

No.

L. Feby

Term, 1908

Public Bridge

~~Versus~~

Asceola Boro.

across Moshannon Creek

X

Petition for the erection of a County Bridge.

TO THE HONORABLE ALLISON O. SMITH, President Judge of the
Court of Quarter Sessions of the Peace in and for the County of
Clearfield.

The petition of the inhabitants of the Borough of Osceola, in
said county, respectfully sheweth, that a bridge is much wanted
~~the distance between Centre County and Clearfield County~~
over the McShannon Creek; at a place where ^{from} a road crosses said
Creek into Centre County, at or near the Pennsylvania Depot, at
Osceola in said County, Pennsylvania. By reason of recent floods
taking out the bridge it is impassible, and that the expense of
erecting said bridge would be too heavy and burdensome upon the
inhabitants of said Borough,

Your petitioners therefore pray your Honor to take such order
in the premises, as in your wisdom shall seem meet and consistent
with the Act of General Assembly in such case made and provided.

And they will ever pray, etc.

J. Mayson
Jas. S. Shillingford
H. W. Biddle
J. A. Worner
Geo. A. Brown
H. Westbrook
J. F. Finner
Brend. Baird & Peen
W. H. Kanner, Paul W. Manning
M. A. Brown & Son
Michael Dempsey
P. J. Read
Lawrence Baird

J. B. Haslett
H. B. Read
Ross A. Jackson
Jas. A. Stoddart
George Mortimer
Barney Crain
J. J. O'Brien
J. R. Brown
Geo. E. Jones
Osceola Lumber Co.
J. D. McLaughlin
Benj. H. Emergent

L. P. Jones.

H. E. Brown

Joseph Luntke
C. D. Bessinger

E. C. Bates

J. H. Santrey

Harry Snyder

Geo. H. Schuyler

S. W. McLaren

H. S. Shillingford

Franklin Shillingford
John D. Lee

Simon Rees

C. B. Hens

E. W. Hutton

Chas. Elhoff

Theodore Moore

P. Gallagher

Petition for Judge
Loomis

W. C. Miller, Atty.

Public Bridge over Moshannon)	In the Court of Quarter Sessions
Creek between Osceola Borough)	of Clearfield County.
Clearfield County, and Rush)	No. 2 February Sessions 1905.
Township, Centre County.)	

The proceedings in the above stated case were begun at February Sessions, 1905, and the report of the viewers favorable to the bridge was made to May Sessions, 1905, whereupon the report was referred to the Grand Jury at that session. The Grand Jury approved the report of the viewers and the matter was then presented to the Court for final approval.

An examination of the draft attached to the report shows that the approach to the bridge on the Clearfield County side, for a distance of over 500 feet, is on private ground, and that there is no public road or approach from the regular Borough streets on the north side of the railroad at that point to the Moshannon Creek or County line. Having considerable doubt as to the propriety of approving this bridge to be built at public expense, on account of its location, we made a personal inspection of the situation in order to ^{be} satisfy ~~ourselves~~. The so-called private road, as shown by the map, between Railroad Street in the Borough of Osceola across the Pennsylvania Railroad and across the swamp to the Moshannon Creek proper, is merely an old embankment of a dam. Apparently of recent years it has been used as a driveway and a temporary bridge constructed over the Moshannon at the point in question. On the Centre County side it meets a narrow road running along at the foot of the hill. This road apparently has at some time been constructed to the south, as well as to the north of the designated point for a bridge. We did not go over it to the south and do not

know what its present condition is, but it was claimed that the bridge was necessary and desirable in order to accommodate the people living on the brow of the hill a quarter to half a mile from the bridge location and around the point of the hill, ^{Towards Edenville,} The road from the desired location to ~~where~~ the first house ~~commence~~ ~~is~~ is simply a narrow cut in the side hill, not wide enough for two conveyances to pass, and on the creek side of the road is a tramroad for a mine in that vicinity which is on a grade several feet lower than the road proper. We have been unable to get any information as to whether even this is a public road, although on the map connected with these papers is marked public road. There are quite a number of houses and of course a considerable number of people living on the Centre County side who would in a manner be accommodated by this public bridge, but in our opinion they would be still better accommodated by the building of a roadway across the mountain run a distance of not over one thousand feet to meet the general highway running south from Osceola on the Centre County side. After looking over the situation and taking into consideration the character of this bridge location, we are not satisfied that the County should expend the one-half of five or six thousand dollars required to build such a structure. A driveway in that vicinity may be very desirable, both for the people who live there, as well as for the merchants doing business at Osceola who have trade in that vicinity, but ~~we are recommending the County to expend such a sum of money~~ the situation with reference to there being public or private roads and the right to build across the railroad should all be definitely determined before asking the Counties involved to expend such a sum of money. This is especially true in view of the fact that there is also another bridge being pushed by citizens of Osceola over the

Moshannon at a point half a mile or so north of the proposed bridge. The viewers in that case, however, have reported the same unfavorably, so that we do not have it to pass upon at the present time. There are now before the Court for final approval or disapproval upwards of fifty thousand dollars worth of bridges and Clearfield County cannot afford to erect all of them.

