

LICET No. 6

Number	Term	Year
2	Dec.	1934

Petition for the appointment of a
Board of View to view a Proposed Road
and Bridge in Morris Township

Versus

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 15th day of October in the year of our Lord one thousand nine hundred thirty four

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Morris in said County, setting forth that there is urgent necessity for a road in or near the village of Hawk Run: Beginning at a point on the Hawk Run-Munson Road in the village of Hawk Run, and on the right side of the said Hawk Run-Munson Road at the corner of the property of Henry Blake, thence in the direction of the Moshannon Creek, to a proposed point of meeting with a proposed road to be built in Rush Township, Centre County.

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 John Scollins, Esq H. A. Giles and Harry E. Reese

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.

W. A. Gallagher, 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 Morris and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 7th day of November A. D. 1934, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 9th day of November, 1934, at 10 o'clock A. M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view James Hilland Iver Edwards, Supervisors of Morris Township; Geo. Edwards, Wm. Ogden, Henry Blake, Harry Jovenelli, Steve Belak, Arthur Ogden, James Densham, Henry Baxter W.B. Davis and J.A. Irvin

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 9th day of November A. D. 1934, when the following appearances were noted: E.J. Thompson, Esq., for petitioners; W.C. Chase, Esq. Solicitor for Morris Township and F.G. Smith, Esq., for the Solicitor of Clearfield County; Guste Kelley and Rev. Auroroff, petitioners. At which time it was agreed by Counsel of record that the final hearing be continued, for the purpose of amending the petition, which was ordered by the Court, and the enactment by the Legislature of an Act establishing the proposed Road and the required Bridge as a State Highway ~~After the view and hearing aforesaid the undersigned the majority of the Board to be built and maintained by the Department of Highways.~~ ~~After the view and hearing aforesaid the undersigned the majority of the Board to be built and maintained by the Department of Highways, and that the same is necessary for the proposed 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 damage to private property, and as far as practicable agreeably to the desire of the petitioners, and the following described road to be Reginning. That the final hearing was held in the Grand Jury Room, in the Court House, at Clearfield, Pa., on the 30th day of October, 1935, when the following appearances were noted: William Litke, Esq., of Thompson & Litke, Attys., for the petitioners; R. V. Maine, Esq., for A. M. Liveright, Solicitor for Clearfield County; W. C. Chase, Esq., Solicitor for Morris Township; Harold J. Boulton, Esq., for the Max-ton Coal Company. James Hill, W. B. Davis and Iver Edwards, Supervisors of Morris Township; Rev. Auroroff, Joseph Rusnak, Joseph Blazosky, George Wynovsky, petitioners; LeBaron Smith, Superintendent of the Max-ton and Morrisdale Coal Companies: all of whom were sworn, examined and cross-examined by Counsel and your Board.~~

That upon the view aforesaid, your Board having had respect to the shortest distance, the best ground for such proposed road and so as to do the least damage to private property, and as far as practicable agreeably to the desire of the petitioners, surveyed the following described road, beginning on the Hawk Run ^{Munson} road at a point bearing South $88\frac{1}{2}$ degrees East 529 feet and thence North $63\frac{1}{2}$ degrees East 200 feet from a post in said road near the property of Henry Blake, and from said point of BEGINNING thence South 9 degrees West, over the lands of the Max-ton Coal Company (alias Morrisdale Coal Company) and over the old abandoned Trolley right-of-way, crossing the New York Central Railroad, a distance of 1514 feet and ENDING in Moshannon Creek, the dividing line between Clearfield and Centre Counties; and being the Pennsylvania Department of Highways proposed Route No. 17079 in Morris Township, Clearfield County, connecting with the said Department's proposed Route No. 14037 in Rush Township, Centre County, as enacted by the General Assembly in the 1935 Session; a map or draft thereof, as also Pennsylvania Department of Highways plans, being hereto attached and made part hereof.

After the view and hearing aforesaid, a majority of your Board, H. A. Risse and H. A. Giles, (John Scollins dissenting and

filings a minority report) concurring find as facts:

1. That the damages occasioned by the laying out of said proposed road to the Max-ton Coal Company, by the taking of its private property, would amount to \$5,000.00;
2. That the cost and expense of constructing the necessary bridge across Moshannon Creek would be burdensome;
3. That there is no occasion for such a road, and that the same is unnecessary for a public road.

The majority of your Board therefore concludes that there is no occasion for such a road and that the same is not necessary for a public road.

