32nd Interrogatory. Is not the larger portion of the coal in the Hoffman property, equal to Astor, for marketable purposes?

Answer. The greater portion of it is equal to the Astor Coal.

33rd Interrogatory. In your answer to the 31st Cross Interrogatory do you mean to say, that all the coal accessible in 1856, through the Eckhart mine and Slope mine of Complainant, which contained the breast slate, had been worked out before that time?

Answer. I do mean to say so – on the south side of the National road and the Slope gallery also.

34th Interrogatory. How was it on the north side of said Slope and said National road, as to the coal accessible through said mines? Had all the coal there containing said breast slate, been worked out in 1856?

Answer. A very small portion of it compared with the quantity, was worked out in 1856. And all on the north side, contains the breast slate, from four to six inches and increases from eight to ten as you go north; and a considerable portion of it is faulty, slaty and poor coal.

35th Interrogatory. On the South side of said road. After the breast slate fairly turns out, in said Eckhart Mine and Slope mine, does not a thin vein vein of bone or Sulphurous matter run a considerable distance further, at the same level, that the slate existed; and is it not a continuation of the same vein of impure matter, which injures the value of the coal; And is it not almost impossible to seperate this vein of bone from the coal?

Answer. After the breast slate terminates, there is a small vein of bone takes its place, the distance is found to vary in different places of the coal field. It is very hard to get this bone out of the coal; And in many cases it injures it in market, unless taken out by the miners. This bone extends beyond the breast slate from one to three hundred yards.

36th Interrogatory. What is the greatest quantity of coal that you ever took out of the Eckhart mine, in any one month?

Answer. I cannot recollect now.

37th Interrogatory. What quantity of coal do you think could be safely and economically taken out of the Eckhart Mine and Slope mine, daily, for a regular yearly business, in 1856 as the said mines then were.

Answer. I dont think anything could be taken of the old mine in 1856 – it was all worked out except a few pillars, but had it been as I left it in 1853. I could have taken out five hundred tons a day from the old mine.

And to work the Slope Gallery, north and south, one thousand tons, per day, could be produced from the Slope, by working part of the night.

38th Interrogatory. Do you make any allowance for accidents or interruptions in the mines, and the machinery and pumps connected with it in stating that this daily business could be done from the Slope mines?

Answer. I did not make any allowance in my former answer, but allowances ought always to be made where machinery is used and pumps to draw water, required.

This witness being here again re-cross examined by Respondents, deposed and said:

46th Cross Interrogatory. What did Complainant pay for the McCulloch property?

Answer. One hundred thousand dollars.

47th Cross Interrogatory. Computing the whole real estate owned by the Complainant in 1856, which was sold by the trustees of the Maryland Mining Company, and also the McCulloch property, at three hundred and seventy four thousand dollars; State what proportion of said sum the property of the Hoffman Company, bore to the whole sum above named, whether one fifth – one tenth – or what other fractional part?

Complainant here objects to this question.

Answer. I cannot answer without calculation reflection, and consideration. I cant answer it now.

48th Cross Interrogatory. Did you at any time between 1853 & 1856 go in and examine what in your answer to the 37th Interrogatory, you call the "Old Mine" for the purpose of ascertaining what quantity of coal still remained to be taken out of said old mine?

Answer. I did not go in between the years 1853 & 1856 to examine how much coal was yet to be taken out; but in riding over the surface from the surface being caved in, proved to my mind that the coal had been taken out previous to 1856.

49th Cross Interrogatory. In 1856 did not complainant own more coal lands in Allegany County than could be profitably worked by any one Company?

Answer. Yes sir, if they had all been accessible. I mean if they had been opened – Yes more than a dozen Companys could work.

The Commissioners here adjourned the further taking of testimony until 9½ o'clock on Monday morning next.

J. S. McHenry
Commissioners

1861 June 17th. Pursuant to adjournment the commissioner met at the hour and place named above and in presence of Solicitors of Complainant and Respondents, proceeded to take the following testimony, viz:

The examination of Douglas Porey being here resumed on part of Complainant, he deposed and said: