

No. 4, Feby Term, 1891

Public Road  
Versus  
Hudson Township

Contents:

In the matter of application for Public Road in Huston Township, Clearfield County, Penna., Rule dated Sept. 4, 1891. Depositions of witnesses sworn [or affirmed] and examined on the 9th day of Sept. 1891, at the office of L. Bird in Penfield, Clearfield Co., Pa. before John Hackett, Justice of the Peace, Wherein the petitioners are the Plaintiffs and the Exceptants are the Defendants.

J.W. Lucore sworn.

I live in Penfield, Pa.

I am at present supervisor of public roads and Assessor of Huston Township.

I am acquainted with the proposed road.

There were two petitions circulated for the proposed road.

There were two petitions circulated because the first one mentioned intermediate points on the route, and it was returned to me by the attorneys with instructions to prepare another petition and mention only the starting point and terminus of the road.

The second petition is now on file.

There are eighteen taxables living on the proposed road.

There are fifteen families living on the proposed road.

Two of these families have no way to get out to the main road except to cross through the field, the remaining thirteen families have no way out except by a private road across which there are gates.

Ques. Why did you not cross Bennetts Branch with this survey, running in a direct line to the main creek road instead of coming out to the Clearfield road? [Question objected to by Attorney for the Exceptants.]

Ans. Because in my judgment it would have cost not less than \$3000.

and by so doing the road would have accommodated five less families than the present survey.

At least two-thirds of the proposed road is now opened and kept up by private parties. leaving about 600 or 700 feet yet to be opened.

The cost of opening this proposed road would not exceed \$30.

The eighteen taxables living on this proposed road paid between \$48. and \$50. road tax this year.

Cross examined by Exceptants.

This proposed road is within the limits of the proposed borough.

I think part of the proposed road is on the town plot, but the part from Clearfield road in to the corner by J.W.Lucore's is not on the town plot, I think.

I live on a road or street from Mr.Bird's private road to my place. It seems to be free for me to travel from Mr.Bird's private road to my place.

Did Mr.Bird ever make any objections to your traveling his private road ? Not any, only that we keep the gates closed.

In your estimate of fifteen families do you include Mr.Lenig's, Mr.Winslow's and Mr.Trosmiller's ? No.

Do you think you could open the road, grade it and build the bridge for \$30. ? I do.

I am one of the petitioners for this road.

Are you also a petitioner for the borough ? [Question objected to by Attorney for the Befidioners.] Answer. I am.

What is the distance along the public road from the place where the proposed road starts in at Trosmiller's to where it strikes the public road again at Lenig's ? 600 to 900 feet in my opinion.

The road from Trosmiller's to Lenig's is a good road.



George Bliss Sworn. For the Petitioners.

I reside at Mill Run, Huston Twp.

I am a tax payer in Huston Township.

I am acquainted with the route of the proposed road, from Lenig's to Lucore's, and I know about where the balance of the road is to run.

I think the proposed road is necessary for the accommodation of the people.

I live about two miles and a half from the proposed road.

I have no property adjacent to this road.

I own a small farm at Mill Run.

Cross examined.

I have been over this proposed route from Lenig's to Lucore's.

Is it a good road from Lenig's to Lucore's ? It is a passable road, by opening a gate.

Are you a relative of Mr. Lucore's ? [Question objected to by Atty. for the Petitioners.]

If this gate, or bars, on the road from Lenig's to Lucore's were removed, do you think it would be a passable road ? Yes.

*George Bliss*

James A. Tyler sworn for the Petitioners.

I reside at Tyler, Huston Twp.

I live about three miles from the proposed road.

I own no property in the immediate vicinity of this road.

I am one of the largest resident tax payers in Huston Twp.

I am acquainted with the proposed road.

I think the proposed road is necessary for the accommodation of the people.

I think an outlay of about \$40. would make the entire proposed road passable.

I have had considerable experience in building township roads.

Ques. What do you think it would cost to run the proposed road across Bennetts Branch to the main creek road instead of coming out at Mr. Lenig's ? [Question objected to by Attorney for the Exceptants.] Answer. The cost of a bridge and right of way through private property would be at least \$3500.

*James A. Tyler*

T. B. Buoy sworn for the Petitioners.

I reside at the lower end of Penfield.

I know about the route of the proposed road.

I am a dealer in furniture and an undertaker.

I own no property lying on the proposed road.

I think the proposed road is necessary for the accommodation of the people.

My business frequently calls me over in that locality.

Have you personally felt the need of the proposed road ?

Yes, upon several occasions when delivering furniture and attending funerals, have found it very inconvenient to be required to get out and open and close gates, as in attending a funeral at Mr. Mix's I was required to open and close a pair of gates, and in attending a funeral at Mr. Phil. Chambers I was required to drive across a swamp about 600 feet.

Cross examined by Atty. for Exceptants.

The road from Lenig's to Lucore's will compare favorably with the Clearfield road beyond the R.R.

I think I average to go in the proposed road to Lucore's about twice a month.

*Thomas B. Buoy*

J. H. Kline sworn for the Petitioners.

I reside in Penfield, Huston Twp.

I am a physician.

I am acquainted with this proposed road.

I think the road is necessary for the accommodation of the people.

My business frequently calls me over in that locality.

It has been my practice to walk when called over in that locality because of the inconvenience of opening and closing gates.

When called to the home of Mr. P.W. Chambers I am required to cross through the field.

I own no property bordering on the proposed road.

Cross examined by Exceptants.

Is it customary with you when called to visit patients in the town to go on foot ? Not always, when called that distance. It depends somewhat on the condition of the road.

When called to see a patient on the proposed road would you sooner walk or hitch up your horse ? If I have other patients to visit I might hitch up, if not, I might walk.

Did you not say to a certain person in this town that we are not ready for a borough yet, that we want the township to do a little more for us before we have a borough ? [Question objected to by Atty. for petitioners.] Answer. I did not.

