

DOCKET No. 5

Number	Term	Year
12	Sept	1923

Petition to vacate road in Karthaus

Twp. near Mosquito Creek Bridge

to Karthaus line

Versus

X

In the Court of Quarter Sessions of Clearfield Co

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 a Public Road long since laid out leading from Keewaydin to Mosquito Creek Bridge a portion of the same has become useless, burdensome and inconvenient and dangerous to travel as the same has been badly washed out and that it would an unnecessary expense to have have the same repaired.- Your petitioners therefore prays your Honorable Court to appoint viewrs to view and vacate that portion of said road from a point of intersection with Mosquito Creek road up Dutch Hollow near Mosquito Creek Bridge to the Karthaus line near the Gross property .-

And they will ever pray &c

Jas L. Morrison	#	Aug Plubell
L. B. Evans	#	M. J. London
Alex. Miller	#	M. G. Mainer
Jas. Maney	#	J. W. Potter
Raymond Rausch	#	Reuben Hurwitz
Abner Moore	#	E. H. Bradford
W. H. Folsom	#	Permiee
J. S. J. legal	#	J. L. Woodling
M. G. Gross	#	Charles Schultz
#####		

~~H. J. Reiter~~
A. H. Miller

~~Barth Reiter~~
J. J. Briel

R. S. Schwan

Gust Barndt

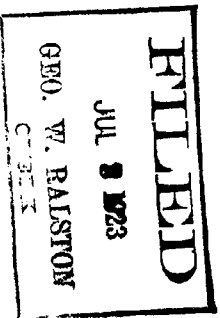
G. L. Shope

G. H. Schwan

H
7/12 Sept 20 1923

*July 3, 1923, Mr. Kanner
2840 Locust St., and J. S. Nichols
and Mrs. Nichols to proceed
as required by law.*

*My Mr. Conk
Simpson Aug 27.*



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
a public road long since laid out leading from Keewaydin to Mosquito Creek Bridge a portion of the same has become useless, burdensome and inconvenient and dangerous to travel as the same has been badly washed out.

Your petitioners therefore prays your Honorable Court to appoint viewers to view and vacate that portion of said road from a point of intersection with Mosquito Creek road up Dutch Hollow near Mosquito Creek Bridge to the Karthaus line near the Gross property

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. Ralston

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 _____, 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 _____ day of _____, A. D. 19____, 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 _____ day of _____, A. D., 19____, at _____ o'clock 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 _____

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 _____ day of _____, A. D. 19____, when the parties interested in the said road were in attendance: _____

~~At Clearfield, Pa., on the _____ day of _____, A. D. 19____, 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:~~

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

By reason of the opposition or objection raised by the Citizens residing in the vicinity of the location of the said road to be vacated, the proceedings have therefore been abandoned. The order is therefore by direction of the Supervisors and the petitioners returned without any action being taken thereon by the viewers.

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 12th day of March, A. D. 1924
..... A. G. Kramer [SEAL.]
..... E. D. Billott [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. 12 Sept Term 19 23

ORDER TO VACATE

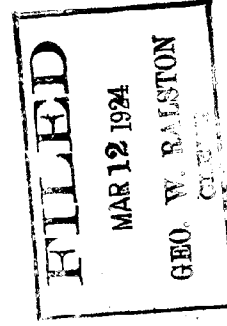
To view and vacate road situate
in the Township of Karthaus
Clearfield County.

Now Sessions 19
read and confirmed Ni. Si.

By the Court.

Now Sessions 19
confirmed absolute.

By the Court.



Filed 19

Atty,

Fees \$1.25 paid by

W. A. Hagerty, Atty.,