fifth acres, it would require 32,400 yards of fill; the streets laid out on said plat would require two thousand two hundred and eighty-four feet of curbing, 3,000 yards of gravel, and 9,136 square feet of paving.

4 q. Were your measurements made carefully?

A. Yes, sir.

5 q. And do those figures that you have given correctly represent the result of your measurements and calculations?

A. Yes, sir.

Cross-Examined by Mr. Williams:

1 x q. At whose instance did you do all this?

Mr. Poe: I included in my question the fact that he did it at my instance.

2 x q. Will you kindly tell us exactly what your relation is to this case; not that of a mere witness, is it?

A. My relation is to make surveys as requested by the counsel.

3 x q. For the city?

A. For the city.

4 x q. And to furnish evidence of plats and titles?

A. To furnish only such surveys as they direct.

5 x q. Any evidence as to titles?

A. No, sir.

6 x q. You produced at the last examination what you called a certificate, will you file it with the commission?

A. I will file a certified copy; the original is my private property, of course.

Mr. Williams: There will be no objection hereafter to your withdrawing it from the Court records; when a witness speaks from a paper in a cause, it ceases to

be private property, and we have a right to the identical paper.

Mr. Poe: If the commission think proper to despoil Mr. Shipley of his private papers, they can do so; he declines to produce the original, but will file a certified copy.

The witness: If the commission want it, and say they will protect it and return it to me, they may have it.

Mr. Wharton: Mr. Shipley will produce the paper before the commission, and let the stenographer copy it, and whenever necessary, will produce the original.

Mr. Williams: I want the original paper filed; I will contribute all in my power to have the paper restored to him; I want the particular paper itself, for I do not think any copy of it will adequately supply the use I wish to make of it; I want the original paper produced, or the refusal to do so - I do not care which.

Mr. Wharton: It may go on record that the original paper will be produced at any time, if necessary; it is a bit of paper, and can be taken down by the reporter while we wait.

The witness: I will file a certified copy of the paper with the commission.

Mr. Wharton: And produce the original whenever necessary.

The witness: I do not say that.

Mr. Poe: I doubt whether you have any right to ask more; under advice by the counsel for the city, Mr. Shipley declines to produce the original, but promises to file a certified copy and to exhibit the original for examination at any future time either before the Commissioners, or the