Re-examined.

I have more than once driven over into that locality.



E.C. Lewis sworn for the petitioners.

I reside in Penfield, Huston Twp.

I am a practicing physician and surgeon.

I know about where the proposed road is to run.

I think the proposed road is necessary for the accommodation of the people.

My profession sometimes calls me over in that locality.

It is not convenient to drive in that locality on account of having to open and close gates.

When called to the home of Mr. P.W. Chambers I would have to cross the field in order to get to the house. This field is swampy in places during a wet season.

Cross examined.

If you have a professional call at a place along the proposed road would you sooner hitch up your horse or go afoot ? I would go afoot but if my horse was hitched up I would prefer to drive.



W. H. H. Lenig sworn for the Petitioners.

I reside in Penfield.

I am acquainted with the proposed road.

I think the proposed road is necessary for the accommodation of the people.

I have acted as supervisor for the Township roads for two different terms.

I went over the proposed road a little while ago and think that it can be opened for \$40.

Cross examined.

Are you a practical road maker? [Question objected to by the Atty. for the Petitioners.] Answer. I do.

Were you a signer to the petition for a borough? [Question objected to by the Atty. for the Petitioners.] Answer. I was.

Are you a practical road maker? I am not.

Do you say that you can grade this cross cut, build a bridge across Moose Run, and open up the proposed road to the public for \$40.?

I can, and will give bonds to the Township to do it for that amount.

Re-examined.

I can build a piece of road as good as the average supervisor.

I have had considerable practical experience in building roads.

*W. H. H. Lenig*

L. Bird sworn for the Petitioners.

I reside in Penfield, Huston Twp.

I am acquainted with the proposed route for a road.

As part of my testimony I offer a map marked Exhibit A. The double dotted line on the map shows the road that is at present opened and traveled. From the Clearfield road in the first 200 feet was graded and fenced by Mr. Lenig and the party owning the Coryell property and the balance of the way around has been opened and kept up by myself, partly at my own expense and to some extent at

the expense of Leander Denning who owns property next back of Lenig's, and Geo. Weidenboerner who owns property next back of the Coryell property. In 1879 I had a private road laid out by order of Court from the Clearfield road to the red line marked "Gates". That was to the line of the Town plot as arranged by Hiram Woodward. Beyond that I had a piece of farm land, and I got this private road by Mr. Woodward's consent so that I could never be shut out from the farm land. I built the road and fenced it at my own expense after passing the first 200 feet. Afterwards I sold town lots off this farm land East of Mr. Woodward's town plot. In my contracts and deeds for those town lots, I made no agreement with the parties about any way of getting out. I opened a street on from this line as far as the double dotted line goes and told the parties who bought from me that they should have the use of this street and the private road granted by Court on condition that I be allowed to keep gates on the road, and that they should be neighborly about trying to keep the gates closed when not passing through. The "Gates" spoken of are a pair of double gates across the drive way and a single gate at the side to suit the plank walk. The part of the road marked with the single dotted line is that required to be opened, and is about 600 feet. The stream marked across it is the one requiring to be bridged. I should think it required about a 12 foot bridge. For about 460 feet from the Clearfield road to the red line it passes through the property of Geo. Weidenboerner and L. Bird. I think to make a good road over that 600 feet and to make some repairs needed on the other part of the road would require from \$40. to \$50. I mean repairs on that part from S.E. English's to the corner at J. Frantz's. From there to the Clearfield road is now a solid road bed and the stream is substantially bridged. The round red marks on the map along the route show about the location of different dwelling houses occupied by families and they have no way out to the public road except over my private road. Two families,

P.W.Chambers and A.J.Chambers, have no way out except through a field. I think this road as laid out by the surveyor is the cheapest and most direct way of accommodating these settlers to a public road by which they can reach the R.R.station, the public school, and post office.

Question. What would it cost to have extended the proposed road from the Frantz corner across Bennetts Branch to the main creek road ? [Question objected to by the Defendant.] Answer. It is about 1000 feet distance. There is a pretty high bank on the South side of Bennetts Branch and on the North side for about 200 feet there is some rather low ground that water runs over in rather high floods, and I think that that part of the road with the bridge would cost from \$1500. to \$2000. The balance of the way the road would not be expensive, unless required to pay damages for passing through private property. I have not examined the matter particularly to see what it would cost, but think I have put my figures within the limit.

Cross examined.

Ques. Was your private road an alley laid out in the town plot by Hiram Woodward ? Answer. It was, for the first 460 feet a 20 foot alley. The remaining 332 feet, up to the line of my land he had not laid out. It was chiefly to get the right through that part that I needed the order of Court.

Ques. How wide is your private road ? Answer. For the first 200 feet past the Lenig and Coryell property it is 20 feet wide, the balance of the way to the "Gates" is 30 feet. It was laid by Court 20 ft. but Mr.Denning and myself have widened it to 30 feet. The next 150 feet past the Frantz corner I have fenced out 30 feet wide. The rest I paid nothing for the right of way for this private road.

Ques. How many lots are there unsold along this private road ? [Question objected to by Atty. for Petitioners.] Answer. There are two lots laid out between the Coryell property and W.F.Chambers.

East of W.F.Chambers there is about 250 feet that I am using as farm land, not laid out in lots.

I opened a street on Eastward from my private road 30 feet wide, and then Southward 50 feet wide as far as Lucore's.

Question. Have you lots along the proposed road for sale ?

[Question objected to by Atty. for the Petitioners.] I have some lots for sale along the part of the road that I have opened. First is the 250 feet before I get to my "Gates", and one lot between Dunn's and Mix's. There are no others that I offer for sale, and I have none along the part of the road proposed to be opened new that do not face my own 50 foot road.

Are you agent for the lots on the cross cut along the proposed road to be opened ? [Atty for the Petitioners objects to the question.]

