

ROAD

DOCKET No. 6

Number

1

Term

Dec. SS

Year

1938

BIGLER TOWNSHIP--Petition for a

Public Road

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 20th day of September in the year of our Lord one thousand nine hundred and thirty-eight

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

in said County, setting forth that they labor under great inconvenience in not having a road or an outlet from our place of residence.

We petition that Viewers be appointed to lay out a road, beginning at a point near the property and residence of Martin Nosel; thence South along the property of George Nedvit, Alex Katcher and Metro Bungo to a Township road leading from Smoke Run, to Eureka #22 or New London, in Beccaria Township, Clearfield County, Penna.

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., E. D. Billotte and T. C. McGarvey

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. R. 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

Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 11th day of October

A. D. 1938, and the hearing to be held in the <sup>Grand Jury</sup>~~Subdivision~~ Room, at the Court House, in Clearfield, Pa., on the 14th day of October, 1938, 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 Martin Nosel, George Nedvit, John Katcher and Frank Finch, petitioners; William J. Hensal and Raymond Siford, Supervisors of Bigler Township,

parties in interest. That the hearing was held in the <sup>Grand Jury</sup>~~Subdivision~~ Room, in the Court House, at Clearfield, Pa., on the 14th day of October A. D. 1938, when the following appearances were noted: Martin Nosel, George Nedvit, John Katcher and Frank Finch, petitioners: All of whom were sworn, examined and  
cross-examined by your Board.

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 at a point near the property and residence of Martin Nosel in a sixty-foot Street dedicated for highway purposes by the Estate of John Beyer, deceased, and extending from the Township road leading from Smoke Run to Eureka #22, to Banian, via the Irvin Farm now occupied by Mrs. Mary Vaneos: thence South 23 degrees East, along properties of the said Martin Nosel, George Nedvit, Alex Katcher, Morris Lloyd and Metro Bungo, and frongint thereon, eight hundred ninety-five (895) feet, six (6) inches, and ending in the Township Road leading from Smoke Run to Eureka #22.

We further find that the said road is necessary for public travel and the use of property owners abutting thereon; that the present street, serving this built-up section, was washed out during the Flood of 1936, is in need of re-building, and that merchants refuse to make deliveries of groceries to the owners of properties and homes living thereon, and that in inclement weather they are required to carry their own food from the public road to their homes; that the Doctors charge \$1.00 extra for professional calls to their homes; that they are unable to have coal and fuel delivered to their homes and have had their homes there for over 15 years; and notwithstanding one of the termini is at a point other than in a public highway or place of public resort, we recommend said road so as aforesaid laid out, as a public road.

58  
2/10/38

Road To Snake River  
 Road To Snake River 22

Morris Lloyd

895'6"

S 23° East

Bringing  
 60th Street

George Nedvat

Alex Katcher

Melro Bango

Draft Showing location of  
 a public Road viewed and laid out  
 in Bigler Twp. 64d. 60. Pa.  
 Oct. 11th A.D. 1938.

John Seollins  
 E.D. Billotte  
 T.C. McGarvey  
 Viewers.

W  
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TO: The Commissioners of Clearfield County, Pennsylvania:-

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

In re: Order to view and lay out  
a road for public use in the Town-  
ship of Bigler.

No. 1, December SS., 1938.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and lay out for public use in the Township of Bigler the following road: Beginning at a point near the property and residence of Martin Nosel; thence South along the property of George Nedvit, Alex Katcher and Metro Bungo to a Township Road leading from Smoke Run to Eureka #22 or New London in Beccaria Township, in the County aforesaid, will meet at the property of Martin Nosel in said Township of Bigler on Tuesday, the 11th day of October, 1938 at two o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

And that the public hearing required by Act of Assembly and the 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 Grand Jury Room in the Court House in Clearfield on Friday, the 14th day of October, 1938 at 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 Scollins  
E. S. Billotte  
T. C. McGarvey  
Viewers

Dated: September 29th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 3rd day of October, 1938, service of the above Notice is accepted for the Commissioners of Clearfield County.

Myra E. Lucas  
Clerk

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

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Friday, the 14th day of October, 1938 at 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 Collins  
E. S. Billotte  
J. C. McFarvey  
Viewers

Dated: September 29th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 3d day of October, 1938, service of the  
above Notice is accepted for the Township of Bigler.

Raymond Siford  
William Siford  
Josiah F. Markley  
Supervisors of the Township  
of Bigler.

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.

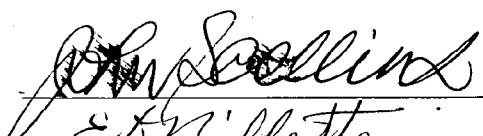

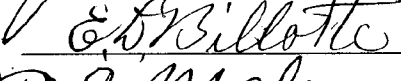

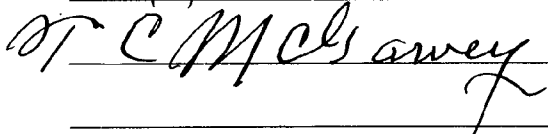


The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from \_\_\_\_\_

~~No damages assessed, the land having been dedicated and appropriated for public use for highway purposes and accepted for such use by and on behalf of the public by user.~~

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: No damages claimed or assessed.

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

WITNESS our hands and seals this 8th day of November  
A. D. 1938.

ORDER

To view and lay out a road for public use in the township of Bigler, Clearfield County

December Sessions, 19 38,

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.

R. Sealer J. J.

7th. 6, 1938. Confirmed

W. H. Sealer J. J.

Filed 19 Fees \$1.25 paid by

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	AM'T.
E. D. Billette	3	132	36.60
T. C. McGarvey	2	116	25.80
John Scollins	3	74	33.70

1938  
R. Sealer J. J.

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 ensembling 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



# P E T I T I O N

To the Honorable W.Wallace Smith, President Judge of the Court of Clearfield County, Pennsylvania.

We the petitioners and tax payers of Bigler Township ,Clearfield County and residence of Bigler Township, respectfully represent, That we labor under great inconvenience in not having a road or an outlet from our place of residence.

We petition that Viewers be appointed to lay out a road, beginning at a point near the property and residence of Martin Nosel ;Thence South along the property of George Nedvit, Alex Katcher and Metro Bungo, to a Township road leading from Smoke Run, to Eureka #22 or New London, in Beccaria Township, Clearfield County, Penna, and we will ever pray.

## NAMES

## ADDRESSES

Martin Nosel	Smoke Run PA.
George Nedvit	Smoke Run, PA.
Alex Katcher	Smoke Run PA
Metro Bungo	Smoke Run, PA.
Harvey Shaw	Smoke Run, Pa.
M. J. Davis	Smoke Run, Pa.
George Finch	Smoke Run, Pa.
Frank Finch Jr.	Smoke Run, Pa.
Frank Finch Sr.	Smoke Run, Pa.
Joseph Finch	Smoke Run Pa
Myron Roberson	Smoke Run Pa
Harold Finch	Smoke Run Pa
Garrett Finch	Smoke Run Pa
John Finch	Smoke Run Pa

NAMES

Raymond E. G. ...

ADDRESSES

1212 R. ...

RECEIVED  
SEP 20 1938  
W. R. GALLAGHER  
CLERK

Carl Swartz  
Circuit Clerk

P E T I T I O N

No. 1 Dec. 20 1938

TOWNSHIP ROAD  
IN BIGLER TOWNSHIP

Sept. 20 1938. John  
Reid, Jr. & J. G. Reid,  
and J. C. Reid, Jr. are  
affiliated as friends with  
the road house on the  
west side of town.

J. R. Swartz  
J. R. Swartz