

No. *May* Sessions,

COMMONWEALTH

1917

VERSUS

Vaca Road

Chest Township

CHARGE

X
Walter Welch,
District Attorney

No. 1 May Sessions, 1917

ORDER

To view vacate and supply a road for public use in the township of Chest Clearfield County

May Session, 1917, read and confirmed N. S. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

By the Court
Magistrate
Sept 16 1917 Confirmed
absolutely by the Court
Magistrate

Filed

Fees \$1.25 paid by M. & H.

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.
A. G. Kranner	4	48.40
E. D. Bickel	4	52.40
J. S. Mahack	3	38.40

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. 1917



teen (19) degrees, east, eighty nine (89) feet; thence south forty nine (49) degrees, east two hundred and thirty (230) feet; thence south sixty one (61) degrees, east four hundred (400) feet; thence south, sixty four (64) degrees, thirty (30) minutes, east, three hundred (300) feet; thence south seventy nine (79) degrees, east three hundred (300) feet; thence south seventy one (71) degrees thirty (30) minutes, east, two hundred and fifty nine (259) feet. thence south, sixty four (64) degrees, east one hundred (100) feet; thence south, forty four (44) degrees thirty (30) minutes, east three hundred and thirty five (335) feet to a post at the intersection of a street and alley in Welchdale in Chest Township being the ending of the present road previously laid out and opened herewith vacated.

And that by reason of the laying out of the said road as a public highway, the present road between said points, from where the proposed new road intersects, with the present road; five hundred (500) feet south of the residence of George H Kitchen to the post at the intersection of the street and alley in Welchdale, as shown on the draft attached as part of our report; will become useless, inconvenient and burdensome; they would therefore recommend, that the same be vacated. -----

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~~

~~that it was not practicable to procure a release from them.~~

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 ^{no} 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:

The Clearfield Cambria Coal & Coke Co (Inc)

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

WITNESS our hands and seals this 25th day of April

A. D. 1917.

A G Kramer 
E D Billotta 
J S Michaels 

petitioners as follows;" your petitioners, therefore, pray that by a proper proceeding had in the said Court, that said road laid out and opened as aforesaid be vacated", and that the following prayer be inserted," your petitioners, therefore, pray that by a proper proceeding had in said Court that that part of said road laid out and opened as aforesaid, commencing at a point about one thousand feet south of the house of George H Kitchen and extending to the post in an Alley at or in Welchdale be vacated and supplied".

And that in persuance whereof; the Court made the following order;

Now the 31d day of March, A. D. 1917, the within petition presented and after consideration the amendment as prayed for is allowed, and the proceeding is referred back to and continued with the present viewers to take such action in the premises as necessary under the amendment.

By the Court;

Singleton Bell, P.J.

Whereupon, in persuance of said order of Court the said viewers after having given notice of the time of the view and of the hearing day duly served according to law upon the Commissioners of Clearfield County and the board of Supervisors of the Township of Chest, and that three notices thereof were posted along the route of the proposed road to be vacated and supplied, that the said view would be held on the 24th day of April A. D. 1917 and the hearing to be held in the Court House in Clearfield Pa on the 25th day of April 1917 at nine (9) o'clock A. M. And that the said viewers appointed by the said order viewed the ground proposed for the above mentioned road, and the said road to be vacated, and that there were present at the said view, Harry Killian, and J. P. Michaels two of the Supervisors of Chest Township and I, N, Dunbar John B Kitchen and John Rainey, parties interested, and that the hearing was held in the Law Library Room in the Court House at Clearfield Pa, on the 25th day of April A. D. 1917 when the following appearances were noted; J. P. Michaels and H. Kitchen with their Attorney H. B. Hartswick Esq.

And that after the view and hearing aforesaid, the viewers do agree that there is a necessity for a new road to supply the present road now there which is on low wet swampy ground and part of the year not fit to travel, And that the said proposed new road 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 well do the least injury to private property and as far as practicable to the desire of the petitioners, and do return for public use the following described road to wit:

