

DOCKET No. 6

Number	Term	Year
18	May	1925

Petition for road in Lawrence Twp

Versus

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

In re:
Public Road in Lawrence
Township

To the Honorable A. R. Chase, President Judge of said Court:-

The petition of the undersigned, residents of the Kerr Addition and adjoining Villages respectfully represent:

That by reason of the roads leading to said Village being low and swampy for a large part of the year, it is impossible to reach the Borough of Clearfield for their supplies and necessities and to obtain medical aid when necessary, and labor under great inconvenience and actual hardships, and petition your Honorable Court to appoint viewers to view and lay out the public road, beginning at the intersection of the Mt. Joy Road and Moose Street, in Boynton Addition and ending at the watering trough at the John Smith farm, now the intersection of Mapes Avenue in Kerr, Welch & O'Neill Addition and the Wolf Run Road.

And they will ever pray, etc.

Flower - London
Frank G. Dennis
Mrs. C. Barriger
T. F. Duggan
Helen E. Egle
Mrs. A. H. Fenneweth
Mrs. P. F. Gresham
Mrs. C. B. Hulier
Mrs. Daniel Johnson
Mrs. Max Raymond
Mrs. Albert Hubler
Joe S. Jackson
Bessie Adams
Samuel E. Martin
Elizabeth Langford
Ray C. C. Dugan
Mrs. C. L. Johnson
H. H. Ziegler
Mrs. C. L. Wood, Legion
Frankie Larson
Mrs. Frank Larson
A. G. Woodring
R. J. Williamson &
D. C. Johnson
T. W. & M. M. Johnson
F. K. Gresham
A. Marano
L. H. Dugan
Mrs. C. H. Lynch
P. B. Gresham
W. J. Dugan
Mrs. G. Griggs
Mrs. Johnson
Frank T. Cole
John McGovern
James E. London
Mrs. M. R. Gresham
M. R. Gresham
Chas. E. Thibell
W. J. Johnson
Mrs. Millie E. Williams
S. Johnson, City
H. B. Johnson
Robert D. Larson
F. B. K. Johnson
Fred. A. Banks
Mrs. J. E. Kitchem
Ida Blaine
Marie Johnson
P. C. Johnson

Amesbury

Mrs. Andrew Johnson
Myra Bishop
Miss Griswold

Joe Jaworsky
Julie Jaworsky

Eda Dippner

A. R. Dippner

Mrs. G. M. Harris

Mr. G. M. Harris

John G. Harris

Mrs. Amos Keller

Mr. Amos Keller

Mrs. H. R. Seibridge

H. R. Seibridge

H. R. Smith

Mrs. W. R. Smith

G. M. Condon

Mrs. G. M. Condon

G. M. Condon

Selma A. Buz

Yardville

Mrs. Maria Pitt

Mrs. Mae Hoover

John F. C. Biddle

Mrs. John D. C. Biddle

W. J. Burkett

John Ogden

L. M. Harris

G. M. Harris

Mrs. G. M. Hulley

A. H. Cenowett

Mr. E. Kitchen

Mrs. R. L. Cenowett

Mr. R. L. Cenowett

Mrs. Lester G. Carson

Mrs. Frances G. Carson

Mrs. Jas. G. Carson

Mr. Jas. G. Carson

Boy Carson

State of Pennsylvania : : SS
Clearfield County : :

HH Zeigler M.R. Gisewhite & Harry Buck

being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are true and correct to the best of their knowledge, information and belief.

Sworn and Subscribed to : :
before me this 8th day of
August
1924, A. D. 1924.

J.G. Chayenning Jr.

My Commission Expires
First Monday in January 1926

HH Zeigler
M.R. Gisewhite
Harry Buck

In the Court of Quarter Sessions of Clarfield County,
Pennsylvania.

1 May 20 1925

In re:

Muldo Road in Lawrence
Mtn.

Petition for Appointment of
Viewers to view and lay out
road.

And now, February 14, 1925,
the within petition read and
considered, whereupon
George H. Hennig, Elmer H. Miller,
are appointed viewers to
view the premises and report
to the court.

