bid against me. If a railroad had been made to the mouth of the mine, I would have given three times the amount for it, and considered it a fair price at the time I purchased it, as times were.

Question here repeated to witness, he says:

I believe I gave a fair price for it when I purchased it, as times were

38th Cross Interrogatory. Had any coal mine been actually opened on the Winebrenner property, previous to the time you purchased out the dower interest of the widow of Thomas G. Atkinson in the said property?

Answer. There had not at the time, that I had agreed to give her one hundred and seventy five dollars for it, but a mine was opened before the money was paid

39th Cross Interrogatory. Were you surety for said Atkinson for purchase money due for his interest in said Winebrenners property?

Answer. I was.

40th Cross Interrogatory. Was not the main inducement you had to bid for and purchase said interest, a desire you had to save and protect yourself from loss on said suretyship?

Answer. At that time it was

41st Cross Interrogatory. Do you know the property now belonging to complainant, that formerly belonged to the Maryland Mining Company? If yea, specify the same.

Answer. I do know the property. The Eckhart farm embracing the Shetzes property. The Hoffman Farm — The Vale Farm — Gabriel Porters farm — Josiah Porters farm — known as "Scrub Ridge". Fountain in Farm" known as Porters Tavern — Daniel O'Brents farm, a Railroad also, from the Eckhart mine to Cumberland & a branch railroad to Canal and Wills Creek, near the bridge, also a large amount of equipments for said railroad and mines

42nd Cross Interrogatory. Do you know at what time the property you have specified formerly belonging to said Maryland Mining Company, was purchased by Complainant? And what were the prices paid for said properties by said Complainant?

Answer. About the 1st of September 1852 it was purchased. Seven hundred thousand and one hundred dollars was the price paid according to my impression and that one hundred dollars was given to George Deneen for crying the sale; and I understood that David Leavitt of New York bought the property for the complainant

43rd Cross Interrogatory. Was the sale you speak of the one made by Messrs Brown, Pearre, Price & McKaig trustees under a decree of the Circuit Court for Allegany County for the sale of the property of the Maryland Mining Company?

Answer. That is my impression.

44th Cross Interrogatory. Were not Messrs Brown Pearre Price and McKaig present at that sale and conducting the same; and did not George Deneen cry said sale?

Answer. They were present and George Deneen cried that sale.

45th Cross Interrogatory. Can you state now, after having refreshed your recollection by reference to the record, and by reflecting upon the same, whether the sale you referred to, was not the sale made by Messrs Brown, Pearre, Price and McKaig trustees? and what was the particular amount at which it was knocked down to the purchaser?

Answer. After referring to the record and refreshing my memory I find the particular property above mentioned was sold by Messrs. Brown, Pearre, Price and McKaig trustees, for the sum of five hundred thousand & one hundred dollars as I supposed to David Leavitt as before mentioned.

Complainant here objects to the testimony and notifies the respondents to file a certified copy of the trustees Report of said sale referred to;

In compliance therewith, Respondents file here a certified copy of said trustees Report as required herewith filed marked "J.B. McK No 5".

The Complainant here re-examined this witness who deposed and said

28th Interrogatory. At the time you opened the Astor Mines as stated by you in cross examination, did the complainant own the Eckhart mine or Slope mine or the Eckhart, McCulloh, Shetzs or Hoffman farm or the Vale farm? or any of them?

Answer. Out of the property named, they owned only the McCulloh property, to the best of my knowledge.

29th Interrogatory. Do you know from whom complainant bought said last properties, other than the McCulloh farm? or what it paid for them or any of them?

Answer. They bought from the old Maryland Mining Company. They paid for the entire property five hundred thousand and one hundred dollars, instead of seven hundred thousand & one hundred dollars as I had supposed, before seeing the record.

{ Complainant here files certified copy of deed from David Leavitt and wife to Complainant recorded in Liber G. R. No 9. folio 148 &c marked "J.B. McK. No. 6" }

30th Interrogatory. When did the complainant stop working the Astor Mine, after it was first opened by you as stated in your testimony? and why?

Answer. It was not stopped while I was in the employ of the Company; and I left in November 1853

31st Interrogatory. Are you positive you left in 1853?

Answer. That is my recollection