in June 1857. because it is immaterial and inadmissible, as he does not show what knowledge he ought to have had, and as to his power of attorney, because the same is not produced, or its non producing accounted for.

Thomas Duncan
G. A. Pearce
Solicitors for Defendants.

Afterwards to wit on the Eight day of April in the year last aforesaid, the Complainant by its Solicitor aforesaid filed in Court here its petition in the words and tenor following to wit:

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

To the Honorable Thomas Perry Judge of the Circuit Court for Allegany County as a Court of Equity.

The Petition of the Cumberland Coal and Iron Company, Complainant in this cause respectfully shews, that the answers of all the defendants in this case refer to and exhibit as Exhibit No 5 "A" and Exhibit No 5 "B" two papers or instruments of writing, purporting to be deeds of conveyance from the Complainant to the Defendants Allen McSherman and William B Dean, that the said two papers or instruments of writing purporting to be deeds of conveyance each for the same lands as is mentioned and described in the papers purporting to be a deed of conveyance exhibited with the Bill of Complaint as Exhibit "A" and from the same parties as said Exhibit "A" and both of the said Exhibits No 5. "A" and No 5 "B" purporting to be merely confirmatory of the paper exhibited with the Bill and marked Exhibit "A" as aforesaid.

And the Complainant states that its original Bill of Complaint filed in this cause does not contain any distinct and specific statement of said two papers or instruments of writing marked respectively Exhibits No 5 "A" and No 5 "B" as aforesaid or either of them nor any distinct and special prayer that the same or either of them may be adjudged fraudulent and that the premises therein respectively mentioned may be reconveyed to the Complainant as in said Bill specially stated and prayed for in respect to the paper marked "A" exhibited and filed with said Bill of Complaint all which will appear on reference to proceedings in this cause.

And your petitioner prays your Honor to grant it leave, to amend the said Bill of Complaint so as to set forth and include therein all like statements allegations and prayers in respect to the said two papers or instruments of writing filed and exhibited with the said answers as Exhibit No 5 "A" and Exhibit No 5 "B" as are in the said Bill of Complaint set forth and included in respect to the said Exhibit "A" filed and exhibited with the said Bill of Complaint, the said leave to be granted and the said amendment made without prejudice to the injunction heretofore issued in this cause, and without in anywise affecting its force and continuance. And

as in duty &c.

G. A. & C. B. Thruston, Solr. for Compltt.

Afterwards to wit, on the twelfth day of May in the year last aforesaid, the Complainant by its Solicitor aforesaid filed in Court here the following agreement to wit:

In this case it is admitted as a matter of evidence in the cause that the book which was produced by the Complainant before Andrew Fowler Esq as a Justice of the Peace, being the book of proceedings and minutes of the Complainants proceedings, and which the defendants agree may be taken out of the case, leaving Extracts thereform as evidence, which have been taken and certified by the Clerk, and all which is evidence in the cause, do not in any part of it contain any Entry of any proceedings or act, of either said Stockholders of said Company, or of the Board of Directors of said Company showing that there was any objection to or disaffirmance of the contract sought to be set aside in this suit, between the Complainant and Sherman and Dean, or any objections to or disaffirmance of the formal deeds from the Complainant to Sherman and Dean, Exhibited with the answer of Sherman in this case, and that said book contains no Entry to show any act, or proceeding of either the Stockholders or Directors of said Company authorizing the institution of this suit or any other suit for the same or similar purpose.

G. A. & C. B. Thruston Solr. for Compltt
G. A. Pearce for Defendants.

The Extracts referred to in the foregoing agreement are in the words following to wit.

Extracts

From Book of Records and Minutes filed in No 1286 Equity in the Circuit Court for Allegany County, and referred to in the testimony of A McSherman and E. F. Johnson, taken before Andrew Fowler Esq a Justice of the Peace and by them returned with the testimony, to the said circuit court.

R. L. Price, Chairman of the Committee appointed at a previous meeting on By Laws, reported the following: which was received and adopted, at a Meeting of the Stockholders held May 3rd 1852.

By Laws
of the Cumberland Coal and Iron Company.

Article 1st

Board of Directors and Executive Committee

The Concerns of the Company shall be managed by a President and a Board of Twelve Directors, of which Board, the President shall be a member Ex officio, and have the casting vote, when it is equally divided: and by an Executive Committee consisting of three Directors to be chosen monthly by the President and Board of Directors — and the President shall, in like manner, have the casting vote, when the committee is equally divided.

Article 2nd

A Quorum.