

To Utahville, her hills and the distance is shorter. The public road with which the proposed road connects at Roseland School House leads to Hutton's and Smith's - east, or nearly so, to Glasgow. It would be about two miles, or two miles and a quarter from Roseland School House, along the proposed road to the Utahville road down to Utahville. It is about two miles from the point where the proposed road begins near the Roseland School House to Glasgow. ~~The~~ I don't know that there is a great deal of difference from Glasgow to Utahville by the present road and the proposed road. The proposed road is laid in good ground and good grade. It would be between a half and three quarters of a mile from my place to Roseland School House. I have no other roads to get out from my place. I have no road to get to mill, school or any thing of the kind. This road connects the Utahville road at Henry Everly about a mile from Utahville. It is three quarters of a mile if not more from Everly's to John Dillon's. The draft is not altogether correct. The distance from Roseland to Henry Everly is in my judgment about the same as the distance from Flynn's dam to Gill's bridge, while from the draft the distance would seem to be greater from Roseland to Everly than from Flynn's dam to Gill's bridge.

Cross Ex. by Mr. Reader:

I live about eighty or a hundred rods off of the proposed road, but direct from my place to the county line it is about eighty

On the matter of Report of viewers to lay out a road from near the Roseland School House in Reads Twp. to a point on the Clearfield County line, near the residence of Joseph Trofoll.

Deposition of witnesses taken before Alvin Egan, a Justice Public in and for the County of Cambria, at his office in the borough of Ebensburg, on the 3rd day of August, A. D. 1882, by virtue of the annexed order, and in accordance with the annexed notice, on the part of the petitioners.

Aaron Junkin, sworn:

I was one of the viewers on this road. The road I viewed terminates at the County line in Cambria County. It connects with a road ~~land~~ at the County line with a road laid out in Clearfield County.

(Mr. Reads objects that the survey and confirmation and proceedings to lay out a public road in Clearfield County can be proven only by a copy of the record, and not by parol.)

The length of the road in Cambria County is something less than three quarters of a mile. I suppose a hundred dollars would open the road. I believe the road necessary. There would be a good many benefited by the opening of this road. There would be John Hollis, John Kuhn, Geo. B. Richard, Geo. H. Bowman, and other parties would be benefited - the biggest end of the Township and a great part to Glen Cunnell; it is a better road

road. The road does not go through my land but runs between me and the Clark land. It runs through cleared land between myself and Clark's for about fifteen rods and then runs down through Clark's cleared ground and passes then through Geo. H. Bourman's land. From where the proposed road leaves the line between myself and Clark's, going towards the county line, it passes through Clark's land. The line of the road as it passes between Clark's and my land passes through about ten rods not cleared, besides the distance I have mentioned through cleared land. I am the only person, at present, living along the line of the proposed road from Roseland to the county line. Joseph Toofell and his son live in the line of the road from Henry Everly to the county line. The son lives between his father and Everly's. I suppose Joseph Toofell lives about fifty rods from the line of the proposed road. The two-thirds of the road from Everly's to the county line is opened. That road was opened by Mr. Toofell - Joseph Toofell. The parties of whom I speak, as being benefited by the proposed road, live between Roseland and Tilyorn's claim, excepting Geo. H. Bourman.

Question: Do not John Richards, John Kuhn, Geo. B. Richards and Geo. H. Bourman and other parties above that towards Glasgow, in going to Whiteville go by way of the Fallen Timber road or by way of the road from Glasgow to Whiteville?

Answer: They can't better themselves - In so doing they are going right away from Whiteville and have to get on their other roads to get back.

Question: Is not the draft, submitted by the commission, substantially correct as exhibited from Roseland School House & Flynn's dam?

Answer: I think ^{that} part is about as near correct as could be made. John Richards lives about a half mile or more from the Fuller Timber road. It is about two miles from Roseland School House & Flynn's dam. It is fully two miles from Roseland School House to the cross-roads near Glasgow. It is about a mile and a half from Flynn's dam to Hill's bridge - it may not be quite so much. It is about two miles from Hill's bridge to Henry Every, and from Hill's bridge to Utahville it is about three miles. I couldn't tell ^{the} exact distance from Utahville to the cross-roads near Glasgow. The railroad runs from Glasgow to Utahville.

Re Ex^t by Mr. Johnston:

I have lived in that neighborhood for ten or eleven years. ~~For~~ I heard him, James S. Gallagher, say that that was the place the road ought to go. I understood him to refer to the road as laid out by the viewers.

Ex^t by Mr. Reader:

I did not hear all the conversation between Mr. Richards and Mr. Gallagher. I did not hear either Mr. Gallagher or Mr. Richards name the road about which they were conversing. Mr. Gallagher stated that the School House should be moved. There was some talk about a road from Flynn's dam to Roseland cutting in the north side of the run.

5.

The new school house to which I refer, is up towards Bourmania and in the road to Roseland. Mr. Gallagher may have referred to the other road of which there had been some talk about, some time ago, or some two or three years ago they had a petition out, but there was nothing done. I made no road through my own land to come out, I could not do it in account of the hills. There is ^{an} old timber road up from Tlymnir dam which I used in the winter time. I have one hundred and twenty acres of land

Aaron Youngkin

George B. Richards, affirmed:

I live about a quarter of a mile from Roseland. I had a conversation with James Gallagher to-day in relation to the proposed road; I asked him "Mr. Gallagher what is your opinion in regard to this new road laid out by Mr. Youngkin and Mrs. Toofell" he stated "that's where the road ought to be". I know the location of the road. I believe it to be necessary. I have heard Aaron Youngkin give all his testimony just now. I believe that I agree with him so far and know in regard to the road.

