to release this Company from damages arising from a failure on the part of the Company to furnish the means for transporting and delivering coal and other freight, when such failure shall arise from earthquakes floods, public enemies, or elements over which the Company has no control, until sufficient time to repair such interruption shall have elapsed.

Whereupon, it was, on motion of E. L. Beadle—

Resolved, That the Board of Directors be instructed to take from said Sherman and Dean, a release in regard to both the instruments above referred, embodying the matters suggested in the foregoing preamble, that said Sherman be requested to prepare and execute an instrument legally and fully perfecting such release."

"Exhibit No 3."

(This exhibit is the same as "Exhibit No 3" of A. M. Sherman's answer.)

Exhibit No 4.

Resolutions of Directors, passed June 16, 1857.

The committee (per resolutions of Board, passed June 9th) approved and accepted the release executed by A. M. Sherman and William B. Dean, which was directed to be placed on file.

Exhibit A.

(This exhibit is the same as "Exhibit A" of complainants Bill of Complaint)

"Exhibit B"

(This exhibit is the same as "Exhibit B" of Complainants bill.)

"Exhibit No 5 A"

(This exhibit is the same as "Exhibit No 5 A" of A. M. Sherman's answer.)

"Exhibit No 5. B"

(This exhibit is the same as "Exhibit No 5 B" of A. M. Sherman's answer)

"Exhibit No 6"

(This exhibit is the same as "Exhibit No 6" of A. M. Sherman's answer)

"Exhibit No 7"

(This exhibit is the same as "Exhibit No 7" of A. M. Sherman's answer)

"Exhibit No 8"

(This Exhibit is the same as "Exhibit H" of A. M. Sherman's answer)

We agree that this printed answer of the Hoffman Steam Coal Company of Allegany County, shall be filed in the place and stead of that original answer, and which was withdrawn by leave of the Court for the purpose of amending the same, by having an affidavit attached thereto; and shall stand as such original answer amended.

G. A. & C. B. Thruston,
Sol's for Complainant

March 18th, 1859

And on the day of the filing of the aforesaid answers, to wit, on the eighteenth day of March, in the year eighteen hundred and fifty nine, the said Allen M. Sherman, William B. Dean and The Hoffman Steam Coal Company of Allegany County, by their and its solicitors aforesaid, filed in Court here the following petition, to wit:

Cumberland Coal and Iron Company
vs
Allen M. Sherman
William B. Dean and the Hoffman Steam Coal Company
Of Allegany County.

In the Circuit Court for Allegany County.

As a Court of Equity.

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

The defendants Sherman, Dean and The Hoffman Steam Coal Company, have filed their separate answers to the Bill of Complaint filed in this cause, and now move your Honor to dissolve the Injunction heretofore issued in this case.

Wm Schley,
George A. Pearre,
Thos. Devecmon,
Solicitors for Respondents

I do hereby acknowledge notice of the within motion by respondents, to dissolve the Injunction issued in this cause.

March 18th, 1859.

G. A. & C. B. Thruston,
Sols. for Compl's

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

Upon the application of the respondents, it is ordered this 22nd day of March, 1859, that the 6th day of April 1859, be and the same is hereby fixed for hearing of the motion to dissolve the Injunction in this case, provided a notice of this order be served upon the solicitor 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 solicitor 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 twenty-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 acknowledgement of the service thereof, which said notice and acknowledgement, are in the words following, to wit:

Cumberland Coal and Iron Company
vs
Hoffman Steam Coal Company
Of Allegany County
Wm. B. Dean
A. M. Sherman

In the Circuit Court for Allegany County

As a Court of Equity