

No. 7 <sup>ROAD</sup> SEPTEMBER Sessions, 1917

**COMMONWEALTH**

**VERSUS**

IN RE PUBLIC ROAD IN CHEST

TOWNSHIP

P. &amp. #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, E. M. 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. H. Dumbec

Isaac Neff  
Joseph Hartman  
James Hartman  
J. H. Dumbec  
John Blawiehman  
Joshua Pennington  
Eare Shuster  
Frank Sowman

W. H. Dumbec  
J. H. Dumbec

Henry Pennington  
John Rainey

James McCloud  
William Market  
Clark Market  
Sylvester Market  
Port Westover  
J. B. Mitchell  
E. McCulley  
S. D. McSweeney  
Paul McSweeney  
H. S. McSweeney

McMaster Boze  
J. P. Michael  
Dennie Hall

William

A. F. Pearson  
Easton Lenois

J. F. Miles

Edward Stephenson

H. L. Swopes

Morgan Weston

Leone K. Vanier  
J. H. Weston Jr.

J. F. Westover

Ed. Barth

Sheridan Weston

T. C. McGaughy

F. M. Woods

Mark Weston

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

E. M. Westover being duly sownr 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 Commission  
Exped May 1917

On republican road  
in Chest Townships

and New July 3rd 1917  
John with his petition  
read and considered  
whereupon John Wanner  
Esq  
Billotta. W. J. Michael

are appointed Delegates  
to view and report on  
and road

the property  
of Mr. W. H. H.

for a number of years, and I have no doubt that the  
present difficulty will be easily overcome.

125<sup>th</sup> Main by Frank Cawell

By the Creek  
England Hill  
1892

# 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 23<sup>rd</sup> 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,  
~~to~~ fix 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*

190.....

BOND.

Now July 3<sup>rd</sup> 1917  
One thousand  
By the Com  
Commissioner of  
England

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) degrees thirty (30) minutes, east eighteen (18) perches, thence north seventy eight (78) degrees, east twelve (12) perches to line of land of Hockenberry, thence over unimproved land of said Hockenberry 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 Iriona on the Warren Stevens 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 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:

Wilmer Woodsides, one (\$1.00) dollar

Ed, Barto ten (\$10.00) dollars

Tobias Westover one (\$1.00) dollar

Hockenberry one (\$1.00) dollar

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

WITNESS our hands and seals this 26<sup>th</sup> day of July  
A. D. 1917.

A. G. Kramer  
E. B. Billotte  
J. S. Michaels



No. 7 Sept. Sessions, 1917

## ORDER

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

Now, 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.

DAY	MILES AM T.
A. G. Bremer	4 24 10
Ed. Billotte	4 13 26 10
J. J. Michael	2 34 14 10

Sept Session, 1917,  
road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

Frank Connelly  
Magistrate of the  
See Sessions 1917  
Census and relatively  
by the County  
Fees \$1.25 paid by Frank Connelly

Filed

71.

## 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. 1911.



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  
Ed Billotte  
J. S. Michaels  
VIEWERS.

Now July 15 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.

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A G Kramer  
E H 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.

James M. Weston (SEAL)

John Weston (SEAL)

Sheridan 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. 1917, and the hearing to be held in the ~~Clearfield~~ Court House, in Clearfield, Pa., on the 26th day of July, 1917, at 9.30 o'clock A. M. That the three 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. 1917, when the following appearances were noted:

After the view and hearing above mentioned, the undersigned, ~~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 Swoope 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 W. Westover; Thence over unimproved land of the said Enos W. 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 Glomord*, Clerk.



Chart

Map showing route of the Public Road  
leading from the town to Lyons at  
cross roads in a place, to a  
small public building from  
which a road leads on the barren  
plain to the sea

Entirely confirmed Dec. 1917  
-16

See chart

Chart 16

TRACED BY.....

FINAL BY.....

