Answer – It would have been judicious in my opinion. Previous to my connection with the company, its policy had been to decline selling any portion of its lands, and as a consequence, the trade was rapidly being diverted from that region to the George's Creek region, which increased the difficulty of procuring and retaining the necessary number of miners. I therefore saw the necessity of and advocated sales of portions of the Company's lands, with a view to remedy that difficulty and secure a larger trade for our own road, that was one reason. Another reason was, that by such sales, the Company saved annually, 7,000 dollars in cash paid for interest and taxes on its property, which up to that time had been wholly unproductive. A third reason was, that the more interested we had upon our own road, the greater certainty there was in procuring the necessary number of cars. A fourth reason was, that the daily expenses of the Company were over sixty dollars a day; whether the Company sent one ton or 1,000 tons, which made it important to have other than our own transportation to rely upon, and thereby meet the daily expenses.

Sixth interrogatory – Do you or not mean to say that if the Cumberland Coal and Iron Company were to transport over its own road, from its mines to Cumberland, the average quantity transported by it for the Hoffman Companies, say to the amount of 100 000 tons per annum, would cost that Company as much as 11 cents per ton from its mines into canal boats at Cumberland?

Answer. – That additional quantity would not cost the Company as much as 11 cents per ton. The cost per ton is as to quantity carried. There is a certain equipment and organization of force necessary all the time, and in view of that fact, the costs upon every hundred additional tons is necessarily reduced, making perhaps a difference of half a cent to a cent and a half per ton, as the case may be.

Seventh interrogatory. – What is the cost to the complainant of labor and attendance necessary to the unloading of coal from the wharf of complainant into canal boats at Cumberland?

Answer. – It will not exceed, based upon the quantity supplied within the last four years of my presidency, with the wharf arrangements now existing or contemplated, when the transportation was made!

Answer – One half a cent per ton.

Eighth interrogatory – What charge does the Baltimore and Ohio Rail Road Co make for transportation of coal from Piedmont to Baltimore, and what is the distance between those places? What was the price on the 22nd of April, 1856?

Answer – 2 dollars and 50 cents on the 22d of April 1856 and the distance is 207 miles. I am not prepared to say what is the present price of transportation, but think they have advanced it 10 cents. When I entered into the transportation contract of the 22nd of April 1856, the Baltimore and Ohio Rail Road Company charged 25 cents a ton from Piedmont to Cumberland, being 28 miles, the said rail road furnishing the cars.

The counsel for the complainant declines to cross-examine the witness McCaffey upon the points to which he has been interrogated in chief, upon the ground that the present state of the record and opinion and action of the Court therein filed, do not open the points upon the motion to dissolve the Injunction.

Francis Bloodgood, 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 upon the following interrogatories to him propounded in that behalf, makes oath

deposeth and saith as follows, that is to say:

First interrogatory – Are you a not familiar with the property and business of the complainant? And if yea, for what length of time and in what capacity? and in what manner did you acquire your knowledge thereof?

Answer – I am familiar with the property of the complainant, and have been so for nine years, and was a Director in the Company from 1853 up to June, 1858.

Second interrogatory – What in your opinion, would be the actual cost per ton for transporting coal from the Hoffman mines to Cumberland, to the wharf of the complainant and unloading the same into canal boats, assuming as a basis the average quantity carried over the Company's road for 3 years previous to the 1st June, 1858.

Answer – Well; my estimate has always been about 12 cents a ton, including cars and everything.

Third interrogatory. – State also whether or not the Directors of the Cumberland Coal and Iron Company had a knowledge of the Deed executed and delivered by the complainant to Allen M. Sherman and William B. Dean, bearing date the 22nd day of April, 1856, and of the agreement between the same parties of the same date, in relation to the transportation of coal from the Hoffman mines. If yea, state when the same were made known to them, and under what circumstances; and what action, if any, was taken by said Board of Directors thereon? State how your information was obtained.

Answer. – I was present at the Board as a Director when it was done. The Deed and contract were presented to the Board, acted upon and confirmed; it was in May, 1856, but I do not know the day.

Fourth interrogatory – What is the cost to the complainant of labor and attendance necessary to the unloading of coal from the wharf of complainant into canal boats at Cumberland?

Answer. – About three quarters of a cent per ton, I should think, sir.

Fifth interrogatory – Assuming that the Cumberland Coal and Iron Company would transport from its own mines during the existence of the aforesaid transportation contract between the complainant and Sherman and Dean over its road, made to its wharf at Cumberland, the same amount of coal transported by it to Cumberland from its own mines, for four years previous to the first of June, 1858, and that complainant would do this transportation at all events, state whether or not, in your opinion, it would be judicious for the complainant to enter into a contract for transportation, as that made by the complainant with Sherman and Dean, and give your reasons for that opinion.

Answer – I say it would be judicious, sir, for the reasons that the trade was being diverted from our end of the region to the lower end of the coal field, to the loss of trade, and from our inability to get as many cars as we were entitled, and to give an increased business to our own road, and thereby lessen the cost of our own transportation.

Sixth interrogatory. – Were you not a Director in the Cumberland Coal and Iron Company, on the 29th of September, 1857, and if yea, were you or not present at a meeting of the Board of Directors of said Company on that day, and if you were present at that meeting, state who else was present, and also state what action of any was taken by said Board of Directors as to the said lands