

1920

SS 1920

No.

Term, 191

Petition for Re-view of
Public Road in

Versus

Chest Township

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY PENNA

Petition for Re View of { No. 3. Feb SS. 1920
Road in Chest Township {
Clearfield County. {

ORDER OF COURT

Now April 2, 1920. on motion of Chase & Chase, Atty's
the power of the Re Viewers in the above stated case are
enlarged to May Sessions, 1920.

By the Court,

Singleton Bell, P. J.

STATE OF PENNSYLVANIA { Certified from the record this
COUNTY OF CLEARFIELD { SS 3rd day of April, A. D. 1920.


George N. Palstoy
Clerk.

KNOW ALL MEN BY THESE PRESENTS that we,
Russell B. Neff, E. C. Curry, H. S. Gorman and
Leonard Troxell . . . of Chest Township, Clearfield County
are held and firmly bound unto the Commonwealth of Pennsylvania
in the sum of Two Hundred (\$200.) Dollars, lawful money of the
United States, to be paid to said Commonwealth, its certain at-
torney or assigns to which payment well and truly to be made,
we, and each of us, do bind ourselves severally, and our heirs,
executors and administrators, and every of them, jointly by
these presents.

Sealed with our seals and dated the 27th day of Jan-
uary, 1920.

The condition of this obligation is such that if the
above bounden *Russell B. Neff, E. C. Curry, H. S. Gorman* . . .
and *Leonard Troxell* . . . , their heirs, executors, admin-
istrators, or either of them, shall well and truly pay or cause
to be paid unto the Court of Quarter Sessions of Clearfield
County, Pennsylvania, all of the costs in a certain proceeding
brought in the said Court No. February Sessions,
1920, being a proceeding for the re-view of a certain
public road in Chest Township, Clearfield County, Pennsylvania;
said road on which said re-view is held being specifically des-
cribed in #3 December Sessions, 1919, without fraud or further
delay, when the same shall be due and payable, then this obli-
gation to be void and of no effect, otherwise to be and remain
in full force and virtue.

Russell B. Neff (Seal)

Signed, sealed and delivered
in the presence of us.

E. C. Curry (SEAL)

Witness.
J. S. Gallagher

H. S. Gorman (SEAL)

Leonard Troxell (SEAL)

3 February Session 1920

In the matter of a re-
view of road in Chest
Township, Clearfield Co.

- BOND FOR COSTS -

John S. 1920 Bond

John S.

John S.

