

No.

Sept Term, 1894

Public Roads

Versus

Greenwood Inv

Contents:

G. - V. -

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

Re:Public Road in Greenwood Township, Clearfield County, Pennsylvania. : No. 7 September Term, 1894.

To the Honorable Singleton Bell, President Judge of said Court:-

Your petitioner respectfully represents that under the above number and term, petition was presented to open a public road at or near Amos B. Tate Estate house to intersect the township road leading to Friedlains, at or near land of David Mitchell.

That on the 11th day of February 1895, viewers reported that they had viewed and laid out the following road:

Beginning at a post in the Public Road near the dwelling house of Mrs. Mary J. Tate (widow of the late Amos B. Tate), and running through her land South sixtyone and a quarter degrees West, one hundred and five-tenths perches to a post; thence through land belonging to the Curwensville Tannery Company, South twentyeight degrees West five and four-tenths perches to a post, South twelve degrees East eight perches to a white oak; South twentynine and a half degrees nine perches to a post; South fortyfive degrees East, thirteen and four-tenths perches to a white pine stump; thence South twentyone degrees East six perches to a post; thence still through land of the Tannery Co., South seventy degrees West thirtytwo perches to a dogwood, South ten degrees East sixteen perches to a post; thence South twentyfive degrees East, thirtytwo perches to post at the line of the Co. and Chas. Tate; thence through land of Charles Tate, South thirtyfour and a half degrees East fiftyfour perches to a post at the line between Tate and George McDivitt, near his house; thence through land of the said George McDivitt South fiftynine degrees West, seventyfive and eight-tenths perches to a Hemlock Stump; thence South fortyone and a half degrees West thirtyfive perches to a Maple Stump; thence through land of J.Q.A. Fullerton South one degree East fifty and four-tenths perches to a Hemlock; thence South twentyfive degrees East, twentythree and four-tenths perches to a post; thence South four and a half degrees West, sixteen perches to a post; thence South thirtysix degrees East, six perches to a post in line of Fullerton and David Mitchell; thence through land of the said David Mitchell South sixtyfive degrees East, thirtyseven perches to the Township Road leading to Friedlains, in land of David Mitchell.

On the fourth of September, 1895, the opening order was confirmed absolutely by the Court, and issued to R. D. Swoope November 4, 1895.

That an alias opening order was issued to Geo. M.

McDivitt September 4, 1913.

That but one and one-half miles of said road has been completed and the remaining half has never been completed.

That your petitioner by reason of this road not being completed is placed at a great inconvenience for lack of the road.

WHEREFORE, your petitioner respectfully requests that a pluries order be issued to have the above road completed.



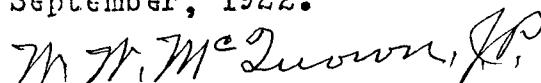
George M. McDivitt  
Petitioner.

STATE OF PENNSYLVANIA:  
: SS:  
COUNTY OF CLEARFIELD:

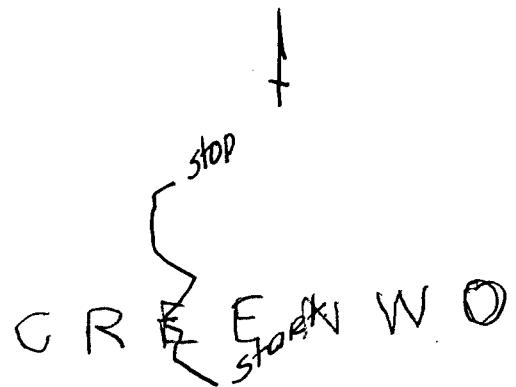
George M. McDivitt, being duly sworn according to law, doth depose and say that the facts set forth in his foregoing petition are true and correct according to his knowledge and belief.



SUBscribed and sworn to  
before me the 13 day of  
September, 1922.



M.M. McDivitt, Jr.  
My Commission Expires January 2, 1928



Greenwood twp.

Conf. Abs. Sept. 4, 1895  
33'-16'

Begin on road near house  
of Mary J. Tate - to top  
road leading to Friedlines  
on Dave Mitchell's land.



SS  
No. 7 September Term, 1894

In Re:-

Public Road in Greenwood  
Township, Clearfield County,  
Pennsylvania.

Petition of Geo.M. McDivitt  
for Flurries Order.

