

Depositions of Witnesses produced, sworn and examined at the Office of P. McLaughlin, one of the Justices of the Peace in and for Cambria County, on the 30th day of March 1883, at Portage in said County, between the hours of 9 O'clock A.M. and 10 O'clock P.M. of said day, in obedience to the Rule of Court, and notices hereto attached, to be read in a Cause depending in said Court, in the matter of View to lay out a public Alley near the residence of John C. Noel in Portage Twp.

Fobias Barnes sworn

I live in the Village of Portage I purchased a lot of ground from J. C. Martin about eight years ago. Mr. Martin made a deed for the lot. There was an Alley running clear through on the west side of the lot.

Question: The witness is asked to state if his deed calls for a street or Alley on the west end of his lot.

Mr. Barker objects. Because the deed is the best evidence of its contents, and further, that no evidence that Mr. Barnes purchased or his private Alley is relevant to the issue.

Answer: I can not tell whether the deed calls for a street or Alley or not.

My Deed is recorded. I only bought one lot from Mr. Martin. At the time I bought, the lot the Alley was open all the way through from the Rail Road.

+ Ex. The South end of the Alley ran through Mr. Martin's ground. There is now an Alley on the South, and West side of my property which suits me. Mr. Martin opened this Alley a year or more ago. I can not say whether, or not, it would be necessary to have a road or alley for public use where this Alley ^{was laid out by the view} is. I am satisfied with the Alley as now located - on Compromise between Mr. Martin and myself. If the Alley on the South side of the lot remain I would have no use for an Alley through the Church lot. Mr. Martin's agreement with me is to keep the Alley open on the South side of my lot. The ground where the proposed road is laid out is swampy, from Martin's stable. If the proposed road was fenced on both sides, it would be likely to drift in winter. When I bought from Mr. Martin

~~Equal~~ if the Church lot was not fenced. I. C. No. 1. I live in the Village of Portage - have lived there since 1867. I own a piece of ground adjoining the proposed Street or Alley. I prepared a map of the proposed Alley and the properties adjoining (Draft shown witness, / this is the draft. It correctly represents the proposed road or alley, and the properties adjoining. The distances given along alley may not

be exactly correct. (Draft marked Exhibit A. and attached to deposition.) There was an alley, or road, open from Jwp Road (Rail Road,) to Caldwell St. until within a few years. The south end of this alley was fenced up about six years ago, by Mr. Martin. The ground at south end of the Alley has been a Common, under that time. There is now an alley open from the south side of the Barnes lot to the north side of the Martin lot. The Penna Rail Road Co. own the ground between the Martin Lot, and the Jwp road. This ground has not been fenced. There has been a new School House built on Caldwell St. It was built about two years ago. The proposed Alley, or road would make a convenient way for children to go to and from School. The alley now open in the rear of ^{and Martin} the Barnes property is about twelve feet ^{a Martin} wide, - it may be wider opposite the Stable. I consider the Alley as laid out by the View necessary for public use.

+ Ex. I did not use a Compass in the making of the draft. I made the measurements myself - with a pole. If this alley ran through, across Caldwell St. to the Jwp road, it would take a few feet off John Giddens' ground. The road between my property and the Penna R. R. is a public road.

It was regularly laid out by viewers and opened by the Supervisor. I think it was opened in 1870, or 1871. It is about twenty five feet from my fence to the top of the cut. The cut, opposite my property is about ten feet deep. There is no fence between my fence and the cut. Some years ago there was an alley open on the south end of where the proposed ^{road} is to run - Mr. Martin owned the alley and the ground on both sides of it and he fenced it up. I know Mr. Martin did own the property marked "Church property" on my draft, and do not know of his selling it. There is nothing to prevent parties from crossing the property of the Penna R.R. Co and passing through the alley in the rear of Barnes and Martin lots, and coming in to the public road at the South East Corner of Barnes lot. I do not think a four horse team could get around the horn in the alley. The road from Crossing of Penna R.R. to Caldwell St. is a good road, and usually kept in good condition. I was foreman of the Penna R.R. Co. on the subdivision here. I understand the Penna R.R. Co. here survey the ground and contemplate putting an additional track on the south side of the road between their present track and my property. This track would take about twenty feet of the ground between their present road and my property.

