

No. 14

Public Road

Versus

Bloom Township

Contents:

#14 - May 1894

Exceptions

No road

X

Clearfield County, SS:

THE COMMONWEALTH OF PENNSYLVANIA to Milton Smith
Edgar Leach George Leach G L Smith

Greeting: You and each of you are hereby commanded, that, setting aside all manner of business and excuses whatsoever, you be and appear before the undersigned NOTARY PUBLIC, at the office of Oscar Mitchell, Esq. in the borough of Clearfield, Pa., on Saturday the 7th day of December next, at 9 o'clock A. M., there to testify the truth according to your knowledge in a certain cause now pending in the Court of Quarter Sessions of Clearfield county, aforesaid, wherein Certain Petitioners are Plaintiff and Certain Respondents Defendant, at which time and place depositions will be taken by virtue of a rule issued out of said Court, to be read in evidence on the 10th day of December of said cause on the part of the Respondents. Hereof fail not under the penalty which may ensue.

Witness my hand and official seal, the 7th day of November A. D., 1894.

U. C. Miller
Notary Public.

In Republic Road
in
Blome Township

No. 14 May Session, 1894.

Depositions of witnesses taken before me this First day of December, A.D. 1894, at the Office of Oscar Mitchell, Esq., between the hours of 9 O'clock A.M. and 5-15 O'clock P.M., by virtue of the annexed Rule of Court and notice therein endorsed, for the examination of witnesses in said case on the part of the Remonstrators.

Mr. Oscar Mitchell appeared for Remonstrators.
Mr. Geo. R. Bigler appeared for Road.

Calvin Bilger, Affirmed.

I live in Bloom Township,
Clarified County, Pa. I am one of the present
supervisors of said township.

I am acquainted with the route of the road lately laid out from the Erie Company to Whittier siding and station in Blaine Township, Mo. 14 May Securus, 1894. Most of the way on this route is a rocky side hill with laurel. Then is a fork of the road runs on a line between James, and there is grown up brush and timber and

a large amount of stumps and staves have been
placed there by the farmers. This is where the
ground is level, and would cost a good deal to clean
off. Taking into consideration all of these things,
my judgment is that it would cost two dollars
per rod to build the whole road. I signed
the petition and also the remonstrance.

When I signed the petition for the road
I thought it went from Gilbert Thomas-
house to Blom's Run station; and I did not
understand that it was to go to Whittaker's
siding as it was actually laid out. This
road as actually laid is from Whittaker's
siding and station, ending on the Erie turn-
pike on the line between Isaac Thomas
Belknap. The road as laid out comes
onto the Erie turnpike one half mile and two
~~miles~~ rods east of the point set forth in
the petition to view, to wit, a point near Gilbert
Thomas-house in Blome township.

There was an old road that had been used
for several years running from a point
a few rods near Gilbert Thomas-house in Blome
township to an old road on Anderson Creek
running a short distance from Blom's station
and Whittaker's siding. This road in-
tersects the old road on Anderson Creek about
halfway between Blom's Run station and

Whittaker's Station. The road running down
Auderson's Creek must have been in use for
thirty five years. It was built when I was
quite a small boy. You can go with
wagon or buggy from Gilbert Thomas-
house to either Blom's Run Station or Whit-
taker's siding over this old run, but the road
is getting bad and this was the object in
my signing the petition that the old road
might be adopted. This old road is a
little steep and part of it a little rough,
and part of it pretty good. Part of it is
pretty good.

Blom's Run Station was only a flag sta-
tion on the Clearfield & Mahoning railroad.
This has been moved now to Whittaker's sid-
ing and still called Blom's Run Station.

There is no station house at either of these
places. I do not think the population is
sufficient there to ever justify the railroad
Company in building a station. No goods
are delivered there that I know of, except the
stone-quarry men may get their goods put
off there. I know of no storekeeper or
merchant who would likely get his goods
there if this road were laid out.

