

No. 5 December Term, 191

IN RE:

PUBLIC ROAD IN CHEST TOWNSHIP.

Versus

*Y. ...*

X

J. W. Weaver and W. H. Michaels are all of the supervisors of Cheat Township at this time, the other supervisor, Harry Killian, having resigned.

That there is a public road running through Cheat Township, and extending from a point in a public road leading from Wive Points to the Palace School House, at or near the Pine Run School House, and extending to and connecting with a public road leading from Berwinstale to Palace School House, at or near the McPherson School House, long since laid out.

That that part of said Township road extending from Pine Run School House to a point at the top of the hill at the farm known as the James Welch farm, has become useless, inconvenient and burdensome, and should be vacated and supplied by another public road.

## 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 Chest

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 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.

# 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 21d 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 J. P. Michaels the roadmaster and J. F. Westover and John Neff two of the Supervisors of Chest Township and Oren Pearce, Robert Fraley, David, Lloyd, and C. D. Holes.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 25th day of October A. D. 1919, when the following appearances were noted: William H Michaels and J. F. Westover two of the Supervisors of Chest Township and C. D. Holes who was opposed to vacating said road:

After the view and hearing above mentioned, the undersigned, the majority of 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 Berwindsdale to the palace school house on top of the hill at the farm known as the James Welch farm, Thence over land of G. S. Holes the following courses and distances, to wit: south one (1) degree, west, eleven hundred and fifteen (1115) feet, thence south nineteen (19) degrees, west two hundred and thirty five (235) feet, thence south twenty seven (27) degrees, thirty (30) minutes west, two hundred (200) feet to property line of Oren Pierce, thence over the property of the said Oren Pierce the following courses and distances to wit; south forty one (41) degrees, west, one hundred (100) feet; thence south fifty one (51) degrees, west one hundred (100) feet; thence south sixty two (62) degrees, west, one hundred (100) feet; thence south, sixty eight (68) degrees, west six hundred (600) feet to coal bank; thence north seventy four (74) degrees, west two hundred (200) feet; thence north seventy two (72) degrees, thirty (30) minutes, west two hundred (200) feet; thence north seventy one (71) degrees forty five (45) minutes west three (300) feet; thence north, sixty seven (67) degrees, ~~thirty~~ (30) minutes west two hundred (200) feet; thence north, seventy six (76) degrees, west about, five hundred and seventy five (575) feet to the property line of J. F. Westover; thence over property of said J. F. Westover about five hundred and seventy five (575) feet to the township road leading from Five points to the Palace School House, near the Pine Run School House in Chest Township.

And vacate the township road supplied by the said public road laid out beginning in the public road running from the Five points to the Palace School House at a point near the Pine Run School House: thence running north, forty eight (48) degrees, east five hundred and thirty five (535) feet; thence north, seventy four (74) degrees, thirty (30),



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 vacate and supply that part of the public road leading from Five Points to the Palace School House from at or near the Pine Run School House in Chest Township, to a point in the public road, leading from Berwindsdale to the public school house at the farm on the top of the hill, known as the James Welch farm in Chest Township; And supply the same by another public road to be laid out between said points, in Chest Township, in the County aforesaid, will meet at the Pine Run School House in Chest Township on *Tuesday the 21<sup>st</sup>* 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 either in favor of or against the vacating and supplying of 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, before the filing of their report in Court, in order to give all parties interested, either for 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 25<sup>th</sup>* day of October A. D. 1919 at nine (9) o'clock A. M. at which time and place all parties interested, either in favor of or against the vacation and supplying of said road may appear and be heard.

*A. G. Kramer*  
*E. D. Billott*  
*J. A. Michaels*  
VIEWERS.

Now, October *11<sup>th</sup>* 1919 service accepted of the above notice for the County Commissioners of Clearfield County Pa.

*L. C. Morris*  
Clerk.

TO:- J. F. Westover and W. H. Michaels. the acting 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 vacate and supply that part of the public road leading from Five Points to the Palance School House from at or near the Pine Run School House in Chest Township, to a point in the Public road leading from Berwindsdale to, the public school house at the farm on the top of the hill, known as the James Welch farm in Chest Township: And supply the same by another public road to be laid out between said points: in Chest Township in the County aforesaid, will meet at the Pine Run School House in Chest Township on *Tuesday* the *21<sup>st</sup>* 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 either in favor of or against the vacating and supplying of 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, before the filing of their report in Court, in order to give all parties interested, either for 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 *25<sup>th</sup>* day of October A. D. 1919 at nine (9) o'clock A. M. at which time and place all parties interested either in favor of or against the vacation and supplying of said road may appear and be heard.

