

No 3 Sept Term 1879
Some of No 5 Sept 1879
No. 3 Sept Term, 1879

Vacate Public Road

versus

Bell Township

Contents:

Map to a private road

X

Sept 28 1879

Order to View Vacated
Road from Susquehanna
near J. L. Bell
Friendship to the Indiana
County line near James
Martin & make private
Road of same

\$1 $\frac{33}{100}$ paid by C. L. Miller

Filed 8 Jan'y 1880

Jan'y 26. 1880
Confirmed M. D.
By the Court
J. H. O.

Confirmed Absolutely 26
March 1880 By the Court

Brace,

Entered to no 3. Sept 28/79

ROAD VIEWERS' REPORT.

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of *Essex*, held at
Clearfield, in and for said county, on the *24th* day of *Sept* A. D. *1862*

of the township of *Pell*, in said county, setting forth that they labor under great inconvenience for the want of a road or highway leading from

In my Surquachana Road near Yacuris in P. U.
Lounship & the ~~Emancipation~~^{Emancipation} ~~Road~~^{Road} near
Martins and make separate Rules of Game.

Martinis and make ~~private~~ Rules of Law

And therefore praying the Court to appoint proper persons to view and lay out the same, according to law. Whereupon, the Court, upon due consideration, had

E. S. Miller-Senior

who, after being respectively sworn or affirmed to perform the duties of their appointment with impartiality and fidelity, are to view the ground proposed for said road; and if any two of them agree that there is occasion for such road, they shall proceed to lay out the same.

