

DOCKET No. 6

Number	Term	Year
7	May	1926

Petition to vacate road in Karthaus

Twp

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

We the undersigned citizens of said Township of Karthaus

Respectfully represent .- That a Public road long since

laid out at a point about two miles from the Hooverood
place on the Dittwood and Karthaus road and extending

toward Sinnemahoning at the Clearfield and Cameron County

a distance of about three miles.- That the same has become

useless and burdensome to the tax payers of said Township

of Karthaus Township and not traveled by the general

public they therefore pray your Honorable Court to appoint

viewers to vacate the same

And they will ever pray &c

F. B. Evans

J. A. Cantone

Levi Rabby

J. S. Flegal

Raymond Rauch

Alpheus Moore

George M. Lucas

James Ma

Thomas Roberts

Isaac Snowden

Merle Moore

Geo B Lucas

J. M. C. Coker

P. Miller

Wm. Hodge

Wm. Tolman

Aug. Plubell

J. L. Woodling

J. W. Reese

Justin Liegey

W. F. Reiter

Clair E. Reiter

C. H. McGovern

L. E. Bradford

D. Reiter

Chas. Rabby

Mar 7 May 20 1926

how Feb 20 = 1926

John Scott's Boy's
Harry Hesse, and
Jack Buckalew are
appointed members
to view and report.

By the Court

RECEIVED
MAR 2 1926
W. RALSTON
CLERK


J. J.

2.50 pay. atty

To:- The County Commissioners of Clearfield County, Pennsylvania:

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 7, May Term, 1926, to view and vacate that certain public road long since laid out at a point about two miles from the Hoover place on the Driftwood and Karthaus Road and extending westward toward Sinnemahoning at the Clearfield and Cameron County line, a distance of about three miles, in Karthaus Township in the County aforesaid, will meet at the house of F. A. Coudriet in Karthaus Township on Thursday, the 1st day of April, 1926 at 12:45 P. M., to attend to the duties assigned them; all parties interested will take notice.

And that 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 the said ~~road~~ ^{road} an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 2nd day of April, A.D. 1926 at nine (9:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.


H. A. Reese
J. J. Michael
Viewers

Dated, March 17, 1926

Clearfield County, SS:

Now, this 24 day of March, A.D. 1926, Service of the above Notice is accepted for the Commissioners of Clearfield County.

L. Q. Morris
Clerk

To:--F. A. Coudriet, F. B. Evans and D. T. Moore, Supervisors of
Karthauss Township, Clearfield County:

You are hereby notified that the undersigned Viewers,
appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania,
in case No. 7, by term, 1926, to view and locate the site for public road
being shown laid out on a plat about two miles from the Town of Karthauss
situated on a Northern Road and extending westerward toward the Township of
the Clearfield and Warren County line, a distance of about three miles, in
Karthauss Township in the County aforesaid, will meet at the house of F. A.
Coudriet in Karthauss Township on Tuesday, the 1st day of April, 1926 at
12:00 P. M., to attend to the duties assigned them; all parties interested
will take notice.

It is 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 the said
proposed road opportunity to be heard will be held in the exhibition room in
the Court House in Clearfield on Tuesday, the 1st day of April, 1926 at
noon (12:00) o'clock P. M., or as soon thereafter as counsel can be heard,
at which time and place all parties interested may attend and be heard.

John Scallin
H. A. Reese
J. J. Michael
Viewers

Filed, March 17, 1926

Clearfield County, SS:

Now, this 24th day of March, 1926, Service of the above Notice
is accepted for the Supervisors of the Township of Karthauss.

F. B. Evans
L. A. Lauter

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 2nd day of March in the year of our Lord, one thousand nine hundred and twenty six

By the Honorable ^{A. R. CHASE} ~~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 at a point about two miles from the Hoover place on the Driftwood and Karthaus road and extending toward Sinnemahoning at the Clearfield and Cameron County a distance of about three miles. That the same has become useless and burdensome to the tax payers of said Township of Karthaus and not traveled by the general public

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 John Scollins, Esq. Harry Reese

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. Palston
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

1st day of April, 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 April A. D., 1926, at 9 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. S. Michaels and John Scollins, of your Board; Clarence Hertlein and F. A. Coudriet

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 April, having been continued by agreement of all parties in interest to suit the convenience of your Board, H. A. Reese being present; A. D. 1926/, when the parties interested in the said road were in attendance: Your Board; Frank A. Coudriet, Supervisor, with W. A. Hagerty, Esq., Attorney for petitioners. Frank A. Coudriet sworn, examined and cross-examined by counsel and your Board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome That part of the Township Road leading from Sinnemahoning to Karthauss, beginning at the Clearfield and Cameron County line, and thence in a Southwestwardly direction, two miles, more or less to Gentzel's Camp on upper Three Runs; and thence in a Southwestwardly direction, one mile, more or less by way of Gentzel's Spring to the point of intersection with the Karthauss-Driftwood road, a total distance of three miles.

That the said Road has been long since laid out previous to the building of railroads now serving that part of Clearfield County; has been practically abandoned through mis-use and unfit for public use, being swampy and marshy; the bridge over and across Three Runs is old, dilapidated, and dangerous for travel; that there is no use made of said Road by the general public, the travel going by way of Driftwood and Karthauss due to opening of new roads and railroad accommodations. That the only use made of said road is by hunters and fishermen; there are no families living along the route thereof; and the cost of repairing said Road and bridges making it fit for travel would be a hardship upon the tax-payers and useless expense to the Township.

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:

No damages assessed.

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

Witness our hands and seals this third day of May, A. D. 19 26.

John Seccins [SEAL.]

H. A. Reese [SEAL.]

J. L. 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. 7 May Term 19 26

ORDER TO VACATE

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

Now May Sessions 1926
read and confirmed Ni. Si.

By the Court
Now Sessions 1926
confirmed absolute.

By the Court.

A. H. Chase
P. J.

Filed 19

Atty, W. A. Hagerty

Fees \$1.25 paid by

