

DOCKET No.⁵ _____

Number Term Year

10 Sept 1923

Petition for road in Karthaus Twp

Versus

X

Now before Session of the Legislature of 1923
of the viewers endorsed the Year in 1923

110 copies 1923

July 3rd 1923, H. G. Kramer &
C. D. Billotte & A. S. Michaels
an appropriate measure to provide
as respects law

Right Church
Sangamon Reg.

| |
|-------------|
| FILED |
| JUL 8 1923 |
| GEO. W. RAY |
| CLERK |

275

In the Court of Quarter Sessions of Clearfield County

In Re Public Road in Karthaus Township

To the Honorable the Judge of said Court.-

We the undersigned citizens of said Township of Karthaus respectfully represent that we stand in need of a Public road in said Township to lead from a point on Public road near Rohm's Grist Mills to a point on Mosquito Creek near the works of the Karthaus Brick Plant .- They therefore pray your Honorable Court to appoint viewers to view and lay out a public road between the points above mentioned and make report of same to next Term of Court with any damages that may be incurred by reason of the laying out of said road

And they will ever pray &c

| | |
|--------------------------|--------------------------|
| <u>J. G. Reiter</u> | # <u>Paul Schultz</u> |
| <u>J. W. Reese</u> | # <u>Emile</u> |
| <u>J. H. Lewis</u> | # <u>W. J. Reiter</u> |
| <u>Ang Plubell</u> | # <u>J. L. Woodling</u> |
| <u>Arch Miller</u> | # <u>Boyd Reiter</u> |
| <u>W. J. Condon</u> | # <u>Charles Schultz</u> |
| <u>Walter J. Heschel</u> | # <u>J. J. Briel</u> |
| <u>Maurice G. Meares</u> | # <u>James Maney</u> |
| <u>J. W. Potter</u> | # <u>Guest Board</u> |
| <u>Ruben Hurwitz</u> | # <u>R. J. Schuas</u> |
| <u>C. H. Bradford</u> | # <u>A. L. Shope</u> |

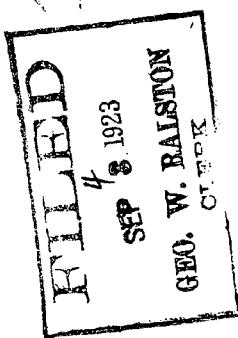
Know all men by these presents that we — F T Reiter —
Reiter J S illegal — and W E Tyler —
of the Township of Karthaus, County of Clearfield and state
of Pennsylvania are held and firmly bound unto the said
Commonwealth of Pennsylvania in the sum of one hundred dollars
to which payment well and truly to be made we do bind ourselves
our and each of our heirs, executors and administrators firmly
by these presents .—

Whereas the said F T Reiter and other citizens of said
Township of Karthaus have petitioned the Court of Quarter
Sessions of Clearfield County to appoint viewers to view and
lay out a public road from a point on public road near Rohms
Grist Mill to a point on Mosquito Creek near the works of the
Karthaus Township Brick plant

Now the condition of this obligation is such that if
the said F T Reiter shall pay all cost that may be assessed
against him by reason of failure to sustain said petition or for
any other reason connected with the said road then this obliga-
tion to be void or else to bind remain in full force and virtue

J S illegal — (seal)
W E Tyler — (seal)

No 10 Sept 21 1923



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 Karthaus and that Three ---- notices thereof were posted along the route of the proposed road, that the said view would be held on the 4th day of October, ---- A. D. 1922, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the Fifth day of October ----, 1922, at (9) o'clock A.M. That _____ viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view besides the viewers J. L. McGonigal and F. B. Evans two of the Supervisors of Karthaus Township and W. E. Kyler opposed to the road and I S Flegal and Rhone

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the Fifth day of October A. D. 1923, when the following appearances were noted: William A Hagerty Esq. Attorney for the Supervisors of Karthaus and J L McGonigal one of the Supervisors of said Township.