The Children now go to School across the R. R Co's property and out to the road in front of Mr. Martin's Store. If the RR Co. would fence their property they could then go by the present public road. The distance from the Corner of my lot, by the proposed road, to the School House would not be more than one half as great as by the way they now go. It is about two hundred feet from the Corner^{to} of my lot, by the public road to the public road at Rail Road Crossing. It is about thirty feet from the Corner of the Church lot at the public road to the proposed New Road. The Children going to School by the proposed new road, would save about two hundred and thirty feet. It would be no saving in distance, for the Children living on the North Side of the Rail Road. The South end of the Jwp would be benefited by the opening of this road - they would save in distance, the same as the Children going to School, and avoid the Hill at the Reservoir - which slopes towards the Rail Road. Most of the Hauling is done towards the Rail Road. The principal business by those Hauling from the South of the Jwp. Takes them either to the Rail Road Station, or across the Rail Road. Parties coming to the Crossing

by the proposed road would avoid the hill at the floor of Mr. Martin. The grade from the Rail Road Crossing, by the new route, is I think, not quite as steep as by the present route. The present Jwp Road has been in use since I have been living at Portage. There are three Alleys by which the Children can reach the School, without coming by my property. I mean the Children living on the South Side of the R.R. west of my property - one of these Alleys - the one next to my property, is not open. All of the Children living west of my place would have a nearer way to School than by my property: - when Coldwell Street would be drifted, they would have to come around by my place.

The plug, where the Engines take water, is about twenty five, or thirty feet east of where the proposed road would come out.

I was most instrumental in getting this road through them any one else, unless Mr. Barnes. I did not tell any one that I would pay the expenses of putting it through Court. When the movement to get this proposed road was first started, it seemed to be more in the interest of Mr. Barnes than any one else.

Ex. in ship. - There are about fifteen dwelling houses fronting on the public road west of my house. The furthest one is about ^{South} ~~the~~ ^{length} of a mile distant. If the Penn. R.R. Co. would fence their

ground, there would not be any way for Mr. Barnes or Mr. Martin to get to and from their Stables with a team - they might get in by Mr. Barnes Alley, but could not get out - except by turning round. I recollect when Mr. Martin purchased the House and Lot he now owns at Portage - The ground of the proposed Alley was first used as an alley in about the year 1870; and was used from that time to the time Mr. Martin closed the south end of it up. The ground through which it passes is level, the water would stand on it - but it is not swampy

J. C. Tael

Wm. Hall Jr.

I am acquainted with the ground over which the proposed Alley was laid out. In my opinion the proposed Alley would be necessary for the use of the public. I live in Portage Twp.

+ &c. I live at Jamestown, in the North East end of Portage Twp. about one mile from the Village of Portage. My reasons for stating that it is necessary are, that in going to the Election House from the P. Office, a person must either cross the fence or go around by the Church. In coming from where I live to the Election House, I cross the Rail Road

at the Station. J. C. Holt keeps the P. Office.
W. Hall

A. B. Westbrook Sw

I am acquainted with the ground upon which this Alley has been laid out I believe it to be necessary for the use of the traveling public

+ Et I live a mile East from Portage Village. My reason for saying it is necessary is that it is more convenient to get to the School house, and if I was buying property there I would want an outlet. If I were to buy Mr. Holt's property or any adjoining lots and the R.R. Co. would fence their ground I would have no outlet. I do not know if Mr. Holt or any other properties there is for sale. If the R.R. Co. close up their property Mr. Holt would have no frontage to the East. I do not know that that is Mr. Holt's reason for wanting this road

A. B. Westbrook

Benj Miller Sw.

I live in the Village of Portage. I am acquainted with ground through which the proposed Alley runs. On some occasions the said Alley would be necessary for the convenience of the public

+ Et My reasons for thinking it necessary is on account of the School house and P. Office. Persons from the County can come straight to the P. Office. The County is not

very thickly settled South of Portage Village.

Henry. Miller

James M. Burk Sw.

