

No.

5 Sept. SESSIONS, 1913

COMMONWEALTH

VERSUS

Petition for Public
Road in Huston
Town

Charge

X
JAMES H. KELLEY,
DISTRICT ATTORNEY.

For the Public Road } In the Court of Quarter
in Huston Township. } Sessions of Lancaster Co.
No. 5 September 10th, 1913.

Now, Nov. 11th, 1913, the Bowkarian Coal & Coke Co., by its attorney, S.E. Boyer, Esq., files the following exceptions to the return, findings and proceeding of said views:

1. Geo. J. Baumer 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 represent said Company thereto in any manner what so ever.

2. It appears from the record that the road in question is part of a proposed continuous road running substantially from Tyler, Clearfield County to Major in ^{Day Twp.} Elk County.

The ^{Day Twp.} proposed portion of said road in Elk County was proceeded with simultaneously with this proceeding; that on Oct. 6th, 1913, the Viewers in ^{Day Twp.} Elk County filed an adverse report, against

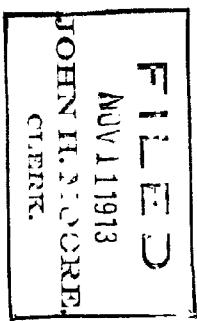
said road, reporting, inter alia, that the same was unnecessary for public use and inconvenient and that the opening of same would be burdensome and inconvenient for the inhabitants of Jay Township; that the present status of said road is that it ends or terminates at no public road and is unavailable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

The Bowlesian Coal & Coke Co.,
By J. E. Boyce,
Attorney.

The
Rulin Road in
Huron Township
Clay County.

Ms. Dept. 55. 1913.

~~Exhibit~~



J. H. M.

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 Hon-
orable 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.

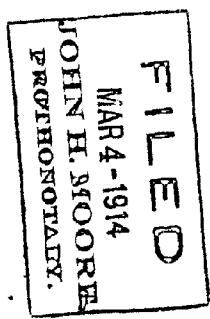
Attest:-

G. F. Dickinson,
Clerk.

No 5 Sept 5 S. 1913

Root

*John
Root*



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.

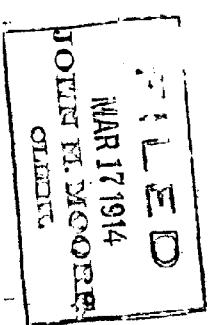
By the Court,

Snigellus Beele 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 Brouell 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. Karchner J. P.

My Commission Expires January 1st, 1913.

Benjamin Brouell

Notice is hereby given that the undersigned visitors
appointed by the Court of Quarter Sessions of Clearfield County,
to visit the ground proposed for a public road to lead from a
point beginning at the terminus of the public road leading from
Pennfield to Tyner in Huston Township, at a point close to the
right of way and railroad station of the Pennsylvania Railroad
Company at Tyner, Huston Township, to a point on the boundary
line, separating Elk and Clearfield Counties, seventy eight (78)
feet to the south of the right of way of the Pennsylvania Railroad Com-
pany's tracks leading from Tyner to Elroy Station, met and per-
formed 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 of Clearfield Co., on the 21st day of August
1913, at 10 o'clock A.M. at which time and place all may attend
as they can fit.

A. G. Kramer

To

H. A. Reese

Adam Gould

Visitors.

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 14 day of August, 1913.

J. Kerchner J.S.

Commission expires January 1st, 1914.

James Powell

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.

R. J. Knapp

Ad. Reese

Adam Gaud

Viewers.

To

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 31st day of July, 1913.

P R Tyler (SEAL) P
James A. Tyler (SEAL)
+ Alex. Shira (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 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, 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.

H. C. Morris
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, seventy 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 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

A. A. Gould

A. G. Kramer

VIEWERS.

Now, this 17th day of July, 1913, service of above notice accepted

THE COUNTY COMMISSIONERS OF CLEARFIELD Co.

L. Chapman
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 herein-after for the view in Clearfield County--, will meet for the purposes of our appointment as viewers on Wednesday, July 30th 1913, at 3:30 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. Hanick
August Wilhelm
Joe Dow
Road Supervisor

Huston Township

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

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, *Joe Doe* supervisors of Huston Township, Clearfield County, on the day of July, 1913, by personally handing them a true and ~~correct~~ ^{correct} ~~attested~~ copy and made known the contents thereof to them.

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

H.W. McElvane

W.J. Lanich
JP

My Commission Expires January 1st, 1916.

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 said, 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 30th day of July 1913.

H.W. McLarin

H.W. McLarin J.P.

WHEREAS, by an order of the Court of Quarter Sessions of Clearfield County, dated the 7th day of July, 1873, directed to A.G.Kramer, H.A.Rocco and Adam Gould, all of Clearfield County, were appointed vicinors to lay out a proposed public road in Ducton Township, Clearfield County, to begin at the terminus of the ~~proposed~~ public road leading from Penfield to Tyler in Ducton Township at a point close to the right of way and the Railroad Station of the Pennsylvania Railroad Company at Tyler in Ducton 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, vicinors 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 visitors 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, ^{at 2:30 P.M.} one foot from the boundary line separating Clearfield from Elk County and 75 foot 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 can fit and people.

as framed

W.A. Reese

80 Mrs. R. R. Tyle Reese
Tyle Ram Gaud
Fl. Victoria.

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.Rocco 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 of the same time hereinafter designated.

AND WHEREAS, the route of the proposed public road passes through land owned by you. Wherefore 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, 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.Rocco

Adam Gould

To Stiles

Tyler

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 County and State aforesaid, 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

St. Kirchman

My Commission Expires January 1st 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 ^{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 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, ^{at 2:30 P.M.} 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

Viewers.

