

In the matter of the Order to view
and assess damages, and contribu-
tions &c caused by the opening of
Cleveland Street; Main Street and
Chestnut Street and Chestnut Alley
in the Borough of Lilly -

Exceptions to the Report of Viewers

1

No plot or draft accompanies the Report.

2

The damages allowed Christian Robine
for injury done to his property are not
sufficient to cover the injury done him.
He should have been allowed at least
Seventy five dollars.

3

The damages allowed the Estate of
Jeremiah M Gougle deceased are
totally inadequate for the injury done.
The damages should have been one
hundred and twenty five dollars.

4

The Report does not show that any
notice of the time of meeting was given
to those owning lands and lots through
which the proposed streets pass.

Wm H Lechler
Atty for C. Robine
The Gougle Estate
& others Ex'pts

No 8 June Term 1855
P. S.
In the matter of
the Order to Review,
cases *Samways* & -

Expositions

Please do not

Seal

1881-

No. P June Term, 1908

Received Aug 13 1908,

from Prothonotary of Cambria
County.

Petition of Burgess &
Town Council etc.

Order to view and assess
damages

(D. W. Deelman)

W. W. Quinn

Atty. for Lee Row

Printed

*Mittell
for
depositions
Such
for
depositions*

In the *same* *matter* of *the*
exceptions to report
of *witnesses to occur*
and assess damages
in *Lilly Ross*

In the Court of Common Pleas of
Cambria County, Pa.

Of *January* Term, A. D. 1885, No. *8* R. W.

And now to wit, the *31* day of *Dec* A. D. 1885

Rule on part of *Exceptions* 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 *31* of *Dec* 1885

H. A. Shoups Prothonotary.



To *M. D. Kittell Esq.* - *Atty for the above named*
petitioners

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 *Exceptions* will be taken at the office of *Caron Leaby*

Esq. on *Thursday*

the *7th* day of *January* A. D. 1886, between the hours

of *9* o'clock, A. M., and *11* o'clock P. M., before *the said Caron*

Leaby 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.

W. H. Lisher
Atty for Exceptions
January 1886.

No 8 June 9, 1899 - 1899

See the matter of Crookston
to report of revenue on

depositions

Order on Henry Crookston
to take depositions

Filed June 13, 1899.

A. C. L.

1
G. H. A. Shoemaker Esq
Prothonotary Courts of Cambria

Depositions of Witnesses produced Sworn and
Examined at the office of Baron Leakey one
of the Justices of the Peace of the Borough of Liley
County of Cambria in said Borough on the 7th Day
of January A.D. 1886 between the hours of 9 o'clock A.M.
and 11 o'clock P.M. of said day in obedience
to the Rule of Court and notice Hereto
attached to ~~Remain~~ in a Cause depending in said
Court than Christopher Robine and
are Plaintiffs and the Borough of Liley
is Defendants

Interrogatories

By M. H. Secheler Esq
att'y for Plffs

Christopher Robine Sworn
Part of my property was taken for Street
in the Borough of Liley I am a Hotel
Keeper in Liley Borough, the Street
Laid through my property is Main Street
and is forty feet wide It would leave
my property in bad shape to have this
Street opened & would be damaged
By the opening of that Street to the amount
of One Hundred & Twenty Five Dollars
This damaged named includes: fences
and Side Walks for distance of one
Hundred & Eighty one feet there is no

Public necessity of opening this Street. That I can see I think we have enough of streets and alleys to keep up at present without opening new ones the population of this Borough is about Six Hundred

Veross Examina By John R Kelley Burgess
did you receive notice of the view of Main Street to be opened, I did

Re ~~Examined by Secker~~ called

I know of the alley leading from Rail Road Street to the Stable on the McGoigle Property. In my opinion it would be best to continue said alley through to Mr Silley High Scales, if the alley has thus extended there would be no necessity of running said alley through the McGoigle property to the R. Road the McGoigle ^{Property} would not be benefited by running said alley through

