

KET No. 6

Number	Term	Year
1	Sept. SS	1938

BIGLER TOWNSHIP--Petition to View

and Lay Out 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 17th day of May 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 by the lack of, and are in need of a public road in the Village of Blackburn, Clearfield, Pennsylvania.

That said road begins at the end of a public road at the Woodward Township line and extends to the Blackburn Public School, a distance of approximately one-quarter of a mile.

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.,

E. D. Billotte and H. A. Giles

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. P. 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 28th day of May, 1938, A. D. 1938, and the hearing to be held in the Arbitration Room, in the Court House, in Clearfield, Pa., on the 31st. day of May, 1938, 1938, at 9.00 o'clock A.M. That all of the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view one of the Supervisors of Bigler Township and a number of citizens from Bigler Township.

Grand Jury
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 31st. day of May, 1938 A. D. 1938, when the following appearances were noted: Howard Smith Esq., representing the petitioners, Mike Kuzna, Mike Fetchu, Louis Materna, Gilbert Krysiak and Peter Materna, petitioners and citizens of Bigler 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 at a point in a public road ending on the line between the townships of Bigler and Woodward; thence S. 75 degrees 45 minutes West, a distance of 468 feet; thence S. 80 degrees West, a distance of 200 feet; thence N. 82 degrees 30 minutes West, 238.9 feet; thence N. 77 degrees West, 255 feet; thence N. 49 degrees 30 minutes West, a distance of 173 feet; thence N. 66 degrees 30 minutes West, 427 feet to public road, at a point near the Blackburn School House.

W.W.
Woodward line

810

S. 175° 45' W. S. 80° 00' W. 200' 2.38' 9" 468

255'

1/3 1/3 1/3

N. 66°

85' 27' 30' m
max. to road

R.R. switch
do meadow

Draft showing location of a public road.
Viewed and laid out in Bigler Twp. Cld.
County Pennsylvania. May 28th. A.D. 1938.
Total length of road

1761 feet.

Scale $\frac{1}{2}$ inch to 100 ft.

E. G. Boose.
E. D. Billotte.
H. A. Giles.
Viewers.

N

S

W

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

In the Matter of Petition : Of September Sessions,
To lay out a Public Road : 1938.
in Bigler Township. : Number 1.

To the Petitioners; the Supervisors of Bigler Township, and the Commissioners of Clearfield County-

Please take notice that the undersigned have been appointed by the Court, to view and lay out for public use, a public road in Bigler Township, Clearfield County, Pa., which in the Order to the Viewers is described as follows-

"That said road begins at the end of a public road at the Woodward Township line and extends to the Blackburn Public School, a distance of approximately one-quarter of a mile"

For the purpose of viewing the premises, the Viewers will meet at the Blackburn Public School, aforesaid, on SATURDAY, the 28th. day of May, 1938, at two o'clock P. M., and for the public hearing in the matter, provided for by the law and the Rules of this Court, the Viewers will sit in the Grand Jury Room of the Court House at Clearfield, Pa., on TUESDAY, the 31st. day of May, 1938, at nine o'clock A. M., E. S. T., on which latter date and place named, all parties in interest may appear and be heard.

E. G. Boose

E. D. Billotte

H. A. Giles
Viewers.

Now, May 19th., 1938, notice received, with copy delivered, and service accepted for the Commissioners of Clearfield County,

24/8

Mary E. Lucas
Clerk.

Now, May 20th., 1938, notice received, with copy delivered, and service is accepted for the Petitioners.

Henry Smith
Atty. for Petitioners.

Now, May 21st, 1938, notice received, with copy delivered, and service is accepted for the Supervisors of Bigler Township.

William H. Henn
Supervisor of Bigler Twp.

VIEWERS' NOTICE

Notice is hereby given that the undersigned, who have been appointed by the Court of Quarter Sessions of Clearfield County, Penna., to view on a Petition to view and lay out for public use..... a certain section of a Public Road inBigler..... Township, County and State aforesaid, which said section of Public Road is described in the Petition as follows: "That said road begins at the end of a public road at the Woodward Township line and extends to the Blackbyrn Public School, a distance of approximately one-quarter of a mile".....

The Viewers will meet to view, at the ~~the~~ named termini, that is at the Blackburn Public School building,..... on SATURDAY, , the 28th day ofMay, 1938, at two o'clock P. M. , or as soon thereafter as the same can be reached.

The Public Hearing in the premises provided for by law and the Rules of this Court, will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on TUESDAY , 1938 the31st..... day ofMay, 1938, beginning at 9.00 o'clock A. M. , at which time and place all parties in interest may appear and be heard.

E. G. BOOSE

E. D. BILLOTTE

H. A. GILES

Viewers.