*By the Court
Appointees
J. F. J.*

EB 14 1925

W. H. STILES

S. L. Miller, Esq.
Attorney at Law
Clarfield, Pa.

275 by telephone

PART OF THE REPORT ATTACHED.

Exceptions that go to the question of fact were for the viewers and to the matter of damages that can be remedied by an appeal will be dismissed by the court: Ligonier Township road; 1st Penna District and County Report page 253. where it is held that it is not the provence of the court to investigate the question of facts raised by the exceptions in a road report which is entitled to a degree of respect analogous to that given to the verdict of a jury or the finding of an Auditor and should not be disregarded; save for errors of law apparent on its face or for misconduct on the part of the viewers: 1st Distc and County Rp page 253;

Laurence Towns ¹⁸ P.

Scale $\frac{1}{2}$ " to 100' feet.

John W. Gillette,
T. S. Michalek,
W. J. Riener.

200

Miss. Ella. Shaw: You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Penn'a to view and lay out a public road leading from the Mount Joy road through the land of the Witmer Steel Company and the land of the Joseph Shaw Estate to the watering trough on what used to be the John Smith farm on the Wolf Run road at what is known as the sheep rocks in Lawrence Township Clearfield County Penn'a; will meet at the ^{end} of said road to be laid out on the Mount Joy road on Tuesday March 17th 1925 at nine thirty (9.30) o'clock A. M. for the discharge of the duties of their appointment of which time and place you will please take notice.

And that the public hearing as 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 in the said road, either in favor of or against the laying out and opening of said road a chance to be heard; will be held in the Arbitration Room in the Court House in Clearfield Pa. on Wednesday March the eleventh (18th) A. D. 1925 at nine o'clock A. M. when and where all parties interested either in favor of or opposed to said road may attend and be heard.

A G Kramer
E D Billott,
J S Michaels

VIEWERS.

Now March 4th 1925 served this notice on Miss Ella Shaw b personally by handing her a true and correct copy of same.

Samuel E Meemes

TO, VERN, W. ROWLES, JOHN, H, THOMPSON AND J. R. FULLERTON.
the Supervisoes of Lawrence Township Clearfield County Pennsylvania.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania, to view and lay out a public road leading from a point in the Mount Joy Road at or near the intersection of Moose Street in the Boynton addition with the Mount Joy Road; in Lawrence Township, to a point at or near the water-
ing trough on the Wolf Run road on what was formerly the John Smith farm at or near the intersection of Mapes Avenue, with the Wolf Run road at the Kerr, Welch and O'Neill addition; in Lawrence Township in the County aforesaid; will meet at the end of the road to be laid out on the Mount Joy Road in Lawrence Township on Tuesday the seventeenth (17th) day of March A. D. 1925 at nine thirty (9'30) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as 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, in said road either in favor of or against the same a chance to be heard; will be held in the Arbitration Room in the Court House in Clearfield Pa, on Wednesday March the 18th A. D. 1925 at nine (9) o'clock A. M. at which time and place all parties interested in the said road either in favor of or against the same may appear and be heard.

R G Kramer
E H Billotte
J S Michaels

VIEWERS.

Now February 7th 1925 served this notice on Vern, W, Rowles, John, H, Thompson and J, R, Fullerton the Supervisors of Lawrence Township Clearfield County Penn'a personally by handing to each of them a true and correct copy of same.

Samuel E. Mance

TO: JESSE, E, DALE, T. R. WEIMER AND B, W. McCracken; County Commissioners of Clearfield County, Penn'a.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania to view and layout a public road leading from a point in the Mount Joy Road at or near the intersection of Moose Street in the Boynton addition with the Mount Joy Road; in Lawrence Township, to a point at or near the watering trough on the Wolf Run road on what was formerly the John Smith farm at or near the intersection of Mapes Avenue with the Wolf Run Road at the Kerr, Welch and O'Neill addition; in Lawrence Township in the County aforesaid; will meet at the end of the road to be laid out on the Mount Joy road, in Lawrence Township on Tuesday the seventeenth (17th) day of March A. D. 1925 at nine thirty (9.30) o'clock A. M. to attend to the duty assigned them of which time and place aforesaid all parties interested 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, in said road either in favor of or against the same a chance to be heard; will be held in the Arbitration Room in the Court House in Clearfield Pa, on Wednesday March the 18th A. D. 1925 at nine (9) o'clock A. M. when and where all parties interested in the said road either in favor of or against the same may appear and be heard.

