

6 Sept. Sessions, 1919

ORDER

To view
oad for public use in the
ownship 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 bridgins, there to
be 16 feet wide.

RELEASE

19

Filed

Fees \$1.25 paid by

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 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 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, 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 and continued to Oct 24th 1919 at same hour 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 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 in center of Public road leading from Penfield to Tylernear where the same crosses Horning Run; thence N.49°45'W. through land of Sylvester Dilulu 259feet; then N.59°W. 200 ft.; then N.47°15W772 feet; thence N.40°30'W.691feet; 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.100feet; 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°15W.100 feet; then N.1°E.100 feet; then N.33°30'E.100 feet; then 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; then a N.19°30'W. center of said road 277 feet; then by same, N.23°30'West 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 1/2 and most of it is less.

Penfield Coal and Coke Company

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

Penfield, 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,


L. W. Smith
Supervisor.

Penfield Rd

Nov 29 1919

A Hater

Dear Sir in regards to that
Road up Hawley halen me as
Supervisor of Huston township
Wald say if you miners sees fit
to grade that road & Wald say
that I don't think the cost would
be over 15.00 hundred Dollars to
the out side bent & the people
agrees to bear all but the graders
will give some work on the grading
place as my estimate is high
I think & now about that the cost
Wald be for & have Bill more
roads than any man in this
township yours W H Pease

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 ourselves 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 Township 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. T. Smith</u> (SEAL)	_____ (SEAL)
<u>G. R. Dickey</u> (SEAL)	_____ (SEAL)
<u>E. C. Young</u> (SEAL)	_____ (SEAL)
<u>E. Burton Lee</u> (SEAL)	_____ (SEAL)
<u>L. B. ...</u> (SEAL)	_____ (SEAL)
<u>Wm. H. Lee</u> (SEAL)	_____ (SEAL)
<u>C. G. Dingee</u> (SEAL)	_____ (SEAL)
<u>A. W. ...</u> (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)
_____ (SEAL)	_____ (SEAL)

Perfield Pa Jan 19. 1920

Mr Bentz.

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 Hunning Run, as it is termed in the neighborhood.

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 road 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 compromise
and harmonize the matter this
way: viz. We will go on and
take 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 Kerser road.
But relief from the painful haul 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 ^{much} minimum it does not matter solvency
much although I had a terrible runaway
and smashup, escaping with my life by
a miracle on that dangerous ^{of steep} hill.
and there have been other

3

serious mishaps and one horse killed due to the dangers 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. Rosenkrans

Penfield Pa. Nov 10. 1919.

Mr. Petty.

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

Carl Young

A. W. Crawford

W. H. Lee.

F. Burton Lee.

L. H. Lee

F. Singer

No. 6 Sept. Sessions, 1919

ORDER

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

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.

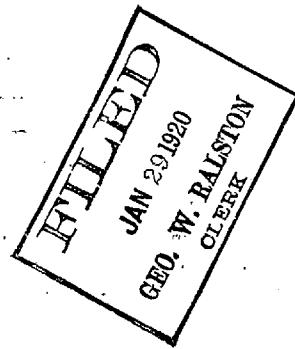
Viewers cannot interfere with the damages
assessed by the original viewers, except so far as
the location may be changed by the viewers.

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	Miles A.M.T.
Geo. K. Webster	4	170	38.50
J. E. Fry	6	144	52.20
Frank Hutton	6	144	52.20

Session, 19
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 16 feet wide.

19
Filed
Fees \$1.25 paid by



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 sealing and delivery
hereof, have remisely released and forever quit-claimed, and do hereby re-
miserly release and forever quit-claim to the said Commissioners
of Clearfield County,

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 11th day of Dec
A. D. 1919.

A. W. Crawford
Sarah Smith
Penfield Coal Co. Inc.
By R. W.



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 ~~1157~~ ⁸⁹¹¹ 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 Dilulio \$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.

Frank Hartman 
W. Fay 
George R. Thibor 