1.5

CG

A. M. LIVERIGHT  
ATTORNEY AT LAW  
CLEARFIELD, - PA.

Now Sept 18<sup>th</sup> 1922. Rule granted on Supervisors of Greenwood Township  
to show cause why plumb opening order should not issue  
Reh to<sup>nd</sup> Monday of Oct. 1922.

By the Court

Augustine Bell

Oct. 2<sup>d</sup> 1922. Issue of Rule received & service accepted  
for Supervisors of Greenwood Twp.

To the Honorable Judge of the Court  
of Quarter Sessions of the peace in  
and for the County of Clearfield for  
The petition of the undersigned inhabitants  
of the Township of Greenwood in the  
said County respectfully sheweth That  
your petitioners labor under great  
inconveniences for want of a public  
road or highway to lead from Township  
Road at or near Amos B. Gates Esq's  
House to <sup>intersect Township Road leading to</sup> ~~at or near~~ <sup>near</sup> ~~george~~ <sup>the</sup> ~~midst~~  
~~crossing~~ ~~at or near~~ ~~the~~ ~~midst~~  
Please your petitioners therefore  
pray the Court to appoint proper persons  
to view and lay out the same  
according to law and they will ever  
pray &c

Nassau

W. Bell  
G. G. Dickey  
J. M. Johnston  
W. J. Tate  
W. H. Hale  
Lewis Tate

Get a book  
a. b. Kissing  
Arthur Bell

1. Bell  
2. G.  
3. Padua  
4. Netherlands

Mr. Garrison

H. K. Johnson  
David Mitchell  
J. F. Mitchell  
G. W. M. Jenkins

Not applicable

Letter for Senator  
Read in Conference  
classified as 1<sup>st</sup>

Rev. 5 Nov 1944 Letter  
Frank and S. T.  
McClintock D. S. Moore  
and W. G. Hodder & his  
affiliates known & his  
said principals friend  
and supporters known  
by the Court

5  
Cyrus C. Clegg

Rev 5 Nov 1944

Frank  
McClintock  
D. S. Moore  
and W. G. Hodder  
& his  
affiliates  
known  
and supporters known  
by the Court

**ROLAND D. SWOOPER**  
ATTORNEY AT LAW  
CUMBERLAND, PENNSYLVANIA

NO. 7 Dept. TERM, 1974

.....  
out Road in

.....  
Beechwood Typewriter

NO. ..... TERM, 19..

.....

.....

..... NO. TERM, 19..

.....

.....

..... NO. TERM, 19..

NO. 5 Dec 25 TERM, 19..

John B. West Grath

NO. ..... TERM, 19..

..... NO. TERM, 19..

..... NO. TERM, 19..

In the Court of Common Pleas of Clearfield County, Pennsylvania:

Re: Public Road in Greenwood Township, Clearfield County, Pennsylvania. ) No. 7 September Term 1894. )

To the Honorable Singleton Bell, President Judge of said Court:

Answering the petition of George M. McDivitt, upon which a rule was granted to show cause why a pluries opening order should not be issued in the above stated case, the undersigned Supervisors, of Greenwood Township, aforesaid, respectfully state:

That it has been more than twenty-seven years since the view on said road was held.

That granting that the portion of the road now asked to be opened was necessary at that time, it is not so now.

That by reason of the long lapse of time since the view was held on said road and in view of the fact that only a portion of said road was opened at that time and no proceedings were ever instituted to compel the Supervisors to open the remaining portion of the road, it is too late now in view of the changed conditions that exist, to ask for an opening order as to said portion of said road.

That said road is now opened and maintained as far as the residence of George M. McDivitt and that no one lives along the proposed extension of said road and the road if extended would be no particular accommodation to any one.

That Greenwood Township has no money to build said road and if directed to do so, it would be necessary to have an order from the Court, levying a special road tax, of not less than ten mills for that purpose.

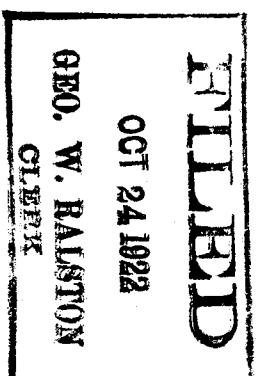
That taxes in said Township are already a burden and such a tax for this purpose would not be justified.

