

**Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery**
Harbor Creek Township, Erie County, Pennsylvania in April of 1831
And
A Petition to Appoint New Trustees
in 1922

INTRODUCTION

This page contains a transcription of the original deed that created the Gospel Hill Cemetery in Harbor Creek Township, Pennsylvania and a petition to assign new trustees over 90 years later.

The original deed/indenture created the cemetery by a small partition of land (1.25 acres) from parts of the Bunnell, Wadsworth, and May properties located beside Station Road near the intersection of Rees Road. The deed also provides space for a schoolhouse to be built on the property immediately adjacent to Station Road. Neither the school nor cemetery is funded by the deed or indenture.

PETITION FOR APPOINTMENT OF NEW TRUSTEES

In 1922, the cemetery was sorely in need of attention and was functionally abandon. With the death of the original 1831 trustees, it now was necessary to reappoint the trustees and get the property back into the condition it deserved.

In the summer of 1922, Wilfred H. Bliley and his brother, Frank Anderson Bliley filed a petition to the County Court for the assignment of new trustees. Both men had family buried in the cemetery and were raised in the Bliley farmhouse at 3767 Station Road in Harbor Creek Township. Wilfred was living in the village of Wesleyville at the time of submission of the petition and died six years later in 1928. Frank was a well-experienced lawyer focusing on real estate transactions in the city and county of Erie.

Attached to the 1922 petition was a transcription of the original deed and indenture for the creation of the cemetery from 1831. No doubt, this was the work of Frank Bliley. A signed carbon copy of the petition and deed transcription was found in Frank's files, along with the original deed theoretically being held by the cemetery trustees all of whom were deceased by 1922.

According to a handwritten note on the trustees' file copy of the petition, the court approved the appointment of the following trustees:

William H. Crabb, Jr.
Robert A Tuttle
Clarence E. Sewell

Deed of Conveyance And Indenture for the Creation of Gospel Hill Cemetery

OTHER FAMILY CONNECTIONS

Harborcreek always had a small town quality. William H. Crabb, Junior was the father of Wilfred Bliley's mother's second cousin's husband. A distant relation, but part of the family and the son of a venerated American Revolution War.

UNEXPLAINED NOTES

Included with these documents is what appears to be a checklist made by Frank A. Bliley during his prosecution of this petition. It was sandwiched between the petition and the transcription of the original deed and indenture. The references are not all obvious to this reader.

DISCOVERING THESE DOCUMENTS

The original deed was handwritten and discovered in the personal archives of Frank Anderson Bliley in October of 2010 located in the home of Frank's grandson, John Hall Bliley, in Boulder, Colorado. The petition was attached to the transcript, assumedly for the benefit of the judge evaluating the request. I have come to expect "treasures" when looking for family related materials in the possession of family members and historical societies, but this was a very unusual find.

As was the case in 1922, the cemetery fell into disrepair once again in the late 1900s. Realizing the importance of this cemetery in Harborcreek history, **the Harborcreek Historical Society took it upon themselves to be the new trustees and acquired formal ownership in 200x(?)**. The society cleaned up the grounds, installed a new perimeter fence and erected a memorial maker at the new entrance from the Behrend campus of Pennsylvania Stated University.

TRANSCRIPTIONS OF THESE DOCUMENTS

The transcribed material that follows is based on typewritten documents—the 1922 petition and the 1831 deed and indenture. Numerous typographical and punctuation errors were found during a 2011 comparison of the original 1831 deed with the 1922 transcription. While these are not substantive, the revised transcription of the 1831 deed is presented here. It took over six hours to transcribe the 1922 deed transcription and then proofread it against the original deed in my possession at in 2011.

While it is impossible to emulate all of the stylistic and layout patterns of the original 1831 deed, a reasonable effort was made to make the two look alike. I bolded words and letters that were larger than the associated text or written with a larger pen point. Signatures have been italicized.

I highly recommend looking at the original deed to appreciate the stylistic nature of legal documents of the nineteenth century and to read the see the actual signatures of the participants.

