

~~FILED~~
No. 13 Sept Term 191 1926
A. D.

Petition to vacate
road in Chest Twp

VS.

MEMORANDA

Prothonotary Office

Clearfield County, Pa.

No 13 Sept Term 1926

In re petition to vacate certain pieces
of road in Chest 200.

N. A. Hagarty, atty for petitioner
versus The term for the receiver to make
the report on same be extended to
December Term. -

Sept 3rd 1926

N. A. Hagarty
atty for petitioner

Now Sept 3rd 1926 time for
report extended as prayed for.

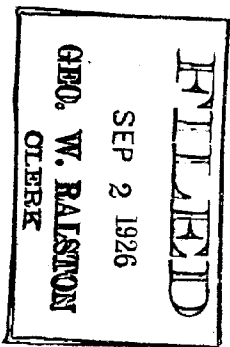
By the Court.

A. R. Chase.

P. J.

Mo 13 Apr 1926

Dear father
I received letter
from you in
last day.



In Re Vacation of certain Township roads in Chest Township.

To the Honorable the Judge of said Court:

The petition of the Supervisors of Chest Township respectfully represents that on the 9th day of July 1926 said Supervisors, together with other citizens, presented a petition to the said Court asking that Viewers be appointed to vacate certain pieces of roads running through Chest Township the same being supplied by the new State road. That said petition set out, among other descriptions, a stub of a road starting near the residence of Joseph Kitchen in Chest Township, running along the side of the Penn'a. Rail. Road about one mile South and connecting no road. That said viewers viewed the road leading from Joseph Kitchen and ending the Welchdale school house which was vacated on the condition that it be supplied by the above mentioned road. Your petitioners therefore pray your honorable Court to ammend said petition so as to include the old original road which had been opened and traveled, extending from Joseph Kitchen and ending at the Welchdale school house and also that road which had been laid out to supply the same, when the original road was vacated so that the Viewers can view on the necessity of ^{vacate} ~~vacating~~ ^{all} of said roads. The Viewers have viewed the wrong road set out in the original petition. And they will ever pray.

Frank M. Woods

John L. Diehl

CLEARFIELD COUNTY SS:

Frank Wood of the Township of Chest, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

*Sworn & subscribed to
before me this 30th
day of July 1926
Geo W. Galston
Prothy.*

Frank M. Woods

July 13 Aug 20 1936

Shesler Station

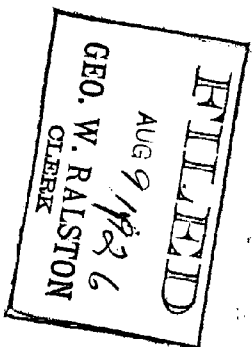
Now August 8th 1936
with petition

renew and consider
and amendment
allowed as proposed
for.

By the court

W. H. H. H.

P. J.



No one lives along said stub.
We the taxpayers of Chest Township ask to have said stub of r
road vacated, as the said stub of road is worthless to the
public~~##~~ and would very expensive and burdensome to open.
And we ever pray:

[Handwritten signature]



GILBERT I. TOZER
JUSTICE OF THE PEACE
LA JOSE, PENNA.

13 Sept. 1926

FILED
JUL 9 1926
GEO. W. RAISTON
CLERK

*Received July 9th 1926
Frank H. Miller Esq.
2 E. 12th St.
Laurelburg, Pa.
Appointed herein
and report
by the Court
J. H. Miller*

FILED
JUL 8 1926
GEO. W. RAISTON
CLERK

Received July 8th 1926



GILBERT I. TOZER
JUSTICE OF THE PEACE
LA JOSE, PENNA.

NO. 13 Sept TERM, 1926

Wm Hagerly
Per C.A.B.

