on information and belief, and as to those statements he believes it to be true. Witness my hand and official seal.

John Bissell
Commissioner for Maryland.

Afterwards to wit, on the seventh day of the same month, in the year last aforesaid, the said Hoffman Steam and Coal Company, of Allegany County, by its solicitors aforesaid, file in Court here its petition in the words and of the tenor following, to wit:

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

The petition of the Hoffman Steam Coal Company, of Allegany County, respectfully shows unto your Honor, that heretofore on the sixth day of December, eighteen hundred and fifty-eight, the Cumberland Coal and Iron Company filed in your Honorable Court, its Bill of Complaint, against your petitioner, Ellen M. Sherman and Wm B. Dean, charging and alleging as in said bill is charged and set forth, to which said bill your petitioner here refers to and makes a part of this petition, for the purpose of showing what such allegations are.

Your petitioner further represents to your Honor, that it answered the said bill as did also the other defendants, Sherman and Dean; and in and by its said answer, it prayed your Honor to dissolve the Injunction, which upon the filing of said bill had been granted by your Honor against your petitioner, to which said answer as well as to said order of your Honor in granting said Injunction, your petitioner refers and makes a part of this petition for the purpose of showing the proceedings subsequent to the filing of said bill.

Your petitioner further represents to your Honor, that after the filing of said answers, an order of your Honor was passed, setting down the motion made by the said defendants, for the dissolution of the Injunction for hearing on the sixth day of April, 1859, and that a further order was passed by your Honor allowing either party to take testimony to be read upon the motion for dissolution of the Injunction upon the terms of notice &c, usual in such cases; that under said order, testimony was taken both on behalf of the complainant and the defendants, to all of which orders and testimony your petitioner refers as part of this, his petition.

Your petitioner further represents to your Honor, that the motion made by the said Defendants to dissolve said Injunction, was heard by your Honor upon arguments of counsel, and that your Honor passed no order whatever upon such motion, but it pleased your Honor, in the opinion filed by your Honor after hearing the argument upon such motion to dissolve, to express a willingness to allow the complainant to amend its said Bill of Complaint without prejudice to the Injunction, first granted.

Your petitioner further states, that since the filing of such opinion upon the application of the complainant, viz: On the 25th May, 1859, your Honor has passed an order allowing the complainant to make the amendments prayed for by the complainant in its two several petitions for amendment filed in the cause; and the said complainant did accordingly, on the 25th May, eighteen hundred and fifty-nine, file its amended bill in said cause, which by the order of your Honor, passed on the same day, was allowed as part of said original bill without prejudice to the Injunction before granted.

Your petitioner further represents to your Honor, that all the said defendants, including your petitioner, have filed their answers to said amended bill, as will fully appear by reference to the same now on file in this cause.

Your petitioner is advised, since the filing of said amended bill and the answers thereto, to renew its motion to dissolve said Injunction, which it accordingly now does, in such

by this its petition, which it prays your Honor to treat and consider as such motion to dissolve. And your petitioner, the Hoffman Steam Coal Company, upon which said Injunction specially operates, is advised that in the present phase of the case presented by the amended bill, and the answers thereto, it is proper that it should have certain additional testimony taken, which is within the reach of your petitioner, and will be material and relevant upon the hearing of such motion to dissolve said Injunction; and as your petitioner is advised will meet certain suggestions, as to want of material testimony made in the aforesaid opinion of your Honor.

Your petitioner therefore prays your Honor to set down for hearing, such motion for the dissolution of the Injunction, upon some certain day to be named by your Honor in that behalf, and also to grant unto your petitioner, leave to take such additional testimony as may be advised is material, relevant to its case, upon the terms and notice usual in such cases, for the taking of testimony to be read upon motions to dissolve Injunctions.

Wm Schley
J. Dwecenon
G. A. Peare
} Solicitors for Petitioners.

The aforegoing petition of the Hoffman Steam Coal Company of Allegany County, being read and considered, it is thereupon, this 4th day of June, 1859, ordered by the Circuit Court for Allegany County as a Court of Equity, that the motion made in the aforegoing petition for dissolution of the Injunction, be and the same is set down for hearing on the eighteenth day of July, 1859 and that either of the parties, either complainant or defendants, have leave to take testimony before a Justice of the Peace, or a commissioner of the State of Maryland, upon giving six days' notice of the time and place of taking such testimony, to the solicitor of the opposite party; such testimony, however, to be taken and returned before the eighteenth day of July, 1859.

Thomas Perry,

Afterwards, to wit, the Hoffman Steam Coal Company, by its solicitors aforesaid, file in Court here its petition, in the words and of the tenor following, to wit:

Cumberland Coal and Iron Company
vs.
Hoffman Steam Coal Company of Allegany County, and others,

The Hoffman Steam Coal Company of Allegany County represents to your Honor, that it may deem it proper to examine as witnesses on its behalf, its co-defendants in this case, and to that end, desires leave to do so to be granted by your Honor on the usual terms

George A. Peare
Solicitor for the Hoffman Steam Coal Co of Allegany Co

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

The written petition being read and considered, it is thereupon ordered, this 27th day of June 1859, that the Hoffman Steam Coal Company of Allegany County, be and it is hereby granted leave to examine either of its co-defendants as witnesses for it in this case, the testimony when taken, to be subject to all legal exceptions

Thomas Perry

And on the day and year last aforesaid the said Hoffman Steam Coal Company filing the following notice and acknowledgment of service thereof, to wit: