can be economically taken out?

Answer. The coal aint all worked out. I could not say exactly how much coal remains in the mines yet; there aint any that can be got out economically

10th Interrogatory. Does the Complainant now work Eckhart mine? and if not how long since they ceased to work it?

Answer. Complainant dont work Eckhart mine now. They worked two men in it for the purpose of supplying their own engines; but to the best of my knowledge, it is about two years since they got out any coal to send to market from it.

11th Interrogatory. Please state, if you can, what impurities or strata of slate exist in the Slope Mine of Complainant, where the breast slate is? and describe by same from the floor of the mine to the roof that is mined etc.

Answer. The first slate in the bottom coal is about a quarter of an inch thick. The next slate is in both of the bottom coal and runs from an inch to inch and a half thick. The next slate in the coal above that is about the same thickness. Then the breast slate will run from four to eight inches. There is no slate from the bottom to the roof I mined to except those I mentioned.

12th Interrogatory. Please state the level above the floor of the mine of each of these slates

Answer. The first is about a foot from the floor. The next will run from a foot to fifteen inches above that. The next one will be about ten inches above the last named one. The breast slate will be about two feet eight inches above that.

13th Interrogatory. Is it practicable in mining said vein, where said breast slate exists, to get the coal out, entirely free of said breast slate?

Answer. I never could get it all out and I dug coal in it. I would not say it was a client.

14th Interrogatory. Does this breast slate exist in any part of the vein underlying the property claimed by the parties working the Hoffman mines?

Answer. To my knowledge, it does not.

15th Interrogatory. How do the Astor Mine Coal and Hoffman Mine Coal compare as to quality, in your opinion?

Answer. In my opinion, I think there is no difference in the quality of the coal.

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

1st Cross Interrogatory. How is the old Eckhart mine drained?

Answer. It is drained by a water course that was carried along about fifty feet below the main heading, for the purpose of drainage.

2nd Cross Interrogatory. Was such drain made originally at the time of opening said mine and used during the working of said mine for draining the same?

Answer. The drain I speak of, it was not made at the time of

opening the mine.

3rd Cross Interrogatory. When was it made?

Answer. It was about the first work commenced after the Cumberland Coal and Iron Company bought out the old Maryland Mining Company's property

4th Cross Interrogatory. Was it made for the purpose of draining that particular mine?

Answer. Yes sir at that time, I thought it was

5th Cross Interrogatory. While that mine was worked and even now, is it not the means of draining said mine? and necessary for that purpose?

Answer. Whilst the mine was worked, it was the means of draining from that mine and it was necessary for that purpose.

6th Cross Interrogatory. In this drain, is there any application of any artificial powers or does it run by its own flow?

Answer. There is no artificial power that I know of, but the water itself that runs out by its own flow.

7th Cross Interrogatory. Is there any injury done to the Eckhart mine of Complainant by draining the Hoffman Slope through it?

Answer. Not that I know of.

8th Cross Interrogatory. Is not the water which runs from the Eckhart mine drain, used by the Complainant for supplying water to the boilers of the Engine which works its slope in for its locomotives?

Answer. No sir, it is not used for other.

9th Cross Interrogatory. Where is the water in the water tank of the Complainant's Station at Eckhart, supplied from?

Answer. It is supplied from three springs, to the best of my knowledge

10th Cross Interrogatory. When leaking, did the Complainant use the water from this drain for its Coke yard?

Answer. The water that came out of this drain as well as that out of the slope, was used for that purpose.

This witness being here re-examined by Complainant, deposed and said,

16th Interrogatory. When you say in answer to defendants third cross-interrogatory "after Complainant bought out of the old Maryland Mining Company's property" do you mean after Complainant bought the property that had been owned by that Company or not?

Answer. I mean the property that had been owned by the Maryland Mining Company.

17th Interrogatory. Does mine water injure the quality of coke or not?

Answer. My answer is — If I was going to buy coke, if I could get other than that upon which this drain of water was used, I would take the other in preference. I say that the coke upon which this drain water is used, is not as good as that upon which clean water is used.