

No

5 Sept

SESSIONS, 191

3

~~COMMONWEALTH~~

VERSUS

Petition for Public  
Road in Houston  
Prov.

Charge

X  
JAMES H. KELLEY,  
DISTRICT ATTORNEY.

In re Public Road } In the Court of Quarter  
in Huston Township. } Session of March 26<sup>th</sup>, 1913.  
No. 5 September P.D., 1913.

Now, Nov. 11<sup>th</sup>, 1913, the Bowhatan Coal &  
Coke Co., by its attorney, J.E. Boyer, Esq.,  
files the following exceptions to the return,  
finding and proceeding of said new law:

1. Geo. J. Bauman is not the Superintendent  
of said Company, but the Assistant Superintendent,  
and is not and never has been authorized or  
empowered to consent to or approve of said  
road or any road, or to bind or repre-  
sent said Company therein in any manner  
what so ever.

2. It appears from the record that the road  
in question is part of a proposed con-  
tinuous road running substantially from Tyler,  
Clearfield County to Major <sup>Jay Twp.</sup> Elk County;  
That said proposed portion of said road  
in <sup>Jay Twp.</sup> Elk County was proceeded with simul-  
taneously with this proceeding; That on  
Oct. 6<sup>th</sup>, 1913, the Viewers in said <sup>Jay Twp.</sup> Elk  
County filed an adverse report, against

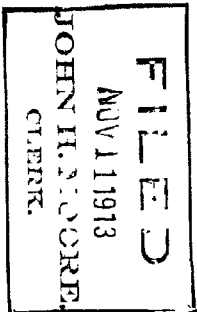
said road, reporting, inter alia, that the same was unnecessary for public use and inconvenient and that the opening of same would be burdensome and inconvenient for the inhabitants of Jay Township; that the present status of said road is that it ends or terminates at no public road and is unavailable for travel, - ending nowhere.

The Bowlerian Coal & Coke Co.,  
 By J. B. Byer, Attorney.

The  
Pike Road in  
Hudson Township,  
Clunburg.

Apr. 5. 1913.

Seapoint



J. H. McCoy.

PETITION FOR PUBLIC ROAD : In the Court of Quarter Sessions of  
IN JAY TOWNSHIP, FROM POINT: Elk County, Pennsylvania.  
IN PUBLIC ROAD LEADING FROM:  
WEEDVILLE TO FORCE TO A : No. 20 July Sessions, 1913.  
POINT IN LINE BETWEEN ELK :  
AND CLEARFIELD COUNTIES. : Petition presented July 7, 1913, and  
W. W. Barbour, Esq., B. E. Willard and  
John Hau appointed Viewers. Same day, bond in the sum of One Hundred  
Dollars, with George J. Baumer, T. A. Buskirk and O. Gardner as sure-  
ties, filed. July 9, 1913, Notice of Appointment of Viewers mailed  
to the Viewers above named. October 6, 1913, Report of Viewers  
filed and confirmed ni. si. January 5, 1914, Report of Viewers  
confirmed absolute.

To the Honorable, the Judges of the Court of Quarter Ses-  
sions of Elk County, Pennsylvania;

We the undersigned, the Viewers appointed by your Honor-  
able Court, to view the ground proposed for the road described in  
the annexed order of Court, beg leave to submit the following re-  
port:

After having given due and legal notice to all persons by  
law and by the rules of your Court entitled to notice of the time  
and places of our meetings, and having posted seven notices in the  
most public places along the route proposed for the said road at  
least five days prior to the time of the view, a copy of which  
notice is hereto attached, and having given ten days notice in writ-  
ing to the Commissioners of Elk County, a copy of which notice,  
with acceptance of service endorsed, is hereto attached, and having  
also given ten days notice in writing to the Supervisors of the  
Township of Jay, a copy of which notice, with acceptance of service  
by two of the said Supervisors endorsed, is hereto attached. We  
met at the times and places in said notices appointed, all of the  
Viewers and sundry other persons being then and there present, and  
the viewers having all been first severally sworn according to law  
to perform the duties of their said appointment impartially and ac-  
cording to the best of their judgment, we proceeded to view the  
ground proposed for the said road, and we do agree that a road  
between the points mentioned in said order of Court is unnecessary  
for public use, and inconvenient, and that the opening of said road  
would be burdensome and inconvenient for the inhabitants of said  
Township of Jay, and that there is no occasion for laying out said  
road for public use.

