

6 Sept Sessions, 1919

ORDER

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

Session, 19

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.

Filed

19

Fees \$1.25 paid by

RELEASE

That your petitioners labor under a great inconvenience for want of a public road or highway in the Township of Huston, to begin at a point on the public road leading from Penfield to Tyler, at what is known as Horning Run, about one and one quarter miles from Penfield; thence to extend to a public road at a point called Mt. Pleasant, on the line between the farms of M. T. Smith and W. H. Lee, and about one mile from the Penfield and Tyler road, in said Township of Huston.

Your petitioners, therefore, pray the Court to appoint proper persons to view and lay out the same according to law, and to, at the same time, view and vacate a public road in the said Township of Huston, beginning at a point on the road leading from Penfield to Tyler, known as Mill Run Road, about two miles from Penfield; thence extending to a point at Public road leading from Kersey to Penfield at a point on line between lands of M. T. Smith and W. H. Lee about one mile from the Penfield Road, in the said Township of Huston, which has become useless, inconvenient and burdensome to the tax payers.

Your petitioners, therefore, pray the Court that said road may be vacated, agreeably to the Act of Assembly in such case made and provided.

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 8th day of
September in the year of our Lord
one thousand nine hundred and nineteen.

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

Huston

in said County, setting forth that

See paper attached

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 Frank Hutton, J. E. Fry and

George Weber

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 impar-
tiality 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 four notices thereof were posted along the route of the proposed road, that the said view would be held on the 14th day of October, 1919, and because of weather conditions continued to Oct 20th 1919, A. D. 1919, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 17th day of October, 1919, at 9 o'clock A. M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view John Horning, W.H. Lamb, Sylvester Dilulu, P.W. Rudolph, Earl Young, M.T. Smith, L.H. Lee, W.H. Lee, and Burton Lee

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 24th day of October, A. D. 1919, when the following appearances were noted: John J. Pentz, Esq., Atty for the Supervisors and the petitioners, L.E. Boyer, Esq., Atty, against the proposed road, M.T. Smith, Burton Lee, Wm. Lee and Lewis Lee witnesses on behalf of the petition, and John Horning and Sylvester Dilulu citizens and witnesses against the proposed road. All of the witness were either sworn or affirmed and examined

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an 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 in center of Public road leading from Penfield to Tyler near where the same crosses Horning Run; thence N. 49° 45' W. through land of Sylvester Dilulu 259 feet; then N. 59° W. 200 ft.; then N. 47° 15' W. 772 feet; thence N. 40° 30' W. 691 feet; then N. 56° 30' W. 393 feet; then N. 56° W. 480 feet; then N. 50° 45' W. 397 feet; then N. 49° 45' W. 317 feet; then N. 40° 45' W. 100 feet; then N. 45° 45' W. 100 feet; then N. 27° 15' W. 100 feet; then N. 47° 30' W. 100 feet; then N. 63° W. 100 feet; then N. 66° 45' W. 100 feet; then N. 56° W. 100 feet; then N. 49° 30' W. 100 feet; then N. 45° W. 100 feet; then N. 42° 30' W. 100 feet; then N. 50° W. 100 feet; then N. 63° 30' W. 100 feet; then N. 67° 30' W. 100 feet; then N. 61° W. 100 feet; then N. 56° 30' W. 100 feet; then N. 55° 45' W. 100 feet; then N. 31° W. 100 feet; then N. 39° 45' W. 100 feet; then N. 50° 30' W. 100 feet; then N. 40° 15' W. 100 feet; then N. 33° 15' W. 100 feet; then N. 1° E. 100 feet; then N. 33° 30' E. 100 feet; thence N. 26° 45' E. 100 feet; then N. 39° 30' E. 100 feet; then N. 49° E. 100 feet; then N. 79° E. 300 feet to public road leading to Mill Run; thence N. 19° 30' W. by center of said road 277 feet; then by same, N. 23° 30' W. 447 feet to point in said road the Sarah Smith and the W.H. Lee properties.

