

John L. Cheyay Term, 1901
View Vacate and Supply
Public Road in
Versus
Shuster Twp
Surveyed to No. 8 Dec. 22 1902
K. O. L.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In Re Vacating and Supplying road in Huston Township. } No. 2. February Term, 1907.

To the Honorable Judge of said Court:-

The undersigned being the Supervisors of Huston Township and citizens interested in the vicinity of said proposed change are of the opinion that the interests of all concerned are fully preserved by leaving the road on the old location and that confirmation of the report, vacating and supplying the same should be refused without further expense. They pray the Court to make such order as will permit this road to remain on the original location and refuse confirmation of the report to vacate and supply the same.

And they will ever pray.

Supervisors

"

"

Chas Edwards

A. H. Rhine

Orrl Wallace

G. J. Sheldrake

C. J. Scosfield

S. S. Rhoads

H. B. Scobie

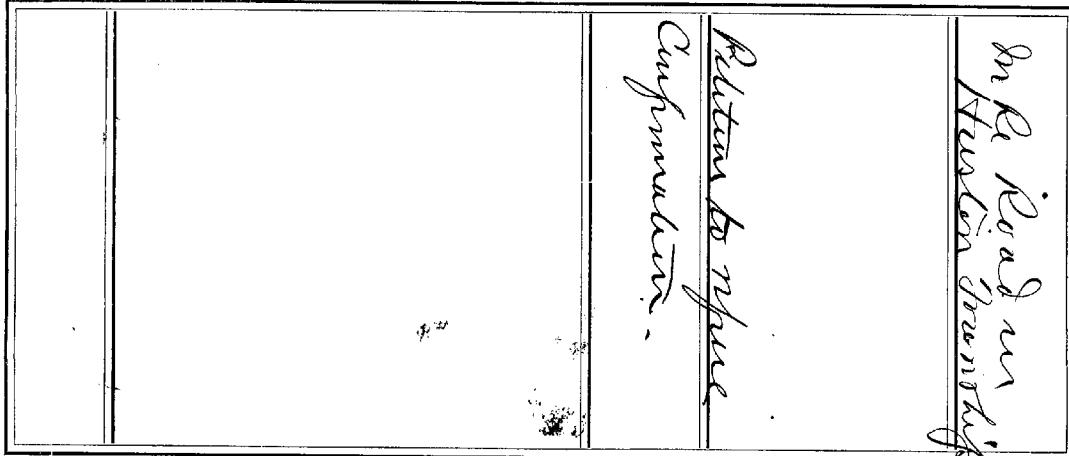
A. R. Shinnick

Keweenaw

Me 22 Sept. Term 1907

In the Road near
Huston Township

Believe to prove
Confirmation.



In re Public Road } N^o 2 Feb. 11, 1907
in Houston Township }

Exceptions to Report of Survey.

Now, March 14, 1908, the above exceptions came on for argument and were duly heard, and it appearing to the Court from the said argument and from the agreement of Counsel that there should be some change or modification made in the location of the road as originally laid out to the 8 December Sessions 1902, and that the same can be made satisfactory to the exceptant through whose land the said road passes, it is therefore deemed a proper case for review by another and different set of Surveyors than those who have heretofore reported and who have not succeeded in making a change satisfactory to the parties interested.

Now, therefore, it is hereby ordered and decreed that George C.

Kirk, Leander Denning and
Jacob Burge are appointed
Viewers to view the said
premises and make report
at the next Term of Court.

By the Court

Allison O. Smith

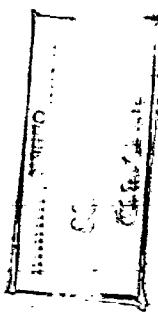


No 2 Feb. 1907

In re Public Road
in Houston Prop.

Due Exceptions to
Report of Surveyor.

Decree

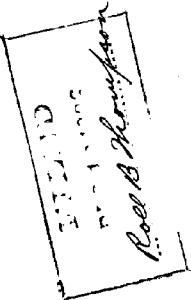


We hereby accept service of the aution to present his application for vacating & supplying the road written mentioned. Representing the Board of Supervisors of Shulon Township Clearfield County Pa
This application being made upon their motion ^{the above amenth} attorney.

Petition to Vacate and Supply
a part of public road in
Marion Co. Surveyor to No. -
8 Dec. 1902.

