Has received one hundred dollars, but cannot say for that purpose or any other, he thinks he thinks he received it from Dillard Johnson.

To the fourth written interrogatory on the part of the Complainant.

Did you or did you not transfer the Stock when your hundred dollars was returned to you?

Deponent answers and says, Deponent did not transfer the Stock, he still has the Certificate in his office.

To the first written Cross Interrogatory on part of Defendant.

Was there any understanding between you and Jamy Jessup, and if any person, name the person that you should receive the sum of one hundred dollars, or any other sum, in consideration that you would become a Subscriber for said Stock.

Deponent answers and says, No.

To the first additional written Interrogatory on part of Complainant.

Did you not understand from the person who repaid you your hundred dollars that it was a return of the money you had paid as subscribing for the share of Stock?

Deponent answers and says, Nothing was said to him at that time about it being the return of the one hundred dollars, but deponent certainly understood it as being the return of the one hundred dollars.

To the second written Cross Interrogatory on the part of the defendant.

"Please say whether Allen M. Sherman, and William B. Dean, or either of them, had any connection with the payment to you, of said sum of money which you heard said was paid to you?"

Deponent answers and says, As far as deponent knows they had nothing to do with it.

To the second additional written Interrogatory on part of Complainant.

Did you not understand at the time of your subscription to the Stock of the Company, that it was mainly aided by Judge Sherman and that your subscription was made for the purpose of organizing said Company?

Deponent answers and says, Yes sir I did.

And I the said Justice of the Peace do further certify that the said Samuel M. Shermaker, before the making of his said deposition was duly sworn according to law; and I the said Justice do herewith return the said notice the written Interrogatories of Complainant, and the written Cross Interrogatories of defendants, with my original Notes of the said deposition, and they appear before me in the premises. Witness my hand and Seal this 5 day of April A.D. 1859.

Wm. H. Maynard (Seal)

State of Maryland, Baltimore City, sct.

I hereby certify, that William H. Maynard Esquire, before whom the annexed deposition was sworn to, and who has hereto subscribed his name, was at the time of doing a Justice of the Peace of the State of Maryland in and for the City of Baltimore duly commissioned and sworn.

(Seal) In testimony whereof I hereunto set my hand and affix the seal of the Superior Court of Baltimore City this Sixth day of April A.D. 1859.

Geo. E. Sangston, Clerk of the Superior Court of Baltimore City

The Cumberland Coal and Iron Company against Allen M. Sherman, William B. Dean and The Hoffman Range Coal Company of Allegany County. } In the Circuit Court for Allegany County as a Court of Equity No. 1286.

To George A. Pearce and Thomas Dorsemen Esqrs. Solicitors for Defendants. You are hereby notified that the Complainants will proceed to take testimony in this cause before William H. Maynard Esqr. a Justice of the Peace of the State of Maryland in and for Baltimore City, at the office of said Maynard at the corner of Saint Paul and Fayette Street in the City of Baltimore on Tuesday the fifth day of April next, at 9 o'clock A.M.

Cumberland, March 29 1859 } G. & C. B. Thruston Solicitors for Complainants

State of Maryland, Allegany County to wit

On this 29th day of March in the year Eighteen hundred and fifty nine before the subscriber, a Justice of the Peace of the State of Maryland in and for Allegany County personally appeared William Gephart, and made oath, that he did this day serve the original notice of which the within is a true Copy upon Messrs George A. Pearce and Thomas Dorsemen, and left the said original notice with the said Thomas Dorsemen. Sworn before

Andrew Gordon J.P.

Depositions taken before John Bispell Esq. Commissioner &c. on the fifth day of April 1859, in the City of New York.

State of New York, and City of New York ss.

The deponents of witnesses produced, sworn or affirmed and examined on the fifth day of April 1859 between the hours of 10 o'clk AM and 4 o'clk PM at John Bispell's office in said City on the part of said Complainant, taken in pursuance of the directions mentioned in the annexed notice, to be used in Evidence in the cause or matter therein specified.

Cornelius Walker of Elizabeth, New Jersey of the age of 46 years or thereabouts, being first duly sworn, to testify the truth, the whole truth and nothing but the truth, relating to said cause or matter, and carefully Examined, deposes and says, that he does business in the City of New York. Was present at a meeting of the Stockholders of the Cumberland Coal & Iron Company held in said City on the first day of June 1851. I acted as one Inspector at an Election then & there held for a President & Directors of said Company; that the whole number of shares of Stock voted was 27.997: that of said Nancy 22.508 were voted on under proxies which were all in a form of which the following is a specimen,

"Know all men by these presents that we Canning & Co do hereby constitute & appoint A. M. Sherman our attorney & agent, for us and in our name, place & stead to vote as our proxy, at the next Election of Directors of the Cumberland Coal & Iron Company, according to the number of votes we should be entitled to vote if then personally present. In Witness Whereof we have hereunto set our hands & seals this 1st day of June, in the year 1851"

The above is a correct Specimen of the proxies in respect to the authority conferred by them and differs from others of them only in the filling in of the blanks, in respect to dates, names &c & that in some cases the words and "Election of Directors" & in others "President & Directors" and that none