I live in the Village of Portage. I am acquainted with the ground on which the proposed Alley is located. I think the Alley would be useful for the Convenience of the public & Et. My reasons for saying that it would be useful are, that it is a straighter road for any person going West than the one now in use. and that before the Alley was closed it was more frequently used by persons going West, than the present road. I used it, and my Brothers used it frequently in hauling in a Western direction. I suppose there is now about as much hauling back and forward now as there was when the Alley was open. There is as much hauling from the South of the Exp. that crosses the Rail Road, as there is that goes West. I do not reside now, when I did when the Alley was open.

James M. Burk

Morris George Sw.

I am one of the Supervisors of Portage Exp. I have been over the ground upon which the proposed is located a couple of times. I think the Alley necessary. It would make

a nearer route for the School children - I am
a School director of Portage Twp.

+ Et. I have walked over the ground twice or three
times. It is considerably swampy for a distance
of fifty or sixty feet. A common ditch would
keep it dry. It keeps us busy to raise money
enough to keep the roads in good order.

Morris George

Sylvester McKenzi

I live in the Village of Portage. I know
the ground upon which the proposed alley is located
I consider that the proposed alley would be a
convenience for the children in the West end of
the town going to school. It would also be
convenient for the farmers who bring in hay, in
getting to the scales - it would save them from
pulling up the hill from the station. There are two
alleys west of Noels connecting with Lealwell
St. but they are not fit to travel with a load
they are full of stones and stuff. I do not know
whether these alleys are public or private

+ Et. I live on the North side of the Rail Road.
I live West of Mr. Noels - I can see the children
going to school - they do not go through these
alleys.

Sylvester McKenzi

Joshua Ribblett Esq.

I know the ground upon which upon which this proposed Road, or Alley, is located. I think the proposed Road would be a Convenience to those living in the South end of the Township

+ Et. The proposed road would make it a steps nearer to the Post Office for them. We have all we can do to raise money enough to keep the roads we have in good order

Joshua Ribblett

J. C. Kael

The alley between my fence and Mr Barnes Stable is about twelve feet - at Mr. Martin Stable it is about fifteen feet. My fence is not out to the line. My fence is about six feet from the line - that is, there is about six feet of the Alley on my ground.

