said sale and contract. I know nothing about it.

H. M. Benedict.

Sworn to and subscribed, this 9th of April, 1859, before me. Witness my hand and official seal.

{Seal}

John Bissell,
Commissioner for Maryland.

State, City and County of New York, ss:

I John Bissell, a Commissioner for the State, and resident in the City of New York, appointed by the Governor of the State of Maryland, under the laws, and commissioned under the Great Seal of that State duly affirmed and qualified to take testimony, acknowledgements, &c., &c., to be used or recorded in that State, do, by this Instrument given under my hand and official seal, certify, that at the request of Joseph H. Choate, Esq., of counsel for the Cumberland Coal and Iron Company, as stated in the foregoing papers, and in conformity with a notice in the suit of said Company, dated 29th March, 1859, and served the same day, requiring depositions to be taken before me, on the 5th day of the current April, at my office in this city, (which notice is annexed to certain depositions taken by me in this case,) I took the foregoing depositions, and at the request now return the same to the Court mentioned in said notice, viz: The Circuit Court of Allegany County, in the State of Maryland, in the suit of The Cumberland Coal and Iron Company vs. Allen M. Sherman and others.

I further certify that I am the same person mentioned as the Commissioner, before whom the depositions mentioned in said notice were to be taken, and before whom they were taken, and that my said office is the same place mentioned in said notice as the place of taking the same and at which they were taken.

John Bissell,
Commissioner for Maryland.

Testimony taken before Andrew Gonder, Esq., at George A. Parrie's office, Cumberland.

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

Interrogatories to Witnesses produced before A. Gonder.

Interrogatories to Andrew McKaffey.

Int. 1st — Are you or not acquainted with the corporation called Cumberland Coal and Iron Company? If yea, have you at any time been an officer of said Company, and what officer and for what time?

Int. 2nd — State whether or not, from time to time, you made reports as President of said Company to the stockholders of said Company? If yea, examine the book now shown you, at this the time of your examination, and

state whether said reports or any, and if any, which of them are recorded in said book, and designate the places in said book, by page or otherwise, where they are recorded, so as to designate the same, and file said book with the Commissioner.

Int. 3rd — Are there or not, within your knowledge, any action of the stockholders of said Company, taken or had upon said reports? If yea, is there any record of such action of the stockholders thereon? and if you answer there is such record, produce the same to the Commissioner, and designate the same by page or otherwise, so as to distinctly show such action on each of said Reports separately, by the said stockholders, specifying in your answer, the dates of such action respectively.

Int. 4th — Were you or not present at a meeting of the stockholders of said Company held on the 4th June, 1855? If yea, state whether or not the said stockholders passed any resolution relative to the sale of any part of the Co's lands? And if there is any record of such resolution, point out the same and designate it by page or otherwise, so as to distinguish the same? And by whom was said resolution offered, and at whose instance, and under what circumstances was said resolution offered?

Int. 5th — Do you or not know the "Astor Mine" on the lands of the Cumberland Coal and Iron Company? If yea, state if you can, when the same was opened and if the same was at any time worked by said Company? And if yea, when and by what means were the products of same transported from said mine?

Int. 6th — Had there been at any time, and if yea, when and by whose direction, any survey made for a locomotive rail road, to connect said Astor Mine with any rail road, and if yea, what rail road, and when was such survey made?

Int. 7th — You have stated in answer to the 4th int., that a resolution was passed by the stockholders of complainant on the 4th June, 1855, relative to a sale of part of Company's property, and you have shown such resolution, state whether or not any action under said resolution was at any subsequent time, and if yea, when taken, under said resolution by the Board of Directors of said Company? And if there is any record of such action of the Board, point out the same, and designate the same; and state the date of such proceeding.

Int. 8th — Under the resolution of the Board of Directors referred to and pointed out by you in answer to the last interrogatory, state whether any action was taken by you, as President of said Company, under the same resolution; and if there is any record of such action show the same, and designate it by page, and specify its date?

Int. 9th — Have you or not any knowledge of the action of said committee referred to in your answer to 8th interrogatory; and especially whether said committee made any report of their proceedings, and if they made such report, is there or not any record of the same, and if yea, point out the the same, and designate it and state the date of same, and to whom said report was presented; and state also, if there was such report of such committee, and if any action was had thereon by the Board of Directors of complainant, state such action, and if the same is recorded point it out and state its date?