After the view and hearing above mentioned, the undersigned, [REDACTED] viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a Public --- road: And having had time to consider the matter, do further declare that the same is not necessary for a public road, as will appear,

Clearfield County, 55:

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 3rd day of July in the year of our Lord one thousand nine hundred twenty three

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Karthaus in said County, setting forth that we stand in need of a public road in said Twp to lead from a point on public road near Rohn's Grist Mills to a point on Mosquito Creek near the works of the Karthaus Brick Plant

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 A. G. Kramer, Esq., E. D. Billotte, Esq., and J. S. Michaels

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.

Les W Palston, Clerk.

TO: T, R, Weimer, Jesse, E, Dale and M, L, Farrell.

County Commissioners of Clearfield County Penna.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Penna: to view and lay out a public road, leading from a point in the public road near Rhon's Grist Mill in Karthaus Township, to a point on Musquiter Creek near the works of the Karthaus Brick Plant in Karthaus Township in the County aforesaid, will meet at the Karthaus Brick Plant in Karthaus Township on Thursday the Fourth day of October A. D. 1923 at nine (9) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing required by the Act of Assembly and the 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 the laying out of the said road a chance to be heard by the viewers; will be held in the Arbitration Room in the Court House in Clearfield Pa on Friday the 5th Fifth day of October A. D. 1923 at nine o'clock A. M. at which time and place all parties interested in the laying out of the said road; either for or against the same, may attend and be heard.

A G Brasser

E D Billotti

J S Michaels

VIEWERS.

Now Dept 22, 1923 service accepted for the County Commissioners of Clearfield County Penna.

L C Morris, Clerk

To; J, L, McGonigal, Alfred, Rolley and F. B. Evans;
The supervisors of Karthaus Township Clearfield County Pa.
You are hereby notified, that ~~they~~ the undersigned viewers appointed by the Court of Quarter sessions of Clearfield County Pa to view and lay out a public road, leading from a point in the public road near Rhon's Grist Mill in Karthaus Township to a point on Musquite Creek near the works of the Karthaus Brick Plant; in Karthaus Township in the County aforesaid, will meet at the Karthaus Brick Plant in Karthaus Township on Thursday the 4th day of October A. D. 1923 at nine (9) o'clock A. M. to attend to the duty assigned them of which time and place aforesaid all parties interested will please take notice.

And that the public hearing required by the Act of Assembly and the 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 the laying out of the said road a chance to be heard by the viewers, will be held in the Arbitration Room in the Court House in Clearfield Pa, on Friday the fifth day of October A. D. 1923 at nine (9) o'clock A. M. at which time and place all parties interested in the laying out of the said road; either for or against the same may attend and be heard by the viewers.

R G Kramer
E D Billott
J S Michaels
Viewers.

Now ~~Sept 24~~ 1923 served this notice on J, L, McGonigal, Alfred Rolley and F. B. Evans the supervisors of Karthaus Township personally by handing to each of them a true and correct copy of same.

J L McGonigal
served by
James Money

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 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 respectively 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: _____

WITNESS our hands and seals this sixth (6) day of October: _____

A. D. 1923.

A. G. Kramer
E. B. Billotte
J. S. Michaels

Seal
Seal
Seal
Seal

No. 10 Sept Sessions, 19¹9¹

ORDER

To view
road for
township
Clearfield

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.

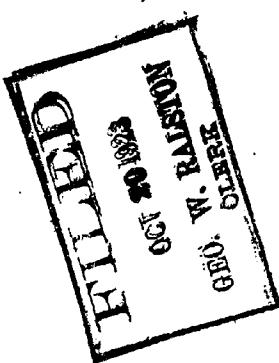
Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

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.

Sessions, 1921
confirmed Ni. Si. Road to
feet wide, except where the
cutting or embankment an
are to be 16 feet wide
By the Council
Magdeburg

Feb 6 1824
Original sketch
of the

Filed _____ 19_____
Fees \$1.25 paid by _____



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 af 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 _____

Seal