The powers of the Viewers, having been by the Court enlarged to Feb' Term of Court, two of the viewers again to wit on the 12th day of Dec. 1919 again went over the ground and carefully took grade elevations at that date. Viewer Weber was unable to be present because of other duties and the elevations were taken by Viewers Fry and Hutton assisted by citizens. The maximum grade as reported herewith is 8% and most of it is less.

Henfield Coal and Coke Company

Office of
L. W. SMITH
Gen'l Mgr.

Henfield, Pa., October 27, 1919.

Frank Hutton, Esq.,
Du Bois,
Penna.

Dear Sir:

As one of the Supervisors of Huston Township, I am taking the liberty of writing you in regard to the proposed new road to run through the farm of Silvester Delulli to what is known as Mt. Pleasant.

I wish to say that at the present time the Road Fund of Huston Township is entirely exhausted, and I have carefully gone over the matter of cost of this proposed new road and am of the opinion that with the high labor costs of the present time it will require approximately \$5000.00 to build this road.

This sum would cover our entire Road Fund for two years, and with the necessity of keeping our main highways in repair, the traffic on which grows heavier each year, I think in justice to the taxpayers of this Township, this matter should be deferred until such time as our finances are in better shape to carry the cost of it.

I am sure that I am expressing the sentiment of the great majority of the citizens of the township, and in view of our finances know that they will approve of an unfavorable report by the Viewers as to the building of the road.

Yours very truly,

Roll Smith
Supervisor.

Penfield Pa

Nov 29 1919

H. Hutten

Dear Sir in regards to that
Road up Hanning's place me as
Superintendent of Huston Township
Wald say if you citizens see fit
to grant that road I Wald say
that I don't think the cost would
be over 1500 hundred dollars to
the outside sent & the people
agree to bear all but the grading
& give some work on the grading
force so my estimate is high
I think I now about that the cost
would be for I have built more
roads than any man in this
township yours W. H. Reese

We, the undersigned citizens of the Township of
Huston, Clearfield County, Pennsylvania, do hereby agree by and
with each other and with the Road District of Huston Township,
Clearfield County, Pennsylvania, that we will at our own proper
cost, charge and expense cut the brush, trees and remove the
stumps on the site of a certain proposed road in Huston Township
starting from a point on the road from Penfield to Tyler and
extending to a point on the road to Kersey, near the M.T.
Smith Farm. The proceedings for said road being had to No.
September Sessions, 1919 in the Court of Quarter Sessions of
Clearfield County and we, the undersigned, do hereby bind our-
selves jointly to the said Road District of Huston Township
for the said brushing out and removing of stumps from the site
of said road, provided the said road is recommended by the
viewers and confirmed by the Court of said Clearfield County.
It being understood that the said Road District of Huston Town-
ship is to furnish the dynamite or other blasting material, to
be used in removing stumps on the site of the said road.

IN WITNESS WHEREOF, we have hereunto set our hands
and seals this 12th day of January, 1920.

<u>M. J. Smith</u> (SEAL)	_____ (SEAL)
<u>G. R. Quinter</u> (SEAL)	_____ (SEAL)
<u>Earl E. Young</u> (SEAL)	_____ (SEAL)
<u>E. Bertram Lee</u> (SEAL)	_____ (SEAL)
<u>L. H. Lee</u> (SEAL)	_____ (SEAL)
<u>Wm. H. Lee</u> (SEAL)	_____ (SEAL)
<u>C. F. Dinger</u> (SEAL)	_____ (SEAL)
<u>A. W. Harkness</u> (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)

Perfield Pa Jan 19. 1920

Mr. Penty.

DuBois. Pa.

Dear Sir

I am returning the Paper with
the names of a few who will help
on the road. Please excuse the
delay. as it has been so stormy no
one could get out very well.

I could get the rest of the men
on this but too stormy. & they
will turn in anyway & help
when the time comes.

Truly yours

M. J. Smith

Penfield Pa

Nov. 21, 1929

Friend Hutton

I have observed that there is turmoil over the new road prospect which you men viewed up Eastbrook Run as I call it, or Burning Run, as it is termed in the view.

Those for the new road and those against it are all my patrons and personal friends, as I have been more than 14 years on the mail route, and have been so fortunate as not to have had the least trouble with anyone. So it is not for me to take sides in the controversy.

