

No. 6 May Term, 1887

Public Road

versus *vs*

Bell Twp

Contents:

Now December 3<sup>rd</sup> 1887 Remonstrators by Singleton Bell their attorney files the following exceptions to the Report of Viewers to No. 6 May SS 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 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 report was made by the viewers assessing damages 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. & S.J. DeHaven to a point near Banner Ridge School House on road leading from Mahaffey to the river at John Bells," whereas the report and draft calls for a road from "near the barn of S.J. DeHaven" to a point on "Public Road leading from Mahaffey to John Bell" at line of S. Kauffman and R. Ellis which is farther from Banner Ridge School House than the starting point at DeHaven's.

Singleton Bell  
att'y for Remis

1  
Clearfield County ID

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

Affidavit submitted before me  
This 6th day of December A.D. 1887

Singleton 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 SS 1887,  
praying for the appointment of viewers to view  
and lay out "a private road from the residence of  
W. R. & A. J. Dehann in Bell township to a point  
near Banner Ridge School House on the road lead-  
ing from Mahaffey to the river at John Bells"

That E. L. Miller, Henry Brith & George  
Kauffman were appointed viewers and on  
6<sup>th</sup> July 1887 filed their report by which they  
"have laid out for public use" a road from  
the barn of A. J. Dehann to a point in the  
Public road leading from Mahaffey to John  
Bells" about 3 1/2 <sup>ferth</sup> ~~acres~~ <sup>distance</sup>  
from the Banner Ridge School House.

That the road as laid out is not built 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 township a needless burden.

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

And they will ever pray

J. J. Mahaffy  
Sylvester Rich  
Robert Mahaffy  
J. J. Termon  
H. N. Mahaffy  
C. G. Glavin  
J. W. Johnston  
J. A. Murray  
Emery Mahaffy  
Wm. G. Gault  
H. N. Brown  
A. E. Jones  
A. D. Lydie  
J. D. Macpherson  
D. H. Kelley  
Thomas J. Vick  
Blair Hildebrand  
Wesley White  
J. B. Chambers  
J. S. Mackley  
J. M. Breth  
L. M. Ross  
W. M. Ross  
James H. Fryer  
J. H. Campbell  
Harry Rose

Jacob Fryer  
J. H. Baker  
D. Snyder  
R. E. Ellis  
J. L. Q. Johnson  
Jeremiah Johnson  
Willie A. Johnson  
John Black  
Deroy Ellis  
Gleason Johnston  
O. Campbell  
W. B. Allen  
S. Johnston  
Wm Odell  
L. G. Luff  
Wiles Wrigley  
Wm Mahaffey  
Foster Beatty  
J. E. Souderline  
Kearney Kuper  
David Swafford  
Philip C. Hall  
J. E. Johnson  
J. A. Bush  
P. R. Edmiston  
R. L. Mahaffey

No 6 Maple 1887

Good in Bell's Case

Reverend Father

July 29<sup>th</sup> Dec 1887

W. B. L.



Now Dec. 3rd. 1887, Remonstrators, by thier 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 K. 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.R. 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 G. Kauffman and R. Ellis which is farther from Banner Ridge School house than the statwing point at Dehavens.

S. Bell-

Oath written out but not administered by any one.

No. 6 May Sessions, 1887

In Re- Public Road in Bell towns

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

McQuewn.

To the Honorable the Judge of the Court  
of Quarter sessions of the Peace of the County  
of Cheshire

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

D. G. McClachre

John H. Murray

~~John H. Murray~~

Elmer De Haven

James Johnson

G. W. Snyder

Deroy Ellis

J. M. Long

John Campbell

D. J. Copley

A. L. Lister

D. S. Ellis

Samuel J. Kauffman

Samuel Kauffman

D. L. Kauffman

John Block

Ch. White

G. H. Copley

W. R. De Haven

Abner De Haven

Th. Mahaffey

J. H. Mahaffey

H. H. Meekley

J. B. Chambers

D. L. Free

L. D. Snyder

James A. Meekley

B. L. Rockey

noted May 1887

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

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And now May 9<sup>th</sup> 1887, petition  
read and considered and E. L. Mil  
ler, Henry Brink & Eckhaufman  
are hereby appointed to view &  
lay out the same and make report  
for the next term of Court.

By W. Court  
D. C. Krebs  
PJ

Filed May 1887

McGowan.

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 Surveyor

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 <sup>1st</sup> 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 mention 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 & 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 24th *E. L. Miller* Seal.

day of December, A.D. 1887.

*Henry Breth J. P.*

In the Court of Quarter Sessions of the 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. R. 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. Cupler; and also lands of W. 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. Cupler; 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 W. 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's.

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

A. D. 1887

C. L. Miller    sin  
Henry Breth    } viewed  
George Kauffman

[illegible]

\* Secret Delusion

The elevations and depression  
are all under five degrees  
E. L. Miller sur.

E. L. Miller sur.

Prof. J. A. Johnson

Improvements to  
the  
the

[illegible]



# Bill

E. L. Miller W Geo Mills P.O.

1 day filling & putting up Notices 4.00  
 1 " surveying 4.00  
 1 " Making draft and Report 4.00  
 Mileage six miles .60  
 2.60

(Cert # 309)

H. Breth Esq Mahaffey P.O.

1 day view 2.00

Milage 3 miles .30  
 2.30

G. Kauffman Mahaffey P.O. (Cert # 323)

1 day view & 3 miles 2.30

George Byers Mahaffey P.O. chain carrier 1.50 (Cert # 382)

Jas W. Fadden " " " 1.50 (Cert # 387)

W. R. Dehaven " " " Eye man 1.50

7.80

Please send checks to the above named person at  
 address above

124  
 114  
 104

Clearfield County, ss: ~~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 7<sup>th</sup> 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. A. J. Dehann to a point near Banner ridge School House on road leading from M. R.affys to the river at John Bells

IN THE QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.,

Number 6, May Sessions, 1887.

IN RE-

PUBLIC ROAD IN BELL TOWNSHIP-



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And now Feb. 8th, 1888, 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 ~~statement~~ 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 unintentionally <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 *Richardson*

## 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 County 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 10th day of June  
A. D. 1887.

James McGladdin   
vs. M. Dehavi 

SEAL  
whereupon the Court, upon due consideration had of the premises, do order and appoint

*William Henry Bruch & Geo. Hauffman*  
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 14th Rule of Court.

BY THE COURT.

*Amos Sloan*  
Clerk.



## 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. 188 .

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.  
 Also, the number of days employed and set the amount out at the end of the road.  
 Reviewers 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 the disadvantages of the road, they will report to that effect.

Days	Amount
Miles	
Days	
Miles	
Days	
Miles	
Days	
Miles	
Days	
Miles	

Remembrance & Co. Report  
 to Report of Viewers in this case

No. 67 May Sessions, 1887

ORDER

To view and lay out a Road  
 For ~~Private~~ Cause in the township  
 of ~~Deer~~ Clearfield Co.

Sept. 1887 Road and  
 confirmed by the survey  
 to be opened 12 feet wide  
 at the expense of the peti-  
 tioners and also the cost  
 of the view  
 By the Court  
 or the

Filed 6 July, 1887  
 Fees \$1.25 paid by M. L. No. 100  
 H. M. S. L.

May Sep 1888 Exceptions  
 sustained  
 By the Court