the said Hoffman Steam Coal Company, to have a right still to mine and carry away coal, the product of said mine. Without that, that there is any matter or thing in said amended bill, not herein or hereby well & sufficiently answered unto, confessed or avoided, traversed or denied, is true. And this respondent prays that the said Injunction heretofore granted may be dissolved, and that said original and amended bills may be dismissed, with costs.

A. M. Sherman.

Wm Schley, George N. Pearre, Thomas Devecmon } Solicitors for Respondent.

State of Maryland — Allegany County, to wit:

Be it remembered that on this sixth day of June, in the year of our Lord 1859, before the subscriber, a Justice of the Peace of the State of Maryland duly commissioned and qualified, personally appeared Allen M. Sherman, the respondent named in the foregoing answer, and made oath on the Holy Evangels of Almighty God, that the facts stated and set forth in the preceding answer are true, of his own knowledge, except such as are stated on information and belief, and as to those statements, he believes them to be true.

O. H. W. Stull, J.P.

The separate answer of William B. Dean to the amended bill of the Cumberland Coal and Iron Company, against this respondent and Allen M. Sherman and the Hoffman Steam Coal Company of Allegany County, in the Circuit Court for Allegany County, in Equity, exhibited. This respondent, not abandoning or waiving in any manner his answer to the original bill filed in this case, but relying on the same, and the matters and things therein contained, as a good and sufficient answer to the said original bill and reserving now and at all times hereafter, all exceptions which may or can be had or taken to the filing of said amended bill, and to the errors, misstatements and irregularities thereof, nevertheless, for answer to said amended bill, this respondent, as an answer thereto in part, relies upon all the defences, traverses, denials, statements and averments set forth and contained in his answer to the said original bill, and prays that the same may avail as an answer in part to said amended bill, in like manner as if the same were here again repeated; and for further answer to the said amended bill, this respondent says that he does not admit it to be true, that the said two Deeds specified in said amended bill, as being dated respectively the 24th day of September 1857, and the first of October, 1857, were or are, or that either of them was or is fraudulent or void or invalid or insufficient, on any ground whatever, or that the same were, or that either of them was, procured to be made in any improper manner, or upon any insufficient consideration, or otherwise than fairly, bona fide, and on a good and valuable consideration. And this respondent avers and insists that said Deeds were, and that each of them was, made, executed and delivered fairly, bona fide, and for a good and valuable consideration. And this respondent relies upon said two Deeds, (duly certified copies of which are filed with the said answer of this respondent to said original bill, and which are marked, respectively, "Exhibit No. 5 A" and "Exhibit No. 5 B.") as valid and effectual, to pass from the said complainant to this respondent and the said Sherman, the grantees therein named, a valid and effectual title to all the property therein named.

And this respondent further answering states that the pretence that the said complainant has discovered, since the filing of the original bill, that this respondent and the said Sherman had mined and carried away the quantity of coal set out in said original bill, or that it has discovered any greater knowledge, since the filing of said bill, of

the quantity so alleged to have been mined and carried away by this respondent and the said Sherman than it possessed at the time of filing said original bill, is utterly untrue.

And this respondent further answering states and avers that the complainant had, at the time of filing the said original bill, made and duly executed and delivered to this respondent and said Sherman, the said Deed dated September 24th, 1857, and the said Deed dated October 1st 1857, and that the said Deeds were then duly on record in the proper office for such records in Allegany County.

This respondent further answering states and avers, as matter of fact, that the complainant knew that this respondent and said Sherman were in the actual possession of said lands, under and by virtue of said Deeds, and particularly by virtue of the said Deed dated October 1st 1857, from the date thereof to the 20th day of August, 1858, and that during all that time this respondent and said Sherman claimed full and exclusive title to and dominion over the said lands, and the absolute right to mine and remove the coals therefrom.

And this respondent further answering states and avers, that during all the time last mentioned, the complainant knew that this respondent and said Sherman were mining and transporting, or causing to be mined and transported coal from said lands, and that the complainant acknowledged the validity of said Deeds and acquiesced in the title, claim and possession of this respondent and said Sherman under the same, and the complainant actually transported and conveyed therefrom all the coals that this respondent and said Sherman mined, or caused to be mined in said lands, and repeatedly and frequently during the said period, made settlements for the quantity of coals so transported under the contract, a copy of which is filed as part of the answer of this respondent to the original bill in this case, and is marked "Exhibit B", and demanded and received payment from this respondent and the said Sherman, for all the coal so transported, at the price specified in that behalf in said contract, of which said "Exhibit B" is a copy.

And further answering this respondent states and avers, that it is utterly untrue that he with the said Sherman, or otherwise claims through the said Hoffman Steam Coal Company to have a right still to mine and carry away coal, the product of said mines, or that this respondent has ever assumed or claimed such right.

Without that, that there is any matter or thing in said amended bill not herein or hereby well and sufficiently answered unto, confessed or avoided, traversed or denied, is true.

And this respondent prays that the said Injunction heretofore granted may be dissolved, and that said original and amended bills may be dismissed with costs.

W. B. Dean.

George N. Pearre, Thomas Devecmon, Wm Schley } Solicitors for Respondent

State of New York — City and County of New York, to wit:

Be it remembered that on this 25th day of May, in the year of our Lord 1859, before the subscriber, a Commissioner, residing in the City of New York, appointed by the Governor of the State of Maryland, to take oaths and acknowledgments to be used in the State of Maryland, duly commissioned and qualified, personally appeared William B. Dean, the respondent, named in the aforegoing answer, and made oath on the Holy Evangels of Almighty God, that the facts stated and set forth in the preceding answer are true of his own knowledge except such as are stated