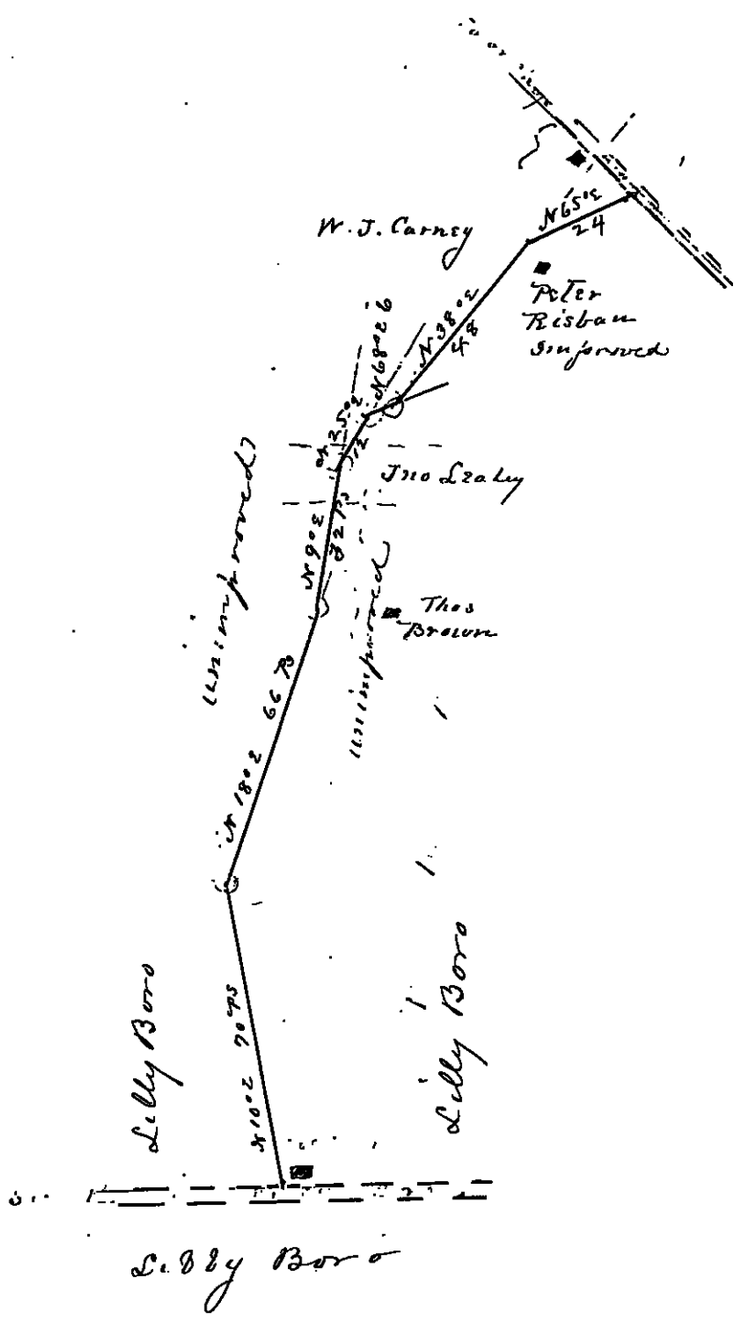
To the Honorable, the Judge of the Court of Quarter Sessions of the Peace in and for the County of Cambria— We the undersigned Reviewers appointed by your Honor in the annexed order— Do report 1st That Legal notice of the time and place of meeting having been given; but owing to the inclemency of the weather only two of the viewers met at the appointed place (the third being unable to get there) and adjourned the review to Feby 25th, when we all met, and first having been sworn to perform the duties of our appointment, We reviewed the road mentioned in the annexed order— Starting at corner of land of Joseph Rainey, thence N 10° W 70 ps. thence N. 18° E 66 ps thence N 9° E 32 ps thence N 25° E 12 ps thence N 68° E 6 ps thence N 38° E 48 ps thence N 65° E 24 ps to a point on line of land of Wm J Keary & Peter Risban the point designated in the Order Believing this road not to be a public necessity and a very expensive road to build We recomend that there be no township road made where laid out.

Witness our hands this 25th day of February A.D. 1899

J. A. Shoemaker
Thos Short
Barnard Kiglin
} Viewers

J. A. Shoemaker 2 d 28 m
Thos Short 1 d 2 m
B. Bigland 1 d 6 m
P. George 1 d — m
W. R. Shoemaker 1 d — m


W. J. Carney
N65°E
24
Peter
Risban
Improved
N38°E
48
N68°E
6
N25°E
12
Jno Leahy
N9°E
32 PS
Thos
Brown
Unimproved
Unimproved
N18°E
66 PS
N10°E
70 PS
Lilly Boro
Lilly Boro
Lilly Boro

No. 282.--Road--Order to View.
FRED. SCHŒNING & CO'S Uniform Series of Law Blanks.

Commonwealth of Pennsylvania,
County of Cambria, } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria *held at* Ebensburg *in the said County, on the* Third *day of* December *A. D. 18*88*, before the Honorable the Judges of the same court: Upon the petition of divers inhabitants of the township of* Washington *in the said county, setting forth that* ~~they labor under inconvenience for want of a road or highway, to lead from~~ a road hath been lately laid out by order of Court from a point on the line of lands of Peter Risbaum & Wm J. Kearney on the Township road leading from the Old Portage road to Munster and extending to public Street at or near Lilly Borough at corner of land of Joseph Rainey which road, if confirmed by the Court, will be very injurious to your petitioners and burthensome to the inhabitants of the Township through which the same will pass,

and therefore praying the court to appoint proper persons to re-view and lay out the same according to law. The Court upon due consideration had of the premises, do order and appoint, J. A. Shoemaker *SURVEYOR, and* Thomas Short and Bernard Biglin

re *VIEWERS, to re-view the ground proposed for said road, and if they re-view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said county, 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, and references to the improvements through which it may pass.*

BY THE COURT.

Attest:

H. A. Shoemaker,
Clerk.

NOTE.—"It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report, at the next term of said Court, and in the said report shall state particularly: first, who of them were present at the view; second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road: they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements, through which it may pass: and whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees, (except at the crossing of ravines and streams) where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

No. 7

June Sessions 1888.

Order to re view a road in Washington Twp. from point on line of land of Peter Rickard & W. F. Hearning on Twp road leading from the Old Portage to Munster and extending to public street at or near Lilly Branch at corner of land of Joseph Rainey.