The next station east is a flag station
at Bridgeport about five miles away. The
next station west of Whittaker's Siding on

or Blom's Run Station is Rockton Centre five and six miles - about five miles Chelver.

Whittaker's siding is used for the purpose of loading & shipping stone from the quarry there. I know of no other business that is carried on there. I know of no other business or manufacturing in that neighborhood who would want to use that siding or station if this road were built. There is not a building at this siding not used in connection with this stone-quarry. The buildings that are there, are a small blacksmith shop, a boarding house, a couple of board shanties in which the stationers live. They are just cheap buildings put up to be used in connection with this stone quarry.

In my opinion I do not believe it would be right to put Blom Township to the expense of building this road to this place where it would be used by the public at large so little. As a matter of business, and taking into consideration the character of this station and its use, I think it would be wrong to ask the taxpayers of Blom Township to build this road. There are about 106 registered voters in the township, and are a small township.

Cross Examination:-

I am one of the Supervisors. The proposed road runs south way through improved land, along the line of Isaac Thomas and Belknap for a short distance, then it runs along between George Blom's fields and Belknap's for a ways. This road runs between these improved lands or farms; but the ground on which the road is laid out has been used to pile stumps and stones and rocks - there are hundreds of them piled there.

The length of the road, I think, is about 400 rods. I object to the cost of the road as I do not see anything much to haul on it. It is too much in the one end of the township where it comes to the Erie Lake.

I think it would cost two dollars per rod to build. It might cost more, or some might build it for less. It is a bad piece of road to make.

I do not know the grade of this old road. There has been a good deal of hauling on it and do not think it is too steep for ordinary use. I have hauled forty-four hundred weight of bark without the sleds up this road.

When George Blom handed me the petition to sign, he said it was just to get this

old road adopted, and this is why I signed it. It would cost about seventy five dollars to make a good road another road to either Bloom's Run Station or Whittaker's siding. The length of the old road from the temple to Whittaker's is not over a mile.

Calvin Kilger

G.H. Smith, Affirmed. I live in Bloom Township, this county. I am acquainted with the land over which this proposed road runs. I have worked all over it, except the part that is cleared. I have not been over much. The character of this land from Whittaker's siding to the cleared land is a side-hill and very rocky. The side hill is very steep. In order to build the road along that hill large rocks would have to be blown out. The land over which the proposed road is laid out between the farms is filled up with all kinds of trash. I cannot say just how much but I know it is a very bad place. The principal part of the stones on this part of the route have been hauled there by the farmers off of their fields. It is

likely there are some who there that have never been removed. I cannot say how many rods of the line are in this condition. I think it would cost in the neighborhood of two dollars per rod to build this road.

I have been supervisor of Bloom Township and am well acquainted with the road. I think it would cost about a hundred dollars to put this old road in good traveling condition from the Erie turnpike to either Bloom's Run Station or Whittaker's siding. There is very little travel from the Erie turnpike to either Bloom's Run Station or Whittaker's siding - nothing much but footmen. The township would not be justified in building this road when it is so little traveled. I think the old road would serve all the purposes of the public, ^{as} that was my impression when I signed the petition. If this road was made a public road I think there would be no freight hauled from either Bloom's Run Station or Whittaker's siding to the Erie turnpike.

Cross Examined

I own a property in Bloom Township. I signed both the petition and the remonstrance. The road was not

laid where I thought it was to be. It is far
away off to one side of the township and would
not accommodate the public. I do not
think the township would be justified in
building the road where it is laid out.
The old road does not run past George A.
Blom's place. This road is steep, but for
all the hauling that is done there, never will
be, it is fairly good.

