William Schley
George A. Pearce
Thos. Donaldson
Solicitors for Respondents.

I do hereby acknowledge notice of the within motion by Respondents, to dissolve the injunction issued in this case.

G. A. & C. B. Thruston Solrs for Complts.

Which being read, the Court, here — passed the following order to wit:

Upon the Application of the Respondents, it is ordered this 22d day of March 1859, that the 6th day of April 1859, be and the same is hereby appointed for hearing of the motion to dissolve the injunction in this case, provided a notice of this order be served upon the Solicitors of the Complainant on or before the 25th day of March 1859 and that Either party have liberty to take testimony before a justice of the Peace, or a Commissioner of the State of Maryland, upon giving five days notice of the time and place of taking such testimony to the Solicitors of the other party, said testimony however to be taken and returned before the said 6th April 1859.

Thomas Perry.

Afterwards to wit, on the Eighth day of the same month in the year last aforesaid, the said Respondents by their Solicitors aforesaid filed in Court here, the following notice and acknowledgment of the service thereof, which said notice and acknowledgment are in the words following to wit;

Cumberland Coal and Iron Company
vs
Hoffman Steam Coal Company of Allegany County, W. B. Dean, A. M. Sherman

} In the Circuit Court for Allegany County as a Court of Equity.

Messrs G. A. & C. B. Thruston

Gentlemen

You are hereby notified, that we will proceed to take testimony in the above case at the office of George A. Pearce in the City of Cumberland before Andrew Sinder Esq a Justice of the Peace of the State of Maryland, in and for Allegany County, on Monday the 4th day of April next, commencing at 9 o'clock A. M. You are also hereby notified to produce at the said time and place the Stock or books of minutes and proceedings, of the of the President and Directors of said Company; and of the Stockholders of said Company, Viz the Cumberland Coal and Iron Company.

George A. Pearce, Thomas Donaldson
Solicitors for Defendants.

March 28th 1859.

We hereby acknowledge service of the notice of which the within is a Copy this 28th day of March 1859.

G. A. & C. B. Thruston
Solrs for C. C. & I. Company.

Afterwards to wit, The Complainant and Respondents by their respective Solicitors filed in Court here the following Depositions to wit:

Testimony taken before Wm. H. Maynard Esq.

State of Maryland to wit.
The Cumberland Coal and Iron Company
against
Allen McSherman William B. Dean and The Hoffman Steam Coal Company of Allegany County.

} In the Circuit Court for Allegany County as a Court of Equity.

Deposition of Witnesses, produced sworn and Examined on the fifth day of April in the year of our Lord 1859, before William H. Maynard, a Justice of the Peace of the State of Maryland in and for Baltimore City, at the office of the said Maynard at the corner of Saint Paul & Fayette Streets in the City of Baltimore, pursuant to the annexed Notice of G. A. and C. B. Thruston, Solicitors for Complainant to George A. Pearce and Thomas Donaldson, Solicitors for Defendant.

And now the said William H. Maynard one of the Justices of the Peace of said State in and for said City, do certify that on this 5th day of April in the year A. D. 1859 at 9 o'clock A. M. at my office in said City at corner of Saint Paul & Fayette Streets before me appeared George W. Dobbin Esq. Solicitor for the Complainant & William Schley Esq. Solicitor for Defendants and Hugh L. Bond Esq. attorney at law and Samuel McSherman a witness of lawful age. Whereupon it was agreed to postpone further proceedings until 4 o'clk P. M. of this day.

And on this 5th day of April aforesaid at 4 o'clock P. M. at my said office before me appeared Saye G. W. Dobbin, Wm. Schley, H. L. Bond Esquires and said Samuel McSherman of the City of Baltimore, State of Maryland. And the said Samuel McSherman aged thirty five years a witness, being produced, and duly sworn, and examined on part of Complainant, deposeth and saith, that he is a resident of the City of Baltimore, that he is a Stockholder in the Hoffman Steam Coal Company, to the amount of one Share, that he became a Stockholder at the instance of Wm. A. McCaffey and Wm. Galls, deponent gave one hundred dollars for this share paid the same in a check, gave the check to the party who brought the Certificate of Stock, to deponent office, does not remember who it was, thinks it was the Secretary of the Company Dallard Johnson.

To the first written Interrogatory on the part of the Complainant.

"Was the investment by you of the hundred dollars given Share of the Hoffman Steam Coal Company Stock a bona fide investment by you as your own property and for your own purpose?"

Deponents answer and says. Deponent made the purchase of Stock at the suggestion of Wm. McCaffy and Wm. Galls and as far as that transaction was concerned, it was done in good faith.

To the second written Interrogatory of Complainant.

What do you mean by the transaction being done in good faith, what part of the dealing with reference to said Stock was not done in good faith?

Deponent answers and says. Deponent is not aware that any part of the transaction was not done in good faith.

To the written Interrogatory on part of Complainant.

Have you ever been repaid the hundred dollars paid for said Stock; and by whom?

Deponent answers Says. That question is very difficult to answer, deponent