

Road

DOCKET No. 5

Number	Term	Year
5	May Ss	1921

Bridge across Laurel Run in  
Huston Twp.

Versus

# Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield  
Pennsylvania, held at Clearfield, in and for said county on the 25th

day of April, A. D. 19 21  
before Judge of said Court, upon a petition of sundry inhabitants of the town-  
ship of HUSTON in said County, setting forth  
that a bridge is much needed across Laurel Run

on the public highway leading from the Penfield Road to Elk County  
at a place where the said public road crosses the said Laurel Run in  
said Township of Huston and that the erection of said bridge will  
require more expense than the said Township of Huston is able to bear;

and therefore paying the Court to appoint proper persons to view and lay out the same according to law,

where upon the Court upon due consideration had of the premises, do order and appoint FRANK HUTTON, Esq.,  
J. E. FRY and GEORGE WEBER

who after being respectively sworn or affirmed to perform their duties impartially and to the best of their judgment, are  
to view the place proposed for the said bridge, and if they or any one of them, view the same, and any  
one of the actual viewers agree that there is occasion for such a bridge, and that the erecting of the said bridge  
would require more expense than it would be reasonable the said townships should bear, they are to make report accord-  
ingly:

and a map or plot thereof to be made, which shall accompany said report; the report aforesaid to be made to the next  
term of the Court of Quarter Sessions to be held for the said county of Clearfield.

BY THE COURT.

Geo H. Ralston

CLERK.

## Return of Viewers.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace in and for the County of Clearfield, Pa.

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, Pa., beg leave to report as follows:

That notice of the time of the view was duly ~~served according to law~~ <sup>waived by</sup> upon the Commissioners of Clearfield County and ~~on each member of~~ <sup>by</sup> the Board of Supervisors of Huston Township, and that ~~public~~ <sup>waived</sup> notices thereof were ~~posted along the public road at and near the location of said bridge, giving notice that the view would be held on~~ <sup>the view was held on</sup> Thursday the 28th day of April A. D. 1921, at 9:30 o'clock A. M. And that the public hearing as required by the Act of Assembly and the Rules of Court ~~would be held in the Arbitration Room, in the Court House in Clearfield, Pa., on~~ <sup>was waived</sup> the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 1921, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

And that the said viewers met at \_\_\_\_\_ the site or proposed location of said bridge, where the public road leading from Penfield <sup>Road</sup> ~~to Elk Co.~~ in Huston Township ~~to the crosses Laurel Run~~ in Huston Township on Thursday the 28th day of April A. D. 1921 at 9:30 o'clock A. M. and that there were present at the view W.H.M. Peace, and H.A. Bonnett ~~Suprevisors of Huston Twp~~

parties interested for said bridge.

And that the said viewers all having been present at the view and after having made said view do agree that there is \_\_\_\_\_ necessity for said bridge.

They further agree and are of the opinion, that the expense of building a permanent bridge will be greater than the said Township of Huston is financially able to bear; they are advised that the estimated cost of construction of a bridge according to the plans and specifications as prepared and approved by the State Highway Department of Penna., will be approximately three thousand (\$3000.00) dollars and that the State will bear one third of the cost of construction. A Blue Print of the Plans and Specifications made and approved by the State Highway Department of Pennsylvania are filed herewith and made part of this report.

On the basis of the estimate of cost of construction furnished your viewers, we recommend that the County of Clearfield assume the payment of one fourth part of said estimated cost of construction, or seven hundred and fifty (\$750.00) dollars.

.....  
IN RE: BRIDGE  
IN HUSTON TOWNSHIP  
OVER LAUREL RUN  
.....

IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY.

No. 5, MAY SESSIONS, 1921.

26th of April, 1921.

The time of advertising is hereby waived  
and public hearing is also waived and we agree that the  
report of the viewers may be submitted to the Grand Jury.

