

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

No. 11 Sept. Sessions, 1938

IN RE: PETITION TO LAY OUT
PUBLIC ROAD IN GREENWOOD
TOWNSHIP, CURRY RUN BRIDGE

PETITION TO PAY MONEY INTO
COURT

LAW OFFICES
CLARENCE R. KRAMER
219 MARKET STREET
CLEARFIELD, PENNSYLVANIA

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IN RE PETITION TO LAY OUT PUBLIC ROAD IN :
GREENWOOD TOWNSHIP, CURRY RUN BRIDGE : No. 11 Sept. Sessions
: 1938

PETITION TO PAY MONEY INTO COURT

To the Honorable W. Wallace Smith, President Judge of said Court:

The petition of the Board of Supervisors of the Township of Greenwood, Clearfield County respectfully represents:

FIRST: That proceedings were instituted on July 15, 1938, to No. 11 September Sessions, 1938, to lay out a public road and bridge in Greenwood Township, Clearfield County, beginning at a point in Route No. 62 in the Village of Curry Run near the J. R. Dickie gasoline station and ending across the river at a point near the site of the New York Central Railroad Station.

SECOND: That pursuant thereto a view was had and a report made to your Honorable Court by the Board of Viewers on September 6, 1938, recommending the road and bridge as prayed for.

THIRD: That on February 25, 1939, exceptions to the Viewers' report as filed by the County Commissioners were discharged.

FOURTH: That at February Sessions, 1939, the subject matter of these proceedings so far as regards the bridge were submitted to the Grand Jury for action.

FIFTH: That the Grand Jury at the February Sessions, 1939 made a recommendation in favor of the bridge and of the granting of one thousand (\$1000.00) dollars by the County to the Township toward the cost thereof.

SIXTH: That the Viewers awarded to the Creditors Committee of the estate of H. M. Irvin, deceased, the sum of two hundred (\$200.00) dollars as damages sustained by them in the condemnation

of the bridge across the Susquehanna River.

SEVENTH: That the Creditors Committee of H. M. Irvin Estate are A. L. Hegarty, Coalport, Pa., John Y. Rafferty, Sr., Grampian, Pa. Don Miller, Grampian, Pa.

EIGHTH: That the Court by order dated the 25th day of February, 1939, approved the report of the viewers, such approval constituting confirmation absolute of the report, it having previously been approved nisi at September Sessions, 1938.

NINTH: That the Supervisors caused their attorney, Clarence R. Kramer to offer to the Creditors Committee the road district's check in the amount of two hundred (\$200.00) dollars in payment of the damages awarded; such offer was made by letter dated the 18th day of September, 1939, a separate copy of which was addressed to each member of the Committee at their respective addresses and deposited in the post office with postage pre-paid.

TENTH: That no response to said letter has been received either by the Road District or by their attorney.

ELEVENTH: That the Supervisors caused their attorney, Clarence R. Kramer, to interview John Y. Rafferty, Sr. personally and Don Miller by telephone, requesting them to accept the award of damages.

TWELFTH: That Messrs. Miller and Rafferty have refused to accept the said sum.

THIRTEENTH: That with the advent of fall and the approach of winter it is necessary that the bridge be put into travelable condition without delay. The Supervisors have been advised that their remedy is to cause the money to be paid into Court.

WHEREFORE, they pray your Honorable Court for permission to pay into Court the sum of two hundred (\$200.00) awarded the Creditors Committee of H. M. Irvin Estate.

Supervisors of the Township of Greenwood

By: Clarence R. Kramer
Attorney

Commonwealth of Pennsylvania
County of Clearfield : SS

Before me the Clerk of the Quarter Sessions personally appeared Garry Johnson, who being duly sworn according to law deposes and says that he is President of the Board of Supervisors of Greenwood Township; that he is cognizant of the facts set forth in the foregoing petition, and that the said facts are true and correct.

Garry Johnson

Sworn to and subscribed before
me this 19th day of October, 1939.

W. R. Gallagher

Clerk of Quarter Sessions
My commission expires first Monday
in January, 1940

(Seal)

October 23, 1939, Rule granted to show cause why money should not be permitted to be paid into Court as prayed for; returnable Monday, November 6, 1939, at 10:00 A. M. ten days service to be made on Creditors Committee.

W. Wallace Smith

P. J.

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