed on agenda
for 3rd term
of session

RECEIVED	APR 21 1930
GEO. W. RISTON	
CLERK	
BOULTON & BOULTON	
ATTORNEYS AT LAW	
COUNTY NATIONAL BANK BUILDING	
CLEARFIELD, PA.	



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

Re Petition for Public Road : Viewer's Notice to Supervisors
in Gulich Township, : and County Commissioners.

You will please take notice hereby that upon petition of sundry inhabitants of Gulich Township, setting forth that the petitioners labored under great inconvenience for want of a public road or highway to lead from a point in the Township Road (Old Tyrone Pike) near the Almaden School House, and thence via the village of Almaden (Eureka #28) and ending in the State Highway Route No. near Blyth Shaft, the Court appointed the undersigned of the Board of Viewers of Clearfield County, to view and lay out the road between the points mentioned.

The viewers will meet on Friday, the fourth day of April, 1930, at 10.30 o'clock, A. M., at the Almaden School House above mentioned, to perform the duties of said appointment, at which time and place any party interested may attend.

The public hearing in the matter as required to be held by the Viewers by the Act of Assembly and the Rules of this Court, will be held in the Arbitration Room of the Court House at Clearfield, Pa., on Monday, the seventh day of April, 1930, at ten o'clock A. M., at which any party interested may attend and be heard.

Tom Busey
Harry Reese
Harry Danner
Viewers.

Now, March 22, 1930, notice of the above stated view, served by copy and service for the Commissioners of Clearfield County is accepted.

L. C. Morris Clerk

Now, March 22, 1930, notice of the above stated view, served by copy and service for the Supervisors of Gulich Township is accepted.

Joseph D. Glinsky,
Secretary
Solicitor

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view such a road, to lay out a Public

Road leading from a certain public road (Old Tyrone Pike) near the Almaden School House, thence via the village of Almaden (Eureka # 28) in Gulich-----

----- Township to the State Highway Route No. near Blyth Shaft, -----

in Gulich Township, in the County aforesaid, will meet at the Almaden School House

in Gulich Township, on Friday,
the 4th day of April, 1930, A. D. 192, at 10.30
o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

The public hearing required by the Act of Assembly and the Rules of the Court, to be held by the viewers, will be held in the Arbitration Room of the Court House at Clearfield, Pa., on Monday, the seventh day of April, 1930, at ten o'clock A. M.

E. G. Boose Esq

Harry Reese

Harry P. Dowler

Viewers.

March 28,

1930

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 19th day of March in the year of our Lord one thousand nine hundred thirty

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Gulich in said County, setting forth that your petitioners labor under inconvenience for want of a public road or highway to lead from a point in the Township Road (Old Tyrone Pike) near the Almaden School house, and thence via the village of Almaden (Eureka #28) and ending in the State Highway Route No. near Blyth Shaft.

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 E; G. Boose, Esq., Harry Reese and Harry P. Dowler

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.

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

Gulich and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 4th day of April 1930, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 7th day of April, 1930, a.m., at ten o'clock A.M. That all viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Joseph Gilinsky, William Bartholow and Edward David, the Supervisors of Gulich Township, and of the petitioners and other interested parties, Myron Garbinsky, Metro Stachursky, Michael Finch and others, of the----- parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 7th day of April, 1930, when the following appearances were noted: Supervisors of Gulich Township, with John B. McGrath Esq., their counsel; Wasco Rapach and Wasco Holebinko, with Harold Boulton Esq., their counsel; Myron Garbinsky, Metro Stachursky and divers other citizens of Gulich Township.

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 public use the following described road, to wit Beginning in the Township Road (Old Tyrone Turnpike) near the Almaden School House at corner of lands of Ernest Schrock; thence N. 34° 30' W. 2060 feet to pine of Wasco Rapach; thence across lands of Wasco Rapach and Metro Bungo, N. 50° W. 563 feet, to corner of land of John Woke and John Bungo, in center of dedicated street; thence N. 34° 30' W. 529 feet; thence N. 37° W., 300 feet; thence N. 40° 30' W. 798 feet; thence N. 39° W., 260 feet to center of dedicated street; thence across lands of Craig & Knapper; Metro Stihorsky; Wasco Holebinko & Wasco Garbinsky, N. 57° 15' W., 1089 feet to center of dedicated street; thence across branch of Pennsylvania Railroad Company's trackm and across lands of Jas. King and Steve Bolen, N. 34° 40' W. 771 feet to center of public road at house of Steve Bolen, near the Blyth Shaft.

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 _____

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 Metro Stachursky

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: Steve Bolen, \$50.00; Miron Garbinski, \$50.00; Wasco Holebinko, \$50.00; Metro Bungo, \$40.00; Wasco Rapach, \$100.00; Craig & Knapper, \$1.00; Kittanning Coal Co., \$1.00.

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

WITNESS our hands and seals this 8th day of April,
A. D. 192-- 1930.

Seal

Seal

Seal

Seal

No. 1 May Sessions, 1930

ORDER

To view road for public use in the township of Gulch, Clearfield County

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

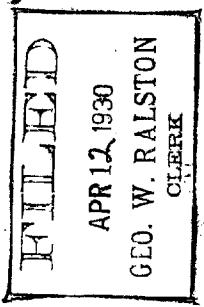
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

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

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.
Harry Reese	3	.65	\$29.00
Harry F. Fowler	2	.42	19.20
E. G. Boose	4	.68	46.80

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.



19
Filed
Fees \$1.25 paid by

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_____.

Mitchell Stackhouse Seal
Seal
Seal
Seal