

No. 4, Term, 1891

Public Road

Versus

Huston 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.

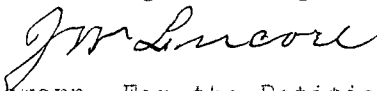
Do you think you could open the road, grade it and build the bridge for \$30. ? I do.

I am one of the petitioners for this road.

Are you also a petitioner for the borough ? [Question objected to by Attorney for the Defendants.] 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

4.

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 300 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

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.

E. C. Lewis

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.

~~I live in the proposed borough.~~ Question. Do you live in the proposed borough? [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 route marked with the single dotted line is that required to be opened, and is about 600 feet. The stream marked across it as 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 re- 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.

L. B. Bissel

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 have~~
~~is a private road~~

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 one ended 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 Mackerrig Seal

Public Road } in County Quarter
in } Session of Clewfuld County
Husker Township } N^o 12 July 55/89/

Now Sept 8, 1891 it is agreed between
parties to above suit that the time for
filing depositions on part of Petitioner
under rule & notice issued Sept 3, 1891
be changed from Thursday Sept 10,
to Wednesday Sept 9, 1891 between
same hours & at same place men-
tioned in Notice - June warned.

Witness my hand &

Attest for Petitioner

McDonnell & McCondy

Attys for Respondent

Rule to Take Depositions.

PUBLIC SPIRIT PRINT, CLEARFIELD, PA.

Clearfield County, ss:

Public Road

ss:

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

Hushie Township

No. 4 Reby SS Term, 1891.

AND NOW, to wit, the 4th day of Sept, in the year of our Lord 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.

J. M. Bloom
PROTHONOTARY.

To M. Enallij & M. Curdy, Esq.s
Attys for Defendants -

You will please take notice that, in pursuance of the foregoing Rule, depositions will be taken before John Hackett J.P., 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 Ruzfeld, in the county of Clearfield and State of Pennsylvania, on the 10th 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 —, 1891
This Rule served on us by copy
Sept. 4. 1891. M. Enallij & M. Curdy
Attys for Defendants

Murray & Gordon

20.4. July 1895

Public Road

.mi

Austin Twp.

Deposition for Road.

W.D.

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

In the matter of the ^{filed May 2nd 1891,} Report of Harry Byers, J. B. Hewitt & H. R. Scofield, viewers in favor of a public road beginning at a public road at house of Joseph Trosmiller and ending at public road at Mrs. William Leenig's house, in Houston township, Lehigh County Pa. -

Exceptions by William D. Woodward & other citizens of Houston township appeared 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 ^{near the house of} Joseph Trosmiller to ~~near the house of~~ Mrs Wm Leenig, 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 & which is not ^{properly} ~~intended~~ as a road between those points, but ^{runs chiefly} at a long distance therefrom.

Exp. 2. The Report fails to show that notice was given to the ^{County} 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. ~~am~~

Exp. 3. The legal notice of ten days required by the Acts of 1843 & 1844. was not given.
See Pubt Laws of 1844 pg 570 & of 1843 pg 117.
No such ^{notice} was given as the law requires. —

Exp 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 an irregular and improper way~~ The proceeding is irregular, unnecessary, and unjust to the citizens of the township.

Exp 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.

Exp. 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. —

McEnally & McCurdy
Attys for Exceptants?

No 4 Feb 1891.

Public Road in

Houston Sp. -

Expectations to con-
firmation of Report
of river.

Miss Mary 1891

William
Care

W. S. M. 1891

Exp. 8.

The Public Road with which the road lead out connects,
applies directly between said points - and within
a new road necessary for connecting those points.
No small matter, also for 891/1891.

Exp. 7.

The Report diverges the law and the order, by failing
to have regard to the shortest distance, in laying out a
road between the points named in the order.

from and ordered the
7th day of May 1891

John H. Baker Esq.

