

PET No. 6

Number

1

Term

Sept. SS

Year

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 in-
habitants 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 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.

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:

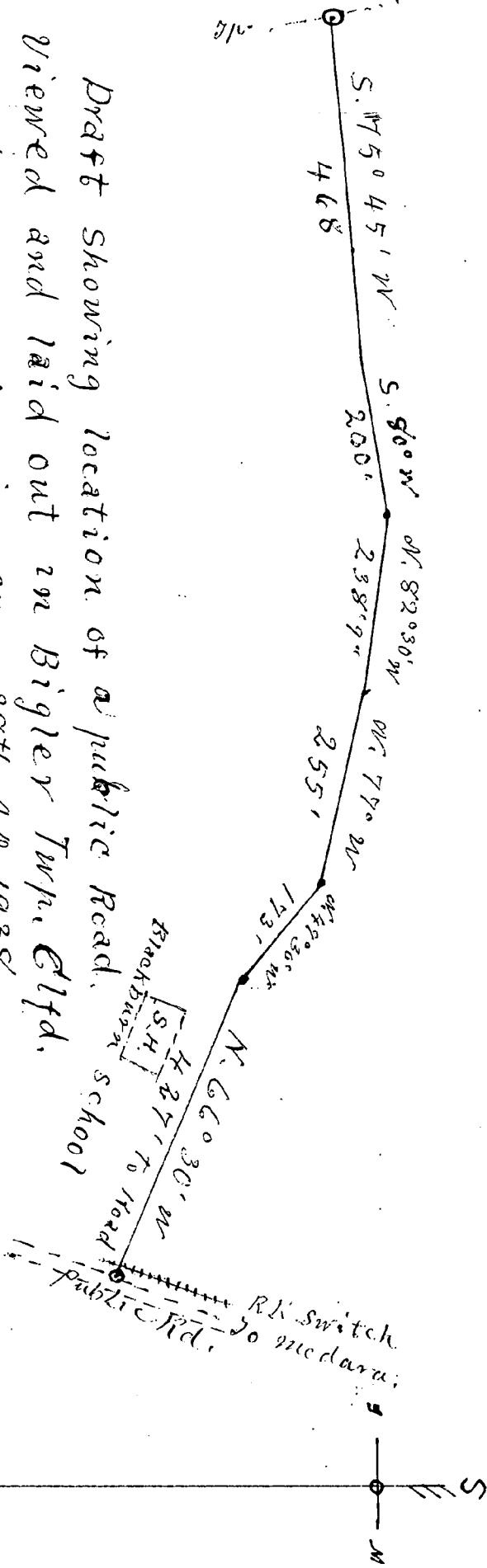
We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, be leave to report as follows:

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 28th day of May, A. D. 1938, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 31st. day of May, 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 an 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 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.

Woodward Twp.
line.



Draft Showing location of a public road.

viewed and laid out in Bigler Twp. Ctfd.

County Pennsylvania. May 28th. A.D. 1938.

Total length of Road

1761 feet.

Scale 1/2 inch to 100 ft.

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

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,

24/11

Myra E. Lucas
Clerk.

Now, May ~~21st~~, 1938, notice received, with copy delivered, and
service is accepted for the Petitioners.

Arthur 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. Hume
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 Blackburn Public School, a distance of approximately one-quarter of a mile".....

The Viewers will meet to view, at the ^{last} ~~same~~ named termini, that is at the Blackburn Public School building,..... on SATURDAY, the 28th day ofMay, 1938; ~~1937~~, 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,....., ~~1937~~, 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. 193 .

E. D. Billotte

Seal

H. A. Liles

Seal

Seal

Seal

ORDER

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

September Sessions, 19 38,

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.

H. Gallager

Heard Sessions, 1938.
Confirmed absolutely.
H. Gallager

Filed _____ 19 _____

Fees \$1.25 paid by _____

McGrath & Smith, Attorneys

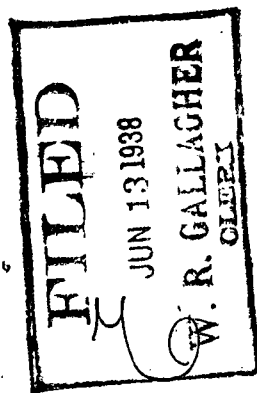
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	\$23.20



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

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

In re: :
:No. Ssns., 1938
Petition to Appoint Board of View :
to View and Lay Out Public Road in :
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 Pennsyl-
vania, 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 Fitcher	Madera Pa.	
Andrew Fitcher	Madera Pa.	
Mike Fitcher	"	"
Steve Fitcher	"	"
Joseph Orgis	"	"
Emanuel Orgis	"	"
Isabel Orgis	"	"
Agnes Orgis	"	"
Anthony Grysiak	"	"
Anna Grysiak	"	"
Gilbert Grysiak	"	"
Peter Materna	"	"
Lewis Materna	"	"
Albert Materna	"	"
John Lutz Sr.	Madera Pa.	
John Lutz Jr.	"	"
Victoria Lutz	"	"
Joe Maternak	"	"
Anna Materna	"	"
Mary Popovich	"	"
Mike Kussner	"	"

NAME

ADDRESS

Mike Wachelak Houtzdale Pa.

George Mahute Houtzdale Pa.

Frances Mahute Houtzdale Pa.

Tony Kosdrosky Madera Pa.

Mary Kosdrosky " "

D. Madigan Houtzdale Pa.

Charles Martin Houtzdale Pa.

Aden Irwin Houtzdale Pa.

Murray Stratton Houtzdale Pa.

James E. Madigan Houtzdale Pa.

John A. Shimmelf Madera Pa.

Leighton Sweeney Madera Pa.

R. Hunt Swope Madera Pa.

W. G. McMurray Madera Pa.

X Catharine Malevich Houtzdale Pa.
 Tony Vinnovitch Houtzdale Pa.

agness Vinnovitch Houtzdale Pa.

Steve Holenchik Houtzdale Pa.

Stene Holenchik 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

[Signature]

NOTARY PUBLIC

Houtzdale, Pa.

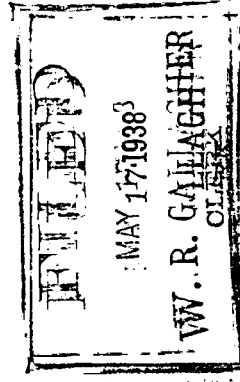
COMMISSION EXPIRES MAY 11, 1940

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

No. 1 Sept. Ssns. 1938

PETITION FOR PUBLIC ROAD
IN BIGLER TOWNSHIP

5/17/38 Order to show cause



McGrath & Smith
Attorneys at Law
Houtzdale, Penna.

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

John Seelling
att. for Supervisors
of Bigler Township

Ch. Clerk 1920
to 1923
1925