

Road

DOCKET No. 6

Number Term Year

3

Dec ss 1926

Private

Petition for ~~new~~ road in Chest Twp

Versus

X

Know all Men by these Presents,

That we, Elmer McGarney ^E principal,
and Norman Hazelton suret,
are held and firmly bound unto the Commonwealth of Pennsylvania,
its certain attorney <sup>heirs, executors and
ministrators, or assigns, in the sum of</sup> One Hundred (\$100.00) ^{Dollars, lawful money, for the payment of which}
^{sum, well and truly to be made, we do bind ourselves, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents; and we do hereby confess judgment for the above sum, without stay of execution or appeal, waiving the right of exemption and appraisement, and the right of inquisition on real estate, with five per cent. added as Attorney's commission for collection.} Sealed with our seals and dated this ^{day of} October

A. D. one Thousand Nine Hundred and Twenty-six.

The Condition Of This Obligation Is Such

That Whereas, a petition has been presented in the Court of Quarter Sessions of Clearfield County for the appointment of viewers to lay out a public road in Chest Township, beginning at the Edwin Morrison place and ending at the Norman Hazelton place.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, That if the said petitioners shall prosecute the said proceeding to a conclusion then this obligation to be null and void, otherwise to be and remain in full force and effect.

Signed, Sealed and Delivered in the
Presence of

Deemichael

Elmer McGarney
Norman Hazelton
Perry McGarney

SEAL

SEAL

SEAL

10. B December 33, 1926.

Bond

Petition for enforcement
of Wines in Chest Tumult
for never and day and hour

50

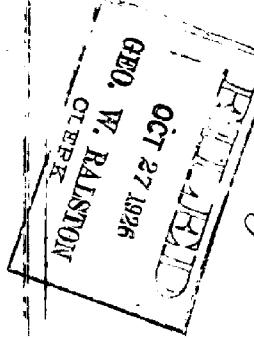
Nov 29 1926

Bond affirmed

By the court

G. H. Place

J.



GEO. W. RALSTON
Clerk

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

In re: Petition for viewers
to lay out a public road in
Chest Township.

To the Honorable A. R. Chase, President Judge of said Court:

We, the petitioners, being residents of Chest Township,
and owning farms in the locality, respectfully represent:

That they labor under inconvenience for want of a ^{private} ~~public~~ road, beginning at the Edwin Morrison place on the road leading from Westover to Irvona and ending at the farm of Norman Hazelton in said Township of Chest.

They therefore pray the court to appoint proper persons to view and lay out the same, according to law.

And they will ever pray, etc.

Frank M. Woods, Supervisor

J. H. Kneel
J. F. Morrison
John McMurtry

J. J. McMurtry
Perry McMurtry
D. L. McMurtry

Strong Kitchen

P. H. Curing

W. M. Parker

R. S. Houser

W. R. Knauer

J. C. D. (Supervisor) D. C. Garver

Ralph McMurtry

Dana Diehl

J. B. McMaster

G. T. McMaster

Fred Diehl

George H. Ogletree

Elmer Hazelton

Cronford Frailey

Lyde M. Garver

D. C. Garver

Eunice M. Garver

Frank Houser
Mrs. G. Houser
S. C. O. H.
Wayne Hazelton
Pearl Hazelton
Mrs. Martin O'Neal
Norman Hazelton
S. O. Queen
Martha Queen
Agnes Queen
Alan B. Queen
J. H. Lewis
W. H. Stiver
Mrs. H. D. Neff
H. D. Neff
Mrs. Ed Gardner
Ed Gardner
H. J. Overholt
Mrs. Paul Hazelton
Mrs. Harry Pennington
George Pennington
A. R. Kitchen
James Woods
W. H. Michael
Mrs. W. H. Michael

