suggestion than his willingness to give such release; and, if yea what did he say to the meeting?
(The word "suggestion" substituted for the word "offer" as the commissioner was about to write.)
(Counsel for complainant requests the commissioner to note that the counsel for defendants desired the commissioner to strike out the word "offer")
Answer. He proposed to give up the entire property to the Company; to transfer it back to them on their being paid back what they had paid for it; other discussions ensued; other things were said, but I do not recollect them now, sir.
18th Int. Was a committee appointed at that meeting to visit the property of the Company in Maryland, and report upon it; and if yea, what were the names of such committee, and did they or either, and which of them, go to Cumberland, and examine such property?
Answer. I think sir, there was a committee of five Directors, appointed at that meeting, on motion of Mr. Vose; to visit the mines and make a report. Their name were Mr. Hughes, Mr. Riley, Mr. Cortheal, Mr. Sorrey, and myself. I think we all went to the mines except Mr. Riley; he stopped in Baltimore to examine the Baltimore property; and I think he assigned to me other reasons for not going farther, which I do not now recollect.
19th Int. Did you and the other members of the committee, who accompanied you to the mines, examine the property of the Company there, and also that which had been sold to Sherman and Dean, and if yea, how carefully did you make such examination?
Answer. We examined the property pretty thoroughly; we took horses, and went all over the property on horseback in one day; we took one day for that; we went and examined the Astor mine, the Hoffman mine, the Eckhart mine, and the Slope mine; we went over several farms of the Company in company with Mr. Henderson, the Superintendant, I think his name was, ; we went over the property of Sherman and Dean as stated to us by Mr. Henderson who pointed out the property; three of the committee I think went into the Eckhart mine underground; I did not do so; I confined my attention to examining the property outside this was in the course of two days; on the first day of our examination we went over the property on horseback; on the second day we went into the mines and examined the property outside, on foot, such as locomotive, machinery, etc. We were there three days altogether; on the first day we rested and on the two following days, made the examination as above.
20th Int. Did you, after so examining the property and as a Director becoming acquainted with the property and resources of the Company, form any opinion as to the policy which it was for the interest of the Company to pursue in reference to the disposition to be made of its mining lands; if yea, state what such opinions was?
Answer. Yes sir; my opinion was this; there were 4000 or 5000 acres of land with farms on them, the Company's property, which in my opinion it would be conductive to the interests of the Company to dispose of by the sale of the lands, and reserving the mining of coal for the interests of the Company; all surplus property, not required in mining of coal, to be sold to parties who

would assume the payment and interest of 467 bonds (so far as the sales would go) which had been given out on the part of the Company, leaving the Company free of its bonded indebtedness. There were schooners, lands, steam-boats, real estate, and other property; which we examined; which I thought could be dispensed with. I mean that in the making contracts with parties to purchase the property, that the Company should have the benefit, over the railroad, of the transportation of such coal, and the wharfage.
21st Int. Do I understand you, that it was your opinion that in selling lands the Company should reserve the right to their coal beneath the surface or that the lands and coal should be sold to parties who should be bound by contracts to convey the coal over the railroad of the Company, thus giving the Company the benefit of freight and wharfage?
Answer. I mean to say, that it would be for the benefit of the Company to sell the lands and coal, reserving the right of transporting coal over the Company's railroad, and the benefit of the wharfage.
22nd Int. Did you examine the railroad of the Company from the Hoffman mine to Cumberland?
Answer. Yes sir.
23d Int. After your examination of the Hoffman mine and the property sold to Sherman and Dean, what was your opinion as to the propriety of the sale and contract made to and with them by the Company?
Answer. I thought it was a good sale.
24th Int. What were the pecuniary condition and necessities of the Cumberland Coal and Iron Company during the time you were one of the Directors?
Answer. It was greatly in want of money.
25th Int. Were they at times embarrassed for want of even small sums?
Answer. I was told by the President that they were.
26th Int. Did they at any time borrow money of you, and if yea, when and what sums?
Answer. In the month of September, 1857, they borrowed $1100 of me.
27th Int. Was it borrowed for any particular time or upon call?
Answer. Upon call.
28th Int. Were you able to get repaid, and if so, after what efforts, if any, from whom?
Answer. After some considerable time they repaid me, but it was after great difficulty; I think $600 of it was paid me by Judge Sherman.
29th Int. Do you know whether or not the Company was in the habit of borrowing from others, whilst you were a Director?
Answer. Yes, sir, they were in the habit of borrowing from others.
30th Int. At the time Sherman and Dean purchased this property, and whilst you were a Director of the Company, what was Judge Sherman's reputation as to the possession and control of means?
Answer. He, Sherman, purchased the property before I was a Director and before I became acquainted with him. Whilst I was a Director, he was estimated to be worth from $150,000 to $200,000.
31st Int. What was his influence, if any, with moneyed men and men