hundred thousand tons per annum?

Answer. I have not.

4th Cross Interrogatory. What is the largest amount of coal in any one year, which has ever been mined and sent to market by any Coal Company or operator in Allegany County

Answer. I dont recollect the exact figures; I have an impression that the Cumberland Coal and Iron Company have sent as much as two hundred thousand tons in one year; but I am not positive of it.

5th Cross-Interrogatory. What is the largest amount of coal the Borden Mining Company has mined and sent to market in any one year

Answer. Ninety-six thousand tons.

6th Cross Interrogatory. What number of acres of the big vein of coal is owned by the Borden Mining Company

Answer. I dont know. I think the Borden Mining Company have a thousand acres of the big vein.

7th Cross Interrogatory. Has there ever been such a demand for the coal of this region, as would require the mining of seven hundred tons a day, from the largest coal mines of Allegany County and of the same relative proportion of coal per day from other mines the owners of which have a less quantity of coal?

Answer. I must answer this question in this way

In 1854 the demand for Cumberland Coal taxed the means of production, then existing, to their utmost capacity.

8th Cross Interrogatory. What has been the fact during and since the year 1856?

Answer. There are parties whose means of production have been fully taxed in those years.

9th Cross-Interrogatory. Has there been during and since 1856 such a demand for the coal of this region, as would require the mining of seven hundred tons per day from the largest coal mine of Allegany County and of the same proportion of coal from other mines having relation to the size of mines and capabilities of owners to mine coal?

Answer. I would say that since the year 1854 the demand for the coal of this region has not been equal to its capacity to supply, while there are individual parties whose demands have been equal to their capacity.

10th Cross Interrogatory. Would not a supply of seven hundred tons tons per day from the Company or individuals engaged in mining in Allegany County, having the greatest capability of supply together with a supply by all other operators in the same ratio in proportion to their capabilities, have been in excess of demand since 1854 to the present time?

Answer. I should think it would have been in excess at a profit—in other words I dont think that that quantity could have been sold at a profit. I assume that the capacity of any one opening is equal to that of any other opening

11th Cross-Interrogatory. Do you remember when the speculation in coal lands in Allegany County, was at its highest point

Answer. I can not fix the date.

12th Cross-Interrogatory. Was it not in or prior to 1854?

Answer. Yes

13th Cross Interrogatory. After 1854 and in 1856 had not this speculation in coal lands gone down?

Answer. I think it had.

14th Cross Interrogatory. What has been the average price of run of mine coal, delivered in Baltimore, during the years 1856, 1857 and 1858?

Answer. I should think it varied from three and a half to four dollars per ton.

The Commissioner here adjourned the further taking of testimony until tomorrow morning at 9 o'clock.

J. J. M. Henry
Commissioner

1861 June 13th. Pursuant to adjournment the commissioner met at the usual place and at the hour named, and in the presence of the solicitors of complainant, and Respondents, proceeded to take the following testimony; viz:

George H. Herpich. A Witness of lawful age, produced on the part of the complainant, being by me duly sworn and examined to interrogatories and cross interrogatories to him propounded, deposed and said:

1st Interrogatory. What is your present occupation and how long have you been engaged in it?

Answer. I am a carpenter and have been such since 1845.

2nd Interrogatory. Where have you resided for the last thirteen years?

Answer. At the Eckhart mines.

3rd Interrogatory. Where are the Eckhart mines situated and on whose property?

Answer. They are situated a mile and a quarter east of Frostburg and are the property of the Cumberland Coal and Iron Company.

4th Interrogatory. Are you or not acquainted with the coal property of the Cumberland Coal and Iron Company and also with the coal property now claimed by the Koffman Steam Coal Company, and the boundaries of the latter property

Answer. I am.

5th Interrogatory. Can you say what improvements buildings were in 1856 when on the property now claimed by the