

Frank W. Rothenhoefer, a witness of lawful age, first being duly sworn, testified as follows:

MR. STORM:

Q. Please state your name and address.

A. Frank W. Rothenhoefer, 104 Upper College Terrace.

Q. What is your occupation?

A. Civil Engineer and Surveyor.

Q. How long have you been engaged as a surveyor in Frederick County?

A. 42 years.

Q. Do you have any official capacity?

A. I have the title of County Surveyor.

Q. During your experience, have you or not had any surveying to do that involved boundaries of the State Roads?

A. I have.

Q. Are you familiar with the situation as to the State Road west of Frederick between Frederick and the top of Braddock Mountain?

A. I am.

Q. How definitely can lines be established showing the boundaries of the State Road especially on the south side of the state road and boundaries of properties bordering on the state road.

MR. NEWMAN:

I object to that question.

A. The only way they have ever been established was by the Enabling Act I think that was about 1787 and possibly was amended around 1804-5 and that was as I understand it setting up a commission enabling them to grade and build a National Pike from Frederick west and I forget what the limits on the west side were, but I read that Enabling Act several times and that says that the road shall be 33 feet I believe on each side of the presently traveled road. Or about those words. That is the way I understand it. It has been sometime since I read that.

MR. NEWMAN:

I move to strike the answer, too.

Q. Is there any base line or monument or monuments that can be found or used to determine the exact boundaries.

MR. NEWMAN:

I object - he can ask him if he knows of any.

A. There are no courses and distances that we can find on the deed records in Frederick County.