instances.

5 25th Cross-Int. Look at the papers now shown you, being complainants' Exhibit J. I. D. Nos. 3, 4, and 5, and say whether they are or not, with A. P. No 2, the rough minutes reported by you of the stockholders' meeting of June 1st 1857.

Answer. They are not the minutes taken by me at the time of the meeting, from the appearance of the paper marked J. I. D. No 3. I should say it was a portion of the proceedings subsequent to the meeting drawn off by me. In other words, the three exhibits do not embrace the full proceedings as recorded by me in the book of minutes.

(The defendants here produced before the Commissioner, Mr. Ardway the witness heretofore examined in their behalf, and tender him to the complainants Solicitor for cross examination. The complainants' solicitors state that they do not desire to cross examine him.)

The commission was then adjourned until the sixth day of May, in the same year, at half past ten o'clock in the forenoon and the same place, at which last mentioned time and place, the commission met, pursuant to notice, and proceeded, in the presence of the solicitors of the respective parties, to take the following depositions, that is to say:

(The counsel for the complainant, in reply to the notice of defendants' Counsel, given May 3d, 1861, requiring the production of a map and other papers therein, mentioned, replies:)

1st. As to the map, that no such map as is mentioned in said notice, nor any similar map, is in possession of the complainant, and has not been at any time within the knowledge of any of the present officers or clerk.

2nd As to the monthly statements and statement-books, that they contain nothing relating to the sale to Sherman and Dean, or the receipt of the purchase money from them.

3d As to the original book of minutes, that the same is at hand, and he is ready and willing to produce the originals of all minutes of proceedings of which copies have been put in. If the defendants' counsel desires anything further than this, it will be answered when he shall designate specifically the portions he requires.

4th Int. As to the cash-book, that is at hand, and he is ready and willing to submit the originals of all the portions of it whereof copies have been put in evidence. If the defendants' counsel desires any other portions thereof the call will be answered, when he shall designate specifically the portions he requires.)

Henry Roussell, a witness of lawful age, produced on behalf of the complainant, 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. What is your name, age, occupation, and where do you reside?

Answer. I am twenty-eight years old, and am Secretary to the Cumberland Coal and Iron Company, and have been so for about the last year. I reside in Jersey City, opposite the City of New York.

2nd Int. Who was Secretary of complainant immediately preceding you?

Answer. Richard H. Phipps.

3d Int. Have you made a copy of the annual report of the Cumberland Coal and Iron Company of June 1854? If so, produce the same and deliver it to the commissioner.

Answer. I have, sir, and it is the paper which I now produce to be filed marked "Complainant's Exhibit — Henry Roussell No. 1"

(Defendants object to the said copy so filed and they reserve the production before the commissioner of the original report, of which said Exhibit purports to be a copy.)

4th Int. Since you have been in the employment of the complainant have you seen, in its possession, or in its office, or in the possession of its officers, any map of lands of the Company showing the lands offered for sale by the complainant or sold to Sherman and Dean?

Answer. I have not.

5th Int. Have you any knowledge of any map showing those lands?

Answer. No sir.

Cross Examined for Defendants.

1st Cross Int. Where is the minute-book of the complainants?

Answer. It is here in this room.

2nd Cross-Int. Please take it and turn to the date of February 28th 1861, and read to the commissioner, to be by him inserted in this record, the proceedings of the Board of Directors, under that date.

The question being propounded to the witness, the complainants' solicitor in whose possession the said book of minutes is, declines to allow the witness to have access to it, or to produce it before the commissioner.

In the absence of defendants' solicitor, the defendants reserve any further cross-examination of this witness.

The witness then says; owing to the objection of the complainants' counsel, I am unable to do it.

David Palmer, a witness of lawful age, produced on behalf of the complainant, being by me first duly sworn on the Holy Evangels of Almighty God, being examined on the following interrogatories to him propounded on behalf, makes oath, deposeth, and saith as follows, that is to say: