lection and no objection was ever made to people passing over it. I remember travelling it with my Father when quite a small boy. The road was then not as it is now, but a path or track, it left a Jenkin's place near George Thomas which is now owned by Alsop and came through what is now Conseys place. Munkirk furnace was built about 18 or 19 years ago. Ellicotts hauled ore over that road to their furnace. They raised a great part of their ore but bought some. They used to haul charcoal over that road I cannot remember what else I have seen hauled over that road The Ellicotts also kept the store at Munkirk furnace and there was a rail Road station and a switch at the Furnace I know of no public road crossing from the old stage road to the turn pike between Vansville and Munkirk furnace No person ever came through his place without his permission and there was no public road through his place when I first knew Satchfords place it was unenclosed it belonged to Snowden Family. The road was never closed to my recollection until Satchford enclosed it.

Cross Examined by Defendant Counsel.

I have known the road for 40 years. The last time I passed over the road was 4 years ago. I travelled through part of the same spot He doesn't know where the road in controversy was opened He doesn't know that any person used the road except Sam Snowden The road was more used now then it was when I first became acquainted with it there were bushes in the road when I first knew it. The road was out in commons and was used by every body propiemasqually. He doesn't know that it was ever kept up by public expense and does not know that it was ever a County road I have known persons hauling over and have seen Regin Snowden and Sam Snowden and some other Teams going to the Iron works Mill, when the rail road was making. People were hauling produce to the Contractors. He doesn't know by when by whom the road was enclosed and never it since except a part of it He is acquainted with Coffins Ore banks and the road in controversy which is the nearest route from Munkirk furnace. The road in controversy is about 2 or 3 miles nearer than any other road by which Coffin can convey ore to his Furnace, By a public road I mean a road that any one can drive over without hindrance, By a private road I mean one which every body can drive over without objection I do not know that

the road in dispute was opened by Mr Capron He knows it was in possession of Capron but doesn't whether it was enclosed by Capron, He doesn't know of any one enclosing it but Mr Satchford I suppose now that the road is a little clearer than it was then and is used more, The road begins at the Corner of Minnix fence on the turnpike and runs through Satchfords land and Conseys then Alsops, and then intersecting the road running from Laurel Factory to the old stage road, He bases his knowledge of its being a public road and considered as such from hearing his father say it was a public road and knows no other fact of its being a public road and considered as such except this statement, This was when he was a small boy and first knew the road, He cannot say what year that would be when he first knew the road In the year when he first knew the road he may have travelled over it once in that year and doesn't recollect of travelling it more than once in that year. He may not have used it again for 5. 6. or 10 years, I dont know that I used it once a year for 5. 6. or 10 years consecutively after that time and the older he got he used it oftener and about 20 years ago he travelled it about 30 times a year

Isaac Snowden Cross examined by Deft's Counsel

After this time he does not recollect that he travelled it more or less than 30 times a year but continued to use it up to the time Satchford closed it, and since that time has never travelled it, During all this 40 years of which he has been speaking Nicholas Snowden, Sam. Snowden used it, and he knows of no one else using it at the time he first knew the road Sam Snowden owned nearly most all the land. From the time he first knew the road to the present time he thinks he has travelled the road all the way through some 300 times. He cannot say how many times during all this period other persons have used the road, He has seen persons whom he cannot name use the road during this period of 40 years, He cannot name any one who has used it once during this whole time. The only reason he can give is that he has seen persons travel it, He has seen Rail Road carts going down after hay and other supplies and does not know of any other carts hauling through that road. He knows of no facts other than those stated why he considered the road as a public road at the time that the furnace was built Mr Ellicotts owned the land now owned by Satchford. At this time the Ellicotts hauled ore over this road at the time that the —