Answer. Yes

How many lots has Weidenboerner for sale along the proposed road ?

[Ques. objected to by Atty. for Petitioners.] Answer. He has what is left of one 60 ft. lot that this proposed road don't absorb and that don't face the Clearfield road.

What is the distance from Trossmiller's to Mrs.Lenig's along the Clearfield road ?: Answer. It is about 600 feet.



A.J.Chambers sworn for the Petitioners.

I reside in Penfield, Huston Twp.

I live on the proposed road.

I have no way of getting out to the public road except through a field.

I am acquainted with the entire route of the proposed road.

This new road will accommodate about fifteen families.

The probably cost of the road in my judgment would be \$40. to \$45.

I find that it is very inconvenient for my children going to school to have to go through the field and climb the fence.

Cross examined.

I live about 200 feet from the public road, that is to the corner of my lot.

All but two families of these fifteen go through this road with gates.

*A. J. Chambers*

A. K. Jacobs sworn for the Petitioners.

I reside at Tyler, Huston Twp.

I am Superintendent for the Clearfield Coal Co.

The Co. that I represent are heavy tax payers in Huston Twp.

They own no land, that I am aware of, bordering on the proposed road.

I have looked over the route of the proposed road.

I think that the road is necessary because some of the people have no outlet except through private property.

I am a civil engineer by profession.

I think the cost of the proposed road would not exceed \$50.

Ques. What would be the probable cost of the road directly across Bennetts Branch to intersect with the main creek road at the nearest point? [Ques. objected to by Exceptants.] Answer. I made an estimate to-day, according to my judgment, and it would cost about \$3300. to build a bridge and open the approach to it, I mean exclusive of any cost of right of way.

*A. K. Jacobs*

L. Bird recalled.

In my examination I said I had no land along the new road, or cross cut. I was mistaken in that for I have about 110 feet on each side along between Lucore and P.W. Chambers, and the new road in place of being about 600 feet is about 700 feet, and I have corrected the figures in red ink on the map.

*L. Bird*

J. M. Dailey sworn.

I reside in Penfield.

I am at present R.R. Agent at this place.

I never went over the proposed road, but I know the general route.

There are now fifteen families residing on the proposed road.

I think the road is necessary for the proper accommodation of the people. I mean the people residing on the proposed road.

I know of no better or cheaper route to accommodate these people.

Cross examined.

In my judgment these people have no road, ~~as the road they now travel~~  
~~xxxxxxOPRxxxxxx~~

Ques. By going over Mr. Bird's private road have not these people a good outlet ? Answer. If Mr. Bird allows these people to go over his private property they have a oneended way of getting out.

Ques. In going over this private property of Mr. Bird's would not these people have as good a road to travel as on the Clearfield road ? Answer. As this is part of the proposed road, I consider that over this private property of Mr. Bird's would be a very good way for them to get out. I mean some of these people would be accommodated by coming over Mr. Bird's private property and some by coming over Mr. Weidenboerner's property.

I am a property owner in this town.

Ques. Are you favorable to a borough ? [Ques. objected to by the Atty. for Petitioners.] Answer. I am.

J. M. Dailey

E.C.Shields sworn for Petitioners.

I reside in Penfield.

I am principal of Penfield Schools.

I am somewhat acquainted with the proposed road.

I think there are between twenty and twenty-five children of school age living along the proposed road.

I think the proposed road is necessary for the proper accommodation of these people.

Cross examined.

I am not a property owner in this township.

*E.C.Shields*

L. H. Overturf sworn for the Petitioners.

I reside in Penfield.

I am a store keeper.

I am acquainted with the proposed road.

I think this road is necessary for the proper accommodation of those who live on the route.

When I have goods to deliver in that locality I have to pass over Mr.Bird's private road and open and close gates both ways.

When I have goods to deliver to Mr.Phil.Chambers I have no way of driving in except to open the bars and drive through a field.

I don't know a cheaper route that would accommodate the same people.

I am a tax payer in the township.

I own no property bordering on the proposed road.

Cross examined.

Ques. If this gate that you speak of were removed would not these parties from Lucore's down have a good outlet, as good as on the Clearfield road ? Answer. I suppose it would be all right, as long as Mr.Bird gave them the privilege of the road, as far as Mr.Lucore's place.

This would still cut out two families who would have no outlet.

*L. H. Overturf*

I certify that the above witnesses were duly qualified and examined at the time and place stated in the caption, and subscribed their depositions in my presence.

Before me a Justice of the Peace in Huston Township, Clearfield County, Penna.

*John Hackord Seal*

Public Roads } in County Lancaster  
in } Division of Lancaster County  
Kingsbury Township } No 12 Feb 1891

Now Sept 5, 1891 it is agreed between  
parties to above said that the hours for  
carrying experiments on part of Rotations  
order rule & notice issued Sept 3, 1891  
be changed from Thursday Sept 10,  
to Wednesday Sept 9, 1891 between  
same hours & at same place now  
named in Not in Form. Wm and

"I" in Lancaster

C. C. T. J. S. and

McDonald & McCondy  
Attn for experiments

## Rule to Take Depositions.

Clearfield County, ss:

Public Road

ss

Quarter Sessions  
In the County of Common Pleas of  
CLEARFIELD COUNTY, PENNA.

Hushie Township

AND NOW, to wit, the 4<sup>th</sup> day of Sept, in the year of ourLord one thousand eight hundred and ninety-one  
the Petitioners enter a Rule to take the  
Depositions of ancient, infirm and going witnesses,  
to be read in evidence on the Argument of  
this case. Ex parte Rule of Petitioners on  
Five — days' notice.John Bloom,  
PROTHONOTARY.To W. Murray & McCurdy, Esq.s

Atts for Exceptants -

You will please take notice that, in pursuance of the foregoing Rule, depositions will be taken before John Hackett Jr, or some other person authorized to administer an oath or affirmation in Pennsylvania, in and for the county of Clearfield, at the office of L. Bird in the village of Renfrew, in the county of Clearfield and State of Pennsylvania, on the 4<sup>th</sup> day of September, A. D. 1891, between the hours of 9 o'clock A.M. and 9 o'clock P.M., when and where you may attend and cross-examine.