To
Pennsylvania R.R. Co. Adam Gould

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 ^{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, ^{at 2:30 P.M.} 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 amy attend as you see fit and proper.

A.G.Kramer

H.A.Reese

Adam Gould

Buffalo, N.Y. 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~~ ^A 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, ^{at 2:30 P.M.} 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

Alex Shain
Tyler

, 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 19th day of
July, 1913, he posted in Huston Township, Clearfield County,
along the proposed line of the Township Road in conspicuous
places ~~ten (0)~~ notices of which a true copy is hereto annexed
and made part of this affidavit.

Sworn and subscribed to
before me this 1st day
of August, 1913.

James McGruder

John K. Schaeffer, Jr.

My Commission Expires January 1st, 1918.

██████████ A. D. 913, at 2

lock 2 M., to attend to the duty assigned them
which time and place aforesaid all parties interested
will take notice.

W. W. Graham
W. A. Reece
Adam Gould

VIEWERS

July 16th, 1913.

HERALD PRESS, CLEARFIELD

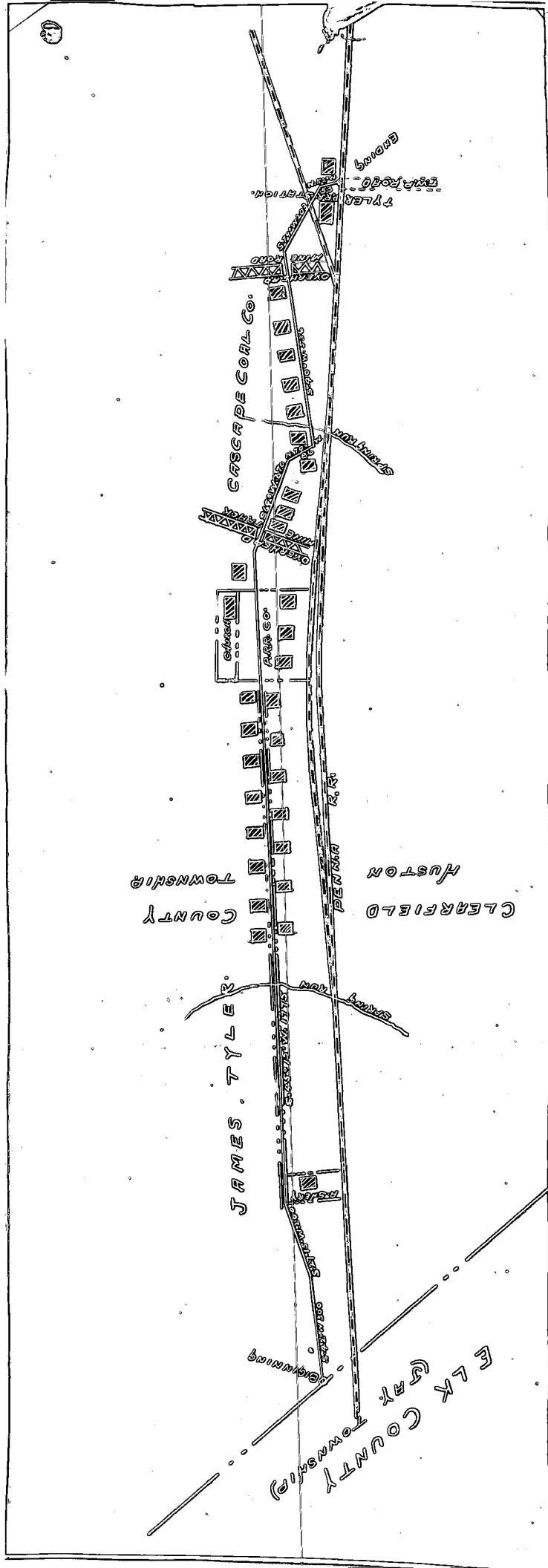
ROAD VIEWERS' NOTICE

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 ~~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~~ 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. 181
o'clock



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 Pennfield to Tyler in Huston Twp. at a point about to the right of way and railroad station of the Pennsylvania Railroad Company at Tyler Station to meet to a point on the W. & W. line, severing 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. Turner, H. L. 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 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, 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 Powhonton 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 Powhonton Coal Company and J P O'Loughlin Esq of Murray & 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 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 on the boundry line separating 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 Tyler 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 Powhonton 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 A Shery~~, 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 Tyler to Penfield

The viewers would further recommend, that where the said

road passes through under the overhead trusle as also where it passes through between the two houses of the (Cascade) or Powherton 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 trusles, 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 Powherton 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. G. Branner
T. A. Reese
Adam G. Field



Nov 10-1913
Evans & Peacock
before 1 P.M.

No. 5 - *Half* Sessions, 19/3

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.

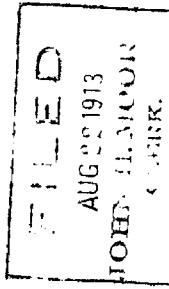
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

To view 11 miles 2 1/2 a road for Public use in the township of Huntington,
Clearfield County

	Days.	Miles A.M.T.
A. G. Barnes	3	9.2 19.00
H. H. Peacock	3	152 22.60
Adam Gould	2	17.8 16.70
John Stearns	1	5.00
A. G. Barnes	1	5.6 7.80
H. H. Peacock	1	8.6 9.30
Adam Gould	1	63.20

Session, 1913,
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, and with
exception under overhead
treestee as per report
By the Court
Adam Gould

Filed 19
Fees \$1.25 paid by Peacock



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. 1911.

