

No. 6

May Term, 1887

Public Road

versus in

Belle Twp.

Contents:

Now December 3<sup>rd</sup> 1887 Remonstrators by Single-  
ton Bell their attorney files the following exceptions  
to the Report of Viewers to No. 6 May 38 1887.  
to wit:

That the petition on which this proceeding  
was begun prays for a private road and is so  
stated in the order to view, while the viewers  
have laid out a Public Road.

That the Report does not show that notice was given  
of the time of view.

That the Report does not show that the viewers  
went on the ground and and actually made a  
view as required by law.

That the Report and annexed draft shows that  
the road proposed will occupy lands of J. Cupler  
S. Kauffman, D. Hoyt and R. Ellis who have  
not signed the release of damages and no re-  
port was made by the viewers assessing dam-  
ages as to any one, nor is it reported that no  
damage is sustained by above named persons.

That the report does not show the distances which  
this road passes through the lands of each of the owners  
and the annexed draft does not give the distance of  
the last course and neither report or draft shows  
where and how much of this road passes through  
improved lands.

That the termini of the road are not described in the report with sufficient precision

That the termini shown in the report and draft are not the same as in the petition and order to view, the petition and order being for a road "from the residence of W.R. & A.J. DeHaan to a point near Banner Ridge School House on road leading from Mahaffys to the river at John Bell's," whereas the report and draft calls for a road from "near the barn of A.J. DeHaan" to a point on Public Road leading from Mahaffy to John Bell" at line of S. Kauffman and R. Ellis which is farther from Banner Ridge School House than the starting point at DeHaans.

Singleton Bell  
atty for Remis

1  
Clearfield County II

Before me came Singleton Bell who being duly affirmed say the facts set forth in foregoing exceptions are true and such as he verily believes.

Affid as above set out before me  
this 5<sup>th</sup> day of December A.D. 1887

Singleton Bell

20 May 1887

Randall's Mill

Exceptional  
Report of Game

Filed Dec 1887

Amesbury  
Mass

S. Bell

To the Honorable Court of Quarter Sessions of  
Clearfield County

The petition of the undersigned  
citizens of the township of Bell in said County  
respectfully represents:

That a petition was filed  
in your said Court to No. 6 May 28 1887,  
praying for the appointment of viewers to view  
and lay out "a private road from the residence of  
W. R. and A. J. Deharn in Bell township to a point  
near Banner Ridge School House on the road lead-  
ing from Mahaffy to the river at John Bell's"

That E. L. Miller, Henry Breth and George  
Kauffman were appointed viewers and on  
6 July 1887 filed their report by which they  
"have laid out for public use" a road from  
the barn of A. J. Deharn to a point in the  
public road leading from Mahaffy to John  
Bell's" about 320 feet distant  
from the Banner Ridge School House.

That the road as laid out is not put upon  
the best ground, a part of said road running  
through the woods on wet ground, and a part  
of it being very steep; also that the snow  
drifts badly on the proposed route.

That no necessity exists for a road con-  
necting the points named as termini in  
the report and to require the township  
to make this road which from its location

will be very expensive, will impose upon the  
citizens of said townships a needless burden.

They therefore pray your honorable court  
to refuse to confirm the report filed in this case.

And they will ever pray etc

H. J. Mahaffy  
Sylvester Rich  
Robert Mahaffy  
J. Lessmann  
H. N. Fitch, Esq.  
C. G. Slicht  
J. W. Johnston  
J. A. Murrison  
Emery Mahaffy  
D. G. Gossard  
H. A. Brown  
H. E. Reid  
G. D. Lyall  
J. Macleam  
J. H. Kelly  
Theodore Neck  
Blair Hildbran  
Hersey White  
J. B. Chambers  
J. S. Meekly  
J. M. Barth  
J. M. Ross  
W. H. Ross  
J. Amherst  
J. G. Campbell  
Harry Rose

Jacob Fryer  
J. H. Baker  
D. Snyder  
R. S. Elkins  
J. G. Johnson  
Jeremiah Johnson  
William Johnson  
John Black  
Derry Ellis  
Clellan Johnston  
A. Campbell  
J. B. Odell  
S. Johnston  
Wm Odell  
L. G. Duff  
Miles Wrigley  
Wm Mahaffey  
Foster Beatty  
J. E. Sonderlin  
Ruben Kipper  
David Sonderlin  
Philip Cull  
J. E. Johnson  
J. A. Bush  
P. R. Eamiston  
R. S. Mahaffey

No 6 May 20 1887

Road in Bellario

Reconstruction

Husq" Czech 1887

✓

Now Dec. 3rd, 1887, Remonstrators, by their Attorney, Singleton Bell files the following exceptions to the report of Viewers to No. 6 May Term, 1887-

That the petition upon which this proceeding was begun prays for a private road and is so stated in the order to view, while the viewers have laid out a public road-

That the report does not show that notice was given of the time of view.