Re-viewers
J. A. Shaunchen
Thomas Short
Bernard Diglan

12 March 1889
Cert. to Viewers

Filed 2 Mar 1889

Clk Shaunchen for atty $90

Sechler

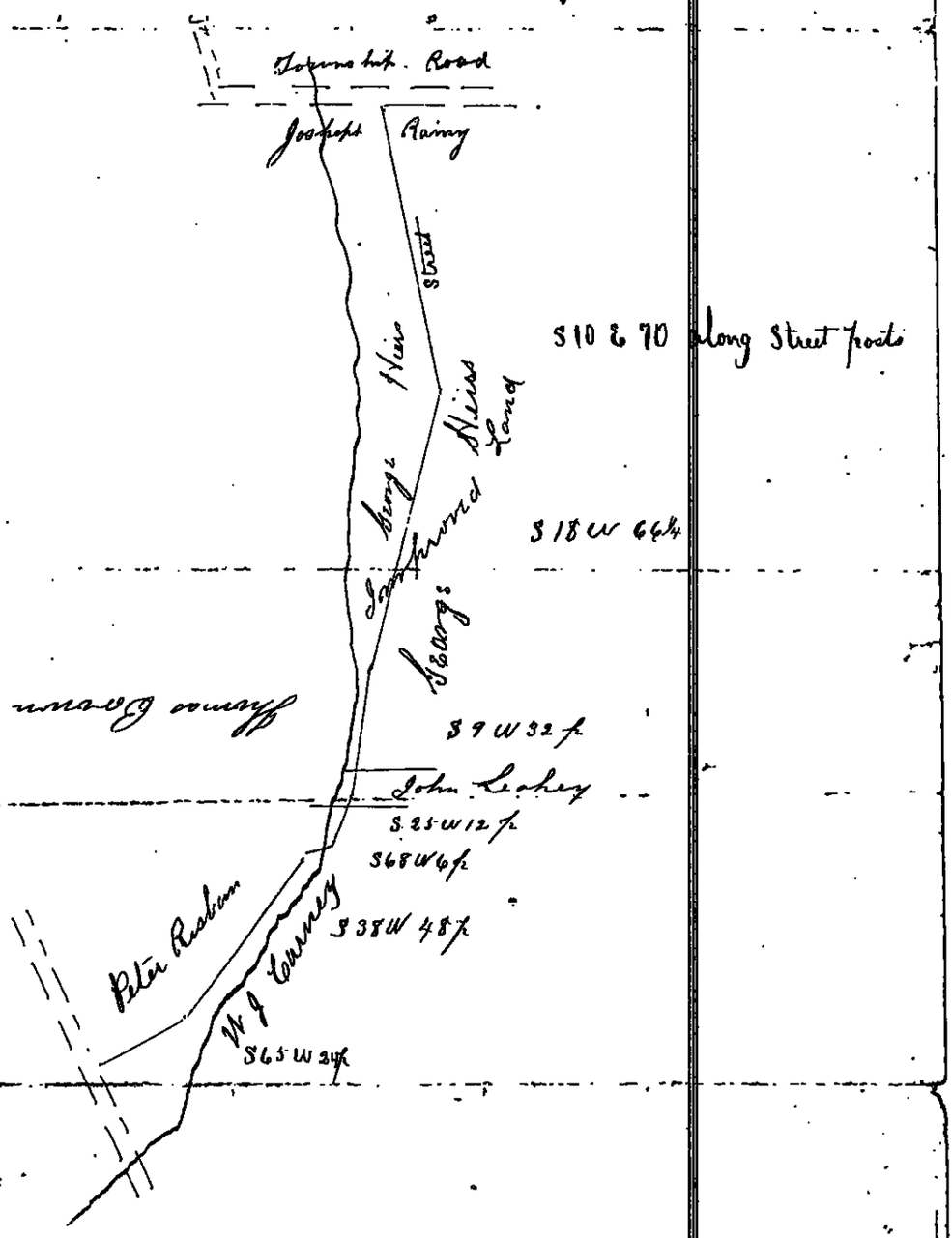
To the Honorable R. L. Johnson Judge of the Court of quarter session of the peace of the County of Cambria. We the persons appointed by Order of Court to View a Road leading from a point on Line of Peter Risban and W. J. Kerney to Land of Joshesph Rainey at or near Lilly Borough Do Report, after having given due Notic of time and place of View and have been duly sworn and affirmed according to Law and having Viewed the proposed route proceeded to lay out and mark for Public use the following Road Viz Begging at the Township Road leading from the Old Portage Rail Road thence through Land of Peter Risban South Sixty five degrees West twenty four perches to Line of Peter Risban and W. J. Kerney thence on said line South thirty Eight degrees West forty Eight perches to a post thence South Sixty Eight degrees West Six perches to a post thence through Land of W. J. Kerney South twenty five degrees West Eight perches to line of John Leahey twelve perches to a post thence South nine degrees West Six perches to Line of Heirs of Paul George dec thirty two perches to a post thence South Eighteen degrees West sixty Six and on fourth perches to a Street thence on Street South ten degrees East Seventy perches to Road at Land of Joshesph Rainey making 258¼ perches We are of the opinion the Owners will not suffer no damage by opening of Road as Laid out—

Augustine McConnell Surveyor
Owen Ingoldsby Viewer
James Bradley Viewer

Bill

Bill

Augustus McConnell 1 day 1 mile
Oliver Ingoldsby 1 day 2 "
James Bradley 1 day 1 "
Thomas Brown: chain man 1 day
W. J. Kerney " " 1 day



A. McConnell Surveyor

No. 282.--Road--Order to View.
FRED. SCHŒNING & CO'S Uniform Series of Law Blanks.

Commonwealth of Pennsylvania,
County of Cambria, } SS.

At a court of Quarter Sessions of the Peace of the County of Cambria *held at* Ebensburg *in the said County, on the* 11 *day of* June *A. D. 18*88*, before the Honorable the Judges of the same court: Upon the petition of divers inhabitants of the township of* Washington *in the said county, setting forth that they labor under inconvenience for want of a* public *road or highway, to lead from* a point on line of lands of Peter Risban and Wm J Kearney on the Township road leading from the old Portage road to Munster and extending to public street at or near Lilly Borough at corner of land of Joseph Rainey

and therefore praying the court to appoint proper persons to view and lay out the same according to law. The Court upon due consideration had of the premises, do order and appoint, Augustine McConnell *SURVEYOR, and* Owen Inglesby and James Bradley Sr *VIEWERS, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said county, 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, and references to the improvements through which it may pass.*

BY THE COURT.

Attest:

H. A. Shoemaker,
Clerk.

NOTE.—"It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report, at the next term of said Court, and in the said report shall state particularly: first, who of them were present at the view; second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements, through which it may pass; and whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees, (except at the crossing of ravines and streams) where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

No. 7

June Session 1888

Order to view a road to lead from a point on the line of lands of Peter Ristow and Wm J. Kearney on the Monchet road leading from the old Portage road to Munster and extending to public street at or near Lilly Brough at corner of land of Joseph Rainey

Viewers
Augustine McConnell
Owen Ingleby
James Bradley Sr

3 July 1888
Entered

Filed 3 July 1888

Cit Shoemaker
Paid by Atty Dufton

90

Dufton

Oct. 3. 1888. Confirmed Nisi and ordered to be opened 30 feet wide.

