

DOCKET NO. 174

Number	Term	Year
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213	September	1961
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Sears Roebuck & Co.

Versus

Freeman K. Wood, Jr.

Mary C. Wood

\$ 272.40

June 2

3966

One day's affordable use permits to
 pay to the order of Deane, Kaelbach and Co

Two hundred ninety-two and $\frac{4}{10}$ — Dollars
Payable at 240 E Market St Clearfield, Pa

Without defalcation, value received, with interest and further, do hereby empower you, Attorney at Law, Court of Record within the United States or elsewhere to appear for me and after me at more or less arbitrations, fairs, courts, judgments, arguments and as of any term for the above said with costs of suit and Attorney's compensation of 15% per cent for collection and release of all moneys, and without delay, action and investigation and execution upon any long or real estate as hereby, permitted and condemnation agreed to and the exemption of personal property, from FIVE and sale on any execution herein, is also hereby expressly, witted, and no benefit of exemption be claimed under and by virtue of any exemption law now in force or which may be hereafter enacted.

Witness our hand and seal Me & Agostino & Lebed & Deseat this 15th day of August 1891.

Witness *our hand and soul* *Oba Freeman & Wood* SEAL

Time July 23, 1962 16 to 18 Mm. Wood (SEAI)

ANDERSON NEER ROAD - CUMMINGSVILLE PA

~~11/21~~ Sep 1961
213

S/E 21 531
FILED
11/21/61
WM. T. HAGERTY
PROTHONOTARY
4.12 by 149

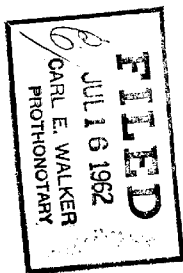
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.
No. 212 September Term 1961

COMMONWEALTH OF PENNSYLVANIA

VS

PAUL DUGAN

ORDER



JOHN J. PENITZ
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.

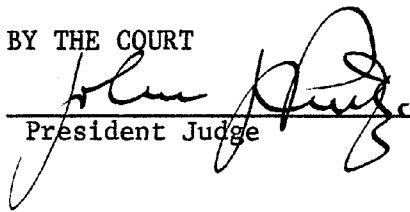
3. Subsequently, it was discovered by counsel in Pittsburgh, that the appeal had been filed in the wrong Court, and should have been in Clearfield County instead of Allegheny County.

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


President Judge

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

COMMONWEALTH OF PENNSYLVANIA

VS.

PAUL DUGAN

PETITION FOR APPEAL.

530

FILED

530
JCT - 5 1961

WM. T. HAGERTY
PROTHONOTARY

6-25-61 by [signature]

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

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

COMMONWEALTH OF PENNSYLVANIA;)

vs.)

PAUL DUGAN,)

No. 212 Sept. Term 1961

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.
620

And he will ever pray, etc.

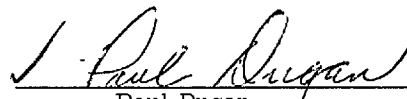
By Paul Silbarblatt
Attorney for Petitioner

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.


Paul Dugan

Sworn and subscribed before me

this 22nd day of September, 1961.


Notary Public

JUNE B. 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

John H. [Signature]

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

COMMONWEALTH OF PENNSYLVANIA

VS

PAUL DUGAN

ORDER

FILED
MAY 3 1962
CARL E. WALKER
PROTHONOTARY

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

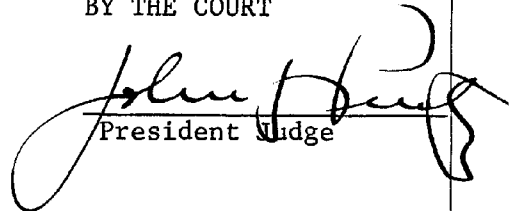
NOW, May 3, 1962, the Motion to Quash Appeal filed in the above matter refused. Exception noted.

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


President Judge

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

COMMONWEALTH OF PENNSYLVANIA :

VS. :

No. 212 September Term, 1961

PAUL DUGAN :

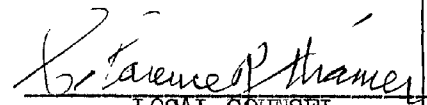
BRIEF FOR COMMONWEALTH
ON MOTION TO QUASH

The right and privilege to appeal from the suspension of an operators 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

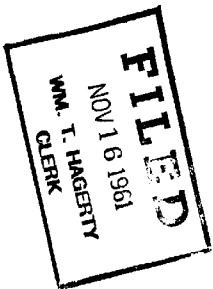
Motion to Quash

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- :

PAUL DUGAN :

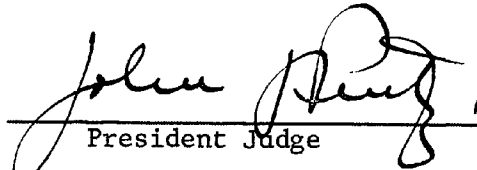
No. 212 September Term, 1961

Motion to Quash

O R D E R

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,


President Judge

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

COMMONWEALTH OF PENNSYLVANIA :

VS. :

No. 212 September Term, 1961

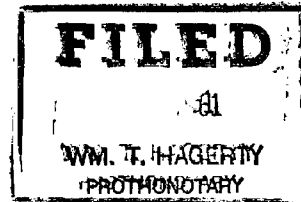
PAUL DUGAN :

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 R. 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

(3)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :

VS. :

No. 212 September Term, 1961

PAUL DUGAN :

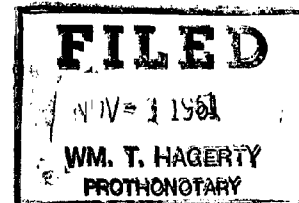
APPEARANCE FOR COMMONWEALTH

To William T. Hagerty, Esq., Prothonotary:

Enter my appearance for the Commonwealth in the
above case.

Lawrence P. Kramer
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

(B)