

ROAD

**DOCKET No. 7**

Number	Term	Year
2	Sept	1942

In re: Petition for appointment of  
Viewers for Road in Penn Township

**Versus**

---

---

---

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

In Re: PETITION FOR APPOINTMENT : No. Sept. Sessions, 1942.  
OF VIEWERS FOR ROAD IN PENN :  
TOWNSHIP, CLEARFIELD COUNTY, :  
PENNSYLVANIA :  
:

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT JUDGE OF SAID COURT:

The petitions of the undersigned, residents of the Village of Jacksonville, adjoining the Borough of Grampian in Penn Township, Clearfield County, Pennsylvania, respectfully represents:

1. That your petitioners are home owners in the said village, which plot of lots was laid by Abraham C. Moore, but no plot was ever recorded, nor the streets dedicated.
2. That at the time the said plot was laid out, a branch Railroad running through the premises was in operation, which said railroad has been abandoned and the road bed likewise abandoned and reverted to the prior owners.
3. That your petitioners, by reason of the fact that no street laid out in said plot has been accepted by the Township, and where the streets are located, the grade is too heavy for modern vehicles which are unable to operate in the matter of securing access to homes of your petitioners, or for the obtaining of necessary supplies in the way of coal, wood, fuel, etc.
4. That the said abandoned railroad would make a desirable and inexpensive road to and from the property of your petitioners, which said road extends from the intersection of said abandoned railroad with the state highway leading from Grampian to Walltown, and following the line of said abandoned railroad to the property of Joseph Sass.
5. That also attached hereto is a petition on the part of persons obliged to use said road in the furnishing of groceries, coal, wood and other supplies necessary for the well being of your petitioners, and who certify to the necessity therefore.

WHEREFORE, your petitioners pray the Honorable Court for the appointment of a Board of View to pass on the proposed road, to assist damages which may arise from the opening thereof, and to report the same to

J. M. Dickey, Penn Township, Pa.

Gal an Clark Grampian Pa

Joseph Rancik Penn Township

Mary Rancik Penn Township

Elyce Dugay

Penn Township

John H. Dugay

Penn Township

Harry Matthews

Penn Township

Thomas J. McCarthy

Penn Township

William Russell

Grampian Pa

Gayle Russell

-

Howard Spencer

-

Francis J. Mallon

Grampian Pa.

Harold M. Fadden

Grampian, Pa. R.D.

Lex Lester

Grampian Pa. R.D.

Frank Lumber

Grampian R.D.

Don Spender

Grampian R.D.

Clair Henry

Grampian R.D.

Robert Markups

Grampian R.D.

P. H. Kolder

Grampian P.L.

your Honorable Court in this proceedings, agreeable to the Acts of Assembly in such case made and provided.

And your petitioners will ever pray, etc.

Joseph Sasse Grampian Pa

Francis Sasse Grampian, Pa

George Liberty Grampian Pa

---

Ed J. Clark Grampian Pa  
Agnes Clark Grampian Pa  
John Nicholson Grampian Pa  
Joe De Falco Grampian Pa Penn  
Charles Nicholson Grampian <sup>township</sup> Pa  
John Bush Grampian Pa  
Puck Bush Grampian Pa  
Harold Davis Grampian Pa  
Margaret Davis Grampian Pa  
John Davis Grampian Pa  
Winifred Davis Grampian Pa  
A. P. Harriz Grampian Pa  
B. H. Flynn Grampian Pa  
John Penn Clapsaddle Grampian Pa

WE, the subscribers hereto, persons who are required to deliver groceries or other commodities to the petitioners' homes as set forth in the foregoing petition, do hereby certify as to the necessity for said road, and the hardship said petitioners suffer by reason of the inadequate means of access to their premises.