Charles A. Bliley
Webster, NY
May 3, 2011

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery

Gospel Hill Burial Ground Cemetery
Petition to Appoint New Trustees
September 1922

In Re Appointment of Trustees for)	No. 428, Sept Term, 1922
Gospel Hill Burial Ground situate)	In the Court of Common Pleas of
in Harborcreek Township to)	Erie County, Pennsylvania
Succeed Thomas Bunnell, Newman)	
Wadsworth and William May,)	
Trustees, now Deceased.)	

To the Honorable the Judges of the Court of Common Pleas of Erie County:

The petition of Wilfred H. Bliley of the Borough of Wesleyville, County of Erie and State of Pennsylvania, respectfully represents:

1st. That Judah Colt, trustee for Ann Rees, her heirs and assigns, and said Ann Rees, by a certain deed executed and delivered at the special instance and request of said Ann Rees, and approved by her, dated the 22nd day of January, A. D. 1831, did grant, bargain, sell, etc., unto Thomas Bunnell, Newman Wadsworth and William May, trustees and their successors, in trust "for the special purpose of a Burial ground and Whereon to erect a school house for that neighborhood and for none other," all that certain lot or piece of land situate in the Township of Harbor Creek, County of Erie and State of Pennsylvania, being part of tract No. 242 , bounded and described as follows, to wit: beginning at a post on the south side of what is called the Station road; thence south thirty degrees west by land of Clinton George twenty perches to a post; thence by the same land north sixty degrees west ten perches to a post on Newman Wadsworths line; thence by the said line north thirty degrees east twenty perches to a post on the south side of the road aforesaid, and thence by said road south sixty degrees east ten perches to the beginning, containing one acre and a quarter of an acre of land strict measure, as more fully appears by said deed recorded on the 4th day of April, 1831, in the Recorder's office of the said County of Erie in Deed Book D, at pages 409, 410, 411 and 412, said premises being situated on what is known as "Gospel Hill" and being known as the "Gospel Hill Burial Ground."

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery



Gospel Hill School on the southeast corner of the cemetery property.

Photo by Sam Wagner, C 1900 (Photo was not part of the petition.)

2nd. That said Thomas Bunnell died on the 6th day of October, 1871; that said Newman Wadsworth and William May are also dead, but the time of their deaths is unknown to your petitioner. That your petitioner is informed and believes and therefore avers that no successors have been appointed to succeed said original trustees, and that a vacancy caused by their deaths does now exist and has existed for many years.

3rd. That for many years past, there being no one with authority to manage and care for said burial ground, or influenced by any duty to attend, or encourage and solicit others to attend, thereto, weeds and underbrush have been allowed to grow and encroach upon and cover a large part of the said grounds and many graves; gravestones have been broken and misplaced and the location and identity of graves lost, and the premises in general neglected. That it is necessary for trustees to be appointed to supply the aforesaid vacancy for the purpose of having some one with authority, and whose duty it shall be, to manage and care for the same.

4th. That your petitioner is interested in the execution of the said trust by reason of being a resident of, and owner of real estate in, the neighborhood where the said burial ground is located, and being a great grand son of said Thomas Bunnell, one of said trustees, who, with many other relatives of your petitioner, is interested in said burial ground.

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery

Your petitioner therefore prays the court to appoint three trustees to supply the vacancy aforesaid who shall be liable to the same duties and shall have the same powers and authorities in relation to the trust and the further execution of the same to all intents and purposes as their predecessors in the trust, agreeably to the Acts of Assembly in such cases made and provided.

And he will ever pray etc.

Wilfred H. Bliley
(signature)

Handwritten endnote by F. A. Bliley:

*Aug. 14, 1922. Court appoints William H. Crabb,
Robert A. Tuttle and Clarence E. Sewell, trustees.*

Handwritten notes follow on legal pad sheet bound between the two-page petition and a typewritten transcription of 1831 Deed and Indenture for Gospel Hill Burial Ground:

Gospel Hill

*Farm for appt
Johnson 3 p. 911*

*Farm for cert
Johnson 3 p. 933*

*In Re Trustees for Kune Boro [Kuni Boro sp?Unclear handwriting]
177 Pa 638*

Act June 14, 1836 Sec 23 Pur d 4 p. 4896

Act May 23, 1855 Sec 5, Pur d 5 p 4900

End of Petition

NOTES: A typewritten transcription of the original deed, conveyance and indenture followed in the petition to the court. The following is a comprehensive transcript redone in 2011 by Charles A. Bliley that includes additional material and corrections to the original typewritten transcript.