NO. _____ TERM, 19__

[Handwritten signature]

NO. ~~9-10-11-12~~ ~~May~~ TERM, 1926
6/9/36 Ramsey

NO. _____ TERM, 19__

NO. _____ TERM, 19__

NO. 12 Dec 1925
A.M.L. 2-16-26

The petition of the Supervisors of Chest Township respectfully represents that on the 9th day of July 1926 said Supervisors, together with other citizens presented a petition to the said Court asking that Viewers be appointed to vacate certain pieces of roads running through Chest Township the same being supplied by the new State road. That said petition set out, among other descriptions, a stub of a road starting near the residence of Joseph Kitchen in Chest Township, running along the side of the Penn'a. Railroad about one mile South and connecting no road. That said viewers viewed the road leading from Joseph Kitchen and ending the Welchdale School House which was vacated on the condition that it be supplied by the above mentioned road. Your petitioners therefore pray your honorable Court to amend said petition so as to include the old original road which had been opened and traveled, extending from Joseph Kitchen and ending at the Welchdale School House and also that road which had been laid out to supply the same, when the original road was vacated so that the Viewers can view on the necessity of vacating both of said roads. The viewers have viewed the wrong road set out in the original petition.

TO THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania, to view for vacation a Road leading from the residence of Joseph Kitchen, in Chest Township to a point at or near the Welchdale School House in Chest Township, in the County aforesaid, will meet at the residence of Joseph Kitchen in Chest Township, on Thursday the 2nd day of September 1926 at ten o'clock A.M. to attend to the duties assigned them.

And that the Public Hearing will be held in the Court House in the Borough of Clearfield, on Friday the 3rd day of September the third day of September A.D. 1926 at ten o'clock A.M. when and where all interested parties may attend and be heard.

Mark Sutton
J. E. Fry
J. S. Michael
Viewers

DuBois, Pa. Aug 18th 1926

Now, Aug. 21, 1926, service of the above notice is

Accepted for the Commissioners of Clearfield County.

L. C. Morris, Clerk

TO THE SUPERVISORS OF CHEST TOWNSHIP ROAD DISTRICT.

You are hereby notified that the undersigned Viewers, appointed by the Court of quarter Sessions of Clearfield County, Pennsylvania, to view for Vacation a Road leading from the residence of Joseph Kitchen in Chest Township to a point at or near the Welchdale School House in Chest Township, in the County aforesaid, will meet at the residence of Joseph Kitchen on Thursday the second day of September 1926 at 10 o'clock A.M. to attend to the duties assigned them. And that the Public Hearing will be held in the Borough of Clearfield, Pa., on Friday the 3rd day of September 1926 at ten o'clock A.M., when and where all interested parties may attend and be heard.

Muk Mullin
J. E. Fry
J. S. Michaels
Viewers.

DuBois, Pa. Aug. 18th 1926

Now, Aug. 19 1926, Service of above notice is accepted for
Supervisors of Chest Township Road District.

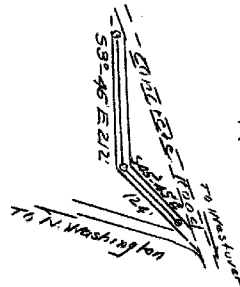
W. H. Hagen



TWELVE PIECES OF ROAD IN
CHEST TWP., CLEARFIELD CO., PA.
VIEWED FOR VACATION - JULY 27, 1926.

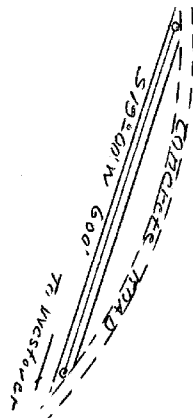
FRANK HUTTON)
JACK MICHAELS) VIEWERS.
J. E. FRY)

No 1.



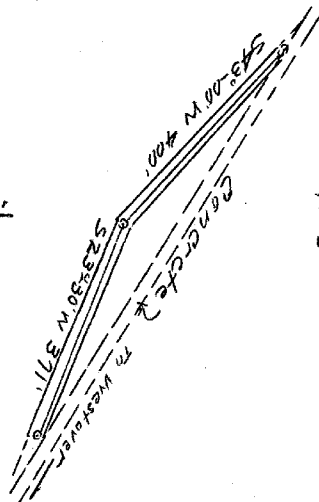
Through Lands of
Henderson Neckley

No 2.