Ralph Moon Grampian Pa,  
James E Rafferty Grampian Pa  
John W Rafferty Grampian Pa  
Mrs. Anthony Pakite Grampian Pa  
T E McCarthy Grampian PA  
Amy McCarthy Grampian Pa  
Paul McCarthy Grampian Pa.  
Robert Botheray Grampian Pa  
Clyde Nicholson Grampian Pa  
John W Rafferty Grampian Pa  
Leliegreen Grampian Pa.  
E J Flynn Penn Twp Grampian Pa  
Martin Flynn Penn Twp Grampian Pa  
Albert Radzicki Penn Twp Grampian Pa  
Anselm Radzicki Penn Twp Grampian Pa  
Sophia Radzicka Penn Twp Grampian Pa  
Carol Radzicka Penn Twp Grampian Pa  
Sophie Radzicka Penn Twp Grampian Pa  
Bernard Olapsadile Penn Twp Grampian Pa  
Tom Fortune & Rafferty Grampian Pa  
James P. Rafferty Grampian

A F F I D A V I T

STATE OF PENNSYLVANIA : SS  
COUNTY OF CLEARFIELD :

Joseph Sass, being duly sworn according to law doth  
depose and say that the facts set forth in the foregoing  
petition are true and correct to the best of his knowledge  
information and belief.

Joseph Sass

Sworn and subscribed to :  
before me this 10 day of :

June, A. D. 1942 :

D A Miller Justice of the Peace  
My Commission expires Jan 1948

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD 30.P.  
No. 2 Sept. Sessions, 1942

In Re: Petition for appointment of Viewers for Road in Penn Township, Clearfield County, Pennsylvania.

D E C R E E

AND NOW, June 18, 1942,  
the within petition read and  
considered, whereupon

*A. B. Price*  
and *E. S. O'Neil*

are appointed viewers to view  
the said proposed road and  
report to the Court.

*R. L. Baker*  
FILER.

JUN 18 1942

J. HAROLD MCFADDEN

CLERK

Walter M. McFadden  
Attorney at Law  
Clearfield, Pa.

2807 atty

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 forty-two.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Penn, Village of Jacksonville in said County, setting forth that a branch Railroad running through the premises of Abraham C. Moore has been abandoned and reverted to the prior owners. That said abandoned railroad would make a desirable and inexpensive road to and from the property of your petitioners, which said road extends from the intersection of said abandoned railroad with the state highway leading from Grampian to Wallatown, and following the line of said abandoned railroad to the property of Joseph Sass.

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 A. B. Shaw,

W. E. Tobias 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 McFadden, 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 Penn and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 15th day of July <sup>Grand Jury</sup> A. D. 1922 and the hearing to be held in the ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 17th day of July, 1922, at 10:00 o'clock A. M. That Three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Walter Welsh, Esquire, Att'y for the petitioners, together with Joseph Sass one of the petitioners, also Walter Addleman, one of the Supervisors of Penn Township Road Dist.

parties in interest. That the hearing was held in the ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 17th day of July A. D. 1922, when the following appearances were noted: Walter Welch, Esquire, Attorney for the petitioners, together with Joseph Sass, Mrs Teressa Sass, Frank Sass and Rosella Sass, petitioners.

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 the intersection of State Highway Route # 17028 leading from Grampian to Walltown and an abandoned branch railroad right of way at or near the election house in Penn Township; thence South 6 deg East, 206 feet to a stake; thence still South 3 deg 2 min West over said abandoned right of way, 322 feet to a stake; thence still South 30 deg West over said abandoned Railroad right of way, 450 feet to a stake on property of Joseph Sass.

The proposed road is laid out over an abandoned branch railroad Right of Way which has not been in use for the past twenty five years or more, said branch railroad having a width of approximately 33 feet and was originally laid out over the lands of Abraham C. Moore, deceased,

That at present the individual property owners living in this vicinity of Penn Township are obliged to use a private road leading to the farm of Abraham C. Moore, deceased, which during the greater part of the year is impassable due to the steepness of grade and lack of drainage. That approximately eight families live along the proposed road and the Supervisors of Penn Township agree to its necessity and have intimated their willingness to build the same as soon as the aforementioned proposed road has been authorized and approved according to law.