Beginning, at a point in the public road leading from near the house of George H Kitchen to Welchdale in Chest Township about five hundred (500) feet south of the residence of the said George H Kitchen at the dividing line between land of the Austin Curry Estate and the Clearfield and Cambria Coal and Coke Company; thence over unimproved land of the said Clearfield and Cambria Coal and Coke Company the following courses and distances, to wit: South twenty nine (29) degrees, thirty (30) minutes, west two hundred and forty eight (248) feet; thence south thirty seven (37) degrees fifteen (15) minutes; west two hundred (200) feet; thence south thirty one (31) degrees, thirty (30) minutes, west two hundred (200) feet; thence south thirteen (13) degrees fifteen (15) minutes, west two hundred and fifty six (256) feet; thence south one (1) degree, thirty minutes, west two hundred and fifty five (255) feet; thence south five (5) degrees, west one hundred and thirty four (134) feet; thence south nine (9) degrees, west one hundred and forty nine (149) feet; thence south seventeen (17) degrees thirty (30) minutes, west one hundred and seventy two (172) feet; thence south eighteen (18) degrees thirty (30) minutes, west one hundred and ninety (190) feet; thence south fourteen (14) degrees, west two hundred (200) feet; thence south nine (9) degrees, west one hundred and ten (110) feet; thence south ten (10) degrees east two hundred (200) feet; thence south eighteen (18) degrees east two hundred and fifty (250) feet; thence south fourteen (14) degrees, east, one hundred and twenty one (121) feet; thence nine-

AMENDED PETITION .

Your petitioners, therefore, pray that the original petition presented by them may be amended by striking out the prayer of said petitioners as follows; " Your petitioners, therefore, pray that by a proper proceeding had in said Court that said road laid out and opened as aforesaid be vacated ", and that the following prayer be inserted " Your petitioners, therefore pray that by a proper proceeding had in said Court that that part of said road laid out and opened as aforesaid commencing at a point about one thousand feet south of the house of George H. Kitchen and extending to the post in the alley at or in Welshdale be vacated and supplied. W.

Amended petition allowed by the Court.

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 5 day of
February in the year of our Lord
one thousand nine hundred seventeen,

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

Chest

in said County, setting forth that by proceeding had

in said Court No 10 September SS 1902, a public road was laid out and
opened in the township of Chest beginning at a post in the Township
road near George H. Kitchen House and extending by the several
courses and distances as set forth in the return of viewers and ending
at a post in an alley at or near Welchdale said Township, That since the
opening of said road has become useless inconvenient and burdensome

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 A. G. Kramer Esq., E.D. Billotte
and J. S. Michaels

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 impari-
ality 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 S. Moon, 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 Chest and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 28th day of March, A. D. 1917, and the hearing to be held in the ~~Court House~~ ^{Grand Jury} Court House, in Clearfield, Pa., on the 29th day of March, 1917, at (9) o'clock A. M. That the said viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view J. P. Michaels, H. Killian two of the Supervisors of said township, and I. N. Dunbar, John, Z. Kitchen, and John Rainey. and J. F. Westover Supervisor

parties in interest. That the hearing was held in the ~~Grand Jury~~ ^{Grand Jury} Room, in the Court House, at Clearfield, Pa., on the 29th day of March, A. D. 1917, when the following appearances were noted: J. P. Michaels, H. Killian and J. F. Westover the Supervisors of Chest township, and I. N. Dunbar, and John Rainey

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 new 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

And that after the view and at the hearing above mentioned it became evident that by vacating said road as prayed for it would shut in several families living a short distance beyond the termination of said road in and near Welchdale who have no other outlet in case said road should be vacated and a number of children who would have no way of getting to school; and the further fact that the present road is located on low wet swampy ground, and therefore expensive to fix up and keep in proper repair it was therefore deemed advisable by the Supervisors to vacate only a part of said road and to supply the portion vacated by laying out a new road to supply the part vacated on higher and better ground. Thereupon the said Supervisors presented a supplemental petition to the said Court; which in part is as follows;

That it is agreed, by and between all of the parties interested, that a part of said road ought to be vacated, if supplied by another road to be located on higher and better ground, and all the parties interested that the original petition, presented in this case should be amended by the petitioners, so as to provide that part of the said road be vacated and supplied by a new road laid out on higher and more suitable ground, and that the matter be referred back to the viewers for such further action as may be necessary in the premises, as follows

