

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^{to} 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.

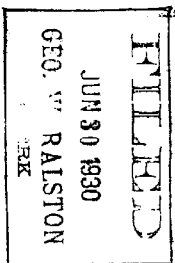
By the Court,

A. R. 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.

Miron Garbinsky
Mike Finch &
W. Gajewsky
Metro Stawsky x

R. Madigan
John Strongosky
T S D and G B Smithills Pa
Joe Joneskie.
John Bungo.
Rev. John Paly
Metro Soko Ro
Michael Lumianyk
onetro Kopylchak.
Olav Berg
Wasco Berejansky

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

1) *Mike Finch*

2) *Metro Stahorsky*

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

1930.

J. S. David J.P.

My COMMISSION EXPIRES FIRST MONDAY
IN JANUARY, 1934

Waco Kopylchak x

John Semetkosky

Mike Pollick

Harry Colenich

Steve Bair

Mr Anieto Bauto

Bessemer Coal Co

James King

Frank Kawa

Martin Kaperak

John Marks Bungert

Frank S. Stahorsky

Mike Semetkosky

Frank Semetkosky

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 Kinich
Mike Minko
Anna Tasherskie
Sam Kost
Chas Tashersky
Wasco Hilobin co
Metro Blacpa
Mike Lasako
Ernest Grock
Herman Grock
Fred Grock

Myron Garbinsky SEAL
(1) *Mike Kinich* SEAL
(2) *Wasco Grock* SEAL
Ralph Grock
Wasco Kinich
Metro Bunge
Max Klein Rapach
Wasco Rapach
John Nida

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

No. 1 *of 1930*
Petition Sessions, 1930.

In the matter of

Public Road in

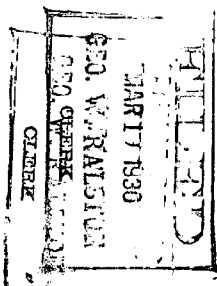
Gulich Township.

PETITION AND BOND.

And now, *made 15th 1930*
the within petition presented,
read and considered: whereupon,
ordered by the Court
that Henry P. Arnold
be 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

[Signature]
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 vill-
age 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 Town-
ship 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 in
asmuch as it shall pass by way of the Village of Almaden.

3. That the names ^(of some) 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.

Wm a Bartholomew

E W Darr

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

John B. McGrath

NOTARY PUBLIC
Commission expires Feb. 27, 1933

COURT OF QUARTER SESSIONS

NO. 1 MAY SESS. 1930

IN RE: Petition for Public
Road in Galich Township

EXCEPTIONS TO PETITION.

*Given April 21st
1930, Motion
granted, subject
matter to be heard
at regular session
Court.*

By the Court

FILED

APR 21 1930

JOHN B. MCGRAITH
CLERK OF COURT
HOUTSDALE, 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 compensation.

Boulton & Boulton

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

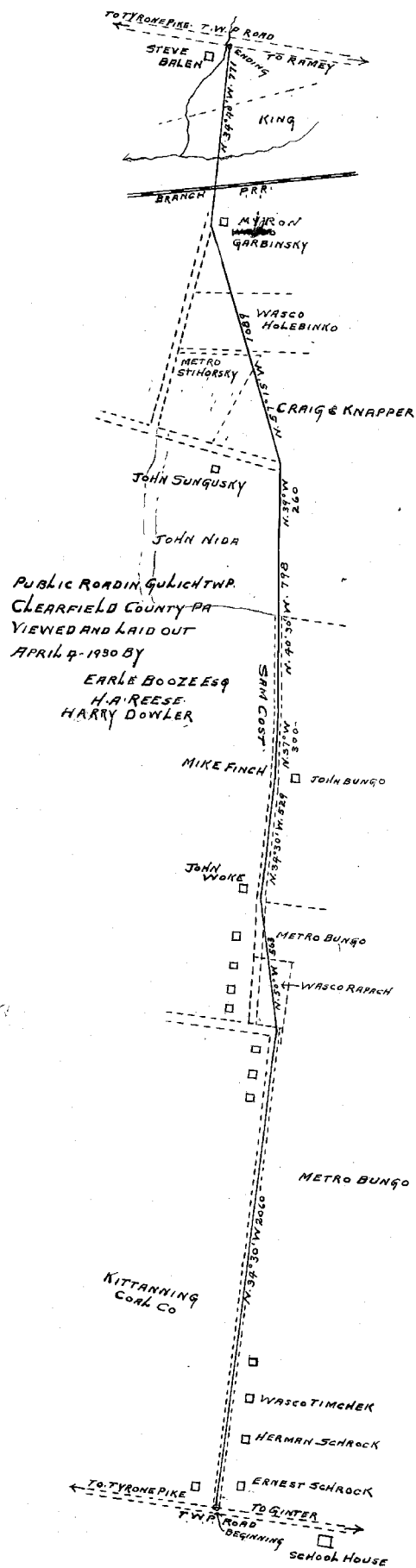
In the Matter of
Viewers' Report in
Gulich Township.

Objection to Confirmation
of Viewers' Report.

*now due 1930
directed to be
placed on agenda
for the court
April 21*

FILED
APR 21 1930
GEO. W. RALSTON
CLERK

BOULTON & BOULTON
ATTORNEYS AT LAW
COUNTY NATIONAL BANK BUILDING
CLEARFIELD, PA.



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,
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.

Edw. B. Bower

Harry Reese

Harry Dawkins

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. Norris

Clerk

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

~~Solicitor~~
Secretary
Joseph P. Glinisky,

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Penn-
sylvania, to view ^{and if a majority of them agree that there is occasion for} 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 in-
habitants 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 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.

Ges 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 ~~192~~, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 7th day of April, 1930, ~~192~~, 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 _____ day of _____ A. D. 192____, 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 _____ occasion for a road as desired by the petitioner, and that the same is _____ 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 line 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

Bill Reese
A. Fowler

Seal

Seal

Seal

