

No.

COMMONWEALTH
VERSUS

SESSIONS, 191

3

Petition to Vacate and
Supply Part of Public
Road at Ferguson

Troy

P.D. #5 - Reg. 225

Charge

Part of Pt. 1732

JAMES H. KELLEY,
ATTORNEY.

REC'D.

PETITION TO CHANGE ROUTE OF ROAD.

TO HON. ALLISON O. SMITH, PRESIDENT JUDGE OF THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

The petition of the undersigned, citizens, of the Township of Ferguson, in the said County of Clearfield, Respectfully represent, that a public road was long since laid out, and opened, leading from John Moore's, in the said Township of Ferguson, to a point, at or near the Friendship School House, in said Township: That a portion of the said road, beginning at a point on said road along the line of farm of James H. Hile, and ending at a point on said public road, near the line of said James H. Hile and Anthony Hile, has become inconvenient and burdensome, on account of the extreme grade, of said road between the said two points, and that the said road would be much improved by a change of its

route between said points. *the location of that part of said road above set out, being as far as possible*
Your petitioners therefore pray the Court to appoint

qualified persons to view the premises, and to inquire into the expediency of making the said change and otherwise proceed as directed by the Act of Assembly in such case made and provided.

And thus they will ever pray, Etc.

Names.	Residence.
S. C. Pratt	Ferguson Township
J. H. Hile	"
J. H. Hile	"
J. P. Pratt	"
D. W. Head	"
F. P. Stevens	"
W. R. Stevens	"
D. H. Hile	"
Anthony Hile	"

STATE OF PENNSYLVANIA
ss:
COUNTY OF CLEARFIELD §

Anthony File being duly sworn,
according to law, doth depose and say that he is one of
the signers to the foregoing petition and that the facts
set out therein are true and correct to the best of his
knowledge and belief.

Sworn and subscribed before me

this 15 day of Sept. A.D.

1913.

John S. K. ...
Notary Public
My Commission expires March 27, 1917

Anthony File

TO WILLIAM THURSTON, W. H. STRAW, and L. J. HILE,
Supervisors of Ferguson Township, Clearfield County, Pa.:-

YOU are hereby notified that a petition to view,
vacate and supply a part of the public road in Ferguson
Township leading from JOHN MOORE'S to a point at or near
Friendship School House will be presented to the Court of
Quarter Sessions of Clearfield County, Pa., on Monday,
September 22nd, 1913, at 9:30 o'clock A. M.

THE portion of the said road requested to be
vacated and supplied begins at a point on the line of land
of J. H. Hile and extends to a point on said road near the
line of lands of JAMES H. HILE and ANTHONY HILE, and the
Court will be requested to appoint viewers at the time
aforesaid.

John D. O'Brien
Attorney for petitioners.

CLEARFIELD COUNTY, ss:

J. E. O'Brien being duly sworn, accord-
ing to law, doth depose and say that he served the fore-
going notice on the above named WILLIAM THURSTON, W. H.
STRAW and L. J. HILE, Supervisors of Ferguson Township, on
the 13th day of September, 1913, by handing to each of them
a true and attested copy of the original notice.

Sworn and subscribed before me

this 13th day of Sept., A.D.

1913.

John L. Johnson

Deputy of the Peace

My Commission expires

Estimated, attorney

Jan 1914.

P. P. O'Brien

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY,

PA:-

YOU are hereby notified that a petition to view, vacate and supply a part of the public road in Ferguson Township leading from JOHN MOORE'S to a point at or near Friendship School House will be presented to the Court of Quarter Sessions of Clearfield County, Pa., on Monday, September 22nd, 1913, at 9:30 o'clock A. M.

THE portion of the said road requested to be vacated and supplied begins at a point on the line of land of J. H. HILE and extends to a point on said road near the line of lands of JAMES H. HILE and ANTHONY HILE, and the Court will be requested to appoint viewers at the time aforesaid.

John Morris

John Morris
Attorney for petitioners.

Service of the above notice accepted for the Commissioners of Clearfield County, this 10 day of September, 1913.

L.C. Morris
L.C. Morris
Clerk

NO. 4 DECEMBER SESSIONS 1913

PETITION TO VACATE AND SUPPLY
PART OF A PUBLIC ROAD IN
FERGUSON TOWNSHIP, CLEAR-
FIELD COUNTY, PENNSYLVANIA.

