

DOCKET No. 6

Number	Term	Year
1	SEPT SS	1936

CHEST TOWNSHIP: PETITION TO VACATE

Versus

View May 25th

Hearing May 26th 1936

In re: Vacation of Mill Road : Answer of Users and Taxpayers  
in Chest Township :

We the taxpayers in Chest Township and users of the Mill Road in Chest Township contend that the road is neither useless, nor inconvenient, nor burdensome. The reasons for our contentions are set out more fully herewith:

1. It is not useless. It is estimated that there are over forty users of the bridge, twenty of which are daily users including a milk delivery truck. See exhibit A.

2. It is not inconvenient. Users of this road from the New Washington district traveling toward Chest Township or users from Chest Township traveling toward New Washington find this road a very convenient short-cut as it is but one half as long as the next shortest route, that being the one through Newburg Borough.

3. It is not burdensome. If this road were to be vacated it would be necessary to send the children who live South of Chest Creek to the Newburg Borough school or furnish them with transportation to carry them out of Chest Township into Newburg Borough and then back into Chest Township to their school. If they were to attend the school in Newburg Borough the tuition charge would be \$ 18.00 per pupil. If

the township furnishes transportation the estimated cost is \$ 50.00 per month for eight months. In either case the vacating of this road would not lighten the burden on the taxpayers but will rather increase the burden.

WHEREFORE we the taxpayers of Chest Township and users of the Mill Road in Chest Township ask that the petition to vacate the Mill road be refused.



\_\_\_\_\_  
Glenn E. Thomson  
Attorney for Taxpayers and Users.

Exhibit A

We, The "nder sined Dayley  
travel the Mill Roed?

Alv. Mitchell, LaGorce.

John Mitchell, making R.D. 2.

E.V. Mitchell, Oneida County,  
~~John Mitchell~~, New York.

Harry T. Moore, New York.

~~John Mitchell~~, New Washington.

~~John Mitchell~~, New Washington.

Russell Brown, New Washington.

George P. Bell, New Washington.

~~John Mitchell~~, New Washington.

~~John Mitchell~~, New Washington.

~~John Mitchell~~, New Washington.

~~John Mitchell~~, New York.

~~John Mitchell~~, New York.

Frank - off to [redacted]  
Frank - off to [redacted] New York  
John H. Palmer - New York  
R. C. Palmer - 16<sup>th</sup> Washington  
Plain Jane

May 20, 1936

To

The Courts of  
Clearfield County/

We the undersigned, School Directors of Cheat Twp.  
Clearfield County, hereby register protest against  
the abandoning of the road known as the Mill Road  
in Cheat Twp.