To the Piquetanna road at or near J. F. Lee's
in Bell Township

Witness our hands &c

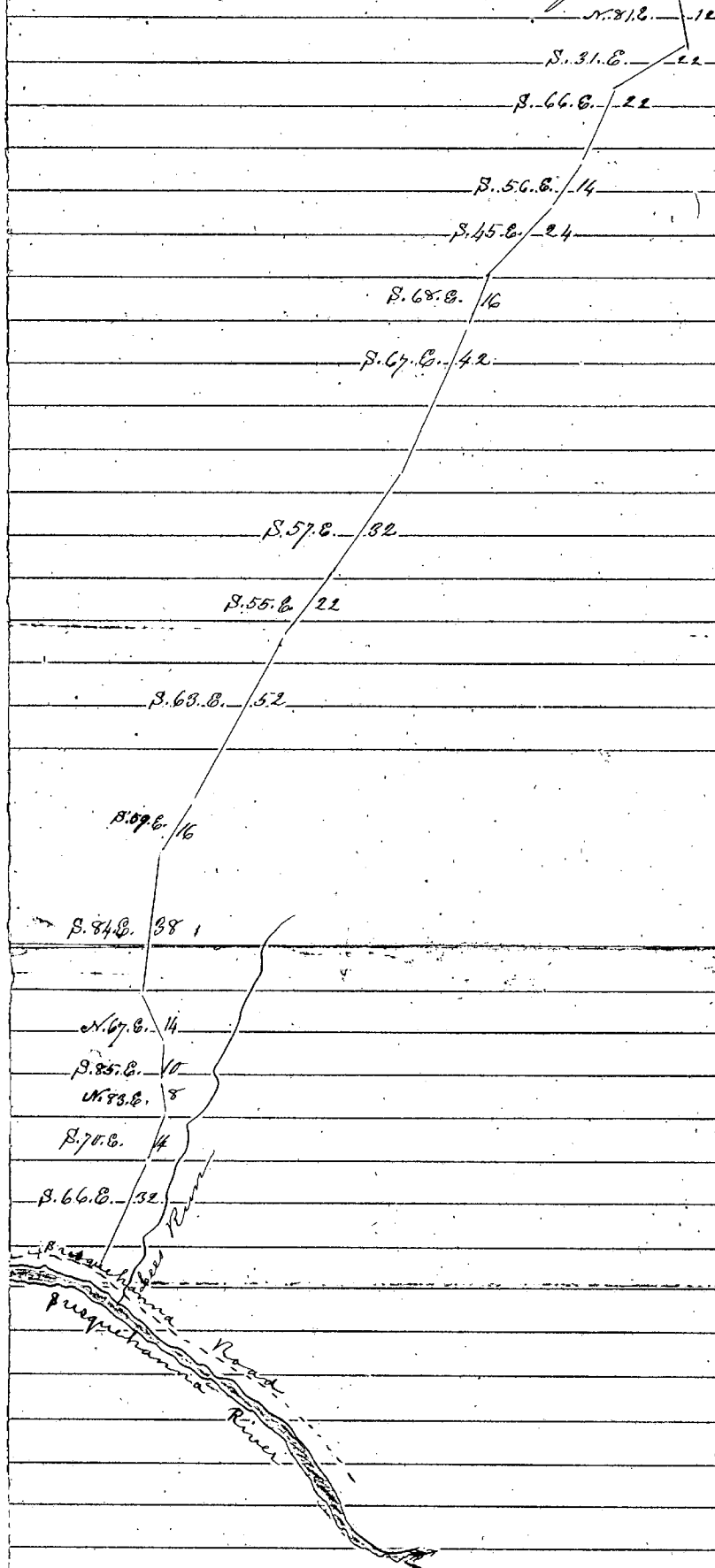
E. S. Miller

Simon Corvener

Wm. Mahaffey

Viewers

Indiana County line



Bill

E. S. Miller	Writing & printing up Notices	1 day	4.00	
	Making report & draft	1 "	4.00	
Viewers	E. S. Miller	6 miles	1 "	4.60
	Wm. Mahaffey	7 miles	1 "	2.70
	Simon Corvener	7 miles	1 "	2.70
Chain carriers	J. W. Campbell	1 "	1.50	
	J. F. Lee	1 "	1.50	
				21.00



agreeably to the desire of the petitioners as may be, having respect for the best ground for a road, and the shortest distance, in such manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, with reference to the improvements through which it may pass, 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.

Ch. Bloom
Clerk Quarter Sessions.
per JWS

Report

To the Honourable the Judges with in
named

We, the subscribers, appointed by the within order of Court, to view the road within mentioned, after being severally sworn and affirmed. do report: That in pursuance of the said order, we have viewed the said road, and that the same is, in our opinion, useless, inconvenient, and burdensome as a public road, and that we have laid out the following as a private road to wit: Beginning at the Indiana County line at James Martins Watering trough; Thence North, eighty one deg. East twelve per; Thence South thirty one deg. East, twenty two perches; Thence South sixty six deg. East twenty two per. Thence South fifty six deg. East fourteen per. Thence South forty five deg. East twenty four per. Thence South sixty eight deg. East sixteen per. Thence South sixty seven deg. East forty two per. Thence South fifty seven deg. East thirty two per. Thence South fifty five deg. East twenty two per. Thence South sixty three deg. East fifty two per. Thence South fifty nine deg. East sixteen per. Thence South eighty four deg. East thirty eight per. Thence North sixty seven deg. East fourteen per. Thence South eighty five deg. East ten per. Thence North eighty three deg. East eight per. Thence South seventy deg. East fourteen¹⁴ per. Thence South sixty six deg. East thirty two per.

In the matter of the Public } In the Court of
Road from Susquehanna River } Quarter Sessions of
Near Rinehart Metzels } Clearfield Co Pa
to } No 3 Sept 5 1879
Indiana County line }

And now 4 June 1883 Rule granted to
restrain the supervisors of Bell Twp
from Opening said Road.

And Also a Rule is granted on the
Supervisors to Show Cause why said
proceedings should not be set aside
as Irregular and Illegal.