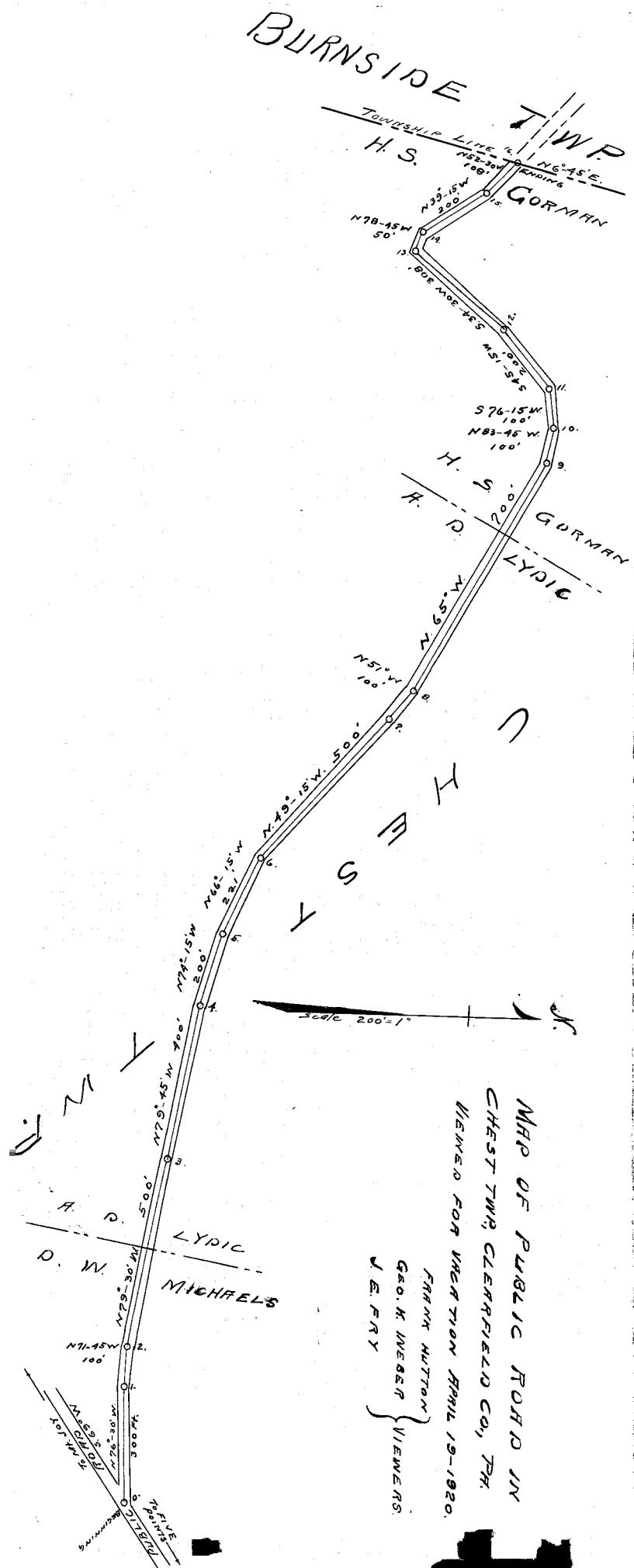
Entered

FEB 2 1920

Geo. W. RAYSTON

CHASE & CHASE

Attorneys



April 19 1920
We the undersigned
In pursuance of City Ord.
by State Law and by
Lawful Maintenance
the Road leading to
the Town of Poughkeepsie
to the village of
Poughkeepsie
of which is the
West Poughkeepsie Street
Road and are therefore
Request the same to
Not Vacate the same.

Given this 19th instant

John C. ...

To

SUPERVISORS OF CHEST TOWNSHIP, CLEARFIELD COUNTY, PA.

Notice is hereby given you, that the undersigned Re-Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pa. to Re-View for vacation that part of the Public Road leading from the farm of Perry Kitchen in Chest Township to New Washington, Pa. to the dividing line between the Townships of Burnside and Chest, near the farm of Horace Gorman in Chest Township aforesaid, will meet at the end of the road at the farm of Perry Kitchen, in Chest Township on Monday the 21st day of April 1920 at 10 o'clock A.M. for the purpose of attending the duties assigned them, all parties interested will please take notice.

And that the public hearing required by law to be held will be held in the Court House in the Borough of Clearfield, on Wednesday the 21st day of April 1920 at 9:30 o'clock A.M. at which time and place all parties interested may attend and be heard if they so desire.

DUBOIS, PA, April 3rd 1920

Frank Sullivan
J E Foy
Geo K. Cooley

Viewers

Now April 1920 we hereby acknowledged the service of the above notice, each of us having been handed a copy thereof.

John Neff
E. H. Pierce

Supervisors

TO JESSE E.DALE, T.R.WEIMER and FARRELL COUNTY COMMISSIONERS
of Clearfield County, Pa.

You are hereby notified, that the undersigned, reviewers appointed by the Court of Quarter Sessions of Clearfield County to re-view and vacate that part of a Public Road leading from the farm of Perry Kitchen, in Chest Township to a point in the line between Chest Township and Burnside Township at the farm of Horace Gorman in Chest Township aforesaid, will meet at the end of the road at the farm of Perry Kitchen in Chest Township on Monday the 19th day of April, 1920 at 10 O'clock A.M. to attend to the duties assigned them, of which time and place all interested parties will please take notice.

And that the public hearing required by law to be held, will be held at the Court House in the Borough of Clearfield, Pa. on Wednesday the 21st day of April 1920 at 9:30 o'clock A.M. of that day at which time and place all parties interested may attend and be heard.

DuBois, Pa. April 3rd 1920

Frank Hutton
J E Fry
Geo R Weber

Now April 5 1920 Service of the above notice accepted for the County Commissioners of Clearfield Co., Pa.

L. C. Starns
Clerk

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 _____

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 _____

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: _____

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

WITNESS our hands and seals this 26 day of Apr
A. D. 1916.

Ames Hutton 
J. E. Fry 
George S. Taborn 

No. 4112 Sessions, 19 E.C.

ORDER

"No-nines" Review

road for public use in the
township of Clearfield,
Clearfield County, Penn.

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 ^{their} ~~will report to that effect~~

Dawn 1500-2000

Frank Shutter	8	132.31.1
Les K. Weiler	2	141 22.0
J. G. Tracy	3	152 30.16

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. 191.....

The image shows four horizontal lines intended for signatures. Above each line is a circular seal with the word "SEAL" written in a decorative, serif font. The seals are arranged vertically, with the first seal on the left and the fourth seal on the right.