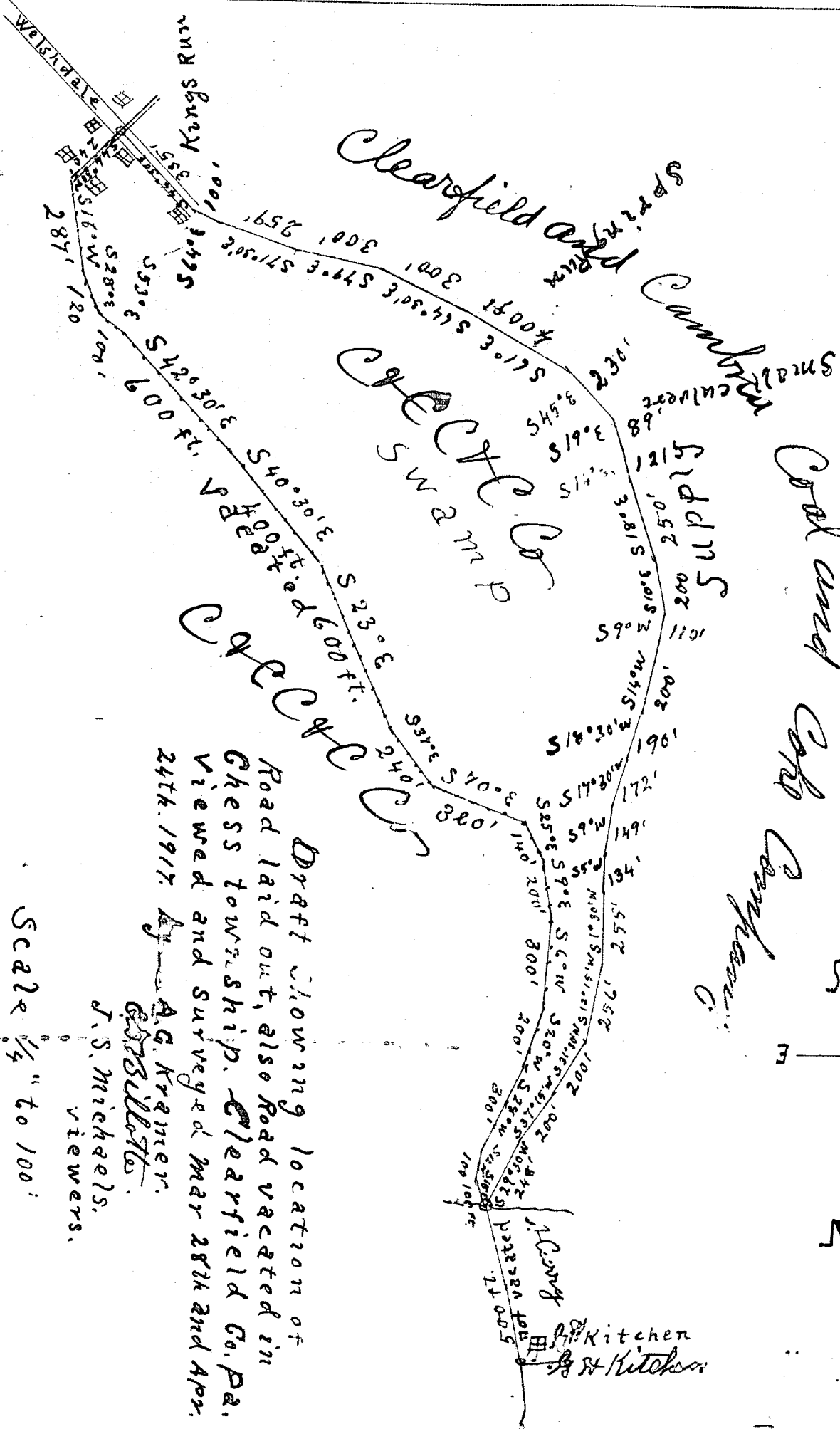
Your petitioners, therefore, pray that the original petition presented by them may be amended by striking out the prayer of said

[Handwritten signature]

23° E
2600 ft.
3535 ft.
Road
Chess
View

A.G. Kraemer,
Exhibitor,
J.S. Michaels,
viewers.

Scale $\frac{1}{4}$ " to 100'



TO:- Jessie. E. Dale, H. H. Spencer and Austin Haney;
County Commissioners of 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 vacate, a public road leading from a point at a post in the Township road near the house of George H Kitchen in Chest Township; to a post in an Alley at or in the village of Welchdale in Chest Township in the County aforesaid, will meet at the house of George H Kitchen in Chest Township on Wednesday the 28th ----- day of March A. D. 1917 at nine (9) oclock A. M. to attend to the duty of their appointment of which time and place all persons interested in said road 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 in order to give all parties interested, either in favor of or against vacating said road a chance to be heard by the viewers, before the filing of their report, will be held in the Court House in Clearfield Pa on Thursday March 29th A. D. 1917 at nine (9) oclock A. M. at which time and place all parties concerned in said road may attend and be heard.

