

DOCKET No. 5

Number	Term	Year
11	Sept	1923

Petition to vacate road in Karthaus
Twp. near Salt Lick Bridge to the Fisher
House

Versus

In the Court of Quarter Sessions of Clearfield County
In re Public Road in Karthaus Township

To the Honorable the Judge of said Court

The petition of the undersigned citizens of said Township
of Karthaus Respectfully Represents.-

That portion of a Public Road long since laid out from
the mouth of Salt Lick Run to Schnarr,s Mill in Dutch Hollow
has become useless, inconvenient and burdensome, and dangerous
to travel by reason of the coal having been taken out and the
road sunk down.-

Said petitioners therefore pray your Honorable Court
to appoint viewers to vacate 1st.- That portion of the said
Road from a point of intersection with Pottersdale Road near
the Salt Lick Bridge to the Fisher House.-2nd To vacate that
portion of said road from a point at Kolowaskis gate to near
Geroge Krollman,s to intersection of said road with public
road near the Rubley place.-

And they will ever pray&c

_____	#	Aug Plubell
Jas L McGinnis	#	W. J. Heichel
F. B. Evans	#	W. J. Condon
Alv. Mills	#	M. G. Meines
Jas Wancor	#	J. W. Potter
Raymond (unclear)	#	Reuben Hurwitz
Alpheus (unclear)	#	C. H. Bradford
W. B. Tolman	#	Emile
J. S. Flegal	#	W. F. Reiter
W. B. (unclear)	#	J. L. Woodling

H. H. Ritter

Lech Miller

Boyd Bittel

Charles Schultz

J. P. Briel

Gust Barnat

R. S. Schinars

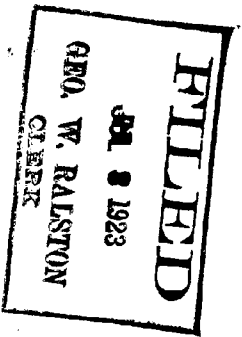
G. L. Shope

G. H. Brown

#11 Sept 22 1923

July 3, 1923. At Herman by
C. B. Bellotti, Jr., of S. Michael
an affidavit sworn before
as required law.

Mytha Louie
Angeline Bell



Know all men by these presents that we J. L. McGaughey
and J. S. Flegal J. B. Ewan
of the township of Karthaus
County of Clearfield and State of Pennsylvania are held and
firmly bound unto the Commonwealth of Pennsylvania its certain
and assigns in the sum of one hundred dollars lawful money
of the United States to be paid to the said Commonwealth or its
assigns to which payment well and truly to be made we do bind
our selves, our heirs executors and administrators and every
of them by these presents.

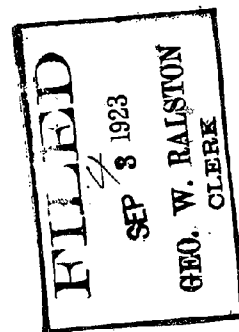
Sealed with our seals and dated the 28th day of July A D
1923

Whereas certain citizens of the said township of Karthaus
have petitioned the Court of Quarter Sessions of Clearfield
County Penna to appoint viewers to view and vacate a public
road from the mouth of Salt Lick to Schnarrs Mill in Dutch Hollow
as the same has become useless.

Now the condition of this obligation is such that if
the said McGaughey & Flegal shall pay all cost
that may be determined by the Court for which he the said
McGaughey & Flegal may become liable by reason of
the refusal of said Court to vacate the same .- then this obliga-
tion to be void and of no effect otherwise to be and remain in
force and virtue .-

J. L. McGaughey (seal)
J. S. Flegal (seal)
J. B. Ewan

No 11 Sept 11 1923



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

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Karthaus, in the County aforesaid setting forth that
portion of a public road long since laid out from the mouth of Salt Lick
Run to Schnarr's Mill in Dutch Hollow has become useless, inconvenient and
dangerous to travel by reason of the coal having been taken out and the
road sunk down.

Said petitioners therefore pary your Honorable Court to appoint viewers
to vacate That portion of the said road from a point of intersection with
Pottersdale Road neat the Salt Lick Bridge to the Fisher House.

2nd: To vacate that portion of said road from a point at Kolowskis gate
near George Krollman's to intersection of said road with public road near
the Rubley place

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. G. Kramer, Esq., E. D. Billotte, Esq.

and J. S. 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 Palstore
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 Karthauss -----, 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

third day of October -----, A. D. 1923, 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 fifth day of October ----- A. D., 1923, at nine 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 William Bearfield -----

