

SS 1920

No.

Term, 191

Petition for Re-view of
Public Road in

Versus

Chert Township

Y

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 {
COUNTY OF CLEARFIELD { SS

Certified from the record this
3rd day of April, A. D. 1920.


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.

Signed, sealed and delivered
in the presence of us.

Witness. *J. E. Gallaher.*

Russell B. Neff. (seal)

E. C. Curry (SEAL)

H. S. Gorman (SEAL)

Leonard Troxell (SEAL)

3 February Session 1920

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

- BOND FOR COSTS -

*Feb 2 1920 Bond
approved*

*By the Court
Conrad W. Ball*

FILED
FEB 2 1920
Geo. W. BASTON

CHASE & CHASE
Attorneys

BURNSIDE TWP.
TOWNSHIP LINE 4
H.S. 102-30-100

H. S.

GORMAN

GURME


7

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3

✓ 5

6.



5' in

179

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0.

MAP OF PUBLIC FORD IN
CHEST TWP, CLEARFIELD CO, PA.
MADE FOR VACATION APRIL 19-1920.

FRANK HUTTON }
GEO. H. WEBER } VIEWERS.
J. E. FRY }

Scale 200' = 1"

April 19 1920

We have understood
Superintendent of Civil Eng.
by State Road Commission
County the Maintaining
the Road leading from
the town of Puyallup
to the town of Rainier
Washington
If Mr. Nicholas Hill
Road and in this case
Request the Court is
Not vacate the same.

John M. Hill, Supervisor

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

Amos Shultz
J. E. Fry
Geo. K. Weber
Viewers

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

Chas. M. Hoff
W. 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, re-viewers 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. K. Weber

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

L. C. Harris
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. 1926.

Amos Blanton
E. E. Fry
George N. Barber





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

Geo. W. Ralston

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. Hartswick Esq., Atty for the Supervisors of Chest Twp with W.H. Michels, Supervisor, John Fishell, J.N. Dunbar, James Kitchen and Sol Dunbar for the vacation of the road ~~which was said, seen, or affirmed & 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~~ 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 ^{that} in the winter months and other roads drifted it is the ^{when} available and open road for that section; also that in very muddy periods, 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 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.

1st. That in proceedings in said Court of 20 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 ~~Robert~~ ^{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 CLEARFIELD COUNTY, PENNSYLVANIA.

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

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 with a map showing the location, 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. Kraker, Esq., F. D. Billotte and J. D. Michaels, reported said road useless, inconvenient and burdensome, and recommended vacating

57 L. R. Battle Bldg

58 E. J. Pardee

49 W H Beam New Wash. Station
P

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. Jeff	Mahaffey Pa-
2 Leonard Foxell Chat w/ M ^{rs} & Greenhill's Co	
3 H. S. Gorman	
4 E. E. Curry	New Washington
5 B. H. Curry	
6 G. O. Jeff	
7 Owen Pierce Supervisor of the Nelson Co	
8 G. S. Jeff	
9 John Curry Chest Twp	
10 H. A. Rorabach	
11 Harry Foxell	
12 S. E. Foxell	
13 S. S. Chapman	

- 14 John W. P. ... Burnside ...
- 15 Robt. Ross " " "
- 16 J. Ralph ... Superior of Burnside ...
- 17 ... Burnside ...
- 18 John ...
- 19 Geo. W. Griffith ...
- 20 H. P. ...
- 21 James ...
- 22 Wm. ... Westover
- 23 Alex. ... Westover
- 24 ... Westover
- 25 ... Westover
- 26 ... Westover
- 27 ...
- 28 ... Burnside
- 29 ... New Washington
- 30 ... New Washington
- 31 ... New Washington
- 32 ... Westover
- 33 ...
- 34 ... New Washington
- 35 ... New Washington
- 36 ...
- 37 James ... New Washington
- 38 ...
- 39 Horace ...

40 T. R. Mahaffey New Washington Pa
 41 H B Mitchell
 42 A. Wilson
 43 Jno. Cummings
 44 H. Heaton
 45 A. D. Lytle } Mahaffey
 46 J. R. Hornum
 47 R. D. Pe

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.

Veracity

John E. Ballaker, Jr.

Sworn and subscribed before me *My Commission expires 1st 1924*
 this 27 day of January,
 A. D. 1920.

B February Session
1920

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

FILED
FEB 2 1920
GEO. W. RALSTON
CLERK

Feb 2nd 1920, Frank
Hutton by Geo M. Chase
at J. E. Fry an ap-
proved re-view is
presented to the Court
at May 20 1920.

By the Court
Magister Bell

A. R. CHASE,
ATTORNEY AT LAW
CLEARFIELD, PA.