between you and said Dean, was verbal or in writing; if in writing, produce the same?

Answer. — It was verbal. I sought him to endeavor to induce him to sell to me his undivided portion of the land in question being three eighths thereof. I mean three eighths of the entire purchase from the Cumberland Coal and Iron Company, consisting of the land and of the contract for transportation. The result of our interviews, (we had more than one, I think we had two,) was that he stated to me, that he and his co-tenant, Sherman, were about forming a Company, and he agreed to sell to me, when that Company should be formed, the stock, reserving to himself ten shares. I told him, that I preferred purchasing the interest; he replied that it could not make much difference to me whether I purchased the interest or the stock, but that it would make some difference to him (Dean) as in selling his interest he might cut himself off from an existing claim for profits, which he claimed as already accrued from the working of the mines. We finally agreed that the Company should be formed, and that I should take the stock at the price agreed on between us.

Sixth Interrogatory — At the time you and Dean finally agreed that you would purchase the stock, when the Company should have been formed, as mentioned in your answer to fifth interrogatory, had you any knowledge or information, that Allen M. Sherman was a Director of the Cumberland Coal and Iron Company at the time the contract was made by him and Dean with said Cumberland Coal and Iron Company for the purchase of the lands described in the Deed dated the 22d of April, 1856 a copy of which is now shown to you, marked "Exhibit No. 5 A" of the answer of the defendant, the Hoffman Steam Coal Company of Allegany County,) and of the contract of transportation dated the same day, and marked "Exhibit B" of the same defendant, now also shown to you?

Answer. I had no knowledge whatever of it; I was not acquainted with him, and knew nothing of him, except that I knew there was such a gentleman in the city. I also knew he was a joint purchaser with Dean of the lands and transportation contract in question. I think the first time I saw him was in the City of Baltimore, on the 20th August, 1858.

Seventh Interrogatory — Look at the paper now shown to you, and marked "Exhibit No. 1" of the answer of the Hoffman Steam Coal Company, and also at the paper marked "Exhibit No 5 B" of the same: answer and say whether you knew at the time you and Dean finally agreed, as stated in your answer to the fifth interrogatory, that Allen M. Sherman was a Director of the Cumberland Coal and Iron Company at the time of the execution and delivery of both, or of either, and which of said Deeds?

Answer. — I did not know at all.

Eighth Interrogatory — At the time you became a subscriber for stock in the organization of the Hoffman Steam Coal Company of Allegany County, as stated in your answer to the third interrogatory, did you then know that Allen M. Sherman was a Director of the Cumberland Coal and Iron Company, at the time said Sherman and Dean purchased from said last-mentioned Company the property described in said copy of Deed marked "Exhibit No 5 A" and also described in said copy of Deed marked "Exhibit No 1" and also described in said Deed marked "Exhibit No 5 B" and at the time said last mentioned Company made the contract of transportation with said Sherman and Dean.

Answer — "No, Sir"

Ninth Interrogatory — Look at the paper now shown you, marked "Exhibit C" of the answer of Allen M. Sherman, one of the defendants in this case, and dated the

20th day of August, 1858, and say whether, at the time of the execution and delivery of the said deed, you knew that said Sherman had been a Director of the Cumberland Coal and Iron Company at any of the periods mentioned in the 8th interrogatory to you propounded.

Answer — I did not, sir.

Tenth Interrogatory — State, if you please, whether the defendant, the Hoffman Steam Coal Company of Allegany County, after its organization, and while you were President thereof, and before the issuing of the Injunction in this case, excavated any coal from the mines on the property conveyed to said Company by Allen M. Sherman and wife and William P. Dean, by Deed dated the 20th day of August, 1858; and if you shall say that said Company did excavate coal as aforesaid, then say whether the coal was transported or not over the road of the complainant, the Cumberland Coal and Iron Company; and if so transported, whether the same was done with the knowledge of the complainant and its officers, and under what contract or agreement if any; and also say whether the complainant did or did not receive compensation from said Company for said transportation

Answer. — I answer that the Company did excavate coal during that period to a considerable extent. The coal so excavated was transported over the road of the complainant, and with the knowledge of the complainant and its officers it was transported by the complainant in the complainant's cars, and in charge of the employees of the complainant, and under the contract of transportation of which the Exhibit B, filed with the answer of the Hoffman Steam Coal Company, is a copy; and the complainant received compensation for it in full from the Hoffman Steam Coal Company, under the contract upon the terms of and according to said contract, of which said Exhibit B is a copy.

Eleventh Interrogatory — Do you know whether Allen M. Sherman is or is not a Director of the Hoffman Steam Coal Company of Allegany County? If you shall say that he is not, then state, if known to you, when he ceased to be a Director of said Company?

Answer — He is not now a Director; he ceased to be a Director on the 12th of November, 1859, at which time he resigned.

Cross-examined for Complainant:

First cross-interrogatory — From whom did you first acquire the knowledge of the lands owned by Sherman and Dean, which induced you to purchase Dean's interest?

Answer. — From Dean himself.

Second cross-interrogatory — Did you make any enquiry of other persons in relation to the said lands? If so, from whom, and what did you learn? State also when you enquired.

Answer. — I investigated the matter sir, some little. I went to Allegany County: I made search in the records there to see whether there was a record of the Conveyance. I went to the mines. I cannot at this day tell very definitely how long all this was previous to the purchase but my impression is that it was in July; at any rate, it was in the summer, and it was very shortly before the time of the agreement.

Third cross-interrogatory — Did you apply to your proposed co-owner, Sherman, for any information prior to your purchase? Did you see him at all on the subject?