Through Lands of
Mrs Nancy Thurston

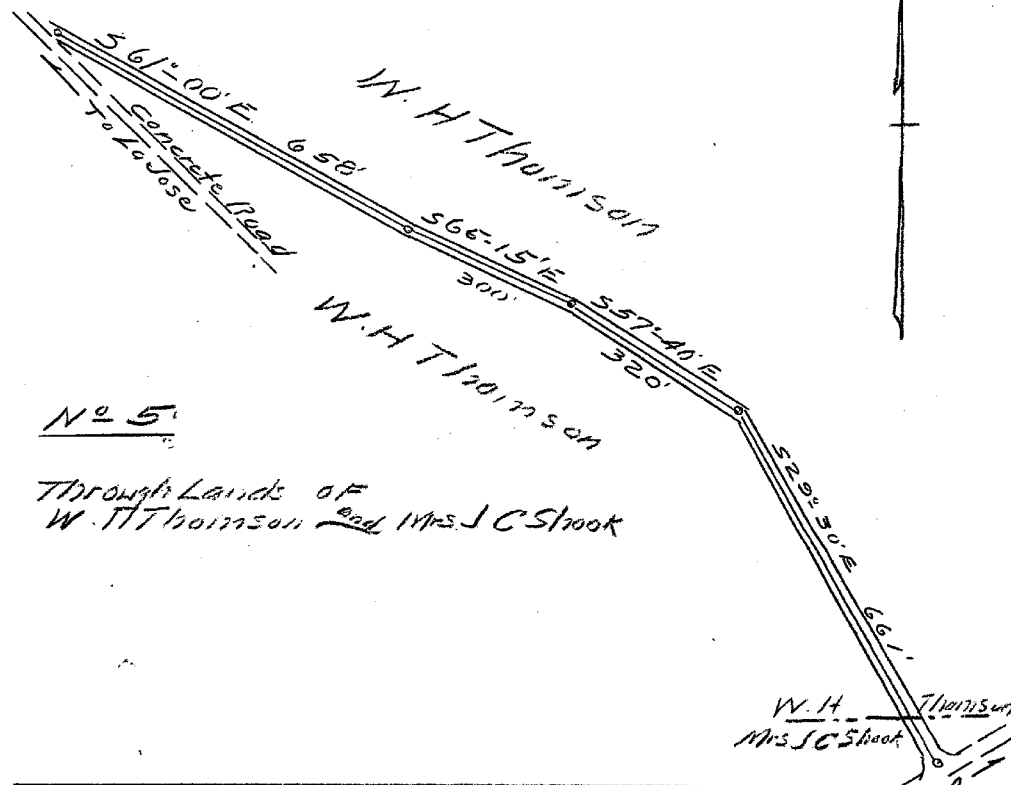
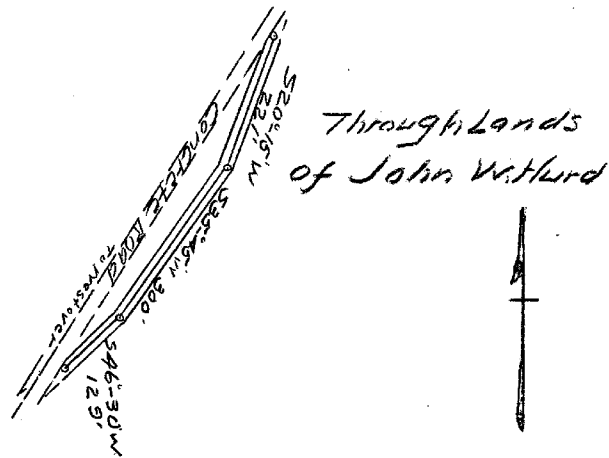
No 3.



Through Lands of
John W. Hurd

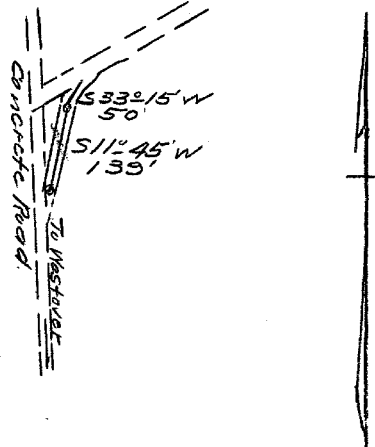
Scale: 1" = 200'

N^o 4.



No 6.

Through Lands of
Mrs. J. C. Shook



Scale 1" = 200'

N^o 7.

Through Lands of
J. W. Michaels

N^o 8.

