13th Interrogatory. Can or not all the drainage of the Hoffman Slope, which lies above such water heading as you have just spoken of, be drained through such water heading, if the same were made, into a heading of the present slope mine of the Cumberland Company? And what heading of such slope mine would it come into?

Answer. Yes, It can be drained. It would come into the south east heading of the Eckhart Slope mine.

14th Interrogatory. Was there or not a water heading opened or constructed in the Eckhart Mine for the purpose of draining the Hoffman Slope? or constructed for any distance with such a view?

Answer. There was no water heading constructed "in the mine" the water heading was timbered and repaired and made secure, for the purpose of draining the Hoffman Slope.

15th Interrogatory. When was this last work done and in whose employment were the men who did it?

Answer. It was done in the Spring of 1858. The men were employed by the Cumberland Coal and Iron Company.

16th Interrogatory. Do you know what said last work cost or about what it cost? And if so? state it.

Answer. To the best of my judgment the material and labor cost at least twelve hundred and fifty dollars or thereabouts.

17th Interrogatory. Do you know the property claimed by the parties now working the Hoffman mine?

Answer. I do know the body of the land, but dont know the outlines altogether. I know some of the lines, but I dont know the whole of them.

18th Interrogatory. Do you know the lines on the north end adjoining the Eckhart property of Complainant?

Answer. I know the lines from the Wright property until it crosses the Hoffman railroad; the balance of the same line I dont know.

The Commissioner here adjourned the further taking of testimony until to morrow at 10 o'clock, at the same place.

J. P. McHenry, Commissioner

1861 June 21st. Pursuant to adjournment the Commission met at the time and place designated and in the presence of the solicitors of Complainant and Respondents, proceeded to take the following testimony to wit:

John Johnson, a witness of lawful age, produced on the part of Complainant, being by me duly sworn and examined to interrogatories to him propounded, deposeth and says.

1st Interrogatory. Do you do any work or furnish any material at the Hoffman mine? And if so, when what kind of work or material and by whose orders and what did the whole amount to?

Answer. I made some copper pipes and Exhaust pipe of galvanized iron. I think in August 1857. I made it by the orders of the man that was putting up the Engine. It amounted to one hundred and twenty dollars and twenty five cents. It might have been a little

more but it was not less.

2nd Interrogatory. What was such work and material done and used for?

Answer. It was for that new Engine at the Hoffman mine. The Engine is a stationary engine.

3rd Interrogatory. Were you paid for the same and by whom?

Answer. I assigned the claim to Mr. Magruder who paid me one hundred dollars for it.

Levi R. Fechlig, 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. What was your last occupation and how long had you been engaged in it?

Answer. I was clerk of the Baltimore and Ohio Railroad and had been for the last seven years.

2nd Interrogatory. Whose business was it, during the years 1855-'56, '57 and '58 to make out the manifest accounts for coal carried over the Baltimore and Ohio Railroad, from Cumberland eastwardly?

Answer. It was my business exclusively.

3rd Interrogatory. Was it necessary for you in making out such manifest, to be made acquainted with the names of the consignees; and if so, by whom?

Answer. It was always necessary. I required the consignor to give the names of consignees on slips or manifests from their mines, to our office.

4th Interrogatory. Do you know or can you state, how many tons of coal were sent over the Baltimore and Ohio Railroad from the Hoffman mines during the years 1855 '56 '57 and '58?

Answer. By a detailed statement from the manifest books of the Rail Road Company giving consignees and quantity of coal to each. I make the total amount fifty eight thousand six hundred and sixty eight and nine twentieth tons. By an examination of other books kept at the office, giving weekly and monthly reports, it makes the aggregate amount eight hundred tons more than the above amount.

5th Interrogatory. Who made such a detailed statement and who kept said manifest book and the other books of which you speak?

Answer. I made the statement and kept all the books connected with the transportation of coal from Cumberland over said Railroad.

6th Interrogatory. Is said manifest book the original Book of entries of such coal accounts?

Answer. It is.

7th Interrogatory. Can you state whether any persons who were consignees of coal sent over said railroad by the Cumberland Coal and Iron Company, prior to 1856, were consignees of coal sent from the Hoffman mines over said railroad in 1856