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 road signed for the said rock that they said was to be taken from the said land of the said owner which the said road was to be taken writing of the said road to the said owner that may arise of rock running the said road to be taken and rock not taken.

the following persons having refused to release the shares by which they expect to be paid
be entitled to a portion of the distribution and enjoyment of the said stock over the consideration and view
of their having so considered the adventure to be destined to the stockholders of the said company and
not to the stockholders of the said company.

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

WITNESS our hands and seals this 30th day of November
A. D. 1935.

Seal,

Señor

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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

October 22, 1935

Centre-Clearfield
R-14037 - 17079
O. R. 210

Honorable Edward J. Thompson
Philipsburg
Pennsylvania

Dear Senator:

I have your letter of October 19 with further reference to Routes 14037 and 17079, Centre and Clearfield Counties.

I am sorry that I misunderstood your first letter.

This Department will be bound under the Act of the Legislature to assume the responsibility for maintenance and construction of the Highway on January 1, 1936, or as soon thereafter as there is a legal township road to take over as a State highway. You may rest assured that we will act accordingly.

Very truly yours

Warren Van Dyke
Secretary of Highways.

TO: The County Commissioners of Clearfield County, Penna., :-

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 2, December Sessions, 1934, to view and lay out a public road in or near the Village of Hawk Run, beginning at a point on the Hawk Run-Muncion Road in the Village of Hawk Run, and on the right side of the said Hawk Run-Muncion Road at the corner of the property of Henry Blake, thence in the direction of the Moshannon Creek, to a proposed point of meeting with a proposed road to be built in Rush Township, Centre County, will meet at the property of Henry Blake in Morris Township, in Clearfield County aforesaid, on Wednesday the 7th day of November, A. D. 1934 at 2:00 o'clock P. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the Viewers before the filing of their report in Court in order to give all parties interested in the said road an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday the 9th day of November, A. D. 1934 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scallions
H. A. Giles
Harry E. Razz
Viewers

Dated, October 19, 1934.

CLEARFIELD COUNTY, SS:

Now, this 23 day of October, A. D. 1934, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk

TO: Mike Francisco, James Hill and Isaac Smeal, Supervisors of Morris Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 2, December Sessions, 1934, to view and lay out a public road in or near the Village of Hawk Run, beginning at a point on the Hawk Run-Linson Road in the Village of Hawk Run, and on the right side of the said Hawk Run-Linson Road at the corner of the property of Henry Blake, thence in the direction of the Koshannon Creek, to a proposed point of meeting with a proposed road to be built in Rush Township, Centre County, will meet at the property of Henry Blake in Morris Township, in Clearfield County aforesaid, on Wednesday the 7th day of November, A. D. 1934 at 2:00 o'clock P. M., to attend to the duties assigned them: all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the Viewers before the filing of their report in Court in order to give all parties interested in the said road an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday the 9th day of November, A. D. 1934 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