Through Lands of
Hugh Irvin

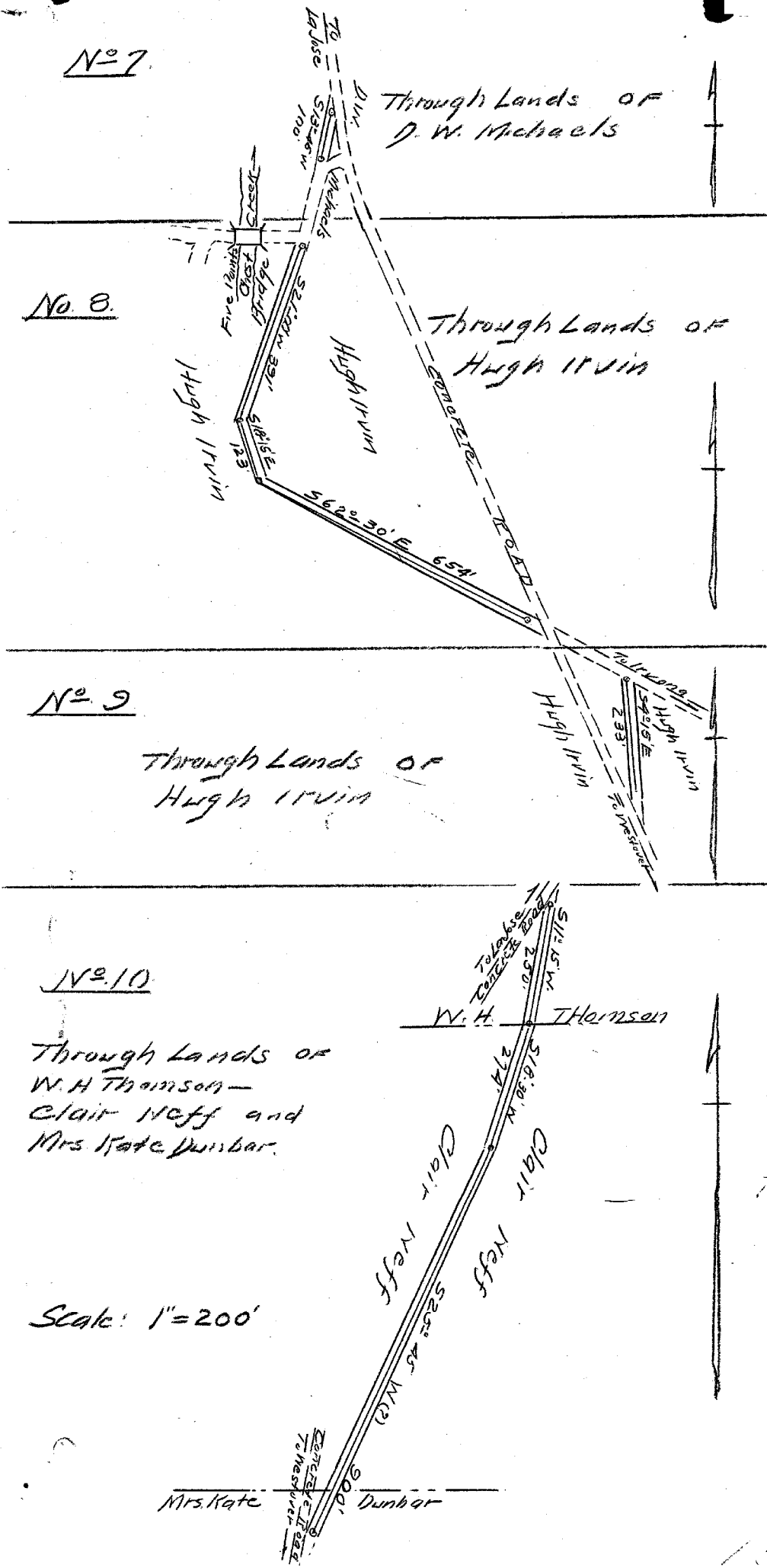
N^o 9.

Through Lands of
Hugh Irvin

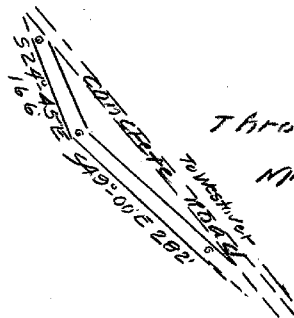
N^o 10.

