

NO. 1. May SESSIONS 1920

No. _____ SS 19 _____

COMMONWEALTH

VS

PETITION TO VACATE PUBLIC ROAD

IN GREENWOOD TOWNSHIP

Charge

X
JOHN C. ARNOLD,
District Attorney

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 18th day of February in the year of our Lord, one thousand nine hundred and twenty

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Greenwood, in the County aforesaid setting forth that
Public Road known as the Popular Run Road has long since been laid out, beginning at a public road near the old Woolen factory in said Township and ending at the Township line between Greenwood and Penn Township, which road has become useless, inconvenient and burdensome.

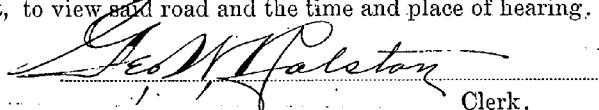
Your petitioners therefore pray the Court to inquire and vacate said road, and for that purpose to appoint three persons qualified according to law, to view said road and inquire of the premises, and make return of their proceedings at the next term of this Court.

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 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. Galston
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 Greenwood -----, 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 sixth day of April -----, A. D. 1920, 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 seventh day of April ----- A. D., 1920, at 9.30 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 Frank Deihl, George W. Hess and James Dickey the Supervisors of Greenwood Township in favor of vacating said road and Harry Yose, H. S. Tomas William Yose and Harry McKerrick opposed to vacating said road.

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 seventh day of April

A. D. 1920, when the parties interested in the said road were in attendance: Frank Deihl, George W. Hess and James Dickey the Supervisors of Greenwood Township in favor of vacating said road, with their Attorney George R. Bigler Esq and Harry Yose H. S. Thomas William Yose and Harry, McKerrick opposed to having said road vacated with their Attorney Walter Welch Esq.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome. As owing to the fact that said is used but very little so that it has been permitted to get very much out of repair so that to put said road in proper repair and keep it up in a fit condition to travel and make it safe would be considerable expense to the township as there is only one family living along said road which is at the extreme lower end of the road and the only other building along said road is a house about 600 feet from the lower end of the road used as a hunting and fishing camp and with that exception there is no cleared land along said road so that the travel over it is very limited, and as the family living at the lower end of the road and the public in general have another road in good condition reaching the same terminus and not much further in distance it seems useless and burdensome to the township to keep up this road. It is an expensive road to put in repair and keep it in a fit condition it runs over wet swampy ground and has two bridges to build and keep up as those there now are unsafe and as the residence of Mr Thomas at the extreme lower end of the road has easy access to two other roads that passes right by his farm and of easy access; so that the only use he has for this road is easy access to his barn. And that in the opinion of the viewers is not effected much by the vacating of this road. As the road is 32 feet in width, and as admitted at the hearing that each of the said property owners the land to the centre on the road which leaves each of them 16, feet of the road bed over their own land to their buildi-

ngs so that neither one of them will be very much effected by vacating the same.

Neither have the viewers the right or power to vacate part of the road and leave the lower end of the road as a public road, in tact.

In the case London-Brittain Road I., Chester County Report page 396 see Trickett on Road Law page 236; it is decided that a public road cannot be laid out to or from the dwelling house of an individual solely for his private accomodation. Nor can a public road be so vacated as to leave a part of it open for such purpose. In the case of the extension of Second Street in Columbia 11, Harris page 346, It has been decided, that when the want of a road would prevent people from getting to Market, or church or other places where their law business or duties require them to meet a road is necessary. And in the case of West Pikeland Road, 63; Penna, Rp page Justice Sharswood refers to said case as being "the law." It has also been decided that a Church, School House, Cemetery and a Railroad station are proper terminal for a public road, but nowhere as far as the viewers have any knowledge has it ever been decided that a pleasure resort or hunting and fishing camp owned and kept up by a few individuals is such a necessity that it can be made the terminus of a public road as a hunting and fishing camp is a private affair not necessary for the public at large, so that in the opinion any part of the road should be vacated the entire road must be vacated and as the viewers from the appearance of the road and the testimony produced at the hearing that said road is of ^{no} such benefit to the public as require it to be kept open at a heavy expense to the Township.

It is therefore in the opinion of the viewers, useless, inconvenient and burdensome to the taxpayers of the township and therefore recomend that the same be vacated, as shown by the draft attached as part of our report.

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:

The viewers further report that in their opinion no one is damaged by vacating therefore no damages are assessed

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

Witness our hands and seals this 6th day of April, A. D. 1920

A. G. Kramer [SEAL]

E. B. Billotte [SEAL]

J. S. Michaels [SEAL]

Viewers.

No. 1 May Sessions 19 20
Xerm 19 20

ORDER TO VACATE

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.

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

Now May Sessions 19 20

read and confirmed Ni. Si.

By the Court:
Singelton, Bell, Jr.
Now July Sessions 19 20

confirmed absolute.

Michael Dill Jr.

By the Court.

Filed Feb. 18 19 20

Atty. Geo. R. Bissell

Hers *John Hill*

APR 21 1920
Geo. W. Ralston
CLERK

Know all Men by these Presents

THAT We, and

of Greenwood Township, Clearfield, County, Pennsylvania, are,

held and firmly bound unto the Commonwealth of Pennsylvania,

in the sum of Fifty (\$50.00) Dollars,

lawful money of the United States of America, to be paid to the said Commonwealth of Pennsylvania, its,

certain Attorney, Executors, Administrators or Assigns; to which payment well and truly to be made, we do bind ourselves and our

Heirs, Executors and Administrators, firmly by these Presents. Sealed with our Seal s. Dated the Thirtieth day of December in the year of our Lord one thousand eight hundred and nineteen.