W. S. M. 1891 and Dr

Chapman's Grant 88: - Before me a Justice of the
Peace for the County of Williamson & I observed one of the
Expectations upon his statement in the form of
law says that the facts are in the foregoing
expectations are true as he believes.

Penfield Pa, May 4th 1891.
No 4 February Term 1891. In Re, Public Road in Houston Twp

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 Trosmillers, 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 we 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

Chas. Kobacker.

Charles Runch

John Radebach

Peter Evans

Gabriel Lamm

Barth 12

Thomas 12

Benjamin 12

Wm. Kobacker

J. H. Flynn

Benjamin

J. J. Wodsworth

J. H. Gallahan

J. H. Horenkauer

P. M. Bayer

H. P. Towns

John Hackett

Geo. Austin

Wm. Reese

L. M. Weld

R. H. Wilson

A. J. Chambers

No. 4. Feb. Term 1891.
In the Court of Sessions
of Chancery &c. &c. —

Remonstrance
against the laying out
of the Public road at
out in Report of Viewers.

18th May 1891

Spencer
Carr

W. E. M. S.

Public Road
in

Huston Twp

No 4 Feby Sec 1891

Exceptions to report,

McNally for Ex-
Mr G Contra 3,

McNally. Says, that the petition is deceptive -
road already in existence between points named,
Report attempts to falsify with 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

Jm Lucore

O. A. Allen

Delphene Bateman

M J English

James H Nix

P. G. Allen

James H English

George G. Duran

Nelson Hoffmann

Noah Ross

W. F. Chambers

J. J. France

Settlers No 4 1891

Petition for road
from Joseph Gros-
venor to the river
and in Indian Bay.

Settlers No 1891

Nov 6th April 1891. Return
made to Henry Bay, Mrs B.
Heath and J. R. Seaford
are appointed assessors to
view report to the Court
by the Court

Settlers No 1891
Henry Bay 1891

Settlers

Settlers

No 4 Nely 55 1891

Supplemental Petition

for

Public Road in Huston
Township - Beginning
near the house of Joseph
Troschiller and ending
near the house of Mrs
Wm. Lening.

Filed Aug. 28. 1891

ms

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. Troschiller to the house of
Lavinia Lening in the Village of Penfield, Township of Hus-
ton, and county aforesaid. And your Petitioners will ever
pray.

A. A. Rosentkrans
J. B. Lening
L. H. Oustarf
J. H. Bonerret
Mrs. C. B. Bonerret
J. H. Geline
George A. Dunn

C. J. Shipman
G. J. Troschiller
J. M. Dailey
J. B. Lerch
J. L. Lewis
L. A. Rose

A. Bealings
W. W. Hoover
Chas. M. Hoover
J. L. Seabird
P. M. Lett
A. Schlyper
Bey. Meicht
H. E. Seifield
C. J. Childers
M. J. Sociat
D. B. Williams

Geo. R. Campbell
E. Shields
Wm. S. Trisac
G. Wood Miller
H. L. Corning
H. W. Colby
W. J. Launch
R. Smith
Jacob Williams
C. C. Harmon
L. L. Trisk
George Bliss