Through Lands of
W. H. Thomson —
Clair Neff and
Mrs Kate Dunbar.

Scale: 1" = 200'

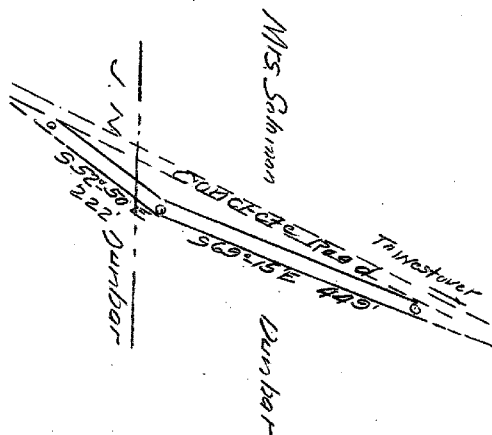


N^o 11.



Through Lands of
Mrs D. C. Michaels

N^o 12.



Through Lands of
J. N. Dunbar and Mrs Solomon Dunbar

Scale: $1" = 200'$

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the 9th day of August in the year of our Lord, one thousand nine hundred and twenty six

A. R. CHASE
By the Honorable Singleton Ball, President Judge of the said Court: Upon the petition of ~~sumitxx~~
Supervisors
inhabitants of the Township of Chest, in the County aforesaid setting forth that

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers Frank Hutton, Esq., J. E. Fry and

Jack Michaels who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

Geo W. Palstan
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE
COUNTY OF CLEARFIELD, PA.

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 the 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 said road to be vacated, that the said view would be held on the

2nd day of September, A. D. 1926, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 3rd day of Sept A. D., 1926, at ten o'clock A M, and that

said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view J M Woods, John C Diehl, John Stephens, Supervisors and Ross Curry, Arny Kitchen, Simeon Brackley, citizens

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 3rd day of Sept, A. D. 1926, when the parties interested in the said road were in attendance, at the hearing Sept 3 1926, Cortez Bee Esq appeared for Exceptants and Wm H. Hayen Esq for Supervisors and at adjourned hearing Dec 1st no appearances were noted

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has not, become useless, ~~inconvenient and burdensome~~ your brewers after going over the road now in use and the one viewed and for supply in 1912 but never opened and the road used to be located, more than half way between Lermine, over low, marshy ground that frequently is under water, in fact your brewers lodged much of it under water on the side of view, is this a road that could be difficult to drive properly and expensing to properly construct and maintain. Only one family that occupies one of the few remaining houses in Lermine have need for this road. Another family (Brackley) does not abut on it but has access to it, but uses mostly another road. While your brewers are unanimous in the opinion that the road in question should be vacated, that the Township of Chest should not be required to maintain it for all the traffic there

is over it, yet we find that in the family of ~~John~~ ^{James} Kitchin, who occupies an old miners house in Welchdale, but not in mining vein, has some five or six children of school age ~~and~~ and have no other public Road to get to school, that they are more than the legal distance from a school and have to be transported to and from school by the school District of Chest Twp. and to vacate the Road we prayed for, should leave no public thoroughfare for such transportation.

Your Viewers are of the opinion that the interest of these children of school age are paramount need for this reason, no other, they do not report in favor of vacating the road in question.

Concerning these parties of road lying between the Borough of Newbry and Solomon Oakbar and in which the State Highway is located, the Viewers report in favor of the vacation of the several sections of the said Public Road and set forth in Drafts hereto attached.

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in any way damaged by the vacation of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from: None required

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up 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:

No damages to be assessed

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

Witness our hands and seals this 2nd day of December A. D. 19 26

Mark Huston [SEAL]

J. E. Fry [SEAL]

J. S. Michaels [SEAL]

Viewers.

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

No. 13 Sept Term 1923

ORDER TO VACATE

To view and vacate road situate
in the Township of Chest
Clearfield County.

Now *dec* Sessions 1923
read and confirmed Ni. Si.

By the Court
A. H. Hagg
Now *Feb* Sessions 1924
confirmed absolute.

By the Court.
A. H. Hagg
R. J.

Filed 19

Atty. W. A. Hagerty

Fees \$1.25 paid by