Clair Westover

Mark Conley

John C. Diehl  
John C. Diehl

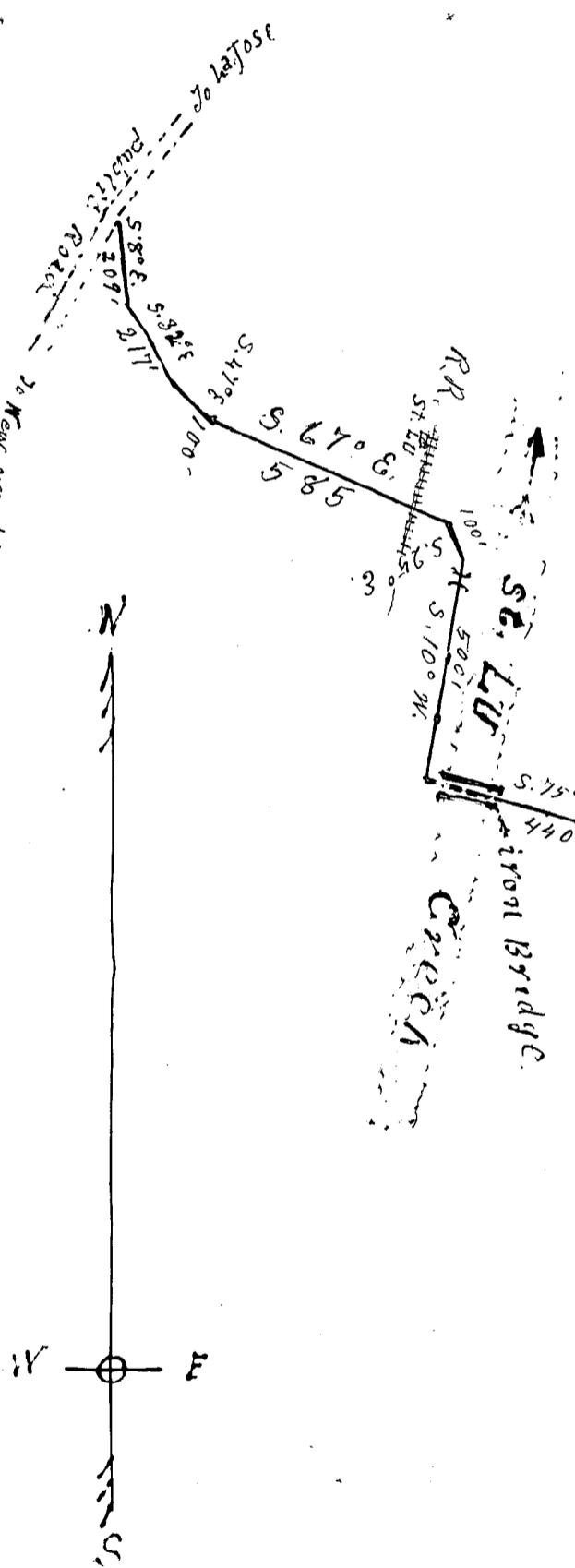
Samuel O. Queen

Boyd McFarvey

In re: Vacation of  
Mill Road in Chest  
Township.

Answer of Taxpayers  
and Users.

Glenn E. Thomson  
Attorney - at - Law  
County National Bank Bldg.  
Clearfield, Pennsylvania.



Survey line  
 New Washington  
 To 240 to Weston  
 To 240 to State Highway  
 Route 34  
 Draft showing public road  
 in Chestnut Hill, Pa.  
 Billed for road construction  
 A.D. 1936.  
 Total length 5.025 feet  
 Scale  $\frac{1}{4}$ " to 100'  
 A. 13. Shallow  
 240. 13. Shallow  
 H.W. Bonnell  
 Surveyors

We the tax payers of CHEST TOWNSHIP, Clearfield County, Penna., respectfully remonstrate against the abandonment of a road in Chest Township, commonly known as the Mill Road, beginning at a point on Highway Route 36 and extending in a North Westernly direction, crossing Chest Creek and intersecting with Highway route I7070 between New Washington and Newburg Boroughs.

We urge that you consider it carefully, since such abandonment would do injustice to all adjoining property owners as well as make an additional expence in getting school children to Public School in a very round about way.

NAME.

RESIDENCE.

~~Philip Stet~~ La Jore Pg L. J. Stet  
Clair Curry. Chest Twp. Pg  
Mira Curry. Chest Twp. Pg  
H. J. Meckley Chest Township Pg  
Bessie Meckley Chest Twp.  
Henry Michael. Chest Twp.  
Daisy Michael. Chest Twp.  
Charles Stiver Chest Twp.  
S. P. Guthrie Chest Twp.  
Bertha Guthrie Chest Twp.  
Miller Hilliard Chest Twp.  
Nellie Hilliard Chest Twp.  
Mabel Michael Chest Twp.