A. G. Krasser
E. D. Billotte
J. S. Michalls.
VIEWERS.

And now March the 10 1917 service of the foregoing notice accepted for the County Commissioners of Clearfield County Pa.

L. C. Morris
Clerk

TO:- J. F. Westover, H. Killian and J. P. Michaels,
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 vacate, a public road leading from a point at a post
in the Township road near the house of George H Kitchen, in Chest
Township; to a post in an Alley at or in the village of Welchdale
in Chest township in the County aforesaid, will meet at the house
of George H Kitchen ^{in Chest Township} on Wednesday the twenty eighth (28th)-----
day of March A. D. 1917 at nine (9) oclock A. M. to attend
to the duty of their appointment, of which time and place all per-
sons interested in said road 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 in order
to give all parties interested, either in favor of or against va-
cating said road a chance to be heard by the viewers, before the
filing of their report, will be held in the Court House in Clear-
field Pa on Thursday March (29th) A. D. 1917 at nine (9) oclock
A. M. at which time and place all parties concerned in said road
may attend and be heard.

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

Now March 15th 1917 served this notice on J. F. Westover,
H. Killian and J. P. Michaels, the Supervisors of Chest Township
personally by handing each of them a true and correct copy of
same.

H. Killian

TO:- Jessie, E. Dale, H. H. Spencer and Austin Haney,
County Commissioners of 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 in the public road, leading from near the house of George H Kitchen in Chest Township, to the village of Welchdale; at a point in the said road, about one thousand (1000) feet south of the house of the said Kitchen; To the main street in the village of Welchdale. in Chest Township:

And vacate, that portion of the aforesaid road supplied by the said proposed new road; from the intersection of the proposed new road; from about one thousand (1000) feet south of the house of the said George H Kitchen; to the post in the Alley in the aforesaid village of Welchdale, in Chest Township in the County aforesaid, will meet at the house of George H Kitchen in Chest Township on Tuesday the 24th day of April A. D. 1917 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 as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested, either in favor of or against said road a chance to be heard by the viewers, before the filing of their report, will be held in the Court House in Clearfield Pa, on Wednesday the 25th day of April A. D. 1917 at nine (9) o'clock A. M. at which time and place all parties interested in said road may attend and be heard.

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

Now April 11 1917 service of the foregoing notice accepted for
the County Commissioners of Clearfield County Pa.

L. C. Morris
Clerk.

TO:- J. F. Westover, H. Killian and J. P. Michaels;
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 in the public road, leading from near the house of George H Kitchen in Chest Township, to the village of Welchdale, at a point in the said road, about one thousand (1000) feet south of the house of the said Kitchen; To the main street in the village of Welchdale in Chest Township.

And vacate, that portion of the aforesaid road supplied by the said proposed new road; from the intersection of the proposed new road, from about one thousand (1000) feet south of the house of the said George H Kitchen; to the post in the Alley in the aforesaid village of Welchdale, in Chest Township in the County aforesaid, will meet at the house of George H Kitchen in Chest Township on Tuesday the 24th day of April A. D. 1917 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 as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested, either in favor of or against said road a chance to be heard by the viewers, before the filing of their report, will be held in the Court House in Clearfield Pa, on Wednesday the 25th day of April A. D. 1917 at nine (9) o'clock A. M at which time and place all parties interested in said road may attend and be heard.

A. G. Kramer
E. D. Billatto
J. P. Michaels
VIEWERS.

Now April 12, 1917 served the forgoing notice on J. F. Westover H. Killian and J. P. Michaels the Supervisors of Chest Township Clearfield County Pa personally by handing each of them a true and correct copy of same.

H. Killian

To:- Clearfield and Cambria Coal and Coke Company.

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 in the public road, leading from near the house of George H Kitchen in Chest Township to the village of Welchdale, at a point in the said road, about one thousand (1000) feet south of the house of the said Kitchen; To the main street in the village of Welchdale in Chest Township. Across the land of the said Clearfield and Cambria Coal and Coke Company in said township of Chest, in the aforesaid County of Clearfield Pa.

And vacate, that portion of the aforesaid road supplied by the said proposed new road, from the intersection of the proposed new road, from about one thousand (1000) feet south of the house of the said George H Kitchen; to the post in the Alley in the aforesaid village of Welchdale, in Chest Township in the County aforesaid, will meet at the house of George H Kitchen in Chest Township on Tuesday the 24th day of April A. D. 1917 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 as required by the Act of Assembly and the Rules of Court to be held by the viewers, in order to give all parties interested, either in favor of or against the change in said road a chance to be heard by the viewers, before the filing of their report, will be held in the Court House in Clearfield Pa, on Wednesday the 25th day of April A. D. 1917 at nine (9) o'clock A. M. at which time and place all parties interested in said road may appear and be heard.

