

ROAD
No. 7 SEPTEMBER Sessions, 1917

COMMONWEALTH.

VERSUS

IN RE PUBLIC ROAD IN CHEST

TOWNSHIP

R. L. #5 - Page 386

CHARGE

Walter Welch,
District Attorney.

No road exists

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

In Re: Public Road in)
Chest Township,)

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

We, the Subscribers, residents of the Township of Chest,
Clearfield County, respectfully petition and represent;

That your petitioners labor under great inconvenience for
want of a public road in said Township to begin at the Emma Swoope
place, on the road leading from Irvona to Westover ~~and extending thence~~
~~by the properties of Sheridan Westover, D. H. Westover and Tobias~~
~~Westover~~ and ending on the public road aforesaid at the Warren Stevens
place, and being about two miles in extent.

Your petitioners therefore pray the Court to appoint proper
persons to View and lay out the same according to law; and they will
ever pray, etc.

J. W. Duncan

*Isaac Neff
Joseph Hutton
James Hutton*

J. H. Daniel

John Blumenthal

Joshua Pennington

Earl Shurtz

Grant Souren

Wm. W. W.

J. Barrett

Henry Pennington

John Kane

James McChesley

William Markel

Clark L. Markel

Sylvester Markel

Paul McEstover

D. B. Wishe

E. McEulley

S. S. McGarvey

Paul McGarvey

M. S. McChesley

McMaster Boze

J. P. Michael

Quernichall

William

A J Pearce
Easton Lewis

J L Miles

Edward Stephens

H. L. Poope

Morgan Weston

Leone H. H. H. H.

J. H. Weston

J. H. Weston

Ed. Barto

Sheridan Weston

T. C. McGary

H. M. Woods

Emat Weston

State of Pennsylvania,) ; SS.
County of Clearfield,)

E. M. Westover being duly sworn according to law doth depose
and say that the facts set forth in the foregoing petition are true
to the best of his knowledge, information and belief. And further
deponent saith not.

E M Westover

Sworn and subscribed to
before me this 23 day of
May A. D. 1917.

Frank G. Conley / JP

My Comm. expires 12-31-1918
Notary Public for Clearfield County, Pa.

In republic road
in Chest Township

and New July 3rd 1917
The within petition
read and considered
whereupon W. H. Kramer
introduced W. H. Kramer
W. H. Kramer 1/25. Michael

are appointed Disburse
to view and report on
said road

By the Court

Ingels
1917

175 Paid by Treasurer

New July 3rd 1917 less paid to view of
by a highway and maintenance funds of
Ingels Court
Ingels Court

Know all Men by these Presents

THAT we, E. M. Westover of Chest Township, Clearfield County, Pa.,

and *Sheridan Westover*

held and firmly bound unto the Commonwealth of Pennsylvania

in the sum of Fifty (\$50.00) Dollars,

lawful money of the United States of America, to be paid to the said

Commonwealth of Pennsylvania, its

certain Attorney, Executors, or Assigns, to which payment well and truly to be made we do bind

ourselves and our

Heirs, Executors and Administrators,

firmly by these Presents. Sealed with our

Seals Dated the 23rd day of ~~May~~ June in the year of our Lord
one thousand nine hundred and seventeen.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bounden E. M. Westover
and their

Heirs, Executors, and administrators, or any of them, shall and do well and truly pay, or cause to be paid
unto the above-named Commonwealth of Pennsylvania, its

certain Attorney, Executors, Administrators or Assigns,

~~the amount~~ the amount of any costs or expenses incurred in a certain
proceeding or petition for a public road in Chest Township, Clearfield
County, Pennsylvania, which petition is filed in the Prothonotary's
Office herewith. and shall save and keep harmless the said Common-
wealth or the County of Clearfield from any costs or expenses incurred,
in the event said petition should be abandoned or discontinued.

without any fraud or further delay, then the above Obligation to be void, or else to be and remain in
full force and virtue.

Sealed and Delivered in the Presence of us

Frank G. Conley

E. M. Westover

Seal

George F. Westover

Sheridan Westover

Seal

BOND.

*Nov 3rd 1917
Bond approved
By the Court
Engelhardt Secy
Ct*

For \$.....

of the said Tobias Westover the following courses and distances:
north sixty four (64) degrees, thirty (30) minutes, east fourteen
(14) perches, thence north sixty eight (68) degrees forty five (45)
minutes, east eleven (11) perches, thence north sixty five (65) de-
grees thirty (30) minutes, east eighteen (18) perches, thence north sev-
enty eight (78) degrees, east twelve (12) perches to line of land of
Hookenterry, thence over unimproved land of said Hookenterry
the following courses and distances, north sixty seven (67) degrees
east fourteen (14) perches, thence north eighty seven (87) degrees
east forty (40) perches, thence north seventy five (75) degrees east
twelve (12) perches, to line of land of Warren Stevens: Thence over
unimproved land of the said Warren Stevens the following courses and
distances; north eighty nine (89) degrees thirty (30) minutes, east
eight (8) perches, thence south sixty five (65) degrees east eight
(8) perches, thence south sixty four (64) degrees, east sixteen (16)
perches, thence south twenty seven (27) degrees, east thirteen (13)
perches, thence south twenty two (22) degrees forty five (45) seconds
east eight and seven tenth (8.7) perches, thence south thirty seven
(37) degrees, east fourteen and three tenth (14.3) perches to a point
in the public road leading from Westover to Irvona on the Warren Ste-
vens place in Chest Township in Chest Township in the County aforesaid

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 in three short stretches neither of which is over two hundred
feet in length

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 Enos M Westover, James
W Stevens, and Sheridan Westover as per paper attached.

the following persons having refused to release the damages to which they respectfully may be en-
titled 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:

Wilmer Woodsides, one (\$1.00) dollar

Ed, Barto ten (\$10.00) dollars

Tobias Westover one (\$1.00) dollar

Hookenterry one (\$1.00) dollar

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

WITNESS our hands and seals this 26th day of July

A. D. 1917.

H. G. Kramer

E. B. Billette

J. S. Michaels



No. 7 Sept. Sessions, 1917

ORDER

To view
road for public use in the
Township of Chest
Clearfield County

Sept Session, 1917,
read and confirmed Ni. Si.
Road to be opened 23 feet
wide, except where there is
side hill cutting or embank-
ment and bridging, there to
be 16 feet wide.