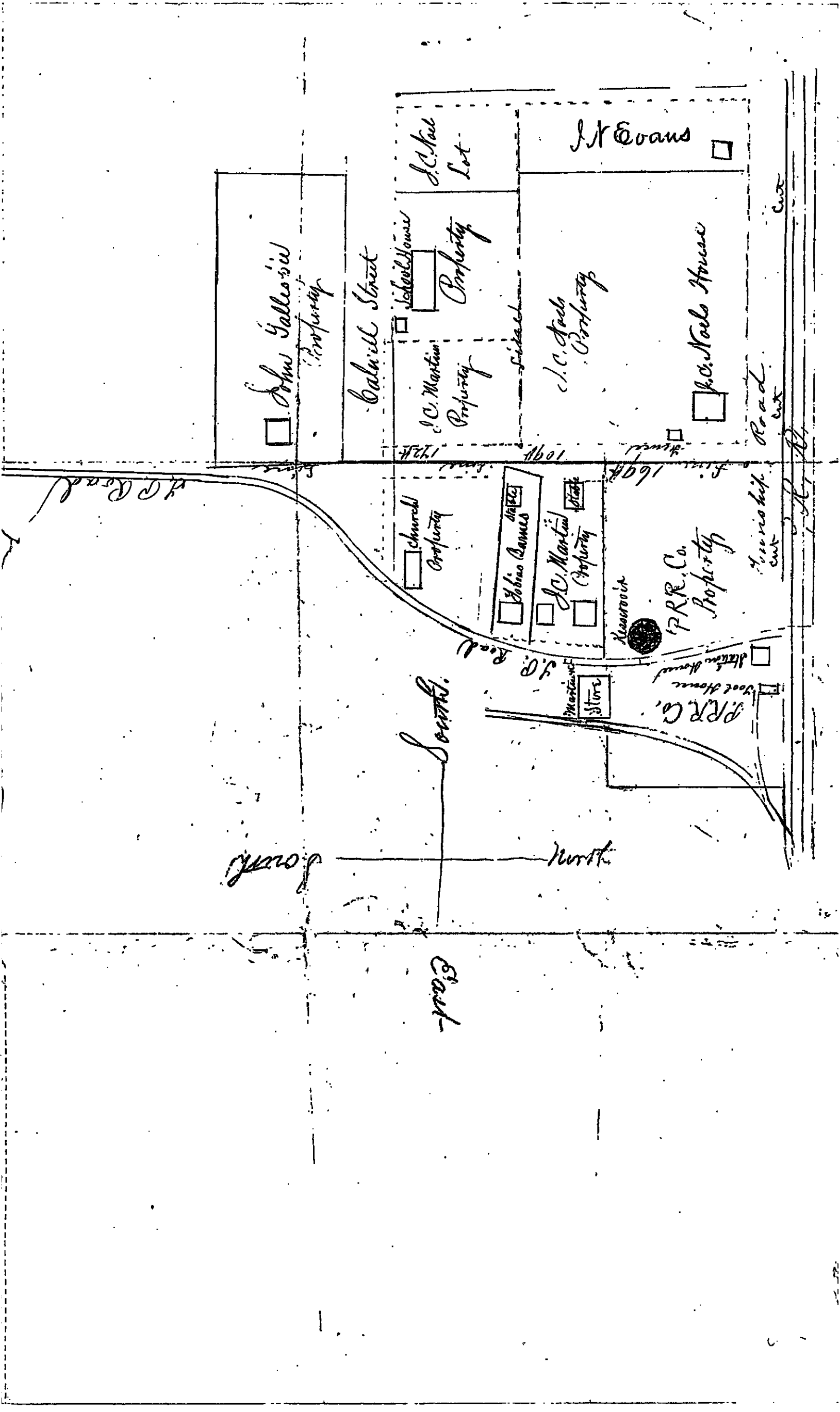
+ Et. There is only about two feet of Mr. Barnes Stable opposite my fence - the balance is opposite Mr. Martin

J. C. Kael

I certify that the above witnesses were duly qualified and examined at the time and place stated in the Caption, and subscribed their depositions in my presence.

Portage March 30th 1883

P. M. Brough J. P.



Orph. exhibita & verna
as *maius* A.

J. Scanlan

In the Matter of View
to lay out a Public Alley
near the residence of
John C. Noel
in
Portage Township
"Quaker Review"

Quaker Review
In the Court of ~~Common Pleas~~ of
Cambria County, Pa.

Term, A. D. 1882 No.
March 29 1882 *Confined nisi*
June 14 1882 *Order to Review issued*

And now to wit, the *twenty sixth* day of *March* A. D. 1883: Rule
on part of *petitioners for above View* to take the depositions of witnesses
to be read on the hearing of the above stated case.

CAMBRIA COUNTY, ss:

Extract from the Record of said Court. Certified the *26th* day of
March A. D. 1883

John C. Gates *Prothonotary*
Clerk

To *A. V. Barker, Esq. Atty for petitioners for review*
in above stated case

Take notice, that in pursuance of the above rule, the depositions of witnesses to be read in evi-
dence on the *hearing* of the above stated *case* on the part of the *petitioners*
for view will be taken at the office of *P. McGough Esq in Portage Township*
Cambria Co Pa on *Friday* the
30th day of *March* A. D. 1883, between the hours of *nine*
o'clock, A. M., and *eleven* o'clock, P. M., before *P. McGough Esq a justice*
of the peace in and for said *county*
or before some other person of competent authority, at the time and place aforesaid, when and where
you may attend if you think proper.

Huston Scanlan
Atty for view

No. Term, 18

In the matter of *Ward*
to lay out a *Public*
alley near the residence
of *John B. Ward*

see
Contestants' Answer

Rule on part of *petitioner* for *Ward*
to take Depositions.

March 26, 1983, arrived at
A. O. Baskin, Esq. atty for
oppl. by copy -
Dir. E. Seaborn

J. H. Seaborn