By the Court
Certified from the record at
Clearfield this 5 June 1883
James W. Herr
Pro thy

And now Jan 28th 1883 Served the writ on Jacob
 Campbell Supervisor of Bell Sp. by leaving a true and
 attested copy of the same with an adult member of
 his family to answer Newton Shaw

no 3 Sept 28 1879

on the matter of the Public

Road from Buchanan

River near Runkhart

Michigan

to

Ordinance Secured line

Center line

Rule

Shaw \$14.00

measuring

To the Honourable the Judges of
the Court of Common Pleas of Clearfield
County, now composing a Court of Quarter
Sessions of the Peace in and for County
The petition of divers inhabitants
of the township of Belle in said County
humbly sheweth:

That whereas a road has
long since been laid out ~~from~~ in the Susque-
hanna Road at or near J. G. Lee in Bell
Township to the Indiana County line at
or near James Martin's, which road your
petitioners ~~firmly~~ conceive is now become
useless, inconvenient and burdensome to the
inhabitants thereabouts. Your petitioners
therefore ~~very~~ ~~humbly~~ pray your honours that the
said road may be vacated as a public road
and made a private road, agreeably to the
act of the ~~Genl~~ General Assembly in such
cases made and provided.

And they will pray &c

James O. Baty
Andrew G. Griffith

Austin Beatty

Foster Beatty

Ruben Raper

Samuel Raper

Augustus Beatty

James Shaffer

Jackson Kinney

James Raper

Wm. Raper

Clumpson Miller

J. B. Lyons

Wm. Sherry

D. H. B. H.

J. J. Davidson

Thos. B. Miller

In Remembrance of

No 3 Sep 1879

Petition to open
a local public road
from Linsyukoma
Road near J. F. Lee's in
Bell Township to the
to Indian and County
line near James Martin
and make private road
of same

Filed 13 Oct 1879

And now Oct 13 1879

Petition read and
E L Miller Simon
Crosman vs William
Mokoffy are
appointed Deems

By the Court
Hugh H. Quinlan

Cost bond

Clearfield County, ss:

In the Matter of
the Public Road

Leading from
Susquehanna River
at or near Rhinotaman
Hettels to Indianes
and out on Bull Run

In the Court of ~~Common Pleas~~ ^{Quarter Sessions} of Clearfield
County, Pennsylvania.

No. 5 September

Term, 1889.

AND NOW, to wit, the 2 day of August, in the year of our
Lord one thousand eight hundred and eighty-three, the
petitioner enter a Rule to take the Depositions
of ancient, infirm and going witnesses, to be read in evidence
on the Argument of this case.

Ex parte Rule of ~~Prothonotary~~ ^{Prothonotary} on five day's notice.

James Kerr
Prothonotary.

TO ~~George Kaufman~~ ^{George Kaufman} Esq: Supervisor of
Borough of Bell Township

You will please take notice that, in pursuance of the foregoing Rule, Depositions will
be taken before B. H. Davis, or some other person authorized to
administer an oath or affirmation in Pennsylvania, in and for the county of
Clearfield, at the office of B. H. Davis, in
the Borough of Burnside in the county of
Clearfield and State of Pennsylvania, on the 31
day of August, A. D., 1883, between the hours of 9 o'clock
A. M., and 9 o'clock P. M., when and where you may attend and cross-
examine.

Clearfield, Pa., Aug 2, 1883.

W. C. Pautz
att'y for Pet.

Return Aug 28th 1853
Serve the within process.

Aug. 27. 83. v. J. H. Campbell.
by leaving copy at Residence.

Serve the within process

Aug 27. 83. v. George —
Hauptmann & Elie Bouché
by sending and making
in the contents personally.

J. E. Sunderland
Constable

Cash Due

Patrolage. — \$156

Service — 60

\$216

J. E. Sunderland

Recd 24 Sep 1853

Rule

Justice Costs

\$2.00

Paid by J. E. Sunderland

D. H. Davis

Recd

Clearfield Co 55'

Depositions of witnesses produced
Sworn and examined at the
Office of J. N. Jarvis Justice of
The Peace in and for Clearfield
Co Pa. This 31st Day of Aug^r 1888
between the hours of 9 AM and 9 PM
of Said Day in obedience to the rule of
Court to be read in Clearfield Court
in a Matter of Public Road in Bell
Township

Witnesses

Thomas Linnellin affirmed

I live in Bell Tp. I have
lived ^{there} over 52 years. I own the
The Land on which I live. That
road has been there about 28 years
as has been traveled by the public
that long. There has been a
review ~~previous to the one in question~~

That was about four years ago.

