tension of those bonds, returns or statements of money so expended, or were such returns and statements deferred until the year 1857, when the bond transactions between Sherman and the Company were closed up?

Answer. He made no statements or returns to me; but Mr. Mehaffey the President of the Company, would tell me from time to time that there was a prospect of the sale or disposition of the bonds, and would then have the account closed.

174th Int. Did Sherman ever, to your knowledge, inspect or examine any portion of the entries in either of the books of the Company to his debit or credit, or give to you any instructions, or make to you any request, as to the manner of making any such entries therein?

Answer. No.

Cross-Examined for Complainant

359th Re-cross Int. Was Mr. Bloodgood in the habit of attending to the finances of Mr. Sherman, keeping his bank accounts and doing similar services for him?

Answer. I know he used to examine his bank account.

360 Re-cross Int. Did he occupy Mr. Sherman's desk when Mr. Sherman was not there?

Answer. Not altogether. He generally occupied a desk in the apartment in which I was.

361st Re-cross Int. Was there more than one case in which stocks were purchased or sold in your name?

Answer. I think not.

362nd Re-cross Int. By whom was that done?

Answer. I dont know.

363d Re-cross Int. On what grounds do you state, in answer to 160th interrogatory in chief, what the Company's wishes were? How were the Company's wishes expressed?

Answer. From information derived from the President in answer to interrogatories made by me as respecting the bills of the purchases and sales of stock, showing on their face to be for account of individuals instead of the Company.

364th Re-cross Int. Is that all your knowledge of the wishes of the Company on the subject?

Answer. The President gave me to understand that it would not do for the Company to be known publicly as a purchaser and seller of its stocks.

365th Re-cross Int. When was this information derived from him by you at an early or late stage in these transactions?

Answer. I think about the time that the first bills were given to me.

366th Re-cross Int. You have stated that most of the bonds were extended in January, 1856. There are 354 bonds besides the 60 extended for a year, with Brown Bros & Co. for which interest was paid for July 1856; are those the bonds which you suppose were extended mainly in January, and some in February 1856?

Answer. Yes I think so.

The commission was then adjourned to the twenty-seventh day of March in the year aforesaid, at half past ten 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 defendants, and no witnesses appearing before me, I adjourned the commission to the twenty-seventh day of March in the same year, at half past ten in the forenoon, and the same place, at which last mentioned time and place the commission met pursuant to notice, and at the request of the solicitors of the respective counsel, I adjourned the commission to

the office of A. M. Sherman No 8 Pine St. New York, when the commission forthwith met, and I proceeded, in the presence of the solicitors of the respective parties, to take the following depositions that is to say:

Andrew Mehaffey, a witness of lawful age, produced on behalf of defendants, being by me first duly sworn on the Holy Evangels 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:

1st Int. During the time that you were president of the complainant, from March 1854 to June, 1858, what was the pecuniary condition of the Company, its means of raising money and its credit?

Answer. It was one of continual necessity, limited credit, and its resources almost wholly through a third party.

2nd Int. During the period of time that you were president did the Company by its business of mining, transporting, and selling coal, make a profit over and above the actual expenses of conducting such business?

Answer. It did a portion of the time make a small profit per ton upon the quantity sent to Market, which was entirely absorbed in the further development of, and a large depreciation of perishable property, consisting of boats and vessels, the wear and tear of which was far beyond the profits of the Company; that portion of time was probably a quarter of the four years I was there; inclusive of wear and tear the large and constant depreciation and heavy tax upon at least seven tenths of the property which for mining purposes, was wholly unproductive; the result for the whole period of time was unproductive.

3d Int. In what manner, in view of this loss, did the Company obtain means during the time you were its President, of paying interest on its bonds and debts?

Answer. By sale of vessels, and borrowing constantly from a third party, or borrowing and receiving advances from a third party.

4th Int. Were the Company able, during any part of the four years you were its President, to avail of the use of any considerable portion of its mining lands, or was the business of the Company such to warrant the belief that any considerable portion of such lands beyond what were then used, would be needed for mining purposes?

Answer. It was not in that condition for the want of means.

5th Int. What proportion of its mining lands were actually used at any time during the four years?

Answer. I dont suppose that really, that a twentieth part of it was used.

6th Int. Was an effort made by the Company, in the spring of the year 1855, to obtain money by a sale of first mortgage bonds, with which to pay off the bonds of the Company falling due January 1st 1856?

Answer. There was such effort made, and the view to redeem the bonds falling due on 1st January, 1856.

7th Int. Was a circular printed and issued offering such bonds as the Company proposed to issue for sale?

Answer. The invitation was given, but my memory does not now serve me as to the precise form in which it was done.

8th Int. Did you obtain any satisfactory bids or offers for the proposed loan?