County Commissioners

Chas. L. C. Norris

Clear

Supervisor of Huston Township  
by Percy H. Bulley  
attorney

## Release of Damages.

**Know All Men by These Presents,** That we, the undersigned owners of lands upon which the bridge is located by the viewers, under the annexed order, passed for and in consideration of the sum of ONE DOLLAR to us respectively paid by the \_\_\_\_\_ 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 or building of said bridge, 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 or building of said bridge.

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



## Assessment of Damages.

~~The following persons, having refused to release the damages to which they respectively may be~~ entitled by reason of the location and building of said bridge in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their ~~damages and make report thereof as follows:~~ **That there are no damages to be released or assessed as the bridge as proposed will be erected on land already used as a Public Highway.** To \_\_\_\_\_ the sum of \_\_\_\_\_

To \_\_\_\_\_ the sum of \_\_\_\_\_

To \_\_\_\_\_ the sum of \_\_\_\_\_

Witness our hands this 29th day of April A. D. 19121

*Irish Hutton*  
*J. E. Fry*  
*George R. Weber*

May 4, 1921 Recommended by the Grand Jury  
See their report.

No. 5 May Sessions 19 21

Bridge across Laurel Run

in

Huston Township

Note.—Viewers will carefully note the number of days employed, and set the amount out at the foot of their return.  
Reviewers cannot interfere with 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 bridge, they will report to that effect.

# ORDER TO VIEW BRIDGE.

Frank Hutton	Days ..	\$15.00
	Miles 40	.2.00
J. E. Fry	Days ..	1 7.50
	Miles 40	.2..00
Geo. K. Weber	Days ..	1 7.50
	Miles 58	.2.90
	Days ....	
	Miles ....	
	Days ....	
	Miles ....	

Filed \_\_\_\_\_ 19\_\_

Fees \$1.25, paid by \_\_\_\_\_

Pentz & Pentz,

Attorney.

FILED

APR 30 1921

Geo. W. STORY

TO THE HONORABLE, THE COURT OF QUARTER SESSIONS OF THE COUNTY  
OF CLEARFIELD:

The petition of the undersigned, citizens and inhabitants of the Township of Huston respectfully represents:

That a bridge is much needed across Laurel Run on the public highway leading from the Penfield Road to Elk County at a place where the said public road crosses the said Laurel Run in said Township of Huston and that the erection of said bridge will require more expense than the said Township of Huston is able to bear;

Your petitioners, therefore, pray the Court to appoint proper persons to view the premises and to take such order on the subject as is required by the Act of Assembly in such case made and provided.

August  
Fred Hess  
Thos J Powell  
R V Glass  
J Hain Koning  
W T Fitch  
Daniel W Woodward  
Hart Pierce  
J G Jordan  
T C Carblin  
James Higgins  
S E Kammage  
W Sudder  
J O Wilhelm  
J L Webb  
George W Wilhelm

Payfield Pa.

W. E. Robacker      Penfield Pa

H. G. Bonnett      Penfield Pa.

W M Reiter      Penfield Pa

S T Sollada      Anderson Creek Pa

John H. Hume      Penfield Pa

Thos Ward      Penfield

James Brundage      Penfield

Cory Lincove      Penfield

S. L. Boyle      " "

W. H. Lamb      " "

W H Woodward      " "

Joseph A. Doll      " "

J. M. Miller      " "

E. Yetzer      " "

L. H. Overhurf      " "

M. J. Johnson      Penfield, Pa

Sam. Johnston

Sam. Burkhett      " "

Jasper M. Pease Jr.      " "

Geo. Rosenkrans      " "

E. Magle      " "

W. Walker

George Erving.



