

Road DOCKET No. 5

Number	Term	Year
1	May	1921

Petition for Public Road in

Huston Twp.

Versus

To T.R.WEIMER, J.E.DALE, M.L.FARREL, Commissioners of Clearfield County, Pennsylvania.

Notice is hereby given that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Public Road to Begin at a point in the Public Road leading from Tyler Clearfield County, to Weedville, Elk County Pa, at a point within Seventy Five (75) feet from the Pennsylvania Railroad Station in the Village of Tyler in Huston Township to end at the Public School House lot in Bell Hollow in Huston Township, in the County aforesaid, will meet at the Pennsylvania Railroad Station in Tyler, Huston Township, on Friday the 8th day of April 1921 at nine o'clock A.M. to attend to the duties assigned them. And that the Public Hearing required will be held in the Court House in Clearfield, Pa. on ~~Monday~~ <sup>Tuesday</sup> the ~~12th~~ <sup>12th</sup> day of April 1921 at nine o'clock A.M. of which times and places all parties interested will take notice.

DuBois .Pa. March 24th 1921

Mark Hutton  
J. E. Fry  
Geok Weber  
Viewers.

Now March 25<sup>th</sup> 1921 service of this notice is accepted for the County Commissioners

L. C. Morris

To

Road Supervisors of Huston Township, Clearfield County Pennsylvania  
Notice is hereby given that the undersigned Viewers, appointed by the  
Court of Quarter Sessions of Clearfield County, Pennsylvania, to view  
a Public Road <sup>to begin at</sup> ~~leading from~~ a point in the Public Road leading from  
Tyler Clearfield County, to Woodville, Elk County, Pennsylvania, at  
a point within Seventy Five (75) feet from the Pennsylvania Railroad  
Station in the Village of Tyler in Huston Township to end at the  
Public School House lot in Bell Hollow in Huston Township, in the  
County aforesaid will meet at the Pennsylvania Railroad Station in  
Tyler, Huston Township, on Friday the 8th day of April 1921 at nine  
O'clock A.M. to attend to the duties assigned them. And that the  
Public Hearing required to be held will be held at the Court House  
in Clearfield, Pennsylvania on <sup>Tuesday</sup> ~~Monday~~ the 12th day of April 1921  
at nine o'clock A.M. of which times and places all parties interested  
will take notice

DuBois, Pa. March 24th 1921

*Emek Hullm*  
*J. E. Fry*  
*George Kleeber*

Viewers

Now March 24/ 1921 service of this notice accepted for the  
Supervisors of Huston Township

*Paul & Paul*  
*Atty's*

No. 1 May Sessions, 19 21

## ORDER

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

May Session, 1921,  
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 40 feet wide.

By the Court  
*[Signature]*

APR 19 1921  
Sept. 21 1921  
Subscribed by the County Clerk  
Pentz & Pentz Attys.,  
Filed 19

Fees \$1.25 paid by

*Pentz & Pentz*

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 report.

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.
J. E. Fry	3	92	27.10
Geo. K. Weber	2	104	30.20
Frank Hutton	3	92	27.10

## 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 enrolling 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\_\_\_\_\_



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 23<sup>rd</sup> day of April  
A. D. 1921.

*Myrta H. Austin*  
*E. C. Fry*  
*George H. Weber*



# 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 eighth day of April, A. D. 1921, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the twelfth day of April, 1921, at 9 o'clock A. M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view W.H.M. Pease, H.A. Bonnett and W.J. Lanich, Supervisors of Huston Township and John Salinski and Mike Stanich citizens

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 12th day of April, A. D. 1921, when the following appearances were noted: W.H.M. Pease, H.A. Bonnet Supervisors and Thomas Glass, citizen and School Director.

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~~ use the following described road, to-wit: Beginning

~~Your viewers were of the unanimous opinion that there is not sufficient occasion for a public road as prayed for and assign as some their reasons therefor the following~~

First; The evidence of Thomas Glass, member of the School Board of Huston Twp School district testified under oath that the School District of Huston Twp does not own any Public School lot in Bell Hollow, one of the termini of the proposed road as set forth in our order to view.

Second; The sworn testimony of the Supervisors present at the hearing, was that the Township of Huston had no funds with which to open and construct the road

Third; The only feasible route apparent to your viewers for the road would be approximately two and two-fifth miles in length and would if granted and opened afford an outlet for some four families whose primary occupation is the mining of coal, with farming as secondary occupation and the permanence of their residence in that section uncertain.

Fourth; The expense of opening and maintaining the proposed road would be great, greater than the citizens and taxpayers of Huston Township could reasonably be asked to assume for the sparse settlement it would serve

Fifth; No person or citizen interested for the road appeared at the Public Hearing held by the Viewers.

## 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 7th day of February in the year of our Lord one thousand nine hundred twenty-one.

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

in said County, setting forth that they labor under great inconvenience for want of a public road, to begin at a point in the public road leading from Tyler, Clearfield County, to Weedville, Elk County, Pa., at a point within seventy-five (75) feet of the Pennsylvania Railroad Station in the Village of Tyler in said Township; thence to end at the public School House lot in Bell Hollow in said Township.

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, Esq., J. E. Fry & 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.

Geo. W. Ralston, Clerk.

TO THE HONORABLE, THE JUDGE OF THE COURT OF QUARTER SESSIONS:

The petition of the undersigned citizens of the Township of Huston respectfully represents:

That they labor under great inconvenience for want of a public road, to begin at a point in the public road leading from Tyler, Clearfield County, to Weedville, Elk County, Pa., at a point within seventy-five (75) feet of the Pennsylvania Railroad Station in the Village of Tyler in said Township; thence to end at the public school house lot in Bell Hollow in said Township.

They pray your Honorable Court to appoint competent persons to view and lay out said road and make return thereof, as provided by law.

And they will ever pray, etc.

Luigi Grasso  
Joe Dicketa  
Frank Zivito  
Antonio Pino  
Ralph Padella  
Joseph Sobierajski  
Angelo Cataldo  
Rocco Cataldo  
Damiano Cataldo  
Joe Dicketa  
Rocco De Santis  
Joe Smith  
Mike Silinski  
Wm. Kost

Giacomo Volpe  
Joe Dossi  
Frank Reo  
John Reo  
James W. Grander  
Nick Lurken  
John Wondol  
Castro  
Peter Lurken  
Antonio Lurken  
Frank Melchski  
Joe Pengroski  
Joe Cheslock  
Alex Skerry  
Steve Skerry



Adam Block  
Clarence Leo  
Cosimo Manta  
Tommi Micucci  
Albert Singer

Rev. John S. Lorenz.  
Who Peters,

William McCracken  
+ Mike Scanage

Mike Waskushin

Harry Stefano

John Silinski

Gott C Walker

Ed. Dummer

7 Feby. 1921 Petition read and thereupon Frank Hurlbut, J. E. May  
 & Guy Wilson are appointed viewers to view & report  
 road as prayed for and report next term of court  
 By the Court  
 Singleton, Pres.

No 1 May 11 - 1921 No. 55, 1921 No. R. Miller Ross Attorney General Memphis to R	Petition 18 Jan 1922 made & presented the petition by Wilson. May 6, 1921 petition is hereby accepted W. G. Bennett President of Board of Supervisors May 10, 1921 same accepted by the County Commission R. G. Hume RENTZ & RENTZ ATTORNEYS AT LAW DUBOIS, PA.
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RECEIVED OFFICE MAY 11 1921