By the Court

1 July 1889 View confirmed — see Bent Book

To the Honorable Robert L. Johnston
Judge of the Court of Quarter Sessions
of the Peace in and for the County of Cambria

The petition of the undersigned, inhabitants of the Township of Washington, in said County, respectfully showeth; That a road hath been lately laid out by order of Court from a point on the line of lands of Peter Risban and Wm J. Kearney on the Township road leading from the Old Portage road to Munster and extending to public street at or near Lilly Borough at Corner of land of Joseph Rainey which road (if confirmed by the Court) will be very injurious to your petitioners, and burthensome to the inhabitants of the township, through which the same will pass. Your petitioners therefore pray your Honor to appoint proper persons to review the said road and parts adjacent, and make report to the Court according to law; and they will ever pray &c

Peter B Moyer
Nicholas Rehm
James Bradley
Henry Behe
John Crist

Michael Bradley
Julius Eger
Patrick Bradley
Joseph Crist
E J Hughes
M A McGonigle

John McFarnany
Jas Noon
Wm Noon
John Dunn
Andy Donahue
Casper George
P P George

No. 7 June Sess 1888,

Petition of Citizens of Washington Township

for a review of a road from a point on the line of lands of Peter Urban & Wm J. Karney in Township road leading from the Old Portage Road to Munster and extending to public Street at or near Lilly Borough

And now Dec 3rd 1888 the within petition read and

J. A. Shoemaker Esq
Thomas Short
Bernard Riglin

are appointed reviewers
By the Court
Filed Dec. 3, 1888,

To the Honorable Robert L. Johnston Judge of the Court of Quarter Sessions of Cambria County.

The petition of the undersigned inhabitants of Washington Township in said County respectfully shewth: that your petitioners labor under great inconvenience for want of a public road or highway in the Township of Washington, to begin at a point on the line of lands of Peter Rerban and W. J. Kearny on the Township road leading from the old Portage road to Munster and extending thence to Street at corner of land of Joseph Rearing in or near Lilly Borough the said street being a public street or highway

Your petitioners therefore pray the Court to appoint proper persons to view and lay out the same according to law and they will ever pray &c

Thomas Bradley	Thomas Engelbrecht
Daniel Beaty	Peter Robinson
[illegible]	John McTamany
R. C. Myers	James Bradley
Peter Robinson	Justin Burgardner
H. S. Hassler	[illegible]
Tho Carruthers	John Dunn
Jos. E. Bradley	
John [illegible]	Peter Rislan
G. Pfister	Joseph Rodgers
James Rodgers	[illegible]
Harry B. Adams	A. G. Schuadener
Robt Spade	John McAtamney
M M Adams	Danniel McP[illegible]
Mike Stern	John J McCann
[illegible] Rislan	
George [illegible]	Thomas Scanlon
Joseph Sanders	[illegible]
Robt Smith	Joseph Maywell
[illegible] Scanlon	Nicholas [illegible]
Robert Monahan	Ed. H. Montgomery
Martin [illegible] Sr	John Kirk
Jno Wilhelm	Michael Slattery
[illegible]	John Bruce
Michael Bradley	Hugh Odonnel
Joseph McMullen	Jno [illegible]
John Bender	Harman Bender
John Bradley	Wm J. Carney

No. 7 June Term 1888
R.D.

Petition for laying out a Public Road in Washington Township

Beginning at a point on the line of lands of Peter Risban and H. J. Kearney on the Township Road leading from the old portage road to Munster and extending to Public Street at or near Lilly Borough at corner of land of Joseph Rainey

Now June 11th 1888 petition read and

Augustine McConnell
Owen Singleby
James Bradley Jr
appointed Viewers

By the Court

issued

Dupton

No. 124.—Deposition—Caption and Certificate under Rule of Court.
Geo. T. Bisel & Co., 730 Sansom St., Phila.

In re road in Washington Twp from line of Peter Ris ~~VERSUS~~ ban & W. J. Kearney to near St in Lilly Borough

In the Court of Quarter Sessions of the County of Cambria

Of June Term, 1888

No. 7

DEPOSITION of witness as taken before me this Tenth day of April, A. D. 1889, at Arbitration Room in Court House in Ebensburg Borough between the hours of 10 o'clock A. M. and 6 o'clock P. M., by virtue of the annexed Rule of Court and notice thereon endorsed, for the examination of witnesses in a certain cause there pending, ~~wherein~~ In re road in Washington Twp. from line of Peter Risban & W. J. Kearney to near St. in Lilly Borough, corner of land of Joseph Ramey

~~Defendant~~

Augustine McConnell being produced, sworn and examined on the part of the Original Petitioners, doth depose and say: My name is Augustine McConnell; ~~am years of age;~~ I was one of the viewers on the road in question I follow surveying and coal mining. I reside in Lilly Borough, I was on the ground and laid out a road that we thought necessary for public use. I made the draft attached to the report of viewers. I think a road there was necessary for the convenience of the public. The ground over which this road runs, as laid out by us, is level. This road is about 3/4 of a mile long, I think it would cost about $225. to open this road without the bridge; about $260 - with bridge

Cross-examined by W. H. Sechler Esq.

We commenced at Peter Risban's at the Twp Road. One end of the Twp road is at the Old Portage

"The deposition should be in the handwriting of the person before whom it is taken, or the witness, but never in the handwriting of the attorneys, or parties, or their agents. The person before whom the deposition is taken has no power to adjourn without consent and notice; the hours between which they are to be taken are generally named, and they cannot legally be taken at any other time except by consent, all of which must appear. Leading interrogations should be objected to whom they are put, otherwise an exception will not in general be sustained."

the other I know nothing about. There is a road from the Old Portage to Lillys. I dont know whether it is a public one or not. I never saw but one team on it, I suppose its traveled. We ran along the line of Peter Resban & W. J. Kearney. The first part is through woods. The first fencing that would be required would be at John Leahy Jr's place. The next fencing would be at the George land. We strike the George land when we leave the John Leahy. Thats what they told me. Its improved land until you strike the Street. The ground along between Resban & Kearney is middling wet. When the road runs through Leahey's is level ground, Dont know whether it swamp or not. There is one place on the George land where it is swampy. We strike George Street about 100 yrds to the north East of Mrs. Yungling's property. Fro

Ques = In running the line South 18° W. 66 frs. to George St. did you not run through part of a block of lots laid out on the George land?

Mr. Dufton objects that the question presumes that the witness did run such a line; that there is no evidence showing that any such line is run by the witness, that said line does not appear on draft made by witness and returned with report of viewers.

Ans: I run through no lots that I know of. We looked for stakes and could find none. We had no draft along.

There was none of the George's there. I did not go to the house to inquire. We held the view on the 30 June 1888. There is not much

stone on the road. Part of the road where it goes through Wm J. Kearney's is low wet ground. And one part on the George land. There is a spring run or swamp not more than 8 or ten feet. The first house on the road leaving the Borough is Mr. Yingling's; then Thos Brown, Peter Risbaud, Mrs. Burk, Risbau lives about 20 rods from the Twp road along the new one. His land extends to the Twp road. Mrs. Burk lives on the Twp road. I dont know whether Mrs. Yingling has an outlet through George St. or not. I dont know whether people use the St. or not I never saw any one use it. We allowed no damage. Each party must make his own fences if he wants any, if the road is opened. If the George's desire to locate lots north east of the one already laid out. I dont think that this new road would materially interfere with them. I have never been around the George lands.

Ques = Are not all the parties named by you as residing along this proposed road conveniently accommodated with roads and streets excepting Thos. Brown?

Mr. Duffin objects that the question is relevant that the witness has already reported and testified that said road is necessary and convenient for the public.