By the Court
Dec Sessions 1917
Confirmed & Validity
By the Court
Filed 1917
Fees \$1.25 paid by Frank Connelly

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. Kramer | 4 | 24 24.70 |
| G. D. Billings | 4 | 134 26.70 |
| J. A. Michaels | 2 | 94 14.70 |

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 re-mise, 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_____.



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 Irvona to Westover at the Emma Swoope place in Chest Township to a point in said public road leading from Irvona to Westover at the Warren Stevens place; in Chest Township in the County aforesaid; will meet at the end of the said road at the Emma Swoope place in Chest Township on Wednesday the 25th day of July 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 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 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 Thursday the 26th day of July A. D. 1917 at nine thirty (9.30) A. M. at which time and place all parties in any way concerned in said road may attend and be heard.

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

Now July 1st 1917 service of the above 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 Irvona to Westover at the Emma Swoope place in Chest Township to a point in said public road leading from Irvona to Westover at the Warren. Stevens place; in Chest Township in the County aforesaid, will meet at the end of the said road at the Emma Swoope place in Chest Township, on Wednesday the 25th day of July 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 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 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 Thursday the 26th day of July A. D. 1917 at nine thirty (9.30) A. M. at which time and place all parties in any way concerned in said road may attend and be heard.

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

Now July 14 1917 served the above notice on J. F. Westover, H. Killian and J. P. Michaels the above named Supervisors personally by handing each of them a true and correct copy of same.

Sheridan Westover

RELEASE OF DAMAGES.

In the matter of the public road in Cheat Township Clearfield County Pa; from a point in the public road, leading from Westover to Irvona at the Emma Swoope place, to a point in the public road aforesaid, at the Warren Stevens place in said Township.

KNOW ALL MEN BY THESE PRESENTS; That we the undersigned owners of lands through which the said road has been located by the viewers under the attached order of Court: For the consideration of the benefit and advantages that we will derive by the construction of said road; hereby remise release and forever quit claim to any and all damages that we or either of us may sustain respectively by reason of the location and construction of said road, so that neither we or 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 said road.

Witness our hands and seals this the 25th day of July A. D. 1917.

Emory M. Weston (SEAL)

John W. Weston (SEAL)

Sheridan W. Weston (SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

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 Union and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 25th day of July, A. D. 191 7, and the hearing to be held in the ~~County~~ Court House, in Clearfield, Pa., on the 26th day of July, 191 7, at 9.30 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 Sheridan Westover and E. M. Westover

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 26th day of July A. D. 191 7, when the following appearances were noted:

After the view and hearing above mentioned, the undersigned, ~~viewers~~ viewers, do agree that there is an 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 on the public road leading from Westover to Irvona at the corner of the Emma Swoone place in Chest Township: Thence leading over improved land on the dividing line of the properties of Sheridan Westover and Wilmer Woodsides, north forty eight (48) degrees, thirty (30) minutes east fifty three (53) perches to line of land of Ed Barto, thence over unimproved land of the said Ed Barto the following courses and distances, north twenty one (21) degrees east sixteen (16) perches, thence north twenty four (24) degrees, thirty (30) minutes, east twelve (12) perches, thence north sixty six (66) degrees thirty (30) minutes east two (2) perches, thence south forty one (41) degrees thirty (30) minutes, east six (6) perches, thence south forty seven (47) degrees thirty (30) minutes, east eight (8) perches, thence south fifty seven (57) degrees east six and five tenth (6.5) perches, thence north eighty (80) degrees, east five and five tenth (5.5) perches, thence north fifty one (51) degrees thirty (30) minutes east twelve (12) perches, thence north thirty two (32) degrees, fifteen (15) minutes, east eight and eight tenth (8.8) perches, thence north forty (48) degrees, thirty (30) seconds, east four (4) perches, thence south sixty two (62) degrees, fifteen (15) minutes east four (4) perches to line of land of Enos M. Westover; Thence over unimproved land of the said Enos M. Westover the following courses and distances; south fifty eight (58) degrees, east sixteen (16) perches, thence south eighty five (85) degrees, east sixteen (16) perches, thence north seventy nine (79) degrees, east eleven (11) perches to line of land of Tobias Westover: Thence over unimproved land

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 3 day of July 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 your petitioners labor under great inconvenience for want of a public road in said Township to begin at the Emma Swoope place, on the road leading from Irvona to Westover and ending on the public road aforesaid at the Warren Stevens place, and being about two miles in extent

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 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.

↑
start stop

Chart
 1. from the Public to
 2. from the Public to
 3. from the Public to
 4. from the Public to
 5. from the Public to
 6. from the Public to
 7. from the Public to
 8. from the Public to
 9. from the Public to
 10. from the Public to

Truly Confirmed Dec. 1917
 1-13

See 10/15

Ch. 10/15

TRACED BY.....
 FINAL BY.....