Clearfield, Pa.,

4 Sept, 1891This Rule served on us by copy  
Sept. 4, 1891. Murray & McCurdy

Atts for Exceptants

Murray &amp; Gordon

W. H. Teller Sept 1 1889

Public Road

inv.

date when

Deposition for Road.

MS.

In the Court of Quarter Sessions of Clearfield  
County Pa. No 4 Feb. Sessions 1891.

In the matter of the Report of Harry Byers,  
J. B. Nevitt & C. R. Scopile, viewers in  
favor of a public road beginning at a public  
road at house of Joseph Troxamiller and ending  
at public road at Mrs. William Lening's house,  
in Huston township, Clearfield County Pa. -  
filed May 2<sup>nd</sup> 1891.

Exceptions by William D. Woodward & others  
citizens of Huston township appurtenant to the  
confirmation of said Report.

Exception 1. The description of the road to be laid out, as  
stated in the petition and proceedings prior to the  
Report, from <sup>near the house of</sup> Joseph Troxamiller to ~~near the house~~  
of Mrs W<sup>m</sup> Lening, is deceptive and misleading,  
and fails to give notice of the general course  
and character of the road which has been laid out  
by the viewers of which is not <sup>properly</sup> ~~as~~ a road between those  
points, but at a long distance therefrom.  
runs chiefly

Ex. 2. The Report fails to show that notice was given  
to the <sup>County</sup> Commissioners, and to the owners or occupants  
of seated land along the route of said proposed road  
as required by Rule of Court No 172. And in fact,  
no such notice was given. oppon

Ex. 3. The legal notice of ten days required by the acts of 1843 & 1844, was not given.  
See Opt. Laws of 1844 pg 570 & of 1843 by 117.  
No such <sup>notice</sup> was given as the law requires. —

Ex. 4. The proceeding is an effort of a portion of the citizens of the village of Penfield where they already have streets or roads laid out by those interested in building up the village, connecting them with the public road, and who are about to have their village incorporated into a borough, — to compel the rest of the township to bear the expense of making the streets in the contemplated borough. — ~~and that too, in a regular and~~ ~~improper way~~ The proceeding is irregular, unnecessary, and unjust to the citizens of the township.

Ex. 5. The Report and draft do not show to which of the adjoining owners the land taken for the road belongs, nor that such adjoining owners ~~or other~~ owners of said land had notice of the view, nor that they released their claims for damages. —

Ex. 6. The Report is conditional and for its confirmation, restricts the power of the court as to the width of the road, in one part of it, to 30 feet and in another portion, to 20 feet, all of which is illegal. —

Manally & McEwney  
Atty's for Exemptants?

No 14 Feb 1891.

## Public Roads in

Houston Sp. -

Expectations to come  
from statement of Report  
of visitors:

2nd May 1891

Amsterdam  
Cato

## Mentos

Log. 8. All flocks and individuals which I saw had one or more  
adults which were dark brown above and light brown below. - some  
had white on the breast and white on the tail and white on the feet.  
A few were dark brown all over and light brown below.  
A few were dark brown all over and light brown below.

The first division the four and the second, the family  
to have added to the third division, in which the  
first division the four and the second, the family

16.203

Penfield Pa. May 4<sup>th</sup> 1891.  
No 4 February Term 1891. and Re, Public Road in Houston Apx  
To the Honorable Judge, and Court of  
Quarter Sessions of Clearfield County, Pa.  
Whereas application has been made to the proper  
authorities to lay out, or open a public road  
from Joseph Frosmillers, on Clearfield Street in  
Penfield, to pursue an irregular course until  
it reaches Clearfield Street again, at, or near  
the property of W. H. H. Lenig. Both of the above  
named properties are situated on a public street  
and where it enters Clearfield Street, at Lenig's  
it being but twenty feet wide, without moving  
buildings are consider it too narrow for a  
public road, and we the undersigned citizens  
of Houston township do not believe such a  
road is for the public good, and pray that  
Your Honor, nor the Court of Quarter Sessions  
will grant permission to open the said road.

W. D. Woodward, Sr  
E. W. Robacker.

Charles Rund  
John Badebach  
Peter Evans

Gallant Lunn

Barrel 22

James Lunn

Reese

W. D. Robacker

P. H. Flynn

J. J. Wadsworth

J. H. Gallahan

J. H. Rosenthal

P. M. Bayer

H. P. Sauer

John Hackett

Geo. Lustin

W. Reese

C. M. Reed

R. H. Wilson

A. Chambers

Mr. H. H. Feb. 1. 1891.  
In the Court of Quarter Sessions  
of Cheshire Co. Pa. —

Remonstrance  
against the laying out  
of the public roads out  
as in Report of Surveyor.

February 1st  
Complaint  
Signed

W. S. H. M.

Rabbit Road

No 4 Feb 1891

in

Hurstown Twp.

Exception to report.

McNally for ex-  
mrg contra 3.

McNally says, that the petition is deceptive -

road already in existence between points named,  
Report attempts to fix width or no road  
no notice given as required, by act of Assembly.

P.L. 1844 - page 570 - 5843 - 117.

Ind. contra.

To the Honorable the Judge of the Court, Clearfield County, Pa.

The undersigned citizens of Huston Twp. in said County represent that they labor under great inconvenience for want of a public road beginning near the house of Joseph Trosmiller and ending near the house of Mrs. Wm. Lenig in said Township and they ask the appointment of a view to examine and lay out said road, and as in duty bound your petitioners will ever pray, etc.