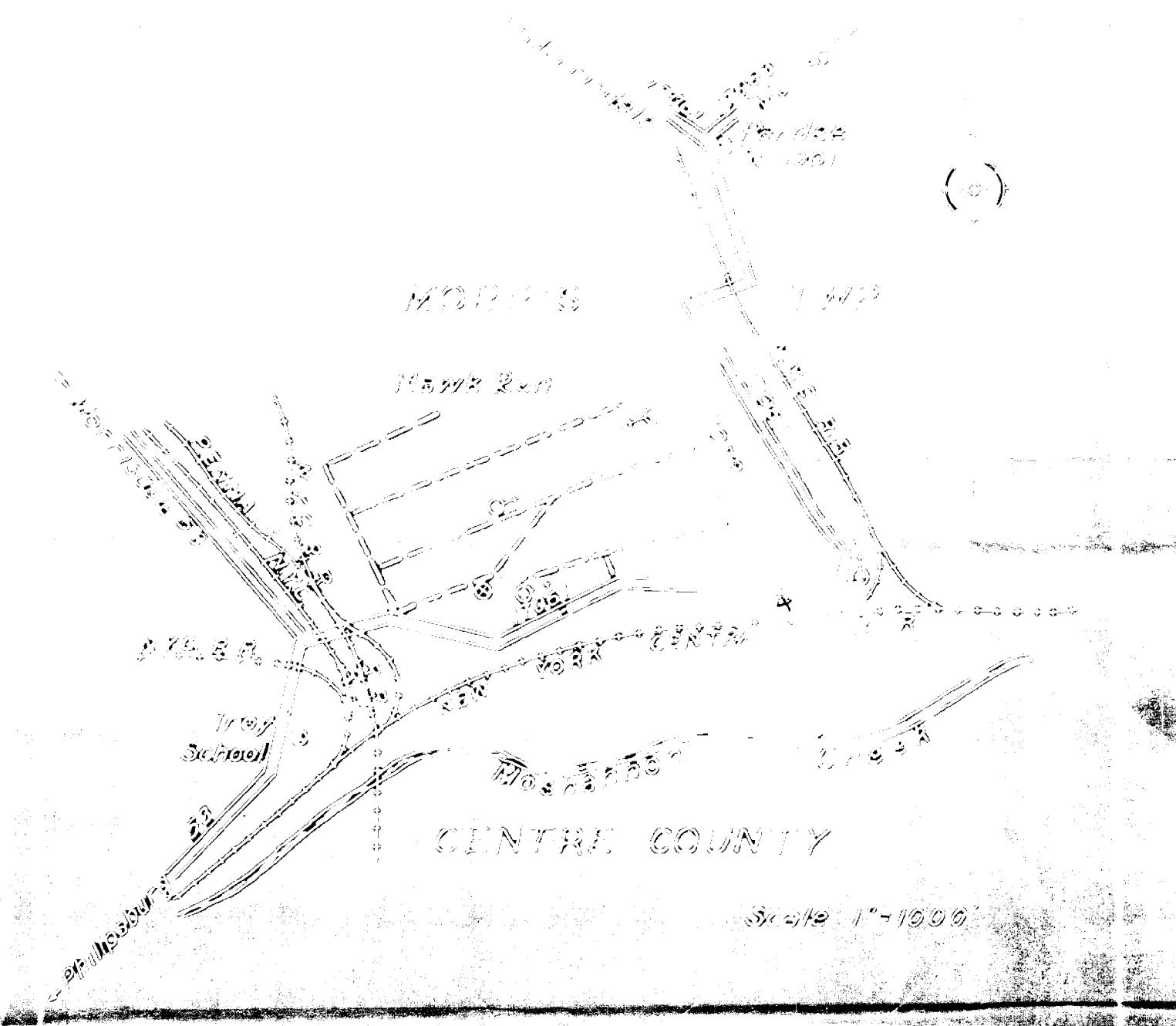
John E. Smeal
H. A. Giles
Harry E. Reece
Viewers

Dated, October 19, 1934,

CLEARFIELD COUNTY, SS:

Now, this _____ day of October, A. D. 1934, service of the above Notice is accepted for the Supervisors of Morris Township.

