

ROAD

**DOCKET No. 7**

Number	Term	Year
1	Feb. SS	1940

BIGLER TOWNSHIP-Petition for

Road

**Versus**

# 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 14th day of January A. D. 1941, and the hearing to be held in the ~~extravado~~ Grand Jury Room, at the Court House, in Clearfield, Pa., on the 16th day of January, 1941, 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 Sarah James, Mrs. Ralph Shaw, Catherine Andrejko, Emily Clark and Ira Brown, petitioners; and David Morgan, Supervisor of 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 23rd day of January A. D. 1941, when the following appearances were noted: Thomas James, Sarah James, Catherine Andrejko, Mrs. Ralph Shaw, Ira Brown, Emily Clark, Merv. Robeson and Pearl Robeson; all of whom were sworn, examined and cross-examined by your Board. The hearing had been adjourned from January 16th, until January 23rd, and all parties in interested given notice thereof.

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 road leading from Madera to Smoke Run (Route No. 5508) and thence South 65 degrees West along Ridge Street in the Village of Smoke Run, along the residences and properties of Helen Janosik, Harry Orichowsky, Anna Suhar, Joseph Salapata, Frank Andrako, Clay Bailey, five hundred and twenty-two feet to James Street; thence following the same course across James Street forty-eight feet to and along line of lands of Peter Garbinsky Estate, Ralph Shaw and Thomas James one hundred and ninety feet to an Alley; thence following the same course across said Alley eighteen feet to line of lands of Phoebe Bowser and Metro Glusko, and thence thereby and land of Catherine Andrejko, one hundred and seventy-seven feet to post in center of intersection of Ridge and Water Streets; and thence South 23 degrees 30 minutes East along Water Street and along line of lands of Phoebe Bowser and Mrs. Frank Belin, three hundred and forty-three feet to intersection of said Water Street with Main Street, an Improved Highway, known as Route No. 5508.

We further find that said Ridge Street and Water Street, fifty feet in width in the Village of Smoke Run as laid out by the late John Beyer, deceased, were dedicated for highway purposes, and the lots abutting thereon fenced and improved with homes accomodating 9 families, some of which were built about the year 1895, and others later; that the same are without proper drainage facilities and cannot at all seasons of the year be kept reasonably clear of all impediments to easy and convenient travel; it is low, swampy and impassable

# 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 12th day of December in the year of our Lord one thousand nine hundred Forty.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Bigler in said County, setting forth that viewers be appointed to lay out a road, beginning at a road leading from Madera to Smoke Run, Thence South 61 degrees 30 minutes West along the residence of Alex Janosic, Andrew Orehowsky, Mrs. Suhar, Ralph Shaw, Clay Bailey, James Brown, Mr. Shimmell, Thomas James, Phoebe Bowser, Metro Glusco and the Andrako Estate, a distance of 910 feet; Thence South 28 degrees 30 minutes West 340 feet along property of Mary Belin, to the Main Street through Smoke Run, being a total distance of 1252 feet approximately.

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 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.

*J. Harold McCadden*, Clerk.

in wet, wintry and spring seasons. The residents are unable to drive in to their homes off the hard road, with their automobiles, their own garages remain unoccupied, while they park their cars along the improved highways. Truckers refuse to deliver coal and merchandise to their homes, all of which must be carried from the main highway. A firmer base is required to support the heavier truck and automobile traffic thereon; the expense of maintaining which the petitioners are no longer able to bear.

Further, the dampness and pools of stagnant water provide breeding spots for mosquitos and other insects adding to the discomfort, inconvenience and ill health of the petitioners' families.

Wherefore, your Board recommends that the proposed road as laid out be approved and confirmed by the Court;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 assessable;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 assessable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

WITNESS our hands and seals this 28th day of January  
A. D. 1941.

*John Scocina* Seal  
*John Scocina* Seal  
*C. M. Billott* Seal  
*H. G. Gale* 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	Amt.
E. B. Billotte	3	100	35.00
H. A. Giles	2	80	24.00
John Scollins	3	70	32.80

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

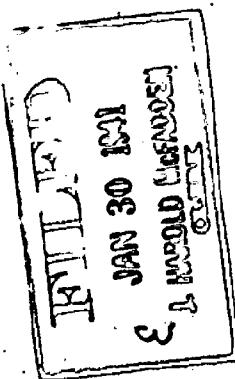
Feb. 3, 1941, Sessions, 1941,

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.

*Dr. Walker J.*

Mar 20, 1941. Confirmed  
absolutely Dr. Walker J.

19  
Filed  
Fees \$1.25 paid by



## 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 af 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*

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 Smoke  
Run, Bigler Township. NO. 4, February 5<sup>th</sup>, 1941.

