and as the same shall become payable, and shall pay the principal of said bonds, in exoneration of all liability on the part of the said Allen M. Sherman and said William B. Dean, for payment of the same. And the said The Hoffman Steam Coal Company, of Allegany County, accepts and receives this Deed, upon the express understanding and agreement that said Company shall and will, without any default, actually pay or provide in the hands of the said Allen M. Sherman and William B. Dean, to be applied by by them, the means to pay the interest of said one hundred and twelve bonds, at the respective periods, when each interest shall become payable, and will pay or provide in due time, in the hands of the said Allen M. Sherman and William B. Dean, the means to pay the the principal of said bonds, at the time when the same according to tenor of the endorsements thereon shall become payable, in exoneration of all liability on the part of the said Allen M. Sherman and the said William B. Dean; and in performance and fulfilment of the undertaking and agreement in that behalf of the said Allen M. Sherman and the said William B. Dean with the Cumberland Coal and Iron Company, aforesaid. In witness whereof the said Allen M. Sherman, said Martha P. Sherman and said William B. Dean, have hereunto subscribed their names and affixed their seals the day and year above written.

Signed, sealed and delivered in the presence of Wm H. Hayward

A. M. Sherman {Seal}
Martha P. Sherman {Seal}
Wm. B. Dean {Seal}

State of Maryland City of Baltimore, to wit:

On this twenteeth day of August, in the year of our Lord eighteen hundred and fifty eight, before the subscriber, one of the Justices of the Peace of the State of Maryland, in and for Baltimore City, personally appeared Allen M. Sherman and Marthea P. Sherman and William B. Dean, the persons named as grantors in the foregoing Deed, and by whom the same was signed, sealed and delivered, and acknowledged the same as their act & deed.

Wm H. Hayward

State of Maryland City of Baltimore, Sct:

I hereby certify that William H. Hayward Esquire before whom the annexed acknowledgment was made, and who has thereto subscribed his name, was at the time of so doing, a Justice of the Peace of the State of Maryland, in and for the City of Baltimore, duly commissioned and sworn.

{Seal} In testimony whereof, I hereto set my hand and affix the seal of the Superior Court of Baltimore City, this 20th day of August A.D. 1858

Geo. E. Sangston
Clerk of the Superior Court of Baltimore City.

State of Maryland — Allegany County, to wit:

I hereby certify the above and aforegoing to be a true copy taken from Liber H. R. No 8, folios 224 &c. one of the Land Records of Allegany County

{Seal} In testimony whereof, I hereunto subscribe my name and affix the seal of the Circuit Court for Allegany County, this 29th day of June, in the year 1859

A. Reeder
Clerk of the Circuit Court for Allegany County, Md.

"Exhibit William Schley No 1"

George W. Dobbin Esq. solicitor for the Cumberland Coal and Iron — in the case of said Company ag't Allen M. Sherman, William B. Dean, and the Hoffman Steam Coal Company of Allegany County, in the Circuit Court of Allegany

County, in Equity.

Dear Sir:

From the tenor of certain interrogatories by you yesterday to Col Posley, on his cross-examination, I discovered an effort to raise a presumption that because I prepared the certificate of organization of the Hoffman Steam Coal Company of Alle— County, at the request of Judge Sherman, I must have known of the private understanding between Mr. Dean and Col Posley; and you may, with equal propriety insist that I must or may have known of any arrangements which Judge Sherman may have made with any person or persons for the sale of any part of his stock.

You are the best judge of the best mode of conducting the case for your client but it would at least be more satisfactory to me that I should be put on oath, and be required to answer as to what I may be supposed to have known, and as to what I did. Delicacy forbids me from presenting myself as a witness on behalf of my client; but I propose, on behalf of my client, to waive any objection, which you may suppose to exist, to my examination as a witness on behalf of your client; and further, that my testimony shall be open to the same observations, and have the same effect, in all respects as if, instead of being called by your client as a witness, I had been actually called by the Hoffman Company, and had given my testimony as its witness, on my examination in chief, as also on cross-examination. I desire, as far as in my power, to remove any ground for innendoes, insinuations or presumption, where the facts can be so readily ascertained.

Respectfully &c.
(Signed) Wm. Schley

Thursday, July 14th, 1859

"Exhibit G. W. Dobbin No 1"

Baltimore, July 15th, 1859

Wm. Schley, Esq.

Dear Sir — I have received your note of date yesterday. In examining you as a witness, I proposed only to prove the fact of your having drawn or advised as to the Deed from Sherman and Dean to the Hoffman Steam Coal Company and as you will perceive on reference to the interrogatory, I directed my question to that single point. What was elicited in the cross-examination of Mr. Posley, seemed to ~~bee~~ to be a necessary part of the history of the transaction to which he was testifying. If you desire to make any explanations of the facts, I shall make no objection to them.

Respectfully &c
Geo. W. Dobbin

"Exhibit William Schley No 2."

Dear Sir:

Your note of this morning in reply to mine of yesterday, has been received. My only object was to exclude a conclusion not to volunteer as a witness in the cause. As stated in my first note, I am not willing to present myself as a witness for the Hoffman Steam Coal Company. If I deemed it necessary for the protection of that Company, that I should become a witness, I would retire from the case so as to become, if desired by that Company, a witness in chief. Personally I care nothing about the matter, and I do not deem it of sufficient moment to induce me to retire from the case so as to become a witness for that Company.

Respectfully &c.
Wm Schley

Baltimore July 15th 1859

Geo. W. Dobbin Esq.,
Sol. for Cumb'd Coal & Iron Co.