C. E. Barker  
J. S. Wells

*Apr 25, 1921, Frank Hutton Esq. J.E. Fry and George Nelson  
 An Affidavit sworn to and filed as required by the rules  
 of the County of Clearfield, Pa.  
 by the Court  
 Clearfield, Pa.*

*# 5 May 28 1921*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.	IN RE: BRIDGE ACROSS LAUREL RUN IN HUSTON TOWNSHIP.	P E T I T I O N	<div data-bbox="355 525 561 829" data-label="Text"> <p><b>FILED</b>  <b>APR 25 1921</b>  <b>GEO. W. RALSTON</b>  <b>CLERK</b></p> </div> <div data-bbox="247 525 330 787" data-label="Text"> <p><b>PENTZ &amp; PENTZ</b>  <b>ATTORNEYS AT LAW</b>  <b>DUBOIS, PA.</b></p> </div> <div data-bbox="206 535 223 766" data-label="Text"> <p><small>BALTIMORE OFFICE SUPPLY CO., BALTO., MD.</small></p> </div>
--	---	-----------------	--

*Attest April 25<sup>th</sup> 1921  
 Service on the within proceedings  
 accepted by County Commissioner  
 L. C. Norris  
 Clerk*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

IN RE:-

Bridge Across Laurel Run,  
in Huston Township.

:  
:  
:  
:  
:  
:  
:

No. 5 May Sessions, 1921.

EXCEPTIONS TO REPORT OF VIEWERS.

To the Honorable Singleton Bell, President Judge:-

Respectfully come Penfield Coal & Coke Company by  
L. W. Smith, General Manager, and John Horning, resident in  
Huston Township, and except to the proceedings in the above  
matter for the following reasons:

(1). That the proposed bridge over Laurel Run is not in the  
public interest, but is a private matter intended only for  
the benefit of two families resident about a mile distant there-  
from.

(2). That the public highway on which the present bridge  
crosses Laurel Run terminates about a mile and a half therefrom  
in the woods or wilderness, is not a through highway or  
thoroughfare, and the construction of the proposed bridge will  
involve a waste and extravagance of the public funds.

(3). That the tax payers in Huston Township in whose inter-  
est and behalf the exceptants are in part acting have not had  
sufficient opportunity to present their views and objections to  
the viewers appointed in the case.

(4). That the proceedings in this case exceptants are  
advised, are invalid for the following reasons:

1. (a) That there was no corporate action by the County

Commissioners of Clearfield County, whereby advertising and public hearing of the proposed view and subsequent proceedings thereon could be waived.

(b) That there was no meeting of the supervisors of Huston Township by virtue of which a hearing and advertising could be waived.

(c) That the attempted waiver of advertising and hearing is contrary to public policy and void.

(d) That no sufficient nor proper opportunity has been offered exceptants and those they represent to appear before the viewers and make known the desires of the taxables.

(5). That by reason of the informality of the proceedings the exceptants are advised, and therefore, aver, that the findings of the viewers are void.

(6). That the present structure is adequate for the needs of the public traveling over the highway leading from Penfield road to Elk County, on which the proposed bridge is to be constructed, and a comparatively small outlay will put it into condition to serve the traveling public who use it for many years to come.

WHEREFORE, the exceptants pray that the report of the viewers be set aside.

Lee Smith  
John Horning

STATE OF PENNSYLVANIA :  
 : SS:  
COUNTY OF CLEARFIELD :

L. W. Smith and John Horning, above named as persons excepting to the report of viewers, being duly sworn, depose and say that the matters of fact set out in their foregoing exceptions are true and correct to the best of their information, knowledge and belief.

Subscribed and sworn to  
before me the 24th day  
of May, 1921.

*Geo W Ralston*  
*Prothonotary*

*L W Smith*  
*John Horning*

In the Court of Quarter Sessions  
of Clearfield County, Penn'a.

No. 5 May Session, 1921.

In Re:-  
Bridge across Laurel Run,  
Huston Township.

Exceptions to Report of  
Viewers.

FILED  
MAY 25 1921  
GEO. W. BALSTON  
CLERK

A. M. LIVERIGHT  
ATTORNEY AT LAW  
CLEARFIELD, - PA.

MURIT STATIONERY STORE, CLEARFIELD, PA.