1856 & 1857. I worked also about a day, clearing up a fall in the Hoffman mine.

2nd Interrogatory. Did you do any work in the Hoffman Slope, for which the Cumberland Coal and Iron Company paid you, and if so when?

Answer. Well in 1856 and 1857, I did.

3rd Interrogatory. Have you any statements given you by the Cumberland Coal and Iron Company, at the time you were paid, showing the value of said work so done by you at the Hoffman mine? If so, produce and file them with the Commissioner.

Answer. I have and here file them with the Commissioner, nine in number, marked "J. J. McK. No 13"

This witness being here cross examined by Respondents, deposed and said

1st Cross Interrogatory. When were the statements produced by you, in answer to the last interrogatory in chief, handed to you and by whom?

Answer. I fetched them from home with me this morning.

Question repeated. I fetched them myself nobody handed them to me.

2nd Cross Interrogatory. You say you brought them from home this morning — did any one this morning, before you left home, request you to bring them here?

Answer. Not this morning they did not.

3rd Cross Interrogatory. When did they request you to bring them and who was it so requested you?

Answer. On Monday evening Mr Baxter requested me to bring them. Mr Baxter is the master miner of Complainant.

4th Cross Interrogatory. Have each of the statements produced by you been kept by you and remained in your own possession since the time they were first given you

Answer. They have.

5th Cross Interrogatory. Name the person who paid you the money mentioned in those statements.

Answer. Mr. Samuel Haller paid me the money.

John M. Kelly, 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 build any mining cars which were sent to the Hoffman mine or used there? If so, how many and when? and who paid you for your work on the same?

Answer. I built cars at the Hoffman mines and they were used there, This was done in 1856 — commencing in November 1856 and finishing in 1857, to the best of my recollection

I received my pay for the same at the office of the Cumberland Coal and Iron Company? I contracted for fifty but I dont think I finished more than forty five to the best of my recollection.

2nd Interrogatory. What price you paid a piece for your work on said cars?

Answer. Five dollars and a half.

3rd Interrogatory. Do you know of any more mine cars which were built for the use of the Hoffman mines? And if so, how many and when were they built.

Answer. There was forty five more cars built by different parties — they were commenced at the same time and finished at the same time.

4th Interrogatory. Were the same built by the Cumberland Coal and Iron Company or by their orders.

Answer. By their orders. I contracted with Mr Henderson for mine

5th Interrogatory. Do you know the width of the mine back at the Hoffman mines and also of the mine back at the Astor, Eckhart and Slope mine of Complainant?

And is there any difference between the first and the latter in width?

Answer. The back at the Hoffman is to the best of my recollection, a few feet back. The width of the back of the Astor mine and of the Slope is, I think three feet eight inches or something less than that of the Hoffman

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

J. J. McKenny, Commissioner

1861 June 20th Pursuant to adjournment the commission met at the usual time and place and proceeded in the presence of the Solicitors of Complainant and Respondents to take the following testimony, to wit

Robert Grason, 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 at opening the slope at the Hoffman mine? If so, what kind of work — when was it done and who paid you for it?

Answer. I worked at the open cut in going into the Slope and inside of the Slope. The first of this work was done two years ago last May. If I recollect aright, The Cumberland Coal and Iron Company paid me

The other part of the work was done within three months after the first.

2nd Interrogatory. At what rate were you paid for said work and was said excavation in earth or in coal?

Answer. I was paid fifteen cents per square yard for the excavation outside? and inside eleven dollars and some odd cents per running yard. The excavation was in earth.

3rd Interrogatory. Do you mean by a square yard, a solid or cubic yard.

Answer. A square yard.

4th Interrogatory. Do you mean by a square yard a yard wide a yard high and a yard long?

Answer. I do.