That there are no objections to the proposed road, and according to the great number of petitioners requesting the same, its construction appears to be necessary for the accommodation of the traveling public, as well as, for the convenience and accommodation of the great

number of families living along said proposed road, and for the convenience and advantage of the great number of children of school age who will use said proposed road in going to and from the Penn Township Schools.

Therefore in view of the above stated facts your Board recommends the construction of said proposed road for the accomodation and convenience of the traveling public.

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

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, view, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows:

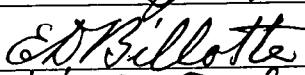
and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_

A. D. 192\_\_\_\_.



Seal



Seal



Seal

Seal

No. 2 Sept. Sessions, 1942

## ORDER

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

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.
A. D. Sizay	5	21	1.20
E. J. Billotte	12	70	1.20
J. M. Tobias	2	24	1.20

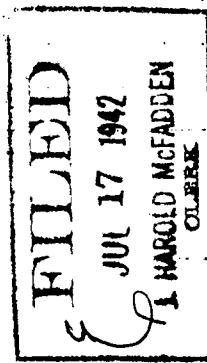
*John H. Sessions, 1942.*

*Franklin J. Geller*

*Franklin J. Geller*

*Master Wm. H. Atty.*

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 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.

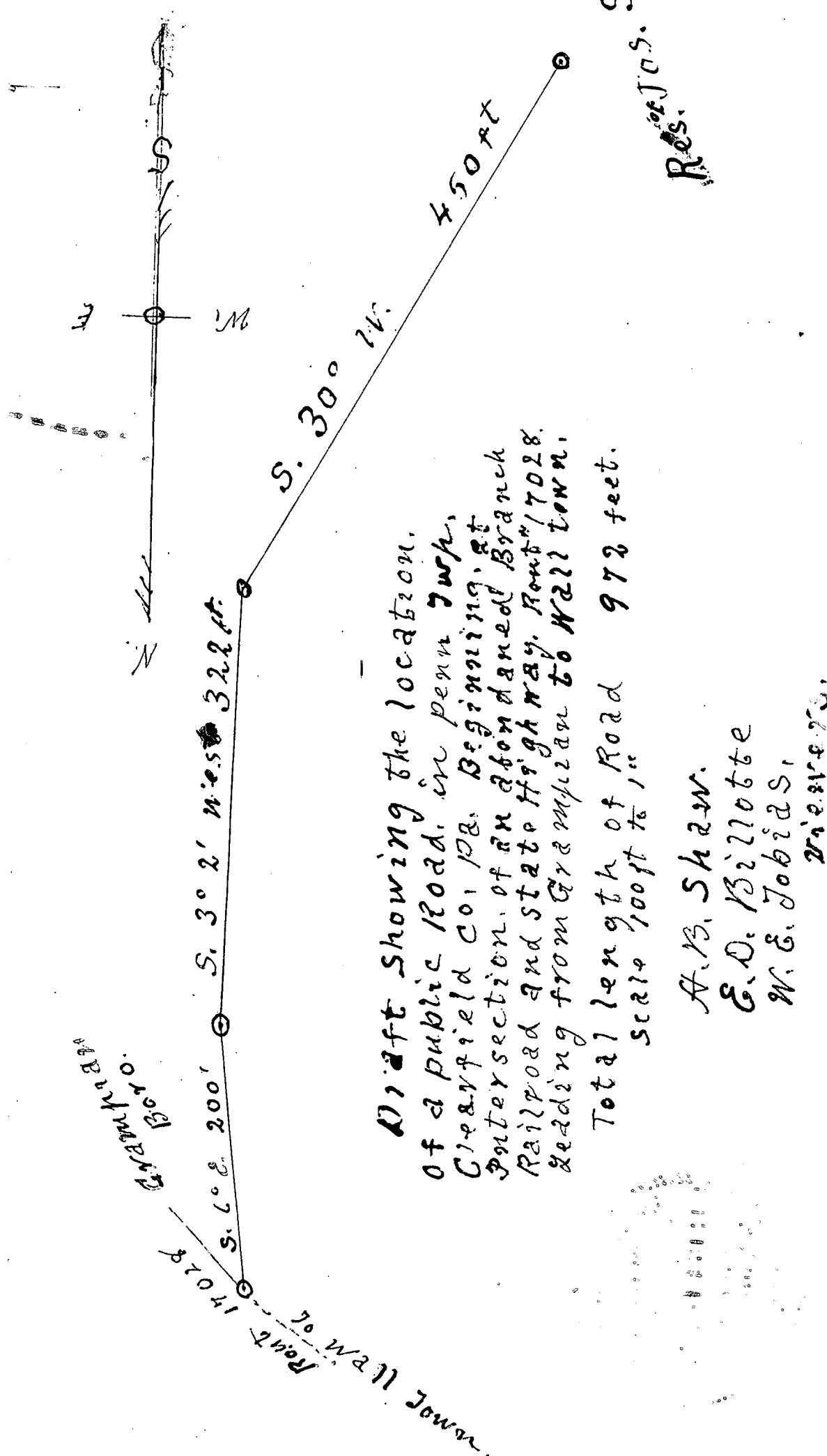
Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 1942 \_\_\_\_\_.