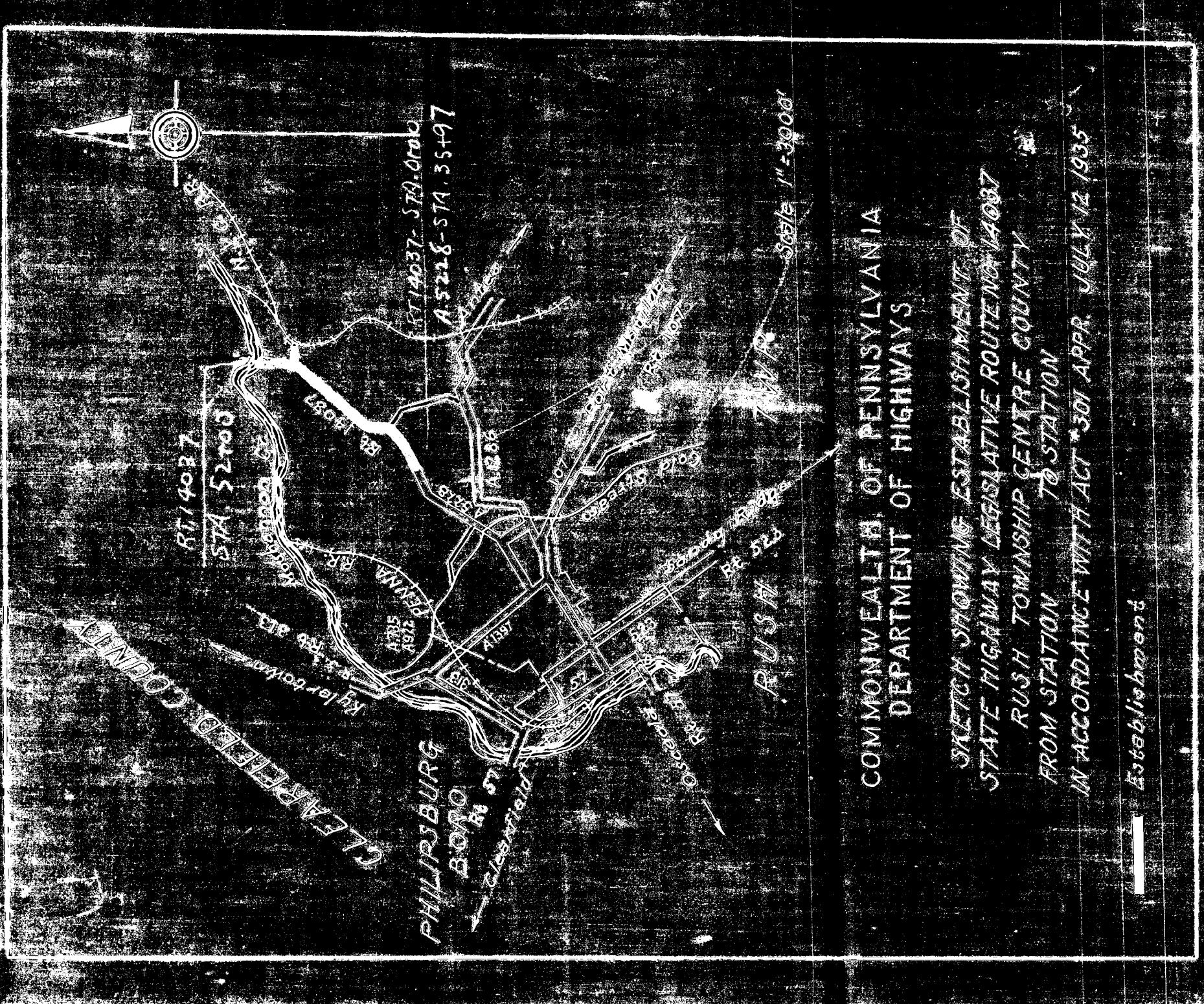
Now November 2, 1934
Board of Supervisors of Morris _____ Constable
Township appointed, refused Cost of service 3.00 dollars
to accept service by giving notice
I now and subscribe before me this _____ Supervisors
2nd day of November 1934 Richard Morgan
William Slay Justice of the Peace Constable
MY COMMISSION # 176
FIRST MORT. Y IN J. RY 1940



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Sketch showing ESTABLISHMENT of
State Highway Legislative Route No. 179 1/2
Morris Township, Clearfield County
from Station to Station
in accordance with Act # 301, April 27, 1927

1. *Estadio, scrupoli*



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

SKETCH SHOWING ESTABLISHMENT OF
STATE HIGHWAY LEGISLATIVE ROUTE NO. 14037
RUSH TOWNSHIP CENTRE COUNTY
FROM STATION
IN ACCORDANCE WITH ACT * 301 APP. JULY 12, 1935

Establishment

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In re: To view a road for public use in the Township of Morris. No. 2, December Sess., 1934.

MINORITY RETURN.

To the Honorable W. Wallace Smith, President Judge of said Court:

I respectfully dissent from the findings of fact and conclusions of the majority report of the Board of Viewers filed to the above number and term, for the following reasons:

After viewing the proposed road, and from the testimony produced at the hearing: I wound find as a fact:

1. That the damages claimed by the Max-Ton Coal Company were excessive; that the sum of \$5,000.00 is based upon approximately 30,000 tons of coal, in place, of a royalty value of \$3,000.00, and that to mine and remove its coal would require extra expense of \$2,000.00 to comply with the regulations of the Department of Highways in removing said coal.

That the assessed value of said coal, for taxation purposes is \$30.00 per acre, and approximately one-half acre would be taken under this proceeding.

That the damages claimed are speculative and mere guess-work.

2. That the cost of constructing a bridge across Moshannon Creek, would be borne by the Department of Highways of Pennsylvania, and distributed over the whole Commonwealth.

That there is at present a wooden bridge (old Trolley frame-work) maintained and used by the residents of that community, for foot-travel, and at their own expense.

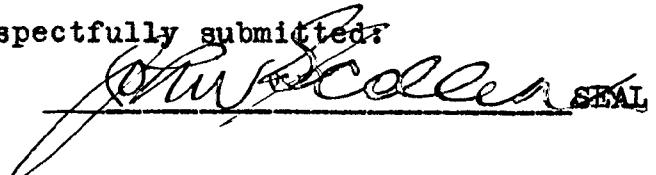
3. That the residents of Hawk Run, a mining community, of approximately 1500 population would have ready and speedy access to the Philipsburg State Hospital via the proposed road, and save two-thirds of the distance they are now required to travel, through Philipsburg by way of the Troy bridge.

