were marks of wheels & cart tracks through the road.

George H. Bell sworn

I am acquainted with the road in dispute I came in the neighborhood in the year 1844 the road was travelled by any one who wished to go over it the road I speak of left the old stage road at Dr. Jenkins & passing through the lands of the late Samuel Snowden & Mr. Comsey & that now owned by Satchford crossing the pike at the top of the hill near Mr. Minnis and thence to the rail road I have been over the road over 100 times other persons having travelled it. it was not very much used except persons connected with the ore bank no one to my knowledge ever stopped. it was stopped up about 8 or 9 years ago by Satchford it was a plain cart road when I first knew it quite distinctly marked people connected with the banks Mr Comseys teams were coaling through there one winter, does not remember any other teams hauling there.

Cross Examined by Defendant Counsel.

For four years I have travelled it daily when I was engaged in the mining I think I was connected with the mine in part of 1854 & 1855. I have not travelled it recently it was used by those mining there other persons travelled it seldom it was never worked as a public road and never repaired to my knowledge by any one except those engaged in mining the road passing over Satchfords land was unenclosed except a few patches it continued unenclosed till Satchford bought it. Coffin has 2 or 3 these banks on the lands of Mr. Tyson & a portion from Mr Cunny Satchfords route is the nearest route from which he can convey ore from them the road was used by the public the road that he was acquainted in 1844 & which he has described is only a part of the road there is a small portion worked away by the mines cannot say how much of the road worked up the road has been changed as a convenience of the mines required it in that way I cannot say how often it has been changed I am unacquainted with most of the ore banks lying eastwardly of this place, I know that ore was hauled over the roads to the furnace there the road in dispute it was hauled over different roads in Mr. Ellicotts time and Mr Comseys time it was hauled through the land of Isaac Snowden to the pike thence to the

furnace there is another road which Ellicott hauled ore through the lands of Mr Tyson & Satchford intersecting with a small piece of this land in dispute and following it to the pike he has understood that Mr. Isaac Snowden was stopped by Mr Lemon in passing over the the latter part in dispute if he obeyed the order or not he does not know it has been some 12 years ago the bank known as Walkers bank is about 3 miles from Coffins bank Coffin has hauled over the road owned by Mrs Conte that is from her bank to the pike it is about ½ mile straight across to the banks of Coffin I never knew of a miner stopping any one coming to his work.

Recalled by Defendants Counsel

The road leading to Coffins bank is through Mr Satchford land it is 3/4 of a mile different than the road that he haule his coal over

Lester D. Moore J.P.

John McNamis Sworn

He is acquainted with the road in controversy He knows where Coffin's Ore banks are The road in dispute is the nearest rout to the ore bank he knows of an orchard being planted in the line of that road and was planted since 10 March to the best of his recollection They were planted upon Satchfords land and on the side of the mine banks, Satchfords teams were plowing the land for the trees and plowed up the track of the road until these were planted or nearer than a hundred yards

Cross Examined by Defendants Counsel

There was a road there before the planting of the orchard over which they have been hauling ore Coffins teams have been hauling over the road and doesn't know of any person else hauling over it He doesn't know whether Satchford gave him permission or not, have resided in this neighborhood about 5 years the distance from the road to the old orchard is about 100 yards. He has no knowledge of any person using the road except Callahan and Coffin to his knowledge It was not used as a public road to my knowledge.

Isaac Snowden Sworn.

He is acquainted with the road in controversy and has known it for 40 years, and then resided near what is now Dr Duralls Mill some 4 miles south east of Snowdens Iron works I have been residing in the neighborhood of Muntkirk furnace some 18 years. The road was publicly used since my earliest recol-