

No. 4, December Term, 1912.

IN RE:

PUBLIC ROAD IN CHEST TOWNSHIP

Versus

W. H. Miller

J

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

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

The petition of J. F. Westover and W. H. Michaels, as supervisors of the Township of Chest, said County, would respectfully represent:-

FIRST: That they are all of the Supervisors of Chest Township at this time, the other supervisors, Harry Killian, having resigned.

SECOND: That there is a public road running through Chest township and extending from Five Points to Mt. Joy, and another public road leading from Five Points to Harmony. There is also another public road in said Township connecting the aforesaid two roads and extending from a point in the road leading from Five Points to Mt. Joy, at or near the farm of Perry Kitchen, and connecting with the road leading from Five Points to Harmony, at or near the farm residence of Ross Curry, long since laid out.

THIRD: That said connecting road extending from a point in the road leading from Five Points to Mt. Joy, at or near the farm of Perry Kitchen, and connecting with the road leading from Five Points to Harmony, at or near the residence of Ross Curry, has become useless, inconvenient and burdensome and should be vacated and supplied by another public road between said two points.

Your petitioners, therefore, pray the court that the aforesaid public road may be vacated and supplied agreeable to the Act of General Assembly in such case and provided.

And they will ever pray, etc.


J. F. Westover
W. H. Michael
Supervisors of Chest Township

TO THE SUPERVISORS OF ROADS OF CHEST TOWNSHIP.

You are hereby notified that the petition of the supervisors of said township to vacate ^{and supply} a part of the public road extending from a point in the road leading from Five Points to Mt. Joy, at or near the farm of Perry Kitchen, and connecting with road leading from Five Points to Harmony, at or near the farm residence of Ross Curry- the part to be vacated being that part of this road as hereinbefore set forth- will be presented to the court for the appointment of viewers on Monday the 29 day of September A. D. 1919, at nine o'clock A. M.

Miller & Hartwick
Attorneys for Petitioners.

NOW September 22 1919, we accept service of the above notice for the Board of Supervisors of Chest Township.

Miller & Hartwick
Attorneys for the Board of
Supervisors of Chest Township.

Nov 4 Dec. 1919

In the Court of Quarter Sessions of Clearfield County, Pennsylvania

Petition to vacate a part
of a public road in Chest
Township

Mr. W. C. C. &
Engelhard

SEP 29 1974

JOHN H. MOORE
BY J. H. MOORE

MILLER & HARTSWICH
ATTORNEYS AT LAW
CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE

KNOW ALL MEN BY THESE PRESENTS, That we, J. F. Westover and W. H. Michaels, of the Township of Chest, County of Clearfield and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, in the sum of One Hundred Dollars (\$100), lawful money, to be paid to the said Commonwealth, her Attorney or assigns, to which payment well and truly to be made, we do bind ourselves, and each of us, our heirs, executors and administrators jointly and severally, firmly by these presents.

Sealed with our seals, dated the 27th day of September, A. D. 1919.

WHEREAS, The said J. F. Westover and W. H. Michaels, Supervisors of Chest Township, intend presenting their petition to the Court of Quarter Sessions of Clearfield County on Monday the 29th day of September, A. D. 1919, for the appointment of viewers to vacate and supply a part of a public road in the Township of Chest, which said Public Road extends from a point in the public road leading from Mount Joy to five points at or near the farm of Perry Kitchen to a point in the Public Road leading from five points to Harmony, at or near the residence of Ross Curry.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, That if the said petitioners asking for the appointment of said viewers shall pay into the County Treasury of Clearfield County, all such costs as the said Court may order them to pay, then this obligation to be null and void, otherwise to be and remain in full force and effect.

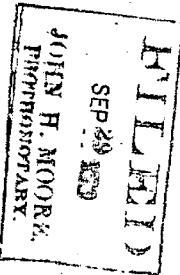
J. F. Westover (SEAL)
W. H. Michaels (SEAL)

204 Dec 22 1919

In the Court of Quarter Sessions of Clearfield County, Pennsylvania.

Bond of Petitioners for payment of costs.

John H. Moore
The John H. Moore
Appraiser



MILLER & HARTSWICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE

J. P. Westover and W. H. Michaels are all of the supervisors of

Chest Township at this time, the other supervisor, Harry Killian,

having resigned.

That there is a public road running through Chest Township and extending from Five Points to Mt. Joy, and another public road leading from Five Points to Harmony. There is also another public road in said Township connecting the aforesaid two roads and extending from a point in the road leading from Five Points to Mr. Joy, at or near the farm of Perry Kitchen, and connecting with the road leading from Five Points to Harmony, at or near the farm residence of Ross Quarry, long since laid out.

That said connecting road extending from a point in the road leading from Five Points to Mr. Joy, at or near the farm of Perry Kitchen, and connecting with the road leading from Five Points to Harmony, at or near the residence of Ross Quarry, has become useless, inconvenient and burdensome and should be vacated and supplied by another public road between said two points.