—
—
—
—
—

Filed 12.12.19 20
Fees \$1.25 paid by _____

John G Arnold May

And therefore, praying the Court to appoint proper persons to re-view the said road and points adjacent and make report to the Court according to law, whereupon the Court, upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers, Frank Hutton, George Webber and J. E. Fry, who having 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 review the road set forth in the petition, and if they re-view the same the said re-viewers shall make and report to the Court as to their findings, as to whether the road is necessary to the traveling public and convenient, and would be injurious to the public and the inhabitants of the Township of Chest if the same was vacated; and further report their recommendations as to the same. Said report to be filed at the next Court of Quarter Sessions to be held for the said County, and which report shall further 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, and the time and place of hearing for the purpose of their appointment.

By Order of The Court



CLERK

Clearfield County, Pa:

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 2nd day of February in the year of our Lord one thousand nine hundred twenty.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Chest in said County, setting forth that

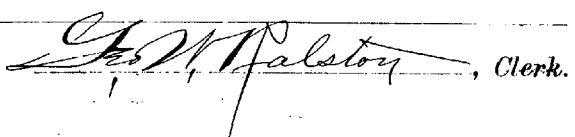
~~part of said Township lies in the said Township and extends from the town of Penn Township in said Township to the County of Clearfield, Pa. The part which lies in said Township is as follows: That part of said Township bounded on the east by the said public road intersects with the public road running between Five Points in Chest Township and the Borough of New Washington, at the point of intersection between the division line between Chest Township and Burnside Township, and the line of Forrest Cemetery; a draft of said road, which was made in the year 1820, is as follows: The said road is to be laid out from the town of Penn Township to the said point of intersection, and therefore, praying the Court to appoint proper persons to review 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 Frank Hutton, Geo. Weber,~~

J. E. Try

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 review 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.

 Fred. Falston, 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 four notices thereof were posted along the route of the proposed road, that the said view would be held on the 19th day of April, A. D. 19120, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 21st day of April, 19120, at 9:30 o'clock A. M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view William Michaels, Supervisor of Chest Twp, for the vacation of the road and Horace Gorman, R. D. Neff, E.C. Curry and Leonard Troxel, property owners and citizens of the locality and against the proposed vacation

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 21st day of April A. D. 19120, when the following appearances were noted: A. R. Chase Esq. Atty for the Petitioners for Review H. S. Gorman O. H. Pierce Supervisor, R. B. Neff, E. C. Curry, and Leonard Troxel, citizens and witnesses on behalf of the petition for Review And H. B. Hartwick Esq., Atty for the Supervisors of Chest Twp with W. H. Michaels, Supervisor, John Fishell, J. N. Dunbar, James Kitchen and Sol Dunbar for the vacation of the road ~~who were sum, informed & examined~~
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 petitioners and that the same is not 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 the use the following described road, to wit: Beginning while portions of the road is of steep grade and from indications not been much worked on or kept up yet from the evidence presented it is apparent in the winter months and ^{when} other roads drifted it is the only available and open road for that section; also that in very muddy perods, it is the most available. The traffic over it is probably not, nor never will be heavy yet for quite a large farming settlement it is the shortest and most generally available road to the shipping point of that vicinity which is Five Points.

Your Viewers are of the unanimous opinion the road should not be vacated.

the same; said report being confirmed No 51 by your Honorable Court at December Sessions 1919, and now on file in the clerks office for final confirmation at the next term of Court.

3rd. That said road is necessary to the traveling public, and convenient, and would be very injurious to your petitioners and burdensome to the inhabitants of the Township of Chest and the traveling public in general if the report of the viewers recommending vacation was confirmed.

Your petitioners therefore pray your Honorable Court to appoint proper persons to review the said road and parts adjacent and make report to the Court according to law.

And they will ever pray, etc.

1st. That in proceedings in said Court of 10 December Sessions 1919 upon petition presented, reviewors were appointed to view and vacate a section of public road in said Township, described as follows; to wit:

A section of that part of said Township Road running through Chest Township and extending from the farm of Perry Kitchen in said Township to the Borough of New Washington. The part asked to be vacated described as follows: That part of said Township Road which lies between the point where said public road intersects with the public road running between Five Points in Chest Township and the Borough of New Washington at the farm of Perry Kitchen to the division line between Chest Township and Burnside Township, at the farm of ~~Horace~~ Gorman; a draft of said road which was recommended for vacation, together with the metes and bounds thereof, being fully set out by the viewers by draft attached to report in #3 December Sessions 1919.

2nd. That aforesaid appointed viewers, namely A. G. Kramer, Esq., E. D. Billotte and J. D. Michaels, reported said road useless, inconvenient and burdensome, and recommended vacating

COURT OF QUARTER SESSIONS OF CLEAREFIELD COUNTY, PENNSYLVANIA.

