The said William T. Royston, being then Cross Examined on behalf of Gordon Foster, makes oath, deposeth and saith as follows that is to say:

That there is a difference in the quality of the Land belonging to the Factory some parts of it, being better than others,

About 50 acres is low land, and he thinks this is worth 75 dollars an acre, irrespective of the improvements, the Wood Land is worth about 50 dollars an acre and the upland about 45 dollars an acre,

Mr Patton sold some of the Factory Lands, that he is aware of, He never saw improvements on the Land which the Father of Witness sold to Mr Patterson Mr Patterson wanted to the whole of the field which contained ten or twelve acres but the Father of Witness would only sell him a piece containing about three acres and this Mr Patterson bought from him at 100 dollars an acre, Mr Patterson built on this purchase of three acres, this purchase adjoins the Factory Lands in the South and separates them from those of the Fathers of Witness, and is situate on the Road and is about 150 yards from the Factory Mill,

Mr Slade owns the Land on the North of the Factory Lands, and Mr Hays that on the West, Mr Patterson owns the Lands on the East besides his above purchase on the South. Mr Rhoades owns a piece which he purchased from John Price, adjoins the Factory Land on the North West,

He knows of no other sales of Land within Neighborhood, Witness is unable to judge whether there is Land enough attached to the Factory for Factory purposes, he is no judge of that Matter,

Again Examined in chief for Petitioners.

From his long residence in that Neighborhood, Witness is well acquainted with the Value of Land there, and the prices which the people held it, He thinks that 50 dollars an acre would have been in September 1852 a fair average price for the Land attached to the Phoenix Factory independent of the improvements and that it was worth that in the Market at that time,

George Morrison a Witness of lawful age produced on behalf of the petitioners being by me first duly sworn on the Holy Evangels of Almighty God, makes oath, deposeth and saith as follows, that is to say.

That he is the principal of the Central High School, Witness has known the Phoenix Factory for not less than 12 years, and has resided in immediate Neighborhood

Witness knows the Value of Land in that Neighborhood in September 1852, taking the average of the Land attached to the Phoenix Factory irrespective of the improvements in September 1852, it would have been worth to the best of his judgment, not less than 50 dollars an acre some portions of it and much better than others. There is less than one half of it low land there is some Wood land but he cannot say definitely what quantity.

The Commission was then adjourned to the first day of June in the same year at ten o'clock in the forenoon, and the same place at which last mentioned hour and place the Commission met pursuant to Notice and Proceeded in the presence of the Solicitors of the respective parties to take the following depositions that is to say:

The Commission was then adjourned to the first day of June in the year of our Lord 1865 at 10 o'clock in the forenoon and the same place; at

which last mentioned time and place the Commission met pursuant to Notice, and Proceeded, in the presence of the Solicitors of the respective parties to take the following depositions that is to say,

William Dawson, a Witness of lawful age, produced on behalf of the Petitioners being by me first duly affirmed having conscientious scruples against taking an oath deposeth and saith as follows, that is to say,

That Witness made a survey of the Phoenix property for Sale, at the instance of Messrs Myers and Hathorn, about May or June 1853 he surveyed Lots No 1 and 2 in Merryman's Division, excluding a small piece of about one acre and a half which was sold to the Plank Road Company, Witness in fact surveyed the Land still in his care and examined the title He found that there were 134 acres and three quarters, but there is a deduction to be made from this of about one acre and a half, being the above mentioned Lot sold to the Baltimore and Susquehanna Plank Road Company that he found to be the true number of acres according to the courses and distances in the deed from Charles Howard and wife to Frances T. Dalton.

The said William Dawson, being then Cross Examined for Foster deposeth and saith as follows that is to say,

That Witness does not recollect the distances and lines of the ground, independent of his field book which he now refers to, and which he has with him during his Examination in chief, he has an independent recollection of the general quantity of Land, which was about 130 acres He does not recollect the number or length of the lines independent of his field book, Witness did not give any Notice to the Foster to be present at the Survey, The Land had fencing on it but not always on the Lines the lines sometimes ran outside of the fencing but in most places they went much inside of the fences never of any account they were generally on the fencing.

Witness surveyed the property by the lines of the deed and not by the fencing on the Eastern side of the tract the lines ran some few perches outside of the fencing but not always parallel to it: on the Northern side, or long line the lines ran it may be about one perch inside of its Western end and at its Eastern end was outside the fence. In running the lines Witness was satisfied that he took in all the land which the Deed called for they found stones and marks which satisfied Witness of the accuracy of the survey.

Witness thinks supposes that there was land enough there for the Factory there was a complete mill seat; some men have seen land for that and others less, Witness not knows the value of the land at the time of the running not of any factory on that land He knows nothing of the value of land in the Neighborhood at any sales there.

There was in fact not much variation between the fences and the lines of the survey the difference never exceeded three or four acres

In estimating the number of acres Witness only estimated the number of acres within the lines assumed by him and called for by the Deeds, he took Nothing not about the Deed called for,

William A. Talbott, a Witness of lawful age produced on behalf of the petitioners being by me first duly sworn on the Holy Evangels of Almighty God makes oath, deposeth, and saith as follows that is to say;