I had no notice of the review
at the time it was made. The first
I knew of it was in the paper published
in the court proceedings.

I never saw any notice posted in

The vicinity of the road of the time
and place of the viewers.

nor was I ever notified personally
of the time of meeting of viewers.

I did not know of the time of
meeting. I was told after
they had reviewed the road, of their
meeting for that purpose.

That was the first knowledge
of their action. This road is
about two miles long. There is
about two hundred & thirty rods of
this road on my land. at the
review there was none of the road
changed except on my land.

it was changed on the front of the
back place and on the front of the
dine place. on the dine place
the old road was on the line.
The review run it into my place
about three rods. ~~at~~ from the
line. My land is bounded and
fenced along this road.

I would have to move my fence
if the road run on the review.

I would be obliged to throw out a
strip of land which I could not

use without inconvenience as it would be too narrow and it would be a total loss to me,

I received no damage assessed by the reviewers. I made an effort to have this ~~road~~ ^{review} set aside at the time. I had sixty three signers to the remonstrance which I sent to my attorney at Clairfield.

I have three roads on my land at that time. The aggregate length of the roads on my place is over a mile. Some persons use this road beside my family.

Cross Examined by
J. W. Campbell.

I never pulled any stump outside of the old view. There is a place that is more than one road wide from the ^{line of the} old road. I do not know that the corner was moved.

There is three roads runs to a point in my back field.

Thomas Sunderland

4

Jas B Sunderlin affirmed
I live in Bell Sp. I have lived
there upwards of sixty years.

I am acquainted in the vicinity that
this road is situated. I have traveled
it frequently. I live about a
mile from it at present. At the
time of this review I saw no notice
posted in the vicinity of this road.

I saw no notice of the review posted
anywhere. I did not know of the
time the review was to be made.

I walked with ^{one of} ~~the~~ views the
day they went to make the view and
he told me his business but I
did not go with him. The old
road was on the dividing line between
my Father's place (now owned by Thos
Sundeland) and Jacob Campbell.

I never worked any on this road
I know of two or three roads on Thomas
Sundeland's lands.

Grass Examined by J. W. Campbell
I seen no notice on a Victory Line
J B Sunderlin

L. B. Sunderland is born
 & lives in Bell Sp & have lived
 there about 28 years. I am well
 acquainted in the neighborhood where
 this road is. I was raised on the
 Farm through which it passes

I did not see any notices posted in
 the vicinity nor in the neighborhood
 of the time of the review.

I was not notified of the time of the
 review. I do not know of Thomas
 Sunderland being notified

I was in the woods making timber
 the day of the review it was some
 time after the review was made that
 I heard of it. The old road I understood
 to be in division ^{living} between Sunderland &
 Campbell. The old road has been
 there as long as I can remember.

I don't remember that I ever saw
 the stakes set for the new road.

There are three roads on Sunderland
 place one opened and ^{seen} viewed.

Two of them are about six rods apart

These two roads are parallel with
 each other

No cross examination
 desired

L. B. Sunderland

6

J. I. Sunderland sworn
I live in Bell Sp. I have lived
there about 24 years. I was
raised on this farm on which
this road is in dispute.

At the time of the review I saw
no native parties in the vicinity or in
the neighborhood of the time of the
meeting of the viewers. I was not
satisfied neither was there any native
left with me for Thomas Sunderland
I think I was in the woods making
timber at the ^{time} review was made.

I was living with Thos. Sunderland
at the time. It was some time
after the return was made that I
learned of it. I understood that
the old road was on the division line
between Sunderland & Campbell

I do not remember seeing the stakes
set for the new road. There is
three roads on Thos. Sunderland's place.

Two of them are about six rods apart
these two roads are parallel with
each other

Cross Examined by J. W. Campbell

6

J. I. Sunderlin sworn
I live in Bell Sp. I have lived
there about 24 years. I was
raised on this farm on which
this road is in dispute.

At the time of the review I saw
no notice posted in the vicinity or in
the neighborhood of the time of the
meeting of the viewers. I was not
notified neither was there any notice
left with me for Thomas Sunderlin.