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 fifth day of October ,

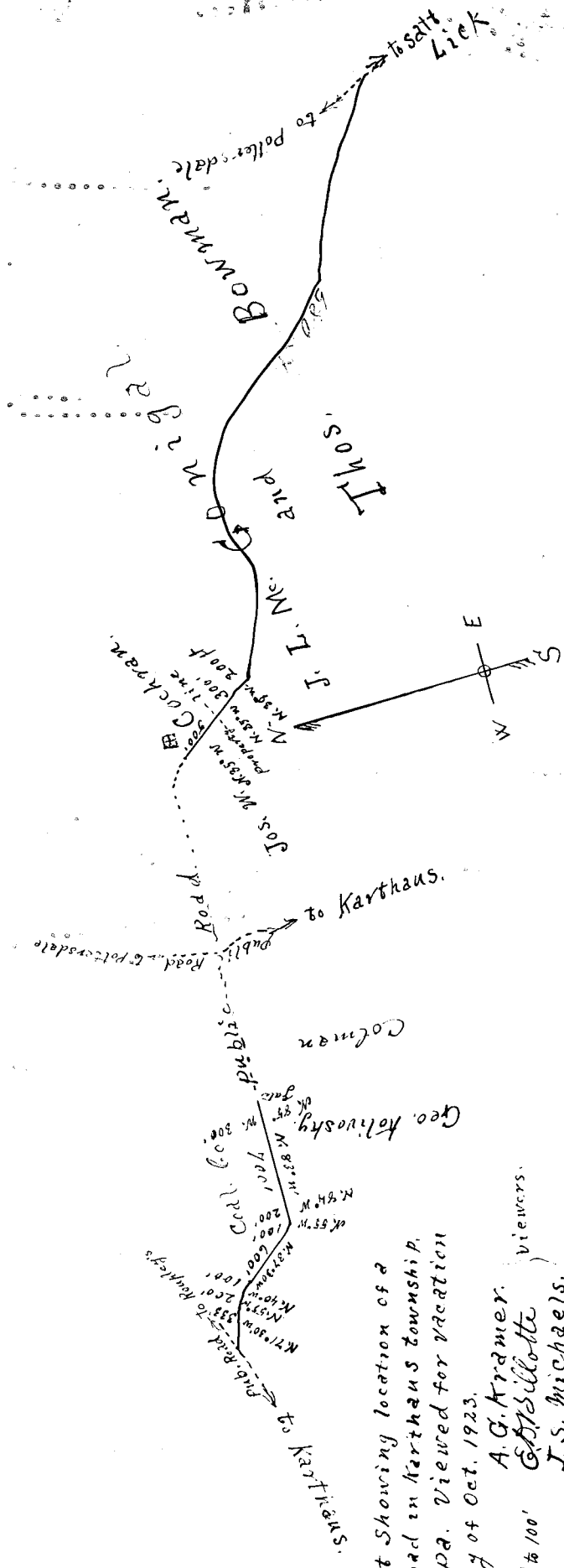
A. D. 1923, when the parties interested in the said road were in attendance: William A Hagerty
Esq Attorney for the Supervisors of Karthauss Township and J L McGonigal
one of the Supervisors of Karthauss Township; -----

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has -----, become useless, inconvenient and burdensome and therefore recommend that

the following portions of said road be vacated as prayed for to wit:

From a point at the intersection with the Pottersdale road near the Salt Lick Bridge on the public road leading from the mouth of Salt Lick run to Schnarrs Mill in Dutch Hollow the first part thence running North west the several courses as shown on the draft attached through the unimproved wood land of J L McGonigal and Thomas M Bowman five hundred and eighty (580) feet to the cleared land of McGonigal and Bowman. Thence over improved cleared land of the said McGonigal and Bowman North, thirty (30) degrees, west two hundred (200) feet: Thence North thirty five (35) degrees, west three hundred (300) feet to the property line of Joseph W Cochran: Thence over improved farm land of the said Joseph W Cochran north thirty five (35) degrees, west five hundred (500) feet to the gate near the house known as the Fisher land.

The second part or portion of the said road vacated as shown on the draft; from a point at the Kolowaskie gate, near the George Kollman property: Thence over land of the Coal Company the following courses and distances, to wit: North eighty five (85) degrees, west three hundred (300) feet: Thence North eighty three (83) degrees, west seven hundred



Draft Showing location of
Public Road in Karthaus township,
Ohio Co., Pa. Viewed for location
the 3rd day of Oct. 1923.

A.G. Kramer.
C. S. Billotte
J.S. Michaels.

scale 1/4" to 100'

viewers.

To: J. L. McGonigal, A. L. Rolley and F. B. Evans.

The Supervisors of Karthaus Township Clearfield County Penna.

You are hereby notified, That the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa. To view and vacate part of a public road, leading from the mouth of Salt Lick Run, to Schnarrs Mill in dutch hollow, in Karthaus Township County and State aforesaid: The portion of the said road to be vacated, from a point at the intersection with the road leading to Pottersdale, near the bridge across the Salt Lick Run; to the Fisher house in Karthaus Township, and also that portion of the said road, from a point at the Kolowoshis, gate near the George Krollman's place, to the intersection of said road with the public road near the Fubley place in Karthaus Township in the County aforesaid, will meet at the end of the road to be vacated, at the bridge across the Salt Lick Run in Karthaus Township on Wednesday the Third day of October A. D. 1923 at One (1) o'clock P. M. to attend to the duty assigned them, of which time and place all parties interested, either in favor of or against the vacating of the said road 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; either in favor of or against the vacating 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. when and where all parties interested in the said road may appear and be heard.