Mr. B. Penack
S. P. Guthrie
Mrs. S. P. Guthrie
Dowen Spade
Harg Kitchen
Gwinne Kitchen
J. M. Kitchen
J. E. Spade
Thomas Russell
Grace Russell
James Fenton
J. H. Michael
Nancy Michael
Joseph R. Kitchen
Gizelle Kitchen
James Redman
George Rainey
Maggie Rainey
E. A. Neff
G. W. Neff
John J. Kitchen
J. S. O. C. Garvey
E. F. McCulley
John Neff
B. S. Neff

Merle L. Myh.
Wm. Inman
Edward Schrock
Fess Hockenberry
Wm. G. Gentry
Morgan Westover
Ed Barto
George Gentry
Mrs R. T. Gentry
J. F. M. Gentry
Benah Gentry
J. G. Westover

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD : SS

On this 26th. day of October, A. D. 1926, personally
came Elmer M. Harvey who being duly sworn according to
law doth depose and say that the facts set forth in the fore-
going petition are true and correct to the best of their
knowledge, information and belief.

Elmer M. Harvey

Sworn and Subscribed to before
me the day and year aforesaid.

Deersfield J.P.
My Com. Effused.
Assuredly Jan'y 1926 1932

U. S. Circuit Court for the S. S. S.
J. J. C. O. G. D. C. 1926.
U. S. 3 Decatur SS, 1926.

Petition for appointment
of visitors in Circuit Court
ship.

Nov 29th 1926
Frank Weston Lupton
Ed Billotte, and George
Weber are authorized
visitors to view and
inspect.

By the court.

A. H. Chase

J. J. C. O. G. D. C.
Decatur SS, 1926.

400 by attorney

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

In re: Public Road in Chest :
Township, from Edwin Morrison :
place to Norman Hazelton farm :
buildings. :

To the Honorable A. R. Chase, President Judge of said Court:

The petition of Elmer McGarvey respectfully
represents:

That your petitioner is one of the original petitioners
for a public road, which original petition was presented to the
Court on or about October 27, 1926.

That the original petition for a public road was signed
by ninety-one citizens and residents of Chest Township.

That after the appointment of the viewers, through a
misunderstanding of the Attorney for the petitioner and the Attor-
ney for the Supervisors, the petition was amended to a private
road by the attorney for petitioners, without their knowledge or
consent.

That in pursuance of the original order for a public road,
the required notices were duly posted and the Supervisors and the
Commissioners notified, and at the time fixed for the view, no
opposition was made to the road being granted as a Public Road
and at both the view and the hearing there appeared to be no oppo-
sition whatever to the road being laid out as a public road.

Your petitioner therefore prays that the said original pe-
tition be re-amended to read a public road instead of a private
road as changed by the first amendemnt, and he will ever pray, etc.

Elmer McGarvey
By his attorney Walter Held

STATE OF PENNSYLVANIA : SS
COUNTY OF CLEARFIELD :

Walter Welch being duly sworn 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.

Sworn and Subscribed before me :
this 1st. day of December, A.D. :
1926. :

Jessie E. Dailey :

ATTORNEY PUBLIC
"The People" v. "The County of Clearfield"

Walter Welch

AND NOW, December 1, 1926, the within petition read and considered, and it appearing to the Court that the original petition was amended in error and it further appearing to the Court that the road ^{to} be actually laid out should be a Public Road and not a private road, it is ordered and decreed that the amendment from a Public to a Private Road be stricken off and that the original petition for a public road be allowed to stand on the record. It is further ordered that the Report of the Viewers, recommending a Public Road instead of a Private Road, be confirmed n.i.s.i.

BY THE COURT.

A.R. Haile
P.J.

In the Court of Quarter
Sessions of Clarion Co.
Pa. 3 Dec 20 1926

In re: Public Road in
Chast Township, from
Twin Harrison place to
Norman Hazelton farm
buildings.

Petition to amend.

DEC 4 1926

Walter Welch
Attorney at Law
Clarion, Pa.

TO THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You, and each of you are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Public Road leading from the Edwin Morrison place, on the road leading from Westover to Iriona in Chast Township, to the farm of Norman Hazelton in Chast Township, in the County aforesaid, will meet at the place of Edwin Morrison, the place of the begining of said road on Tuesday the 23rd day of November 1926 at ten o'clock A.M. to attend to the duty assigned them.