Ans = Risbau by going N. E. through his own land could get out on the Twp road. Mrs. Yingling has a St. from her property. All of them excepting Thos Brown, could get to a public road.

Re-Examined by Mr. Duffin

There are no fences on the George property along this new road, We crossed one fence in and out of the property. I can not answer whether the line fence between the Leahey & George land is on John Leahey's land or not. These wet places testified to are kind of swamps ten or twelve feet wide, When the road runs through. There is no road to Thos. Brown's house except this new one. I never was down the Twp road leading to Lilly Bor. but once.

Ques= What is the condition of the road from Peter Risbaw's land into Lilly Borough? (The New Portage road)

Mr Sechler objects that it is immaterial because no effort is made to vacate the road in question and supply by another.

Ans: The road that is used now to go into Lilly's is very steep. The only time I went over the road was with Mr. Kearney and he had to stop his team several times going up the hill. I dont know whether this New Portage road was ever laid out as a public road.

Ques= State whether or not the new road as reported would not be more convenient to Peter Risbaw, W. J. Kearney, James Rodgers, Charles Cooney, Thomas Brown, Caron Leahey, John Leahey, Joseph Ramey, and the public generally than the ~~old roads~~ other Twp roads in the vicinity?

Ans: I believe it would.

It would be advantageous to parties living on the North side of the R. R. in hauling goods to Lilly's

R- cross examined by Mr. Sechler

Its near 40 rods along the Fish road from where we left it until it reaches the New Portage road.

Ques= Who resides along the Fish road from where you leave it to the Behe road leading to Conrads mill, in Lilly Bor.?

Mr. Drefton objects that it is not re-cross-examination.

Ans: I dont know where the Behe road comes out. I dont know any thing about the road up there.

Ques= Do you know that there is a road from Lilly Bor running between the lands of the McGaugh heirs and the George heirs westward past Rainey's Simon Ryan's new house and ending in the Conrad mill road?

Ans: Yes sir.

Ques= Knowing of these other roads in the immediate vicinity of this new road cannot the public be well accommodated without the expense of making a new road?

Ans: I think it would be better to have the new road.

Augustin McConnell

Wm J. Kearney (Sworn)

I am familiar with the new road as laid out by Aug. McConnell et al. I have a farm along the line of the said road. I have been over the proposed route. I consider this new road the most necessary road going into Lilly's from our side. I am a farmer. I do a good bit of hauling. In going to Lilly, now we go along the

P.R.R. It is not now fit to drive a team and load along it. It knows as the New Portage road. It extends from Risban's crossing to Lilly's as close to the R.R. as it could be made. It is dangerous to drive horses along it. When you strike the hill below Thos. Brown it is very steep and at the bottom is very swampy. Not fit to haul a load over. The ground over which the new road passes is almost level. I will agree to go into an article of agreement to open the new road bridges & all for $250.00. I will have to make a fence along my side of the road, I will have to make the fence my self at my own expense. I consider the road of more benefit to me than the amount it will cost to build fence. I dont know on whose land the line fence between Leahy & George is. The new road ends at a street in Lilly Borough that comes out from Joseph Ramey's. I consider that there is no person living along the line of this new road that would not be benefited by its being opened. I consider it a benefit to the public generally. There is a road leading from Cooney's to the head of Lot 4 and then down the plane to Lilly's but it is a good ways round and a bad road. It would be fully a mile farther for Risban to go by Lilly's by this road past Cooney than by the New Portage road. The Old Portage road from where you strike it, into Lilly's is a long heavy hill. I was present when the first view was made. We did not go through

or cross any lots to my knowledge. We went over a portion of the property of the George heirs. Where we went through is used for a pasture field

Cross-examined by Mr Tichler.

From where the new road leaves the Twp road to the Old Portage R.R. is near a half mile. Its about a mile from there to Lillys. Its about 1 1/4 miles from the place where the new road leaves the Twp road to Chas Cooneys. Its about 40 or 50 yards from the end of the new road to the New Portage road. There is a ten acre field between Risbans & the R.R. Its not too close at Brown's, a team wont scare at that distance. There is some parts of the ground over which the new road passes soft ground its not to say swampy though.

Ques= ~~[illegible]~~ When you connected the new road with the St. in Lilly Borough was that by a line running the same direction as the St. ran?

Ans: No sir we turned the road towards the South East.

Ques= Then, if additional lots were laid out on the George lands uniform with the St. you intersected, the new road would run diagonally across them?

Mr Dufton objects that the question is misleading that it assumes that there were lots and that there were to be additional lots laid out and there is no evidence that the line of the proposed road extending through any lots.

Ans= If they were laid out, I understand.

that there are none. If they were there it would. I was not along at the time the George lots were laid out. There was no draft of the George extension to Lilly Bro. in the hands of the viewers that day that I seen. I understood that George St. was the name of the St. Mr. McConnell judged that was the end of the St.

Re-examined by Mr. Dafton.

I did not know at the time the road that was laid out that there was any George draft.

Re-cross-examined by Mr. Seehler.

I was not present at any of the sales made by P. P. George Assignee of R. C. & P. George.

Wm. J. Carney

Michael Donahoe (sworn)

I reside on the Old Portage road in Washington Twp. I was supervisor of the Twp. in 1881 & 1886. I am familiar with what is known as the New Portage Road. Its not a very good road. Its not a Twp road. Its just a pass road. It runs from P. Rishaus along the R. R. to Lilly's. Its the usually traveled road by people coming from Munster to Lilly's. It a better road than the others in winter. I am familiar with the proposed new road. I traveled over it yesterday by myself. Its the first I ever was on it. To the best of my knowledge I consider this new road convenient and necessary for the general public. I would be satisfied to

open the new road for $280.00
Cross-examined by Mr. Seckler:
The new Portage road has been cut away by the P. R. R. Co. They did it about a year ago last winter. I dont think that the new Portage could be made a good road by expending $280.00. From the P. Resbaus crossing along the New Portage to Lillys is about 3/4 of a mile. From Resbaus crossing to the Old Portage is about 1/4 a mile. From there to Lillys is about 3/4 mile. The new road could be opened for less than $280.00. To open the new road fit for travel would take $280.00. That includes the bridge. Thos. Braun showed me over the line of the new road. I did not consider that the new road went diagonally across the Georgeland. I looked at the new road as being a continuation of the streets, in the same direction, I considered the road pretty straight.
Ques = How many roads pass through or are partly on the George lands?
Ans = The road between McGaugh & them and the Behe road. Thats all I know of. The road running up the hill is not the Mill road.
Ques = Do you know of a road from No. 3 passing through the George place to the Mill road?
Ans: I do not.
Ques = When you speak of this road being necessary for public use do you not mean

those living along it?
Ans: No sir I dont, for I think it would accommodate you gentlemen too if you were to come down that way.
Witness: H.H. Myers. Michael his X mark Donahoe

James Rodgers (sworn)
I live on this side of Peter Risbans in Washington Township. I am familiar with ground of the proposed new road. I consider this new road most necessary and convenient for the general public. I farm and work out at other work.
Cross-examined by Mr Sechler.
I live on the Cooney road. I live about a mile or a mile and a quarter from the Mill road. My ground goes along Risbans crossing. I can go to Lilly's by either the Old Portage or the New Portage road. The Old Portage is ~~not a good road~~ too big a grade for me to get my hauling up the palace.
Re-examined by Mr Duffin.
The new Portage is not fit to travel on. I was coming at it the other night and fell over and got hurt and lost a week's work. ~~The~~ A part of the road is not wide enough for two teams to pass.
Re-Cross-examined by Mr Sechler.
The P.R.R.Co. has interfered with the new Portage. The made it not fit to travel on. I did not see any Supervisors work on it since I dont know whether it's a twp road or not
James Rodgers

Charles Cooney - (sworn)

I live in Munster Twp close to the line of Washington, about 20 yards from the line. I am a farmer. I have no road go to Lilly except by the Mill road or else around by the Old Portage. I could not travel the New Portage because I could not get my team along it for the trains. I am familiar with the proposed road. Its the only safe way to get to Lillys - I consider it necessary and convenient for the people living along the line of the proposed road and the public generally that this new road should be opened.