It is, in our judgment, therefore, the duty of the Court to carefully discriminate and approve only such as are ~~so~~ unquestionably necessary for the general public interest. We are not convinced that this is one of them. We, therefore, refuse to approve the same.

By the Court,

A handwritten signature in cursive script, reading "Allison J. Smith".

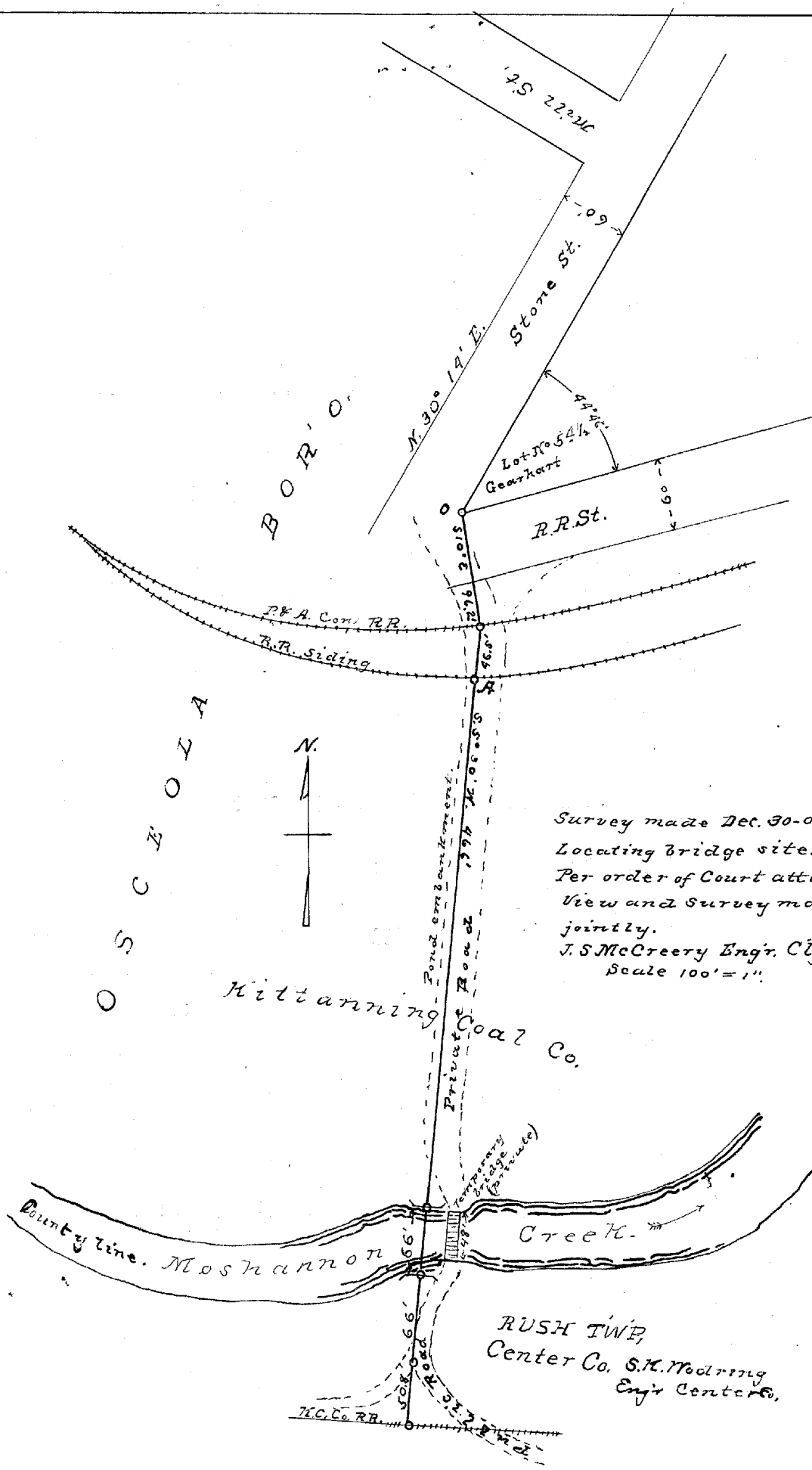
P. J.

Dec
No. 6 February Sessions, 1905.
No. 2 July " 1905

Public Bridge over Moshannon
Creek between Osceola Borough,
Clearfield County, and Rush
Township, Centre County.

OPINION.