But for the sake of the people on Mt. Pleasant I do hope that the very steep hill up which they are obliged to pull everything or else go away around by Penfield will be abandoned for a better grade. and I can very clearly see that if the present view is changed, then the advocates of this route will line up against anyone other one, and the whole matter will go back where it has been for years viz "nothing doing"

cannot you men ² compromise
and harmonize the matter this
way: viz. We will go on and
put the road up where viewed.
Afterwards an extension can be made
if thought desirable on up the lower
watercourse to emerge on the Ru-
-dolph land along the Kersey road.
But relief from the fearful barrel up the
Mill Run ^{hill} is so urgently needed
and has been for years that it will
be a calamity to longer postpone
constructive work.

as to the expense
the valuation of Huston is, I believe at least
\$700,000. The road fund is not in
debt. Bridges and culverts are
all built for all time. Miles of
the roads need only slight attention
to keep them passable the year around.
So the expense of the new road is prac-
-tically negligible.

As for myself
as a mailman it does not matter so very
much although I had a terrible runaway
and smashup, escaping with my life by
a miracle on that dangerous steep
hill. and there have been other

serious mishaps and one horse killed due to the danger on that hill. This of course a down grade drive for me but I and all others would feel safer going down Eastbrook and when it comes to getting onto Mt. Pleasant, there is no real argument possible against abandoning the present highway.

I am sure that if you folks go on and consummate this thing as soon as possible that the "hillmen" will come in with "Bees" enough, free of charge, to not only clear off the right of way, but help very much in the excavating and grading the highway, that they may handle their large business with Tyler and with Penfield, without so much discomfort, expense, and even danger.

Knowing that you will be fair and just in considering all these points brought to your attention,

I remain

Most Sincerely

A. H. Rosenkrantz

Oranfield Pa. Nov 10. 1919.

Mr Penty.

DuBois Pa.

Dear Sir

We the citizens and undersigned of
The west end of the proposed new road
agree and pledge, that if the said road
is granted, to remove all brush and logs
from the right-a-way. Free of Charge.

Signed

M. J. Smith.

G. H. Singer

Earl Young

A. V. Crawford

W. H. Lee.

F. Burton Lee.

L. H. Lee

A. Singer

No. 6 Sept Sessions, 1919

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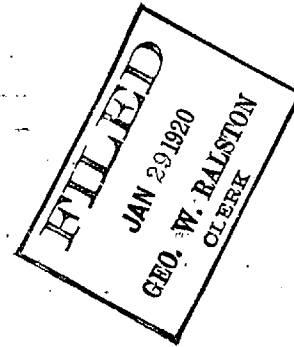
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
Geo. K. Weber	4	170 38.50
J. E. Fry	6	144 52.20
Frank Hutton	6	144 52.20



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

The Commissioners of Clearfield County

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 County

Commissioners

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 12th day of Dec

A. D. 1919

A. W. Crawford
Barth Smith
Penfield Coal & Coke
37 Rms.



We further report that we have gone over the road commonly known as the Mill Run Hill Road and find it to be extremely burdensome and dangerous to the travelling public or any one having occasion to make use of it. They took elevations for several successive hundreds of feet and found them to run from 15 to almost 18 feet of elevation to the hundred lineal feet.

We recommend that the Public Road, known as the Mill Run Hill road, be vacated from a point about fifty feet above the residence of W.J. Lanich thence along said road a distance of ~~fifty~~ ^{eighty} hundred feet, more or less, to the summit of the hill along the line of land of P.W. Rudolph

We attach hereto an agreement in writing made by certain citizens of Huston Township, whereby they agree to clear the brush, trees and stumps from the route of the proposed road.

We also attach various communications we have received pertaining to this view.

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 A.V. Crawford, Sarah Smith and The Penfield Coal and Coke Co.

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: Sylvester Dilulu \$350.00. L.W. Smith \$35.00

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

WITNESS our hands and seals this 28th day of January

A. D. 1920.

Imuck Huston
E. F. Taylor
George R. Theber