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery



Photo of 1831 Deed and Indenture in 2010
(Inside and outside views)

Gospel Hill Burial Ground Cemetery,

The Deed and Indenture to Create
January 1831

Cover Page

Deed of Conveyance

Judah Colt Esquire,

To

Newman Wadsworth, Thomas
Bunnell and William May
for 1 ¼ acre of Land in Harbour
Creek township Erie County--
for a Burial ground &
School House and to their Seccefsors as
Trustees &c

Recd 4 April 1831

Tax paid by Bunnell
pages 409 &c
Tax \$2.50

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery

Begin page One

This Indenture,

Made the twenty second day of January, in the year of our Lord one thousand eight hundred and thirty one **Between** Judah Colt Esquire of the Borough of Erie in the County of Erie and State of Pennsylvania of the one part and Thomas Bunnell, Newman Wadsworth and William May of the Township of Harbour Creek in the County of Erie aforesaid of the other part:

Whereas David Wallace Esquire High Sheriff of the County of Erie aforesaid on the ninth day of December in the year of our Lord one thousand eight hundred and fifteen by deed of that date conveyed to Henry Baldwin of Pittsburgh in the County of Allegheny and State aforesaid a certain tract of Land, situate in the said Township of Harbour Creek, & bounded and described as follows. Viz: by a tract (lately) occupied by Abraham Leech, by land of John Riblet, by land of William Saltsman, and by land of Thomas Bunnell; commonly known by the name of the "Borrows tract"- and being known in the general plan of the lands of the Pennsylvania Population Company, by the "No. 242", said tract having been grated by Patent from the Commonwealth of Pennsylvania to the Pennsylvania Population Company, by the said Company, conveyed to Thomas Collins, sold by the said Sheriff to the said Henry Baldwin as the property of the said Thomas Collins, and conveyed by the said Henry Baldwin and his wife to Mary Pearson by deed bearing date the twenty third day of September one thousand eight hundred and twenty.

And also Whereas the said Henry Baldwin and his wife on the twenty third day of September in the year of our Lord one thousand eight hundred and twenty by deed of that date, conveyed to the said Mary Pearson, a certain other tract of land, situate in the said township of Harbour Creek, and bounded and described as follows, Viz: by lands of Thomas Rees, Russell Stone and by the residue of the Tract, containing two hundred acres of land and being the same tract of land conveyed by David Wallace High Sheriff of the County of Erie to the said Henry Baldwin by deed bearing the date of ninth day of December in the year of our Lord on thousand eight hundred and

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery

fifteen, the said piece of land having been granted by patent from the Commonwealth of Pennsylvania to the Pennsylvania Population Company, by the said Company conveyed to Thomas Collins and by the said David Wallace Sheriff Sold as the property of Said Thomas Collins to the said Henry Baldwin:

And also Whereas the said Mary Pearson for and in consideration of the love and good will she hath for Ann Rees her daughter, as well as in consideration of the sum of one dollar to her hand paid by the said Judah Colt, at and before the ensealing and delivery hereof the receipt whereof she doth hereby acknowledge, and thereof acquit and forever discharge the said Judah Colt his heirs, executors and administrators by these presents; **Hath** granted, bargained, sold, aliened, enfeoffed, released and confirmed, and by these presents **Doth** grant, bargain, sell, alien, enfeoff, release and confirm, unto the said Judah Colt and to his heirs and assigns in the trust, and for the uses and purposes herein after mentioned the lands and messuages and tenements. herein before described, Viz, The tract of Land herein before mentioned and described of Four hundred acres, situate in Harbour Creek Township aforesaid, bounded by Tract of land lately occupied by Abraham Leech, by land of John Riblet, by Land of William Saltsman, and by land of Thomas Bunnell, commonly known by the name of the Burrows, Tract as aforesaid, and conveyed to the said Mary Pearson by Henry Baldwin and his wife, by deed bearing date the twenty third day of September in the year of our Lord one thousand eight hundred and twenty: **Also** the above mentioned Tract of two hundred acres situate in Harbour Creek Township as aforesaid, bounded by lands of Thomas Rees of Russell Stone, and by the remainder of the tract, and conveyed to the said Mary Pearson by Henry Baldwin and his wife by deed bearing date twenty third day of September, in the year of our Lord, one thousand eight hundred and twenty as aforesaid: **Together** with all and singular other, the houses, out houses, buildings, barns, stables, ways, woods, waters, water courses, rights, liberties privilege, hereditaments and appurtenances whatsoever thereunto belonging or in any wise appertaining and the reversions and remainders, rents, issues, and privileges thereof: **And also** all the estate, right, title, interest, property, claim and demand whatsoever, of her the said Mary Pearson, in Law or equity or otherwise howsoever;

Begin page Two

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery

of in, to, or out of the same. **To have and hold** the said messuages and tenements and tracts of Land, hereditaments and premises hereby granted or mentioned or intended so to be with the appurtenances, unto the said Judah Colt his heirs and assigns in trust however, for and to the only proper use and behoof of the said Ann Rees her heirs and assigns and devisees forever: **And the** said Judah Colt doth by these presents covenant promise and agree to and with the said Ann Rees and the said Mary Pearson, that he will hold the lands and tenements hereinbefore mentioned and described in trust for the use and behoof of the said Ann Rees, her heirs and assigns and devisees as is hereinbefore mentioned; by reference had to the said Indenture &c will more fully and at large appear. *(To the left of the following paragraph was an insert in the lefthand margin of a plot plan of the cemetery land. It is reproduced below.)* **This Indenture Witnesseth** that the said Judah Colt for and in consideration of the sum of ten dollars money of the United States to him in hand paid by Newman Wadsworth Thomas Bunnell and William May of the township of Harbour Creek in the County of Erie aforesaid, in trust for the purpose of a Burial ground and whereon to erect a School house for the convenience of that neighborhood at and before ensealing and delivery hereof, the receipt whereof he doth hereby acknowledge and thereof acquit and forever discharge the said Newman Wadsworth, Thomas Bunnell and William May Trustees as aforesaid and their heirs by presents **Hath** granted, bargained, sold aliened enfeoffed, released and confirmed and by these presents **Doth** grant, bargain, sell, alien, enfeoff, release and confirm unto the said Newman Wadsworth, Thomas Bunnell and William May. Trustees as aforesaid and their Successors, in trust for the purpose aforesaid the following described lot or piece of land situate in the township of Harbour Creek aforesaid, being part of the above described tract No. 242. Viz. **Beginning** at a post on the South side of what is called the Station road, thence South thirty degrees West by land of Clinton George twenty perches to a post thence by the same land North sixty degrees West ten perches to a post, on Newman Wadsworths line, thence by the said line North thirty degrees East twenty perches to a post on the South Side of the road aforesaid and thence by said road south sixty degrees East ten perches to the beginning; containing one acre and a quarter of an acre of land strict measure: **Together** with all and singular the improvements, rights, liberties, hereditaments and appurtenances, whatsoever, thereunto belonging or in any wise appertaining and the reversions and