W. W. Barbour, )  
John A. Hau, ) Viewers.  
Bernard E. Willard)

October 6, 1913, confirmed ni. si.  
January 5, 1914, confirmed absolute.

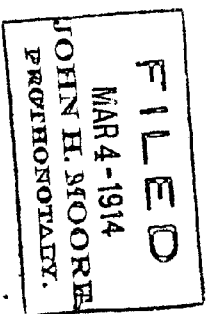
From the Record.

Attest:-

C. F. Dickinson  
Clerk.

No 5 Sept SS. 1913  
Road

Are  
Rudithuaton Jk



In the Court of Quarter Sessions of Clearfield County, Penna.  
Petition for Public Road in     ) No. 5 September Sessions, 1913  
  :  
Huston Township.                     )

Now, this 17th day of March, A. D. 1914, it appearing from the petition filed that the road in so far as the same is in Clearfield County is part of a proposed public road in Elk and Clearfield Counties, leading from Tyler, in Clearfield County, to Major, in Elk County; and it appearing from certified record duly filed that the Viewers in Elk County have reported that the road in that County is unnecessary and that there is no occasion for laying out said road for public use, which Report was confirmed absolutely on January 5th, 1914; and it further appearing the the proceeding in Clearfield County would leave the road not terminating at any public highway or place of public resort; and it further appearing that the Report locates a public road running under the overhead trestle of the Powhatten Coal Company and between two of their houses, reducing the width at these points to 16 feet, and no public necessity appearing for any further road than is now existing at the points where residence appear, the second exception is sustained and confirmation of this proceeding is refused.

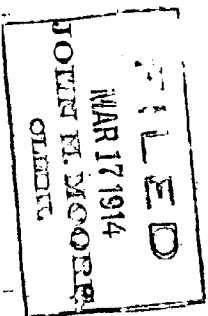
By the Court,

*Singley Bee* B. J.

No. 5 September Sessions, 1913.

Petition for Public Road in  
Huston Township.

Decree.





State of Pennsylvania,

S.S.

County of Clearfield,

Personally appeared before me, a Justice of the Peace, in and for said county and state, *Benjamin Brownell* who being duly sworn according to law doth depose and say that he posted ten copies of the annexed notice along the route of the proposed public road in Huston Township, placing same in conspicuous places; that all of said notices were the posted the morning of Monday, August 11th, 1913.

Sworn and subscribed before me this 19 day of August, 1913.

*J. P. Kuhlman* J. P.  
My Commission Expires January 1st, 1918.

*Benjamin Brownell*

Notice is hereby given that the undersigned viewers appointed by the Court of Quarter Sessions of Gloucester County, to view the ground proposed for a public road to lead from a point beginning at the terminus of the public road leading from Tonfield to Tyler in Hutton Township, at a point close to the right of way and railroad station of the Pennsylvania Railroad Company at Tyler, Hutton Township, to a point on the boundary line, separating Elk and Gloucester Counties, seventy eight (78) feet south of the right of way of the Pennsylvania Railroad Company's tracks leading from Tyler to Major Station, met and postponed the action of their said appointment on Wednesday the 30th day of July, 1923, at half past two o'clock, P.M. and will meet for the purpose of holding a public hearing in the arbitration room of the Court House at Gloucester Pa., on the 21 day of August 1923, at 10 o'clock A.M. at which time and place all may attend as they see fit.

To

A. G. Kramer

H. A. Reese

Adam Gould

Viewers.

State of Pennsylvania,

S.S.

County of Clearfield.

Personally appeared before me, a Justice of the Peace, in and for said County and State, who being duly sworn according to law doth depose and say that on the 11th day of August, 1913, he personally served a copy of the within notice upon George J Baumer, P.R.Tyler, James A Tyler, Alex Shira and upon the Pennsylvania Railroad Company through its agent at Tyler, *John V.* Hackett, and that he also served copies of the within notice upon the supervisors, August Wilhelm, W.J.Lanich and \_\_\_\_\_, road supervisors of Huston Township.

