

Road DOCKET No. 6

Number Term Year

3

Dec ss 1926

Private

Petition for ~~public~~ road in Chest Twp

Versus

X

Know all Men by these Presents,

That we, *Elmer McGarvey* principal,
and *Norman Hazelton* suret,
are held and firmly bound unto the Commonwealth of Pennsylvania,
its certain attorney ~~heirs, executors and~~

~~administrators~~, or assigns, in the sum of 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 McGarvey

Norman Hazelton

Perry McGarvey



Decembar 55. 1926.

Bond

Station for Appointment
of Minors in Chest Town
to train and lay out roads

२

Nov Dec 29th 1826

Bond approved.

By the way

Willcase
P.J.

RECEIVED
OCT 27 1926
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. W. Kessel
Norman Hazelton
John McSorley

J. J. McSorley
Perry McGarney
O. J. McSorley

Strong Kitchen
P. H. Caring
Vina Caring
R. S. Houser
Vida Houser

John D. (Supervisor)

Ralph McSorley
Dana Diehl

J. B. McMasters

L. J. McMasters

Fred Diehl

George H. Houser

Clara Hazelton

Leonard Frailey

Byde M. C. Garney

Dee McSorley

Ernie McGarney
Vina McGarney

Charles Houser
Mrs. C. Houser
S. M. O'Neil

Wayne Hazelton
Pearl Hazelton
Mrs Martin Oshel
Norman Hazelton

S. O. Queen

Martha Queen

Agnes Queen
Alan B. Queen

J. H. Lewis

W. H. Stiver

Mrs H. D. R. R. C.

H. D. R. R. C.

Ans E. d. Gardner

Ed Gardner

H. J. Overberg

Mrs Paul Hazelton

Mrs. Henry Jennings

George Pennington

A. R. Hitchen

James M. O. O.

W. H. Michael

Mrs. W. H. Michael

Mrs A. B. Pennington

S. P. Guthrie

Mrs S. P. Guthrie

Owen Spade

Nary Kitchen

Gumie Kitchen

J. M. Kitchen

J. E. Spaul

Thomas Russell

Grace Russell

James Hutton

D. H. Michael

Nancy Michael

Joseph R. Kitchen

Gizzie Kitchen

James Westover

George R. R. R.

Mass. R. R. R.

S. A. Neff

G. W. Snyder

John J. Kitchen

S. S. McGarvey

E. J. McElley

John Neff

B. S. Neff

Merl & My.
Wm. Decker

E. Howard Schrock

Jess Hockenberry

Charles Bradley

Morgan Westover

Ed Barto

Georg Zimley

Mrs R L Zimley

J J M Garmey

Bulah Conley

J. F. Weston

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^c Harvey

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

Deerick Paul J. P.
My Com. Expires
Monday June 1926/1932

In and County of ...
State of ...
No. 3 December 28, 1926.

Petition for appointment
of viewers in case of ...
ship.

Now Oct 27th 1926

Frank Weston Esq.
Ed Billette, and George
H. Weber are appointed
viewers to view and
report.

By the Court.

A. R. Chase
P. J.

W. W. RALSTON
CLERK
OCT 27 1926

400 By atty

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 Welch

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

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. Bailey

NOTARY PUBLIC
My Comm. Exp. 5-1-27

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 ni.si.

BY THE COURT.

A. R. Chase

P. J.

3554/4

was the same
Cherry
I Morrison

prob line
prob line

Wilbur Stearns

Clmer
McFarley

prob line
Haydon

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 Irvona 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 beginning 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 may attend and be heard if you so desire.

Mark Aulton

E. D. Billeotte

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

Clear
Att. for
Supervisors

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 in-
habitants 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 quali-
fied 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. Palston, 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 responed 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 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 adjoining lands of Edwin Morrison and Thos McGarvey; thence south 75degrees 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 productive 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 taxpayers of Chest Twp that they are entitled to a "Public Road" and so recomend

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 
E. B. Billotte 
George K. Fisher 
 

No. 5 December Sessions, 19 26

ORDER

To view Public use in the
road for private
township of Chest
Clearfield County

See 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
A. H. Chase
P. J.

Now Feb 88 1827
Confirmed absolutely
By the Court
A. H. Chase
P. J.

Filed
Fees \$1.25 paid by J. J.

Walter Welsh, Attorney.

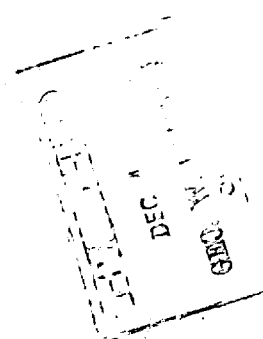
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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>Frank Sutton</i>		<i>30</i>	<i>90</i>
<i>E. B. Belleville</i>		<i>37</i>	<i>20</i>
<i>Ben N. Queber</i>		<i>22</i>	<i>83</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 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