Cross-examined by Mr. Seehler.

From my place to the McGaugh road is near a mile. Its about 300 yds from the McGaugh road to Lillys.

Re-examined by Mr. Dufton.

The McGaugh road is very hilly. I dont think I could get a load up it ~~at~~ at all. Its not fit to travel.

Witness = H.H. Myers. Charles his mark Cooney

Evan Griffith (sworn)

I reside in Lilly Borough. I am a butcher. I have, in my business, occasion to do a good deal of traveling. I am familiar with the New Portage road. From Lillys to P. Richards its very bad. I am aquainted with the McGaugh road. Its a very hilly road and its not in very good condition either. I ~~[illegible]~~ know pretty near where the new road

as laid out. I think the new road if opened would be necessary and convenient to the people living along it and the public generally.

Cross-examined by Mr. Sickler.

I dont think the New Portage road could be made fit to travel, If it was changed to the other side when the new one is it could be traveled. I do not know that the new road does damage to the George property. I dont know exactly where it is located on the George property, I have an idea.

Re-examined by Mr. Austin.

I dont know whether the New Portage is a Turk road or not. I heard Mr. Myers the Supervisor say it was not, He refused to work on it.

Re-cross-examined by Mr. Sickler.

I dont know of any Supervisor working on it; except Mr. Pratt when he opened it. I dont know how many years Pratt was Supervisor.

Evan Griffith

Peter Risbaw (sworn)

I reside in Washington Twp. I do farming and a team. I own 11 acres of land in Washington Twp. I am aquainted with the proposed road. It goes along the line of my land. It cuts one corner off. I think the new road necessary and convenient for the people living along it and the public generally. I go to Selby, now over

the New Portage, Its the usually traveled road. Its in poor condition to travel, I am familiar with the McGaugh road. Its a poor road its awfully hilly. Some of the ground over which the new road passes is soft, some springs runs to cross. Its near about level. Where the road crosses my land it would require a fence. I am willing to build it at my own expense. It would cost about $250.00 to open the new road for travel. I dont think the New Portage road, could be made fit for travel. The telegraph poles is on one side and the Rail road on the other. Its too narrow.

Cross-examined by Mr. Seehle.

I was with viewers when they laid out the new road. From the Leahey line to Rainey over the George land is 2/3 of the length of the road.

Ques = The distance from the Leahey line to the George St. is about 100 rods?

Ans: I dont think its that much. I could not tell just how much. As far as I could see I think if George St is extended it would run pretty near with the road.

Draft attached to Report of viewers shown witness - His attention is call the line marked street.

Ques = If that line is extended the same direction as the St runs would it be on the line of the road?

Ans - No it wouldn't. Peter Risban

Thomas Brown (sworn)

I live in Washington Township. ~~I am~~ My wife own one acre of ground there. I am familiar with the line of the new road. My wife's land is along the new road. I have no outlet to any public road from my place. I have to cross George's land, or else go out over the R.R.R. The ground over which the new road passes is about level. I would take the contract to open the road and put it in condition to travel bridge and all for $250.00. I think it is necessary for the convenience of the people along the line of the road and the public generally that the road should be opened. The reason that the road should be opened is because the New Portage road is not fit for travel, It's up hill ~~&~~ no difference which way you go, The other road the Old Portage - is up hill to Plane No. 4 and then down the plane: a steep hill both ways. It's about a mile farther to Lillys by the old Portage than by the new road. I was present when the view was made. The new road runs through a pasture field of the George property. I saw no evidence of any lots along the road. We run out to the end of the St. and then we started to lay out this road. There were no stakes to show that lots were laid out any further than the end of the street. The line of the new road leads into or intersects a street, It crosses no lots that I know of. When we reached the Street we just left it at that on into Rainey's

I consider the two Portage dangerous to travel
It could not be put in condition to travel safely.
Cross-examined by Mr. Seehler,
The proposed road does not pass through any ground of mine. It runs along it. My land just runs to the edge of the Creek. The proposed road is right along the edge of the creek (high up) at one place, near my land. All I have to do to get to the new road is to cross the creek. The road from where it passes my place to the St. is nearly straight. There was none of the George's present when the road was run. Since this view Robt George has offered me an outlet over certain streets, This road is not for me but for the general public
Ques = Did not the George's permit you to haul hay over their land?
Mr. Dufton objects that it is irrelevant and immaterial not proper cross-examination.
Ans: Yes sir. They did not want to permit me to haul coal over it though. They told Pete Resban he should not do it. My land is 66 ft from the two Portage road. I would have to cross the rail road. It's a high bank and you'l could not get across
Ques = Commencing at a point nearly opposite your house on the proposed new road could not as good a road have been laid out so as to strike the George extension of Lilly Borough nearer the creek?
Ans: No sir, because its away below me

and a swamp. The public could not make a road out of it. The new road is on good level ground. There is no swamps in the new road; by Carney, it is a little sandy not wet, There are three little springruts to cross. From about 30 ft below the new road to the ~~Geo~~ Creek is all swamp. There is a fence between the new road and the George house. The fence is about 50 yds from the end. I suppose the George's would have 200 rods of fence to build if they built it, There is no fence there now. I dont know what it would cost to build. I dont build fence. The George property would not be damaged by this ~~h~~ road to the amount of $200. I think they would be benefited that much.

Ques = Did you not get signers to the petition for the view in this case?

Mr. Duffon abjects that it is immaterial.