Crop & By Kelley

When you file these ^{objections} did you not say that Security of four dollars would compensate you, no Sir

C. Robine

Theodore Sell Sworn

I Reside in Filly Borough

I am acquainted with the property of Chris Robine I consider by the opening of new Street Mr Robine would be damaged to the extent of one Hundred & forty ^{five} dollars ^{of this estimate} including Board Walk

Crop &
By Burgess
John Kelly Esq
Burgess of Filly
Borough

Interrogated
By Secker

and fences to be made

Theodore Sell

Interrogated
By Seehler

John Metzgar Sworn

I Reside in Lily Borough
I know the property of Christ Robine
and also location of proposed street
through Robines property there is no
necessity for the opening of the
the proposed street and if Mr
Robine property was mine I would
not take ~~two~~ hundred dollars
for the damage - I know the alley
along the M. Gougle property - I know
the alley along ~~the~~ and consider there
is no necessity for it and is a damage
to the M Gougle property if the alley
is opened at all it should be opened all
through to the Giley Weigh Scales

John Metzgar

Interrogated
By Seehler

Joseph Moyer Sworn

I Reside in the Borough of Lily
there is no necessity for the opening of
streets or alleys in this town at the
present time

Cross Ex

By Kelly

Cross Examined By Mr Kelly

When you viewed the street through
Mr Robines property what damage did
you allow Mr Robine I dont Recollect
did you not understand that street
through Mr Robine property would

be opened immediately no I understood
that said Street might not be opened for
Years did you sign Report of Views that appear the
Recalled By Sealer ^{Damage Yes Sir}

I signed the Report of Views because I
thought Street would not be opened
for years I consider there is no need
of opening the alley, so long as the Street
is not opened

Conf. Et. By Kelley the talk was to open Cleveland
Street and not Main Street. When I
signed Report of Views

Joseph H. Moyers
John Leakey Jr sworn
Resident of Tilly Borough

I have a plot and draft of Tilly Borough
which I believe to be a correct representation of streets
and alleys of said Borough, plot referred
to annexed to Deposition and
Marked Exhibit, A. With regard
to the opening of the Street known as Main
Street and alley known as Spruce ^{alley} on said
plot would be very great expense to
the people and unnecessary. It would
not if Main Street is not opened Spruce
Alley would be no benefit to the public
and would be a damage to the McGough
property. The alley from Cleveland Street to Washington
Street if opened at all should be extended to
the Wiley High Leases instead of terminating
at Rail Street _{continued}

2
If I owned the McGougle property I would consider it damaged to the extent of three hundred dollars

Cross Ex
By Kelly

Mr Lealey

Was it not you filed these objections to the Report of viewers no sir do you consider the alley a benefit to those who use it - yes sir I refer to ~~the~~ alley not to Spruce

Signed John Lealey Jr

W. H. Brady sworn

Interrogated
By Seehler

I reside in the Borough of Lilly I know the alley called Spruce running along the McGougle property - I do not think there is any necessity for opening it for public use the alley is not wide enough for a wagon to pass through without touching the buildings on either side I consider it would do damage to the McGougle property it cuts the property in four small pieces

Signed Wm. H. Brady

Interrogated
By Seehler

M A McGougle sworn

I reside in the Borough of Lilly I am a son of Jeremiah McGougle Deed was one of the heirs of his estate over

~~But over~~

and I see no necessity of opening new streets or alleys at present and especially Spruce alley there is no room to get in or out of said alley without tearing the houses down on either sides and if said lot opened at all I should be continued to the Giley Neigh Seules the way the street and alley is located on the M Gougle property if opened it will render the property almost valueless and would cost one thousand dollars to fence the lots

Signed W. A. M. Gougle

Commission to take testimony
before Bay Sealers
Jan 7th 1876

Justice costs \$3.15
Paid

Jan. 13. 1876.