FILED
JAN 10 1906
Wm. H. Mendenhall
CLERK



Survey made Dec. 30-04
Locating bridge site.
Per order of Court attached.
View and survey made
jointly.
J.S. McCreery Engr. Cify Co.
Scale 100' = 1"

RUSH TWP,
Center Co. S.H. Modring
Engr Center Co.

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

7 day of December, A. D.

1894, before Judge of said Court, upon a petition of sundry inhabitants of the ~~township~~ ^{borough} of Ascesela in said

County, setting forth that a bridge is much

wanted over the Moshannon Creek - at a place where the division line between Centre County and Clearfield County road crosses said Creek into Centre County, at or near the Pennsylvania Town Depot, at Ascesela in said County. By reason of recent floods taking out the bridge, it is impossible, and that the expense of erecting said bridge would be too heavy and burdensome upon the inhabitants of said Borough.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law,

to Report at next term of Court

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

J. S. M. Greery, Joseph Alexander, and Geo. W. Dickey

who after being respectively sworn or affirmed to perform their duties impartially and to the best of their judgment, are to view the place proposed for the said bridge, and if they or any two of them, view the same, and any two of the actual viewers agree that there is occasion for such a bridge, and that the erecting of the said bridge would require more expense than it would be reasonable the said townships should bear, they are to make report accordingly;

and a map or plot thereof to be made, which shall accompany said report; the report aforesaid to be made to the next term of the Court of Quarter Sessions to be held for the said county of Clearfield.

BY THE COURT.

Grant H. Thompson
CLERK.

RELEASE OF DAMAGES.

Know All Men by These Presents, That we, the undersigned owners of lands upon which the bridge is 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 at and before the enrolling and delivery hereof, have remised, released and forever quit-claimed; and do hereby remise, release and forever quit-claim to the said all damages that may arise to us respectively by reason of the location or building of said bridge, 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 or building of said bridge.

Witness our hands and seals this day of A. D. 189.....

.....
Seal

.....
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 building of said bridge 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.....

We the undersigned Viewers appointed by the Court of Clearfield County as per the accompanying order having met this 30th day of Dec 1904, and being duly sworn according to law, proceeded to view the proposed location for bridge and find the facts set forth by the petitioners to be as stated, that there is need for a public bridge at this place, and we in conjunction with the viewers from Centre Co recommend the building of a bridge across the Nashamoon creek at a point on the site of old Mill pond and shown by the accompanying draft.

Mill pond and shown by the survey as follows Beginning at intersection of Stone and R.R. St.
Survey as follows Beginning at intersection of Stone and R.R. St.
0' in plain of Osceola Co. being corner of Gearhart lot No 542
Thence across R.R. St. S 10° E 96.2 feet to center of R.R. (main track). Thence
S. 5° 38' West. 46.5 ft to center of side track. Thence along pond sin-
bank ment, used as road, 55-30 said 46.6 ft to Mooshannon
Crack. left bank, at a point suitable for the face of North abutment. Across
to Center Cr side 66 ft to point for "abutment." same bearing 80 ft to where
public road intersects private road. + 30.8 ft to K.C.Co Track. Total 793 ft.
Said bridge or such part thereof as may be decided on
by the grand inquests to be built jointly by Clft & Center Cos.
Our report further favors the building of said
bridge conditioned on an adjustment of right
of way from the R.R. Tracts marked "A" to the crack
the same being private road over the forest land
of The Kittanning Coal Co.

J.M. Treney

John Henry }
G. W. Wicker } Varies
Joseph Alexander }

Now, May 5, 1905, we the Grand Jury find the within bridge necessary and that it would be too expensive for the Borough of Asseola and Townships of Bush to build and approve the report of the viewers.

D. J. Guigues
Treasurer

April 1906 report of viewers disapproved for same given in opinion filed herewith.

By the Court
Wm. P. Smith
Clerk

No. 2 Feby 1905

Public Bridge

in
Asseola Boro
across
Moshannon Creek

ORDER TO VIEW.

May 5, 1905 return presented
referred to Grand Jury
of May Term - By the Court
William P. Smith
Clerk

Filed 189

Fees \$1.25, paid by W. C. Moller

FILED
JAN 5 1905
Roll B. Thompson,
CLERK.

Attorney.

NOTE - Viewers will carefully note the number of days employed, 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 disadvantages of the bridge, they will report to that effect.

J. M. Guigues	Days 3	12.00
	Miles 43	4.30
		16.30
J. M. Dickey	Days 1	2.00
	Miles 6	.60
		2.60
J. A. Caldwell	Days 1	2.00
	Miles 12	1.20
		3.20
Total		22.10

Now, May 5, 1905, we the Grand Jury recommend the building of this bridge and let the Asseola Borough pay one half, as expense of same incurred by the bridge and on Asseola Borough
D. J. Guigues
Treasurer