Sworn and subscribed before me this 19 day of August, 1913.

*J. H. Kerchner J. S.*

Commission expires January 1st, 1914

*Samuel Howell*

Notice is hereby given that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County, to view the ground proposed for a public road to lead from a point beginning at the terminus of the public road leading from Penfield to Tyler in Huston Township, at a point close to the right of way and railroad station of the Pennsylvania Railroad Company at Tyler, Huston Township, to a point on the boundary line, separating Elk and Clearfield Counties, seventy five (75) feet south of the right of way of the Pennsylvania Railroad Company's tracks leading from Tyler to Major Station, met and performed the duties of their said appointment on Wednesday, the 30th day of July, 1913, at half past two o'clock P.M. and will meet for the purpose of holding a public hearing in the arbitration room of the Court House at Clearfield, Pa. on the 21st day of August, 1913, at ten o'clock A.M. at which time and place all persons may attend if they see fit.

To  
\_\_\_\_\_

*W. G. Brown*  
*A. A. Reese*  
*Wm. Lued*  
Viewers.

WE, the undersigned in consideration of the advantages to us from the road mentioned in the annexed order and report, and at the request of the viewers appointed to lay out the same, do hereby release all claims to damages that may arise to us from the opening of said road.

WITNESS our hands and seals, the 31<sup>st</sup> day of July, 1913.

P R Tyler (SEAL) P  
James A. Tyler (SEAL) P  
+ Alex Mura (SEAL) P  
\_\_\_\_ (SEAL)  
\_\_\_\_ (SEAL)  
\_\_\_\_ (SEAL)  
\_\_\_\_ (SEAL)

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 Huston Township Clearfield County Pa, beginning at a point at the terminus of a public road in Huston Township leading from Penfield th Tyler, close to the right of way and the station of the Pennsylvania Railroad Company at Tyler, Huston Township to a point on the boundry line seperating Elk and Clearfield Counties, seventh five feet south of the right of way to the tract of the Pennsylvania Railroad Company leading from Tyler to Major Station this point being also the terminus of a proposed public road in Jay Township Elk County for which a petition has been presented in Elk County, viewers appointed and a view had, and that the view having been made on the said proposed road on the 30th day of July last, and that therefore the said viewers will hold the public hearing as required by the Act of Assembly in the Arbitration room in the Court House in Clearfield Pa on Thursday the 21st day of August 1913 at 10 o'clock A M, when and where all persons interested for or against the said road may attend and be heard.

A. G. Kramer

H. A. Reese

Adam Gould  
Viewers.

Now this the 15th day of August 1913 service of the above notice accepted for the County Commissioners.

L. C. Norris  
Clerk.

CLEARFIELD, PA., JULY 16TH., 1913.

Sirs:

You are hereby notified that the undersigned, viewers, duly appointed by an order issued out of the Court of Quarter Sessions of Clearfield County on the 7th., day of July, 1913, to view a proposed public road in Huston Township, Clearfield County, Pennsylvania, beginning at a point at the terminus of a public road in Huston Township leading from Penfield to Tyler, close to the right of way and the station of the Pennsylvania Railroad Company at Tyler, Huston Township to a point on the boundary line separating Elk and Clearfield Counties, seven ty five (75) feet south of the right of way of the track of the Pennsylvania Railroad Company leading from Tyler to Major Station—this point being also the terminus of a proposed public road in Jay Township Elk County, for which a petition has been presented in Elk County, viewers appointed and a view to be had in Elk County at the same time as designated herein—after for the view in Clearfield County—, will meet for the purposes of our appointment as viewers on Wednesday, July 30th., 1913, at 2.30 P.M. at a point near Tyler, Huston Township Clearfield County, on Wednesday, July 30th., 1913 at 2.30 P.M. one foot from the boundary line separating Clearfield and and Elk Counties and seventy five (75) feet south of the right of way of the Pennsylvania Railroad Company's tracks leading from Tyler to Major Station, when and where you may attend if you are interested.

TO  
W.C. LANGSFORD  
J.S. RICHARDS  
H.L. BOWMAN,  
County Commissioners  
Clearfield County.