Edward Spaid	Chest. top	ha Jose
Elartin Kitchen	" / "	P. O.
Tom Russell	"	
Glynn Clofer	"	"
Samuel D. Kitchen Sr.	"	"
Clark Markle	"	"
Irene Spaid	"	"
Ralph Kitchen	"	"
Russell McCleary	"	"
Harriet J. McCleary		
Don Woods	"	"
L H Guthrie	"	"
Esther Guthrie	"	"
Abel Spaid	"	"
W H Michael	"	"
Irene Michael	Chest top	
Henry Fisher	"	"
John G. Coe	"	"
Joe G. Coe	"	"
Joshua Pennington	"	"
Mrs. Joshua Pennington	"	"

Williams H. Striver  
End abt  
Mrs A. L. Thorwart. Chest Sup.  
Mrs A. L. Thorwart. " "  
Mrs S. A. Neff, " "  
Mrs Catherine Snyder, " "  
Mrs Barber " "  
John J. Kitchen " "  
Blair Rainey. " "  
C. J. Rainey Chest Sup  
Geo H Rainey " "  
45 Mary Rainey " "  
Aaron Rainey " "  
Edith Rainey " "  
Murray Kitchen " "  
Samuel Kitchen Jr.  
John Winswood  
George W. Kitchen  
William S Kitchen  
Maria Kitchen

Harry Stetler Chest. Twp.  
Eugene D. Thomson " "  
~~W. D. Thomson~~ " "  
Ed Gardner " "  
G. R. Gardner 59 "

1 Sept 22 1936

Remonstrance against  
Vacation of Road  
in Chest Township

FILED
MAY 13 1936
W. R. GALLAGHER
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 notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

20th day of May , A. D. 1936, 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 22nd day of May A. D., 1936, at 10:30 o'clock AM., 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. S. McFadden, Clair Westover, C. I. Raney and L. U. Guthrie.

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Arbitration Room~~ <sup>Grand Jury Room</sup> in the Court House, in Clearfield, Pa., on the 22nd day of May ,

A. D. 1936 , when the parties interested in the said road were in attendance: John L. Urey Esq., Attorney for Chest Township Road Dist., Frank G. Smith Esq. of the firm of Liveright and Smith, solicitors for Clearfield County Pa., Glen Thompson Esq, representing those opposed to the vacation of said road, together with the following witnesses, Clair Westover, School Director for Chest Township, and L. U. Guthrie.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has not , become useless, inconvenient and burdensome as stated by the petition of the Supervisors of Chest Township. After viewing said road and also taking into consideration the testimony offered at the hearing, it would appear that the road in question, while not traveled extensively by the traveling public, it does serve a valuable purpose, and during certain seasons of the year is used as an outlet when other roads in that vicinity are impassable and therefore precludes a finding that said road is useless, inconvenient and burdensome. Your undersigned viewers are, of the opinion that the cost of maintaining said road has not been burdensome or costly to the tax payers of Chest Township and it was further noted on the date of said view that the road was in a reasonably good state of repair, including County Bridge on said road which traverses Chest Creek. Among the papers filed in this proceeding your undersigned viewers noted a remonstrance against the vacation of this road which seems to be signed by some of the largest tax payers of Chest Township. The vacation is also protested by the Chest Township School District as the vacation of this road would create an additional burden on said School District by requiring transportation or the payment of tuition at the Newberg

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 ninth day of May in the year of our Lord, one thousand nine hundred and thirty-six

W. WALLACE SMITH

By the Honorable ~~W. Wallace Smith~~ President Judge of the said Court: Upon the petition of ~~W. Wallace Smith~~ Supervisors ~~inhabitants~~ of the Township of Chest, in the County aforesaid setting forth that ..... a public road in said Township of Chest extends from a point in Route 17,070, leading from LaJose to New Washington, where the line between the Miller Hillard property and the property of the Tombs' Estate crosses said Route No. 17,070, near the J. S. McFadden residence, to a point on State Highway Route No. 36 leading from LaJose to Westover, where the property line between the properties of Clair Curry and the Guy P. Tozer Estate intersects said Highway, a distance of about two and one-half miles.