Ans: Yes. Thomas A. Brown

April 2nd 1889 I hereby accept service of the within rule and notice

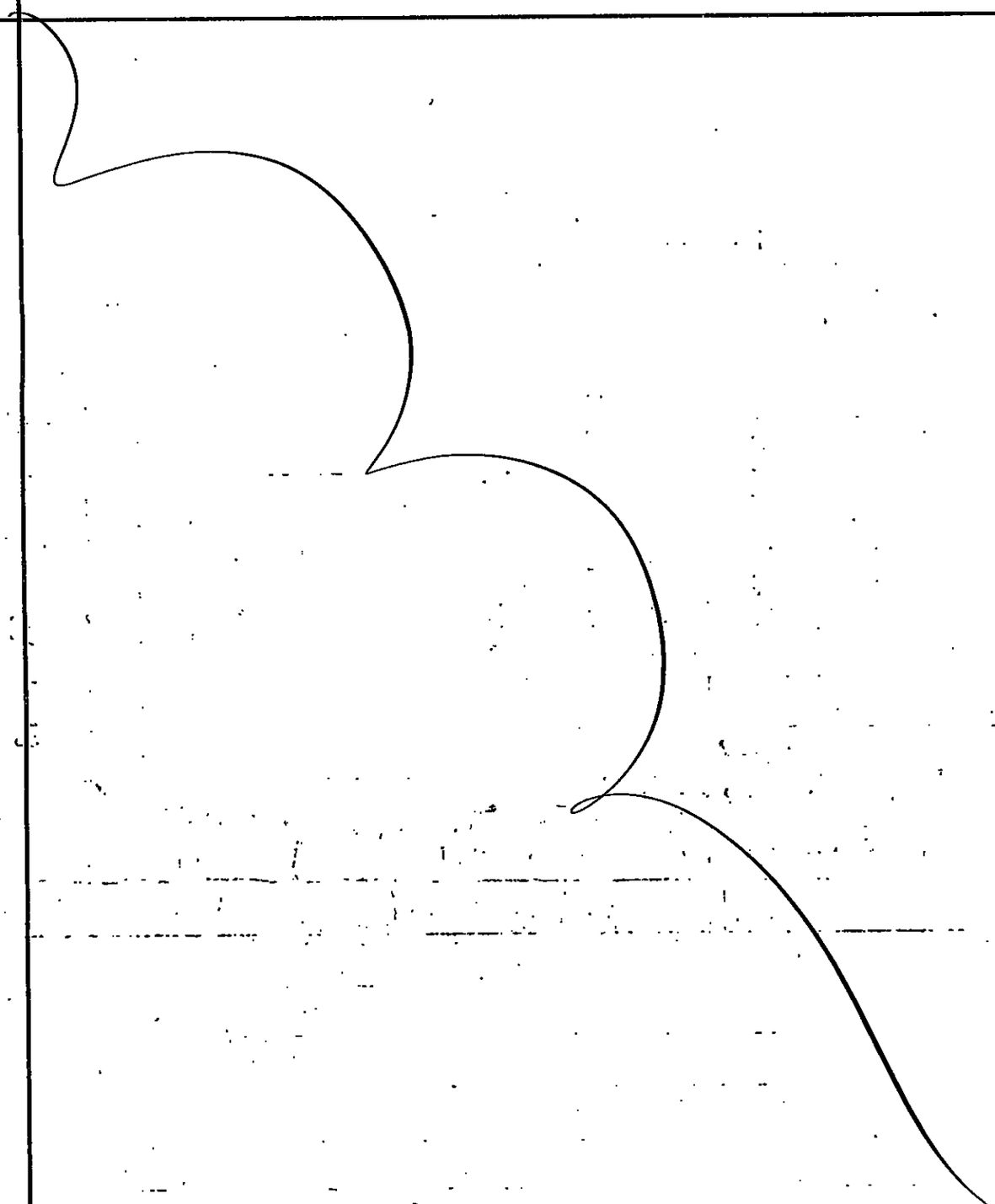
Wm H Seibler
Atty for Re-viewers

No. 7 June Sess 1888. Rd.

Sworn read in Washington Tesp.

Rule on part of Petitioner for view to take Dep.

Deeffner



STATE OF PENNSYLVAVIA, }
Cambria County. } ss.

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 witness and having been first read over to them they subscribed their names thereto in my presence and in the presence of D. E. Dufty Esq Atty for Petitioners and Wm H Sechler Esq Atty for the Remiss

Witness my hand and Notarial seal.

H. S. Myers
Notary Public

No. 7 June Term, 1888
R.D.

In re road in Washington
from Peter Rexbaus
to
versus
Lilly Borough.

Deposition

of witnesses on part of Original
view

Fees for taking Deposition, $ 6 40/100
Rd. by Thos. A. Brown H. S. Myers.

Filed 17 Apr 1889
H. A. Shaumaker
Prothonotary.
D. E. Duffin Attorney.

No. 124.—Deposition—Caption and Certificate under Rule of Court.
Geo. T. Bisel & Co., 720 Sansom St., Phila.

In re road in Washington Twp from Peter Risbans

~~VERSUS~~

Lilly Borough

In the Court of Quarter Sessions of the County of Cambria

Of June Term, 1888

No. 7

DEPOSITION of witness taken before me this Tenth day of April, A. D. 1889, at Arbitration Room in Court House in Ebensburg Pa. between the hours of 9 o'clock A. M. and 11 o'clock P. M., by virtue of the annexed Rule of Court and notice thereon endorsed, for the examination of witnesses in a certain cause therepending, ~~wherein~~ In re road in Washington Twp from Peter Risbans to Lilly Borough

~~Defendant~~

Thomas Short being produced, sworn and examined on the part of the Reviewers, doth depose and say: My name is Thomas Short; am — years-of-age; I live in Lilly Borough. I was one of the re-viewers in this case. We went over the ground on which this road was located when we re-viewed it. The ground on which the road was laid from Risbans to the George land was very rough swampy ground From the Leahey line over the George land to the George Extension the ground is rough all full of little ups and downs, I dont know whether the road as laid out cut through any of the lots of the George Extension or not. To make the proposed road fit for general travel would take $800 or $1000 ~~This~~ I cant see where this road would

"The deposition should be in the handwriting of the person before whom it is taken, or the witness, but never in the handwriting of the attorneys, or parties, or their agents. The person before whom the deposition is taken has no power to adjourn without consent and notice; the hours between which they are to be taken are generally named, and they cannot legally be taken at any other time except by consent, all of which must appear. Leading interrogations should be objected to whom they are put, otherwise an exception will not in general be sustained."

benefit any body except Mr. Brown. The others all have an outlet by going the new twp road that leads from the Old Portage at Mr. Cooneys.

Ques = What damage was done to the George property by the proposed road, particularly if the lots are extended Northward?

Mr. Dufton objects that the question assumes the extension of George lots, and that it is immaterial. That the viewers having reported that there was no damage sustained to the owners of land along the line of said road there having been no exceptions filed by the George heirs or others owners to said report.

Ans: I think that if the lots are extended the George property would be damaged to the amount of $700 to $800. The Streets run North West and the road as laid out runs North East. It cuts across the lots. I know about when Short St. is. I dont know whether it would be as good ground for the proposed road to have come in to Short St. instead of George St, or not. It would be through the same field.

Ques = What would it cost to make a fence on each side of the road through the George land, as shown by the Draft about 100 rods

Mr. Dufton objects that it is immaterial there being no exceptions filed to the report of viewers.

Ans: It would not cost less that one dollar per rod. $200.00

Cross-examined by Mr Dufton.

