the parties may be known. I deem it proper to state that I had been, up to the fifth of August, eighteen hundred and fifty-eight, the retained counsel of the non-complainant in its general business, but ceased on said last mentioned day to be such retained counsel. Subsequently, Judge Sherman retained me as his individual counsel in his affairs in Maryland, and the Hoffman Steam Coal Company did not retain me as counsel until the twenty-first of December, eighteen hundred and fifty-eight, when the said Company retained me as its counsel after a suit had been brought against it in New York by the now complainant. I would further add, that I had no acquaintance with and knowledge of S. Brooke Postley, Esq., the President of the Steam Coal Company, until the time when the said Deed was prepared; and that I had never previously seen Mr. William B. Dean, one of the grantors named in said Deed.

The Commission, by agreement of counsel of the respective parties, was then adjourned to the twelfth day of July in the same year, at eight in the forenoon, and the same place; at which last mentioned time and place the Commission met, pursuant to notice, and I proceeded in presence of the solicitors of the respective parties to take the following depositions, that is to say:

James Hain, a witness of lawful age, produced on behalf of the defendants, being by me first duly sworn on the Holy Evangels of Almighty God, being examined on the following interrogatories to him propounded in that behalf, makes oath, deposeth and saith as follows, that is to say:

First Interrogatory.— Are you at present a holder of any part of the capital stock of the Hoffman Steam Coal Company of Allegany County?

To the said first interrogatory, he answers— No, Sir.

Second Interrogatory.— Were you at any time a holder of any part of the capital stock of the Hoffman Steam Coal Company of Allegany County? If yea, state when you first became the owner of any of said stock, and of how many shares, and from whom you obtained the same:

To the said second interrogatory he answers— I held 1,075 shares. I became owner of them on the seventh day of September, 1858, obtaining them from Judge Sherman: I mean Allen M. Sherman, one of the defendants.

Third Interrogatory.— State whether at the time you became such owner of stock you knew that said Company had obtained its property in Maryland from Allen M. Sherman and William B. Dean; and state also whether you knew, or had heard, or had any information in any way, that said Sherman or said Dean, or both, had been connected in any manner, and how, with the Cumberland Coal and Iron Company, the complainant in this case.

To the said third interrogatory he answers— I knew at the time I became a subscriber to the stock, that the Hoffman Company had obtained its property from Judge Sherman and Mr. Dean. I did not know nor had I heard, nor was I in any way informed, that the said Sherman and Dean, or either of them, had been in any manner connected with the Cumberland Coal and Iron Company.

The said James Hain then being cross-examined on the following cross-interrogatories to him propounded on behalf of the complainant, makes oath, deposeth and saith as follows, that is to say:

First Cross-Interrogatory— Where do you reside; what is your age and what is your occupation?

To the first cross-interrogatory he answers. I reside in New London Connecticut; I am twenty-five years old and upwards. I have no particular business.

Second Cross-Interrogatory— Have you ever been engaged in any particular business?

To the said second cross-interrogatory he answers— No, sir.

Third Cross-Interrogatory— What are your relations to Allen M. Sherman; are you connected with him by blood or marriage; are you connected with William B. Dean by blood or marriage?

To the said third cross-interrogatory he answers— No, sir; I am not connected with either of them in any way.

Fourth Cross-Interrogatory— How long have you known Allen M. Sherman; how did your acquaintance with him begin and where?

To the said fourth cross-interrogatory he answers— I have known him since about the first of September last; I was introduced to him by Mr. Postley, at his (Sherman's) in Broadway, New York.

Fifth Cross-Interrogatory— Was it at this interview that the negociation for the purchase of the Hoffman Steam Coal Company's stock was made? Where was it made?

To the said fifth cross-interrogatory he answers— No, sir; it was made on the second day of September last.

Sixth Cross-Interrogatory— How many interviews had you with Sherman before the contract of purchase was made? How many were there?

To the said sixth cross-interrogatory he answers— I think, two, sir, at his (Sherman's) office, in Broadway.

Seventh Cross-Interrogatory— From whom did the proposition to purchase emanate, from you or from him?

To the said seventh cross-interrogatory he answers— From me, Sir.

Eighth Cross-Interrogatory.— What was your inducement to purchase, and what did you know of the Hoffman Steam Coal Company's affairs.

To the said eighth cross-interrogatory he answers— All I know of the affairs of the Company, I was told by Mr. Postley. I do not recollect the particulars that I was told, but I know it was satisfactory at the time, and I made a memorandum at the time of the information thus given me. My inducement to purchase was that I was told it was a very good investment. I looked into it, and thought it was a very good investment.

Ninth cross-interrogatory— What was your previous acquaintance with Mr. Postley? Are you in any way related to him?

To the said ninth cross-interrogatory, he answers— I cannot say how long I had known Mr. Postley, but I had known him for a number of years, for ten or twelve years at least. I am related to him; I am his brother-in-law.

Tenth cross-interrogatory— Was your visit to New York in September 1858 made at the instance of Postley?

To the said tenth cross-interrogatory, he says— Yes, Sir.

Eleventh cross-interrogatory— What was stated to you by him as the reason for that visit?

To the said eleventh cross-interrogatory he answers,— When he first spoke to me of the affair, I told him I would look into it and meet him in New York in some time in the fore part of September. He wished to have my answer, and wished to know whether I wanted to buy the stock or not.

Twelfth cross-interrogatory.— When he first spoke to you of the matters of the Steam Coal Company, what statement did he make to you in relation to the affairs of the Company? State the whole conversation fully.