Mar. 22. 1871. Post office and
Manufacture Davis became
of Bradbury. Davis & Davis
& H. H. Ellingson were appointed
men to receive and pay over
sums deposited to trust them
of Bradbury. 32. Mr. Bradbury
Wharton & Son
Co.

24



B. S. Mabis

Henry Rhoads

Frank Rhoads

Wm Rhoads

D. T. Hook

W. H. Lamb

G. A. Lammeyer

Fred Buckley

W. H. Heitels

Edwin Rupert

therein, and that the original road between said points may be vacated.

And your petitioners will ever pray.

Name
P. S. Bennett
L. O. Harriger
W. W. Hooper, Jr.
E. L. Chambers
R. Smith
W. D. Gray
H. B. S. Cheed
L. S. Lister
Grant Williams
W. H. B. - owner
J. A. Boone
J. H. Gallagher
J. C. Harman
A. H. Rosenbaum
P. J. T. -
C. B. Jurgell
C. H. Smith
C. J. Sheldar
H. G. Lowell
C. A. Hammond

In the Court of Quarter Sessions of Clearfield County, Penna.

Petition to vacate and supply road in Huston Township, reported to No. 8 December Sessions 1902.

To the Honorable the Judge of said Court:

The petition of the undersigned citizens and residents of Huston Township, in said County, respectfully represents:

That there was presented to your Honorable Court a petition by citizens of Huston Township to lay out a public road, to begin on the road leading from Clearfield to Penfield at or near the foot of the Four Mile hill to a point at or near the residence of Henry Rhoads, in said Township. That said road was surveyed, laid out and reported for public use, and was subsequently on the day of confirmed in said and thereafter absolutely, and said road adjudged necessary as a public road.

Your petitioners further represent that a portion of said road runs through low marshy and wet ground and that said portion has not yet been opened; that to open the same and make a passable road sufficient for public use would require the expenditure of an amount of money which would become inconvenient and burdensome to the taxpayers of Huston Township; and that the same can be supplied by a new road covering said marshy ground without any inconvenience to the persons who would be served by the public road as originally laid out and confirmed.

And your petitioners therefore pray your Honorable Court to appoint viewers to view that portion of the road reported to and confirmed to No. 8 December Sessions 1902, which is as follows: Beginning at a point in said public road at or near ~~point where~~
~~same leaves the Public Road leading to Clearfield~~
~~thence by a route which will avoid~~
said low marshy ground and connecting with said public road aforesaid laid out and confirmed at or near a ~~the property line of S.J.~~
~~Salada where same crosses said new road.~~

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield county, Pennsylvania, to view, vacate and supply a Road leading from near the foot of the four mile hill on the Penfield and Clearfield road to H. Rhoads

in HUSTON Township, to a point in said road where it crosses the line of S. T. Solada

in HUSTON Township, in the county aforesaid, will meet at the house of , in PENFIELD in Huston Township, on MONDAY, the 21st day of January A. D. 1907, at 10 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

David Reams

Amos Klein

W.H. Albert

Viewers.

copy

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David Reams

Amos Klein

W. H. Albert

Viewers.

January 10th, 1907.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

No. 2 FEBRUARY SESSIONS, 1907.

R O A D .

Now, 16th October, 1907 H. E. Owens, a citizen of Huston township, and property owner effected by the road, by his Attorneys, Bell & Hartswick, files the following exceptions to the report of the viewers and moves that the proceeding had be set aside for the following reasons.

FIRST: That the petition indicates by in-
direction intermediate point between the termini of the
proposed new road desired.

SECOND: That the notice required by the Act
of 29th March, 1905, has not been filed nor does it
appear to have been given.

THIRD: That the notice required by the rule
of Court has not been given nor is it alleged in the
report to have been given.

FOURTH: That the terminus reported by the
viewers in the Clearfield road as appears from the draft
is not the terminus designated in the petition and order
to view.

FIFTH: That the portion of the old road
undertaking to be vacated is not described in said report
and is insufficient on the draft attached.

SIXTH: That the action of the viewers as to compensation for H. E. Owens is insufficient and improper. It appearing from the papers on file that a portion of the road it being supplied has not been opened and consequently damages never being payable to H. E. Owens, and the effect of this proceeding would be to deny to him any damages for either road.