A. A. Reese  
W. A. Gould  
A. G. Kramer  
VIEWERS.

Now, this 17<sup>th</sup> day of July, 1913, service of above notice accepted

THE COUNTY COMMISSIONERS OF CLEARFIELD Co.

L. C. Brown  
Clerk

CLEARFIELD, PA., JULY 16th., 1913.

Sirs:

You are hereby notified that the undersigned, viewers, duly appointed by an order issued out of the Court of Quarter Session of Clearfield County on the 7th., day of July 1913, to view a proposed public road in Huston Township, Clearfield County, Pennsylvania, beginning at a point at the terminus of a public road in Huston Township leading from Penfield to Tyler, close to the right of way and the station of the Pennsylvania Railroad Company at Tyler, Huston Township to a point on the boundary line separating Elk and Clearfield Counties, seventy five(75) feet south of the right of way of the track of Pennsylvania Railroad Company leading from Tyler to Major Station-this point being also the terminus of a proposed public road in Jay Township, Elk County, for which a petition has been presented in Elk County, viewers appointed and a view to be had in Elk County at the same time as designated hereinafter for the view in Clearfield County-, will meet for the purposes of our appointment as viewers on Wednesday, July 30th 1913, at 2:30 P.M. at a point near Tyler, Huston Township, Clearfield County, one foot from the boundary line separating Clearfield and Elk Counties and seventy five(75) feet south of the right of way of the Pennsylvania Railroad Company's tracks leading from Tyler to Major Station, when and where you may attend if you are interested.

To

*W. L. Linnick*  
*August Wilhelm*  
*Geo. Dora*

Road Supervisor of

*Huston Township*

*A. G. Kramer*  
*W. H. Reese*  
*Adam Gued*

Viewers.



STATE OF PENNSYLVANIA,

COUNTY OF CLEARFIELD,

Personally appeared before me, a Justice of  
the Peace, in and for the said County and State,

, who being duly sworn according to law, doth say  
that he served a notice of which the annexed is a true and  
exact copy on W.J. Lanich, August Wilhelm, *In Doe*  
supervisors of Huston Township, Clearfield County, on the  
day of July, 1913, by personally handing them a true and  
<sup>*Correct*</sup>  
~~attested~~ copy and made known the contents thereof to them.

Sworn and subscribed to before me this 25 day of July, 1913.

H. W. McElanern

J. B. Kirchner  
*J. B.*

My Commission Expires January 1st, 1914.

State of Pennsylvania

S.S.

County of Clearfield

Personally appeared before me, a Justice of the Peace in and for the County and State aforesaid, H.A. McLarin who being duly sworn according to law doth say that he served personally upon Miss P.R. Tyler a notice of which the copy is hereto attached, upon the 22nd day of July, 1913 and informed her of its contents; that on the same day he personally served a notice upon James A. Tyler a copy of which is hereto attached and informed him of its contents.

Sworn and subscribed before me

this 30<sup>th</sup> day of July 1913.

H.W. McLارين

J. W. McLارين J.P.

Notary Public

WHEREAS, by an order of the Court of Quarter Sessions of Clearfield County, dated the 7th day of July, 1913, directed to A.G. Kramer, H.A. Reese and Adam Gould, all of Clearfield County, were appointed viewors to lay out a proposed public road in Huston Township, Clearfield County, to begin at the terminus of ~~the proposed~~ public road leading from Penfield to Tyler in Huston Township at a point close to the right of way and the Railroad Station of the Pennsylvania Railroad Company at Tyler Huston Township to a point on the boundary line separating Elk and Clearfield Counties, 75 feet south of the right of way of the Pennsylvania Railroad Company's track leading from Tyler to Major Station--this point being also the terminus of a proposed road in Elk County leading from Major Station to Tyler for the laying out of which a petition has been presented in Elk County, viewors appointed and a view to be had there at the same time hereinafter designated.

