

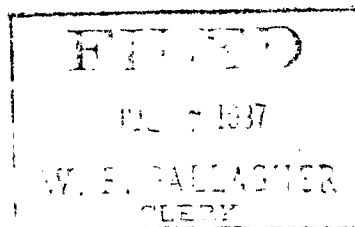
IN THE COURT OF QUARTER SESSIONS
-of-
CLEARFIELD COUNTY, PENNSYLVANIA.
Of Sept. Term, 1936, Number 8.

In the matter of the Petition
for Vacation and Supply of Public
Road in Greenwood and Ferguson
Townships.

FINAL REPORT OF VIEWERS.

COSTS-

H.A. Reese, 1 Da. & 38 Mi.	---\$11.90
H.A. Giles, 1 Da.	\$10.00
E. G. Boose, 2 Das. 56 Mi.	\$22.80



From July 2, 1937, the
bit the time required and being in the station
reason having been refused to the same
report, this supplemental report is sent
to the Secretary of the
Department of the Interior

In The Court of Quarter Sessions of Clearfield County, Pa.

In re: Petition to vacate and :
supply road in Greenwood and : No. 8 September ss 1936.
Ferguson Townships :

ORDER

Now May 20, 1937, at appearing from the report that the Viewers made their findings in the alternative, conditioned upon releases of damages being obtained, and no such releases having been filed of record, the report of the Viewers is therefore referred back to E. G. Boose, Esq., H. A. Reese and H. A. Giles for the purpose of making a report without condition, after such hearing as they shall deem necessary and proper.

By the Court,

W. Wallace Smith,

P. J.

Certified from the record this 21 day of May A.D. 1937.

W. R. Gallagher
Prothonotary

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

In Re: Petition to vacate and supply road in Greenwood
and Ferguson Townships.

Of September Term, 1936, No. 8.

To Counsel for Petitioners; the Supervisors of Greenwood
Township, and the County Commissioners-

Please take notice that the Court, of date of May 20th,
1937, made order referring back to the Viewers, the
Report filed in this case, for the purpose of making
report without condition, after such hearing as they
shall deem necessary and proper.

The Viewers will sit in the Grand Jury Room of the
Court House on SATURDAY, the fifth day of June, 1937,
at 9.30 o'clock A. M., and will hear such testimony
as the parties in interest may desire to present, in
the premises.

E. G. Boose,
H. A. Giles,
H. A. Reese,

May 24th-1937.

Viewers.

Now, May 25th., 1937, service of the foregoing notice
by copy is acknowledged and service is accepted.

Clarence R. Thamer
For the Petitioners

Clarence R. Thamer
For Greenwood Township

Myra E. Lucas
For the County Commissioners.

In The Court of Quarter Sessions of Clearfield County, Pa.

In re: Petition to vacate and :
supply road in Greenwood and : No. 8 September ss 1936.
Ferguson Townships. :

To the Honorable, the President Judge of the said Court
of Quarter Sessions-

Pursuant to the Order of Court in the above stated matter, of date of May 20th, 1937, a certified copy of which is hereunto appended, your appointed Viewers gave notice in writing to the petitioners for the vacation and supply through their counsel, C. R. Kramer Esq., and to the Supervisors of Greenwood Township, through their counsel, C. R. Kramer Esq., to the Commissioners of Clearfield County, through their Chief Clerk, Myra Lucas, and to the Supervisors of Ferguson Township through their Secretary, Roy Fink, that the Viewers would meet in the Grand Jury Room of the Court House at Clearfield, Pa., on Saturday, the fifth day of June, 1937, at 9.30 o'clock A. M. and hear testimony for and against the proposed vacation and supply of any party in interest who might desire to be present.

The form of said written notice so served, with acceptances endorsed thereon is hereunto appended.

At the time and place fixed for the hearing, all of the Viewers were present, and for Greenwood Township, there appeared Garry Johnson, Supervisor, who was sworn and testified in the matter. No other parties or counsel for any party appeared at the hearing.

As with the original report filed by the Viewers, there is a map of the parts of the old road proposed to be vacated, and a proposed route of supply, and the Viewers have not thought it necessary to attach another copy of the said draft to this supplementary report.

It is found from the Record that no Releases of damages by the landowners affected by the proposed vacation and supply, have ever been filed, and the conclusion is that there is no intent to file any releases.

Whether or not the Viewers should recommend the proposed vacation and supply, depended in a large measure, upon whether the Townships of Greenwood and Ferguson were in financial condition to undertake the proposed improvement, and whether or not the landowners affected would agree to a waiver of damages.

The testimony adduced at the first hearing in this matter, in August, 1936, on part of the township authorities, was that neither township was able to undertake the proposed improvement, and the testimony from the same source at the hearing on June 5th., 1937, was to the same effect. There being no testimony to rebut this, the Viewers are bound to assume that neither township is able to undertake its respective share of the expense that would be incident to opening the proposed supply road.

The Viewers were of unanimous opinion that unless a release of all damages could be procured, a recommendation in favor of the vacation and supply ought not to be made, as the burden of paying such damages would fall upon the county, and the manifest benefits accruing from such vacation and supply, did not appear to justify the imposition of damages upon the county.

In view of the state of the Record as to Release of Damages, and the testimony of the township Supervisors as to ability of the townships to undertake the expense of constructing a supply road in case of vacation of the existing road, the Viewers are constrained to report to the Court adversely to the Petition for said vacation and supply, and decline to recommend the same.

Respectfully Submitted,

E. G. Burns

H. A. Reese

H. A. Giles

Viewers.

June 7th-1937.

from, July 7, 1937, the joint report was submitted in the time required and in the alternative and interest shown in our report of the same on a different note, this supplemental report is very complete page 11.

Dr. Diller

IN THE COURT OF JUDICIAL OFFICIALS
 -OF-
 CLACK COUNTY, PENNSYLVANIA.
 App. Term, 1936, Number 8.

In the Matter of the Application
 for Vacation and Supply of Public
 Road in Greenwood and Ferguson
 Townships.

 TRAVEL REPORT OF THE TRS.

COUNTS-
 H. Reese, 1 Dr. & 38 H.L. --- 11.90
 H.A. Miles, 1 Dr. --- 10.00
 J. Boose, 2 Drs. & 6 H.L. --- 23.80

W. C. ALLEN, JR.
 CLERK