A. G. Kramer
E. D. Billotte
J. S. Michalls
VIEWERS.

Now, Sept 25 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.

F. B. Evans
Served by James M. Evans

TO: T. R. Welner, Jesse, E. Dale and M. L. Farrell.
County Commissioner's of Clearfield County, Penna.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and vacate part of a public road, leading from the mouth of Salt Lick Run, to Schnarr's Mill in dutch hollow, in Karthaus Township, County and State aforesaid: The portion of the said road to be vacated, from a point at the intersection with the road leading to Pottersdale, near the bridge across the Salt Lick Run; to the Fisher house in Karthaus Township, and also that portion of the said road, from a point at the Kolowoshis, gate near the George Krollman's place, to the intersection of said road with the public road near the Rubley place in Karthaus Township in the County aforesaid; will meet at the end of the road to be vacated, at the aforesaid bridge across the Salt Lick Run in Karthaus Township on Wednesday the Third (3) day of October A. D. 1923 at One o'clock P. M. to attend to the duty assigned them, of which time and place all parties interested, either in favor of or against the vacating of the said road 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; either in favor of or against the vacating of the said road, will be held in the Arbitration Room in the Court House in Clearfield Pa, on Friday the 5th day of October A. D. 1923, at nine (9) o'clock A. M. when and where all parties interested in the said road may appear and be heard.

A. G. Kramer,
E. D. Billotte,
J. S. Michaels
VIEWERS.

Now Sept. 24. 1923 service accepted for the County Commissioners of Clearfield County Penna.

L. C. Morris
Clerk.

Karthus, Penna 'Clearfield County) October 3rd, 1923.

To The County Surveyor, Clearfield, Penna.

Dear Sir:

We the undersigned, who have been taxpayers in Karthus Township for more than forty years, have been informed that it is the intention of the authorities of Karthus Twp. and Clearfield County to vacate the road leading from Crowman property, Oak Hill to old Fisher Place, said road there intersecting with road leading to Schnars Mill.

We object to this road being vacated for the following good and sufficient reasons:

FIRST: Two of the signers to this petition have been taxpayers for more than forty years, and both of these own farms, which if this road is closed, will make it necessary for us to travel two to three miles extra to and from said farms to our homes, it being the nearest cross country road we have by which to travel to and from our work.

Second: We have for more than forty years kept up nearly two miles of roads at our own expense, and have done considerable work on the road which you now propose to vacate without cost to the Township or County, and we George Rexroth and George Hoffman having been paying taxes ranging from \$60.00 to \$100.00 per year, consider that a great injustice would be done us by now vacating this road which is the shortest and most convenient route to and from our work.

Third: In addition to the above two who own farms by which it is necessary to travel said road to reach, many miners use said road to go to and from their work. The road is being used by aforesaid parties practically all summer.

We beg of you to give the aforesaid points your earnest consideration.

KARTHAUS, PENNA.

(SIGNED) George Rexroth

(SIGNED) G. B. Hoffman

(SIGNED) _____

(SIGNED) _____

(SIGNED) _____

(SIGNED) _____

(700) feet: Thence north eighty four (84) degrees, west two hundred (200) feet: Thence north fifty five (55) degrees, west one hundred (100) feet: Thence north thirty seven (37) degrees, thirty (30) minutes, west six hundred (600) feet: Thence north forty (40) degrees, west one hundred (100) feet: Thence north fifty five (55) degrees, west two hundred (200) feet: Thence north seventy one (71) degrees, thirty (30) minutes, west three hundred and thirty three (333) feet to a point in the public road leading from Karthaus to the Rubley place near the Rubley farm in Karthaus Township Clearfield County Penna: They therefore recommend that the said portions of the said road leading from the mouth of the Salt Lick Run to the Schnarrs Mill in Dutch hollow having become useless, inconvenient and burdensome to repair and keep up would therefore recommend that the same be vacated. as shown on the draft 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, on in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and

~~no release was obtained from any of the parties affected by the vacation of said road~~
The viewers further ^{report} that in their opinion none of the abutting property owners on said portions of said road ^{affected} are in any way damaged by the vacation of said road therefore no damages are assessed.

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 their damages and make report thereof, as follows:

Witness our hands and seals this the 27th day of October

, A. D. 19 23.

..... A. G. Kramer [SEAL.]

..... E. B. Billette [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. 11 Sept Term 19 23

ORDER TO VACATE

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

Now Dec Sessions 19 23
read and confirmed Ni. Si.

By the Court.
Angus Bell

Now _____ Sessions 19 _____
confirmed absolute.

By the Court.

Nov-6 = 1924
Amputated
W. A. Hagerty
Filed _____ 19 24

Atty, _____

Fees \$1.25 paid by _____

W. A. Hagerty, Atty.,