AND WHEREAS, the route of the proposed public road passes through land owned by you. Therefore you are notified hereby, that the aforesaid appointed viewors will meet for the purpose of their appointment at a point near Tyler, Huston Township, Clearfield County on Wednesday, the 30th day of July 1913, <sup>at 2:30 P.M.</sup> one foot from the boundary line separating Clearfield from Elk County and 75 feet south of the right of way of the Pennsylvania Railroad Company's tracks leading from Tyler to Major Station, when and where you are attend as you see fit and proper.

A.G. Kramer  
H.A. Reese  
Adam Gould  
 Viewors.

To Mrs. A.R. Tyle  
Tyle Es.

7/16/13

WHEREAS, by an order of the Court of Quarter Session of Clearfield County, dated the 7th day of July, 1913, directed to A.G. Kramer, H.A. Reese and Adam Gould, all of Clearfield County, were appointed viewors to lay out a proposed public road in Huston Township, Clearfield County, to begin at the terminus of ~~the~~ <sup>the</sup> proposed public road leading from Penfield to Tyler in Huston Township at a point close to the right of way and the Railroad Station of the Pennsylvania Railroad Company at Tyler Huston Township to a point on the boundary line separating Elk and Clearfield Counties, 75 feet south of the right of way of the Pennsylvania Railroad Company's track leading from Tyler to Major Station---this point being also the terminus of a proposed road in Elk County leading from Major Station to Tyler for the laying out of which a petition has been presented in Elk County, viewors appointed and a view to be had there at the same time hereinafter designated.

AND WHEREAS, the route of the proposed public road passes through land owned by you. Therefore you are notified hereby, that the aforesaid appointed viewors will meet for the purpose of their appointment at a point near Tyler, Huston Township, Clearfield County on Wednesday, the 30th day of July 1913, <sup>at 2:30 P.M.</sup> and 75 feet from the boundary line separating Clearfield from Elk County and 75 feet south of the right of way of the Pennsylvania Railroad Company's tracks leading from Tyler to Major Station, when and where you may attend as you see fit and proper.

To *A. G. Kramer*  
*H. A. Reese*  
*Adam Gould*  
*T. G. Lyle* Pa. Viewors.  
7/16/13

State of Pennsylvania  
County of Clearfield

S.S.

Personally appeared before me, a Justice of the Peace in and for the County and State afore said, James McGrinder who being duly sworn according to law doth say that he served a notice of which a copy is hereto attached upon the Pennsylvania Railroad Company by personally leaving the same with J.V. Hackett, its agent at Tyler on the 19th day of July 1913; that a notice of which a copy is hereto attached was served on the Powhatan Coal & Coke Co on the same date by leaving it with George J. Baumer its Superintendent at Tyler and informing him of its contents; that a notice of which a copy is hereto attached was personally served by me also on the same day upon Alex Shari.

Sworn and subscribed before me

this 1st day August, 1913. James McGrinder

[Signature]

My Commission Expires June 1, 1914

WHEREAS, by an order of the Court of Quarter Sessions of Clearfield County, dated the 7th day of July, 1913, directed to A.G.Kramer, H.A.Reese and Adam Gould, all of Clearfield County, were appointed viewers to lay out a proposed public road in Huston Township, Clearfield County. to begin at the terminus of ~~a~~<sup>the</sup> proposed public road leading from Penfield to Tyler in Huston Township at a point close to the right of way and the Railroad Station of the Pennsylvania Company at Tyler Huston Township to a point on the boundary line separating Elk and Clearfield Counties, 75feet south of the right of way of the Pennsylvania Railroad Company's track leading from Tyler to Major Station---this point being also the terminus of a proposed road in Elk County leading from Major Station to Tyler, for the laying out of which a petition has been presented in Elk County, viewers appointed and a view to be had there at the same time hereinafter designated.

AND WHEREAS, the route of the proposed public road passes through land owned by you. Therefore you are notified hereby, that the aforesaid appointed viewers will meet for the purpose of their appointment at a point near Tyler Huston Township, Clearfield County, on Wednesday, the 30th day of July, 1913<sup>at 2:30 P.M.</sup>, one foot from the boundary line separating Clearfield from Elk County and 75 feet south of the right of way of the Pennsylvania Railroad Company's tracks leading from Tyler to Major Station, when and where you may attend as you see fit and proper.