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery

remainders, rents, issue and profits thereof; **And also** all the estate, right, title, interest property claim and demand whatsoever of him the said Judah Colt in law or equity or otherwise howsoever, of, in, to, or, out of the same: **To have and to hold** the said lot or piece of land, of one acre and one quarter, hereditaments and premises hereby granted or mentioned or intended so to be with the appurtenances unto them the said Newman Wadsworth Thomas Bunnell and William May. Trustees as aforesaid and their successors as trustees; to the only proper use and behoof of their the said Newman Wadsworth Thomas Bunnell and William May. Trustees as aforesaid and their successors as trustees, for the special purpose of a Burial ground and whereon to erect a School house for that neighborhood and for none other. **Forever. And** the said Judah Colt for himself his heirs, executors & administrators **Doth** covenant, promise, grant and agree to and with the said Newman Wadsworth and their successors aforesaid by these presents that de and Judah Colt and his heirs the above mentioned and described lot or piece of land, hereditaments and premises hereby granted or mentioned or intended so to be with the appurtenances unto the said Trustees as aforesaid and their successors as trustees against him the said Judah Colt and his heirs [for such estate as he had and held the same by virtue and in pursuance of the above recited deed of conveyance from Mary Pearson in trust for the use and benefit of Ann Rees as aforesaid and not otherwise] will warrant and forever defend by these presents.

In Witness Whereof, the said parties to these presents have hereunto interchangeably set their hands and seals the day and year as above written.

<i>Sealed and Delivered in the presence of</i>)	<i>Judah Colt</i> (signature) [L.L.] (seal)
)	
<i>Ann Rees</i> (signature))	Received on the day of the date of the above and
<i>Thos Stewart</i> (signature))	afore written Deed of Conveyance of the three named
<i>ThosForster</i> (signature))	Newman Wadsworth, Thomas Bunnell & William
)	May. Trustees herein name the sum of ten dollars in full of the consideration money therein mentioned.
		Witness Present \$10.00 per me – Judah Colt
		<i>Theo Stewart</i> (signature) (signature)
		<i>Theo Forester</i> (signature)

Begin page Three

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery

I have examined the foregoing deed of Conveyance and do approve of the same as may be seen by my approbation and acknowledgement on the present page.

Ann Rees (signature)

Erie County S.S.

Before me the subscriber one of the Commonwealths Justices of Peace &c in and for the County of Erie aforesaid; personally came Judah Colt Esquire mentioned in the foregoing deed of Conveyance as grantor &c and acknowledged the same as his act and deed for the purpose therein mentioned and desired the same as such may be recorded according to law.

In Testimony whereof I have hereunto set my hand and seal the twenty second day of January, in the year of our Lord one thousand eight hundred and thirty one (1831)

Thos. Stewart (L.S.)

Know all men by these presents the within and forgoing Deed of Conveyance has been made and executed by the therein named Judah Colt to the therein named Newman Wadsworth Thomas Bunnell and William May Trustees as therein stated in my special instance and request and for the particular purpose therein mentioned and expressed; And I do hereby allow and confirm the same, having then received the consideration money therein mentioned to have been paid to the said Judah Colt, who is to incur no liability or responsibility by reason of the within and foregoing deed or any matter of thing therein contained.

In Witness whereof I have hereunto set my hand and Seal the twenty second day of January, in the year of our Lord one thousand eight hundred and thirty one (1831).

Witnesses Present

Ann Rees (signature)

Tho. Forster (signature)

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery

Erie County S.S.

Before me the subscriber of one of the Commonwealths Justices of the Ppeace in and for the County of Erie aforesaid. Personally came to the above named Ann Rees and acknowledged the above instrument of writing as her act and deed for the purpose therein mentioned and desired the same as such might be recorded according to law. **In Testimony** whereof I have hereunto set my hand and Seal the twenty second day of January, in the year of our Lord one thousand eight hundred and thirty one (1831)

Thos. Stewart (SEAL)

