

DOCKET NO. 174

Number Term Year

213 September 1961

Sears Roebuck & Co.

Versus

Freeman K. Wood, Jr.

Mary C. Wood

\$ 272 42

June 2 1960

One day after date we promise to
pay to the order of Dean, Barbush and Co.
Two hundred Sixty-Two and 42/100 Dollars
payable at 240 E Market St Clefield + Pa
Without deduction, value received, with interest
and further do hereby conveyn our Attorney or any Court of Record within the United States or elsewhere to appear
and after one or more Acquittals and trials against us or our firm for the
above sum with costs of suit and Attorneys commission of 1/3 per cent for collection and release of all rights and without
stay or execution and requisition and extension upon any less on real estate is hereby waived and indemnification agreed to and the exemption
of personal property from levy and sale on any execution herein is also hereby expressly waived and no benefit of exemption he charged under
and by virtue of any exemption law now in force or which may hereafter present.

Witness

Our hand and seal 364 Freeman Wood Jr. (SEAL)

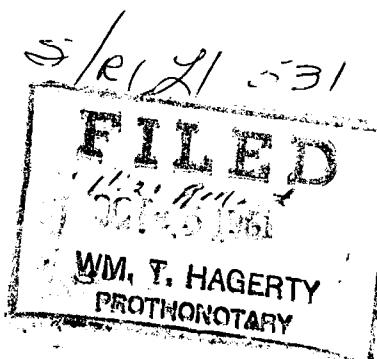
No. _____ Date July 2 1962

16 1/2 Mary E. Wood

(SEAL)

ANDERSON MEK R.R. - CONWELLVILLE, PA.

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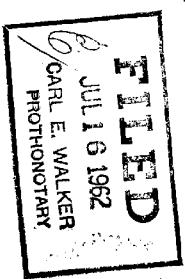
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 212 September Term 1961

COMMONWEALTH OF PENNSYLVANIA

VS

PAUL DUGAN

ORDER



JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

COMMONWEALTH OF PENNSYLVANIA :
VS : No. 212 September Term 1961
PAUL DUGAN :
:

O R D E R

NOW, July 16, 1962, the facts found are:

1. That the accident in which Mr. Dugan was involved, occurring on the 24th day of November 1960, was caused by the operator of the tractor-trailer, and without negligence on the part of Mr. Dugan.

2. Within thirty days from the time the suspension of his license was effected by the Secretary of Revenue, Mr. Dugan, through his counsel in Pittsburgh, filed an appeal in Allegheny County.

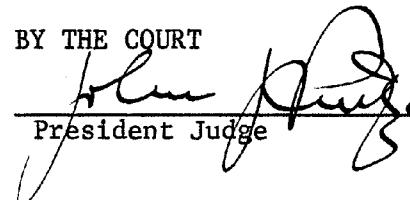
3. Subsequently, it was discovered by counsel in Pittsburgh, that the appeal had been filed in the wrong Court, and should have been in Clearfield County instead of Allegheny County.

4. The Allegheny County Court continued the case, pending the filing of the appeal in the County of Clearfield.

For these reasons, this appeal has been allowed; and there having been shown no negligence, fault, or defect, on the part of Paul Dugan at the time of the accident, the suspension is reversed and set aside.

Petitioner, Paul Dugan, to pay the costs.

BY THE COURT


John J. Dugan
President Judge

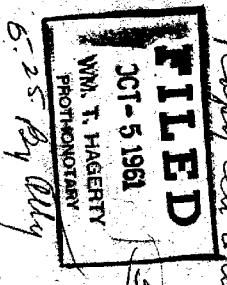
IN THE COURT OF COMMON
PLEAS OF CLEARFIELD COUNTY
PENNA.
No. 212 Sept Term 1964

COMMONWEALTH OF PENNSYLVANIA

VS.

PAUL DUGAN

PETITION FOR APPEAL.



BELL, SILBERBLATT & SWOOPER
ATTORNEYS AT LAW
CLEARFIELD TRUST CO. BLDG.
CLEARFIELD, PENNA.

of Common Pleas
IN THE ~~COMMON~~ COURT OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,)
vs.) No. 212 Sept. Term 1961
PAUL DUGAN,)

PETITION TO APPEAL FROM ORDER OF SECRETARY
OF REVENUE SUSPENDING OPERATOR'S LICENSE

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of Paul Dugan respectfully represents:

1. That your Petitioner is a resident of Morann, Clearfield County, Pennsylvania.

2. That on the 17th day of June, 1961, your Petitioner was notified by the Department of Revenue of the Commonwealth of Pennsylvania, of the suspension of his operator's privileges for a period of one (1) month. A true and correct copy of the Notice of his suspension is attached hereto and marked "Exhibit A".

3. Your Petitioner avers that the hearing in question was conducted by the Department of Revenue at its Pittsburgh office and that the facts produced at said hearing showed conclusive that the Petitioner was innocent of any violation of law, but that nevertheless, his operator's license was suspended for a period of one(1) month, and that said suspension was contrary to the evidence and the law, was a manifest abuse of discretion, and your Petitioner has been seriously aggrieved by reason of said Order arbitrarily made.

4. Your Petitioner avers that he lives in a rural area and that he must travel great distances in the course of his employment, and that his automobile is his only means of transportation to travel to and from his place of employment. There is no other transportation available and unless he is permitted to drive his own automobile he will suffer immediate and irreparable harm.

WHEREFORE, your Petitioner prays that an appeal be granted to him from the said Order of the Secretary of Revenue, which appeal shall act as a supersedeas in accordance with the Motor Vehicle Code, as amended by the Act of June 27, 1939, P. L. 1135, Section 10. *✓ 75 P.S.*

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And he will ever pray, etc.

Bell, Subbaratnam, Suarez
By S. Subbaratnam

Attorney for Petitioner

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

Before me, the undersigned authority, personally appeared
PAUL DUGAN, who, being duly sworn according to law, deposes and says
that the facts set forth in the foregoing Petition are true and correct
to the best of his knowledge, information and belief.

J. Paul Dugan
Paul Dugan

Sworn and subscribed before me

this 22 day of September, 1961.

June B. Randolph
Notary Public

JUNE 8, RANDOLPH, NOTARY PUBLIC
PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES DECEMBER 19, 1961

OFFICIAL NOTIFICATION OF SUSPENSION OF
MOTOR VEHICLE PRIVILEGES

X-Suspension

Term - 1 month

Paul Dugan
Morann
Clearfield Co.
Pennsylvania

1961 Driver's License plate No. 12368454
License No. 4303431

Any current driver's license in your possession.
effective date of suspension June 22, 1961 12:01 A.M.

Reason for Suspension

Violation of motor vehicle code - involved in a Fatality

Section 618B4 - 11-24-60 - Section 618B4 of Act 32 Vehicle Code
April 29, 1959 P.L. 58

Involved in a Fatal Accident Sec. 618B4

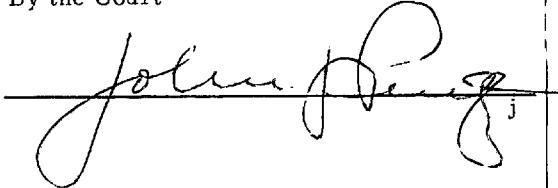
/s/ John J. Simonetta
Director of Enforcement
Bureau of Traffic Safety

/s/ Charles M. Dougherty
Secretary of Revenue

ORDER

AND NOW, to-wit, this 5th day of Oct, 1961,
the foregoing Petition having been presented in open Court, upon
consideration thereof, an Appeal is hereby granted to PAUL DUGAN from
the Order of the Secretary of Revenue suspending his operator's license,
a hearing in said matter to be had on the 15 day of Nov
1961, at 9:30 o'clock A.M.; thirty (30) days' notice of said hearing to be
given to the Secretary of Revenue by registered mail, said Appeal to act
as a supersedeas.

By the Court

A handwritten signature in black ink, appearing to read "John P. Dugan". The signature is fluid and cursive, with "John" and "P." stacked above "Dugan". A small "J" is written at the end of the "Dugan" portion of the signature.

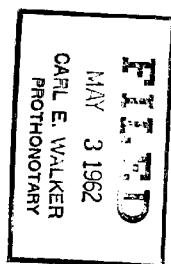
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 212 September Term 1961

COMMONWEALTH OF PENNSYLVANIA

VS

PAUL DUGAN

ORDER



JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

COMMONWEALTH OF PENNSYLVANIA :
VS : No. 212 September Term 1961
PAUL DUGAN :
:

O R D E R

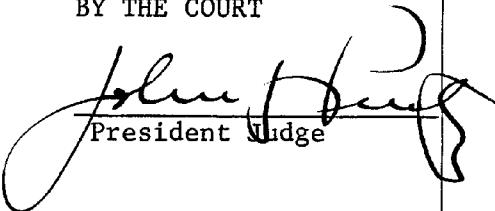
NOW, May 3, 1962, the Motion to Quash Appeal filed in the above matter refused. Exception noted.

The defendant filed his appeal within the proper time; but through error of counsel who he had engaged for advice and guidance, took the appeal in the wrong Court.

Defendant shall not be penalized because of the errors of counsel.

Hearing to be fixed at the earliest date agreeable, mutually, between counsel.

BY THE COURT


John H. Dugan
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA.

COMMONWEALTH OF PENNSYLVANIA :
VS. : No. 212 September Term, 1961
PAUL DUGAN :
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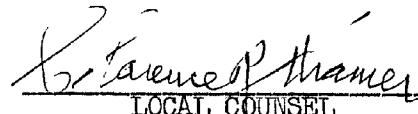
BRIEF FOR COMMONWEALTH
ON MOTION TO QUASH

The right and privilege to appeal from the suspension of an operator's license is governed by Section 620 of the Act of 1959, P. L. 58, Section 620; 75 Purdon's Section 620. That Section clearly states that the right to file a Petition is given if filed within thirty (30) days of suspension. Appeals in this type of case are a statutory matter and without such privilege being granted by law the right does not exist. Here the appeal is manifestly taken too late.

In the case of Diehl's License, 62 D. & C. 270, the operator instead of appealing attempted to negotiate with the Director of Highway Safety. By the time the operator got a final refusal the thirty days had elapsed. It was held that the appeal could not be granted *nunc pro tunc*.

The Petition recites the lack of available transportation for Petitioner to and from work and thereby implies definite hardship. The Supreme Court has ruled that economic hardship is not a ground for reversing suspension of license. Com. vs. Roher, 373 Pa. 409.

The Commonwealth therefore respectfully submits that the appeal should be quashed.



LOCAL COUNSEL

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

No. 212 September Term, 1961

COMMONWEALTH OF PENNSYLVANIA;

VS.

PAUL DUGAN

BRIEF FOR COMMONWEALTH
ON MOTION TO QUASH

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 212 September Term, 1961

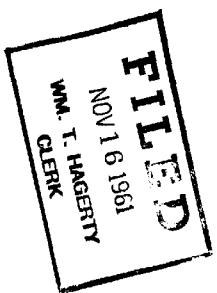
Motion to Quash

COMMONWEALTH OF PENNSYLVANIA

-vs-

PAUL DUGAN

O R D E R



JOHN J. PENTZ
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

COMMONWEALTH OF PENNSYLVANIA :
-vs- : No. 212 September Term, 1961
PAUL DUGAN : Motion to Quash

ORDER

NOW, November 15, 1961, the above appeal having been filed October 5, 1961 from suspension of license issued July 22, 1961, came on for hearing. Commonwealth filed a motion to quash the appeal because more than thirty days had elapsed from date of suspension to date of appeal. Upon request of appellant, Paul Dugan, and to afford the parties time for further investigation, the case continued for a period of thirty days. Defendant permitted to amend his appeal in the meantime if he so desires.

BY THE COURT,

John Bent
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA.

COMMONWEALTH OF PENNSYLVANIA :

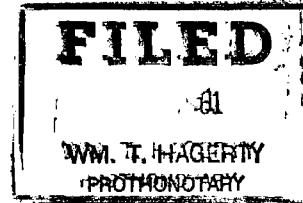
VS. : No. 212 September Term, 1961
PAUL DUGAN : :

MOTION TO QUASH

The Commonwealth of Pennsylvania moves the Court to quash the above appeal for failure to enter the same within the statutory period of thirty (30) days.

Clarence P. Kramer
ATTORNEY FOR THE COMMONWEALTH

October 31, 1961



IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

No. 212 September Term, 1961

COMMONWEALTH OF PENNSYLVANIA

VS.

PAUL DUGAN

MOTION TO QUASH

(6)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
VS. : No. 212 September Term, 1961
PAUL DUGAN :
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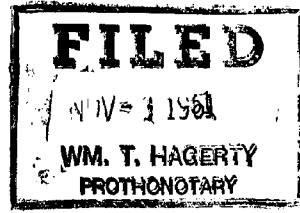
APPEARANCE FOR COMMONWEALTH

To William T. Hagerty, Esq., Prothonotary:

Enter my appearance for the Commonwealth in the
above case.

Glarence P. Thomas
ATTORNEY FOR THE COMMONWEALTH

October 31, 1961



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 212 September Term, 1961

COMMONWEALTH OF PENNSYLVANIA

VS.

PAUL DUGAN

APPEARANCE FOR COMMONWEALTH

(6)