Now April 12, 1917 served this notice on
Harry Thompson
agent for the Clearfield
and Cambria Coal and Coke Company personally
by handing him a true and correct copy of
same

H. Kramer
E. D. Billotte
J. S. Michaels
VIEWERS.

H. Williams

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

To the Honorable Singleton Bell, President Judge of said Court:

The petition of the undersigned being the supervisors of the Township of Chest, in said County, would respectfully represent;

That on the 5th day of February 1917 they presented their petition to your Honorable Court averring that a certain township road in Chest Township, laid out under proceeding had in said Court to No. 10 September Sessions 1902, said road beginning at a post in the Township road near George H. Kitchen's house and extending by the several courses and distances as set forth in the return of viewers and ending at a post in an alley at or in Welshdale, had become useless, inconvenient and burdensome and prayed that said road might be vacated.

That on the said 5th day of February 1917, A. G. Kramer, E. D. Billotte and J. S. Michaels were appointed viewers to view said proposed vacation and report thereon to May Sessions next. That in pursuance of said appointment said viewers met upon the ground and made a view and examination of said road on the 28th day of March A. D. 1917, and also met for a hearing on the same at the Court House in the Borough of Clearfield, Pennsylvania, on the 29th day of March 1917.

That said hearing was attended by those opposed to the vacation of said road as well as by the supervisors of said Township, and the respective attorneys representing the various parties.

That it is agreed by and between all of the parties interested that a part of said road ought to be vacated, if supplied by another road to be located on higher and better ground, and all the parties interested agreed that the original petition pre-

sented in this case should be amended by the petitioners so as to provide for the desired vacation and the supply of the part of the road to be vacated, and that the matter should be referred back to the viewers for such further action as may be necessary in the premises.

Your petitioners, therefore, pray that the original petition presented by them may be amended by striking out the prayer of said petitioners as follows; "your petitioners, therefore, pray that by a proper proceeding had in said Court that said road laid out and opened as aforesaid be vacated", and that the following prayer be inserted "Your petitioners, therefor, pray that by a proper proceeding had in said Court that that part of said road laid out and opened as aforesaid commencing at a point about one thousand feet south of the house of George H. Kitchen and extending to the post in an alley at or in Welshdale be vacated and supplied".

THE TOWNSHIP OF CHEST

By J. G. Westover
H. Williams
J. P. Michael

State of Pennsylvania)
County of Clearfield) SS

On the 29th of March, A. D. 1917, before me, the subscriber,
appeared H. Killion who being duly sworn according to law doth
depose and say that the facts set forth in the foregoing petition
are true and correct.

H. Killion

Sworn to and subscribed before me this 29 day of March 1917.

John H. Moore,
Clerk
of the Court

ORDER OF COURT.

Now the 31st day of March A. D. 1917, the within petition presented and after consideration the amendment as prayed for is allowed and the proceeding is referred back to and continued with the present viewers to take such action in the premises as necessary under the amendment.

By the Court
Sughran Bell
M

No. 1 May Sessions 1917

Petition to amend original
Petition.

W. C. MILLER
ATTORNEY AT LAW
CLEARFIELD, PA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

To the Honorable Singleton Bell, President Judge of said Court:

The Township of Chest by its supervisors would respectfully represent; that by a proceeding had in said Court No. 10 September Sessions 192 a public road was laid out and opened in the township of Chest, beginning at a post in the Township road near George E. Kitchen's House and extending by the several courses and distances as set forth in the return of viewers and ending at a post in an alley at or in Welchdale, said Township.

That since the opening of said road it has become useless, inconvenient and burdensome.

Your petitioners therefore pray that by a proper proceeding had in said Court that said road laid out and opened as aforesaid be vacated.

The Township of Chest

By

J. F. Westover

H. Williams

G. P. Michael

Supervisors.

No. 1 New Sessions 1917

Petition to vacate road
in Chest Township.

Now Feb 5 1917 within
petition presented and
A. G. Brown v. S. D. Ball etc
and S. S. Michael
are appointed referees
to view said proposed
vacation and report
thereon to May session next.

At the Court
Duglass Bick
in

Filed
LAW OFFICES
COLE & HARTSWICK
OPERA HOUSE BLOCK
CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE