

ROAD

DOCKET No. 6

Number	Term	Year
3	Sept. SS	1940

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Re: Petition to Lay Out Public

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Road in BECCARIA TOWNSHIP

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Versus

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF REVENUE  
BUREAU OF HIGHWAY SAFETY  
HARRISBURG

IN YOUR REPLY PLEASE  
REFER TO

June 3, 1940

O.R. 344

Clerk of Court  
Clearfield County  
Clearfield, Pennsylvania

Dear Sir:-

Desiring to express our appreciation for your past cooperation in all matters forwarded from this bureau and the prompt remittance of the certifications of the Motor Vehicle Code violations. It is evident, thru lack of information this bureau failed to supply, that in many cases certifications were promptly made by your office, but upon arrival in Harrisburg, they were misdirected and in many cases never reached the proper person for further action.

Please be kind enough to direct all future certifications to the undersigned, except those that pertain solely to Drugs.

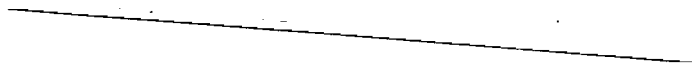
Thanking you again for your past and future cooperation, I am

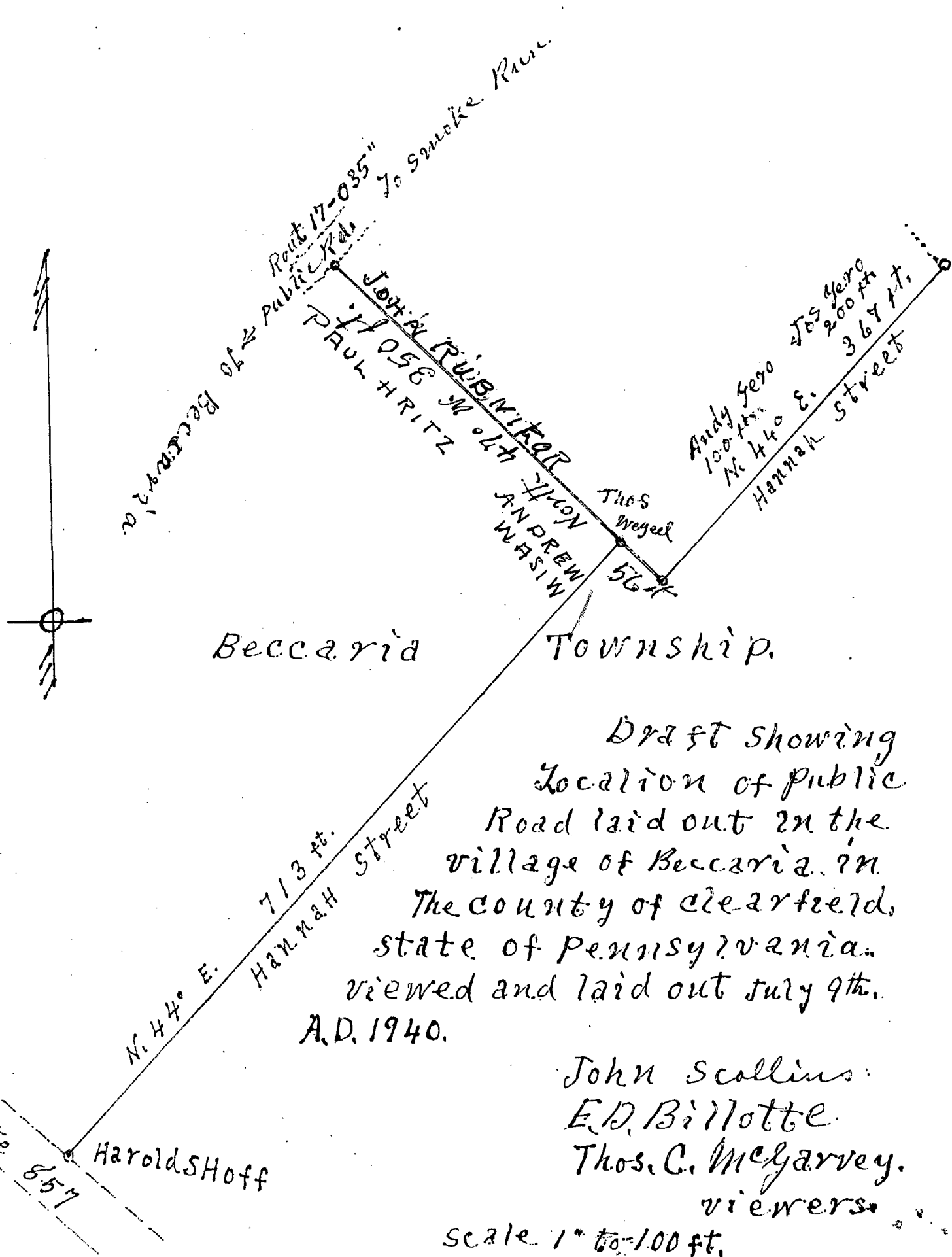
Very truly yours,

*John S. Broxtermann*  
JOHN S. BROXTERMANN  
FOR: E. E. TRANSEAU  
Director of Highway Safety  
Department of Revenue  
Harrisburg, Pennsylvania

RECEIVED  
JUN 5 1930  
J. HAROLD McFADDEN  
PROTHONOTARY

Opening Order to Issue  
after Confirmation





TO: The County Commissioners of Clearfield County, Penn'a.:-

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 Township of Beccaria. } NO. 3, September SS., 1940.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and lay out a road for public use in the Township of Beccaria: "Those certain streets in said Village of Beccaria, beginning at its intersection with County Route 857 at the property line of Harold Shoff, and thence running Northeasterly to the corner of the Thomas Wasyl property, and thence Northerly to Jacobo Wingert's and ending in Township Route 17-035", in the County aforesaid, will meet at the property line of Harold Shoff in Beccaria Township, on Tuesday the 9th day of July, 1940 at two (2:00) 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 Thursday, the 11th day of July, 1940 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  
Thomas C. Mc Garvey  
E. J. Billotte  
Viewers

Dated: June 22, 1940.

CLEARFIELD COUNTY, SS:

Now, this 26 day of June, 1940, service of the above Notice is accepted for the Commissioners of Clearfield County.