I think I was in the woods making
timber at the ^{time} review was made.

I was living with Thos. Sunderlin
at the time. It was some time
after the return was made that I
learned of it. I understood that
the old road was on the division line
between Sunderlin & Campbell.

I do not remember seeing the stakes
set for the new road. There is
three roads on Thos. Sunderlin's place.

Two of them are about six rods apart
these two roads are parallel with
each other.

Grass Examined by J. W. Campbell

7

They are Through Ths Sundelin
back place

S. S. Sundelin

Clearfield county SS

I certify that the
above Deposition were taken and
subscribed to the date set forth in
caption

D. N. Davis J. P.

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

The petition of Thomas Sunderlin respectfully sets forth:

That on the petition of sundry citizens of Bell Township filed in Quarter Sessions September Term 1858 viewers were appointed to lay out a public road from Levi Sunderlin to the Indiana County line.

In pursuance of said appointment said viewers proceeded to lay out a public road from Levi Sunderlin Smith Shop on the old State road to the Indiana County line reporting the same to the Court which was confirmed absolutely at November Term 1856. Said public road has been used and occupied as such from that time to the present.

Whereas on the petition of sundry citizens of Bell Township filed in Quarter Sessions of September Term 1879, complaining that said road had become useless inconvenient and burdensome therefore asking that the same might be vacated as a public road and a private road be made thereof, E. S. Miller J. W. Shafer and W. B. Wetzel were appointed viewers by the Court to determine if said public road should be vacated and supplied by a private road.

In pursuance of said order said viewers proceeded.

to review said public road and instead of vacating it and supplying by private road in accordance with the order of Court they reported as follows:

"We in pursuance of said order we have viewed the said road and that the part first mentioned is in our opinion ~~useless~~ inconvenient and burthen some and have therefore vacated it entirely either for public or private use" a description of which is hereto annexed and made a part of this petition

And they further report that "The following part we, in our opinion think should be left a public road, to wit: Beginning at the public road leading from Philip McKees to Indiana County line on land of Thomas Swiders back place to the Susquehanna road at or near Rinehart Metzels in Bell Township."

Your petitioner further sets forth that the viewers did not follow the lines and distances set forth by the original viewers but they changed the said lines and the distances as will appear on reference to the several reports annexed, nor had they any right to vacate any part of said public road without supplying the same by private road.

Your petitioner also says that the said viewers did not notify him of the time of reviewing said road but that they came while he was away from home and run the said road through his

fields. Nor did the said viewers assess to him any damages for land to be occupied by the new road nor did they make any mention of this fact in their report.

It also appears from the record that the report of said viewers was confirmed vi. li at January Term 1880 and that it then laid over ~~until~~ November Term 1880. Nor does it appear from the record that any order was made by the Court to continue the said report from term to term therefore it is irregular and illegal.

Whereas the supervisor of Bell Township is proceeding or is about to proceed to take down the fences of your petitioner and enter upon his land to open the said road

Therefore your petitioner asks that a rule may be granted to restrain the supervisor from opening the said road.

And Also that a rule may be granted ~~to the supervisor~~ to show cause why said ~~proceeding~~ should not be set aside as irregular and illegal.

And he will forever pray &c.

Thomas Sunderland

Clearfield County S.S.

Before me, the subscriber one of the Justices of the Peace in and for said county, personally appeared Thomas Sunderland who, being duly sworn accord-

-ing to law doth depose and say that the facts
set forth in the above petition, are true to the
best of his knowledge and belief

sworn and subscribed }

before me this 20 day }

of April A.D. 1883

D. N. Davis

Justice of the Peace

To the Honorable the Judges of the Court of Common Pleas of Clearfield County now composing a Court of Quarter Sessions of the peace in and for said County.

The petition of divers inhabitants of the Township of Bell in said County Humbly sheweth
That

whereas a road has long since been laid out from the Susquehanna Road commencing at or near Rinehart Metzels in said Township and running to the Indiana County line, which road your petitioners humbly conceive is now become useless inconvenient and burthensome to the inhabitants thereabouts. Your petitioners therefore humbly pray your Honors that the said road may be vacated as a public road and made a private road agreeable to the act of general Assembly in such cases made and provided.