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 ----- had no claims for damages on part of any landowner and that it would appear that no damages would arise from the opening of the road, but that the properties would be enhanced in value by reason of the opening of a public road as located, and consequently no damages were assessed.

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: -----

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

WITNESS our hands and seals this 31st. day of May, 1938.

A. D. 192.

Seal

E. D. Willotte

Seal

H. A. Giles

Seal

Seal

ORDER

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. G. Boose	4	254	52.70
E. D. Billott	3	143	37.15
H. A. Giles	2	64	23.25

Summer Sessions, 1938.

read and confirmed Ni. Si. Road to b.
opened 33 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide.

Dr. Walker, Jr.

Greulich *discreta*, 1938.
confirmed absolutely. — *Ex*
Dr. Greulich *fig. 1*.

19
Filed

Fees \$1.25 paid by

McGrath & Smith, Attorneys

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.

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

In re:

Petition to Appoint Board of View	:	No.
to View and Lay Out Public Road in	:	Ssns., 1938
Bigler Township, Clearfield County,	::	
Pennsylvania.	:	
	:	

To The Honorable W. Wallace Smith, President Judge of the Court of Quarter Sessions:

The petition of the subscribers, residents and citizens of the Township of Bigler, County of Clearfield and State of Pennsylvania, respectfully represents, as follows:

(1). That they labor under great inconvenience by the lack of, and are in need of a public road in the Village of Blackburn, Clearfield County, Pennsylvania.

(2). That said road begins at the end of a public road at the Woodward Township line and extends to the Blackburn Public School, a distance of approximately one-quarter of a mile.

WHEREFORE, your petitioners respectfully request your Honorable Court to appoint Viewers to view and lay out a public road leading from a point at the end of the public road on the Woodward Township line to the Blackburn Public School in Bigler Township.

And, they will ever pray, etc.

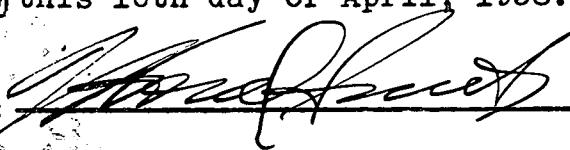
NAME	ADDRESS
Anna Giltchuk	Madera Pa.
Andrew Giltchuk	Madera Pa.
Mike Fetkin	" "
Steve Giltchuk	" "
Joseph Orgis	" "
Emanuel Orgis	" "
Isaac Orgis	" "
Agnes Orgis	" "
Anthony Krysiak	" "
Anna Krysiak	" "
Gilbert Krysiak	" "
Peter Materna	" "
Lewis Materna	" "
Albert Materna	" "
John Litz	Madera Pa.
John Litz Sr	" "
Victoria Litz	" "
Joe Materna	" "
Anna Materna	" "
Mary Popovich	" "
Mike Kausma	" "

NAME	ADDRESS
Mike Wankelak	Houtzdale Pa.
George Mahute	Houtzdale Pa.
Frances Mahute	Houtzdale Pa.
Tom Kosdrosky	Madera Pa.
Mary Kosdrosky	"
D. Maligan	Houtzdale Pa.
Charles Martin	Houtzdale Pa.
Aden Irvin	Houtzdale Pa.
Elmer Graton	Houtzdale Pa.
James S. Maligan	Houtzdale Pa.
John A. Finnell	Madera Pa.
Freighton Sweeney	Madera Pa.
R. Hunt Swope	Madera Pa.
W. G. McMurray	Madera Pa.
Catharine Malawsky	Houtzdale Pa.
John V. Vornowik	Houtzdale Pa.
Agnes V. Vornowik	Houtzdale Pa.
Steve Holenichuk	Houtzdale, Pa.
Steve Holenichuk	Houtzdale Pa.
George Labant	Houtzdale Pa.

STATE OF PENNSYLVANIA:
:SS:
COUNTY OF CLEARFIELD :

Andrew Fetchu being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

Subscribed and sworn before me
this 16th day of April, 1938.



Andrew Fetchu

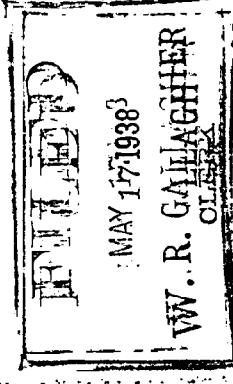
NOTARY PUBLIC
Houtzdale, Pa.
COMMISSION EXPIRES MAY 11, 1938

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

No. 1 Sept. Ssns. 1938

PETITION FOR PUBLIC ROAD
IN BIGLER TOWNSHIP

5/1/38 And to this record



McGrath & Smith
Attorneys at Law
Houtzdale, Penna.

Now, April 23d, 1938. We accept Notice
of the presentation of the within
Petition

John Seelins
atg for Supervisors
of Bigler Township

5/1/38
5/1/38
5/1/38