James A. Rees  
Clerk

Order to View  
and Stay Out  
Necron Journal  
No. 3. Sept. 55-1940  
Hearing - Aug 11, 1940  
10:00 AM

TO: Dan McCoy, Dale O'Donnell and Carl E. Weakland, Supervisors  
of Beccaria Township:-

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 Township of Beccaria. NO. 3, September SS., 1940.

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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 Thursday, the 11th day of July, 1940 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  
Thomas C. McGarvey  
E. A. Billotte  
Viewers

Dated: June 22, 1940.

CLEARFIELD COUNTY, SS:

NOW, this 2 day of July, 1940, service of  
the above Notice is accepted for the Supervisors of Beccaria  
Township.

Carl E. Weakland  
Dan McCoy  
Dale O'Donnell  
Supervisors

*Per: J. H. [illegible]*



## 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 18th day of June in the year of our Lord one thousand nine hundred and Forty

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

in said County, setting forth that those certain streets in said village of Beccaria, beginning at its intersection with County Route 857 at the property line of Harold Shoff, and thence running Northeasterly to the corner of the Thomas Wasyl property, and thence Northerly to Jacob Wingert's and ending in Township Route 17-035, be laid out as a public road

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

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. Wallace Smith, P. J.

J. Harold McGadden, 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 Beccaria and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 9th day of July A. D. 1940, and the hearing to be held in the <sup>Grand Jury</sup> ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 11th day of July, 1940, 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 Dan McCoy, Carl Weakland and Dale O'Donnell, Supervisors of Beccaria Twp. Leslie Shoff, Harold Shoff, George Shoff, Joseph Wasyl, Duncan Somerville and Thomas Johnson,

parties in interest. That the hearing was held in the <sup>Grand Jury</sup> ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 11th day of July A. D. 1940, when the following appearances were noted: Harold Boulton, Esq., Atty. for Leslie Shoff and Josephine Shoff; Dan McCoy, Carl Weakland and Dale O'Donnell, Supervisors of Beccaria Township; Joseph Wasyl, Andrew Wasiw and George Shoff, petitioners; all of whom were sworn, examined and cross-examined by Counsel and your Board.