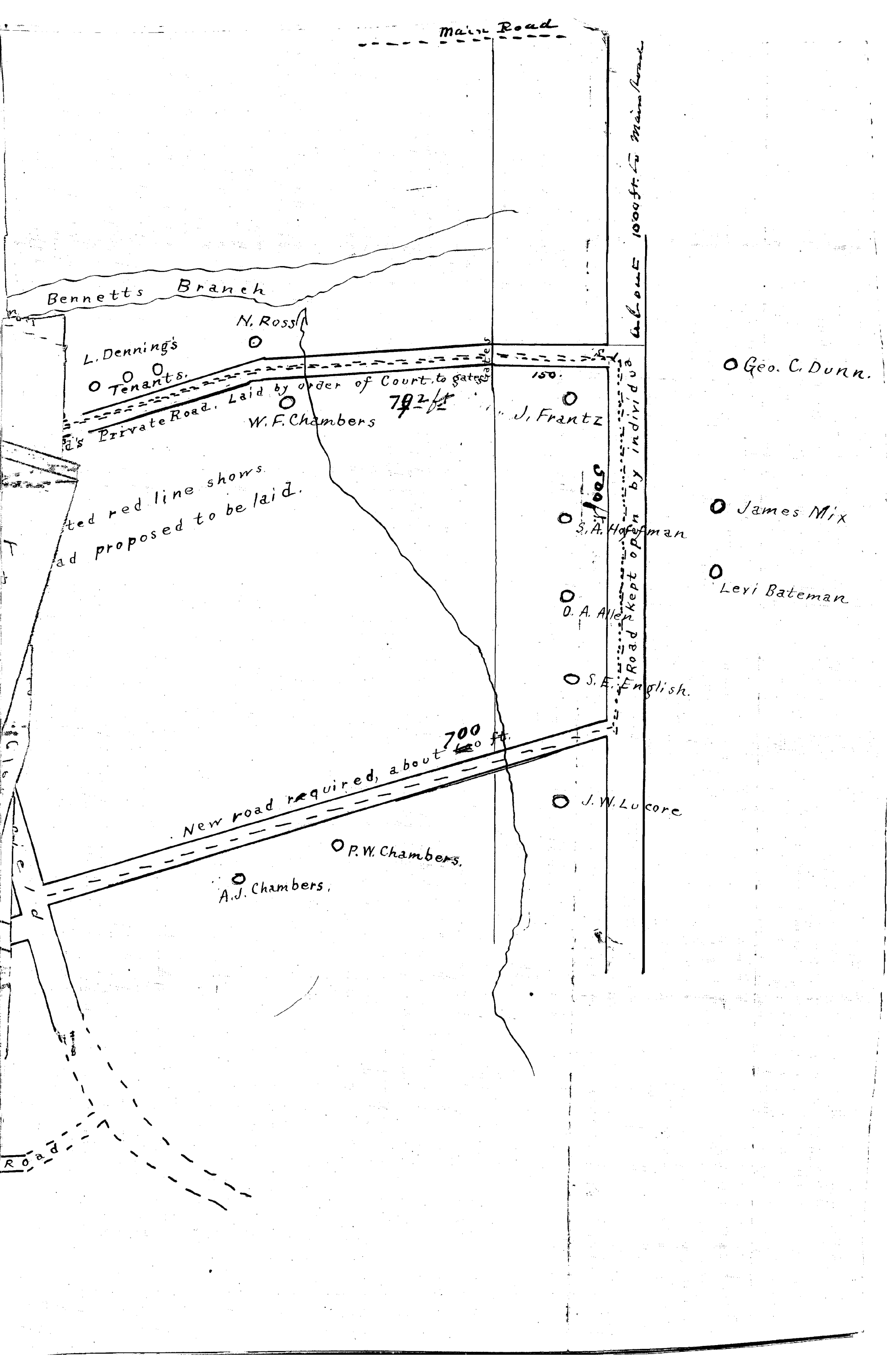
Mrs. Amos Homing Jr.
Mrs. Julia A. Lo Touche
Mrs. L. M. Seifield
L. M. Seifield
S. M. J. Barclay
Mrs. Levinga Loring
J. B. Gaylan
W. A. Loring
Peter Hollobauch
H. M. Weisler
H. M. Henry
J. E. English Jr.
J. H. Mack
A. B. Sweeney
C. L. Barker
G. W. Daugherty
W. B. Turner
Chas. C. Block
Fitz. Welch
J. E. Herwith
Austin Bliss
H. H. Francisco
L. R. Towker
S. R. Towker
Phoebe Taylor
L. W. Mulof
A. G. Jacobs
Charles C. Co
H. M. Wharney