SEVENTH : That the viewers dealt with this proceeding as a proceeding to "review, vacate and supply" which is without legal authority.

*H. E. Owens
by his attorney
Bell & Harborth*

172 May S.S. 1947

on
Public Road in
Houston County

Structure

[]
R.W. Thompson

John H. Thompson

Q372 1947

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

NO. 2 FEBRUARY SESSIONS, 1907.

R O A D.

Now 31st January, 1907, H. E. OWENS, a citizen of Huston Township, and property owner effected by the road, by his Attorneys, Bell & Hartwick, files the following exceptions to the report of the viewers and moves that the proceeding had be set aside for the following reasons.

FIRST: That the petition indicates by indirect intermediate point between the termini of the proposed new road desired.

SECOND: That the notice required by the Act of 29th March, 1905, has not been filed nor does it appear to have been given.

THIRD: That the notice required by the rule of Court has not been given nor is it alleged in the report to have been given.

FOURTH: That the terminus reported by the viewers in the Clearfield road as appears from the draft is not the terminus designated in the petition and order to view.

FIFTH: That the portion of the old road undertaking to be vacated is not described in said report and is insufficient on the draft attached.

SIXTH: That the action of the viewers as to compensation for H. E. Owens is insufficient and improper. It appearing from the papers on file that a portion of the road ~~is~~ being supplied has not been opened and consequently damages never being payable to H. E. Owens, and the effect of this proceeding would be to deny to him any damages for either road.

SEVENTH: That the viewers dealt with this proceeding as a proceeding to "review, vacate and supply" which is without legal authority.

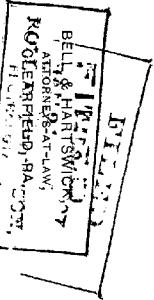
EIGHTH: That the proceeding to No. 8 December Term, 1902, which is the original road and a matter of record, shows the courses and distances of the road from the two points designated as termini in the proceeding ~~is~~ to thereby vacate and supply, and it is shown thereby that the same is not set out with ~~every~~ approximate correctness in the draft attached in the present report, consequently the portion of the road vacated does not appear in either report or draft.

H.E. Owens
by his attorney
Bell & Harbenwick

11
No 2 May Second 1907.

Frank M. Hall
one
of the
Inventor, whom has

Co
Signature -



LEGAL PUBLISHING COMPANY, ATHENS, PENNA.

TO THE HONORABLE, THE JUDGE OF THE COURT OF

QUARTER SESSIONS OF CLEARFIELD COUNTY.

We the undersigned, ^{appointed} viewers by the annexed order of court, to "review, vacate, and supply" a part of a public road leading from the Clearfield road, to H. Rhoads, in Huston township; Beginning at a point in said public road, "at, or near where the same leaves the Clearfield road;

"Thence by a route which will avoid the low marshy grounds, and connecting with said public road, at or near the property line of S. T. Solada in Huston township." That having given due, and public notice of the time and place of said view by printed handbills, as required by the Act of Assembly, to the County Commissioners, the Supervisors, and property owners"; We met at the time and place appointed, viz.. on the 21st day of January, 1907; and after being duly sworn, or affirmed according to law, and all the viewers being present, we went upon the ground proposed for said review, and having viewed the same, we report for PUBLIC use the following road, to wit; - BEGINNING at a post in publick road where the line of S. T. Solada crosses said road; Thence part way by said road, South, seventy-eight and a half (78 & 1/2) degrees, west twenty-four (24) perches to a post in woodlands of H. E. Owens; Thence through same woodlands of H. E. Owens, north eighty (80) degrees west eleven (11) perches to a post;

Thence still through same woodlands, north forty-seven and a half (47&1/2) degrees, west nineteen (19) perches to a post; Thence still by same lands, north thirty three and a half (33 & 1/2) degrees west, Twelve (12) perches to a post; Thence still by same lands, North twenty-nine (29) degrees west, ten (10) perches to a post; Thence still by same lands, North fifty-six (56) degrees west, nine (9) perches to a post; Thence still by same lands, north fifty-one (51) degrees west, seventeen (17) perches to public road leading from Penfield to Clearfield, in Huston township. A plot, or draft of both the new, and the old road whereof is hereunto annexed; Which change of road we report as NECESSARY; And beg the Honorable Court that the old road as designated on the draft herewith, and designated in red lines and figures may be vacated, the new road as now laid out is a few rods shorter and avoids the swamp. We also beg to report that NO damage may accrue to H. E. Owens, as he having already been allowed Fifty dollars damage by the former viewers.