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 ap-

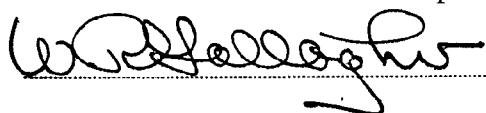
point from and among the County Board of Viewers A. B. Shaw, Esq., E. D. Billotte and

H. W. Bonsall who have been duly appointed by the said Court on the

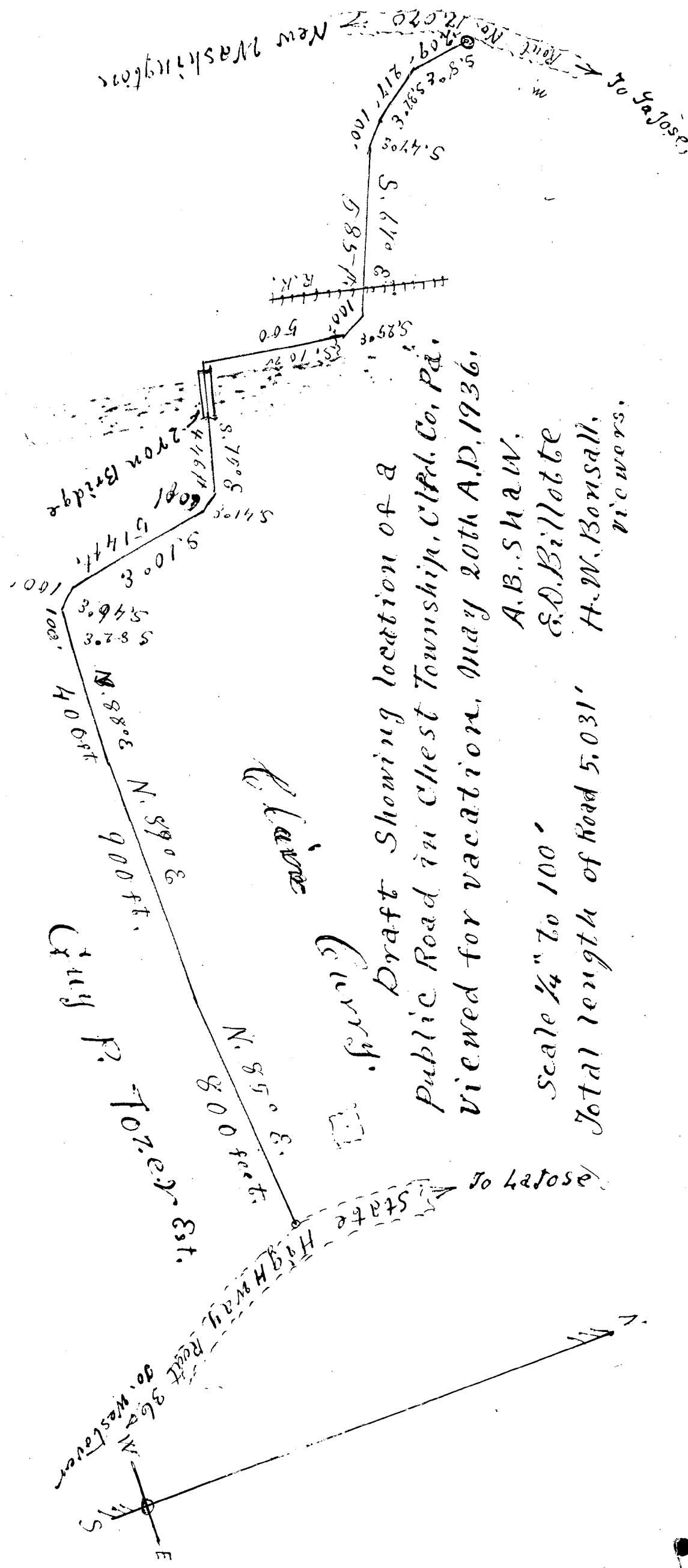
County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the 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.



Clerk.



Draft Showing location of a  
Public Road in Chest Township, Chtd. Co., Pa.  
viewed for vaccination, May 20th A.D. 1936.