Non Sept 10 1913 within
Petition presented, read and
considered and thereupon
R. G. Ferguson & A. Reese
and ~~John S. Sibley~~ are
appointed Commissioners to review
within road and premises
and report to next term.

By the Clerk

Alvan J. Smith

ROLAND D. SWOOPER,
Attorney and Counselor at Law,
Curwensville, Pa. and Clearfield, Pa.

Baltimore Office Supply Co., Balt., Md.

125 Reg. Reg. 470

KNOW ALL MEN BY THESE PRESENTS, that we
Anthony Hile & Sam'l P. Arnold
all of the County of Clearfield, and State of Pennsylvania,
are held and firmly bound unto the Commonwealth of Penna.,
in the sum of FIFTY (\$50.00) DOLLARS, lawful money of the
United States to be paid to the said Commonwealth or its
certain Attorney, successors or assigns for the payment of
which sum, well and truly to be made, we do bind ourselves
and our heirs, executors and administrators, jointly and
severally and firmly by these presents. Sealed with our
seals and dated this 10 day of September, A. D. 1913.

The condition of this obligation is such that,
whereas, a petition has been presented to the Court of
Quarter Sessions of Clearfield County, to No. December
Sessions, 1913, praying for the appointment of viewers to
view, vacate and supply a certain portion of a public road,
situate in Ferguson Township, Clearfield County, Pa.

Now, therefore, if the obligors herein named shall
and do at all times indemnify, save and keep harmless, the
County of Clearfield from the payment and any and all
costs in case the said proceedings are unsuccessful, then
this obligation to be void, otherwise to be and remain in
full force and virtue.

Sealed and delivered in the

presence of us,-

B. M. Hoover

Anthony Hile (SEAL)

Sam'l P. Arnold (SEAL)

(SEAL)

NO. DECEMBER SESSIONS,
1913.

IN RE PETITION TO VIEW,
VACATE AND SUPPLY PART OF A
PUBLIC ROAD IN FERGUSON TOWNSHIP,
CLEARFIELD COUNTY, PA.

BOND.

Non Sept 29 1913
bond approved

By the Court

John D. Swoope

Sept 29 1913

JOHN D. SOWPOE

W. T. W. R.

ROLAND D. SWOPE
Attorney and Counselor at Law,
Curwensville, Pa. and Clearfield, Pa.

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 29 day of September in the year of our Lord one thousand nine hundred 13.

*Judge of the same Court: Upon the petition of
sundry inhabitants of the Township of
Ferguson*

in said County, setting forth that—

a public road was long since laid out and opened, leading from John Moore's in the said township of Ferguson, to a point at or near the Friendship School House in said Township; That a portion of the said road beginning at a point on said road along the line of farm of James H. Hile and ending at a point on said public road near the line of James H. Hile and Anthony Hile has become inconvenient and burdensome on account of the extreme grade, of said road between the said two points and that the said road would be much improved by a change of its route between said points. and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises do order and appoint from and among the County Board of Viewers *M. G. Barnes*

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgment, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law, and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court.

John H. Moore Clerk.

RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law, the Commissioners of Clearfield County and the Board of Supervisors of the Township of

Ferguson and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 16th day of October, A. D. 1913, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 21st day of November, 1913, at 10 o'clock A. M. The said viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Gurney Hile and E E Owens and William M Thurston, L. J. Hile, and William H Straw the Supervisors of Ferguson Township all in favor of a change in the location of the said Township road.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 21st day of November A. D. 1913, when the following appearances were noted: There were no appearances

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a Public road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for public use the following described road, to-wit: Beginning at a point in the public road leading from premises of John Moore to the Friendship School House near division line of the farms of James H Hile and Anthony Hile, Thence running south fifty nine degrees east seven hundred and ninety four feet; Thence south five degrees forty five minutes, west two hundred and ninety seven feet: Thence south two degrees, east one hundred and nineteen feet to point in said public road, running from the residence of John Moore to the Friendship School House along the line of the property of James H Hile in said township.

Fees \$1.25 paid by R.D.S. Filed

ORDER

Note.—In case of a private road, the release must be executed in favor of the petitioner for said road.

Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

To view, vacate and supply a road for Public use in the township of Ferguson, Clearfield County

	Days.	Miles A.M.'s.
A. G. Brainerd	3	10 18.50
W. H. Peleg	2	12 12.25
J. M. Hill	2	13.70

Decade Session, 19/3,
read and confirmed N. Si.
Road to be opened 33 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

By the Court
Decade Session, 19/3,
read and confirmed N. Si.
Road to be opened 33 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

19

RELEASE OF DAMAGES.

Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said

all damages that may arise to us 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. 191_____

SEAL

SEAL

SEAL

SEAL

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees,
~~excepting~~ XXX

~~When it was not practicable to preserve it with the road.~~

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

the following persons having refused to release the damages to which they respectfully may be entitled by the reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report

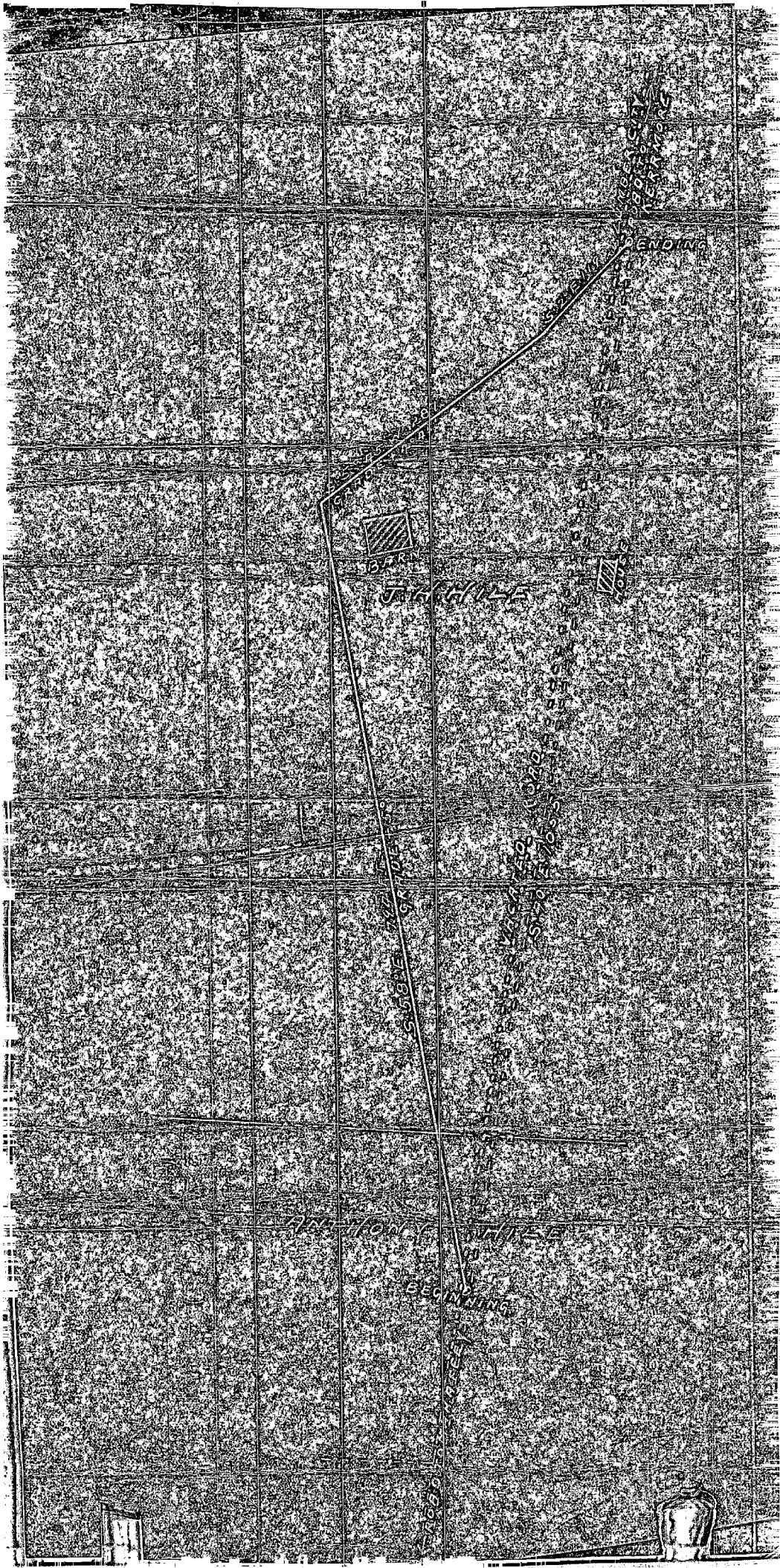
thereof as follows: James H Hile \$1.00
Anthony Hile 1.00

