

4 Sept Term, 1915

Petition to Vacate
portion of Public

Versus

Road in Huston Twp.

Perfield Pa.

Feb 1 - 1916

To H. S. Mac Minn

July 29/15 Hauling Road viewers 3.00

Aug 2/15 Hauling surveyors 2 trips 3.00

Aug 3/15 " " 2 trips 3.00
9.00

B. B. Harriger

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 10th day of June in the year of our Lord one thousand nine hundred fifteen.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Huston

in said County, setting forth that a portion of the said road known as the Penfield to Clearfield Road, which is in Huston Township, being that portion from a point at the west of Sullivan Hill at the junction of road leading from this road to the Penfield Coal and Coke Company Mine to a point at or near Buheits Shanty has become useless, very expensive to maintain and in the opinion of your petitioners, is a source of expense to the township and should be vacated. That to No. 3 Feb. SS 1915 there was filed a petition for a public road which will supply the portion of road above described and which your petitioners now desire vacated 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 I. E. Boyer, H. S. Mac Minn and E. H. Harman

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 M. 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 3 notices thereof were posted along the route of the proposed road, that the said view would be held on the 29th day of July, A. D. 1915, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 23rd day of August, 1915, at 9 o'clock A. M. That all viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 23rd day of August, A. D. 1915, when the following appearances were noted: Albin O. Amil, Esq., and J. A. Gleeson, Esq., for the Supervisors of said Township, together with divers citizens of the same

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is ~~no~~ ^{such} 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 use the following described road, to-wit: Beginning

Your viewers respectfully recommend to your Honorable Court that said road be vacated as prayed for and in accordance with the map and description of the same as filed herewith and made a part of this record.

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 _____

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 _____

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: _____

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

WITNESS our hands and seals this 28th day of August
A. D. 1915.

F. J. Bove
H. J. MacLennan
E. H. Karmann



No. 4 Sept. Sessions, 1915

ORDER

To view a road for public use in the township of Houston, Clearfield County.

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 A.M.T.
E. H. Hammann	2	8 1/4 14.20
F. S. Boyer	4	8 1/4 24.20
H. S. MacMinn	7	8 1/4 39.20
Arnold A. Bloom	1	2.00
John Standard, A. S. man.	1	2.00
B. B. Haugier, Livery,		6.00

July Session, 1916,
read and confirmed M. S.
Road to be opened 33 feet
wide, except where there is
side hill cutting or embank-
ment and bridges, there to
be 16 feet wide.
By the Comr.
Clearfield Co.

COPIED GTH

Filed 19
Fees \$1.25 paid by C. H. J.

CHJ

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.



TO THE HONORABLE SINGLETON BELL, PRESIDENT JUDGE OF THE COURT
OF QUARTER SESSIONS:

That a portion of the said public road known as the Penfield to Clearfield Road, which is in Huston Township, being that portion from a point at the foot of Sullivan Hill at the junction of road leading from this road to the Penfield Coal & Coke Company Mine to a point at or near Buchheit's Shanty has become useless, very expensive to maintain and in the opinion of your petitioners, is a source of expense to the township and should be vacated.

That to #3 February Sessions 1915 there was filed a petition for a public road which will supply the portion of road above described and which your petitioners now desire vacated.

Your petitioners, therefore, pray that viewers may be appointed to vacate so much of said public road as is hereinbefore described.

And they will ever pray etc.

And they will ever pray etc.

Names

NAMES

a. Wilhelm
W. M. Reiter
H. A. Bennett
W. Shaffer
W. O. Long
Frank Johnson
H. B. Pease
G. A. Pontious
Jos. T. Pease
C. F. Niel
H. E. Bahns
J. A. Pease
Mrs. H. Pease
Chas. Edwards
B. B. Farmer
C. L. Knobell.

NAMES

NAMES

NAMES

Clearfield County SS

Dr. H. H. Lewis one of the above named petitioners being
duly sworn before me, says that the facts set forth in the
foregoing petition for amendment are true to the best of his
knowledge and belief.

Sworn and subscribed
before me this
day of May A. D. 1915.

H H Lewis

John R Moore
Pr

Moore

Mo H. Steph.

Retire to Vacate, Potomac
Opposition in Maryland
Op.

New May 10, 1915, Petition
presented and 26 pages
4.5 MacMunn & 5.5 Hartman
see attached Writs &
decree and petition
affidavits for.

Ortho Case
Singleton, N.Y.

LAW OFFICES
COLE & HARTSWICK
OPERA HOUSE BLOCK
CLEARFIELD, PA.

Baltimore Office Supply Company, Baltimore, Md.

KNOW ALL MEN BY THESE PRESENTS, that we, *W. Lanier*
William Payne Henry Lufeed John
Spring Al Woodward W. W. Daugh
Red Lufeed Thomas D. Glass
of the Township of Huston, County of Clearfield and State of Pennsylvania are held and firmly bound unto the Commonwealth of Pennsylvania, for the use of the parties legally entitled thereto, in the sum of one hundred (\$100.00) dollars, lawful money of the United States of America, to be paid to the said Commonwealth of Pennsylvania for use as aforesaid, or its certain attorney or assigns, to which payment well and truly to be made, we bind ourselves and each of us, firmly by these Presents.

