Question by Mr Marsh. Do you know whether the Baltimore & Ohio R. R. Co agreed to carry the Complainants coal to Baltimore for 1.75 per ton.
Answer. They did so.
Question by Mr Marsh. What is the distance it was to be carried?
Answer. About 182 Miles from my recollection
Question by Mr Marsh. Do you know & if so please state what is the charge per ton for the transportation of Coal on the Delaware and Lackawanna & Western Rail Road from Scranton to Elizabethport.
Answer. Two cents and a quarter per mile in Cars furnished by the Company for Carriage of Coal.

D. Holbrook.

Being Cross Examined by Mr Tilden he says as follows.
Question by Mr Tilden. You say that it was understood when you was President of the Company, that the cost of transporting a ton of Coal from the Mines of Complainant to Cumberland was from 16 to 25 cents, was the Coal referred to in your answer the coal of the Cumberland Coal and Iron Company.
Answer. It was.
Question by Mr Tilden. Those calculations then were of the actual cost to that Company of the transportation of its own coal.
Answer. The Estimated Cost.
Question by Mr Tilden. Those were Estimates of what was supposed to be the actual cost of the transportation to the Company itself.
Answer. Yes sir.
Question by Mr Tilden. Did this calculation of cost or Estimate of cost include any profit to enable the Company to pay interest on its debt or dividends on its Stock?
Answer. I think not.
Question by Mr Tilden. Was it what was supposed to be the mere outlay incurred by the Company in operating & keeping in repair its road and Equipment?
Answer. It was.
Question by Mr Tilden. Was the Coal at that time transported & on which these Estimates were made, coal taken from the Eckhart Mine or Mines at the village of Eckhart?
Answer. I think it was from the Eckhart & Washington.
Question by Mr Tilden. Did the Rail Road of the Cumberland Coal Co at the time referred to, extend to any other mines than the Eckhart & Washington Mines.
Answer. It did not, that any amount of.
Question by Mr Tilden. Was the Coal referred to upon which the calculation was founded, delivered at the Wharf situated at its terminus of the Cumberland Company's Rail Road?
Answer. I supposing it was.
Question by Mr Tilden. Do you know the distance from Eckhart mine to that Wharf?
Answer. I am not positive about it

Question by Mr Tilden. In the Estimate of costs was there any item included for payments to the Baltimore & Ohio Rail R. Company for transportation over any portion of that Company's road?
Answer. I suppose there was, but I don't know the fact.
Adjourned by Consent of parties to Wednesday the 6th July at 10 o'clk A.M. at the same place.

John Bissell, Commr.

July 6th 1859. 10 o'clock A.M. Pursuant to the adjournment as last above stated, I attended at the time and place aforesaid. Present the Witnesses Mr Holbrook, Mr Tilden & Mr Chapin, and after waiting half an hour no one appearing on the part of the Defendants the further taking was adjourned to the 7th July 1859 at 2 o'clock P.M at the same place.

John Bissell Commissioner

Subsequently on said July 6th 1859. I received the annexed, consent signed by the Counsel of the respective parties, whereupon I adjourned said taking till the 8th July 1859, at 10 o'clock A.M. at the same place.

John Bissell Commissioner

Cumberland Coal & Iron Co
vs
Allen W. Thurman & al

It is hereby consented that the examination of witnesses in this case before John Bissell Esq Commissioner be adjourned to Friday July 8th 1859 at 10 A.M.

J. S. Tilden
T. R. Marsh

July 8th 1859. 10 o'clock A.M. Pursuant to the adjournment as last above stated, I attended at the hour and place aforesaid. Present Mr Thurman, Marsh & Tilden. The Witness not attending after waiting nearly an hour, the parties aforesaid requested an adjournment till half past one o'clock P.M. this day, which was granted, at which time the Witness being present continued his Cross Examination as follows.
Question by Mr Tilden. Was not the original issue of Bonds by the Cumberland Coal and Iron Company $525.000.
Answer. It was. Objected to by Mr Thurman.
Question by Mr Tilden. Was not the whole issue of $525.000 of bonds given as a part consideration for the purchase of the property formerly owned by the Maryland Mining Company?
Objected to by Mr Thurman as leading and irrelevant to the motion.
Answer. My impressions are that they were not all paid out for that property. I cannot recollect distinctly
Question by Mr Tilden. Please state whether the purchase of the property of the Maryland Mining Company referred to by you in your direct Examination was made in pursuance of a previous arrangement for the settlement of the affairs of that Company?
Objected to.
Answer. I believe there was some previous negociations.
Question by Mr Tilden. Was the real value of that property understood by you, to be greater than the nominal price at which it was purchased
Answer. There were different Estimates of its value, persons who had