That the report does not show that the viewers went on the ground and actually made a view as required by law-

That the report and the annexed draft shows that the road proposed will occupy lands of J. Cuppler, S. Kauffman, D. Hoyt, and R. Ellis who have not signed the release of damages and no report was made by the viewers assessing damages, as to any one nor is it reported that no damages are sustained by the above named persons.

That the report does not show the distances which this road passes through the lands of each of the owners and the annexed draft does not give the distance of the last course and neither report or draft shows where and how much of this road passes through improved lands.

That the termini of the road are not described in the report with sufficient precision.

That the termini showed in the report and draft are not the same as in the petition and order to view, the petition and order being for a road from the residence of W.K. and A.J. Dehaven to a point near Banner Ridge School house on road leading from Mahaffeys to the river at John Bells, whereas the report and draft calls for a road from near the barn of A.J. Dehaven to a point on public road leading from Mahaffey's to John Bells at line of S. Kauffman and R. Ellis which is farther from Banner Ridge School house than the状writing point at Dehavens.

S. Bell-

Oath written out but not administered by any one.

No. 6 May Sessions, 1887

InRe- Public road in Bell towns

Copy of exceptions filed Dec. 5th  
by S. Bell, Esq-Atty for itemnstra-  
tors-

McQuown.

To the Honorable the Judge of the Court  
of Quarter Sessions of the Peace of the County  
of Clearfield

The petition of the subscribers  
respectfully sheweth: That they labor  
under great inconvenience for want of  
a private road to lead from the residence  
of W R & A J Dehaven in Bell Township  
to a point near Banner Ridge School  
house on the road leading from Mahaffey  
to the river at John Bills. They therefore  
pray the court to appoint persons duly  
qualified to view the ground proposed for  
said road, and to lay out the same  
according to law.

Robert Mahaffey

R. S. Ellis

D G McCracken

Samuel J Kauffman

John H Murray

Samuel Kauffman

A Bracken

D L Kauffman

~~John H Murray~~

John Block

Elmer Dehaven

O. White

Frank Johnson

G. G. Cappel

G W Snyder

W. R. Dehaven

Deroy Ellis

Abraham Dehaven

J M. Smyth

H. Mahaffey

John Campbell

J. H. Mahaffey

D G Cappel

H. H. Meekley

A. L. Miller

J. B. Chambers

D L Lee A

D D Snyder

James H Meekley

R L Buckley

*Note May 1887*

In the matter of Private road  
in the township of Tell-

And now May 9<sup>th</sup> 1887, petition  
read and considered and Ed. L. Mil  
ler, Henry Brink & Eckhardt

are hereby appointed to view &  
lay out the route and make report  
to the next term of court.

By / At Court  
D. Z. Knebo  
of

*End of my note*

McGraw.

In re Public Road in Bell Township-

Clearfield County, SS.

Personally appeared before me a Justice of the Peace, in and for the County of Clearfield, E. L. Miller, who being duly sworn according to law doth depose and say that he was appointed Survey

or ~~by~~ the Court of Quarter Sessions of Clearfield to assist in viewing and laying out a road to lead from W. K. & A. L. Dehavens in Bell township, to a point near the Banner ridge School house in said township, and that in pursuance of said appointment deponent, Henry Breth and Geo. Kauffman, did on or about the 10th, day of June ~~put the same~~ survey the same a report of which was filed on the 6th, day of July, A.D. 1887, in your honorable court, that deponent is informed that certain exceptions have been filed to said report, setting forth among other things that the Report does not show that notice was given of the time of the view 2nd. That the Report does not show that the viewers went upon the ground and actually made a view as required by law 3rd. That no report was made by the viewers assessing damages as to the release or claim of damages made by S. Kauffman, D. Hoyt, and R. Ellis whose names do not appear among the ones who released their damages, etc.

4th. That the report does not show the distances through the lands of each of the owners and that the annexed draft does not give the distance of the last course and that neither report or draft shows where and how much of this road passes through improved lands.

5th. Deponent would say as to the first exception that notice was given of the time and of the view by the usual notices furnished by the Prothonotary and posted as the law directs, and that the omission of the same in report was an oversight and should be corrected.

As to the second exception, here noted, deponent would say that the viewers appointed by the Court did actually go upon the ground to make the view by actual survey, having reference to the best location between the termini named in the order to view, that the omission to so state in the report was an oversight and should be corrected.

That due notice was given to the owners of land through which the road passes and that S. Kauffman, D. Hoyt, and R. Ellis did not make any claim for damages before the viewers nor did they present themselves at all and that no release was, therefore signed by them. That the viewers took into consideration the question of damages but adjourned before the same was assessed and that the same should be corrected as it was an omission not intentional.

That the distance through the lands of each of the owners is not shown in said report, deponent would say that the distance was duly ascertained by the viewers and that the same is well known to deponent, as well as the ~~XXX~~ distance of the last course which was at the time duly ascertained, as well as the distance through improved lands and the owners of the same. These were all ascertained on day of view but unintentionally omitted from the report and therefore should be returned for correction.