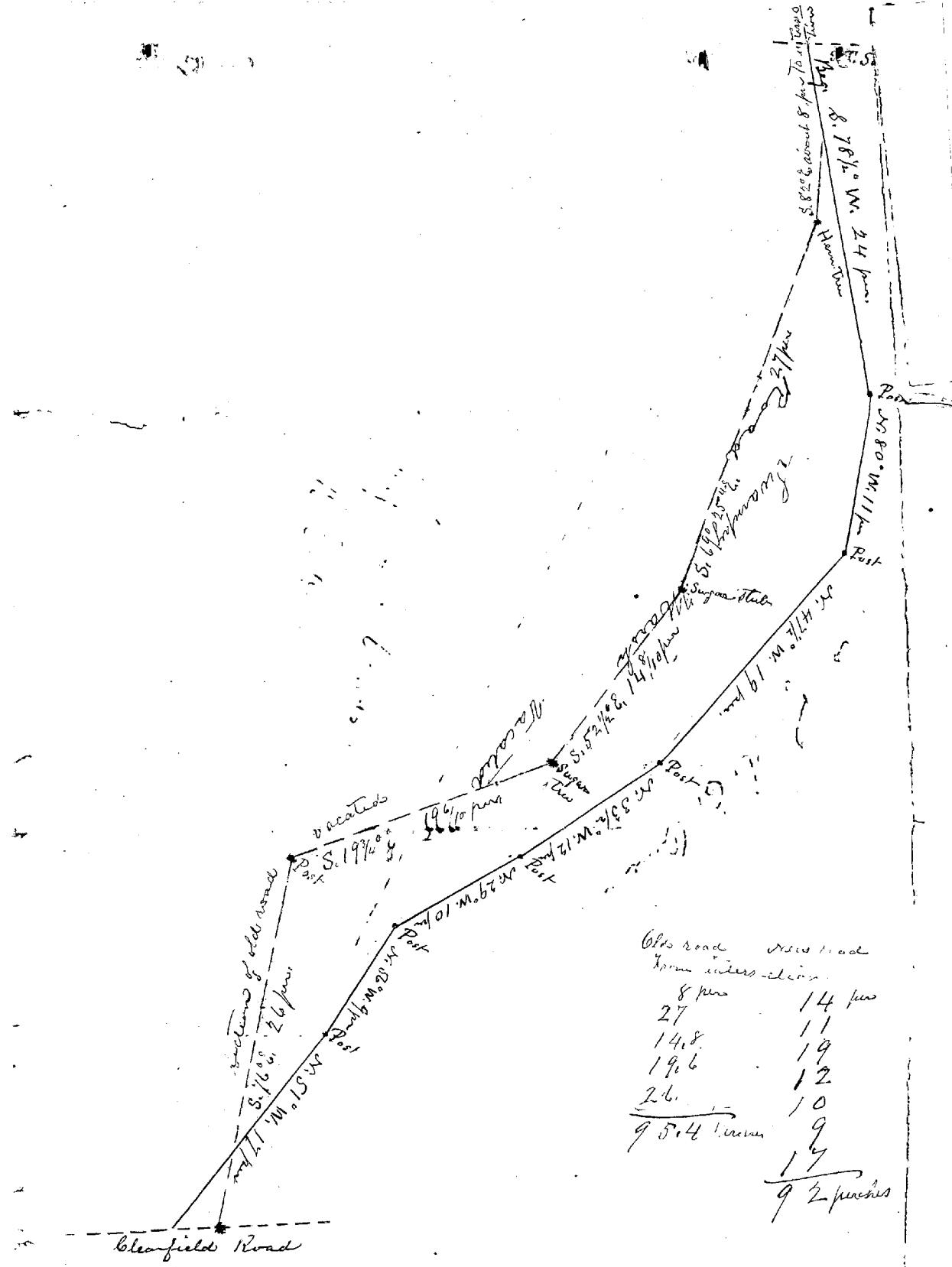
January 22nd 1907

and
July 29th 1907.

Respectfully Submitted.