G L Smith

J. E. Arch, Affirmed.

I live in Blom Township. -
I am acquainted with the character of the land
over which this proposed road passes. The char-
acter of the land from Whittaker's siding to the
cleared land is a side-hill and very rough.
There are large rocks along this side hill through
the hill. I do not think a road could be
got along that hill without blowing rocks
out of the road bed. The land between the cleared
land is rough. There are stumps, stumps and
all kinds of rubbish hauled off of the farms.
This extends very nearly along the whole of
the cleared land. It would cost not less
than two dollars per rod to build this new
road. The principal trail to the station -

and siding them is foolman going to the train. There are no stores or manufactures in that community to haul freight to and from that station if the township road were laid out to it. Taking into consideration all that the road would be used, the township would not be justified in expending that amount of money to build this road.

Cross Examined.

I pay taxes on a property in Bloom Township. I signed the petition and circumstance book. I ~~also~~ signed the circumstance because I did not notice the uniting in the petition and thought the points were different than they really are. There is not much difference in the distance between the points on the road as laid out and the points I thought were named. There is about a half mile difference. The one as laid out is the longer. I have had not a great deal of experience in building roads. I have worked at it a little. I do not think there is material along this proposed road for a stone quarry, unless it be at the lower end. They would be worked from the quarry that is there.

S. L. Leach

Melvin Smith, Affirmed.

I live in Bloom Township, Clarfield County. I have been Constable in the township for eight or nine years, and am at present.

I am well acquainted with the roads in the township and the business of the people. There are no stores or manufactories in Bloom Township, except a couple of saw-mills. One of these saw-mills would not haul anything to Bloom's Run Station. Do not know whether other one would or not. If it did, it would be down the road and not up.

I do not think the township would be justified in building a road like the new one to that station. The whole tract to that station now is nothing but footmen going to and coming from the trains.

The new road is not properly laid out to suit the convenience of the people in going to and coming from the station. It is too far to the one end of the township that is the east end of the township. From my place to the station on this new road I would have to go a half mile farther on the side to get to the place where this road leaves the side. Then the road goes east a distance and comes right back

went to about opposite where the old road leaves the lake at Gilbert Thomas-house. It would be a little less than a quarter of a mile further for the people from the east end of the township to go to the station by way of the new road than by the old road. It would three-quarters of a mile further for the people of the west end of the township to go to this station or siding by way of the new road than by the old road leading from Gilbert Thomas-house.

From the siding or station up to the Clearland the character of the land over which the new road runs is a steep side-hill, and is rocky in places. I am well acquainted with the side-hill ground. Have been over the ground frequently over which this road passes. This road cannot be built over this side hill without blowing rocks.

My brother and Mr. Beech, the two who have testified and I have worked all over this side hill part of the road and am well acquainted with the character of the land.

From the station up to the fields it would cost two dollars per rod to build this new road. I have helped make roads in the woods - sled roads and such stuff as that. There is no freight or station here at either of these places along the Clearland and

Mahoning railroad. This siding and station is right in the woods or wild lands along Anderson Creek. Taking into consideration the character of this station, the township would not be justified in going to the expense of building this road. I have never known of any freight being taken from Blome township to either Blome's station or Whittaker's siding to ship away on the railroad. I do not believe that I have ever heard any demand from the citizens of Blome township that this road be opened up that freight might be hauled to either Blome's station or Whittaker's siding for shipping away. I know of no business being carried on in the township, except perhaps the one saw-mill mentioned, that would haul its freight to this place for the purpose of shipping. This saw-mill has a better road to Bridgford than the new road would be to the other place, and perhaps would be more so, for the purpose of hauling its lumber to the railroad.

There never was a siding at Blome Run station. Whittaker's siding is now called Blome's Run station. The land has been changed by the railroad company. The Whittaker siding is used

for loading stone from that stone quarry.
I know of no freight ever having been shipped
from Whittaker's siding except the stone
from the quarry.

Cross Spanning.

I pay taxes upon a property
in Blount township. I signed both the
petition and the remonstrance. When I
signed the petition I did not notice that
one of the points called for was Whittaker's
siding. I thought it was from Gilbert
Thomas house to Blount's Run Station.
I read the petition but did not read that the
road was to end at Whittaker's siding. It
is from three-quarters of a mile to a mile
from Gilbert Thomas down to Whittaker's
siding over the old road. Some places in
it the grade is pretty steep - pretty well
up. The lower part of the old road is not
nearly - it is not so bad - a person can
get along very well. It is the upper
part that is rocky, right along the
fence of Gilbert Thomas.

