

No.

Sept

Term, 1894

Public Roca a

Versus

Greenwood Prop

Contents:

G. - 1 - 100

1000

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

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

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 Friedlines, 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.

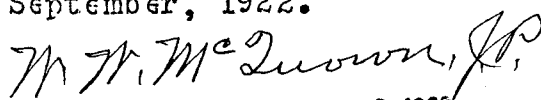

Petitioner.

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.


My Commission Expires January 2, 1923

↑
stop
C R E E K W O
stop

Greenwood twp.

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

Begin on road near house
of Mary J. Tate - to Twp
road leading to Fried lines
on Dave Mitchell's land.

NEWBURG

In the Court of Quarter Sessions
of Clearfield County, Penn'a.

SS No. 7 September Term, 1894	In Re:- Public Road in Greenwood Township, Clearfield County Pennsylvania.	Petition of Geo. M. McDivitt for Pluries Order.	150	SEP 18 1894 A. M. LIVERIGHT ATTORNEY AT LAW CLEARFIELD, - PA.
----------------------------------	-------------------------------------------------------------------------------------	----------------------------------------------------	-----	------------------------------------------------------------------------

Now Sept 18th 1922. Rule granted on Supervisors of Greenwood Township
to show cause why pluries opening order should not issue
Ret to 1st Monday of Oct. 1922.

By the Court
Supter Bell

Oct. 2nd 1922. Issue of Rule waived & service accepted
for Supervisors of Greenwood Twp.
H. R. P.

To the Honorable Judge of the Court
of Quarter Sessions of the peace in
and for the County of Clearfield Pa
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. Tate Esq.
House to ^{intersect Township Road leading to} ~~at or near George Medick's~~
~~meadows, at or near land of David Mitchell~~
~~House~~ 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

Names

J. H. Bell
G. G. Lickey
J. M. Johnston
M. J. Tate
W. H. Tate
L. W. Tate

G. J. Lickey
A. B. Kissinger
Arthur Bell

J. H. Bell
A. J. G. Lickey
G. M. Pashner
J. H. Newcomer

W. H. Lickey
G. J. Lickey
J. H. Lickey

W. H. Lickey
David Mitchell
J. F. Mitchell
J. G. M. Medick

Wm. D. Swoope

Petition for Summary
Judgment in *Godwin v. Swoope*
Clarified at 187

Mem. 5 Nov. 1944. Petition
presented and S. F.
McClary, D. S. Moore
and W. J. Hottel & new
affirmed. Review & new
said judgment tried
and reports not given.

By the Court
5 Cyano 2008
1944

Wm. D. Swoope

J. H. Swoope
1944

ROLAND D. SWOOPES
ATTORNEY AT LAW
CURRY, N.C.

NO. 7 TERM, 1974

Sept

Unit Road in

Greenwood Typ

Shaffer

NO. TERM, 19..

NO. TERM, 19..

NO. TERM, 19..

NO. 5 Dec 55 1902 TERM, 19..
John B. Mc Gath

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 Jan

1894

Answers to petition
for rule to show
Cause why places
to open road
indicated should not be
renewed

FILED

OCT 24 1922

GEO. W. BALSTON
CLERK

To the Hon Judge of Court of
Common Pleas of Clearfield County

We the undersigned, persons
Appointed by the within Order
of Court, to view and lay out
the road therein mentioned, Res-
pectfully 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. Tate. (Widow of the late Amos
B. Tate,) and running through her land
North fifty one and a quarter degrees
West, One hundred, and five tenths perches,
to a Post. Thence through land belonging
to the Curwensville Lumber 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

