Answer

There is one at the end of the ninth line of "The Vale" I now designate it by a written D. in black ink

27th Interrogatory

From your own examination of the location of the big vein of coal in the property described in said "Exhibit A" as you have located it, what would you say was the least amount of acres of coal in such property, if the whole of the same now remained undisturbed?

Answer.

About nine hundred acres - not less - I should think

28th Interrogatory

If you had made the locations of the several tracts and parts of tracts of land shown on the Plat "D. D. Brown" and described in Exhibit "A" by first making a Plat of "The Vale" and then of said tracts and parcels connecting them with it, would not the Plat have been as it now is, in respect thereto as to their relative localities?

Answer.

If I had made a Plat of "The Vale" and the other lands parts of which are embraced in "Exhibit A" of the bill, and I had located the lines of the deed as I have now located them, it would not have changed their relative positions.

The Commissioner here adjourned the taking of testimony until to-morrow morning at 9 o'clock

J. J. McHenry
Commissioner

1861 June 12th Pursuant to adjournment the commissioner met at the usual hour and place, and in presence of the solicitors of complainant and Respondents, proceeded to take the following testimony

Denton D. Brown's examination being here resumed on the part of the Complainant, deposed and said as follows

29th Interrogatory

In your answer to the 11th cross interrogatory you say you did not survey the outlines of "The Vale" or "Vale Farm" before making the Plat "D. D. Brown. and in your answer to 13th cross-interrogatory you say that the north east corner of "The Vale" or Vale Farm" could be easily discovered, and there could be no doubt upon a survey of them, where such North East corner was. did you not actually survey sufficient lines of "The Vale" to determine where such North East Corner was, in the ground before making the Plat "D. D. Brown" by actual surveying?

Answer.

In answering the 13th cross interrogatory, I understood it to ask me whether I had made a seperate survey of each part or parcel of land, constituting the parcel conveyed in "Exhibit A"

of the bill. I did make a survey of part of "The Vale" Iran to the end of forty-five perches on the third line and then all of the other surveying I did, was of the outlines of the land described in Exhibit A. of the bill, All the surveying was done before this Plat was made

30th Interrogatory

Did you know when you made the survey for the Plat "D. D. Brown" where the southwest corner of "The Vale" was, and if you had commenced at such southwest corner & reversed the lines of the tract described in "Exhibit A" in order to determine beginning of said tract purporting to be conveyed by "Exhibit A" would not the survey on the ground and the Plat "D. D. Brown" have been the same as they were, from the beginning formed by you, by commencing at the north west corner of the "Hoffman Farm" and reversing the lines of said tract of said "Exhibit A" to its beginning?

Answer.

I knew where the south west corner of "The Vale" and the beginning of the first line and the end of the first line were, before making the survey, and Plat "D. D. Brown" If I had gone to the South west corner of "The Vale" and reversed the lines 4th, 3rd 2nd & 1st it would have carried me to the same point

This witness being here re-cross-examined by the Respondents, deposed and said.

25th Cross-Interrogatory.

When did you first mark the point on the Plat at the end of forty five perches on the third line of "The Vale" and which point, the north east corner of "The Vale"?

Answer.

I marked the point B. first yesterday, here at my cross-examination which is the end of forty five perches on the third line of "The Vale" I think I indicated the north east corner of "The Vale" here yesterday at my examination in chief.

26th Cross-Interrogatory

Have you ever seen the "Hoffman Farm" surveyed, or did you ever survey it yourself?

Answer.

I run some of the lines of the lands known now as the "Hoffman Farm". I think in the latter part of 1847; but have now no particular recollection of how the lines run. and I never saw any one else run them.

27th Cross Interrogatory

When you say you know the "Hoffman Farm" do you mean to say that you know the outlines or only have a general knowledge of its locality?

Answer.

I mean to say that I have a general knowledge only