A G Kramer
E D Billotto
J S Michaels
VIEWERS.

Now March 6 1925 service accepted for the County Commissioners of Clearfield County Pa.

L C Morris
Clerk.

In re application of appointment of viewers to view and lay out a road in Lawrence Township, Clearfield County Penna.- Beginning at a point at intersection of Mt Joy road near Moose Street in Boynton Addition and ending at a watering trough at the John Smith farm.-

No I May Sessions 1925

Now March 17th 1925 W A Hagerty Atty for Ella Shaw files exceptions to the above proceedings and assigns the following reasons

1st.- Because there is pending before said Court an application for a public road commencing at the same points that has not been disposed of by the Court exceptions having been filed to the same

2nd.- Because the road leaving from Moose Creek to the John Smith farm has never been vacated the proceedings having been excepted to and never disposed of by the Court. That the road now asked for would practicall parallel the pr sent road for a considerable distance

3rd.- Because the present viewers having been on a former view and having made a return that the road is necessary and having fixed the amount of damages are not proper persons to consider the present application .-

W A Hagerty

Atty for Miss Ella Shaw

Attached to report by request of
W A Hagerty

AG Kramer

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 14th day of February in the year of our Lord one thousand nine hundred Twenty five

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Lawrence Kerr Addition in said County, setting forth that by reason of the roads leading to said village being low and swampy for a large part of the year it is impossible to reach the Borough of Clearfield for their supplies and necessities and to obtain medical aid when necessary, and labor under great inconvenience and actual hardships and petition your Honorable Court to appoint viewers to view and lay out the public road, beginning at the intersection of the Mount Joy Road and Moose Street in Boynton Addition and ending at the watering trough at the John Smith farm, now the intersection of Hopps Avenue in Kerr, Welch & O'Neill addition and the Wolf Run Road.

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers Aaron G Kramer, Esq Ed. Billotte and J. S. Michaels.

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; 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 place where, they should meet, to view and lay out 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 the Court of Quarter Sessions of the Peace for the County of Clearfield:

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, be leave to report as follows:

That notice of the time of 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 Lawrence and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 17th day of March, 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 18th day of March, 1925, at nine o'clock A.M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Besides the viewers Samuel Maines, Vern Schucker and H E Reading;

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 18th day of March A.D. 1925, when the following appearances were noted: and called as witnesses, to wit: Samuel Maines H. H. Zeigler, H B Powell, Jr, Dovl Cowder, Rudolph Curry, T R Riley, Martin Schucker, Earl Best, Otis Knepp, F G Shaw, J A Weber, Mrs H Zeigler, D B Hile, Ann Maines, with several others in favor of the road and several witnesses called to testify against the necessity of the road and on the question of damages and cost of building the road.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an occasion for a road as desired by the petitioner, and that the same is necessary for a public road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for public, use the following described road, to wit Beginning at a point on the Mount Joy Road where Moose Street in the Boynton Edition connects with the Mount Joy road in Lawrence Township in the County and State aforesaid; four hundred and eighty eight (488) feet North West of where the B. R. & P. Railroad crosses the Mount Joy road said road laid out from its starting point on the Mount Joy road running North East over land formerly owned by the Witmer Steel Company now owned by Kerr, Ziegler and Ross the following courses and distances to wit: North seventy five (75) degrees, East one hundred and forty three (143) feet to a run known as the Joseph Shaw Run. Thence North East twenty five (25) degrees, East fifty seven (57) feet to an old Railroad side tract now out of use. Thence North East seventy (70) feet to a Railroad side tract leading to what used to be the Witmer Steel Company Saw Mill. Thence still North East one hundred and sixty five (165) feet to property line between the Witmer Steel Company land and formerly belonging to Joseph Shaw now owned by Ella Shaw. Thence over land of the said Ella Shaw the following courses and distances, to wit: North East sixty five (65) feet to a Railroad siding tract of the Patterson Brick Plant: Thence North East one hundred and two (102) feet: Thence still over land of the said Ella Shaw South eighty nine (39) degrees, twenty eight (28) minutes, East, one thousand three hundred and twenty eight (1328) feet: Thence South, sixty seven (37) degrees, fifteen (15) minutes, East, Two hundred and thirty eight (238) feet to the adjoining property of John Sainey, Thence over land of the said John Sainey, One hundred and twenty (120) feet to the township road at what is known as the Sheep Rocks in the public road leading from the mouth of Moose Creek to Wolf Run six hundred and forty two (642) feet

South west of the watering trough at the John Smith farm on the Wolf Run road, near the intersection of Mapes Avenue at the Kerr addition in Lawrence Township County aforesaid.