That there is no other bridge across Moshannon Creek, from Troy, east to Munson. That at least 50 families, members of the Greek Catholic Church, live in One Mile Run, and attend the Hawk Run Church, as well as parishioners of other Communions. That miners living in Hawk Run are employed at One Mile Run, and many living in One Mile Run are employed in Morrisdale mines, which when running to capacity employ 1000 persons; and by the building of the proposed road would be conveinced thereby.

In my opinion, there is occasion for the proposed road, and that the same is necessary for public use.

Respectfully submitted,

November 30, 1935.


John S. Collier SEAL

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

Petition for the appointment of a :
Board of View to View a proposed : No. 2 December Sessions
road and bridge in Morris Township :
1934

Amendment to Petition

ORDER OF COURT

AND NOW, this 9th day of November, 1934, upon presentation of the within petition and upon motion of Edw. J. Thompson, Attorney for petitioners in the above matter, Paragraph 1 of the petition presented in the above matter is hereby amended to read as follows:

(1) That there has existed for some time past and still exists at present, urgent necessity for the establishment of a township road and bridge in or near the village of Hawk Run, Morris Township, Clearfield County, Pa., as hereinafter described:

Beginning at a point on the Hawk Run-Munson road in the village of Hawk Run, and in the direction of Moshannon Creek to a point of meeting with a proposed road to be built in Rush Township, Centre County.

BY THE COURT.

W. WALLACE SMITH

P. J.,

Certified from the record this
9th day of November A.D. 1934.

W. R. Gallagher
Prothonotary

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

PETITION FOR THE APPOINTMENT OF) No. 2
A BOARD OF VIEW TO VIEW A PROPOSED)
ROAD AND BRIDGE IN MORRIS TOWNSHIP,)
CLEARFIELD COUNTY, PENNSYLVANIA)
~~December Sessions~~
~~September Term, 1934~~

TO THE HON. W. WALLACE SMITH, PRESIDENT JUDGE OF SAID COURT:

AND NOW, this 9th day of November, 1934, Edw. J. Thompson, Attorney for the petitioners in the above matter, appears and respectfully asks your Honorable Court for leave to amend Paragraph 1 of the above petition which reads as follows.

"(1) That there has existed for some time past and still exists at present, urgent necessity for the establishment of a township road^{and bridge} in or near the village of Hawk Run, Morris Township as hereinafter described:

"Beginning at a point on the Hawk Run-Munson road in the village of Hawk Run, and on the right side of the said Hawk Run-Munson Road at the corner of the property of Henry Blake; thence in the direction of the Moshannon Creek, to a proposed point of meeting with a proposed road to be built in Rush Township, Centre County."

to read as follows:

"(1) That there has existed for some time past and still exists at present, urgent necessity for the establishment of and bridge a township road in or near the village of Hawk Run, Morris Township, Clearfield, County, Pa. as hereinafter described:

"Beginning at a point on the Hawk Run-Munson road in the village of Hawk Run, and in the direction of Moshannon Creek to a point of meeting with a proposed road to be built in Rush Township, Centre County."

Howard J. Thompson
ATTORNEY FOR DEFENDANT

ATTORNEY FOR PETITIONERS

ORDER OF COURT

AND NOW, this 9th day of November, 1934 upon presentation of the within petition and upon motion of Edw. J. Thompson, Attorney for petitioners in the above matter, Paragraph 1 of the petition presented in the above matter is hereby amended to read as follows:

(1) That there has existed for some time past and still exists at present, urgent necessity for the establishment of a township road, ^{conveniently} in or near the village of Hawk Run, Morris Township, Clearfield County, Pa., as hereinafter described:

Beginning at a point on the Hawk Run-Munson road in the village of Hawk Run, and in the direction of Moshannon Creek to a point of meeting with a proposed road to be built in Rush Township, Centre County.

BY THE COURT



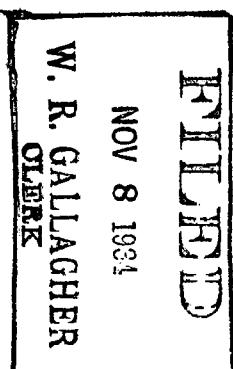
P.J.