In Re Review of PUBLIC : # 3 February Session 1920.
ROAD IN CHEST TOWNSHIP :

TO Honorable Singleton Bell

President Judge of Court of Quarter Sessions of
Clearfield County, Pennsylvania :-

The petition of the undersigned inhabitants of the Township of Chest in said County respectfully sheweth:

1st. That in proceedings in said Court of #3 December Sessions 1919 upon petition presented, reviewers were appointed to view and vacate a section of public road in said Township, described as follows; to wit:

A section of that part of said Township Road running through Chest Township and extending from the farm of Perry Kitchen in said Township to the Borough of New Washington. The part asked to be vacated described as follows: That part of said Township Road which lies between the point where said public road intersects with the public road running between Five Points in Chest Township and the Borough of New Washington at the farm of Perry Kitchen to the division line between Chest Township and Burnside Township, at the farm of Forrest German; a draft of said road will be filed and for vacation, together with the metes and bounds thereof, being fully set out by the viewers by draft attached to report in #3 December Sessions 1919.

2nd. That aforesaid appointed viewers, namely A. G. Kramer, Esq., F. D. Billotte and J. D. Michaels, reported said road useless, inconvenient and burdensome, and recommended vacating

52 L. R. Battle Ballagh

5 Est. Pardee

49 W H Beam New Wash. Station

R

the same; said report being confirmed Ni Si by your Honorable Court at December Sessions 1919, and now on file in the clerks office for final confirmation at the next term of Court.

3rd. That said road is necessary to the traveling public, and convenient, and would be very injurious to your petitioners and burdensome to the inhabitants of the Township of Chest and the traveling public in general if the report of the viewers recommending vacation was confirmed.

Your petitioners therefore pray your Honorable Court to appoint proper persons to review the said road and parts adjacent and make report to the Court according to law.

And they will ever pray, etc.

	NAME	POST OFFICE ADDRESS
1	Russell B. Neff	Mahaffey Pa
2	Leonard Troxell	West Mifflin Pa
3	H. J. Gormann	" "
4	E. B. Clegg	New Market Va
5	R. H. Clegg	" "
6	G. O. Neff	" "
7	Oron Price	Supervisor of the Sessions Pa
8	G. J. Neff	" "
9	Clair Clegg	Chest Twp
10	H. A. Rockburgh	" "
11	Danny Troxell	" "
12	J. E. T. Neff	" "
13	D. G. Chapman	" "

24	John H. Stetler	Burnside Pa
25	Robt Bass	" " "
26	J. Raife & Butcher	Supervisor of Burnside Fwp
27	Mark McMichael	Burnside, Pa
28	John Young	Supervisor, Fwp
29	George Griffith	Burnside Pa
30	H. J. Stetler	Burnside.
31	James Hutton	Chief Town
32	Wm Dufour	Westover
33	Alex Dufour	Westover
34	Arnold, No. 1	Westover
35	John Fisher	Westover
36	Daniel Fisher	Westover
37	David Fisher	Westover
38	Wm. Hooper	Westover
39	Wm. Hooper	Westover
40	J. C. E. Hooper	Westover
41	J. W. Gallaher	Westover
42	D. B. Michaels	Westover
43	J. McMichael	Westover
44	Robert McMichael	Westover
45	C. H. McMichael	Westover
46	J. B. McMichael	Westover
47	James G. Buffus	Burnside Pa
48	John G. Buffus	Burnside Pa
49	Horace G. Buffus Jr.	Burnside Pa

47 T. R. Mahaffy New Washington Pa
81 H. B. Mitchell - - - - -
42 A. Wilson - - - - -
John Cummings - - - - -
47 H. Heaven Mahaffy R.R.D. Pa.
A. D. Syler } Mahaffy.
John Ballou }
47 J. R. Gordon

CLEARFIELD COUNTY ss:

E. C. Curry.

being duly sworn according to law deposes and
says that the facts set forth in the above petition are true
and correct to the best of his knowledge and belief and that
the signers of said petition are residents of Chest Township ^{and}
Clearfield County, Pennsylvania.

Varum

John E. Ballou Esq. P.

Sworn and subscribed before me *My Commission expiring Jan 1st 1922*
this 27 day of January,
A. D. 1920.

25 February Session
1920

PETITION FOR RE-VIEW
OF PUBLIC ROAD IN
CHEST TOWNSHIP, CLEAR-
FIELD COUNTY, PA.

FILED
FEB 2 1920
GEO. W. RABION
CLERK

Feb 2nd 1920, Frank
Huller by Geo. M. M.
et al. file an ap-
pended n. record
brought to the Court
at May 15 1920.

By the Clerk
M. E. Bell
A. F. CHASE,
ATTORNEY AT LAW
CLEARFIELD, PA.