

Reply.—I do not. As M. Duval's superintendant I applied for them, but was told that they would be furnished to Duval.

7th Interrogatory.—Under what arrangement was it that Messrs. Shelton, Robinson, Lankford, Jones and Kennerly performed work on the road?

Reply.—If any special arrangement was made, I have no personal knowledge of such, it being made as a matter of course with the contractor.

8th Interrogatory.—Was the work on your divisions ever interrupted by the company, and how?

Reply.—I do not know that it was actually interrupted, but the grade was lowered on the 13th section some two feet, thereby making the number of yards in the section less than was contracted for, and the haul longer, and consequently the cost of work greater to the contractor.

9th Interrogatory.—Is this increase of cost of labor included in your account?

Reply.—It is not.

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*Copy of John Malone's Testimony.*

John Malone sworn and testifies :

I was employed as clerk and agent by M. Duval, on the Eastern Shore Rail Road, from the commencement of his contract until he left the road. Until the employment of M. Stansbury, I kept his books. Those parts of the accounts presented by Stansbury to which he could not testify as charges made prior to the 16th January, were made by me. No. 1, on the books, is for the sale of articles delivered to the engineer by me. The time books were kept by myself and overseers, and generally on each Saturday, the charges were made by the clerk from these books. The charges No. 2, for loss time, were made for stopping of men and horses at Elkton, from 9th April to 22d June, inclusive. This stoppage was for detention occasioned by Duval's expectation of receiving payments from the company to enable him to recommence work, promises to that effect having been made to him, as I always understood from conversations held by me with the engineers. The charges for shantees, blacksmith's and wheelwright shops, are for these buildings put up by Duval and left on the road. The amount charged is about the original cost of materials and building. The charges for horses, carts, gears and tools, are for losses sustained by a forced sale of these articles after stopping the work. I know that the work charged for in No. 3, was done by Duval. The work charged for in No. 6, I know to have been performed by Duval and the charges to be correct; the same with No. 7.

For the first three months and a half, M. Duval received three monthly estimates, as they were termed. Duval continued working on the road, from the date of the last estimate, 28th January, until the 9th April. In this interval, during the month of March,