That your petitioners expect to present a petition to the Court, asking that viewers be appointed to vacate that por-

No. 7 Dept Gen

1894

Answer to petition  
for rule to show  
Cause why pluses  
to open road  
hence showed not be  
removed



To the Hon Judge of Court of  
Common Pleas of Cuyahoga County  
We the undersigned persons  
Appointed by the within Order  
of Court, to view and lay out:

~~The road herein mentioned, Re-~~  
~~that having given notice of the time and place, according to law, and~~  
~~respectfully report: That, being all pres-~~  
~~ent at the view of the ground~~  
~~proposed for the said road, and~~  
~~being all sworn, or affirmed in purs-~~  
~~uance of the said Order. we have~~  
~~viewed, and laid out; and do return~~  
~~the following Road, to wit:~~

Beginning at a Post in the public  
Road near the dwelling house of Mrs  
Mary J. Late. (widow of the late Amos  
B. Late,) and running through her land  
North Sixty one and a quarter degrees  
West, One hundred and five tenths perches  
to a Post. Thence through land belonging  
to the Cuyahoga Tannery Co. North  
Twenty eight degrees West, five, and  
four tenths perches to a Post. North twelve  
degrees East. eight perches to a white  
Oak. North twenty nine and a half  
degrees, nine perches to a Post. North  
forty five degrees East. Thirteen and  
four tenths perches to a white pine

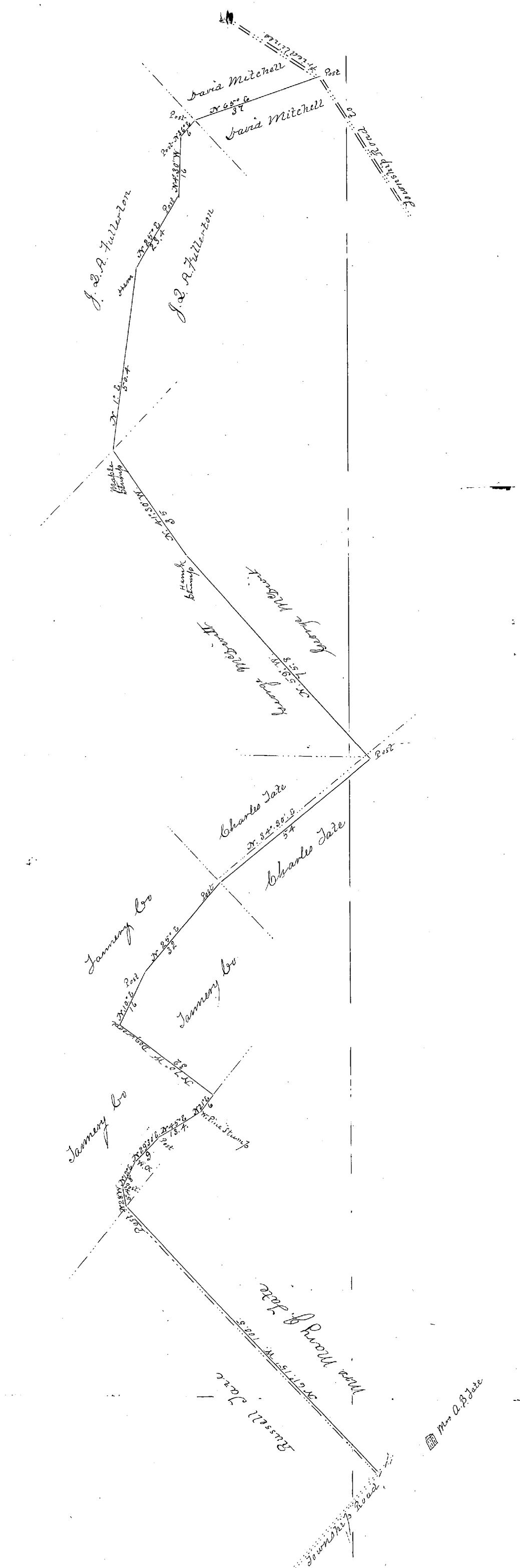
Stump. Thence North twenty one degrees East, six perches to a Post. Thence still through land of the Lammey Co. North Seventy degrees West, thirty two perches to a dogwood North Ten degrees East fifteen perches to a Post thence North twenty five degrees East thirty two perches to Post at the line of the Co. and Chas. Tate. Thence through land of Charles Tate North Thirty four and a half degrees East fifty four perches to a Post at the line between Tate and George McDivitt near his house. Thence through land of the said George McDivitt North fifty nine degrees West, Seventy five and eight tenths perches to a Hemlock Stump. Thence North forty one and a half degrees West, Thirty five perches to a Maple Stump. Thence through land of J. G. A. Fullerton North one degree East, fifty and four tenths perches to a Hemlock. Thence North twenty five degrees East, twenty three and four tenths perches to a Post. Thence North four and a half degrees West, fifteen perches to a Post. Thence North thirty six degrees East, six perches to a Post in line of Fullerton and David Mitchell. Thence through land of the said David Mitchell