Amos Homing
Joseph Ring
J. J. Rankin
A. Garrison
W. H. Loring
J. H. English
J. J. Loring
E. Herwith
Thos. B. Boney
Stanley E. Woodward
Julia L. Laker
Ella Hilscher
W. S. Bogyon
W. A. Lamb
George Stevenson
H. H. Powell
Annie M. Louell
Dan M. Langdon
L. Rayton Wandell
Warren Lanch
Wm. M. Key
Peter Hiverer
A. C. Thevenier
J. E. Homing
L. S. Hayes
J. C. French
J. P. Edley
J. C. Loring
L. Bird
Geo. Ennigh
H. P. Towns
Wm. Conyell

S. M. Robinson
J. H. Rosenkrantz
Mrs P. E. Friesland
J. W. Pyfield
H. M. Hoover
C. L. Lundy
John. Forming
W. M. Bingham
Geo. M. Laughlin
Calumet Coal Co. L.B.

Geo. M. Ambrose B.
J. P. Doster
Levin H. Horning
W. B. Woodward Jr
Evans Hoover
L. V. Ritten

E. L. Kinslow
Thomas E. Proctor
Per M. G. W. Beach
A. W. Pease
James A. Taylor
Johnathan Christ
M. H. Rhine
E. C. Holmes &
J. W. W. W.
A. M. G. G.



Main Road

Bennetts Branch

L. Denning's
Tenants.

N. Ross

Private Road. Laid by order of Court to gates

W.F. Chambers

J. Frantz

dashed red line shows
road proposed to be laid.

about 1000 ft. to Main Road

Geo. C. Dunn.

James Mix

Levi Bateman

S.A. Hoffman

D.A. Allen

S.E. English.

J.W. Lucore

New road required, about 700 ft.

P.W. Chambers.

A.J. Chambers.

Road

0
Tannery

0
R.R. Station

R.R. Station

Public road to

Public

A.V. Rail Road.

Road

from

Penfield

Exhibit A.

John MacArthur

No 4 Freely St 87/1

Station

Station

London Road

London

to

London

London

London

London

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 cer-
tain cause depending in said Court, In the Matter of Exceptions to
Public Road in Houston Township.

-----P-----

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 *Trosmitter* and the place of William *Lenig*, 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 *Grismiller'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 Trasmiller'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 Trismiller'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 couldnt 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

No 44 Dec. 1891
In the matter of Expositions
to Confine and of
Ladies' Dress in
Western Slope -

Exposition on Hand
of Expositions. -

McDonald's Magazine

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 6th day of

April, A. D. 1881, 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 Prosser
and ending near the house of Mrs William Leary
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 Beyers John B Hewitt & J R Seoford 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.

Amos Bloom 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 ensembling and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said _____ all damages that may arise to us 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 .