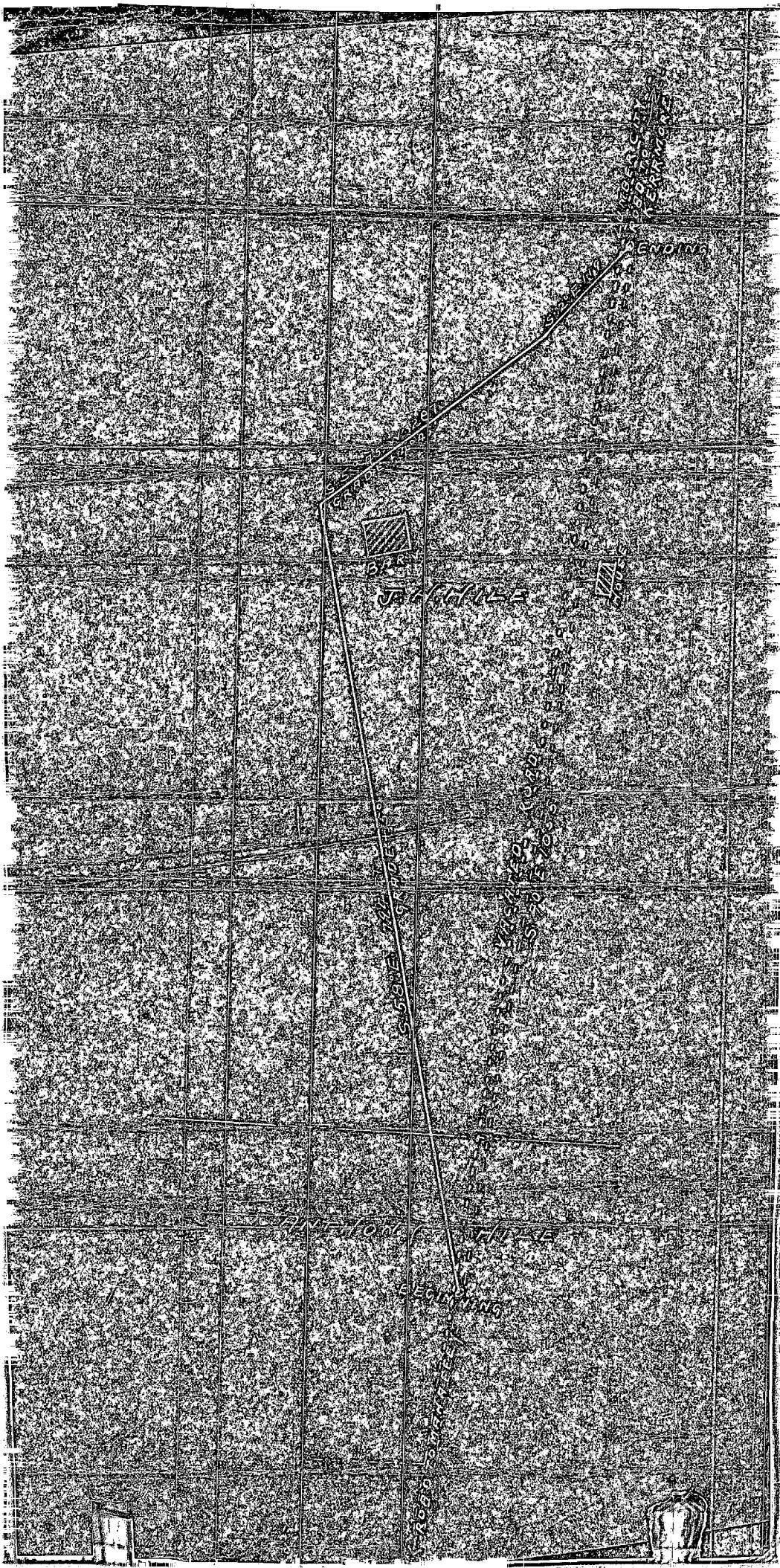
and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 21st day of November

A. D. 1913.

A. G. Kramer 
T. A. Reese 
E. G. Mulsill 





TO: Lemoine. J. Hile, William Straw, and William Thurston,
Supervisors of Ferguson Township Clearfield County Pa.

