This respondent says, that he did not solicit or desire being put on said committee, but was appointed therein for the reason, that it was well known, that if the duty and labor mentioned in said resolution, or any other reasonable duty and labor, were imposed on this respondent, he would be sure to perform the same.

This respondent says, that being, as aforesaid, placed on said committee, he did undertake to do the duty thus devolved upon him. That some of the members of said committee declared themselves to be, and as this respondent believes were, familiar with the premises, and capable from their previous examinations and knowledge, to judge of the propriety and effect of any report that might be made in the premises, and of any division of the lands of said Company that might be reported; and that they really knew more about the said lands and their proper division than this respondent could know of them from any brief examination he would be able to give the same; and they requested this respondent to go forward and have the examination made, and the lands surveyed, and maps projected representing the same.

That this respondent thereupon, on the 19th day of November, 1855, with said President and another member of said committee, whom he believes to have been said Pettet, left New York and visited the property of the complainants in Maryland, pursuant to the requirements of said resolution.

That this respondent, as one of the said committee, took the best and most thorough measures within his knowledge to ascertain, with reasonable accuracy, the condition of the complainants property, and the matters required by said resolution.

That this respondent, on arriving at the complainants said property, consulted with the proper parties in the employment of the complainant there, and called into requisition their knowledge and judgement in the premises, and ascertained from them, and from all other sources at command, (and personal inspection and observation as far as it was practicable) the extent of the Company's lands, the situation condition and capacity of their mines, and the equipment thereof, the probable necessities of the Company for many years in advance, the capacity of the Company's railroad, the condition and route of a branch rail road before then projected and surveyed by the Company, to the Astor mines, and whatever was incident to the matters required in said resolution.

That this respondent, with the said other members of said committee who accompanied him became convinced of the propriety and importance of reaching the said Astor mines by the complainants rail road, then projected and surveyed, but which the complainant had been unable to construct for want of funds; and they embodied their best judgement in a report, which this respondent was requested to draw, and which was also approved of by all the other members of said committee; which said report in all its statements of facts and conclusions thereupon, followed accurately the information so as aforesaid derived from the said parties at the property, from personal observation and inquiry, and from the associate members of said committee,

who were most of them, much better acquainted, personally, with the matters so reported than this respondent, and which report this respondent then believed, and still believes, was and is substantially and practically true.

That this respondent, with the concurrence and at the request of said committee, presented the said report to the said Board of Directors, at a meeting thereof, held at the complainants office on the 11th day of December 1855, at which said meeting the following Directors are recorded in the complainants book of minutes, as being, and as this respondent believes, were present, viz:

A. McSherman, M. A. Falls, Wm. Pettet, J. Bishop, J. Torry, F. Bloodgood, C. Baker, M. Vassar, and John Magee, of which said report the following is a copy:

"To the Board of Directors of the Cumberland Coal & Iron Co."

"The committee who were directed, under a resolution of the Board "passed October 9th last, to proceed to the Company's lands in Allegany "County, Maryland, at the earliest day practicable, to ascertain what "portion, if any, of the lands might be sold without detriment to the "interests of the Company, and to designate and prepare the same "by metes and bounds, for sale, finding it impracticable for all to "attend without an embarrassing delay, have, by three of their number, "endeavored to discharge the duty assigned to them.

"Having left New York on the morning of the 19th of November "we arrived at Eckhart on the evening of the 20th, and the day following commenced a careful examination of the premises and the "facts touching the same, which after two days diligent labor, led "us irresistibly to the following conclusion, which we respectfully "report:

"That the Eckhart mine and the Slope mine, the two "openings now worked by the Company, embrace a coal field of about "one thousand acres, and are now capable of producing two thousand "tons a day, with a capacity amply sufficient for the working of the "Company, under the most favorable demand, for a long period of years, "and that no other portion of the estate than this, (which we have designated "on a map herewith submitted) will be required for the most successful "operations of the Company, under any probable contingencies, for thirty "years.

"That the Company's rail road, now maintained and kept "up for the transportation of their present product of coals is capable, with "its present equipments, of performing twice or three times the amount "of business now done upon it.

"That the Company possess nearly seven thousand acres of coal "lands, the ownership of which is wholly unnecessary to their interests, "and at present worse than useless, inasmuch as it drives capital to "other portions of the coal field, increases competition in the market, and "prevents any increase of business on the Company's rail road, and "that it is obviously proper, and the true interests of the Company demand "that as much of this idle territory as practicable should be brought into activity