SEALED with our seals. Dated the *6th* day of December, A. D. 1915.

WHEREAS a petition has been presented to the Court of Quarter Sessions of Clearfield County at December Sessions, 1915, by citizens of Huston Township for the appointment of viewers to review a road from a point at the foot of Sullivan Hill at the junction of road leading from the road vacated to the Penfield Coal & Coke Company mine to a point at or near Buheit Shanty, according to the prayer of the petitioners this day filed and submitted herewith.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above named *obligors*

their heirs, executors or administrators or any of them shall in the event that the Court shall order the costs of said proceedings to review said road above described in Huston Township, shall be paid by the petitioners; that the said obligors herein named

shall pay the same or so much thereof as they may be legally direct-
ed to pay, then this obligation to be null and void, otherwise to
be and remain in full force and virtue.

WITNESS our hands and seals.

W. J. Ponick (SEAL)

Wm. Payne (SEAL)

Henry L. Field (SEAL)

Frank ... (SEAL)

A. G. Woodward (SEAL)

P. W. Randolph (SEAL)

Fred L. Field

Thos. W. Glass

On the 2nd of January
Received of Cleghorn G

4 D. & G. 1915

Hand in
Circular Tax Card

Done Dec 24th 1915
the 2nd in hand
Approved Dec 6th 1915
By the hand
of J. J. Gleason

PATTERSON & GLEASON,
ATTORNEY AT LAW,
DU BOIS, CLEARFIELD AND HOUTZDALE, PA.
BALTIMORE OFFICE SUPPLY CO., BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS, THAT WE, *W. Louch, Stanley*
Edward William Paye, George Lufield
John Young, Alfred Edward O'Rudolph
John Lufield Thomas D. Glass

of the Township of Huston, County of Clearfield and State of Pennsylvania are held and firmly bound unto the Commonwealth of Pennsylvania, for the use of the parties legally entitled thereto, in the sum of one hundred (\$100.00) dollars, lawful money of the United States of America, to be paid to the said Commonwealth of Pennsylvania for use as aforesaid, or its certain attorney or assigns, to which payment well and truly to be made, we bind ourselves and each of us firmly by these Presents.

SEALED with our seals. Dated the 6th day of December,
A. D. 1915.

WHEREAS a petition has been presented to the Court of Quarter Sessions of Clearfield County at December Sessions, 1915, by citizens of Huston Township for the appointment of viewers to regiew a road from a point in said Township beginning at the public township road leading to Penfield and thence continuing between the Pennsylvania Railroad depot to the store of the Penfield Supply Company to a point at or near Fuheit Shanty in said Township, according to the prayer of the petitioners thks day filed and submitted herewith.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above named *obligor*

their heirs, executors or administrators or any of them shall in the event that the Court shall order the costs of said proceedings to review said road above described in Huston Township

shall be paid by the petitioners; that the said obligors herein named shall pay the same or so much thereof as they may be legally directed to pay, then this obligation to be null and void, otherwise to be and remain in full force and virtue.

WITNESS our hands and seals

W. P. Ponick (SEAL)

Stanley Woodward (SEAL)

Wm. Payne (SEAL)

Henry L. L. L. (SEAL)

____ (SEAL)

A. S. Woodward (SEAL)

P. W. Randolph

Fred Linsfield

Thos. W. Glass

On the 2nd of January 1915
After expungement

Patterson & Gleason
Attorneys for Plaintiff

Nov 27th 1915
The records been a
affidavits on Dec 6th 1915
Copy the same

PATTERSON & GLEASON,
ATTORNEYS AT LAW,
DU BOIS, AND CLEARFIELD, PA.

Baltimore Office Supply Company, Baltimore, Md.

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 a point at the foot of Sullivan Hill at the
junction of road leading from this road to the Penfield Coal & Coke
Company mine to a point at or near Buheit's Shanty

in Huston Township to for the purpose of

considering vacating the same

in ||||| Township, in the county aforesaid, will
meet at the house of junction of said road above described ,
in Huston Township, on Thursday,
the 29th day of July A. D. 1915, at 2
o'clock P.M., to attend to the duty assigned them, of
which time and place aforesaid all parties interested
will take notice.

L. E. Boyer,

H. S. MacMinn,

E. H. Harmon.

VIEWERS

July 10th, 1915.

Now, July 12 1915, service of the within notice accepted
for and on behalf of the Commissioners of Clearfield County.

L. C. Morris
Clerk

Now, July 17 1915, service of the within notice accepted
for and on behalf of the Supervisors of Huston Township.

Tom Payne
W. F. Lomrich
August Wilhelm
Supervisors.

In re : Q. S. Clearfield Co., Pa.
Road in Huston Township. : No. 4 Sep't. SS., 1915.

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

You hereby have notice that the undersigned Board of
Viewers will hold a hearing on the above entitled matter
at the Arbitration Room of the Court House, Clearfield,
Pa., on Monday, the 23rd day of August, 1915, at 9 a. m.
when and where you may attend and be heard if you so desire.

