To do as

Geo. H. Dobbin

Solicitor for the Cumberland Coal & Iron Company, the Complainant in the above case.

Baltimore, July 5th, 1859

Service of the above notice admitted, this fifth day of July, 1859

Wm Schley

Solicitor for the Hoffman Steam Coal Company.

By agreement of the undersigned, counsel for the parties in the case above entitled, it is agreed that the evidence proposed to be taken under the above notice, instead of being taken before a Justice of the Peace, shall be taken before Frederick Pinkney, Esquire, Commissioner, and shall have the same effect as if the same had been taken before a Justice of the Peace, upon due notice given.

George H. Dobbin

Sol. for Complt.

Wm Schley

For Hoffman Steam Coal Company of Allegany Co.

The Cumberland Coal and Iron Company. vs. The Hoffman Steam Coal Company of Allegany County, and others.	In the Circuit Court for Allegany County. Equity No 1,286

To the Hoffman Steam Coal Company of Allegany County:

Please to take notice, that at the examination of witnesses on behalf of the above named complainant, before Frederick Pinkney Esq. on the 11th instant, you will be required to produce the original Deed from Allen M. Sherman and others to you, dated on the twentieth day of August, 1858, and recorded in the Land Records of Allegany County, in Liber H.R. No 19 folio 224, &c.

Geo. H. Dobbin, Sol. for Complt.

Service of copy admitted, this seventh day of July, 1859

Wm Schley, Sol. for Hoffman Co.

"Complainants Exhibit A"

At the request of the Hoffman Steam Steam Coal Company of Allegany Company, this Deed was recorded August 21st 1859.

This Deed, made this twentieth day of August, in the year of our Lord eighteen hundred and fifty-eight, by Allen M. Sherman and Martha P. Sherman his wife of Orange County, in the State of New York, and William B. Dean, of the City of New York, in the State aforesaid, to the Hoffman Steam Coal Company of Allegany County (a corporation created under the authority of an Act of the General Assembly of Maryland, entitled an Act to authorize the formation of corporations for mining purposes passed at January session 1852 chapter 322.) Witnesseth, that whereas the said Allen M Sherman and the said William B. Dean, became subscribers for and took four thousand nine hundred and ninety shares of the capital stock of said Company, on the express agreement and understanding, that the price of said shares should be paid for by the conveyance of certain lands. And the said Allen M. Sherman and Martha P. Sherman, his wife, and said William B. Dean, being ready and willing to convey, grant, assign and transfer their interest and estate in the property hereinafter mentioned, in accordance with the tenor of said subscrip-

tion. Now, therefore, this Indenture witnesseth, that the the said Allen M. Sherman and Martha P. Sherman, his wife, and the said William B. Dean in consideration of the premises, and in consideration also of the undertaking, and and agreement of the said The Hoffman Steam Coal Company of Allegany County, to deliver without any unnecessary delay, the certificates for said number of shares of its capital stock, whenever and as soon as the said certificates shall have been prepared for delivery, and in further consideration of the covenants hereinafter expressed to be performed by, and on the part of the said The Hoffman Steam Coal Company, of Allegany County, and in further consideration of one dollar, to them in hand paid, the receipt whereof is hereby acknowledged, do grant, bargain and sell, convey, assign and transfer to the said The Hoffman Steam Coal Company of Allegany County, and its assigns, all the right, title, interest and estate legal or equitable, in possession, remainder or reversion of them, the said Allen M. Sherman and Martha P. Sherman, his wife, and of the said William B. Dean and of each of them, of in and to all that piece or parcel of land and premises, with the appurtenances lying in Allegany County, aforesaid, containing the quantity of twelve hundred and fifteen acres of land, more or less, which was conveyed to the said Allen M. Sherman and the said William B. Dean, by the Cumberland Coal and Iron Company by Deed dated the first day of October, in the year eighteen hundred and fifty-seven, and which is recorded in Liber H.R., No 16, folio 234, &c., one of the Land Records in the office of the Clerk of the Circuit Court for Allegany County, aforesaid, and in which said Deed the names of the several tracts, or portions of which, the piece and parcel of land, hereby intended to be conveyed is composed, and the courses and distances of the lines thereof are fully stated, as upon reference to the same will appear, together with all the rights, members and appurtenances thereto appertaining, and all easements and hereditaments therewith rightfully had, used or exercised, or rightfully claimable or exercisable under any of the grants or covenants of the said Deed; together also, with the benefit and advantage of all covenants contained in said Deed, so far as the same are capable of assignment. It being the intention of the parties hereto, to grant, bargain and sell, convey, assign and transfer to the said The Hoffman Steam Coal Company of Allegany County, all the estate, property, rights, easements, hereditaments and covenants acquired by or enuring to the use of the said Allen M. Sherman and the said William B. Dean, under and by force of the said Deed, and the covenants therein contained, and with the same right and plight, and in like manner, and to the same extent as the same were held or were vested in or belonged to the said Allen M. Sherman and Martha P. Sherman, his wife, and the said William B. Dean, next immediately before the execution and delivery of these presents. Subject, nevertheless, to the lien thereon, reserved by the Cumberland Coal and Iron Company, for the payment of the interest in the meantime, and for payment at maturity, of the principal of the one hundred and twelve bonds of the said Cumberland Coal and Iron Company, particularly described in said Deed, it being the meaning and intention of the parties to these presents, that the said The Hoffman Steam Coal Company of Allegany County, shall take the said Bond, with the lien thereon, for payment henceforth of the interest on said bonds, and for payment when the same shall become payable, of the principal of said one hundred and twelve bonds; And further that the said The Hoffman Steam Coal Company shall pay the said interest hereafter to become due, when