On the question raised by the exceptions filed by Mr Hagerty Attorney for Miss Ella Shaw to the proceedings in this case because as claimed a former road laid out at the same points is a mistake, as the present road does not commence at the same point and is therefore not the same road. As the former road starts at the end of the concrete bridge across Moose Creek where it connects with the Mount Joy Road while the present road connects with the Mount Joy Road at the end of Moose Street eight hundred and twenty one (821) feet North West of the concrete Bridge across Moose Creek the beginning of the former road and on higher and better ground and for about one third of the way not over the same road bed and doing less damage ~~damage~~ to the property owners than the former road,

The two petitions do therefore not call for the same road, as they do not have the same starting point and for part of the way do not pass over the same location so that the present road is a new road as the alteration is a material one and disposes of the identity of the two roads prayed for being the same road and this not being a review the Court had discretionary power in the appointment of the viewers; See Lower Salford Road 25, Pa, Report page 524, as to it being the same road. And especially when the second petition for the present road was not presented for three and a half (3-1/2) years after the former view had been made and returned and abandoned by the petitioners; so that the Court had full power to ~~appoint~~ ^{appoint} ~~the viewers~~ it did. See C. U. Report page 590, for Court to ~~the~~ ^{the} ~~viewers~~ ^{viewers} and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, ~~degrees~~.

~~WITNESSED BY THE FOLLOWING PERSONS~~

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening 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:

Kerr, Rigler & Ross	\$1.00
Miss Ella, Shaw	\$300.00
John, Bainey	\$ 1.00

~~WITNESSED BY THE FOLLOWING PERSONS~~
WITNESS our hands and seals this 7th day of April, 1925.

A. D. 192-5.

A. G. Kranser, *Seal*
E. H. Billott, *Seal*
J. S. Michaels, *Seal*
Seal

Commissioners Subpoena

COUNTY OF CLEARFIELD, SS:

COUNTY OF CLEARFIELD, ss:
The Commonwealth of Pennsylvania, in *Ex. Desct.*, Valley Show
Dax, Sanger, Elwood, Sanger.

that on the part of the *Trojan King*. And this you are not to omit under the ~~penalty~~ ^{penalty} of five hundred pounds. Respondent, and

Witness. the HON. ALFRED O. SMITH, President Judge of our said Court, at Clearfield, Pa., the 17th day of March, A.D. 1891, Anno Domini one thousand nine hundred and ninety five. 1

PROTHONOTARY.

Ed Westcott & Henry Sloane & the Virgin Elkhorn
Lumber
Homer 230
129
Madagascar \$ 3.76

No. 1 May Term, 1935

Re Petition to view

lay out road in
Lawrence Township

VS.

Commissioner Subpoena.

....., Attorney.

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

Petition to vacate and supply)	No. 4 September Sessions, 1921.
a public road in Lawrence)	No. 1 May Sessions, 1925.
Township from Kerr Addition)	
to the Moose Creek Bridge.)	Exceptions to confirmation of Viewers Report.

On May 24th, 1921, the Court appointed Viewers on petition presented to view and vacate the road leading from the Smith farm in Lawrence Township, known as Kerr Addition, to the mouth of Moose Creek, and to supply the same by a new road connecting with the Mount Joy road. The petition seeking this change was signed by a great number of citizens, a great percentage of whom signed a petition which was presented to the Court to No. 1 May Sessions, 1925 on February 14, 1925, asking for to view and supply a road leading from Mount Joy road to the Smith farm in the Kerr Addition.

