Cars it can haul as a whole number depends on the grade of the road and it follows from that, that a locomotive can do less work the more the grade of the road is increased, and the road of the Complainant being at a heavier grade than the other roads, in the Coal Basin, is necessarily worked at a greater Expense, with the Exception of that portion of the Pennsylvania & Cumberland road, where the load is hauled up the grade.

Additional Cross Interrogatories to H. J. Wolf.

No 17. They were not, the Fee for the purchase of coal lands had passed off.

No 18. I have not been in the Hoffman Mine or in any other Mine, nearer that the Eckhart North for 15 years at least. In the Hoffman locality I see no reason why the Coal should not be of the Gunpowder Creek quality or nearly so, but the Eckhart Coal is more Northerly and has not been considered as good as the Gunpowder Creek, but whether it is a local fault, or how Extensive is unknown, which produces the difference.

No 19. I cannot answer positively on that subject.

John G. Lynn, witness, produced on the part of Plaintiff being duly sworn to answer Interrogatories filed with me & herewith returned deposeth and saith,

To 1st Int'g. I know the Cumberland Coal and Iron Company and no other.

To 2d Int'g. I am Engaged in such Shipping of Coal, and have been ever since the Chesapeake and Ohio Canal was opened, at the Mr Savage Wharf or Lynn's Wharf as it is called, where I am and have been so Engaged, the rates of wharfage and Shipment of Coal in such canal boats, charged and received is seven cents, that is to say 4 cents for Wharfage and three cents for demurrage.

Cross Interrogatory on the part of defendants.

No 1. This Charge of three cents covers the Matter spoken of in the Interrogatory

Albert C. Greene a witness produced on the part of the plaintiff, after being duly sworn by me deposeth and saith

To Int'g 1st. I know the Cumberland Coal and Iron Company and Judge Sherman, and not the others.

To Int'g 2d. I reside in Allegany County at the Borden Mines and am Superintendent of the Borden Mining Company.

To Int'g 3d I know them all, I am only familiar with the Cumberland and Pennsylvania Rail Roads

To 4th Int'g. I know the rates of transportation charged upon the Cumberland and Pennsylvania Rail road, now and for the last four years, The rates charged by said last Rail road have been ten cents per ton per mile on coal Exclusive of cars, they are now one & three quarter cents per ton per mile.

To Int'g 5. I am not familiar with it, I have passed over it, and know the location, I suppose the grades are higher and consequently the road is more Expensive to work, than the other Coal Rail roads in Allegany County

To Int'g 6th I cannot give an intelligent opinion to that question

To Int'g 7th. I am familiar with the business of Shipping Coal from rail-way cars into Canal boats, at the Coal Wharves in and near Cumberland, within my Experience the charges for such Shipment have varied from Seven cents the present rate, to 9 cents, the charges for Wharfage has been

from four to five cents, and the balance of course is made up in labor

To Int'g 8th I am only slightly acquainted with the Complainants Wharf, its location is within the Canal, the distance for boatmen is a little shorter, and it is unaffected by freshets in the river.

To Int'g 9th To reach the Baltimore and Ohio Rail road, such coal freights must pass over a portion of the Cumberland and Pennsylvania Rail road to reach the Complainants Wharf, they must pass over a portion of the Baltimore and Ohio Rail road in addition to the portion of the Cumberland and Pennsylvania aforementioned, I do not know the distance of such portions. I do not know the rates paid by the Complainant for the right of transit over such portion of the Baltimore and Ohio Rail road or the locality where the Complainant Wharf now is (the Wharf not being then built in 1856) such freight must have passed over the same portions of said road.

To Int'g 10th I cannot answer that question intelligently for I never knew the actual cost of rail road transportation

To Int'g 11th I have a general knowledge of the location of the property mentioned in said Exhibit C. I would not regard the consideration mentioned in said Exhibit A. as adequate for the said lands, in connection with the said contract for transportation, and with the terms of payment named in said Exhibit A. I do not know what would have been an adequate consideration.

To Int'g 12th In my opinion about seven thousand tons.

To Int'g 13th I am not

To Int'g 14th I am the agent of the Borden Mining Company and have been for the last Eight years.

To Int'g 15th I am not.

To Int'g 16th I have not.

To Int'g 17th I consider the sum of one hundred and forty thousand dollars very inadequate

To Int'g 18th I think about seven thousand one ton per year.

Cross Interrogatories on the part of Defendants

To 1st Cross Int'g. From the Wharf of the Cumberland Basin, I had nothing to do with Shipping Coal there, and I can't judge of its convenience or inconvenience.

To 2nd Cross Int'g. I always considered the Cumberland Basin Company I do not know what. I do not know what was charged the Complainant I have occasionally Coal Shipped there at a charge of 9 cents per ton.

To 3rd Cross Int'g. I do not know.

To 4th Cross Int'g. I suppose it was built to bring Coal from the property of the Maryland Mining Company, I presume no considerable quantity in comparison with the quantity from the lands mentioned of the Complainant has been transported over said road.

The Solicitors of the Complainant Objects to the question.

Int'g 5th The Borden Mining Company paid William Wood County five thousand dollars for six hundred acres of land, four hundred of which were underlaid by the great vein of Coal, at the time of purchase it was not connected with markets by any rail road then completed there had been a location of a rail road, but not the location finally built upon, A rail road does now extend through the property.