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 twenty-ninth day of September in the year of our Lord one thousand nine hundred and nineteen.

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

Cheat

in said County, setting forth that

See paper attached

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 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.

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 22d, day of October, A. D. 1919, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 25th day of October, 1919, at 9, 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 Joseph Michaels the road master and W. H. Michaels and J. F. Westover two of the Supervisors of Chest Township

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 25th, ^{av} day of October A. D. 1919, when the following appearances were noted: W. H. Michaels one of the supervisors of said Township.

After the view and hearing above mentioned, the undersigned ~~subscribers~~ the said 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 in the public road leading from the bridges across Chest Creek at Five Points to Harmony at the Railroads crossing on the south west side of the Penn'a Railroad in Chest Township: Thence running south fifty four (64) degrees, west sixty (60) feet, thence south twenty five (25) degrees, west one hundred and sixty two (162) feet to the said public road, leading from the said bridge across Chest Creek to Harmony over land of Alberta Griffith in Chest Township to near the farm residence on the farm of Alberta Griffith.

And vacate that portion of said road supplied by the said road laid out from the Railroad Crossing on the south west side of the said Railroad south twenty five (25) degrees west, one hundred and sixty two (162) feet, thence north west to where the new road laid out intersect with the said public road leading to Harmony. Having by said new road laid out become useless, inconvenient and burdensome.

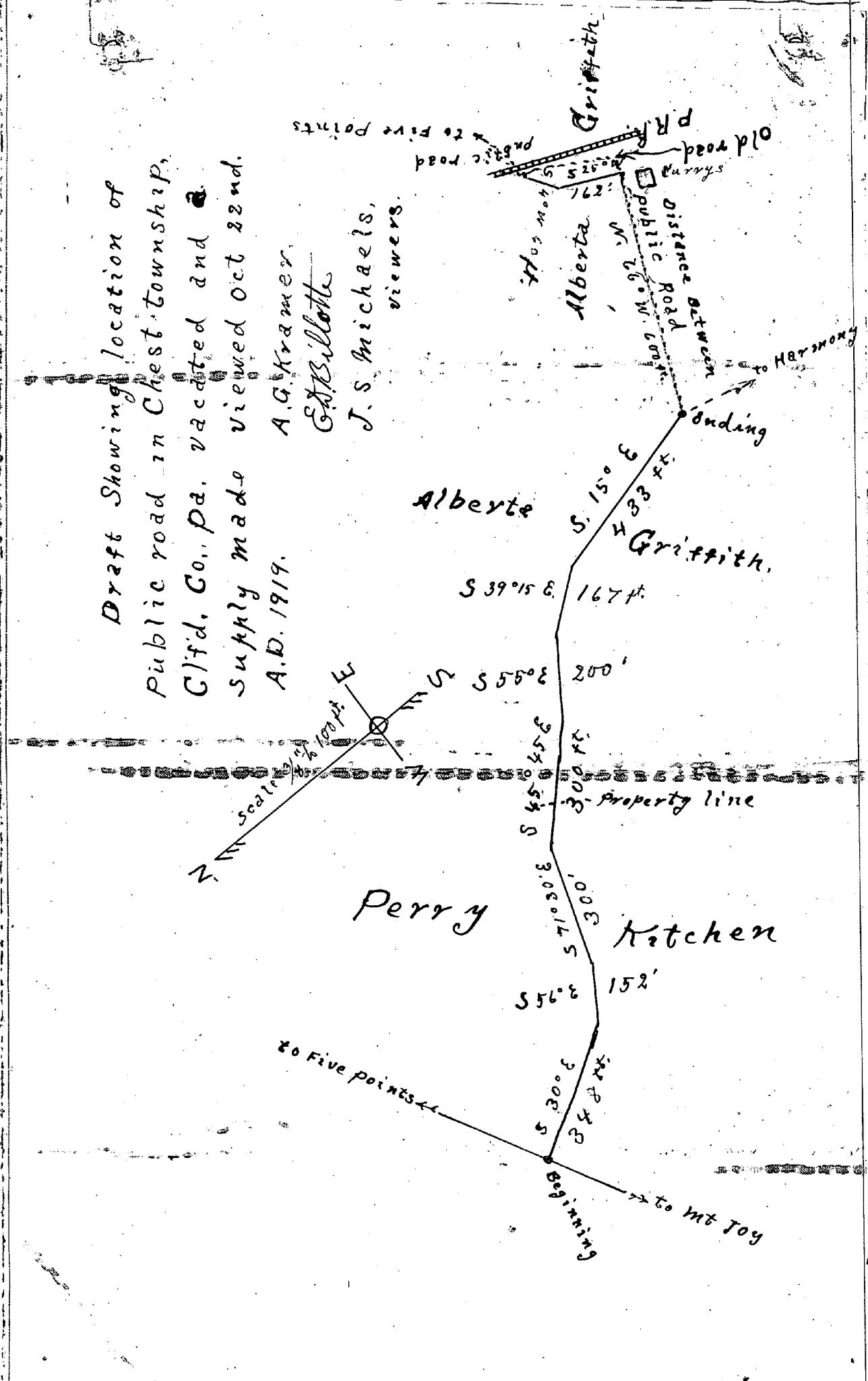
The viewers would also recommend that the connecting road leading from a point in the public road leading from Five Points to Harmony at the farm of Alberta Griffith occupied by Ross Curry, to a point in the public road leading from Five Points to Mount Joy, at the farm of Perry Kitchen in Chest Township; Beginning at the point in aforesaid public road leading from Five Points to Mount Joy on the farm of Perry Kitchen; thence running south (30) degrees, east three hundred and forty eight feet; thence south fifty six (56) degrees east (152 feet; thence south seventy one (71) degrees, thirty (30) minutes, east three hundred (300) feet; thence forty five (45) degrees, forty five (45) minutes, east three hundred (300) feet; thence east fifty five (55) degrees, and one hundred (100) feet; thence south, forty three (43) degrees, and five (45) minutes, east three

