Commissioner's Oath

You shall according to your best skill and judgment, truly, faithfully, and without partiality, to any or either of the parties, take the examinations and depositions of all and every witness and witnesses produced and examined, by virtue of the commission hereunto annexed, upon the interrogatories now, or which may hereafter, before the said commission is closed, be produced to and left with you, by either of the said parties; So help you God.

Sworn before, Andrew Sonder J.P.

And afterwards, to wit, on the twenty-first day of May, in the year last aforesaid, the aforesaid Commissioner Frederick Pinkney, made return of his commission to the Court here, in the words following, to wit:

The Cumberland Coal and Iron Company
vs.
Allen M. Sherman, William B. Dean, and the Hoffman Steam Coal Company of Allegany County

At the execution of the annexed commission, issued out of the Circuit Court for Allegany County, sitting as a Court of Equity, and to me directed, empowering me to examine witnesses in the above entitled case, I, Frederick Pinkney, the Commissioner in the said commission named, having first duly taken the oath to the said commission annexed, met on the twenty-eighth day of December, in the year of our Lord eighteen hundred and sixty, at my office in St. Paul's street, in the city of Baltimore, and State of Maryland, when the annexed "Agreement of Counsel No. 1" was filed with me; and having again met on the eleventh day of January, in the year of our Lord eighteen hundred and sixty-one, at the same place, the annexed "Agreement of Counsel No 2" was filed with me, and at the request of and by agreement of counsel of the respective parties, I assigned the fourth day of February, (being the first Monday of that month) in the year of our Lord eighteen hundred and sixty-one, at ten o'clock in the forenoon, and the office of the Cumberland Coal and Iron Company, in the city of New-York, as time and place for the examination of witnesses, under the said commission, and I then and there gave due notice in writing to Messrs. G. A. and C. B. Thruston, complainant's solicitors, Messrs Devecmon and Pearre defendant's solicitors, the Honorable Reverdy Johnson and George W. Dobbin Esquire, also of counsel in the said case, by personally serving on Messrs. Johnson and Dobbin copies of the subjoined notice to them severally directed, and by personally putting into the Baltimore Post-Office copies of the said subjoined notice severally directed to Messrs G. A and C. B. Thruston, and Messrs Devecmon and Pearre at Cumberland, Allegany County, Maryland, which said notice is as follows:

In the Circuit Court for Allegany County, as a Court of Equity No 1286

The Cumberland Coal and Iron Company
vs.
Allen M. Sherman William B. Dean, and the Hoffman Steam Coal Company of Allegany

Please take notice that I shall proceed to take testimony in the above entitled case as Commissioner, under the commission to me issued in that behalf by the Circuit Court for Allegany County, and in pursuance of the agreements of the counsel of the respective parties, on February the fourth, A. D. 1861 being the first Monday of that month, at ten o'clock A. M., at the office of the Cumberland Coal and Iron Company, in the city of New-York.

With the highest respect etc, etc., etc.,
Frederick Pinkney, Commissioner

Baltimore, January 11th 1861

And afterwards, to wit, on the said fourth day of February, in the year aforesaid, being the first Monday of that month, at ten o'clock in the forenoon, at the said office of the Cumberland Coal and Iron Company, in the city of New York, the commission met pursuant to notice, for the examination of witnesses on behalf of the complainant, and no witness appearing before me, I adjourned the commission to the fifth day of February, in the year aforesaid, at ten o'clock in the forenoon, and the same place, at which last mentioned time and place the commission met, pursuant to notice, and no witnesses appearing before me, I adjourned the commission to the sixth day of February, in the same year, at eleven o'clock in the forenoon, and the same place, at which last mentioned time and place the commission met, pursuant to notice for the examination of witnesses, on behalf of the Complainant, and I proceeded, in the presence of the Solicitors of the respective parties, to take the following depositions, that is to say:

Richard H. Phipps, a witness of lawful age, produced on behalf of complainant, being by me first duly sworn on the Holy Evangely 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. What is your age, residence, and occupation, and how long have you been engaged in it?

Answer. I am twenty-nine years old; I reside in the city of Baltimore; I am the agent of the complainant, and have been so for nearly one year.

Second Interrogatory. State how long you have been in the service of the complainant, and in what capacities?

Answer. I have been in its service since the first of January, 1857, up to the present time. I was its book-keeper from said January the first, 1857, to the first of January, 1859, and its Secretary from that last mentioned time to the twenty-sixth of March, 1860; and from that time to the present I have been the agent of the Company.

Third Interrogatory. Look at the paper now shown to you, being the original of the complainant's Exhibit I. P. No. 1, (which, by agreement of counsel, is substituted for said original) and say if you recognize the signatures to said original, and designate the same? Do you know the handwriting of the persons professing to sign the same, or of any of them?

Answer. I recognize the signatures thereto of A. Mehaffey, President, of Edward H. Loomis, Secretary, and of A. M. Sherman. I have frequently seen all those persons write, and am familiar with their handwriting, and know the said signatures to be their genuine signatures.

The commission was then adjourned to the seventh day of February in the last mentioned year, at ten o'clock in the forenoon, and the same place, at which last mentioned time and place the commission met, pursuant to notice, for the examination of witnesses on behalf of the complainant; and no witnesses being produced before me, I again adjourned the commission to the eighth day of February, in the year last aforesaid, at ten o'clock in the forenoon, and the same place, at which last mentioned time and place the commission met, pursuant to notice, for the examination of witnesses on behalf of the complainants; and no witnesses being named or produced to me, I adjourned the commission to the ninth day of February, in the year last aforesaid, at eleven