Cross Ex by Mr. Reade:

Mr. Gallagher, in the conversation I had with ^{him} to-day, spoke about the school house up East of John Kubin; he said that school house ought to be built down about Tlymnir bridge. I don't recollection of having

any other conversation with Mr. Gallagher, at the time he spoke about the road, excepting bidding him the turn of day. Well, I believe I spoke to him and asked him what his opinion was in regard to the new road out-a ~~front~~ ^{front} Junkin & Trofett and he stated "That's where the road ought to be". Mr. Gallagher may have understood me as speaking of the other road from Flynn's dam to the new school house. I believe there was some talk, a few years ago, about a road from Flynn's dam up to the school house. I live on the road between Roseland and Flynn's dam. From where I live to Flynn's dam it is about a mile and a half. It is about two miles and a quarter from my place to the cross road near Blagor. I make it about three miles and three quarters from Flynn's dam to the cross road.

Geo B Richards

Joseph Trofett, affirmed:

I live in Becaria ^{town} in Clearfield County. I was present at a conversation between Mr. Gallagher and Mr. Richards. Mr. Richards asked Mr. Gallagher what he thought of the road leading past Aaron Junkin and Joseph Trofett and he said "it was in the place the road ought to be" - it was in the right place. I was one of the viewers on the road from the Cambria County line to the Utahville road. When we viewed the road from the Utahville to the Cambria County ^{line}, the Cambria County ^{road} had not then been viewed.

-ed, but the Cambria County road now intersects the road we laid out from the Utahville road to the county line. I have heard the testimony of Aaron Junkin.

(Mr. Rinde objects that the fact of location of a public road laid out by order of Court cannot be proved by parol testimony - the objection relates to that portion of road in Clearfield County.)

I believe the testimony of Mr. Junkin, throughout, to be correct. I believe the road to be necessary.
Cross Ex by Mr. Rinde:

The road from ~~about~~ Roseland to Hatten's Mill has been opened out more than thirty years ago. Hatten has a saw mill and grist mill there - they have been there a long time. The people from Roseland go down that way to the mill. It would be nearer to go from Roseland down the present road to Hatten's Mill than by taking the proposed road to Henry Everly's and from Everly's down to the mill.

Question: When you testify that Mr. Gallagher said that the road across from Roseland ^{past Aaron Junkin and Joseph Fogarty} to the Utahville road at Everly's, was where it ought to have been put in the first place, did you understand him to refer to the road from Roseland to Hatten's Mill, if not to this road, to what other road did you understand him to refer?

Answer: I understood him to refer to the road from Roseland past Aaron Junkin and my place to Everly's on the Utahville road. Mr. Gallagher said after his conversation with Richards that the school house ought not to have been moved, but

when moved should have been placed down by Tylonia bridge. The road in Clearfield County runs through my property. It was this last Spring that the road in Clearfield County was laid out. The supervisor has not worked any on this road in Clearfield County. This road cuts off about three acres of my land and then runs along the ^{line} between Daniel Bayert and myself. There are no parties opposing the road in our County so far as I know. The road has been confirmed, so I understand. I was along with the viewers a while on the Cambria County side. I don't own any land in Cambria County.

Geo Trope

Geo. B. Richards, recalled:

In speaking of its being two miles and a quarter to cross roads I supposed the council referred to roads at property of Glasgow him, but to the cross roads near Daniel Mathews would be about two miles and three quarters.

Geo B Richards

Cambria County, ss:

I, Alvin Evans above named, a Notary Public in and for said County, do certify, that Aaron Yarkin, Geo. B. Richards and Joseph Trope, above named witnesses, produced by the petitioners in the above stated matter, were sworn or affirmed, and their foregoing depositions taken and subscribed before me, at my office in the borough of Ebensburg and County of Cambria, on the Third day of August, a.

D., 1882, between the hours of Three o'clock P. M. and Twelve
o'clock M., of said day, in the presence of R. E. Johnston, Esq.
counsel for the petitioners and Geo. M. Reader, Esq., counsel
for the respondents.

Witness my hand and notarial seal, the Third day
of August, A. D., 1882.

Alvin Evans
Notary Public

Johnston & Scanlan
Readers

*In the matter of the
Report of Viewers to lay out
a Road from near the
Presbyterian School House in
Reading to a point
on the Clearfield County
line near the residence
of Joseph Croffell*

Quarter Sessions
**In the Court of Common Pleas of
Cambria County, Pa.**

of _____ *Term, A. D. 18* _____ *No.* _____
Feb. 8, 1882. Confirmed nisi and ordered
to be opened 32 feet wide &c.
Jan. 5, 1882. Remonstrances filed.

And now to wit, the *26th* day of *July* A. D. 1882. Rule
on part of *Petitioners* 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 *24* day of
July A. D. 1882

John B. Gates *Prothonotary.*
Ch. L. S.

To *Gen. M. Reade, Esq. Atty for Exceplants*

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 *matter* on the part of the *Petitioners*
will be taken at the office of *Alvin Evans, Esq.* a
Notary Public on *Thursday* the
third day of *August* A. D. 1882, between the hours of *nine*
o'clock, A. M., and *eleven* o'clock, P. M., before *Alvin Evans, 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.

Johnston & Scanlan
Atty for View
July 25, 1882

On the Matter of Report
of Officers to lay out a Road
from near Mt. Rowland
School House in Road up
to a point on the clay hills.
have near the residence of
Joseph Cornell

Rec'd to late Deposition

July 25th, 1882 served
on Geo. H. Reade, & by
copy. W. C. Seneca

Attorney's fee ~~Rec'd~~ \$23.00

Johnston & Seneca