

No. 11 *Jan* Term, 188

Public Bridge & Prop.

Versus

*In squahanna River
at Beltsfording.*

CONTENTS:

To the Honorable Judges of the
Court of Quarter Sessions of the
peace of Clearfield County,

The petitioners of the undersigned
inhabitants of the township of
Greenwood in the said county
respectfully represent that a
Bridge is much wanted over
the Susquehanna river at or
near the place where the public
road crosses the said river ^{near John M. Bell's} in
the township aforesaid. the ford
there being frequently impassable
by reason of high water and ice
and that the expenses of erecting
said Bridge would be too heavy
and burdensome upon the inha-
bitants of said township

Your petitioners therefore pray
Your Honors to appoint proper
persons to view the premises
and to take such order on the
subject as is required and ~~directed~~
by act of assembly in such cases
made and provided.

And they will ever Pray &c.

John M. Bell

John C. Mills

A. B. Vanhook

J. St. Rovers

Wm. T. ...

C. George Ross

J. M. Wiley

George C. Shultz

Abraham J. ...

J. C. Young

Abraham D. Wiley

J. M. ...

David Wiley

H. H. ...

Ogden ...

James Stephenson

Th. M. Campbell

C. R. Webber

D. G. ...

M. ...

W. ...

In the Court of Quarter Sessions of
Clearfield County, Pa.

No. 11 Jan. Term 1883.

In the matter of a county bridge across
the West Branch of the Susquehanna at
J. W. Bell's in Greenwood, Clearfield County
Pa.

Now, June 4th A. D. 1883, McEmally + McCurdy as attorneys for Lemuel Campbell and many other citizens of Greenwood Township; besides renewing all the exceptions heretofore filed, do file also these additional exceptions against the approval of the report of the viewers, and against further proceedings authorizing the building of a county bridge at the place mentioned in the report of the viewers; and further praying the Court to revoke, rescind and strike off the entry by the Court of May 21, 1883, concurring in the report of the viewers.

Ex. 1- There is no public road located or existing at the point designated by the viewers so as to cross the stream and connect at each end with the bridge; and there is no legal authority to establish a county bridge except where a public road crosses the stream. On the

eastern side of the river the end of the bridge would connect with private property and be about or near forty rods distant from the nearest public road on that side of the river.

2nd Ex. - The report of the viewers does not show that the public road crosses the river at the place where they locate the site for the bridge, and they could not show it without stating what is not true in fact.

3rd Ex. - The report of the viewers does not make any change in the course or bed of the road to make it suit the bridge and does not have any plot or draft attached.

4th Ex. - The approval of the Grand Jury and Commissioners is a qualified approval, depending upon the condition that the citizens build the abutments; and is not such an approval as is necessary to authorize a county bridge under the law applying to this case.

5th Ex. - The approval of the Court was given on the 21st day of March 1883, while the case appeared on the records by an order of Court made March 20, 1883, as continued to June Term 1883, and this

was done without the knowledge and consent of those who were remonstrating against and opposing the bridge, and through the bad faith or improper conduct of the person who was employed by the remonstrants to secure counsel and oppose the bridge. The result was a disposal of the case by the Court without the remonstrants having an opportunity of being heard and without a discussion or hearing before the Court of the parties interested and who desired to be heard.

6th Ex. - The said approval of the Court was given inadvertently by the Court through a mistaken impression of the situation and the facts, and of the position and sentiments of the people in reference to said bridge.

7th Ex. - The location of the bridge at the site mentioned in the report of the viewers is not at the proper place to accommodate the public or serve the public interest, and is contrary to the wishes and desires of a great majority of the people of the Township.

M. Lemay, & M. Lemay, attys for
Samuel Campbell & others, citizens
of Greenwood township. —

No 11 Jan'y Sess, 1883.

June 7th 1883.

Exceptions sustained
and refusal of new ones
and all subsequent
proceedings set aside
and a new trial allowed
by the Court
C. C. T. M.
P. J.

In re County Bridge at
Mt. Belle in Greenwood Twp.

June 4th 1883 Rule
granted to show
cause why the order
made March 21st 1883
confining the bridge
the river should not
be removed and damages
exceptions and Motion to re-
voke, &c. By Mr. T. M. C. C. T. M.
P. J.

Filed 14 June 1883.

Mc. Mc.

Deerfield County, Vt.:-

Lemuel Campbell on his solemn
oath in due form of law says that the facts set
forth in the foregoing petition and exceptions are true
to the best of his knowledge & belief.

Surren & subscribed June 4th
1883 before me. —

James Kerr

P. J.

Lemuel Campbell

Reviews Bill

S. J. M. Clardy	2 days	42	12 miles	Cert #265	\$9.20
Geo. McGee	1 do.	"	6 do.		2.60
D. L. Ferguson	1 "	"	7 "	Cert #288	2.70

Jan 11 Jan 11 1883

Order to View Public

Bridge across

Duquesne River
at Bell's ford

Griffiths

March 21st 1883.
We came in the
within report, the
exceptions having
been withdrawn.

By the Court
John A. Bell

Filed 19th Mar 1883

and now March 1883 exception filed against the information
of our bridge as a County Bridge and to the site of location of the
same. 1st Grapher. That our location as within terms
does not put and so far concerned as the great body of the
order of the court and would require the going
and bridge has at the present time been at the
can remain the same as the location of our bridge
and that our location is adjacent to the site of our bridge and
after that in the neighborhood of our bridge and
to accommodate all the traffic of our bridge
that our location does not have a map of the location.

March 20th 1883

Continued to June
Sessions

By the Court
C. A. Bell

March 21st 1883
We recommend the Building of
the Bridge in case the
Citizens build the Abutments
John, M. D. Bell

Governor

of the grand jury
March 22nd 1883. We hereby concur
in the report of viewers on the Grand
Jury

John A. Bell } Comrs.
John M. D. Bell }
John P. Bell

June 4th 1883 -

Nov. May 8. 1883. M. D. Bell, Comrs. for the purpose of
Bridge & Report of viewers on the exception which came
into as of March 1883. - M. D. Bell, Comrs.
atty for M. Campbell
others -

Clearfield County ss.

At a Court of Quarter Sessions of the Peace of the County of Clearfield held at Clearfield in and for said County on the ~~15~~ ¹⁵ ~~January~~ ^{January} A.D. 1883 before the Judges of the said Court upon the Petition of sundry inhabitants of the Township of Greenwood in said County setting forth that they labor under great inconvenience for want of a new Bridge across the Susquehanna River in ^{at or near John W. Bell's ford} said Township. That to erect and construct the same will be more expensive than is reasonable and just for said Township to bear your petitioners therefore pray that Viewers may be appointed to view the same and report to the Court whether such Bridge is necessary and to expensive for the Twp of ~~Greenwood~~ ^{Greenwood} to erect alone in order that the County Commissioners may appropriate a necessary sum to aid in erecting the same under the Act of Assembly approved 16th April 1870

Whereupon the Court upon due consideration had of the premises do order ^{and appoint} ~~Matthew S. J. McCloskey, J. H. McCall & L. Ferguson~~ ^{Matthew S. J. McCloskey, J. H. McCall & L. Ferguson} ~~Reed Robert Stewart & D. H. Fetter~~ ^{Reed Robert Stewart & D. H. Fetter}, 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 Bridge & if any two of them agree that there is occasion for such Bridge they shall make report to the next Court of Quarter

Sessions to be held for said County. In which
Report they shall state that they have been
sworn or affirmed according to law

By the Court
James Neve
Clk of Quarter Sessions

To the Honorable Judges within named
We the undersigned persons appointed by the within
Order of Court to view the site for a Bridge, therein
mentioned. Respectfully report that having given
notice of the time, and place of meeting, according
to the Act of Assembly, and being all present at the
view of the site proposed for the said Bridge: and
being all sworn or affirmed, in pursuance of the said
Order of Court, we have viewed a site at the end of
the lane, where the Township Road from Chest Creek comes
to the River in front of John W. Bell's Residence, and we find
that a Bridge at that Point will require a single Span of
One Hundred and sixty six (166) feet in length. and should
be built at least eighteen (18) feet high, above low water
mark. We are of opinion that a Bridge, at or near that
Point, is necessary for the Accommodation, and Convenience
of the traveling public.

And further we are of opinion the Erection, and con-
struction of said Bridge, will require an expenditure
too great for the said Township of Greenwood to bear

Witness our Hands this }
10th day of March 1883 - }

L. J. McClosky }
Thos. McGee } Viewers
D. H. Ferguson }