

No. 6 May SS 1917  
1919

COMMONWEALTH

VS

Road in  
Ferguson Twp  
P.O. #5 - Page 422

Charge

Part Rt. 17018

JOHN C. ARNOLD,  
District Attorney

TO THE HONORABLE SINGLETON BELL, PRESIDENT JUDGE OF THE  
COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

The petition of the undersigned citizens of Ferguson Town-  
ship and Chest Township respectfully represent;

That they labor under great inconvenience for want of a  
public road from a point at the foot of Ames Hill on the public  
road leading from the Borough of LaJose to Berwindale, said point  
being on lands of Pine Ridge Coal Company, to a point on a  
public road known as the ridge road in Chest Township near the  
residence of John Diehl, said ridge road running from the village  
of Berwindale to the Borough of Westover.

They, therefore, pray the court that viewers may be appoint-  
ed to view and lay out a public road and they will ever pray etc.

Jerr Bishop  
Garvin W. Masters  
Chas. B. Mills  
J. H. McAnister  
H. H. Riddle  
H. C. Bobst  
J. A. Gardner  
George Bonath  
W. E. Beam  
B. J. Yancy  
B. J. McSherters  
J. H. McSherters  
J. H. Montgomery

E. E. Wood  
J. W. Smith  
Edo Barrett  
Martin Linder  
Wm. Allen  
Lewis Baker  
Leolis Brown  
M. C. Fisher  
William K. Baker  
John S. Houser  
John S. Diehl  
Anna Lewis  
Ralph S. Houser  
W. H. Stiver  
J. D. Lewis  
Thomas Lewis  
Thos K. Linder  
Chas P. Miller  
Edward D. Linder  
Sheridan M. Martin

Leonard M. Harvey  
Geo. R. Fisher  
S. S. Swann  
Frank W. North  
A. A. Whitten  
A. C. McLean  
Grant Gowin  
Lynn Mays  
J. B. Wiley  
John P. Rind  
Ellis Cassmore  
Abram Beale  
Jas M. Keehan  
J. S. Beale  
David Barts  
Lea Beale  
B. M. Diehl  
Eathan Lewis  
Nelson O. Lewis  
Nelson Lewis

Clearfield County, SS

W. H. Thomson, being duly sworn, according to law says that the facts set forth in the foregoing petition are true as he verily believes.

W. H. Thomson

Sworn and subscribed to before me this 23<sup>rd</sup> day of April 1919.

J. A. Dutra JCO  
My Commission Expires Janu. 1. 1924

KNOW ALL MEN BY THESE PRESENTS, that we, W. H. Thomson,  
and \_\_\_\_\_ are held and firmly bound unto  
the Commonwealth of Pennsylvania in the sum of fifty dollars  
(\$50.00) lawful money to which payment well and truly made we  
do bind ourselves, our heirs, executors and administrators.

Sealed with our seals and dated the 23<sup>rd</sup> day of  
April 1919.

WHEREAS, a petition has been presented to the Court of  
Quarter Sessions of Clearfield County ~~for the~~ appointment of  
viewers to view and lay out a public road from a point at the  
foot of Ames Hill in Ferguson Township to a point on the  
ridge road in Chest Township, at or near the residence of John  
Diehl.

NOW THE CONDITION OF THIS OBLIGATION is such that if the  
above bounden, in the event that the said petition for public  
road shall be refused, shall save and keep harmless the county  
of Clearfield from all costs and expenses relative to said  
view on said application or petition, then this obligation to  
be void, or else to be and remain in full force and virtue.

W. H. Thomson (SEAL)

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

Office of Registration accepted for submission  
 Margaret M. Finkelman & Clerk  
 William H. Hartwick  
 City of New York

Petition for appointment  
 of Messrs. Finkelman  
 & Hartwick as  
 clerks of the court

Read May 5<sup>th</sup>, 1919  
 A. J. Kramer Esq. E. D.  
 Bellotti Esq. J. S. McLeod  
 are appointed record  
 & clerk of the court by  
 the court

Signed  
 Charles T. Smith  
 Mayor

MILLER & HARTSWICK  
 ATTORNEYS AT LAW  
 CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTO., MD.



## 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 5th day of  
May in the year of our Lord  
one thousand nine hundred nineteen.

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

in said County, setting forth that they labor under  
great inconvenience from the fact that the foot  
of a public road is being from the town of Union  
to the town of Clearfield, the road being on land of Pine Hill Coal Company, to  
a point on a public road known as the Pine Hill Road in the Township  
near the residence of J. A. Miller, and that the same road will  
be of great value to the residents of the town of Union.

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 J. A. Miller, J. W. Elliot,  
and J. S. Miller

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 impartial-  
ity 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 B. 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 Ferguson & Chest and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 24th day of June A. D. 1919, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 25th day of June A. D. --, 1919, at 10 o'clock A. M. That the --- viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view all the viewers and the following parties to wit: W. H. Thompson, Charles Houser, John, Deihl, Wm, Stiver, Russell, McMasters, James Stiver. And L. W. Bell, and Gurney, Hile two of the Supervisors of Ferguson Township in the County aforesaid. parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 25th day of June, --- A. D. 1919, when the following appearances were noted: In addition to the viewers W. H. Thompson with his Attorney H. B. Hartswick Esq. of the firm of Miller & Hartswick and that after the view and hearing aforesaid the undersigned

~~That the viewers and hearing above mentioned, the undersigned having viewed the same~~  
viewers, do agree that there is --- 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 the public road leading from Westover to Burwinsdale near the residence of John Deihl in Chest -- Township; Thence running north forty one (41) degrees; forty five (45) minutes; west eight hundred and seventy nine (879) feet on the dividing line between W. H. Stiver and John Deihl to the property line of Houser; thence along the dividing property line between Houser and John Deihl; north thirty (30) degrees; west seven hundred and twelve (712) feet to the property line of the A. C. Hopkins, Estate. Thence over land of the A. C. Hopkins estate the following courses and distances; to wit: North fifty four (54) degrees; west one hundred and nine (109) feet; thence north, fifty nine (59) degrees, west one hundred (100) feet; thence north sixty three (63) degrees; west seven hundred (700) feet to the north west side of P. N. W. R. R. tract; thence north, forty eight degrees, (48); west twelve hundred (1200) feet; thence; thence north forty four (44) degrees, thirty (30) minutes; west two hundred (200) feet; thence north, forty one (41) degrees, west eighteen hundred (1800) feet; thence north twenty four (24) degrees west four hundred and fifty (450) feet; thence north, one (1) degree thirty (30) minutes, west two hundred and five (205) feet; thence north forty seven (47) degrees, east, three hundred and twenty five (325) feet; thence north, forty six (46) degrees, forty five (45) minutes, west two hundred and twenty (220) feet; thence north fifty seven (57) degrees, forty five (45) minutes, west five hundred (500) feet; thence north fifty five (55) degrees, thirty (30) minutes, west two

TO:- JESSE, E. DALE, H. H. SPENCER AND AUSTIN, HANEY.  
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PENNSYLVANIA.

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, leading from a point at the foot of Ames Hill in the public road leading from the Borough of La, Jose to Berwinsdale; in Ferguson Township to a point on a public road running from the village of Berwinsdale to Westover, near the residence of John Deihl, in Chest Township in the county aforesaid, will meet at the house of John Deihl in Chest Township on Tuesday June 24th A. D. 1919 at (9) nine o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers, before the filing of their report in Court, in order to give all parties a chance to be heard; will be held in the Court House in Clearfield Pa, on wednesday June the 25th 1919 at nine thirty (9.30) A. M. at which time and place, all parties interested, either for or against said road may appear and be heard.

A. G. Kramer  
E. D. Billotte  
J. S. Michaels  
VIEWERS.

Now June 12 1919 service of the above notice accepted for the County Commissioners of Clearfield County Pa and personal service waived.