March 25/91

L. Bird	Wilson Hoffman
John Smeare	Noah Ross
O. A. Allen	W. J. Chambers
Delphine Bateman	J. J. Frane
M. J. English	
James H. Mix	
J. G. C. Allen	
James H. English	
George G. Dunn	

May 6th 1891

Petition for record  
from Joseph Gross  
Marievar is also done.  
and is in Boston Imp.

Has 6 space 1891

May 6th 1891. Petition  
read & Harry Beyen, Jno. C.  
Kemitt, and H. R. Safford  
are appointed deven to  
view report of the Comt

By W. Court

Has 6 space 1891  
Petition for record  
from Joseph Gross

1689

W. H. Kelly 58 1/891

Supplementary Petition

for

Public Road in Huston  
Township, beginning  
near the house of  
Trosmiller and ending  
near the house of Mrs  
W. H. Kelly.

St. 1 Aug. 28, 1891

W. H. Kelly

To the Honorable David L. Krebs, President Judge of the  
Court of Common Pleas of Clearfield Co:

The Undersigned, Tax-  
payers of Huston Township respectfully request the confirma-  
tion of the Report of the Viewers in favor of a Public Road  
leading from the house of G. J. Trosmiller to the house of  
Lavinia Lenig in the Village of Penfield, Township of Hus-  
ton, and county aforesaid. And your Petitioners will ever  
pray.

A. A. Rosenkrans  
J. B. Lenig  
L. H. Ousturf  
J. H. Boueroy  
Mrs. C. B. Boueroy  
J. H. Kline  
George G. Dunn

C. J. Shipman  
G. J. Trosmiller  
J. M. Dailey  
J. B. Sereh  
G. J. Lenig  
J. T. Lewis  
J. A. Rosenkrans

A. Beoline  
W. S. Coover  
Chas. McStover  
V. L. Schield  
C. M. Sette  
C. Schlyper  
Benj. Mecht  
H. C. Seifert  
C. J. Shulds  
M. J. Socat  
D. B. Williams

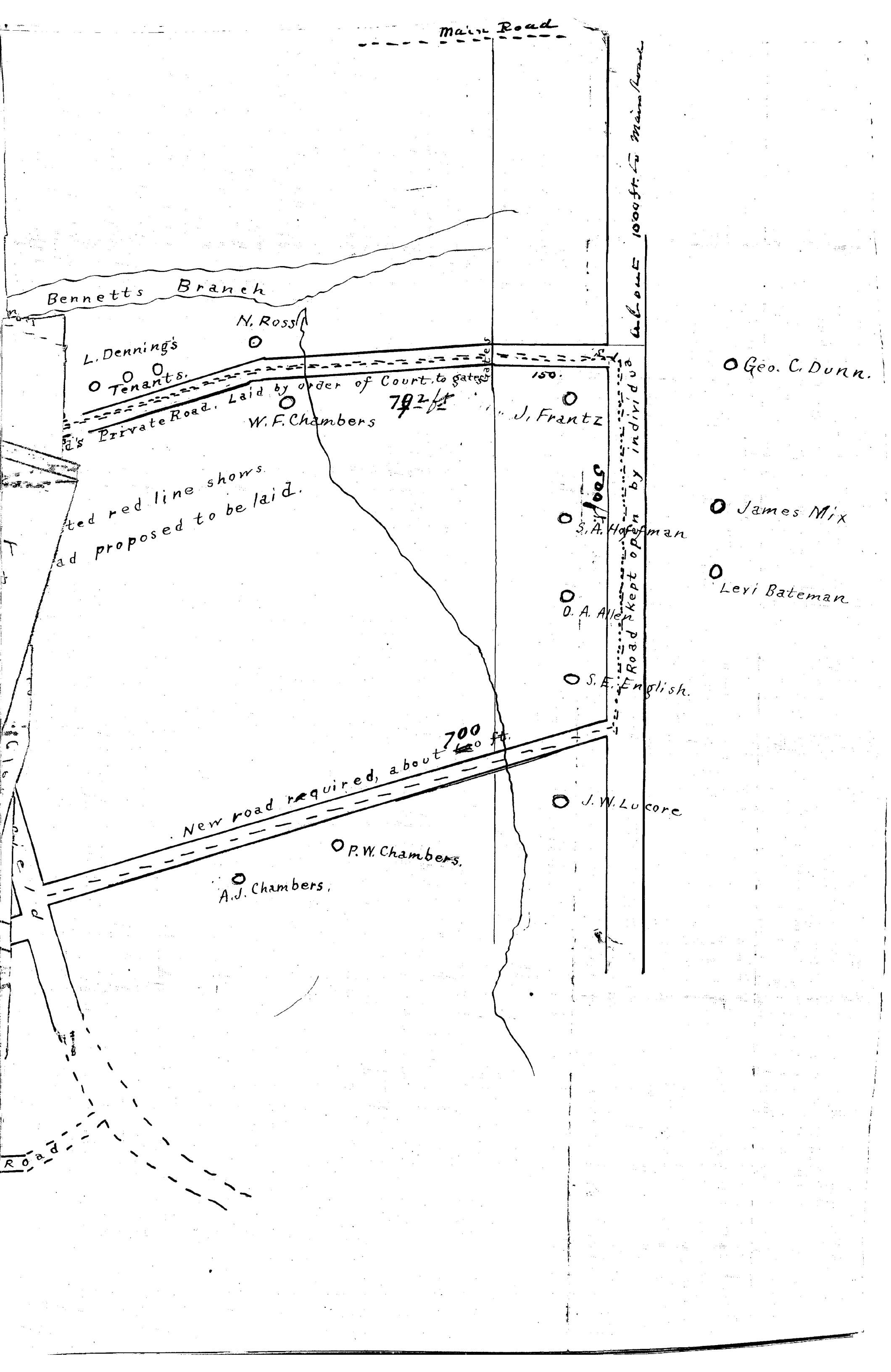
Geo. R. Campbell  
E. Shilds  
Wm. S. Frisbie  
G. W. & Miller  
H. L. Horning  
H. W. Colton  
W. J. Leach  
R. Smith  
Jacob Williams  
J. C. Harmon  
L. L. Frisk  
George Bliss

