

o. 4 Sept Term, 1915

Petition to Vacate  
portion of Public

Versus

Road in Huston Twp.

X

Penfield 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 10 th 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 foot of Sulli-  
van 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 L. 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 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 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 3 notices thereof were posted along the route of the proposed road, that the said view would be held on the 29<sup>th</sup> 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 23<sup>rd</sup> 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 23<sup>rd</sup> day of August, A. D. 1915, when the following appearances were noted: Alban O. Smith, Esq., and J. A. Gleason, Esq., for the Supervisor of said Township, together with diverse 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 occasion for a <sup>such</sup> 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 28<sup>th</sup> day of August

A. D. 1915.

R. B. Boyer  
H. S. MacViney  
E. H. Harman.



No. 4 Sept. Sessions, 1915

## ORDER

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

July Session, 1916,  
read and confirmed N. S.  
Road to be opened 33 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 18 feet wide.

*By the Court*  
*Unpublished*

*Cities & H.*

Filed 19

Fees \$1.25 paid by City

*CH*

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.
<u>E. H. Harman</u>	<u>2</u>	<u>84</u>	<u>14.20</u>
<u>L. S. Boyer</u>	<u>4</u>	<u>84</u>	<u>24.20</u>
<u>H. S. Mac Minn</u>	<u>7</u>	<u>84</u>	<u>39.20</u>
<u>Arnold G. Bloom</u>	<u>1</u>		<u>2.00</u>
<u>Asman</u>			
<u>George Hammond</u>	<u>1</u>		<u>2.00</u>
<u>Asman</u>			
<u>B. B. Hanger</u>			
<u>Livery</u>			<u>6.00</u>

### RELEASE OF DAMAGES.

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

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

all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 191\_\_\_\_\_.



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 por-  
tion from a point at the foot of Sullivan Hill at the junction  
of road leading from this road to the Penfield Coal & Coke Com-  
pany 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 appoint-  
ed to vacate so much of said public road as is hereinbefore  
described.

And they will ever pray etc.

And they will ever pray etc.

*Z. H. Harris*-----

NAMES

*A. Wilhelm*

*Wm M Reiter*

*H. A. Bonnett*

*Mrs Shaffer*

*M. C. Long*

*Frank Johnston*

*Geo B Pease*

*G. A. Pontious*

*Jos T. Pease*

*E. F. Niel*

*H E Buhite*

*J A Pease*

*Wm H Pease*

*Chas Edwards*

*B B Hargis*

*C. L. Kink.*

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 H. Moore*  
Pr

More

No 4. Sept.

Return to Meate. Put in  
of particular in the  
sp.



New York 20. 1915. Boston  
Newark and T. S. Rye  
H. S. MacMillan & S. H. H. H. H.  
are appointed license of  
the American and the  
asparagus for.

John Paul  
Simpson & Co.  
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. L. Lantz*  
*William Payne Henry Lutz*  
*John A. Woodman Fred R. Daulton*  
*Thos. L. Lifford Thomas D. Glass*  
of the Township of Huston, County of Clearfield and State of Penn-  
sylvania are held and firmly bound unto the Commonwealth of Penn-  
sylvania, 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 assi-  
gns, 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 citi-  
zens 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 here-  
with.

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 proceed-  
ings 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. J. Lonick (SEAL)

Wm. Payne (SEAL)

Henry L. Field (SEAL)

James D. ... (SEAL)

A. G. Woodward (SEAL)

P. W. Rudolph (SEAL)

Fred Linfield  
Thos. W. Glass

By the Court of Quarter  
Sessions of Maryland

4 April 22 1915

And in

Testimony of Edward

And the 27<sup>th</sup> 1915  
the within land

Approved on June 6<sup>th</sup> 1915  
By the Court  
Surgeon General M

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, Wm Lorch, Stanley  
Woodward William Payne Henry Livified  
John Haring Alfred Wood P N Rudolph  
Thos Livified Thomas D Glass

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

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

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





By the Court of Quarter Sessions  
of the County of Baltimore

And it is  
ordered for record

Filed the 27<sup>th</sup> 1915  
The Clerk has so  
approved as of the 6<sup>th</sup> 1915  
By the Court

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 ~~in~~ in ~~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.