Sworn and subscribed this 24<sup>th</sup> day of December, A.D. 1887. *E. L. Miller* Seal.

Henry Breth, J. P.

In the Court of Quarter Sessions of Mat Peace.

No. 6 May Sessions, A.D. 1837

In the matter of certain exceptions to confirmation of Public road in Bell twp.

Application for the return of  
Viewers Report for Correction

McQueen.

To the Honourable the Judges within named

We the persons appointed to view the road within mentioned and parts adjacent, do report: That after being severally affirmed according to law we have laid out for public use the following road to wit: Beginning on lands of A. J. Dehaven at or near his Barn; thence south fifty nine deg. west, twenty perches to a post on lands of W. C. Dehaven. Thence South sixty five deg. West forty four perches to line between lands of D. Hoyt and Dehaven's and James W. Fadden and J. Coupler; and also lands of D. Kauffman and R. Ellis North thirty nine deg. West one hundred and eighty four perches to a pine stump; thence North seventy deg. West, three perches to a post on lands of J. W. Fadden; thence North five deg. East ten perches to a post on lands of J. Coupler; thence North eighty three deg. West thirteen perches to a post on lands of J. W. Fadden; thence North three deg. East three perches to a post on line of ~~D. Kauffman and R. Ellis~~; thence along said line North thirty nine deg. West twenty eight perches to public Road leading from Mahaffey to John Bell.

Witness our hands this 10<sup>th</sup> day of June

A.D. 1887

C. S. Miller <sup>sur</sup>  
Henry Breck <sup>viewed</sup>  
George Kauffman



# Bill

E. F. Miller M'Gow Mill P.O.

1 day	filling & putting up Notices	4.00
" "	Surveying	4.00
" "	Making Draft and Report	4.00
Mileage six miles		6.00
		2.60

(Cent # 309)

H. Bretts Esq. Mahaffy P.O.

1 day	viewers	2.00
-------	---------	------

Mileage 3 miles	3.00
	2.30

G. Kauffman Mahaffy P.O. (Cent # 323)

1 day	viewer & 3 miles	2.30
-------	------------------	------

E. George Byers Mahaffy P.O. Chain carrier 1.50 (Cent # 382)

Jas. W. C. Fadden , , , , 1.50 (Cent # 381)

W. R. Dehaven , , , Axe man 1.50

Please send checks to the above named persons at  
addresses above

12 4  
11 4  
10 5

10 5  
5

Clearfield County, ss: 1887

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 9th day of May, A. D. 1887, before Judges of said Court, upon a petition of sundry inhabitants of the township of Bell, in said county, setting forth that they labor under a great inconvenience for a private road to lead from the residence of W. R. T. A. J. Dehaan to a point near Banner Ridge School House on road leading from Trafalgar to the river at John Bell's

IN THE QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.,

Number 6, May Sessions, 1887.

IN RE-

PUBLIC ROAD IN BELL TOWNSHIP.

And now Feb. 8th, 1887, it appearing from the record in the above case that certain omissions have been made in the report of the viewers, as well as in the draft thereto annexed, and it appearing also from the sworn ~~xxxxxxxxxx~~ statement of E. L. Miller, Surveyor, and one of the viewers in the above case that the view was made according to law, and that the irregularities mentioned in Exceptions, No's 2. 3. 4. & 5, filed in the above case, were unintentional <sup>Omissions</sup> ~~omitted~~ in said report and draft, and said omissions being merely technical and not in any way touching the merits of the controversy, and the said road not having been confirmed, it is hereby ordered that the report be sent back, with the draft annexed, to the Jury for correction, the corrected report to be returned to May Sessions next.

By the Court

## 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 Governor 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 parties 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 1<sup>st</sup> day of June  
A. D. 1887.

James M. Giddins   
or. M. Dehasei 

Whereas a copy of a warrant was issued  
appointing Henry Breck and Abraffman  
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 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 lands 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 lands 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.

John Brown  
Clerk.



## XSESSMENT OF DMMGES.

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. 188 .

Notice.—In case of a private road, the viewers must be executed in favor of the petitioners for said road.  
Also—Viewers will carefully note the number of days occupied and set the amount out at the foot of their return to the petitioners, except so far as the location may be charged by the viewers.  
If the viewers, before the parties are not entitled to damages, taking into consideration the disadvantages as well as the disadvantages of the road, they will report to that effect.

Days	Amount.
Days Miles	

ORDER  
To view and lay out a Road  
From ~~Brinace~~  
Because in the township  
of ~~Brinace~~ Clearfield Co.

Left Sept 1887 and am  
confined to the same  
to be opened 12 feet wide  
at the expense of the pe-  
tititioners as above the con-  
ditions of the view  
By the County  
of

Filed 6 Aug 1887  
Fees \$1 paid by ~~McNotman~~  
Ambridge Co.