Scale  $\frac{1}{4}$ " to 100'  
Total length of road 5.031'  
A. B. Shaw.  
S. D. Billotte  
H. W. Bonsall,  
Picayune.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers ~~were~~  
appointed by the Court of Quarter Sessions of Clearfield County  
on the 9th day of May A.D., 1936, to vacate the following described  
public road in the Township of Chest, Clearfield County Penna:-

The road to be vacated and abandoned begins at a point on  
State Highway Route # 17,070, leading from LaJose to New Washington  
where the line between the Miller Hillard property and the property  
of the Tombs' Estate crosses said State Highway Route # 17,070, near  
the J.S. McFadden residence, to a point on State Highway Route # 36,  
leading from LaJose to Westover, where the property line between  
the properties of Clair Curry and Guy P. Tozer Estate intersects  
said Highway, a distance of about two and one-half miles, will  
meet at the premises of J.S. McFadden in said Township on Wednesday  
the 20th day of May A.D., 1936 at 10:30 o'clock A.M., to attend the  
duties assigned them and that a public hearing as required by Act  
of Assembly and Rules of Court, in order to give all parties in-  
terested in said road to be vacated an opportunity to be heard,  
will be held in the Law Library in the Court House at Clearfield  
Penns on Friday the 22nd day of May A.D., 1936 at 10:30 o'clock A.M.  
at which time and place all parties may attend and be heard if they  
so desire.

A. B. Shaw.

E. D. Billott.

H. W. Bonsall.

Viewers

To the County Commissioners of Clearfield County Pennsylvania:  
Now May 11<sup>th</sup> 1936 service of the above notice is hereby accepted by  
copy.

*Myra Lucas*  
Clerk

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Road or assess damages, leading from ~~a point on state highway route # 17,070, between InJoes and New Washington, where the line between the Miller Hillard property and the property of the Yeabs' Estate crosses said route # 17,070, near the J. S. McFadden residence,~~

in ~~Chest~~ Township to ~~a point on state highway route # 50, leading from InJoes to Westover, where the property line of Clair Curry and the Guy P. Stoner Estate intersects said highway, a distance of about two and one-half miles.~~

in ~~Chest~~ Township, in the County aforesaid, will meet at the house of ~~J. S. McFadden~~ in ~~Chest~~ Township, on ~~Wednesday~~ the ~~20th~~ day of ~~May~~, A. D. 1926, at ~~10:30~~ o'clock ~~A.~~ M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

THE PUBLIC HEARING AS REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT TO BE HELD BY THE VIEWERS BEFORE THE FILING OF THEIR REPORT IN COURT IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID ROAD AN OPPORTUNITY TO BE HEARD WILL BE HELD IN THE LAW LIBRARY IN THE COURT HOUSE AT CLEARFIELD ON FRIDAY THE EIGHTH DAY OF MAY A. D. 1926, OR THEREABOUT, AT A TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND AND BE HEARD IF THEY SO DESIRE.  
R. W. BORSBALL

A. D. SHAW.

E. D. BILLOTT

VIEWERS

Borough School, for two children who live along said road and are obliged to use the same in going to and from one of the Chest Township Public Schools.

That notice of this view as well as the time and place of hearing was duly served on the Supervisors of Chest Township and although they were the petitioners requesting the vacation of said road, not one of said Supervisors attended the view which was held on Wednesday the 20th day of May at 10:30 o'clock A.M., nor were any of them in attendance at the hearing, held on Friday the 22nd day of May A. D. 1936 at 10:30 o'clock A.M.

In view of the aforementioned facts your undersigned viewers recommend that said township road be maintained as a public highway for the traveling public as heretofore.

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:

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:

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

Witness our hands and seals this 27th day of

May, A. D. 1936.

[SEAL.]

[SEAL.]

[SEAL.]

Viewers.

1 Sept  
No. 4 Term 19 36

## ORDER TO VACATE

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

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.

