at, or near the Turnpike where he has said it came into the road in dispute. The most of the ore that was hauled at that time from the banks spoken of by him was hauled over this road. the banks from which ore was got, at that time were known as Tysons bank Ellicotts bank, and Walkins bank. I first knew the land through which the the road in dispute passes since 1845. It was unenclosed when he first knew it, and continued unenclosed until witness bought it in the year 1857. There were various roads passing through the land when I first knew it witness being then engaged in mining, and made various roads through it himself. when he first became acquainted with the land there was no public road running through the land in dispute. I have no personal knowledge when the road in dispute was opened I have been informed that it was opened by the Ellicotts (objection made to any hearsay evidence) Since he first came to the neighborhood in 1845 it was to his own personal knowledge used principally for hauling ore by all persons raising ore in the vicinity. twas used for hauling hay, corn, and provisions of all kinds for persons working the mines in that neighborhood. The Ellicotts at that time owned the land from which the ore was brought I am speaking of the banks on my place. The ore that was brought to the furnace from Tyson land over the road first spoken of South of the road in dispute I enclosed my land in 1857 I also know that ore has been hauled over the road through Mr. Contees. Hopkins hauled ore over this road in about 1856, and he knows of ore hauled over this road since that time down to the present. The land through which the road passed had some small scrubby stuff on it. when I first knew the land there was no well defined road upon it, I made a dozen roads over it myself and cut up more then that, after he enclosed it he was not interrupted in the use of the premises until very recently in last November 12 Mon he opened the road for Coffin to haul ore under special agreement since the possession of the farm by witness no one has hauled over the road except by his permission or for compensation. He has received compensation from Coffin for privilege of hauling ore over the land in dispute I received from him 10¢ per Ton I received compensation from him from November 1865 until February or March 1867. He has planted an orchard on the bed of the road in dispute

I commenced planting the 14 March 1867 and finished 7 or 8 days from that time Coffin contracted with me to haul ore over the road, and continued in existence until about February or March 1867. Previous to planting his orchard he had a conversation with Coffin he thinks in the month of November in a few weeks after that time I met him at the furnace and asked him if he had made up his mind about about the road yet. Coffin said he had not and would prefer buying the road than paying 10¢ per ton. I told him I had no objection to sell him the road provided he would make a lawn Coffin asked me what I would charge him for the for the road he said he had plenty of money I thought I would have a little joke. I asked Coffin twenty thousand dollars. he said twenty thousand dollars was out of the way altogether I told him twenty thousand dollars was nothing when there was plenty of money. I asked Coffin then what would he be willing to give. he made answer that he would give 150 dollars. I said that would not pay me for going over my land ½ mile and cutting my place in two. I told him I would was willing to let him have the road at a reasonable price, and that price I named was 300 dollars, and not one cent less Coffin made answer would I give him one week to consider on it. I told him I would, we parted, at that time. I met Coffin about two weeks after we parted in the Cars, going to Balt. I asked him if he had made up his mind about the road he said no. I said I would like to know in a few days as I wanted to plant an orchard the conversation there stopped about the orchard within 8 or 10 days afterwards I went down to the furnace, Coffin came up to the works with me in his buggy. I drew down the road matter again asked him if he had made up his mind about the road, His reply was it was rather too expensive to make a lane through but if I would let him have a road through it he would give me 400 dollars I said I thought it was too little but as he wanted the road if he would give me 60 feet trunk I would put up the gate and let him have it or if he would put up the gate I would furnish the trunk Coffin said he thought it was too much, and said he thought he had offered enough he said he did not know whether he would want the road or not he had a notion of selling or buying out and if he sold he did want the road. He told me to say nothing about the selling or buying out, we then drove around by Coffins banks, and Mr. Contees banks—