one third south of it, and all of the McCulloch south of the road except a few acres which are north.

The commissioner adjourned the taking of testimony further until to-morrow morning at nine o'clock at this place.

J. J. McHenry
Commissioner.

1863 June 13th. Pursuant to adjournment the commissioner met at the usual time and place and in the presence of the solicitors of Complainant and defendants, proceeded to take the following testimony, to wit.

The cross examination of Douglas Percy continued by Respondents

5th Cross Interrogatory. Do the lands of any other person intervene between the Slope mine of the Complainant and the property of the Hoffman Company, in controversy in this case?

Answer. There is other property that intervenes

6th Cross Interrogatory. To whom does it belong?

Answer. William Wright's heirs.

7th Cross Interrogatory When was the speculation in Coal lands in Allegany County at its highest point?

Answer. From the year 1850 to 1854

8th Cross Interrogatory. After 1854 was there not a great depression in the market, of the price of coal lands and has or has not that depression continued up to the present time?

Answer. As a general thing it has; from the fact that the most available property was purchased between the years 1850 and 1854. But available property has brought as good a price.

9th Cross Interrogatory Of what available property do you speak?

Answer. William Wards property, sold to the Borden Mining Company and the Hoffman Holbrow property which is equally as valuable as the Ward property.

10th Cross Interrogatory Do you consider the Hoffman Company's property more valuable than the Ward property acre for acre?

Answer. I do.

11th Cross Interrogatory How much more valuable?

Answer. I can't answer without calculating. I considered it worth $50 per acre more.

12th Cross Interrogatory: When you compare acres you mean acre for acre of lands underlaid with coal

Answer. Certainly.

13th Cross Interrogatory, Are you acquainted with the coal lands of Georges Creek Valley purchased by Varnum and Aspinwall in 1853?

Answer. I am acquainted with those lands

14th Cross Interrogatory. Will you state the prices paid for these lands by Varnum and Aspinwall?

Answer. Coombs farm, Thomas Wrights farm each one hundred dollars per acre. Koontz's farm one hundred and ten dollars per acres. Hunderson farm, ninety dollars per acre

"Part of Commonwealth" two hundred & fifty dollars per acre.

15th Cross Interrogatory. State if you please the location of these lands and whether the same are not further from market than the property of the Hoffman Company?

Answer. They are further from market. The location of these lands is in the centre of Georges Creek coal region

16th Cross Interrogatory Of the several parcels of land above named, as purchased by Varnum and Aspinwall, state which is the farthest from market

Answer. The Koontz property

17th Cross Interrogatory Will you state how much further by railroad transportation it would require to take the coal from the "Commonwealth" tract to Cumberland than from the Hoffman property?

Answer To make it accessible by railroad it would make it at least six miles further than the Hoffman property

18th Cross Interrogatory How much further would be the transportation from the Henry Koontz property than from the Hoffman property, to Cumberland?

Answer. The difference would be about seven miles further for the Koontz property.

19th Cross-Interrogatory. How far, in mere surface measurement is the "commonwealth" tract from the Hoffman property?

Answer From the northern end of the Hoffman property to the northern end of the "Commonwealth" would be nearly three miles

20th Cross Interrogatory From the southern end of the Hoffman property to the northern end of the "Commonwealth" would be how many miles?

Answer. About two miles. The Hoffman property is a mile and a half in length from north to south, whilst the "Commonwealth" is only about half a mile.

21st Cross Interrogatory Do you own any coal lands in Allegany County and where are they situated?

Answer. I do own in fee, coal lands in Allegany County adjoining the Borden Mining Company's property, known as the William Ward property, south of the National road

22nd Cross Interrogatory What did you pay for them and when did you buy them?

Answer I paid eighty dollars and fifty cents per acre in the year 1853, March.

23rd Cross Interrogatory Did you not lately buy an