And that the required Public Hearing will be held in the Court House, in the Borough of Clearfield, Pa. on Friday the 26th day of November 1926 at 9:30 O'clock A.M. when and where you amy attend and be heard if you so desire.

Frank Huelton

E. D. Billotte

George K. Weber

DuBois, Pa. Nov. 8th 1926

Viewers.

Now, Nov. 10 1926, service of the above notice is accepted for the Commissioners of Clearfield County.

L. C. Morris

Attala County
Atty for Defendants

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 27th day of October in the year of our Lord one thousand nine hundred twenty six

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Chest in said County, setting forth that they labor under inconvenience for want of a private road, beginning at the Edwin Morrison place on the road leading from westover to Irvona and ending at the farm of Norman Hazelton in said township of Chest

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 Frank Hutton, Esq., and Ed. Billotte and George K. Weber

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 judgement, 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.

Geo W. Palton, 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, be 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 23rd day of November A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 26th and Day postponed to Nov. 29th 1926, 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 Norman Hazleton, Wilbur Stevens, Elmer McGarvey, Ashley Brink and Perry McGarvey

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29th day of November A. D. 1926 when the following appearances were noted: Walter Welch, Esq., Atty for Petitioners, Elmer McGarvey, Norman Hazleton, Perry McGarvey, Clyde McGarvey, Wilbur Stevens, Ashley Brink, who were each and severally sworn or affirmed, Examined their testimony heard and considered

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is 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 adjoining lands of Edwin Morrison and Thos McGarvey; thence south 75 degrees East 900 feet; thence South 86 degrees E. 40 feet; thence North 46 degrees E. 260 feet thence South 86 degrees E. 235 feet; thence South 88 degrees 30' 361 feet; thence South 89 degrees 15' East, 800 feet; thence South 77 degrees East, 1000 feet to property of Norman Hazleton

Your Viewers report that this road in its entirety was formerly a public road and several years ago was by proceedings in this Court vacated. That ever since its vacation it has been used and is so used today, particularly by the four families (farmers) living along it or adjacent thereto; that we found it to be in as good condition as the majority of the dirt roads and that it appears to have been kept in a fairly good condition, by those having use for it; that the farms that it serves give evidence of being in good state of cultivation and prospective and the improvements on them are of average farm character.

That these farmers have no other outlet to a public highway; that the cost of maintenance of the road would not be great; the grade is easy and mostly on high ground; the road being now physically on the ground, and so used, the damages for land taken is only nominal, and while the Order under which this view was made is for a "Private Road" your Viewers are of the opinion that considering the number and character of the citizens to be served and the cost of maintenance to the ~~petitioners~~ taxpayers of Chest Twp that they are entitled to a "Public Road" and so recommend

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 no exceptions

when it was not practical 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 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: to Thomas McGarvey One dollar;
to Edwin Morrison, one dollar; to Wilbur Stevens one dollar;
to Elmer McGarvey one dollar

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

WITNESS our hands and seals this second day of December

A. D. 1926.

Frank Hutton

Seal

E. Billotte

Seal

George K. Vicker

Seal

Seal

No. 3 December Sessions, 19 26

ORDER

To view ~~private~~ ~~private~~ use in the
road for ~~private~~ ~~private~~ use in the
township of Chest _____,
Clearfield County _____,

there Sessions, 1926,
read and confirmed Ni. Si. Road to be
opened 33 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide.

By the Court
of Common Pleas

P. J.

confirmed absolutely
By the Common Pleas

Filed
Fees \$1.25 paid by _____

Walter Welsh, Attorney.

NOTE.—In case of a private road, the release for
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	Amt.
Frank Shuttin	30	20	
Eug B. Bellville	37	20	
Geo H. Weber	22	85	

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 respectfully 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. 192 _____.

Seal

Seal

Seal

Seal