

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 Woollen factory in said Township and ending at the Township line between Greenwood and Penn Township, which road has become useless, inconvenient and burdensome.

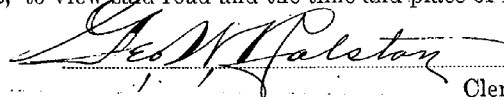
Your petitioners therefore pray the Court to inquire and vacate said road, and for that purpose to appoint three persons qualified according to law, to view said road and inquire of the premises, and make return of their proceedings at the next term of this Court.

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 appoint from and among the County Board of Viewers A. G. Kramer, Esq. R. D. Billotte

and J. E. 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.

  
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 McKenrick 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 McKendrick 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-

ings 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 <sup>no</sup> 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 br 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 vacating 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

6<sup>th</sup>

day of

April

, A. D. 1920

A. G. Kramer, [SEAL]

E. B. Billotte, [SEAL]

J. S. Michael, [SEAL]

Viewers.

No. 1 May Sessions Term 19 20

# ORDER TO VACATE

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

Now May Sessions 19 20 read and confirmed Ni. Si.

By the Court.

*Singletary*  
Now February Sessions 1921.

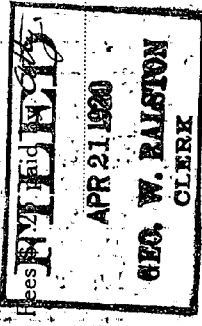
confirmed absolute.

By the Court.

*Singletary*

Filed Feb. 18 1920

Atty. Geo. R. Bigler



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 |
|------|-------|------|
|------|-------|------|

|                     |          |              |
|---------------------|----------|--------------|
| <i>X G Kramer</i>   | <i>4</i> | <i>37.35</i> |
| <i>G D Billotte</i> | <i>4</i> | <i>11.35</i> |
| <i>J S Michael</i>  | <i>2</i> | <i>8.19</i>  |

# 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 & Dated the Twentieth 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 Pro-  
thonotary'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,

Geoff. Hess (Seal)

Frank R. Ohe   
J. L. Rieckey 

18

**Bond.**

for Costs in Petition

To Vacate a public

road in Greenwood Township.

For \$

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

Feb 18<sup>th</sup> 1920. a. M. M. M.

My Mr. Clark

Respectfully



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,

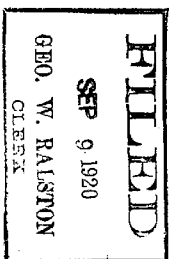
*Engelhard Bell*  
P. J.

No. 1 May Sessions, 1920.

In Re. Vacation of Road in  
Greenwood Township.

24

ORDER.



TO THE HONORABLE JUDGE OF THE COURT OF QUARTER SESSIONS OF CLEAR-  
FIELD COUNTY, PENNSYLVANIA.

The petition of the undersigned, inhabitants of the Town-  
ship 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 Wool-  
en factory in said Township and ending at the Township line between  
Greenwood and Penn Townships, which road has become useless, in-  
convenient 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 Bell  
Geo. W. Hess  
J. H. Redder

*[Signature]*

James Wilson  
Wayne Johnson  
V. E. Johnston  
H. E. Johnston  
E. H. Bell  
Earl Bell  
John Snyder  
L. W. Bell  
A. G. L. With  
Geo. M. Bell  
Louie Ross  
Jno. F. Mitchell  
John W. Cross  
John Henry Miller

The location of road

**FEB 18 1920**

GEO. W. RALSTON  
CLERK.

Patron for appointment  
of Juvenet.

Feb-18-1920.

Deane

of notice of the party thus  
petition is hereby accepted  
for the purpose of securing  
the removal of the  
same from the  
city.

Nov 27 by 18-1928

Derma decepta

For County Commissioners

H. D. Morris  
Dean,

IN RE PUBLIC ROAD  
IN GREENWOOD TOWNSHIP

IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY  
No. 1 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. J. Langhem*

*Edward T. Kelley*

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

No. 1 May Sessions 1920

IN RE PUBLIC ROAD IN  
GREENWOOD TOWNSHIP

EXCEPTIONS

from Sept 20-1920, we will show  
these exceptions

*Josephine  
Greenwood  
Attorney for Exception*

FILED

AUG 14 1920

GEO. W. RALSTON  
CLERK

*James F. O'Sullivan  
Served in Clerk*

*Aug 14 - 1920 - the within exception served on  
me by copy*

*Test A. B. [unclear]  
all in  
L. [unclear] from  
[unclear]*