I am a first Cousin to Prudence & Richard George. They are the owners of the property.
Re-examined by Mr. Secker.
I dont think the proposed road is necessary for publick use. Thos. Short

Philip Pritsch (sworn)
I have been Supervisor of Washington Twp. In the year 1857. I am aquainted with the new Portage road. I worked on that road. The R.R.Co. wanted me to work there and paid me. It is used as a publick road. The Co. made the new Portage road wider. It was changed over Flack & Vogler land. The road is still traveled. It was for making this change the Company paid me. The change took the road farther away from the R.R. I have a pretty good idea of where the proposed road goes. It goes over soft ground. I dont know exactly where the road is laid out. I have been all over this ground. It would be an expensive road. Any ground of that kind you can not make a road without you stone it. I dont think it would cost less than $700 or $800 to open it. To make a road fit to wagon on. It would cost about 80 or 90 cents per rod to make fence through George land.
Ques= What damage if any do you estimate would be done the George property if the new road was opened?
Ans= If the proposed road would run as contemplated with the lots it would do a good

deal of damage. I would not want a lot with a piece on each side of the road. If the lots were laid out now a person could till more ~~[illegible]~~ It would not be less than $600 any how. I dont think this road is necessary for public use. In the first place who ever comes down from Cresson has to cross the R.R. about P. Risbans, and down at Lilly they have to cross the R.R. again. The same way if you go from Lilly to Cresson. Cross-examined by Mr Dufton.

The new road does not cross the rail road. Since the new road was laid out I have not been over it. I know where the road starts and ends. It connects it with the Cooney road. It starts at Mrs Burks new house and ends at the road from Cooneys. It ends in Lilly at Ramings. It goes through P. Risbans & Georges. I dont know who elses. I was not on the proposed road since it was laid out but am well acquainted with the ground. The last time I was on the ground was a year last fall. I dont know whether George's home lots laid out on this road or not. I have never seen a plat of the new road. I talked with Mr McConnell the surveyor. he told me, I know the ground, thats the way I make my estimate of damages. The ground of the proposed road is not hilly but its swampy. I could not tell how much is swampy I did not measure it. I could not tell

exactly how much of the George land the proposed road runs through, a good bit. I did not measure it. If the George lots are not extended the place would not be damaged as much as $600. I could not say how much fencing would be required by the George's if the road is opened. The R. R. Co. laid a track on the New Portage road, and employed me to change the location of the road below. I got off the New Portage road a little below Mr. Brown's house and from then made a new road along the R. R. to Lilly's. That's the road that is now used. It was a good solid road but there was nothing done since. There is one spot now where the road was not drained that is soft. There is one place that is wet. I have not been requested to complete the road. The R. R. Co. never complained. I had no order from Court to change the road. The owners of the ground signed a right of way. I tried to stop the R. R. Co. from occupying the road. I brought suit against them. I afterwards took a contract to change the road from the Co. People have complained behind my back about the road. I dont know how wide the road was opened. It was a good solid road. There is one place its a little narrow. Two teams can pass except at Risbaus. There has been no work done on the road since I left. Its the road now known as the New Portage road. If the Co. had left the

road alone it was a good road. Part of it was very narrow. They had ties piled on it I was never notified while I was supervisor to open this road fit for travel. I dont know that Mr. Braun ever said any thing to me. I dont remember of his ever notifying me. I was subpoenaed here by the George's

Re-examined by Mr. Sechler.

Ques = At the time Richard J. Hughes R. L. George and yourself were on this land for what purpose did R. J. Hughes propose buying the part over which the proposed road passes if you know.

Mr. Dufton objects as leading, immaterial and irrelevant.

Ans: Mr. Hughes wanted to buy the mineral right, and we were along with him.

Ques = Was any thing said at that time with reference to land upon which to erect Coke ovens?

Mr. Dufton repeats same objection

Ans: Yes sir - He pointed at ten or 20 acres that he wanted for Coke ovens along the creek. The proposed road would pass through the part he wanted for ovens. I dont think it would take $250 to make the New Portage a good road.

Phillip Pritsch

Peter B. Myers (sworn)

I live in Washington Twp. I am now Supervisor of the Twp. I was over part of this new

road the last time they run it, The part next to George's place. I have a pretty good idea of how the other part is, The day I went over it I got on to their tracks at P. Resbaus and I was afraid of my life before I got out. It was swampy If it all like the lower part it would cost $2 or 300 to open the road. It would have to be stoned Eight or nine inches thick.
Ques= State whether or not that road if it has to be stoned 8 or 9 inches can it be made for $600.-
Mr. Dufton objects that the question is hypothetical and a cross examination of the Re-viewers witness.
Ans: I wouldn't say at what I say it couldn't be well done, Some of it may not be as bad as others.
I dont believe that this road is necessary for Public use.
Cross-examined by Mr. Dufton.
I was there when Mr. Shoemaker and others were there. That is the only time I was on it. I just went over the lower end of it. The Re-viewers were some distance ahead of me. I was just behind them all the down. I dont know whether they went over the same route or not. They did not stretch a chain. I did not see them sighting
Ques= What is the condition of the new Portage road?

Mr. Sechler objects that the question is not proper on cross-examination because the witness was not asked any thing in chief as to the new Portage road.
Ans: - The people's traveling it as much as even they did.
Ques = Hav'nt you been notified as Supervisor to repair that road?
Mr. Sechler objects that it is not a cross-examination and irrelevant.
Ans: I was. But the Supervisor above refused to work on it, From Cresson down its not wide enough. I was told it was no Twp road after the lawner end was moved. If the proposed road was opened it would be convenient, but it would cost less to repair the New Portage road. The road is on the bed of the old road up near Pritsch's, It goes over the bank at Stehle's Its not on the bed of the road there.

Peter B Mayer

George Porter (sworn)
I am aquainted with the ground on which the proposed road is located. I was born and raised in Washington Twp. My father had a saw mill near the line of the proposed road. I was over part of the route of the road lately and past two years ago. About two thirds of the way its swamp. When my father had his mill there it required a cord-a-ray road and plank

bridge nearly every place we went. The ground has improved some since our mill was there. About two-thirds of it is swampy. I dont think the ground is suitable for a public road. I have no idea of what it would cost to open the road. The road if opened would be of no benefit to the George property. It would damage the property between 5 and 10 hundred dollars. I do not think this road is necessary for public use.

Cross-examined by Mr. Dufton.

It is several years since I have been a citizen of Washington Tap. I dont think that right on the line of the road would be very suitable for building lots. I arrive at my estimate of damages by the damage done by the road to the property. I was showed one part of the road by Mr. Lynch. I saw what Mr. Shoemaker the surveyor said was a copy of the draft of the original viewers. Prudence & Rachael George the owners of the property are my aunts.

G. H. Porter

R. L. George (sworn)

I am aquainted with route of the proposed new road. From Richards to the George lands is swamp and in the spring time part of the George land is swamp troublesome to get through. The ground is not suitable for public road. To open the road

and make it fit for travel would take $500 to $800. The George sisters have had a portion of their land laid out in lots. W. R. Frazer, Surveyor, made a plat of these lots. I was along with Frazer when he laid off the lots.

Ques: Draft shown witness, and he is asked to state if the work therein represents the work done by Mr. Frazer and if the writing and figures thereon are in his handwriting?

Ans: Yes sir. (Draft offered in evidence and marked "Exhibit A" identified by signature of notary).

Mr. Duffin objects to draft for the reason that it is not material, and can in no wise sustain the report of the Re-viewers. It does not show the said proposed road is unnecessary, or too expensive.