North Sixty five degrees east, Thirtieth Seven  
perches to the Township Road leading to  
Friedlines, in land of David Mitchell.

A. Plot, or Draft whereof is hereto annexed, which said Road, as above described we are of opinion is necessary for public use. And we are of the opinion further that none of the parties, through whose land the said road is laid out, are entitled to any damage.

Witness our hands the 7<sup>th</sup>  
day of January, A. D. 1895.

S. J. McClosky. }  
D. H. L. } Viewers  
W. M. Hoffer }  
J. C. H. }  
J. C. H. }  
J. C. H. }



Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield, Pennsylvania, held at Clearfield, in and for said county, on the 37<sup>th</sup> day of November, A. D. 1894 before Judge of said Court, upon a petition of sundry inhabitants of the township of Greenwood, in said County, setting forth that

They claim under great inconvenience for want of a public road or highway to lead from Township road at or near Amos B. Tally Estate House to intersect Township road leading to Freeland at or near land of David McKeithell

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, I make report at present sum whereupon the Court upon due consideration had of the premises do order and appoint D. J. McCloskey & M. W. Hoffer who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the grounds proposed for said road, and if they view the same and any two of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same agreeable to the desire of the petitioners, as may be, having respect to the best ground for a road and the shortest distance, and in such manner as to do the least injury to private property, and state particularly, whether they judge the same necessary for a PUBLIC or PRIVATE road, together with a plot or draft of the same, with the courses and distances and reference to the improvements through which it passes, and shall also procure releases of damages from persons through whose land said road may pass, or failing to procure such releases, shall assess the same, if any sustained, and shall make report thereof to the next Court of Quarter Sessions to be held for said county, in which report they shall state that they have been sworn and affirmed according to law, Notice is directed to be given to the owners or occupants of seated land through which the within road is intended to pass, of the time of the view, according to the 147th Rule of Court. BY THE COURT.

J. B. Binger, CLERK.

## RELEASE OF DAMAGES.

Know All Men by these Presents, That we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of ONE DOLLAR to us respectively paid by the Township of Greenwood at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed; and do hereby remise, release and forever quit-claim to the said Township of Greenwood all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this 29 day of December  
A. D. 1894

W. J. Tate Seal  
W. J. Tate Seal  
..... Seal  
..... Seal

## ASSESSMENT OF DAMAGES.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and the opening of the said road in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof, as follows:

To ..... the sum of .....

To ..... the sum of .....

To ..... the sum of .....

Witness our hands this ..... day of ..... , A. D. 1894

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.  
 Also—Viewers will carefully note the number of days employed, and set the amount out at the foot of their return. Viewers cannot interfere with damages assessed by the original viewers, except so far as the location may be changed by the viewers.  
 N. B. If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

No. 1 *Appl. Sessions, 1895*

ORDER

To view and lay out a road for  
 Public use in the township of  
 Chenoa, Clearfield Co.

May 9 Sessions 1895,  
 read and confirmed J. R. Si.

Road to be opened 33 feet  
 wide, except where there is  
 side hill cutting or embank-  
 ment and bridging, there to  
 be 16 feet wide.

By J. R. Si.  
 Cyrus Gordon

3 Recd 1894 order  
 Relang & Cribbe  
 road to be next term  
 by County of Clearfield  
 Cyrus Gordon.

July Sessions 1895  
 Cyrus Gordon  
 road to be next term  
 by County of Clearfield  
 Cyrus Gordon

Filed 11 July, 1895  
 Fees \$1.25 paid by J. R. Si.

opening order to Roscommon  
 Nov 4, 1895