and I have been a miner for 26 years. I have a Knowledge of the quality of the Coal on the land in dispute so far as it has been opened. I have mined Coal on the land in dispute for three years.

To the ~~Second~~ Third Interrogatory. He answers and says. quality of Coal varies in various parts in the mines, and that the coal is best where the heaviest covering lies upon it. We have run 2 entries each about 500 yards, they commence together and diverge at an angle of about 25 degrees until the entries are about Eighty yards apart, and then they run parallel for balance of the distance, and then chambers are run off from the two entries in a Westerly direction until the chambers from the easterly entry strike the Western entry and the chambers from the Western entry run North West about 150 yards and we find the Coal in the Eastern entry better than that in the Western Entry, though we have taken some Coal from the Western Entry as good as that from the Eastern. though in general it is not so good the difference in quality consists in the Eastern Entry Coal coming out in larger lumps and not so liable to crumble fine as the western ones. I do not know the difference in value per ton.

To the Fourth Interrogatory he answers and says that the expense in bringing out Coal increases in the ratio of 2/p for 200 Yards and 5/ for 500 yards.

To the Fifth Interrogatory. he answers and says he has answered in the 3rd.

To the Sixth Interrogatory. He answers and says that there has been about two fifths of the Coal taken out and there still remains three fifths in the land so far as broken I have examined it very particularly in the last two or three days. He thinks that the half of the Coal remaining can still be taken out of the broken ground with safety.

To the 7th Interrogatory. He answers and says it is.

To the 8th Interrogatory. he answers and says he does not know.

Robert Tennant.

Additional Interrogatory put to Robert Tennant he answers and says that there is no use of an air shaft where there are two entries or drifts, a small furnace would be required at the mouth of one of the drifts.

Robert Tennant.

Methusela Philips a witness produced on the part of defendants after being duly sworn, deposes and says. that in answer to Interrogatory 1st He Knows the parties to this suit. To Interrogatory 2nd He answers and says that he is a Miner - he has been working in the mines in dispute for two years past and has some Knowledge of the Coal.

To Interrogatory 3rd He answers and says that the quality of the Coal varies in different parts of the land in dispute the Coal under the Eastern portion of said land is better than that under the West it can be mined in larger lumps and is more saleable and turns out more Coal per acre. he does not know the difference in value of Coal.

To Interrogatory 4th He answers and says that the cost of Mining Coal increases with the distance from the opening in the ratio, double the distance, double costs. this is for hawling alone, and besides the hawling the other expenses of mining increase as you recede from the opening, but cannot say how much.

To Interrogatory 5th. He answers and says that he has answered in the third.

To Interrogatory 6th He answers and says. that about two fifths of the Coal has been taken out and that three fifths remain there can be one half of the Coal taken out with safety so far as the mine has been worked or he has seen.

To Interrogatory 7th. He answers and says that it is in respect to its position.

To Interrogatory 8th He answers and says that he cannot tell. Mr. Bruce has

the selling of the Coal. Additional Interrogatory propounded to Methusela Philips He answers and says. that there is no other way than hawling on wagons or tunnelling the hill. Additional Interrogatory 2nd. He answers and says that he dont know.

To Additional Interrogatory Third. He answers and says that the Coal is accessible by the way pointed out in the deed and it would not be as expensive to make that opening as to mine the Coal under the Western portion of the land.

To Additional Interrogatory, Fourth, He answers and says that the Coal to be taken out in making the opening would more than pay for making it.

To additional Interrogatory. Fifth. He answers and says that it would not require any Air Shaft.

To additional Interrogatory, Sixth. He answers and says that it rises westward but does not know how much.

To additional Interrogatory 7th He answers and says that it is on the Eastern part.

Methusela Phillips.

Douglas Percy a witness of lawful age produced on behalf of the Complainant, being duly sworn deposes and says. To Interrogatory 1st He answers & says, that he knows Complainant about seven years. and defendants about Seventeen years.

To Interrogatory 2nd. He answers and says, he is acquainted with the lands in controversy and the quality of the Coal taken out at the several openings and that the quality is the same, but that more coarse coal can be taken from the opening now worked by the Frostburg Coal Company than what he has seen taken from the old Frost mine, that is to say a larger proportion.

To Interrogatory third. He answers and says that he is a miner by profession and that he is acquainted with mining of Coal and its quality.

To Interrogatory 4th He answers and says that to the first branch of said Interrogatory he cannot answer he says that the most coal per acre can be mined from the west side, he says that if the old mine had been driven in as far as the west opening the roof would be as good.

To Interrogatory 5th He answers and says that the Western mine is the best for it will yield most coarse coal.

To Interrogatory 6th He answers and says that it is a generally received opinion among colliers and it is also my opinion and that opinion is borne out by my experience.

To Interrogatory 7th He answers and says that the covering is thickest on the west and in the middle it is thicker than at either of the extreme points.

To Interrogatory 8th He answers and says that he has had the 18 Acre pointed out to him he has not examined the excavations made thereunder and cannot tell how much Coal has been taken therefrom he cannot tell how much Coal can yet be taken therefrom, he says the cover is weaker over the old mine than the new, he says that chambers in the old mine could not be worked as wide with the same quantity of props or timber it would take more props than the new where the roof is tender, cannot take out as much Coal per acre as when it is stronger.

To Interrogatory 10th already answered he says that an average of two thirds coarse Coal can be taken out at the new opening and one half at the old the way that they take coarse coal now.

Interrogatory 11th Waived.

To Interrogatory 12th He answers and says in that case two thirds of the Coal could be taken out at the openings made or to be made at the North End of said land.

To Interrogatory 13th He answers and says that it can, the cost of that opening