There were two over the route of the
road where it runs between the farms. The
hill part could not be built for less
than two dollars per rod.

I do not think a road to Whittaker's

17 siding is necessary where this road is
laid. A road would be all right down the
old road. Milton Smith

George E. Reech, Affirmed.

I live in Bloom Township,
Clearfield County, Pa. I am acquainted with
the land over which this new road is laid. I
have lumbered over it, and was raised within a
half mile of it. From the Whittaker siding up
the cleared land the land is a very steep side
hill and is rocky. I know the character of
the land over which this road runs through
or between the cleared land. On the route of the
new road between the cleared lands are stumps,
rocks and rubbish of all kinds. I think they
were hauled there. The greater portion of the
way through the cleared lands has these
stumps, rocks, rubbish & stuff hauled on it, but
not all of it. I think a road bed cannot
be made through the woods without blasting
a number of stones.

It would cost to make this road the whole
length about two dollars per rod.

Taking into consideration the character of
the station there, I think the township
would not be justified in expending the money

necessary to build this road.

In my opinion it would cost about one hundred dollars to put the old road in good traveling condition from Gilbert Thomas-house to either Bloom's Run Station or Whittaker's siding.

The Whittaker siding was built for the purpose of loading stone from the stone-quarry. I think there are no other buildings located at this siding except what are used about the quarry. I know of no other freight than the stone being shipped from that siding. The only purpose for which this station is used is for shipping stone and the few people who get on and off the train there.

If the township road should be built as laid out, I do not think there would be any freight shipped from that station except the stone from the quarry.

Cross Examination.

I pay taxes on land in Bloom township. I signed both the petition and remonstrance in this case. When I signed the petition I thought I was signing a petition for a road from Gilbert Thomas to Bloom's Run and did not think I was signing a petition for a road from Belknap's to Whittaker's siding. I thought I was signing a petition for a

road from Thomas to Whittaker's because that is the way it was. I do not know positively whether any interlineation was in the petition or not. If anything was written there with pen I did not see it. George Bloom brought the petition to me.

The route of the new road may run a quarter of a mile through the cleared land. All of this distance is not covered with stumps, rocks & rubbish.

I have had some experience in building roads. I think this road could not be built for less than two dollars per rod. I have worked all over the ground. Have not gone exactly over the mile; but know it well enough to know what it would cost to build it. I think a road of the station is necessary. The old one with a little repairing would answer the purpose.
Re Direct &c.

There is a public road leading from Pennville which intersects the old Erie turnpike at Gilbert Thomas' just opposite the old road. I do not think it is necessary, or that the township would be justified in building such an expensive road as this new one would be.

Geo. E. Leach

John Whitener, affirmed.

I live in Bloom Township, Clearfield Co., Pa. I am one of the present supervisors of the township and am serving my second term. I have been pretty close along the side hill to where the new road runs. That side hill is rough and stoney and pretty steep. I suppose if the road goes along that side hill there would have to be snow shovels blown out to construct the road.

The new road is not laid out in the proper place for the convenience of the township. It should be more convenient for the people to leave the Erie pike at Gilbert Thomas - where the old road is than to go down the pike a half mile farther to the new road and then come right back on the new road to Thomas again.

No freight is taken from the Whittaker siding that I know of except stone from the quarry. If a township road were built in there no other freight would be shipped from Whittaker's siding except the stone from the quarry where the siding is. The township would not be justified in going to the expense of building this new road down to this station. This station is used only for passengers to get on and off.

the train at, and very few of them.

Cross Examination.

I did not sign the petition in this case. I signed the remonstrance. My objection to the road is that it would cost too much to build it. I cannot tell you how much it would cost as I have not been over the route except the lower end.

John Whitmer.