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 post, the centre line of Hannah Street and the intersection of said Hannah Street with Highway Route No. 857; thence along said Hannah Street North 44 degrees East, seven hundred and thirteen (713) feet opposite the property of Thomas Wasyl, deceased; thence running South 47 degrees East, fifty-six (56) feet to a post; thence continuing along said Hannah Street North 44 degrees East, three hundred and sixty-seven (367) feet along the lands of Thomas Wasyl, deceased, Andy Gero and Joseph Gero, to a post; thence running South 44 degrees West, three hundred and sixty-seven (367) feet to a post; and thence running North 47 degrees West, four hundred and six (406) feet, along lands of Thomas Wasyl Estate and John Rubnikar on the East and Andrew Wasiw and Paul Hritz on the West, and ending in State Highway Route No. 17-035 leading from Smoke Run to Beccaria, in the village of Beccaria, on plan of said Village as laid out by Sides C. and Mary E. Shoff, deceased.

We further find that there are eleven families living along the route of the proposed road; that the roads are impassable in Winter and Spring seasons, and has been heretofore maintained for public use by the individual families living thereby; the ground is low, damp and swampy, along the outcrop of the coal seam and will not withstand auto truck and motor vehicle traffic in wet and rainy seasons; and is necessary for the safety and convenience of the traveling public, that a road with a substantial base be built thereon.

The petitioners asked for a road, across the Shoff Estate

from the Jos. Gero corner, ending in the Highway at the property of  
Jacob Wingert, to eliminate some of the dangerous curves in said  
Highway and the approaches to the proposed road; but, the Shoff Heirs  
refused to release damages for the land that would be thus taken;  
and your Board therefore recommends that the proposed Road end in  
State Highway between the John Rubnikar and Paul Hritz corners, and  
that a Spur be built to the corner of Jos. Gero, along Hannah Street  
as laid out on the Shoff Plan of Beccaria, thereby incurring no dam-  
age for right-of-way.

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 claimed or 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: No damages claimed or assessed.

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

WITNESS our hands and seals this 27th day of July

A. D. 1920.

John Seallin Seal  
W. C. McSawey Seal  
E. B. Billette Seal  
Seal

ORDER

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

Sept. Sessions, 1940,

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.

*Wm. S. Sollen*

*The Session, 1940.*

*Confirmed absolutely.*

*Wm. S. Sollen*

*[Signature]*

Filed 19

Fees \$1.25 paid by

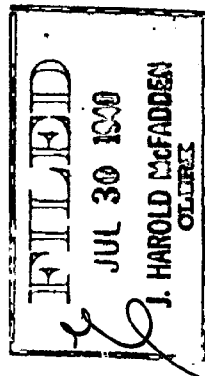
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
T. C. McGarvey	2	104	\$25.20
E. D. Billotte	3	121	\$36.05
John Scollins	3	71	\$33.75



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)

(SEAL)

*George Shatt* (SEAL)

*Lisa* (SEAL)

*James* (SEAL)

*Margaret Jackson* (SEAL)

*Harold Johnson* (SEAL)

*Vanessa Johnson* (SEAL)

*Harold R. Shoff* (SEAL)

*Ida Shoff* (SEAL)

(SEAL)

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

In re: Petition to Lay Out

Public Road in Beccaria Township

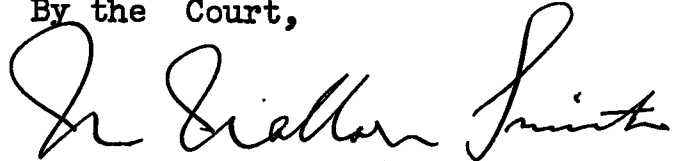
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*No. 3 Sept. 11 1940*

ORDER.

NOW June 17, 1940, in accordance with the attached petition, John Scollins, Thomas C. McGarvey and E.D. Billotte are appointed Viewers with the usual powers in the matters covered by the petition.