Seal

Seal

Seal

Seal



TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

VIEWER'S NOTICE

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 18th day of June A.D., 1942, to view and supply a public road in the Township of Penn, Clearfield County, Pennsylvania, the same to have its beginning at the intersection of an abandoned branch railroad and State Highway Route # 17028 leading from Grampian to Walltown in said Township, thence following the course of said abandoned railroad to the property of Joseph Sass, will meet on the premises in said Township of Penn, on Wednesday the 15th day of July, A.D., 1942 at 10:00 o'clock A.M. to attend the duties assigned them, and that the public hearing as required by Act of Assembly and Rules of Court to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Friday the 17th day of July, A.D., 1942 at 10:00 o'clock A.M., at which time and place all parties interested may attend and be heard, if they so desire.

A.B. Shaw

E.D. Billotte

W.E. Tobias

Viewer's

Now, July 1, 1942, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.

James B. Reed

Clerk

TO THE SUPERVISORS OF PENN TOWNSHIP, CLEARFIELD COUNTY, PENNA.

VIEWER'S NOTICE

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 13th day of June A.D., 1942, to view and supply a public road in the Township of Penn, Clearfield County, Pennsylvania, the same to have its beginning at the intersection of an abandoned branch railroad and State Highway Route # 17028 leading from Crampian to Walltown in said Township, thence following the course of said abandoned railroad to the property of Joseph Sass, will meet on the premises in said Township of Penn, on Wednesday the 15th day of July, A.D., 1942 at 10:00 o'clock A.M. to attend the duties assigned them, and that the public hearing as required by Act of Assembly and Rules of Court to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Friday the 17th day of July, A.D., 1942 at 10:00 o'clock A.M., at which time and place all parties interested may attend and be heard, if they so desire.

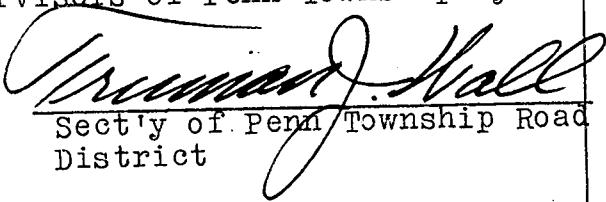
A.B. Shaw

E.D. Billotte

W.E. Tobias

Viewer's

Now July , 1942, service of the above notice is hereby accepted on behalf of the Supervisors of Penn Township by copy.

  
Truman J. Hall  
Sect'y of Penn Township Road  
District

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Road or assess damages, leading from .....

in ..... shipship to .....

in ..... Township, in the County aforesaid, will meet at the house of .....  
in ..... Township, on .....  
the ..... day of ..... A. D. 19....., at .....  
o'clock.... M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

VIEWERS.