David Reams
Amos Elkins
W.H. Albert

Viewers



1
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 16 day of December, A. D. 1906, before the Judge of said Court, upon a petition of sundry inhabitants of the township of Huston, in said county, setting forth that

there was presented to your honorable Court a petition by citizens of Huston Twp. to lay out a public road to begin on the road leading from Clearfield to Tazfield at or near the foot of the Town Mile still to a point or near the residence of Henry Rhodes, in said Twp. that said road was surveyed laid out and reported for public use and was subsequently on the day of Confirmed in and thereafter, absolutely, and said road adjudged necessary as a public road. your petitioners further report that a portion of said road passes through low marshy ground and that said portion has not yet been opened that to open the same and make a passable road sufficient for public use would require the expenditure of an amount of money which would become a convenient burden to the taxpayers of Huston Twp. and that the same can be supplied by a new road covering good marshy ground without any inconvenience to the persons who would be served by the public road as originally laid out and confirmed, and your petitioners therefore pray your honorable Court to appoint viewers to view that portion of the road reported to and confirmed to No 8 Dec 1902 which is as follows: Beginning at a point in said public road at or near points where some leaves the public road leading from to Clearfield thence by a road which will avoid said low marshy ground and connecting with said public road aforesaid laid out and confirmed at or near the property line of John Tolaba where some crosses said new road therein and that the original road between said points may be vacated.

and therefore praying the Court to appoint proper persons to view vacate and supply the same according to law, report to February Term next whereupon the Court, upon due consideration had of the premises, do order and appoint David Reems, Amos Kline, and W.H. Albert 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 view vacate and supply 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 the 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 land 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 land 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.

Roll B. Thompson
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 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 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. 190.....

Seal

Seal

Seal

Seal

♦♦♦♦♦

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. 190

TO THE HONORABLE, THE JUDGE OF THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY.

We, the undersigned, viewers appointed by the annexed order of court, to "re-view, vacate, and supply" a part of a public road leading from the Clearfield road, to H. Rhoads, in Huston township; Beginning at a point in said public road, "at, or near where the same leaves the Clearfield road;" "Thence by a route which will avoid the low, marshy grounds, and connecting with said public road, at, or near the property line of S. T. Salada, in Huston ^{the time, and place of} township." THAT having given due, and public notice of ^{to the} ~~the~~ ^{Supervision, and} ^{printed} ~~the~~ ^{time} ^{and} ^{place} ^{of} ~~the~~ ^{Assembly} ^{and} ^{printed} ~~the~~ ^{time} ^{and} ^{place} ^{of} handbills, as required by the Act of Assembly, we met at the time and place appointed, viz. on the 21st day of January, 1907; And after being duly sworn, or affirmed according to law, and all the viewers being present, we went upon the ground proposed for said re-view, and having viewed the same, we report for PUBLIC use the following road, To wit: - BEGINNING at a post in public road, where the line of S. T. Salada crosses said road; Thence, part way by said road, South, seventy-eight and a half (78& 1/2) degrees, west, twenty-four (24) perches to a post in woodlands of H. E. Owens; Thence through same woodlands of H. E. Owens, North, eighty (80) degrees, west Eleven (11) perches to a post; Thence still through same lands, North, forty seven and 1/2 (47& 1/2) degrees west, nineteen (19) perches to a post; Thence still by same, North, thirty-three and a half (33& 1/2) degrees, west Twelve (12) perches to a post; Thence still by same, North, twenty-nine (29) degrees west, Ten (10) perches to a post; Thence by same, North, fifty-six (56) degrees west, Nine (9) perches to a post; Thence by same, North, fifty-one (51) degrees west, seventeen (17) perches to Public road leading to Clearfield, in Huston township. A plot, or draft whereof is hereunto annexed; which said change of road we report as NECESSARY, and beg also that the old road between these two points above mentioned, and running ~~through~~ ^X through the swamp, be vacated, and we also beg to report that no damages accrue to H. E. Owens, as he having already been allowed Fifty dollars for damages which we deem sufficient compensation for said road, as we consider the new road rather a benefit to the farm, as the new location is nearly, or altogether R.R. grade, and on dry ground; whereas the old road which we desire to have vacated, to make it a passable road would cost the citizens of Huston township about ten times as much as to open the new road.

January 22nd 1907. Respectfully Submitted.

David Barnes
Amos Kline
W.H. Albert

Viewers