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 Bigler Township, beginning at a  
road leading from Madera to Smoke Run, thence South 61 degrees 30  
minutes West along the residence of Alex Janosic, Andrew Orehovsky,  
Mrs. Suhar, Ralph Shaw, Clay Bailey, James Brown, Mr. Shimmell,  
Thomas James, Phoebe Bowser, Metro Giusco and the Andrako Estate,  
a distance of 910 feet; thence South 28 degrees 30 minutes West  
340 feet along property of Mary Belin, to the Main Street through  
Smoke Run, being a total distance of 1252 feet approximately, in  
the County aforesaid, will meet at the residence of Alex Janosic  
in Smoke Run on Tuesday, January 14th, 1941 at one-thirty (1:30)  
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, January 16th, 1941 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 Scallion  
N. A. Giles  
E. S. Billotte

Dated: December 30th, 1940.

Viewers

CLEARFIELD COUNTY, SS  
NOW, Dec. 31 1940, service of the above  
Notice is accepted for the Commissioners of Clearfield County.

Geo. B. Reed  
Clerk

TO: WILLIAM HENSAL, WILLIAM H. ACKLEY and DAVID R. MORGAN,  
Supervisors of Bigler 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 Smoke Run, Bigler Township. NO. 1, February SS., 1941.

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 Bigler Township, beginning at a road leading from Madera to Smoke Run, thence South 61 degrees 30 minutes West along the residence of Alex Janosic, Andrew Orehowsky, Mrs. Suhar, Ralph Shaw, Clay Bailey, James Brown, Mr. Shimmell, Thomas James, Phoebe Bowser, Metro Glusco and the Andrako Estate, a distance of 910 feet; thence South 28 degrees 30 minutes West 340 feet along property of Mary Belin, to the Main Street through Smoke Run, being a total distance of 1252 feet approximately, in the County aforesaid, will meet at the residence of Alex Janosic in Smoke Run on Tuesday, January 14th, 1941 at one-thirty (1:30) 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, January 16th, 1941 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 Scellins  
H. A. Gilea  
E. D. Billotte

Viewers

Dated: December 30th, 1940.

CLEARFIELD COUNTY, SS:

Now, January 4<sup>th</sup> 1941, service of the above Notice is accepted for the Supervisors of Bigler Township.

David Morgan  
William H. Ackley  
W. H. Hensal

Supervisors

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

In re: Order to view and lay out a road for public use in Smoke Run, Bigler Township. NO. 1, February SS., 1941.

You are hereby notified that the adjourned 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, January 23rd, 1941, 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 Scellino  
H. A. Gile  
E. S. Billotte  
Viewers

Dated: January 17th, 1941.

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

In re: PETITION FOR ROAD :  
IN BIGLER TOWNSHIP :  
:

ORDER.

NOW December 12, 1940, in accordance with Petition attached,  
John Scollins, Esq., H. A. Giles and E. D. Billotte are appointed  
Viewers with the usual powers to view and report upon matters  
involved in said Petition.

By the Court,

*S. Graham Smith*  
President Judge.

P E T I T I O N

To the Hon. 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 represente, That we labor under great convience in not having a road or an outlet from our place of residence.

We petition that viewers be appointed to lay out a road, beginniin  
at a road leading from Madera to Smoke Run, Thence South 61 degrees 30  
minutes West along the residence of Alex Janosic, Andrew Orehowsky,  
Mrs Suhar, Ralph Shaw, Clay Bailey, James Brown, Mr Shimmell Thomas  
James, Phoebe Bowser, Metro Glusco, and the ~~Andrew~~ Andrako Estate, a dis-  
tance of 910 feet ; Thence South 28 degrees 30 minutes West 340 feet  
along property of Mary Belin, to the Main Street Through Smoke Run,  
being a total distance of 1252 feet approximately . And we will ever  
pray.

**NAME'S**

Henry Burrow  
John Burrow  
Mr Joseph Sapapata  
Mrs. Anna Wilson  
Fannie, former  
Plan joints  
Tin & Trade - 2000  
John Shingle  
Wilson Hamel  
Ora I. Brown  
J. H. Brown -

## ADDRESSES

## **NAMES**

Kathleen Brown  
Myrae Robinson  
Carol Robinson  
S.P. Bailey  
Henry Dreher  
Linda Dreher  
Selene Dreher  
Dorothy Brown  
Cynthia Brown  
Emily Clark  
Sara Berg  
James B. Brown  
Laura Brown  
Alex Teraw  
Frank Dreher  
Kathleen Dreher  
Carl Dreher  
Pete Dreher  
Esther Lewis  
Mrs. P. Lewis  
Thomas Lewis  
Cedara Lewis  
Eliza Lewis  
Sight Williams  
Marta Williams  
John Lloyd  
Aaron Lewis  
Jack Berg  
John Lewis  
Eliza Berg

## ADDRESSES

## Names

## ADDRESSES

Point No 5508

Helen Janosik

Helen Janosik ~~100~~

Anna Shuar

Harry Orichowsky

Frank Andrako

Clay Bailey

Ralph Shaw

Peter Garbinsky  
est

Metro Glusko  
Catherine Andrako

Thos James.

Phoebe Bowser

John Brent Belin.

Water street S. 23° 30' E. 343 ft.

Ridge South

582 ft.

65° west

Street

James 48'

Street

Main Street

9  
No. 1 Feb. 22 1941

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD COUNTY  
PENNSYLVANIA.

In re: PETITION FOR ROAD  
IN BIGLER TOWNSHIP

ORDER.