A.G. Kramer  
H.A. Reese  
Adam Gould  
To Pennsylvania R.R. Co. Viewers.

Tyler, Pa.

7/16/13

WHEREAS, by an order of the Court of Quarter Session of Clearfield County, dated the 7th day of July, 1913, directed to A.G.Kramer, H.A.Reese and Adam Gould, all of Clearfield County, were appointed viewers to lay out a proposed public road in Huston Township, Clearfield County, to begin at the terminus of <sup>the</sup> ~~a proposed~~ public road leading from Penfield to Tyler in Huston Township at a point close to the right of way and the Railroad Station of the Pennsylvania Railroad Company at Tyler Huston Township to a point on the boundary line separating Elk and Clearfield Counties, 75 feet south of the right of way of the Pennsylvania Railroad Company's track leading from Tyler to Major Station---this point being also the terminus of a proposed road in Elk County leading from Major Station to Tyler for the laying out of which a petition has been presented in Elk County, viewers appointed and a view to be had there at the same time hereinafter designated.

AND WHEREAS, the route of the proposed public road passes through land owned by you. Therefor you are notified hereby, that the aforesaid appointed viewers will meet for the purpose of their appointment at a point near Tyler, Huston Township, Clearfield County on Wednesday, the 30th day of July 1913, <sup>at 2:30 P.M.</sup> one foot from the boundary line separating Clearfield from Elk County and 75 feet south of the right of way of the Pennsylvania Railroad Company's tracks leading from Tyler to Major Station, when and where you may attend as you see fit and proper.

A.G. Kramer  
H.A. Reese  
Adam Gould  
Buffalo N.Y. Pa. Viewers.

7/16/13

WHEREAS, by an order of the Court of Quarter Session of Clearfield County, dated the 7th day of July, 1913, directed to A.G.Kramer, H.A.Reese and Adam Gould, all of Clearfield County, were appointed viewers to lay out a proposed public road in Huston Township, Clearfield County, to begin at the terminus of ~~the proposed~~ public road leading from Penfield to Tyler in Huston Township at a point close to the right of way and the Railroad Station of the Pennsylvania Railroad Company at Tyler Huston Township to a point on the boundary line separating Elk and Clearfield Counties, 75 feet south of the right of way of the Pennsylvania Railroad Company's track leading from Tyler to Major Station---this point being also the terminus of a proposed road in Elk County leading from Major Station to Tyler for the laying out of which a petition has been presented in Elk County, viewers appointed and a view to be had there at the same time hereinafter designated.

AND WHEREAS, the route of the proposed public road passes through land owned by you. Therefor you are notified hereby, that the aforesaid appointed viewers will meet for the purpose of their appointment at a point near Tyler, Huston Township, Clearfield County on Wednesday, the 30th day of July 1913, <sup>at 2:30 P.M.</sup> one foot from the boundary line separating Clearfield from Elk County and 75 feet south of the right of way of the Pennsylvania Railroad Company's tracks leading from Tyler to Major Station, when and where you any attend as you see fit and proper.

To

Alex Shari  
Tyler

A.G. Kramer  
H.A. Reese  
Adam Gould

Pa.

Viewers.

7/16/13.



State of Pennsylvania,

S.S.

County of Clearfield,

Personally appeared before me, a Justice  
of the Peace, in and for the above State and County

who being duly sworn according to law doth propose and  
say that he is a citizen of *Huston* Township, *Clearfield*  
County, and State of Pennsylvania, and that on the *19<sup>th</sup>* day of  
July, 1913, he posted in Huston Township, Clearfield County,  
along the proposed line of the Township Road in conspicuous  
places *ten (10)* notices of which a true copy is hereto annexed  
and made part of this affidavit.

Sworn and subscribed to  
before me this *19<sup>th</sup>* day  
of August, 1913.

*James M. Grider*

*J. K. Schnerf*

My Commission Expires January 1st, 1918.

will take notice.