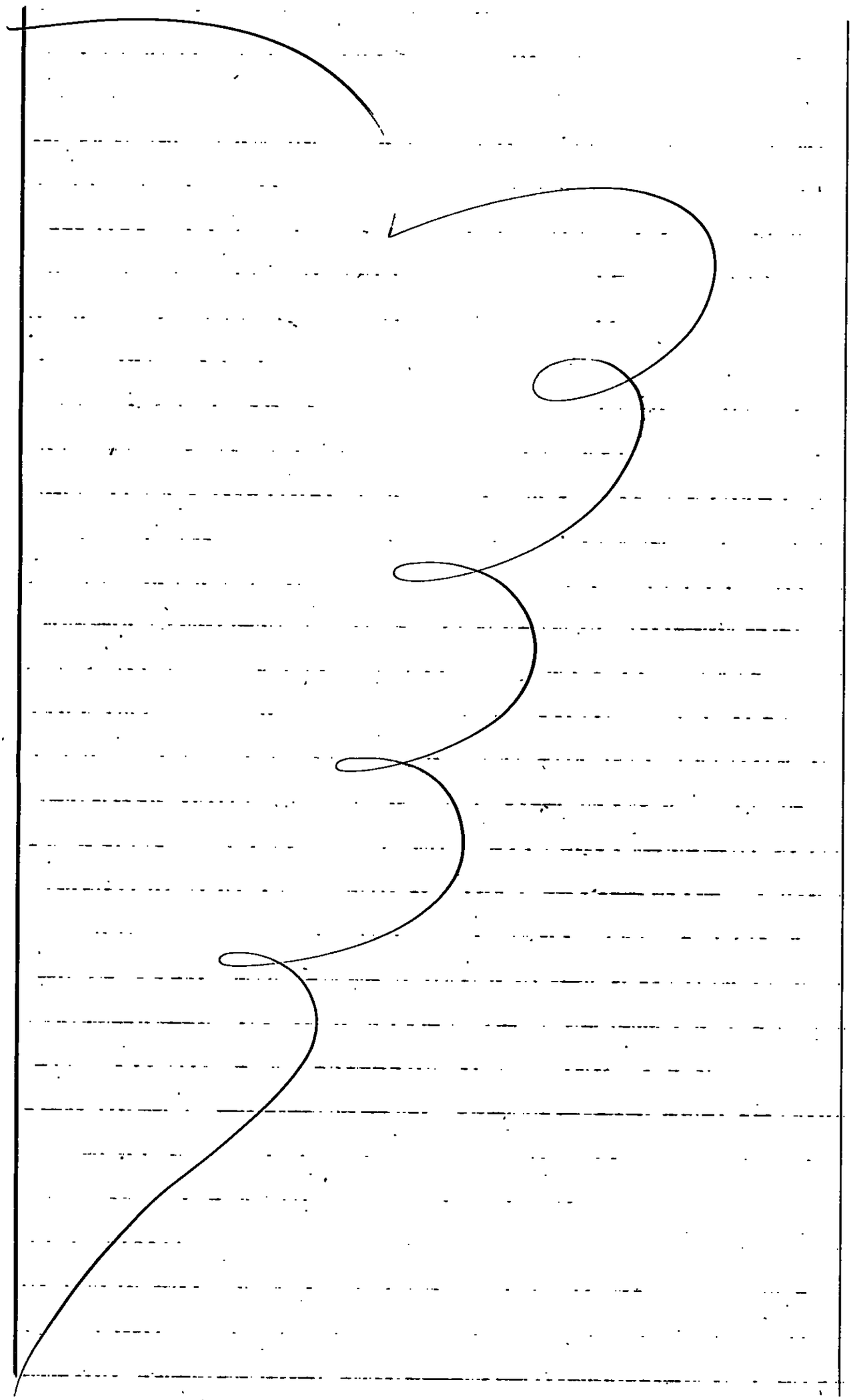
I heard Mr. McConnell's testimony ~~[illegible]~~ this fore noon. From his testimony the new road runs through several lots as marked on that map. It runs, I presume from the testimony of McConnell, through lots No. 77-79-98-100-108 & 109. It is the intention of my aunts to lay out additional lots there this spring. There was to be a settlement with Mr. Pritsch or they would have been laid out last fall. The settlement has been made with Pritsch. He had the title for the property and now it has been returned to the George sisters

The George property would be damaged to the extent of $1000. I dont think this road is necessary for public road. It would only benefit Mr. Brown.

Cross-examined by Mr. Dufton.

I looked over the report of the Re-viewers I did not read the calls of the surveyor. I am rather familiar with the calls of the surveyor. I could tell by the calls and the draft the Course of the road. If the proposed road ends at the end of George St. it does not run through these lots - but taking the testimony of the surveyor it does. I can not tell anything about it from this draft. From the draft of the viewers I could not tell any thing about the George lots. Mr. Lynch showed me where the viewers ended and they did not stop at George St but at Porter St. I base my testimony as regards the line of this road going through the lots of George's on Mr. McConnell's testimony I do not know that the draft returned with the Report of viewers shows that the proposed road does not run through the lots of the George heirs. I did not act as Counsel for the George heirs in this matter. The George heirs are my aunts.

R. L. George



In re road in Washington Twp. from land of Peter Resbaro to Lilly Bro.

In the Court of ~~Common Pleas~~ Quarter Sess of Cambria County, Pa.:

Of June Term, A. D. 1888, No. 7.

And now, to-wit, the 2nd *day of* April *A. D., 1889*

Rule on part of Re-view *to take 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 2 *of* Apr *1889*

H. A. Shoemaker *Prothonotary.*

To Donald Dufton Esq. Atty for petitioners for view

Take Notice, *That in pursuance of the above Rule the depositions of witnesses to be read in evidence on the* hearing *of the above stated* case *on part of the* Review *will be taken at the* ~~office of~~ Court House in Ebensburg, Pa *on* Wednesday, *the* 10th *day of* April *A. D. 1889, between the hours of* 9 *o'clock, A. M., and* 11 *o'clock, P. M., before* H. H. Myers Esq. a Notary Public *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.*

Wm H Lechler
Atty for Review
3 April 1889

No. 7 June Sess. 1888. Rad.

In re Road in Washington Twp.

Reels on part of Re-view to Cake Dep.

Service Accepted —
April 3/89
D E Dufton
Atty for Pet for View

Sechler

STATE OF PENNSYLVAVIA, }
Cambria County. } ss.

I DO HEREBY CERTIFY, That the above witness es 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 witness and having been first read over to* them Ches *subscribed* their *name thereto in my presence* and in the presence of Mr H. Sechler Esq Atty for Re-view and D. E. Dufton Esq Atty for View

Witness my hand and Notarial *seal.*

H. H. Myers,
Notary Public

No. 7 June Term, 1888

R.D.

In re road in Washington twp from Reabaus

to

versus

Lilly Burough

Deposition

of witness on part of Re-

[illegible]

Fees for taking Deposition, $ 4.40

Rt. by H H Sechler Esq. H H Myers

Filed 17 Apr 1887

H A Shaumaker

Prothonotary.

Sechler Attorney.