

*4th Cross Interrogatory.* Do you, or do you not, know whether any of the different passes or points along which the Canal must necessarily be carried, can be avoided by the Rail-road, and at the same time collision between the two works avoided?

*Answer to the foregoing cross interrogatory.* I only know from hearsay at the points alluded to in this interrogatory.

*Witness re-examined by the defendants, by their counsel.*

*1st Interrogatory.* (To this interrogatory the complainants by their counsel objected.) What would be the expense attending such a joint survey from Cumberland to Harper's Ferry, as indicated in the complainants' first interrogatory? Is such expense included in the estimate you have made of the additional cost of a joint construction? What time would be necessary to complete such conjoint survey?

*Answer to the foregoing interrogatory.* In proportion to the expense of the survey between the Point of Rocks and Harper's Ferry, the cost of the survey from Harper's Ferry to Cumberland, to the Canal Company, would be \$53,578. It might be more, but would not probably be less. The expense attending the surveys made by Mr. Knight and myself, as commissioners, were paid by the companies, respectively, and are not included in our report made to the Chancellor. The expense above mentioned, of \$53,578, is not included in the estimate which I have given in answer to the 6th interrogatory in chief of the expense which would probably attend the joint construction of the two works from Harper's Ferry to Cumberland. The time of survey employed between Harper's Ferry and the Point of Rocks, was about three months' actual employment; and in this proportion it would take about seventy-two months from Harper's Ferry to Cumberland; which would not be reduced less than half the time, if the same accuracy in the calculations and drawings were required, as have been required between the Point of Rocks and Harper's Ferry, unless more than one Company was employed.

*5th Cross Interrogatory.* In your calculations of expense, do you assume it as a fact, that the two works will be in collision at all the difficult passes mentioned by you in your answer to the 5th interrogatory in chief?

*Answer to the foregoing cross interrogatory.* I do.

*6th Cross Interrogatory.* In your answer to the 6th interrogatory of the defendants, do you consider the two works as executed jointly and simultaneously, when you speak of the advantages and disadvantages which the Rail-road would cause to the Canal?

*Answer to the foregoing cross interrogatory.* If they were not executed simultaneously, the expense would be greatly increased beyond the estimate made by me in answer to the 6th interrogatory in chief.

In verification of the foregoing answer to the interrogatories and cross interrogatories put to me, I have hereto subscribed my name.

NATHAN S. ROBERTS.

26th October, 1830—Commission continued.

*Interrogatories put to J. J. Abert, a witness produced by the defendants, in behalf of the said defendants.*

*1st Interrogatory.* Did you survey the valley of the Potomac with a view to the location of the Chesapeake and Ohio Canal? How much did you personally aid in surveying, and when?

*Answer to the foregoing interrogatory.* I surveyed the valley of the Potomac in 1824 and 1825, with a view to the location of the Chesapeake and Ohio Canal. I have personal knowledge of it from that survey from the mouth of Savage river down to Berlin. At Berlin, I was taken sick, and have not personal knowledge of it below. It was finished by Lieut. Swift, who was one of my assistants, and succeeded me in command in the field.

*2d Interrogatory.* (To this interrogatory the complainants by their counsel objected.) From the knowledge which you possess of the valley of the Potomac between Cumberland and Harper's Ferry, is it, in your opinion