Calvin Bilger, recalled.

This new road starts at Whittaker's siding and comes out onto Erie turnpike a half mile east of Whittaker's siding - the turnpike running East and West. When a man coming down the pike and is at Gilbert Thomas - he would have to travel three-quarters of a mile farther by going by the new road than by the old one. The larger part of the population of the township is in the end of the township west of Thomas. The people from the east end of the township would have very little farther - perhaps not a rod farther - to come to Thomas - to go down the

old road instead of the new, as they could
travel west on the turnpike just as well
as they could along the side hill on the
new road.

I know of no freight from Blaine Township
to be shipped from Whittaker's siding & =
up there stone.

The old road has been driven right along
from Gilbert Thomas to Whittaker's siding.

Calvin Bilger

State of Pennsylvania. } ss.
County of Clearfield. }

I do hereby certify, That the
above witnesses were duly qualified and examined
at the time and place stated in the above Caption;
that the same was reduced to writing by me, in
the presence of said witnesses, and that they sub-
scribed their names thereto in my presence.
Witness my hand & Notarial seal.

L. C. Miller,
Notary Public.

Bill of Costs.

W. C. Miller, taking these depositions { Paid by Super-
visors of Prison } \$4.50
Circuit

Calvin Belger -	1 day	\$1.00	
	13 miles direct	<u>.78</u>	1.78
G. R. Smith	1 day	1.00	
	17 miles direct	<u>1.02</u>	2.02
D. E. Rerch.	1 day	1.00	
	18 miles direct	<u>1.08</u>	2.08
Milton Smith	1 day	1.00	
	17 miles direct	<u>1.02</u>	2.02
Geo. E. Rerch	1 day	1.00	
	18 miles direct	<u>1.08</u>	2.08
John Whitmer	1 day	1.00	
	18 miles direct	<u>1.08</u>	2.08

Clearfield County, ss:

New York Public
Madison Blom
VERSUS
Lump

In the Court of Common Pleas of Clearfield
County, Pennsylvania.

No. 14 May Sess Term, 1894

AND NOW, to wit, the 25 day of Nov, in the year of our
Lord one thousand, eight hundred and ninety-four
the ~~Remunshators~~ enter a Rule to take the
Depositions of ancient, infirm and going witnesses, to
be read in evidence on the ~~Remunshators~~ ^{Argument} of
this case. Exparte Rule of Remunshators on
five days notice.

D J Guigay
PROTHONOTARY.

To B. R. Bigler, Esq.:

Atty. for Petitioners

You will please take notice that, in pursuance of the foregoing Rule, depo-
sitions will be taken before ~~McMiller~~ ^{UP}, or some other
person authorized to administer an oath or affirmation in Pennsylvania, in
and for the county of ~~Clearfield~~, at the office of ~~McMiller~~
in the borough of ~~Clearfield~~, in the county of ~~Clearfield~~
and State of Pennsylvania, on the ~~first~~ day of ~~Dec~~. A. D.
1894, between the hours of 9 o'clock A. M. and 5 1/2 o'clock P. M. when
and where you may attend and cross-examine.

Clearfield, Pa. Nov. 24, 1894, Atty. for Remunshators
Oscar Miller

Nov 14, May 28, 1894

Waelin Elm
Journals

Waelin Elm
Journals

~~Waelin Elm~~
Journals
Nov 26th 1894

Waelin Elm
Journals
Nov 26th 1894

Waelin Elm

In the Court of Quarter Sessions of Clearfield Co., Pa.
In the Matter of the Public road in Bloom Township, Clearfield Co., Pa.
No. 14 May Sess. 1894

Calvin Bilger one of the supervisors of the township of Bloom files the following additional exception to the confirmation of the road in this case:-

That the road as laid out by the viewers does not end on the Erie Pike where the petition for the road sets forth or designates, that in the petition for the road one of the termini of the road is at or near the House of Gilbert Thomas on the Erie Turnpike in Bloom Township, when the road viewed terminates not at or near the house of Gilbert Thomas' on the said turnpike but on the line between Belknaps and Isaac Thomas farms in Bloom township, one half a mile and two rods east of the place in the petition for the road.

