And this Respondent avers that, at the time of the Execution and delivery of the deeds of which Exhibit C is a Copy, and of which Complainant's Exhibit C. purports to be a Copy, this Respondent and Said Dean were seized in fee, and were in actual possession of the premises therein conveyed; and that at the time of Execution of said Exhibit C. the said Hoffman Steam Coal Company, actually paid to this Respondent and Said Dean the consideration therein mentioned and expressed.

This Respondent, further answering, says, that as to the amount of coal mined and taken from said lands, since the said sale and conveyance by the Complainant, alledged in said Complaint, that he has no such present knowledge, information or belief, as will enable him now to answer definitely the said allegations of the Bill in that behalf, and he leaves the Complainant to make such proof thereof, as it may be advised.

Further answering this Respondent protesting against the arguments in said Bill, at folios 201 and 202, relating to the improvements of the Hoffman Mines, and the money invested therein, and the amount of interest paid on the bonds, and the profits on the coal, as impertinent nevertheless, answering denies the same; and this Respondent avers, that he and said Dean have actually paid, for interest on said bonds, as herein before stated to the Complainant the sum of $10,080; and which was received and retained by the Complainant, and have duly tendered it, in addition, as herein before stated, the sum of $6,720, in gold, making in all, the sum of $16,800 so paid and tendered on account of said interest.

And this Respondent says and avers, that on behalf of himself, and said Dean, he has paid, laid out and expended in and about developing and improving said mines, and preparing the means for transporting and marketing the and therefrom the sum of $20,000, and upwards, as near as he can estimate the same.

Further answering, this Respondent admits that the Stockholders of the Complainant, have contributed and paid into the Complainant's treasury, the sum of $243,765, for the purpose of paying its floating debt, securing the said deed of trust, and enabling it to resume business, which said sum of $243,765, was so paid, pursuant to the suggestion and plan and under a special act of the Legislature of the State of Maryland, devised by the said Complainant's President, Mr. Coffey, and this Respondent, and mainly carried into Effect through their exertions and instrumentality; and this Respondent admits that the greater part of the floating debt of the Complainant has been Either paid, or in such manner arranged by the Complainant as to relieve the said trustees from the payment thereof.

And this Respondent, further answering, denies that the Complainant has resumed its former business; and on information and belief, he alleges that the Complainant has Expended the whole of said sum of $243,765 so paid into its treasury, and a large amount of other money borrowed Yet besides and the proceeds of a large amount of the personal property so conveyed to said trustees, in value at about $80,000, which the Complainant has sold and disposed of, and a yet left a considerable portion of its said floating debt unpaid.

This Respondent further answering, in regard to the said Journal accounts, as alleged and set forth by the Complainant in its said Bill, with this

Respondent, says that the Complainant's general Expense account is always unavoidably large, and that during much of the time this Respondent was a Director there, from the Embarrassed condition and trying period in the Existence of the Complainant, many unforseen, unavoidable and almost inexplicable demands were made upon it heavily. And this Respondent, on information and belief, says that the said Journal accounts were devised, suggested, made and kept open, by the Complainant, in its own peculiar way, and for its own particular Convenience and Ends: That the said accounts were used by the Complainant as a convenient or occasional receptacle and relief, to its general Expense account: that the Complainant's Secretary, whose Expenditures or disbursements were made by or on behalf of the Complainant by its officers or Employees, which said Secretary did not fully understand, or in regard to which he had received no specific directions, he was in the habit of charging them in some one of said accounts "temporarily" in order to Enable him to adjust his books," that said accounts were then burthened, from time to time, with large charges and amounts, which had been disbursed by the different officers and Employees of the Complainant, for its benefit, and which had no connection or reference whatever to the individual interests or business of this Respondent. And this Respondent avers, that, upon discovering or believing such to be the fact, he frequently remonstrated against such practice and that he was always assured that said accounts should be so adjusted as to do him no injustice. Hence the anxiety of the Respondent to settle the said accounts with the Complainant, and the personal sacrifices as herein before stated.

All statements and arguments of said Bill, in anywise material to be answered unto by this Respondent, which are inconsistent with the statements and arguments of this answer, are denied to be true: and all statements and accounts of said Bill, as to which this Respondent professes to answer directly, on the basis of knowledge, information and belief, and which are herein denied to be true, he pure and insists are wholly unfounded and untrue. Without this that there is any matter or thing in the said Bill contained, necessary or material, to be answered unto by this Respondent, and not herein or hereby well and sufficiently answered unto, confessed, or avoided, traversed, or denied, is true.

And the Respondent prays that the injunction, heretofore issued in this case, may, so far as respects the Respondent, be dissolved and vacated: and he further prays that the said Bill, as to this Respondent, may be dismissed, and that this Respondent may hence be discharged, with his reasonable costs, in this behalf, most humbly sustained.

Wm. Schley
Geo. A. Keene
Thos. Devecmon
Solicitors for Respondent.

A. M. Sherman

State of New York, City and County of New York, to wit:

Be it remembered, that on this 14th day of March in the year of our Lord 1859, before the Subscriber, a commissioner resident in the City of New York appointed by the Governor of Maryland to take oaths and acknowledgements to be used in the State of Maryland, duly commissioned and qualified personally appeared Allen M. Sherman, the Defendant named in the Caption