Answer. He he did not make any such statement as that. I think he told me in substance what he paid for the property, and I learned from him that they had mined something like ten or twelve tons of coal, that is about all he told me about. I think that he had very few words about it. I then asked him to let me have an interest in the property.

Seventh Cross Interrogatory. Did you, yourself come to the conclusion, from what you had learned from Sherman, and from what you learned from others, that he had bought the property cheaply, and that an investment in it by you was desirable.

Answer. Well I can't say what I learned from others, I was induced principally by what I heard Judge Sherman himself say.

Eighth Cross Interrogatory. Had you ever seen the property at that time, or have you ever since?

Answer. I have never been to the property.

Ninth Cross Interrogatory. Did you know or were you told, from what source Sherman had acquired it.

Answer. Well it was my impression that he had acquired it from the Cumberland Coal and Iron Company, though really I did not know the fact.

Tenth Cross Interrogatory. Did Judge Sherman, state to you in any conversation that it was his purpose to form a Company, and put the lands in as part of the Capital Stock.

Answer. I do not remember that the Judge did, my impression is that some body did but I cannot name the person, and do not know who it was.

Eleventh Cross Interrogatory. Were you present at any meeting of persons, or were you aware of any such meeting, held for the purpose of forming a Company to be known as the Hoffman Steam Coal Company.

Answer. I never was present at any of their meetings, and I have no knowledge of any meetings, except the one at which my stock was opened, and I was not present at that. I do not know the fact that my stock was opened at that meeting, but my certificate of stock was dated on that day.

Twelfth Cross Interrogatory. To whom have you sold your stock, when and for what price, how is the price to be paid, or has it been paid.

Answer. I sold it yesterday to Mr Barnum at Barnums Hotel for forty dollars a share, to be paid by his promissory note at six months, which he gave me.

Tenth Cross Interrogatory. Was the sale to Barnum a bona fide sale of your stock, with no arrangement or understanding in any form that the stock is to become yours again.

Answer. There was no arrangement or understanding at all, I simply told him that I wanted to sell him 300 shares of that stock, at forty dollars a share and he told me that he would take it, and gave me his note for it.

Fourteenth Cross Interrogatory. Do you not expect to return him his note and take your stock, or do you expect him to pay your note at maturity.

Answer. He can do entirely as he pleases about that.

Andrew Mahaffey, a witness of lawful age produced on behalf of the Defendants, being by me first duly sworn on the Holy Gospels of Almighty God, being examined on the following interrogatories to him propounded in that behalf, makes oath deposeth and saith as follows, that is to say.

First Interrogatory. Were you or not President of the Cumberland Coal and Iron Company, and if you from what time to what time.

Answer. I was from March 18th 1854 to the beginning of June 1854.

Second Interrogatory. State if you please whether or not as President of said Company and in behalf of you, entered into the contract for transportation of coal with Sherman and Dean the 22d April 1856.

Answer. I did.

Third Interrogatory. State also whether or not the Directors of the Cumberland Coal and Iron Company had a knowledge of the Deed executed and delivered by you as President of said Company to Allen M. Sherman and William B. Dean bearing date on the 22d of April 1856, and of the agreement for transportation of coal entered into by you on the same day as President of said Company with the same parties, and if you, when was the same made known to said Directors and under what circumstances, and what action was taken by a Board of directors thereon.

Answer. They had such knowledge on the second Tuesday of May 1856, both the deed and contract were submitted to the Board by me as President and were read by the Secretary, considered, unanimously approved and ordered to be entered on file.

Fourth Interrogatory. What in your opinion would be the actual cost per ton, of transporting coal from the Hoffman Mines to Cumberland to the Wharf of the Complainant and unloading into Canal boats and assuming as a basis the average quantity carried on the Company's road during your Presidency.

Answer. It would be about 15 cents a ton, including the use of cars, without the cars it would be about 11 cents.

Fifth Interrogatory. Assuming that the Cumberland Coal and Iron Company could transport from its own Mines, during the existence of the aforesaid transportation Contract between the Complainant and Sherman and Dean over its railroad to its Wharf at Cumberland, the same quantity of coal transported by it to Cumberland from its own Mines during your Presidency, and that the Complainant might do this transportation at all events; State whether or not, in your opinion it would be proper for the Complainant to enter into such a contract for transportation as that made by the Complainant with Sherman and Dean, and give your reasons for that opinion.

Answer. It would have been proper in my opinion, from my connection with the Company at policy had been to declare forfeiting any portion of its lands; and as a consequence, the trade was rapidly being diverted from that region to the George Creek region, which increased the difficulty of procuring and retaining the necessary number of Miners, I therefore saw the necessity of and advocated sales of portions of the Company's lands with a view to remedy that difficulty and became a large party for our contract. That was one reason, another reason was that by such sales the Company saved annually 7000 dollars in Cash paid for its taxes on its property, which up to that time had been wholly unproductive. A third reason was that the more interested we had upon our road, the greater certainty