As to the first petition the Viewers recommended the vacation and supply as prayed for in the petition. This report was confirmed ~~Xi Si~~ at September Sessions, 1921. Exceptions were filed to confirmation of the Report, several grounds being set forth why confirmation of the Report should not be made, only one of which is of any consequence and needs consideration, namely, because the road as laid out crosses three railroads or one railroad at three different places. For some reason or other those exceptions and disposition of the Report was never disposed of and is still before this Court for disposition.

As to the exception above set forth the Act of Assembly of 1913, P. L. 1408, Section 12, as amended by Act of 1917, P. L. 1025, gives to the Public Service Commission of Pennsylvania the exclusive jurisdiction to determine the erection, location, etc. of any public highway across railroads, the said Act with the

amendments providing the procedure in such matter. No steps were ever taken, either before the view or since the view, to secure action on the part of the Public Service Commission, therefore the exceptions to the confirmation of this Report must be sustained.

The same objection is raised to the confirmation of the Report of Viewers to No. 1 May Sessions, 1925; and for the same reason the exception must be sustained.

However, there is an additional reason why these proceedings cannot stand. As indicated above, when the latter petition was presented for the supply of a road the former proceedings was undisposed of and it cannot be controverted that if the road was built as recommended by the first view there would be neither occasion, necessity or demand for the road asked for in the second proceeding.

Again, it appearing that a great number of the citizens who asked for the road in proceedings to No. 4 September Sessions, 1921, joined in the petition brought to No. 1 May Sessions, 1925, indicates that the road as laid out and recommended in the first view did not meet with the approval of those seeking a road and that it was desired to change the location as recommended by the Board of Viewers in the latter proceedings. Nevertheless whatever may be the purpose, the proceedings to No. 1 May Sessions, 1925, cannot stand in face of the record as to this former undisposed of proceedings. It may be unfortunate that such conclusion must prevail, the Court's duty is clear in the matter. However, the objections which require the dismissing of these petitions being of a technical nature and not involving the question of necessity of a road, there is nothing to prevent a petition being presented to have Viewers view and report as to a vacation and

supply or a supply of a road, if it is deemed that a road is necessary on the part of the citizens.

Now, July 21st, 1925, exceptions to both proceedings, No. 4 September Sessions, 1921, and No. 1 May Sessions, 1925, are sustained and proceedings dismissed. Exceptions noted and bill sealed.

By the Court,

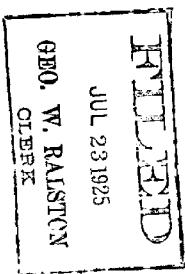


A. R. Chase
J. J.

SEARCHED.....

SEARCHED.....
INDEXED.....
FILED.....
JUL 23 1925
GEO. W. RAISTON
CLERK

C. I. 277 in J. C. T.



KNOW ALL MEN BY THESE PRESENTS, That we, M.R. Gieswhite
Harry Bicks H.H. Zeigler - A. Marano - Augusta
J. Almonino R. S. Curry & Blake Hubler

of Lawrence Township, Clearfield County, Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, its certain attorney, or assigns, in the sum of One Hundred Dollars, lawful money of the United States of America, for the payment of which sum, well and truly to be made, we do bind ourselves, our and each of our heirs and Executors and Administrators, jointly and severally, firmly by these presents. Sealed with our seals and dated this 30th day of July A.D. 1924.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas a petition has been presented to the Court of Quarter Sessions of Clearfield County, Pennsylvania, praying for viewers to be appointed to view and lay out a public road, beginning at Moose Street in the Boynton Addition in Lawrence Township, and ending at the Smith Watering trough at the Smith Farm, that if said petition is proceeded with until completed or otherwise disposed of by the Court, then this obligation to be null and void otherwise to be and remain in full force and effect.

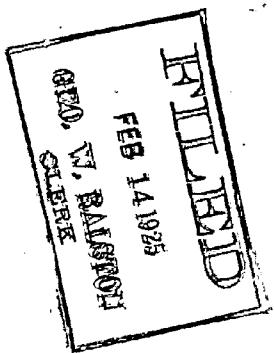
M.R. Gieswhite (SEAL)
Harry Bicks (SEAL)
H.H. Zeigler (SEAL)
A. Marano (SEAL)
Augusta J. Almonino (SEAL)
R. S. Curry (SEAL)
Blake Hubler (SEAL)

Somerville Township
Road

Nov 14th 1925

Band affixed
By the Compt
S. McPhail.