Mrs. \_\_\_\_\_  
Mrs. \_\_\_\_\_  
E. A. Engleid.  
G. M. Legeron  
J. M. J. Barclay  
Mrs. Loring Loring  
J. B. Taylor  
W. A. Terry  
Peter Hollabaugh  
H. H. Weigle  
H. M. Greeney  
J. E. Engleid Jr.  
J. H. Mack  
A. B. Searce  
C. D. Barker  
G. W. Daugherty  
J. D. B. Turner  
Chas. C. Glock  
Ditty McPh.  
J. E. Ferrell  
Austin Bliss  
H. H. Francisco  
F. R. Cooker  
S. R. Cooker  
Phoebe Taylor  
W. W. Mulow  
A. K. Jacobs  
Clyburn Coal Co  
H. M. Schenck

Mrs. Horning  
Joseph King  
J. J. Rankin  
C. Gardner  
W. G. Ferrell  
J. H. English  
H. Ferguson  
E. Bennett  
Geo. B. Beary  
Stanley E. Woodward  
Julia Kilshen  
Ellie Kilshen  
W. S. Boyce  
W. A. Lamb  
George Stevenson  
H. H. Howell  
Annie M. Lanic  
Dan McLangston  
Grayton Wardell  
Warren Lanic  
Wm. O'Key  
John Stever  
J. C. Ferrell  
J. E. Horning  
J. S. Hayes  
J. C. French  
J. R. Edley  
H. S. Jones  
L. Bird  
Geo. Enright  
H. P. Towns  
Wm. S. Howell

S. W. Richmon  
J. H. Rosenblams  
Mrs. R. C. Freeland  
J. Wolf B. Field  
H. M. Haasen &  
C. L. Derry  
John Horning  
W. H. Bangs  
Geo. M. Langhans  
Calumet Coal Co. L. B.  
Geo. W. Hammon B.  
Dr. R. Doster  
Laurie H. Horning  
H. D. Woodward Jr.  
Evans Groover  
L. U. Retter

J. L. Kinslow  
Thomas E. Proctor  
Rev. H. G. W. Beach  
A. W. Tread  
James A. Taylor  
Johnathon L. Christ  
Mr. H. Brine  
E. C. Holmes &  
J. W. ~~W. C.~~  
H. M. Scott



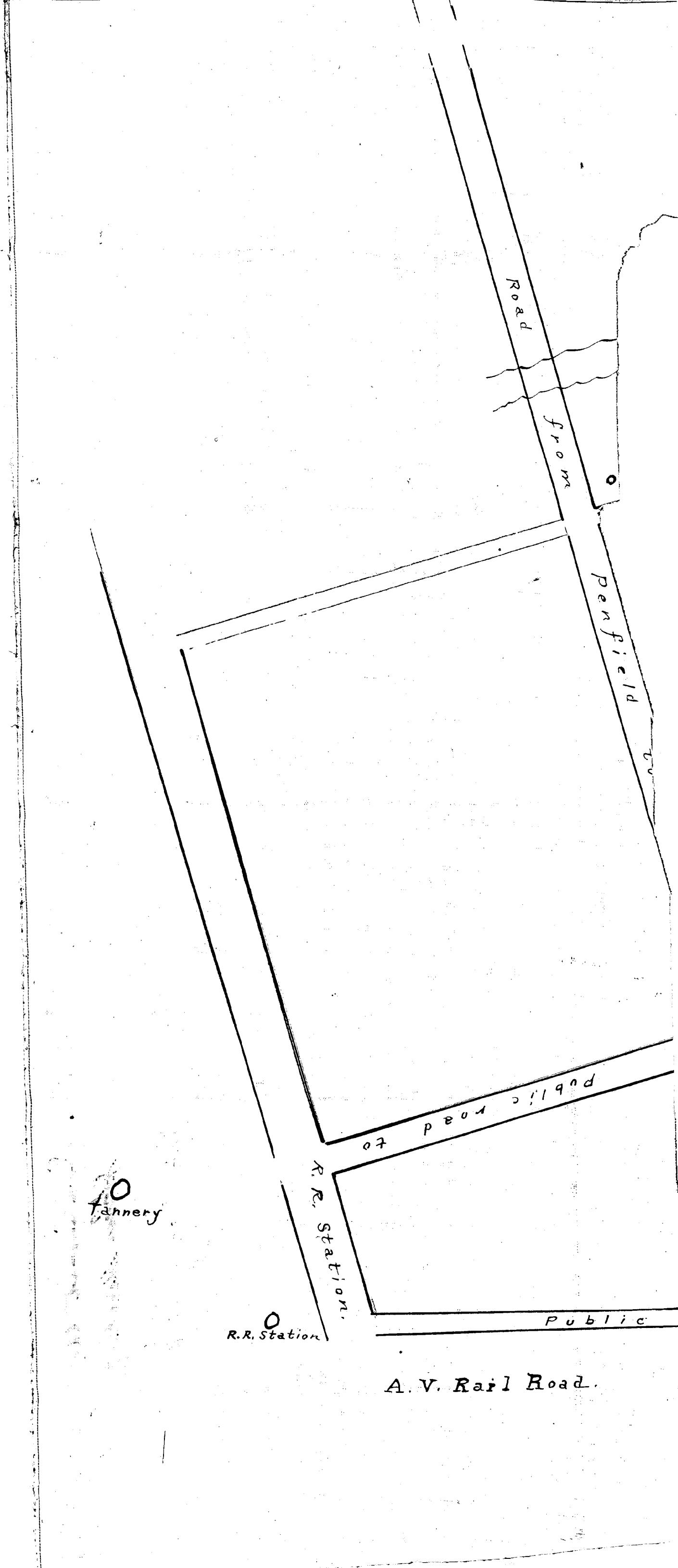


Exhibit A.