You are hereby notified; That the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road in Ferguson Township in said county, from a point in a public road, leading from John Moore's farm to Friendship School House in said Township along the line of the farm of James H Hile, to a point in said public road near the dividing line of the farm of James H Hile and Anthony Hile. And vacate that portion of said Township road to be supplied by the said proposed new road. And having met as per notice previously given, on Thursday October 16th 1913 at 9 oclock A M on the premises and performed the duties of their appointment by making said view.

And that in pursuance of the requirements of the Act of Assembly in such case made and provided, the said viewers will meet for the purpose of holding the public hearing required by the said Act of Assembly, in the Arbitration room in the Court House in Clearfield Pa on Friday November 21st 1913 at 10 oclock A M when and where all parties interested, either for or against the said road may attend and be heard.

A G Kramer
H A Rees
J Hile

Viewers.

Now November 10 1913 served on Lemoine J Hile, William Straw, and William Thurston the Supervisors of Ferguson Township by handing each of them a copy of same.

C C Owens

TO: _____

Samuel Hile Wm Straw & Wm Thirston

SUPERVISORS OF FERGUSON TOWNSHIP CLEARFIELD COUNTY PA.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of said county, to view and lay out a public road in Ferguson Township in said county, from a point in a public road leading from John Moor's to a point at or near the Friendship School House in said township, along the line of the farm of James H Hile, to a point in said public road near the line of James H Hile and Anthony Hile: And to vacate that portion of said township road to be supplied by the said proposed new road.

Will meet at the house of James H Hile in said township in the ~~PA~~ County aforesaid on Thursday October 16th 1913 at 9 o'clock A M to discharge the duties of their appointment, at which time and place you may attend if you see proper.

October 3 A D 1913.

A G Kramer

H A Rees

J W Gill

Viewers.

Now October 3rd 1913 served the above notice on Samuel Hile
Wm Straw & Wm Thirston the Supervisors of Ferguson
Township personally by handing each of them a copy of the same

E C Avery

Names of
Supervisors
Samuel Hile
Wm Straw
Wm Thirston

To. W. C. Langsford, J. S. Richards, and H. L. Bowman
County Commissioners of Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and lay out a public road in Ferguson Township in said County from a point in a public road in said township leading from John Moor 's in said township of Ferguson to a point at or near the Friendship School House in said township along the line of the farm of James H Hile to a point in said public road near the line of James H Hile and Anthony Hile; and to vacate that portion of said township road to be supplied by the said proposed new road.

Will meet at the house of James H Hile in said township, County aforesaid on Thursday October 16th 1913 at 9 o'clock A M to discharge the duties of their appointment, at which time and place aforesaid you may attend if you see proper.

Clearfield. Pa. October, 1st. 1913.

A G Kramer

H A Reese

J W Hill

Viewers.

Now October 3rd 1913 service of the above notice accepted.

COUNTY COMMISSIONS OF CLEARFIELD COUNTY Pa.

L C Morris

Clerk.

W D
W D

TO, W, C. Langsford, J, S. Richards, and H. L. Bowman.

County Commissioners of Clearfield County Pa.

SIRS.

You are hereby notified; that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to view Ferguson and lay out a public road in ~~WYOMIN~~ Township in said county, from a point in a public road leading from the residence of John Moore to the Friendship school house in said Township along the line of the farm of James H Hile, to a point in said public road near the dividing line of the farm of James H Hile and Anthony Hile: And vacate that portion of said Township Road to be supplied by the said proposed new road. And having met as per notice previously given on Thursday October 16th 1913 at 9 oclock A M on the premises and performed the duties of their appointment by making said view.

And that in pursuance of the requirements of the Act of Assembly in such case made and provided, the said viewers will meet for the purpose of holding the public hearing required by the said Act of Assembly in the Arbitration room in the Court House in Clearfield Pa on Friday November 21st 1913 at 10 oclock A M, when and where all parties interested, either for or against the said road may attend and be heard.

A G Kramer
H A Reesl
J W Gill

Viewers.

Now November

7th

1913 service of the above notice accepted,

COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PA.

L C Morris
Clerk.

No. 211222 Sept. Term, 1913

~~211222 Sept. Term, 1913~~

No. Term, 191.....

No. Term, 191.....