out after I had been hauling 2 or 2½ years, after Mr Latchford shut up the road he did not give Mr Conway any more manure, after Mr Latchford enclosed his farm I conveyed ore to the Rail Road at Contees station.

Benjamin Brashears Sworn

He Knows the parties has Known them several years.

2 Interrogatory. He has Known it ever since he could recollect he is now in his 54 year, he cant state when the defendant came into possession on the said Land but Knows when he purchased it he supposes about nine years since. He has built on it fenced it, and raised ore on it, and still has possession of it, he does not Know from whom he obtained said land but understood he purchased them from the Ellicotts the lands were enclosed by Mr Latchford about 6 or 7 years since

3 Interrogatory.

When I went to school in 1825 I do not recollect of seeing any road there until the Ellicotts opened their mine banks about 20 or 30 years since

4th Interrogatory waived

6th Interrogatory. He has no Knowledge of any mill or any other road. the road leading from the 21st Mile stone through I. D. Latchford land was opened by the Ellicotts to haul ore about 25 years since and there was no road there up to that time to my Knowledge. I have lived all my life in about a mile and half of the road in dispute

7 Interrogatory

I do it is in the Complainants possession he works it and has had possession of it about 4 years. He has been obtainng ore from various places for the suply of his furnace he has got ore from the banks of Tysons land Conways land Mr Mitchelle his, witness, own and others, he never Knew that Coffin or any former proprietor of the furnace to claim a right to haul ore over the road in dispute

8 Interrogatory in August 1866 I was over the road in controversy when it was enclosed there was a gate upon it, since when I have not been upon it, the land over which the road possess was enclosed by Latchford about 6 or 7 years, and has been enclosed from that time to the present to the best of witness Knowledge

9th Interrogatory. They can convey ore and charcoal by other roads than the road in dispute, and have been

doing for several years past. He has seen the plantiffs teams hauling frequently of ore and coal from other roads than the road in dispute

10 Interrogatory In August last there was no peach orchard there on, as far as he went, as he did not travel all the road in dispute

11 Interrogatory He cannot answer as he has not been upon the premises since August 1866

To the defendants first additional interrog

I have already this interrogatory in my answer to the defendants third Interrogatory. To the 2 Interrogatory the road was first made to haul ore and was princibly used for that purpose he Knows of no one using the road except those conveying feed to the mind banks and he has hauled hay and corn there himself.

3rd Interrogatory He doesnot Know of any repairs having been done to the road in dispute I should call it a private road and my reasons for doing, because it belonged to the Ellicotts when they purchased it and now belongs to Latchford, any a road a man can stop up I call a private road there is a road now passing over my place which I can stop up at any time, there are as already stated by him there are several roads and they vary from half mile to three or four miles in distance from whence the Complainant convey ore to his furnace the new road leading through Mr Duvall and Mr Minnix is a very good one the others he has not travelled for some time and doee not Know their condition.

5 Interrogatory There was a road over I. D. Latchford farm when he purchased it, and various other roads when the public turned out, as they thought proper

6th Interrogatory waived

To the 7th Interrogatory, I am not aware that any custom exists on the subject

Cross examined by Complainants Counsel

I have always lived at my present residence

I was accustomed to go to mill at the old iron works at Laurel and higher up the Patuxent. In going to the old Iron works mill we passed through the Land now owned by Mrs Contee and meet sometimes by Dr Jenkins & sometimes by Saml Snowden.

I live north east of that road Mr Latchford lives on the other side of that road I never had occasion to use the road in dispute except to haul feed to the banks. Ever since Ellicotts opened the road there has been a plain well defined track from the turnpike to the banks, I do