And they will forever pray &c.

Nov 8 Sept Term 1879
In Quarter Sessions

Filed 3^d Oct 1879

Read over Oct 3, 1879
Petition read and
E. S. Miller & W. S. Shaffer
& Plunkett (noted applicants
were

By the Court
Hugh H. Cummins
P. D.

To the Honorable the Judges within named.

We the subscribers appointed by the within order of Court to view the road within mentioned after being severally sworn do report;

That in pursuance of the said order we have viewed the said road and that the part first mentioned is in our opinion, is useless inconvenient and burthensome and have therefore vacated it entirely either for public or private use viz: Beginning at the Indiana County line thence South fifty seven degrees East sixteen perches, thence South 80 degrees East 32 perches thence North 59 degrees East 4 perches thence North $43\frac{1}{2}$ degrees East 14 perches, thence North 14 degrees 18 perches. thence North 45 degrees East 38 perches, thence North 45 degrees East 38 perches thence North 60 degrees East 20 perches to public road leading from Philip McGees to Indiana County line at or near James Martins. — And the following part we, in our opinion, think should be left a public road to wit: Beginning at the public road leading from Philip McGees to the Indiana County line on lands of Thomas Sunderlin's back place thence South 77 degrees East 10 perches to a post thence South 33 degrees East 18 perches to maple, thence through lands of J. W. Campbell South 54 East 166 perches to line between J. W.

Exceptions
 Clearfield Pa, March 26, 1890
 Mr that the draft is not in accordance with the report
 of the viewers but places the road at Philip Inceles
 when there is not one located at all
 Fielding Bigler & Miller
 for Excl^{ty}
 March 26, 1890 Referred back to viewers to correct the draft
 and make it correspond with the report
 By the Court
 J. H. O

Nov 3 Sup. 1889
 Filed & amf. 1886
 25 Jan 1890 Report am
 firmed in li.
 By the Court
 Confirmed absolutely 4
 Oct. 1890 By the Court

Campbell and Thomas & Underline South 70 de
 grees East 68 perches to Hemlock thence South 17
 degrees East 26 perches to a stump, thence South
 2 degrees East 80 perches to line between said
 Campbell and Michael Underline's Estate South
 89 degrees East 206 perches to the Susquehanna
 road or or near Plinkhart Mergels in Bell
 Township
 At itness our hands, &c
 E. J. Miller
 J. M. Shaffer
 J. R. Methyl

Report of viewers to lay out a road from the old state
road to Indiana County line at Nov. 8. 1856

Beginning at the State road leading from Cur
wensville to Indiana, at Levi Sunderlin's Smith
Shop thence North 41 degrees West 60 perches, thence
North 69 degrees West 5 perches thence North 40 degrees
West 26 perches, thence North 41 degrees West 148 perches
thence North 7 degrees East 23 perches thence North
10 degrees West 18 perches thence North 20 degrees
West 20 perches thence North 76 degrees West 69
perches, thence South 32 degrees West 20 perches thence
North 65 degrees West 120 perches thence North 40
degrees West 11 perches thence North 36 degrees
West 8 perches thence South 87 degrees West 10
perches thence South 60 degrees West 21 perches
thence South 48 degrees West 17 perches thence
South 54 degrees West 13 perches thence South
19 degrees West 18 perches thence South 14 degrees
West 12 perches thence South 45 degrees West 10
perches, thence South 66 degrees West 7 perches
thence North 80 degrees West 14 perches thence
North 63 degrees West 16 perches to Indiana
County line.

Confirmed absolutely Nov. 21. 1856 By the Court

New Haven, 8.28. 1836

Report of Divers

Confirmed absolutely
Nov 21 1836
by the Court,

MS Sept 25 1884

for the matter of the Public
road from Suquehanna river
near Ruckhart Mtgo

to

Suquehanna County line

June 4th 1883.

Pettin and
Cove and, and
under grant as
written in my ad

for. By the Court

C. A. M.

signed J. L.

Filed 4 June 1883

Party