Wm Payne  
W. J. Lorch  
August Wilhelm  
Supervisors.

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

To W. C. Langsford, 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.

*R. B. B.*  
*H. S. MacMurray,*  
*E. H. Harnan,*

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. Norris Clerk.*  
.....

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

To the Supervisers 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.

*H. B. B.*

*H. S. M. McKinn*

*E. H. H. H.*

Viewers.

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

*Wm. Payne*.....

*August Wilhelm*.....

*W. J. L. L.*.....  
Superintendent

To vacate a township road in Huston township  
 Beginning in the middle of the Public road  
 leading from Clearfield to Benfield  
 Southeast from "Beaumonts Camp"

Thence North  $16^{\circ}40'$  West 3,975 chains,

" North  $11^{\circ}50'$  West 3,129 "

" North  $8^{\circ}25'$  West 4,53 "

" North  $1^{\circ}30'$  ~~West~~ <sup>East</sup> 3,495 "

" North  $25^{\circ}15'$  East 2,577 "

" 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 576 "

" North  $7^{\circ}45'$  East 1,665 "

North  $18^{\circ}30'$  East 2,33 "

" North  $9^{\circ}30'$  East 2,198 "

" North  $19^{\circ}$  East 2,436 "

" North  $16^{\circ}45'$  East 1,763 "

" North  $19^{\circ}$  East 2,268 "

" North  $14^{\circ}30'$  East 3,305 "

" North  $15^{\circ}55'$  East 6,24 "

" North  $21^{\circ}$  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  $33^{\circ}$  West 1,25 chains.

" North  $21^{\circ}45'$  West 2,44 "

" North  $30^{\circ}$  West 3,975 "

" North  $25^{\circ}30'$  ~~West~~ <sup>West</sup> 3,41 "

" North  $28^{\circ}50'$  West 1,123 "

" North  $22^{\circ}45'$  West 1,175 "

Thence North	27°15' West,	5.26	chains,
"	North 39°45' West	1.588	" "
"	North 44°55' West	6.71	" "
"	North 51°55' West	2.158	" "
"	North 47°10' West	2.358	" "
"	North 50°30' West	3.649	" "
"	North 41°35' West	1.602	" "
"	North 40° West,	5.382	" "
"	North 23°45' West	1.757	" "
"	North 11°40' West	1.373	" "
"	North 7°30' West.	3.063	" "
"	North 0°45' East	9.43	" "
"	North 8°30' West.	3.099	" "
"	North 13°30' West	1.436	" "
"	North 35°50' West.	1.285	" "
"	North 52°50' West	3.926	" "
"	North 43°15' West	1.755	" "
"	North 36°10' West.	1.99	" "
"	North 42°45' West	1.678	" "
"	North 46°05' West.	2.158	" "
"	North 35°10' West	1.697	" "
"	North 24°30' West	4.015	" "
"	North 0°10' East	2.063	" "
"	North 15° East	0.092	" "
"	North 44°35' East	1.20	" "
"	North 21°25' East	0.76	" "
"	North 29° West.	0.50	" "
"	North 47°25' West	0.50	" "
"	North 56°50' West	2.735	" "
"	North 79°50' West	4.00	" "
"	North 72°25' West	2.01	" "
"	North 50°05' West,	1.159	" "

Thence North  $36^{\circ}30'$  West 1,183 chains.

" North  $28^{\circ}10'$  West 2,265 "

" North  $8^{\circ}10'$  West 1,19 "

" North  $15^{\circ}$  East 3,118 "

" North  $11^{\circ}30'$  West 4,021 "

" North  $27^{\circ}55'$  West 1,295 to intersection

of Public Road and Center of Road leading  
to Perfect. Coal and Coke Company's Mine.  
The said road heretofore described being  
vacated, and supplied by a Public road  
leading down Mathey Hollow.

Said road vacated being a distance  
of 236,243 chains equal to 945 rods.

N. A. Mac Min Surveyor