By the Court,



President Judge.

Beccaria, Pa., June 8, 1940.

To the Honorable Judge, W. Wallace Smith:

The undersigned citizens and property owners residing in the village of Beccaria, in Beccaria Township, labor under great inconvenience and disadvantage, for want of a publicly maintained road leading from our homes to the improved highways in said Township. We live along streets dedicated to public use and travel by the original owner, Sides C. Shoff, deceased; but being of soft dirt, and the marshy and muddy conditions thereof, in Winter and Spring Seasons, and the heavy auto truck and motor vehicle traffic thereon, make them inconvenient, dangerous, impassable at times and burdensome. We have kept them in repair, at our own expense but believe this to be a public burden, and that they should be repaired and maintained at public expense:

Wherefore, we respectfully petition for the appointment of a Board of View and the laying out of a public road on those certain streets in said village of Beccaria, beginning at its intersection with County Route 857 at the property line of Harold Shoff, and thence running Northeasterly to the corner of the Thomas Wasyl property, and thence Northerly to Jacob Wingert's and ending in Township Route 17-035, as provided by Law; and we will ever pray.

Carl B. Weakland Supervisor

Dan McCoy

Dale O'Donnell

Date	Name	Occupation	Address
6-10-40	Elizabeth Marshall	Housewife	Beccaria
6-10-40	John Marshall	Laborer	" "
6-10-40	Mrs. Andy E. Popjack	Laborer	Beccaria
6-10-40	Paul Martin	Laborer	Beccaria
6-10-40	Harold Shoff	Laborer	Beccaria
6-10-40	Ralph P. Schuman	Miner	Beccaria
6-10-40	James Copenhagen	Mine Foreman	Beccaria

Date		occ.	address
6-8-40	Thomas Johnson	Labor	Beccaria
6-8-40	George Johnson	Trucker	Beccaria
6-8-40	Joseph Washell	Laborer	Beccaria
6-8-40	J. J. Franko	Labor	Beccaria Pa
6-8-40	Merle Stewart	Miner	Beccaria
6-10-40	Archie Warner	Labor	Beccaria
6-10-40	Ruby Washell	Housewife	Beccaria
6-9-40	John Fubian	Miner	Beccaria
6-10-40	Martin Kuehner	Miner	Beccaria Pa
6-10-40	Mike Spott	Miner	Beccaria
6-10-40	Andrew Struck	Miner	Beccaria Pa
6-10-40	John Kovalsky Sr	Miner	Beccaria Pa
6-10-40	John Kovalsky Jr	Farmer	Beccaria Pa
6-10-40	Julia Warner	Housekeeper	Beccaria Pa
6-10-40	John A. Martin	Miner	Beccaria Pa
6-10-40	John A. Mondy	Winebar	Beccaria Pa
6-10-40	Garret Spott	Miner	Beccaria Pa
6-10-40	Pet Kopchick	Labor	Beccaria Pa
6-10-40	John Poshedky	Miner	Beccaria Pa
6-10-40	Richard Gundry	Labor	Beccaria Pa
6-10-40	Andrew Pera	Miner	Beccaria Pa
6-10-40	Duncan Somerville	Minerforeman	Beccaria Pa
6-10-40	Christine Somerville	housewife	Beccaria Pa
6-10-40	John Delaney	Miner	Beccaria Pa
6-10-40	Mrs. Charles Shoff		Beccaria Pa
6-10-40	Paul Hoyer	Miner	Beccaria Pa
6-10-40	Andy Washell	Labor	Beccaria Pa
6-10-40	Pauline Washell	Housewife	Beccaria Pa
6-11-40	David Marshall	Supt	Beccaria

K

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD :SS

Before me the Prothonotary in and for said county and state personally appeared Joe Washell, who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

Joseph Washell

Sworn to and subscribed before  
me this 14th day of ~~June~~ 1940

Harold M. Fadden  
Prothonotary

MY COMMISSION EXPIRES FIRST  
MONDAY IN JANUARY, 1944



No. 3 Sept. 20 1940

546

FILED  
JUN 18 1940  
J. HAROLD McFADDEN  
CLERK

~~Harold McFadden~~