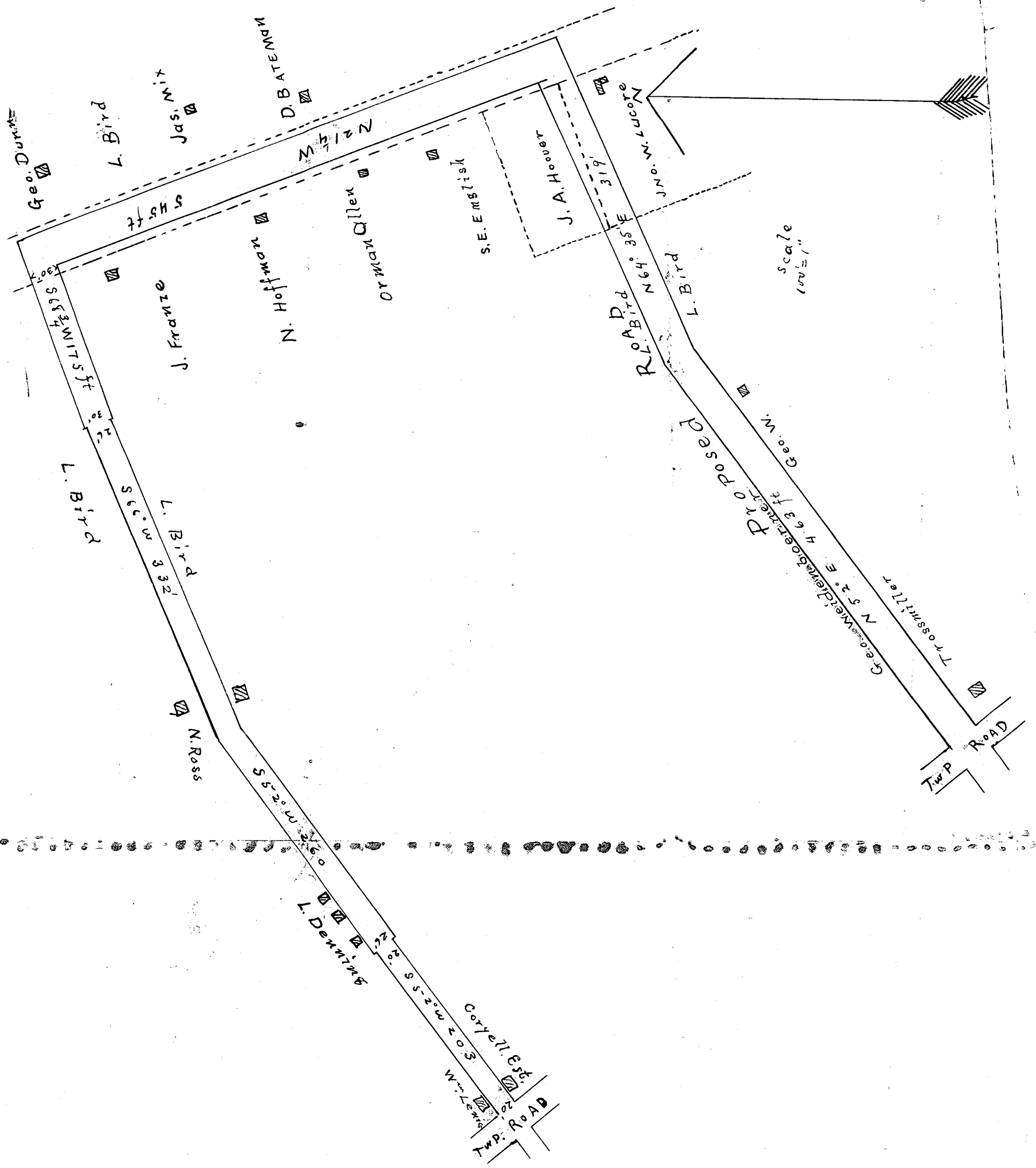
L. Biss 
Geo. H. Biss 
J. W. L. Biss 


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 Coun-
ty Penna. 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 viewed
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 L. Bird Thence through
land of L. Bird, J. A. Hoover and J. W. Incoe 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 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 26 feet wide
thence continuing South fifty two degrees West two
hundred and three feet to Public road at Mrs. Wm. Lemig's
house last course the road to be twenty (20) feet wide if the
road is not confirmed with width corresponding to the over
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. Witness our hands this 27th day
of April A.D. 1891

Viewers { Harry Byer
J. B. Hewitt
T. R. Scofield

No. 4 Term Sessions, 1891

ORDER

To view and lay out a road for
Public use in the township of
Houston, Clearfield Co.

May 16th 1891. Confirmed N. E.
to be opened 33 feet wide. N. E. & S. E.
side hills cutting, Embankment
By W. C. Court

Aug 28. 1891
Supplemental
petition filed

Filed 2 May 1891
Fees \$1.00, paid by Harry Byers

(Miss Mary, 1891, Clearfield Co. & others)

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 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.

Harry Byers (Cur # 694)	Days 2	Amount \$9.70
J. B. Dennitt	Days 1	
	Miles 3	\$2.30
F. R. Schofield	Days 1	
	Miles 1	\$2.10
	Days	
	Miles	
	Days	
	Miles	