J.J.



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

In Re: :
Public Road in Lawrence : No. 1 May Sessions 1925.
Township. :
:

Now, June 3, 1925, the Supervisors of Lawrence Township, County of Clearfield and State of Pennsylvania, by their attorneys J. Mitchell Chase and W. Elbridge Brown, Esquires, file the following exceptions against the confirmation absolutely of the report of the viewers filed in the above entitled case:

1. The termini of the road as set forth in the petition and the report of the viewers are not set out with sufficient certainty and definiteness.

2. That the road laid out by the viewers is parallel to and only a slight distance from the Township road as now located and there is no necessity for a new road; and if a change of location of the present road were necessary, the present existing road should be vacated; and there is no vacation of the present road prayed for in the petition on which these proceedings were instituted, nor is there any vacation of the present road in the viewers report.

3. That the Court was without jurisdiction to appoint A. G. Kramer, E. D. Billott and J. S. Michaels, or any of them, as viewers to pass upon this road for the following reasons:

A. That this matter was already pending in this Court and not disposed of, to-wit: to No. 1 December Sessions 1916, No. 5 February Sessions 1917 and No. 4 September Sessions 1921, and that in two of these cases, to-wit: No. 1 December Sessions 1916 and No. 4 September Sessions 1921, this road has already been passed upon by the same viewers.

B. That this proceeding was in fact a re-view and is erroneously designated as a new view and a new proceeding, and the above named viewers having already approved the road and at two previous views were disquallified to be appointed as viewers in the present proceeding.

C. That the slight change in one terminus of the road in the present petition is insufficient to make this a new proceeding and it is in fact a re-view of prior proceedings undisposed of after exceptions filed.

4. That the new road as laid out by the viewers, crosses the siding track or tracks formerly of the Witmer Steel Company at grade in two different places, and the siding track of the Patterson Brick Company in one place, making three railroad crossings at grade; and that no permission of the crossing at grade for the said siding or sidings has been obtained from the Public Service Commission of the State of Pennsylvania. That the construction and building of said road at grade across said siding tracks is illegal except with the consent of the Public Service Commission of the State of Pennsylvania first had and obtained; and it is believed that the building of said crossing at grade would greatly interfere with the business of the respective Companies, the owners of said sidings, and would create a condition that would be very dangerous both in the use and operation of the tracks by the owners thereof, and in the use and operation of said highway.

5. That the viewers ignored testimony produced before them as to the condition of the ground over which said proposed road is laid out and of its unsuitable nature for the location of a road and of the exorbitant expense necessary for the building of a road in such location, and for its maintenance.

J. Mitchell Chase
W. Elbridge Brown
Attorneys for Road Supervisors
of Lawrence Township.

State of Pennsylvania :
: SS.
County of Clearfield :

On this 3rd day of June A. D. 1925, before me Prothonotary in and for said State and County, personally appeared W. Elbridge Brown who being duly sworn according to law deposes and says that he is one of the attorneys for the Road Supervisors of Lawrence Township; that the facts set forth in the foregoing Exceptions and not based upon the proceedings themselves, are believed to be true by the affiant and that he expects to be able to prove and establish such facts upon a hearing of said case; that he is authorized by the Supervisors of Lawrence Township to make this affidavit for and in behalf of said Supervisors; and that the facts therein stated and averred not appearing upon the face of the proceedings, are based upon information furnished to him by Verne W. Rowles, one of said Supervisors.

Elbridge Brown

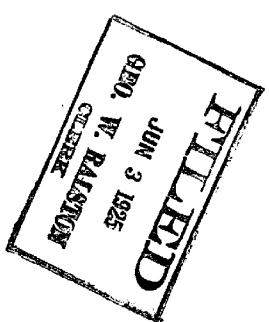
Sworn to and subscribed before me the day and year aforesaid.

Geo. M. Galton
Prothonotary.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA.
No. 1 MAY Sessions 1925.

IN RE:
Public Road in
Lawrence Township.

EXCEPTIONS TO REPORT
OF VIEWERS.



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