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

No. 2 *Sept* 1934 September Term, 1934

PETITION FOR THE APPOINTMENT
OF A BOARD OF VIEW, TO VIEW A
PROPOSED ROAD AND BRIDGE IN
MORRIS TOWNSHIP, CLEARFIELD
COUNTY, PENNSYLVANIA

AMENDMENT TO PETITION.



EDWARD J. THOMPSON
ATTORNEY AT LAW
PHILIPSBURG, PENNSYLVANIA
SCHOONOVER BUILDING

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

PETITION for the APPOINTMENT of : No.
a BOARD of VIEW to VIEW a PROPOSED :
ROAD and BRIDGE in MORRIS TOWNSHIP, :
CLEARFIELD COUNTY, PENNSYLVANIA. : September Sessions, 1934

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT JUDGE OF THE SAID COURT:

The petition of the undersigned subscribers, residents in and near the village of Hawk Run, Morris Township, Pennsylvania, Respectfully Represents:

(1). That there has existed for some time past and still exists at present, urgent necessity for the establishment of a Township Road in or near the village of Hawk Run, Morris Township, as hereinafter described:

Beginning at a point on the Hawk Run-Munson Road in the village of Hawk Run, and on the right side of the said Hawk Run-Munson Road at the corner of the property of Henry Blake, thence in the direction of the Moshannon Creek, to a proposed point of meeting with a Proposed Road to be built in Rush Township, Centre County.

(2). That the course or courses to be followed in the establishment of the said road will be of inestimable value to the residents of the village of Hawk Run and other places nearby.

(3). That the Proposed Road is necessary and convenient to the residents of Hawk Run and to the traveling public in general.

(4). That in all respects such Proposed Road is a necessity as described.

(5). That there are numerous persons coming to Hawk Run from North Philipsburg and that the said road would be a very great convenience to them.

(6). That the said Proposed Road will make it possible for residents of Hawk Run and other persons living in the vicinity thereof to save considerable time and distance in getting to the Philipsburg State Hospital and to the town of Philipsburg.

(?) That the said proposed road will affect a considerable saving in distance and act as a short-cut to residents living in the vicinity of Munson and Winburne.

(8) That the said proposed road will relieve traffic on other roads between Philipsburg and Morris and Cooper Townships to a very considerable degree.

(9) That your petitioners signing this petition, who reside along the proposed courses of the said proposed road hereby waive all manner of damages arrising or herafter to arise by the establishment of the proposed road described and mentioned in this petition.

WHEREFORE, your petitioners pray your Honorable Court to appoint a Board of View to view the proposed road and site of the necessary bridge and make its report thereon to your Honorable Court in accordance with Act of Assembly made and provided.

IN THE COMMONWEALTH } A F F I D A V I T
OF PENNSYLVANIA, COUNTY } SS:
OF CENTRE

Before me, the subscriber, a Justice of the Peace is and
for the above named State and County personally appeared Steve St. John
one of the petitioners being duly sworn according to law, who deposes and
says that the foregoing facts set forth in the attatched petition are true
and correct.

Sworn to and subscribed
before me this 1st day of
October, 1934

John P. Sance

Steve Kiteka

(2)

SIGNATURES OF PETITIONERS

John D. Smith
John D. Smith
John D. Smith
John D. Smith

John D. Smith
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John D. Smith

✓ WAIVER OF DAMAGES.

WE, the undersigned owners of property on or along which road hereinbefore described is proposed to be established, hereby agree to waive any and all damages arising or hereafter to arise by virtue of the establishment of the Proposed Road described and mentioned in the within petition to be situate in the village of Morris Township, Clearfield County, Pennsylvania.

ORDER OF COURT.

AND NOW, THIS ^{13th day of Oct., 1934, upon consideration of the within petition and upon motion of Edward J. Thompson, Esq., Attorney for the petitioners the following are hereby appointed to constitute a Board of View to view the said road and bridge, and make their recommendations and return to this court according to law:}

John Collins, Esq.
H. A. Giles
Harry C. Reese

BY THE COURT.

P. S.eller Jr.

P. 373

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

No. 1 *Dec.*
Sept. Sessions, 1934

Petition for the appointment
of a Board of View to view a
Proposed Road and Bridge in
Morris Township, Clearfield
County, Pennsylvania.

Received

PETITION FOR APPOINTMENT OF
BOARD OF VIEW.

CP

FILED
OCT 15 1934
W. R. GALLAGHER
PROTHONOTARY

EDWARD J. THOMPSON
ATTORNEY AT LAW
PHILIPSBURG, PENNSYLVANIA
SCHOONOVER BUILDING

4-20