L. C. Morris  
Clerk.

TO:- William H Michael, Harvey, Killion and J. F. Westover,  
Supervisors of Chest Township, 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, leading from a point at the foot of Ames Hill, in the public road leading from the Borough of La, Jose; to Berwinsdale, in Ferguson Township; to a point on a public road running from the village of Berwinsdale to Westover, near the residence of John Deihl, in Chest Township, in the County aforesaid, will meet at the house of John Deihl in Chest Township on Tuesday June 24th 1919 at nine (9) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing required by the Act of Assembly and the Rules of Court, to be held by the viewers, before the filing of their report in Court, in order to give all parties interested either for or against said road a chance to be heard by the viewers will be held in the Court House in Clearfield Pa, on wednesday June 25th 1919 at nine thirty (9.30) o'clock A. M. at which time and place all parties interested, may appear and be heard.

A. G. Kramer  
E. D. Billott  
J. H. Michael  
VIEWERS.

Now June 12<sup>th</sup> 1919 served the above notice on William H Michaels  
Harvy Killion and J F Westover the Supervisors of Chest Township personally by handing each of them a true and correct copy of same.

W. H. Thorne

TO:- Gurney Hile, L. W. Bell and William Young,  
Supervisors of Ferguson Township, 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, leading from a point at the foot of Ames Hill, in the public road leading from the Borough of La, Jose to Berwinsdale, in Ferguson Township; to a point on a public road running from the village of Berwinsdale to Westover, near the residence of John Deihl, in Cheat Township, in the County aforesaid, will meet at the house of John Deihl, in Cheat Township, on Tuesday June 24th 1919 at nine (9) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing required by the Act of Assembly and the Rules of Court, to be held by the viewers, before the filing of their report in Court, in order to give all parties interested, either for or against said road a chance to be heard by the viewers will be held in the Court House in Clearfield Pa on Wednesday June 25th 1919 at nine thirty (9-30) o'clock A. M. at which time and place all parties interested may appear and be heard.

A. G. Kramer  
E. D. Billotte  
J. Michael  
Viewers.

Now June 13<sup>th</sup> 1919 served the above notice on Gurney Hile, L. W. Bell and William Young the supervisors of Ferguson Township personally by handing each of them a true and correct copy of same.

W. H. Thomson

hundre (200) feet; thence north sixty four (64) degrees, west two hundred (200) feet; thence north forty (40) degrees, west, one hundred (100) feet; thence north thirty five (35) degrees, west, one hundred (100) feet; thence north, eight (8) degrees, west two hundred (200) feet; thence north thirty four (34) degrees, thirty (30) minutes, west, five hundred (500) feet; thence north, forty eight (48) degrees, west four hundred (400) feet; thence north seventy (70) degrees, thirty (30) minutes, west five hundred (500) feet; to the dividing line between Chest and Ferguson Townships, thence through Ferguson Township, north sixty eight degrees, west one thousand and forty (1040) feet to a culvert through under the tipple known as Ames coat tipple thence north forty four (44) degrees, thirty (30) minutes west two hundred and sixty (260) feet to the terminus of the road, being the centre of the Township road leading from Burwinsdale to LaJose.

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,

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.

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:

John Delhl	\$1.00
W. H. Stiver	\$1.00
Houser	\$1.00
A. C. Hopkins, Estate	\$1.00

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

WITNESS our hands and seals this 25th day of June, A. D. 1919.

*A. J. Brown*  
*E. B. Billore*  
*J. J. Michaels*



No. 3. . . . . Sessions, 1919

**ORDER.**

To view \_\_\_\_\_ a  
road for \_\_\_\_\_ use in the  
township of \_\_\_\_\_  
Clearfield County

Septa Session, 1919,  
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.

By the Clerk  
Singletree Bell  
Dec 22 1919  
Confirmed  
Atty Genl  
Filed  
Fees \$1.25 paid by

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.
L. G. Kramer	4	82	\$34.10
E. D. B. B. B. B.	4	112	35.90
J. S. Michael	2	82	19.10

Aug 6 1919  
2019

**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\_\_\_\_\_

SEAL  
SEAL  
SEAL  
SEAL