Other methods

No 4 Henry St. #11

10152 A. S. 19

550A 15A V.A.

Empire

No 14878

40

9

2

1

0

1

2

3

Long distance

Local telephone

Deposition of witnesses produced, sworn and examined by me, the 22nd. day of August, A. D. 1891, at the office of McEnally & McCurdy, between the hours of 9 A. M. and 9 P. M., by virtue of the annexed rule of Court of the Court of Quarter Sessions, and notice hereto attached, for the examination of witnesses in a certain cause depending in said Court, In the Matter of Exceptions to Public Road in Houston Township.

William D. Woodward, being produced, sworn and examined, deposes as follows:

By Mr. McEnally:-

I am a citizen of Houston township and have been for many years, - since the year 1860.

The report of the viewers and the draft attached, that is filed in this case, shown to the witness.

I am acquainted with the ground where this road is laid out.

There is a public road running past the place of Joseph Grasmiller and the place of William Loring, where this road begins and ends.

The road which passes these two places is a public road running from Penfield to Clearfield, and has been traveled for many years, - the only road that has been traveled since I have been in the county. The proposed road begins and ends on this public road. The public road between the two points and ends on the proposed road is a direct road. The draft representing the proposed road represents the situation relatively. The ground that is inclosed by the road is laid off, is inclosed in the plot of Penfield, and they are now endeavoring to have Penfield incorporated into a borough. From Lucore's and Hoover's, around to Mrs Lanich's they have a private road that is used by the public. Down to the corner there is a 40 foot street, and there are buildings on both sides. The private road is called the private road of Mr. Bird, that is, Mr. Bird claims it, and after he got that private road he sold lots along here, and there are buildings on the lots.

There is also a street that he opened up between Grasmiller's and Lucore's. I don't know of anybody living along the route of the proposed road.

(2)

By Mr. Murray:-

CROSS EXAMINATION.

I don't think that anybody would be benefited by this proposed road. The present road between Frasmiller's and Lanichs, the old road, the Clearfield road, is a very good one. It is one of our best pieces of road in the township.

James Callahan, being produced, sworn and examined, deposes as follows:

My Mr McEnally:

I am a resident and a citizen of Houston township, and have been since the year 1866, and I am acquainted with the ground and the roads represented by the draft, that has been shown to the former witness, and is now shown to me. The public road running between Grasmiller's and Mrs Lanichs, that is known as the Clearfield road to Penfield, runs direct from one point to the other, and between these two points is a very good road, and there is no necessity for any other road to connect these two points, and they could not make any better connections. It is a very good road and leads part of the way to the depot. The ground that is enclosed by this new road that they have laid out is within the limits of the proposed borough of Penfield. There is one street laid out in this proposed part, that I would judge is 40 feet wide, although I never measured it, and there is a 20 foot alley.

Mrs. Lanich lives on this alley. Mr. Denning has three houses on it, and Mr. Bird's private road runs into this street. I was one of the viewers on this private road, when it was laid out about 12 years ago. On the 40 foot street there are buildings and lots on each side of it, and there are people living there. I couldn't tell exactly when that was laid out, but it is a number of years since 5 or 6 years I think. The people living there on that street come out at Mrs. Lanichs. I do not think a road as laid out in the shape as indicated by the draft is necessary in that

( 4 )

township, and if this new road is laid out were finally adopted  
and ratified by the Court, it would simply be a portion of the  
streets of the proposed borough, and it looks to me, as that was  
the object of opening it up.

## Introduction

I hereby certify that the above witnesses were duly qualified and examined at the time and place stated in the above caption.

Alex. Paterson

Notary Public

Mo 14 Feb 1891  
In the matter of ~~graffiti~~  
to confirm others of  
Duke's ~~Reynard~~  
Mountain Chs. -

Rephrasing and part  
of description.

McCormick ~~McCarthy~~

Clearfield County, ss: 

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 6<sup>th</sup> day of April, A. D. 1891, before Judges of said Court, upon a petition of sundry inhabitants of the township of Houston, in said county, setting forth that they labor under great inconvenience for want of a public road beginning near the house of Joseph Dossullen and ending near the house of Mrs. William Long in said Township —

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, And make report at May Term whereupon the Court, upon due consideration had of the premises, do order and appoint Harry Deyers John B Hewitt J R Seaford who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do least injury to private property, and state particularly whether they judge the same necessary for a PUBLIC or PRIVATE road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose lands said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next Court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law. Notice is directed to be given to the owners or occupants of seated lands through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court.

BY THE COURT.

 CLERK.

## 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 the ..... at and before the sealing 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 respectively 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. 188 .