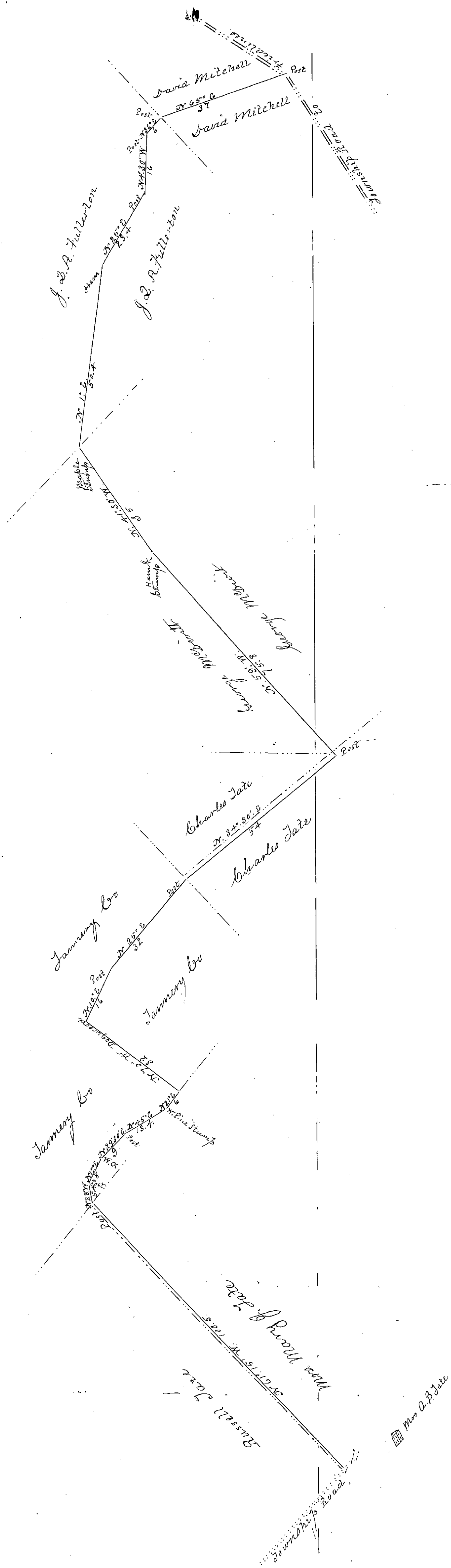
Stump. Thence North twenty one degrees East; Six perches to a Post. Thence Still through land of the Tannery Co. North Seventy degrees West; thirty two perches to a Dogwood North Ten degrees East fifteen perches to a Post. Thence North twenty five degrees East thirty two perches to Post at the line of 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. E. 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 Thirty Seven
perches to the Township Road leading to
Triedlines, in land of David Mitchell.

A Plot or Draft whereof is hereunto 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 7th
day of January, A.D. 1895.

S. F. McBlosky }
D. J. Mc... } Viewers
W. J. Koffer }



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 3^d 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 Mrs B Tate Estate House to intersect Township road leading to Mudlun at or near land of David Mitchell

and therefore praying the Court to appoint proper persons to view and lay out the same according to law, *I make report at next Term*

whereupon the Court, upon due consideration had of the premises, do order and appoint *D. McCloskey & Morris M. Stoffer*

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.

D. B. B. B. B.
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 recieve 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 November
A. D. 1894

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

ASSESTMENT 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. 189 .
.....
.....
.....

No. 7 Sept Sessions, 1894

ORDER

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

May Sessions 1895,
viewed and confirmed N. S.

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.

My the Court
Cyrus Gordon

14 Sept 1895 Cyrus Gordon
at Clearfield - Clearfield Co.
by Court My the Court
Cyrus Gordon

Filed 11 July, 1895

Fees \$1.25 paid by W. J. Hooper

Opening order to R. D. Swartz
Nov 4, 1895

NOTE:—In case of a private road, the release must be ex-
ecuted in favor of the petitioner for said road.
Also—Viewers will carefully note the number of days em-
ployed, and set the amount out at the foot of their return.
Reviewers cannot interfere with damages assessed by the
original viewers, except so far as the location may be
changed by the reviewers.
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.

AMOUNT.

B. F. M. Clough } Days 4
Miles 41 20.10

W. J. Hooper } Days 2
Miles 34 7.40

D. B. Moore } Days 3
Miles 41 10.10

Chas. M. Lutz } Days 1
Miles 15 1.50

Charles Lutz } Days 1
Miles 15 1.50

3 Dec 1894 order
enlarged & continu-
ed till next term

My the Court
Cyrus Gordon

July Sessions 1895
Continued till May
Sessions 1895

My the Court
Cyrus Gordon