*H. B. Boggs,
H. S. MacPherson,
D. H. Hanna*

Viewers.

Now, July 31st, 1915, service of the within notice ac-
cepted for and on behalf of the Commissioners of Clearfield
County, Pa.

L. C. Morris, Clerk.

In re : Q. S. Clearfield Co., Pa.
Road in Huston Township. : No. 4 Sep't. SS., 1915.

To the Supervisors of Huston Township:

You hereby have notice that the undersigned Viewers will hold a hearing on the above entitled matter at the Arbitration Room of the Court House, Clearfield, Pa., on Monday the 23rd day of August, 1915, at 9 a. m., when and where you may attend and be heard, if you so desire.

J. B. S.
H. W. Mackinnon
A. H. Harmon

Viewers.

Now, July 31st, 1915, notice above set forth accepted for and on behalf of the Supervisors of Huston Township.

Wm. Payne.....
August Wilhelm.....
W. J. Sonwick.....
Supervisors

To vacate a township road in Throton township
Beginning in the middle of the public road
leading from Clearfield to Penfield

Southward from "Beambiter Camp"

Hence North $16^{\circ}40'$ West 3.975 chains,

"	North $11^{\circ}50'$ West	3.129	"
"	North $8^{\circ}25'$ West	4.53	"
"	North $1^{\circ}30'$ East	3.4795	"
"	North $25^{\circ}15'$ East	2.597	"
"	North $10^{\circ}20'$ East	5.32	"
"	North $14^{\circ}55'$ East	2.053	"
"	North $12^{\circ}15'$ East	4.589	"
"	North $18^{\circ}20'$ East	1.625	"
"	North $12^{\circ}05'$ East	5.76	"
"	North $7^{\circ}45'$ East	1.665	"
"	North $18^{\circ}30'$ East	2.33	"
"	North $9^{\circ}30'$ East	2.198	"
"	North 19° East	2.436	"
"	North $16^{\circ}45'$ East	1.763	"
"	North 19° East	2.268	"
"	North $14^{\circ}30'$ East	3.305	"
"	North $15^{\circ}55'$ East	6.24	"
"	North 21° East	2.252	"
"	North $6^{\circ}55'$ East	2.635	"
"	North 1 East.	2.58	"
"	North $28^{\circ}30'$ West	1 chain.	
"	North $44^{\circ}45'$ West	2.364 chains.	
"	North 33° West	1.225 chains.	
"	North $21^{\circ}45'$ West	2.44	"
"	North 30° West	3.975	"
"	North $25^{\circ}30'$ West	3.41	"
"	North $28^{\circ}50'$ West	1.133	"
"	North $22^{\circ}45'$ West	0.175	"

Hence North $27^{\circ}15'$ West.	5.26	charms.
" North $39^{\circ}45'$ West	1.588	" "
" North $44^{\circ}55'$ West	6.71	" "
" North $51^{\circ}55'$ West	2.158	" "
" North $47^{\circ}10'$ West	2.358	" "
" North $50^{\circ}30'$ West	3.649	" "
" North $41^{\circ}35'$ West	1.602	" "
" North 40° West.	5.382	" "
" North $23^{\circ}45'$ West	1.757	" "
" North $11^{\circ}40'$ West	1.373	" "
" North $7^{\circ}30'$ West.	3.063	" "
" North $0^{\circ}45'$ East	9.43	" "
" North $8^{\circ}30'$ West.	3.099	" "
" North $13^{\circ}30'$ West	1.436	" "
" North $35^{\circ}50'$ West.	1.285	" "
" North $52^{\circ}50'$ West	3.926	" "
" North $43^{\circ}15'$ West	1.755	" "
" North $36^{\circ}10'$ West.	1.99	" "
" North $42^{\circ}45'$ West.	1.678	" "
" North $46^{\circ}05'$ West.	2.158	" "
" North $35^{\circ}10'$ West	1.697	" "
" North $24^{\circ}30'$ West	4.015	" "
" North $0^{\circ}10'$ East	2.063	" "
" North 15° East	0.092	" "
" North $44^{\circ}35'$ East	1.20	" "
" North $21^{\circ}25'$ East	0.76	" "
" North 29° West.	0.50	" "
" North $47^{\circ}25'$ West	0.50	" "
" North $56^{\circ}50'$ West	2.735	" "
" North $79^{\circ}50'$ West	4.00	" "
" North $72^{\circ}25'$ West	2.01	" "
" North $50^{\circ}05'$ West,	6.659	" "

From North $36^{\circ}30'$ West 1.183 chains.
" North $28^{\circ}10'$ West 2.265 "
" North $8^{\circ}10'$ West 1.19 "
" North 15° East 3.118 "
" North $11^{\circ}30'$ West 4.021 "
" North $27.55'$ West 1.295 to intersection
of Public Road and Center of Road leading
to Pacific Coal and Coke Company's Mine
The said road before described being
vacated, and supplied by a Public road
leading down Mattay Hollow.
Said road vacated being a distance
of 236.243 chains equal to 945 rods.

H. J. Mac Nevin Surveyor