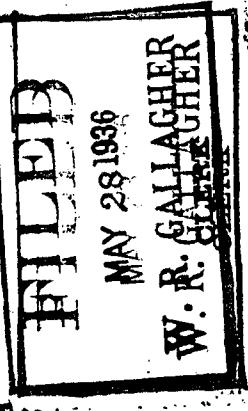
N. B.—If the viewers believe the parties are  
not entitled to damages, taking into considera-  
tion the advantages as well as the disadvantages  
of the road, they will report to that effect.

	Days	Miles	Amount
A B Shaw	3	56 258	
H W Board	2	108 2540	

Now Sessions 19

read and confirmed Ni. Si.

Robert Rehino Specially Presenting  
Now Session 19 36  
confirmed absolute  
W. R. Gallagher  
By the Court



Filed 19

Atty, John M. Urey

Fees \$1.25 paid by

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

In re: Vacation of Road in Chest Township, Clearfield County, Pennsylvania. : No. : May Sessions, 1936.

To Hon. W. Wallace Smith, President Judge of said Court:

The Petition of the Supervisors of Chest Township, Clearfield County, Pennsylvania, respectfully represents:

1. That your Petitioners are the Supervisors of Chest Township, and they aver that by reason of the constantly decreasing returns from taxes and the increased care required on the public roads of said Township due to additional vehicular traffic, it is desired that all roads not necessary for the use of the traveling public be vacated.

2. That a public road in said Township of Chest extends from a point in Route 17,070, leading from LaJose to New Washington, where the line between the Miller Hillard property and the property of the Tombs' Estate crosses said Route No. 17,070, near the J. S. McFadden residence, to a point on State Highway Route No. 36 leading from LaJose to Westover, where the property line between the properties of Clair Curry and the Guy P. Tozer Estate intersects said Highway, a distance of about two and one-half miles.

3. That said road has now become useless, and unnecessary to the citizens of said Township and to the traveling public, and is inconvenient and burdensome to maintain on account of the bridge across Chest Creek on said road, and the Township authorities desire to be relieved from any possible damage from accident that might possibly occur to persons traveling the same.

Your Petitioners therefore pray the Court that the said road may be vacated, agreeable to the Act of the General Assembly

in such case made and provided. And they will ever pray, etc.

X Clyde McGarvey

X John Stephens

X Chas. L. Michaels

Supervisors of Chest Township.

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

John Stephens, Clyde McGarvey, and Charles L. Michaels, being duly sworn according to law, depose and say that they are the Supervisors of Chest Township, and that the facts set forth in the foregoing Petition are true and correct to the best of their knowledge, information and belief.

X Clyde McGarvey

X John Stephens

X Chas. L. Michaels

Sworn and subscribed to

before me this 30th  
day of April, A.D. 1936.

Julie G. J. C.  
of a Not. Pa.

NOTICE OF ELECTION LAWS  
FIRST E.O. DAY IN JANUARY IS 40.

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

In re: Vacation of Road in :  
Chest Township, Clearfield : No. May Sessions, 1936.  
County, Pennsylvania. :  
:

ORDER OF COURT

And now, the 8th day of May 1936, the within Petition  
having been presented and considered, thereupon A. Q. Shen 232,  
E. J. Billotti and John. Bonsall  
and \_\_\_\_\_ are appointed  
viewers to view the road described in the annexed Petition, take  
testimony and report to the Court with recommendation as to vaca-  
tion, as required by the Act of Assembly in such case made and  
provided.

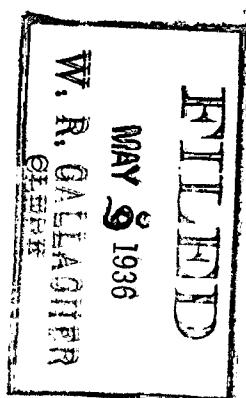
By the Court,

President Judge.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD CO., PA.  
No. 1 <sup>Sept</sup> Sessions, 1936.

In re: Vacation of Road  
in Chest Township,  
Clearfield County,  
Pennsylvania.

PETITION AND ORDER OF COURT



JOHN M. UREY  
ATTORNEY AT LAW  
CLEARFIELD TRUST COMPANY BUILDING  
CLEARFIELD, PA.