*A. G. Krancer*

*E. D. Bullette*

*J. H. Michaels*

VIEWERS.

Now October *10<sup>th</sup>* 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*

minutes, east four hundred (400) feet; thence north eighty nine (89) degrees, thirty (30) minutes east three hundred and seventeen (317) feet; thence, seventy one (71) degrees, fifteen (15) minutes, east, three hundred and forty eight (348) feet; thence north sixty (60) degrees, east two (200) feet; thence north, sixty eight (68) degrees, east three hundred and seventy six (376) feet; thence south sixty four (64) degrees, thirty (30) minutes east five hundred and twenty two (522) feet; thence north seventy five (75) degrees, east fifty (50) feet thence north thirty (30) degrees, thirty (30) minutes, east five hundred and twenty eight (528) feet; thence north seventeen (17) degrees, fifteen (15) minutes east three hundred (300) feet to a point ~~at the top of the hill~~ in the public road leading from Five Points to the Palace School House at the top of the hill at the farm known as the James Welch farm in Chest Township. ~~has by reason of laying out an other road to supply the place of the said road with better grade; has become, useless, inconvenient and burdensome to the taxpayers of the township; the viewers would therefore recommend the said road be vacated as prayed for by the petitioner's and applied by the new road herein laid out between said points.~~

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,

~~REDACTED~~

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:

C. D. Höles	\$50.00
Oren, Pearce	50.00
J. F. Westover	1.00

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. G. Kramer*  
*E. Zilloth*  
*J. S. Michaels*



No. 5 Dec. Sessions, 1919.

# ORDER

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

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.

*Mytho County*  
*Englewood*  
*John S. Sweeney, 1920*  
*Confirmed*  
*Mytho County*  
*Englewood*  
19

Filed

Fees \$1.25 paid by

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.
<i>H. B. Warner</i>	<i>4</i>	<i>88 34 40</i>
<i>W. B. Willette</i>	<i>4</i>	<i>124 36 20</i>
<i>John Michael</i>	<i>2</i>	<i>88 19 40</i>

## 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 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\_\_\_\_\_

*W. S. Sweeney*



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 22 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 29 day of September, A. D. 1919, for the appointment of viewers to vacate and supply a part of a public road in said Township, extending from the Pine Run School House to a point at the top of a Hill at what is known as the "James Welch Farm".

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. Michael (SEAL)

100-5-80-11919

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

Bond of petitioners for payment of costs.

*Wm. B. B. B. 1919*  
*We return bond as of*  
*present*

FILED  
SEP 29 1919  
JOHN H. MOORE,  
PROTHONOTARY.

MILLER & HARTSWICK  
ATTORNEYS AT LAW  
CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE

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. Weaver 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 supervisor, Harry Killian, having resigned.

SECOND: That there is a public road running through Chest Township and extending from a point in a public road leading from Five Points to the Palace School House, at or near the Pine Run School House, and extending to and connecting with a public road leading from Berwinsdale to Palace School House, at or near the McPherson school house, long since laid out.

THIRD: That that part of said township road extending from Pine Run school house to a point at the top of the hill at the farm known as the James Welch farm, has become uneless, inconvenient and burdensome, and should be vacated and supplied by another public road. between said points

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

And, they will ever pray etc.

*J. F. Weaver*  
*W. H. Michael*  
Supervisors of Chest Township.

TO THE SUPERVISORS OF ROADS OF CHEST TOWNSHIP.

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You are hereby notified that the petition of the supervisors of said township to vacate <sup>and supply</sup> a part of the public road extending from Pine Run School house to a point at the top of the hill at the farm known as the James Welch farm - will be presented to the court for the appointment of viewers, on Monday the 29<sup>th</sup> day of September A. D. 1919, at nine o'clock A. M.

Willen Hartwich  
Attorneys for Petitioners

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

Willen Hartwich  
Attorneys for the Board of  
Supervisors of Chest Township.

In the Court of Quarter  
Sessions of Clearfield County  
Pennsylvania

Petition to vacate a part  
of a public road in Chest  
township.

March, September 29, 1919  
O. L. Krumm, C. D. Allen  
and 5000 birds  
see 2000 birds of species  
in the western portion.

By the Council  
Institution  
J. B.

**MILLER & HARTSWICK**  
ATTORNEYS AT LAW  
CLEARFIELD, PA.

**BALTIMORE OFFICE SUPPLY CO., BALTIMORE**