Complainant, being by me duly sworn and examined to interrogatories to him propounded, deposed and said.

1st Interrogatory. Did you do any work or furnish any material for the Hoffman Mines? If so when what was it to what amount and who paid you for the same?

Answer. I did work for them — I furnished no materials this was in 1856 & 1857 — I hewed the timber for the slopes on the inside, and delivered it at the side of the Company's Railroad. The amount I could not exactly say, but it was between six and seven hundred dollars and the Cumberland Coal and Iron Co. paid me for the same.

2nd Interrogatory. Where did you get such timber and did you pay anything for it?

Answer. I got it on the Cumberland Coal & Iron Company's property I paid nothing for it.

3rd Interrogatory. Were you paid for it by the Cubic foot or running foot and how much per foot were you paid?

Answer. By the running foot, at 8½ cents per foot.

4th Interrogatory. What was the size of the timber after it was hewed?

Answer. Part of it were 12 x 12 and part of 12 x 14 inches square.

5th Interrogatory. What was the value of all the timber so hewed and delivered by you, as it stood in the woods?

Answer. I suppose timber was worth, according to the way it was selling about the amount what I got for hewing it.

6th Interrogatory. How far was it transported on the Complainant's railroad. From where you delivered it to the place whence it was taken to the Hoffman mines?

Answer. Part was about five miles and part was about four miles, to the best of my judgment.

Francis Spade a witness of lawful age produced on the part of complainant, being by me duly sworn and examined to interrogatories to him propounded, deposed and said.

1st Interrogatory. Did you do any work or furnish any materials for the Hoffman mines? and if so — when — what was it — what did it amount to — and who paid you for the same?

Answer. I did some work — mason work in 1856 — I cant tell what it amounted to — my partner paid me.

2nd Interrogatory. Who was your partner? How and what rate were you paid by the perch or by the thousand brick?

Answer. Mr Weigel and Mr Smalley. By the perch.

3rd Interrogatory. How much per perch were you paid? and on what buildings was such work done.

Answer. I believe it was about 87 cents per perch. In the tunnel work, in the foundation for that shute.



Daniel Smalley, a witness of lawful age produced on the part of the Complainant being by me duly sworn and examined to interrogatories to him propounded, deposed and said.

1st Interrogatory. Did you do any work at the Hoffman Mines? And if so when? state what it was and who paid you for the same.

Answer. I did 1856 & 1857. It was mason work for the tressling for a load house and for a barn — and for a stationary engine house. The Cumberland Coal and Iron Company paid me.

Douglass Percy, a witness of lawful age produced on the part of the Complainant, being by me duly sworn and examined to interrogatories to him propounded deposed and said.

1st Interrogatory. Are you familiar with the Frostburg Coal region of Allegany County. And how long have you been acquainted with it?

Answer. I am acquainted with it for thirty years.

2nd Interrogatory. Do you know the location of the property claimed by the Hoffman Steam Coal Company of Allegany County?

Answer. I know it generally, but not the exact lines — the outlines I mean.

3rd Interrogatory. Do you know the property of complainant north of said that property, the location of the Eckhart mine and Slope mine and the coal land of complainant accessible to said mines?

Answer. I do.

4th Interrogatory. State how much coal land of complainant is accessible by and through said Slope mine and Eckhart and by what names such coal land is commonly known.

Answer. All of the Eckhart Farm can be taken out at the Slope Gallery and all of the McCulloch

5th Interrogatory. Do you know the farm commonly called the Sheetz's farm?

Answer. I do.

6th Interrogatory. Is that a part of the Eckhart Farm of which you speak?

Answer. It is

7th Interrogatory. Do you know the tract of land commonly called the Hoffman Farm? And if so, is any part of it accessible to said Eckhart mine and Slope mines.

Answer. It is all accessible to the Eckhart Slope.

8th Interrogatory. Is there any other property of complainant, other than what you have named, as accessible to said Slope mine and Eckhart mines which can be mined by and through said Eckhart mine and Slope mine?

Answer. None other.