*W. H. Kramer*  
*A. A. Reese*  
*Adam Gould*

**VIEWS**

*July 16th, 1913.*

HERALD PRESS, CLEARFIELD

# ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Public

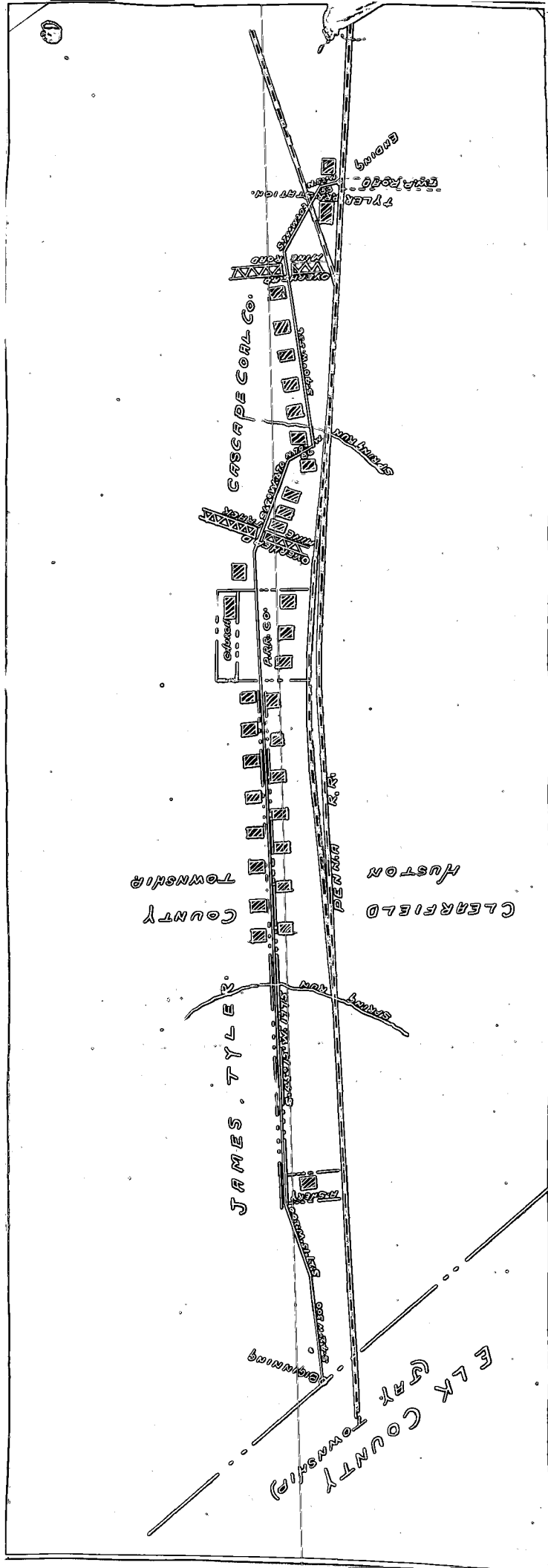
Road leading from Tyler to Force beginning at the terminus  
of the public road leading from Penfield to Tyler in Huston Township  
at a point close to the right of way and station of the Pennsylvania  
Railroad Company at Tyler, Huston Township

in Huston Township to a point on the boundary  
line separating Clearfield and Elk Counties, 75 feet South of the right  
of way of the Pennsylvania Railroad Company's track leading from Tyler  
to Major Station.

in Huston Township, in the county aforesaid, will  
meet at the house of a point near Tyler, Huston Township, one foot  
from the boundary line separating Elk and Clearfield Counties, and 75 feet  
South of the right of way of the Pennsylvania Railroad track leading from  
Tyler to Major Huston Township, on Wednesday

the 30th day of July A. D. 1911

o'c



TYLER  
TYLER ROAD  
TYLER ROAD

CASCADIA CORP. CO.