Draft Showing location of
Public road in Chest. township,
Clif. Co., Pa. vacated and a
Supply made Viewed Oct 22nd.
A.D. 1919.

A. G. Kramer.

E. H. Billotte

J. S. Michaels,
viewers.



TO:- J. F. Westover and W. H. Michaels, the acting ~~sup~~ Supervisors, of Chest Township, Clearfield County Penn'a.

You are hereby notified; that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa; to view and vacate and supply that part of the public road, from a point in the public road, leading from Five Points to Mount Joy, at or near the farm of Perry Kitchen in Chest Township, to a point in the Public road leading from Five Points, to Harmony, at or near the residence of Ross Curry, in Chest Township. And supply the same by another public road between said points; in Chest Township in the County aforesaid, will meet at the house of Ross Curry in Chest Township on Wednesday the 22nd day of October A. D. 1919 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, before the filing of their report in Court, in order to give all parties interested; either in favor of or against the vacating and supplying of said road, will be held in the Arbitration Room in the Court House in Clearfield Pa, on Saturday the 25th day of October A. D. 1919 at nine (9) o'clock A. M. when and where all parties interested; either for or against the vacating and supplying of said road may appear and be heard.

R. G. Brander
E. D. Billott
J. A. Michaels

VIEWERS.

Now October, 10th 1919, we J. F. Westover and W. H. Michaels the above named Supervisors of Chest Township Clearfield County Pa admit the service of the foregoing notice on each of us personally by copy.

J. F. Westover
W. H. Michaels

H. H. Michael

TO:- Jesse, 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 and supply, that part of the public road, from a point in the public road, leading from Five Points to Mount Joy, at or near the farm of Perry Kitchen in Chest Township, to a point in the public road leading from Five Points, to Harmony, at or near the residence of Ross Curry, in Chest Township. And supply the same by another public road between said points; in Chest Township, in the County aforesaid, will meet at the house of Ross Curry in Chest Township on Wednesday the 22nd day of October A. D. 1919 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, before the filing of their report in Court in order to give all parties interested; either in favor of or against the vacation and supplying of said road, will be held in the Arbitration Room in the Court House in Clearfield Pa, on Saturday the 23rd day of October A. D. 1919 at nine (9) o'clock A. M. when and where all parties interested; either for or against the vacating and supplying of said road may appear and be heard.

A. G. Kraemer

E. O. Billotte

J. A. Michaels

VIEWERS.

Now October 11th, 1919 service accepted of the above notice for the County Commissioners of Clearfield County Pa.

L. C. Norrie

Clerk.

at land of Alberta Griffith; south fifty five (55) degrees, east two hundred (200) feet; thence south thirty nine (39) degrees fifteen (15) minutes, east, one hundred and sixty seven (167) feet; thence south, fifteen (15) degrees, east four hundred and thirty three (433) feet to the intersection of the public road, leading from Five Points to Harmony in Burnside Township in said County has become useless, inconvenient and burdensome to the taxpayers of the Township and 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 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:

Alberta Griffith \$10.00

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

WITNESS our hands and seals this 25th day of October

A. D. 1919

A. L. Kramer
E. B. Billotte
J. L. Michaels



No. 4 Dec. Sessions, 1919.

ORDER

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

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.

Viewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the viewers.

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.

VIEWER	NAME	NUMBER	AMOUNT
John	John	4	62 24 10
John	John	4	11 8 35 90
John	John	2	82 19 10

See Session, 1919,
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 16 feet wide.

By the County
of Clearfield
Concurrent
with the
Court
Siegler, Zell
Siegler, Zell

Filed
Fees \$1.25 paid by

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. 1919.

SEAL
SEAL
SEAL
SEAL