Clearfield County, ss:-

Calvin Bilger being duly sworn says that the facts set forth in the foregoing exception are true and correct according to the best of his knowledge and belief.

and subscribed before :
me this first day of Dec. 1894.

D. J. Guerry
Pro

Calvin Bilger

In the Court of Quarter Sessions of Clearfield County, Penn'a.
In the matter of the public road in Bloom Township, Clearfield Co., Pa.
No. 14 May Sessions 1894.

The supervisors of Bloom Township, by their attorney, file the following exceptions to the proceedings and to the report of the viewers in said case:-

I. That the petition in the said proceedings shows that the petition originally asked for a road leading from the Erie Turnpike to or near Gilbert Thoma's house in Bloom Township to Bloom's run station on the Clearfield & Mahoning Railroad, in Bloom Township.

By interlineation the petition asks for a road with an additional terminus to wit Whitaker's siding and station, thus showing two points at which said proposed road may end.

II. That the report of the viewers does not show a proper terminus for a public road. It shows a railroad siding, a blacksmith shop, a shanty for "Ikes", and a boarding house, and a birch tree.

III. That the report of the viewers does not show whether the land through which the road is located is improved land or not.

IV. The report of the viewers does not show that any notice was given the owners of or the occupants of the seated lands along the route of the proposed road of the time of the view, so that the said owners of the said land along the route of the said proposed road could be heard by the viewers on the question of damages as provided by rule of court No. 172.

V. That the report of the viewers shows that the proposed road terminates at Whittakes Siding and not at Bloom's Run station, one of the termini in the petition in the proceedings, nor does the report show that Whitaker's Siding is a station as set forth in the petition for the view.

Vl. The report does not show that there is a station at the said siding, nor does it show any thing or place of a public nature at which would be a proper terminus for a public road.

Oscar Mitchell
Atty. for Supervisors
of Bloom Twp.

Am 14, May 2028. 1894

~~Revised~~ Please to
move in down
step. From one
pil to the other
meaning 2nd,

His 247700894

Henry

Mitchell

THE HONORABLE THE JUDGE OF THE COURT OF COMMONS THE SESSIONS OF THE ASSIZES
AT THE

The petition of the undersigned inhabitants of the Township of Flecton, in the
County of Northampton, respectfully represents; That your petitioners have under great in-
convenience for want of a public road or high way to lead from the said village
of Flecton to the ^{whitewater siding a station on the} railway line between
Flecton and Flecton in Flecton Township to the station on the
Flecton and Flecton railway in Flecton Township-

Your petitioners therefore pray the Court to appoint proper persons to view
and lay out the same, and they will ever pray etc.

Calvin Bilger	J. E. Neal
Hugh L. Leach	Milton Smith
Geo. E. Leach	
E. H. Bond	
W. J. Leach	G. L. Smith
Wm. A. Limer	E. G. Leach
Isaac Thomas	E. R. Leach
E. Leach	J. B. Blom
Sam. Arnold	Paul T. Blom
J. R. Blom	John T. Stiel
Wm. A. Bilger	And. J. Stiel
J. W. Leach	J. H. Leach
Wm. Bilger	Wm. Leach
John T. Leach	G. J. Leach
L. H. Leach	John T. Leach

Alfred Green

Sidney Smith

James Thomas

John Thomas

Isaac Bloom

W D Bloom

George Bloom

Ms 14 May 1894
Petition
for Public Road

112

Blount Township
leading from Erie Junction
to R.R. Station one mile
below Maple Run.

New 25 May 1894
within petition road
& 87 necessary,
Henry Jones, and
A. J. Thompson
are appointed by
meas the Road and
Report is next term.

By the Court

Cyrus Steady
P.S.

Ms 1905 June 1894

J. H. Steady
Clerk

S. R. Bigler