PASCO

CLEARFIELD  
HUSTON  
COUNTY  
TOWNSHIP

JAMES. TYLE

ELK COUNTY  
(TOWNSHIP)

## 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 7th day of  
July 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  
Huston

in said County, setting forth that to lay out a road

in Huston Township to begin at the terminus of the public road, leading  
from Pennsfield to Tyler in Huston Twp. at a point close to the right of  
way and railroad station of the Pennsylvania railroad Company at Tyler  
Huston Township to a point on the boundary line separating Elk and  
Clearfield Counties 75 feet south of the right of way of the Pennsylvania  
railroad Company's tracts, leading from Tyler to Major Station, being also  
the terminal point of the proposed road in Elk County, leading from  
Major, for the laying out of which a petition will shortly be presented  
to the Court of Quarter Sessions of Elk County;

and therefore, praying the Court to appoint proper persons to view and  
lay out the road between the points mentioned, whereupon the Court upon  
due consideration had of the premises, do order and appoint from and  
among the County Board of Viewers A. C. Warner, H. A. Reese

Adam Gould

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 impari-  
ality 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 dis-  
tance, 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 or 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, beg leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of Huston and that Ten notices thereof were posted along the route of the proposed road, that the said view would be held on the thirtieth day of July, 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 August, 1913, at 10 o'clock A. M. That said viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view W J Lanich and August Wilhelm Supervisors of the Township and G J Baummer Superintendent of the Cascade or Powhuton Coal Company, James Tyler, J E Fry, all in favor of the road

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 21 day of August A. D. 1913, when the following appearances were noted: J A Gleason Esq in behalf of the petitioners for the road, L E Boyer representing the Cascade or Powhuton Coal Company and J P O, Loughlin Esq of Murrey & O, Loughlin representing the Penna Railroad Company

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is \_\_\_\_\_ occasion for a road as desired by the petitioner, and that the same is \_\_\_\_\_ 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 on the boundry line seperating Elk and Clearfield Counties seventy five feet south of the right of way of the Pennsylvania Railroad Company's tracks, leading from Tyler to Major Station. This point being the terminus of a proposed public road in Elk County, leading from Major Station to Tylor for the laying out of which proceedings are pending in the Court of Quarter Sessions of Elk County. Thence running through land of James Tyler; south forty two degrees, west three hundred feet, thence south twenty seven degrees fifteen minutes west two hundred feet to corner of lot of A Shery; thence along line of lot of A Shery and through land of James Tyler following a laid out street dividing the property lines of lot owners along the said route and through lots of the Pennsylvania Railroad Company, south forty five degrees, fifteen minutes, west seventeen hundred and seventy five feet; Thence through land of the Cascade or Powhuton Coal Company south sixty nine degrees west two hundred and seventy feet, thence north seventy four degrees west eighty six feet, thence south forty degrees west five hundred and thirty six feet, thence through ~~land of J E Fry~~, south seventy nine degrees west two hundred and three feet, thence north fifty two degrees west fifty three feet to a point on the right of way near the station of the Pennsylvania Railroad Company at Tyler where it intersects with a public road running from Tylor to Penfield

The viewers would further recomend, that where the said

road passes through under the overhead trustle as also where it passes through between the two houses of the (Cascade) or Powhuton coal Company at a point where said road runs north seventy four degrees, west eighty six feet, as shown on the draft attached, that the width of the road be limited to sixteen (16) feet, so as not to interfere with the said trustles, nor the houses of the said Coal Company at the points stated.

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, ~~existing~~.

~~when it was not practicable to preserve it within that limit.~~




The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from P R Tyler, James A Tyler and Alex Shira. (As per release attached):

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:	Pennsylvania Railroad Company	\$25.00
	Cascade, or Powhuton Coal Company	1.00

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

WITNESS our hands and seals this 21st day of August

A. D. 1913..

*A. L. Kramer*   
*W. A. Reese*   
*Adam R. Gould* 

Nov 10-1913

Exhibit to original  
before 11/13/1913

No. 5 Sept. Sessions, 1913

## ORDER

To view Public use a  
road for Public use in the  
township of Hutton,  
Clearfield County

Session, 1913

read and confirmed Ni. 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, and with  
exception under overhead  
trestle as per report  
By the Court.  
Adam D. Smith

Filed 19

Fees \$1.25 paid by PLG

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

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

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

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

	DAYS	MILES AM'T.
A. G. Kramer	3	92.19.60
A. A. Repp	3	152.22.60
Adam Gould	2	178.18.90
A. G. Kramer	1	5.00
A. A. Repp	1	56.7.80
Adam Gould	1	86.9.30
		\$ 83.20

## 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 enrolling and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-mise, 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\_\_\_\_\_.