The Condition of this Obligation is such, That if the above bounden and their

Heirs, Executors, Administrators, or any of them, shall and do well and truly pay, or cause to be paid unto the above-named Commonwealth of Pennsylvania, its

certain Attorney, Executors, Administrators or Assigns, the just sum of the amount of any costs or expenses incurred in a certain proceeding or petition to vacate a public road in Greenwood Township, Clearfield County, Pennsylvania, which petition is filed in the Prothonotary's office herewith, and shall save and keep harmless the said Commonwealth of the County of Clearfield from any costs or expenses incurred, in the event said petition should be abandoned or discontinued.

without any fraud or further delay, then the above Obligation to be void, or else to be and remain in full force and virtue.

Sealed and Delivered }
IN THE PRESENCE OF US,

Geo. H. Hess (Seal)

Frank D. He

J. L. Ricker



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for Curtis we have had

To Vacate a public

road in Greenwood Township:

Feb 18 1920 afternoon
Mr. Gandy
Highland

No. 670. John C. Clark & Sons, Stationers, 230 Dock St., Philadelphia.

2000, 40 (4). JOHN C. GALT: ECONOMIC LIBERTY AND THE FREE MARKET

In the Court of Quarter Sessions of Clearfield County, Penna.

In Re. Vacation of Road in) No. 1 May Sessions, 1920.

Greenwood Township.)

Now, September 8th, 1920, this case ordered placed on the Argument List and notice to be given to George R. Bigler and Walter Welch, Attorneys.

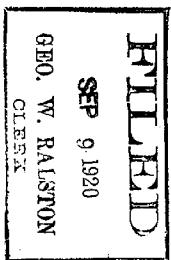
By the Court,

Dugald Bell
P. J.

No. 1 May Sessions, 1920.

In Re. Vacation of Road in
Greenwood Township.

ORDER.



TO THE HONORABLE JUDGE OF THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

The petition of the undersigned, inhabitants of the Township of Greenwood in the county aforesaid, respectfully represents:

That a public road known as the Poplar Run Road has long since been laid out, beginning at a public road near the old Woolen factory in said Township and ending at the Township line between Greenwood and Penn Townships, which road has become useless, inconvenient and burdensome.

Your petitioners therefore pray the Court to inquire and vacate said road, and for that purpose to appoint three persons qualified according to law, to view said road and inquire of the premises, make return of their proceedings at the next term of this Court.

Frank Doh
Scott Letts
J H Redder

D. R. Bell

James Glaz
Wayne Johnson
V C Johnston
H C Johnston
E N Bell
Earl Bell
John Snyder
Geo Bell
Prof G. Math
Geo M Bell
Louie Ross
John F Mitchell
John W Cross
John Henry Miller

No. 1 May 22. 1920

In re Vacant of Board
in the Township

FILED

FEB 18 1920

Geo. W. RALSTON
CLERK

Petition for appointment
of trustees.

Feb 18 - 1920. ¹⁵⁰ ₁₀₀

show # 18-1920

Petition accepted

for County Commissioners

L. C. Morris
Chairman

for Supervisors of Green
Wood Township
Geo. R. Brink
Chairman
Supervisors

set for

IN RE PUBLIC ROAD
IN GREENWOOD TOWNSHIP

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY
No. I May Sessions 1920.

EXCEPTIONS

John Henry Miller, owner of a property on Popular Run Road, by James P. O'Laughlin and Edward T. Kelley, his attorneys comes into Court and takes exceptions to the confirmation of the report of the viewers for the following reasons:

FIRST:- Because the petition is not sworn to as required by the rules of Court and by Act of Assembly approved 9 Ap 1915 P.L. 72.

SECOND: Because the petition upon which this proceeding was instituted is defective in that the point of beginning is not definitely fixed by being some exact distance from some intersection, public road, street or railroad already opened, as is required by the Act of Assembly approved April 23, 1909, P.L. 142.

THIRD: Because the petition upon which this proceeding was instituted is defective in that the point of ending of the road is not definitely fixed by being some exact distance from some intersecting road, street, or railroad already opened, as is required by the Act of Assembly approved April 23, 1909, P.L. 142.

FOURTH:-Because the petition upon which the proceeding was instituted is defective in that it fails to state how the public road, a portion of which is sought to be vacated by this proceeding, became a public road, and the Court is therefore without jurisdiction to decree or vacate any part thereof.

FIFTH:- Because the name John Henry Miller, a signature to the said petition upon which this proceeding was instituted, purports to be that of this exceptant and is not in fact the signature of this exceptant but was placed on the said petition for this exceptant but without authority from this exceptant.

SIXTH:- Because the signature of John W. Cross was secured by false representation in that the procurer stated the road would not be vacated from the Run down to the road but only from the Run to the Township line.

SEVENTH: Because the petition upon which this proceeding was instituted sets forth that the Popular Run Road began at a public road near the Old Woolen Factory in Greenwood township and ends at the township line, - when in fact the said road continues through to another public road in Penn Township.

EIGHTH:- Because no notice of the proposed vacation of the road was served on the Supervisors of Penn Township.

NINTH:- Because this exceptant will be seriously damaged if the road is vacated as recommended by the viewers in that the exceptant will have no means of ingress, egress or regress to his property.

Jas. P. Laughren

Edward T. Kelley

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

No. 1 May Sessions 1920

IN RE PUBLIC ROAD IN

GREENWOOD TOWNSHIP

EXCEPTIONS

Dear Asst Atty Gen, we will allow
these exceptions

George J. Keeley
Frank J. Keeley
Atty for exceptions

FILLED
AUG 14 1920
GEO. W. RAISBON
CLERK

James P. O'Laughlin
Seward, Pa.