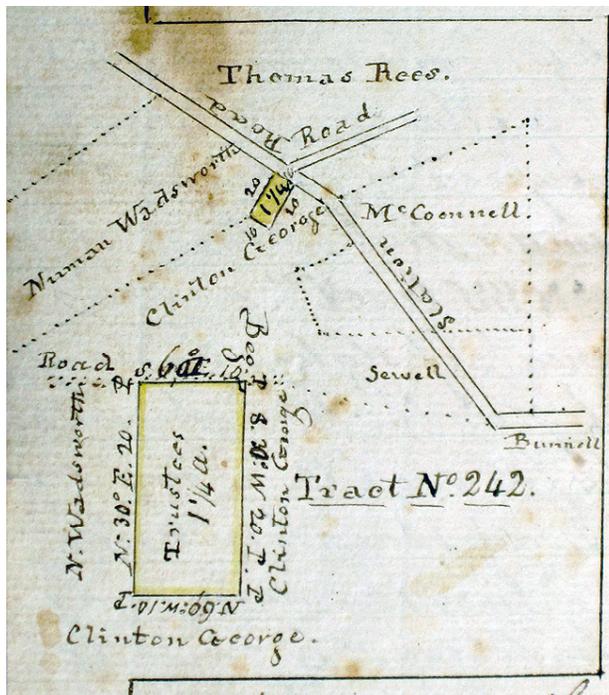
Recorded in the office for Recording of Deeds in and for Erie County in Deed Book D Vol 4th page 409 &c the fourth day of April in the year of our Lord one thousand eight hundred and thirty one Given under my hand and office

Edwin J. Kelso, Rec (signature)

End of Transcript

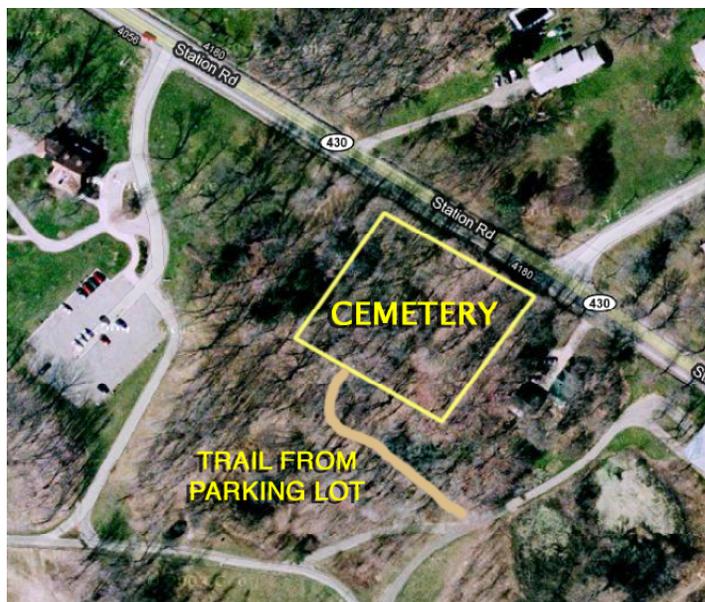
The foregoing deed was recorded April 4, 1831 in Erie County Deed Book "D" pages 409, 410, 411, 412.

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery



Plot Detail from Original 1831 Deed

Bottom left outline is a detail of the smaller yellow block next to the road.



Aerial View of Cemetery in 2011
Google Earth Image

Deed of Conveyance
And Indenture for the Creation of Gospel Hill Cemetery

LEGAL TERMS USED IN DOCUMENTS

&c – etcetera

aforesaid – spoken or referred to earlier

appurtenances /appertaining -- Rightfully relating to, or belong to

behoof -- advantage; profit; benefit; interest; use

deed of conveyance – Transfer of real property

devisees -- a person who receives a gift of real property by a will.

enfeoffed-- to invest (a person) with possession of a freehold estate in land

ensealing – To sign or place your “seal” (signature) on the document

hereditaments, land -- Anything capable of being inherited. In this case, land.

indenture -- real property deed in which two parties agree to continuing mutual obligations.

messuages -- houses and buildings

Pennsylvania Population Company – A commercial land development company formed in 1792 to promote and sell property purchased from the Commonwealth of Pennsylvania in northwestern part of the state. Dissolved in 1812.

perches – Surveyor’s measurement of 10 feet

S.S. –Abbreviation for the Latin word “scilicet”, which means “in particular” or “namely”. Used to identify the court (jurisdiction) where the paper was filed or processed.

Viz: -- A legal term that indicates more specific information will follow regarding something previously described only in general terms.