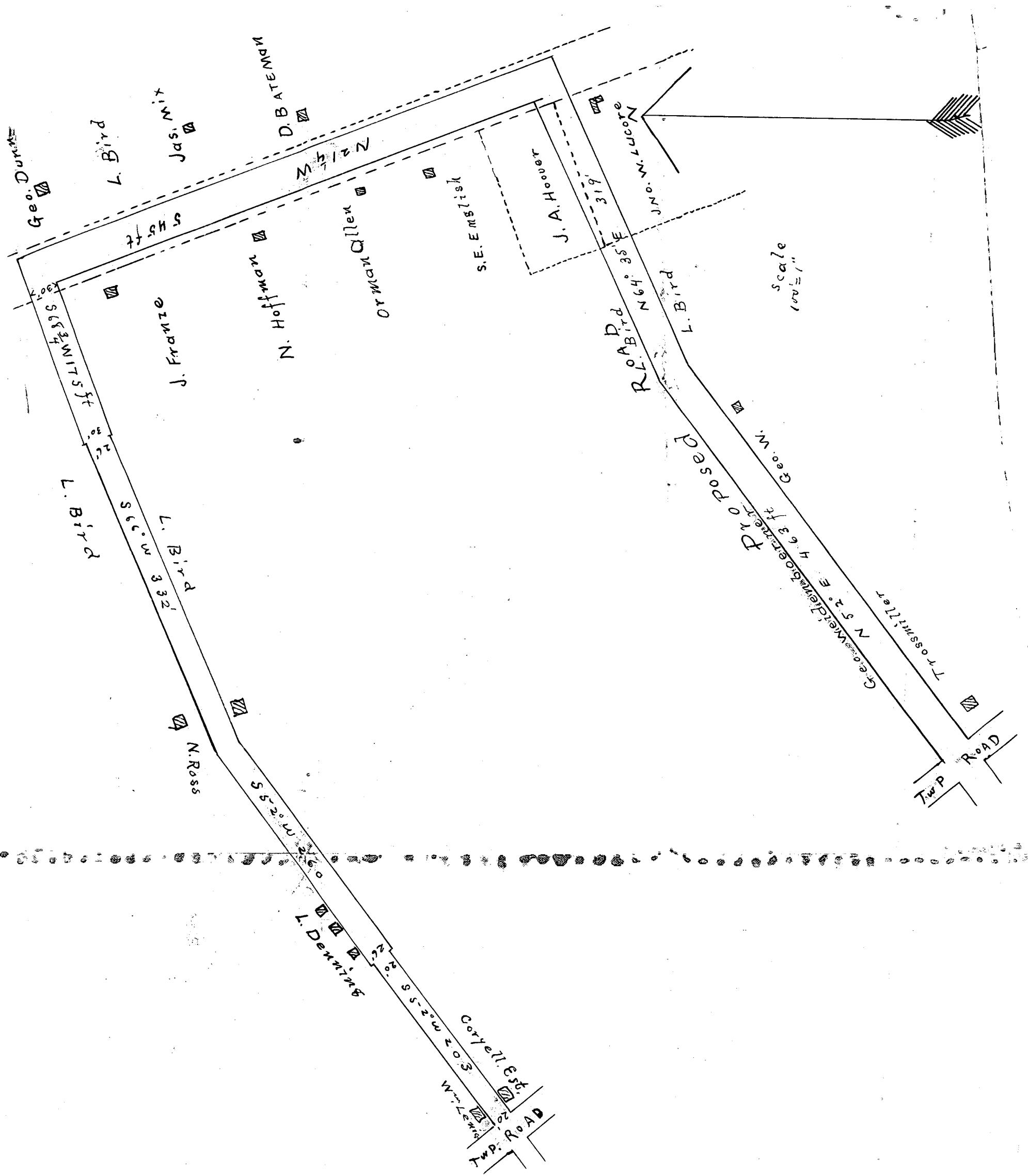
L. Biss  
Geo. Thompson  
J. W. L. neon

## Assessment of Damages.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To ..... the sum of .....  
To ..... the sum of .....  
To ..... the sum of .....

Witness our hands this ..... day of ..... , A. D. 188 .



To the Honorable David L. Krebs President Judge  
of the court of Quarter Sessions of Clearfield County Pennsylvania. We the undersigned viewers appointed  
by the court to view and lay out the  
road therein mentioned respectfully  
report that we gave good and lawful notice  
of said road view and met agreeable  
thereto on Monday the twenty seventh day  
of April A.D. 1891 and all having been  
present and having been first severally  
sworn or affirmed we have received  
and laid out and do return for public  
use the following road to wit, beginning at  
public road at house of Joseph Trossmiller  
thence along line of Trossmiller through land of George  
Weidenboerner North fifty two degrees East four hundred  
sixty three feet to post on line of S. Bird thence through  
land of S. Bird, J. A. Hoover and J. W. Ducoe North sixty  
four degrees East thirty five minutes East  
three hundred nineteen feet to post in centre of  
fifty foot street thence by said street North  
thirty one and one fourth degrees West five hun-  
dred forty five feet to centre of private road thence by  
said road South sixty eight and three fourth degrees  
West one hundred seventy five feet <sup>the road</sup> this course to be 30 feet  
wide thence South sixty six degrees West three hundred  
thirty two feet thence South fifty two degrees West two hundred  
sixty feet, the road the last two courses to be made 16 feet wide  
thence containing South fifty two degrees West two  
hundred and three feet to public road at Mrs. Wm. Semaj's  
house, last course the road to be twenty (20) feet wide if the  
road is not confirmed with widths corresponding to the ones  
herein contained we hereby report against granting the road  
a plot or draft of which road as laid out aforesaid  
is hereto annexed showing courses distances  
and improvements which road is necessary in  
our opinion for a public road. We believe no owner  
of land is entitled to damages by reason of locating  
or opening said road. Witnesses on hands this 27th day  
of April A.D. 1891

Viewers { Harry Byers  
F. B. Hewitt  
F. R. Scopfield

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. Viewers cannot interfere with 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.

# No. 4 Tenny Sessions, 1891

## ORDER

To view and lay out a road for  
Jesseuse in the township of  
Houston, Clearfield Co.  
May 28 1891 Conformed to  
be opened 33 feet wide. Map  
Redhill cutting, Cambria County  
By W. C. Hunt

	Amount.
<i>W. C. Hunt</i>	1 Day 2
<i>Cartt &amp; H.</i>	1 Miles 17 \$2.70
<i>J. B. Deinitt</i>	1 Days 1
	1 Miles 3 \$2.30
<i>F. R. Schield</i>	1 Days 1
	1 Miles 1 \$2.10
	1 Days .....
	1 Miles .....

Aug 28. 1891  
Supplemental  
to the plan filed

Aug 28. 1891  
Filed  
Fees \$1.20  
Paid by Harry Ryer