made, and to what charged? before answering you may refer to them in the cash book of complainant which I now exhibit to you.

The Defendants ask the solicitor for the complainants to permit them to examine the said cash book, and to permit them to make extracts therefrom, to be filed with the commissioner, and objects to this course of examination without the accounts or the book being filed with the commissioner.

Solicitor for plaintiffs answers that the three entries in question covering these checks, and which are the only ones to which he invites the attention of the witness, he will submit with pleasure to the examination of the parties.

The defendants, in absence of their counsel, ask the complainant's counsel to permit the witness to examine the cash book now shown him, and say whether the said checks were not given for the repayment of money borrowed of said Sherman, and the credits for which appear in said cash book as having been received by the complainants after, and over and above said $16,885.75.

To which plaintiff's solicitor says that he makes no reply at present, that he will attend to that in due season, that at present he wants the question answered.

Answer. "On the loan account"

368th Cross Int. Please look at complainant's exhibit and now marked F. T. D. No 17. and say whether the same is an original or a copy, and of what and in whose handwriting the various parts thereof are, so far as you can tell, whether it was presented and to whom and when.

Answer. The report is the original in the handwriting of Charles Gould, and signed by him. said Gould S. M. Sherman, and Joseph Lovering, who were a Committee of the Board on the account of A. McHaffey; the other portions of the exhibit purporting to be an account, is in the handwriting of Richard H. Phipps the book-keeper of the Company. The said exhibit was presented to a meeting of the Board of Directors held April 14th 1858, by Mr. Gould, the chairman of said committee, and I think, adopted.

The hour for closing the commission having arrived, the complainant's solicitor, Mr. Doyle, acting in the absence of Mr. Selden, states that he has not closed the cross examination of the witness, Loomis, but the commissioner holding that the commission was to be closed to day, leaving it to the Court to remand the commission, or to issue another, determines to close the commission, and now closes it, and returns it closed under his hand and seal, on the day and year last aforesaid, at the City of New York, in the State of New York.

Frederick Pinkney {Seal}
Commissioner

which said commission is thus endorsed:

" The above commissioners' oath was administered by me, a Justice
" of the Peace of the State of Maryland, in and for the City of Baltimore,
" at the time of my so doing and still, upon the Holy Evangels
" of Almighty God in due form of law, to Frederick Pinkney
" the commissioner in the above commission named, on this
" twenty-eighth day of December in the year of our Lord, eighteen
" hundred and sixty, at the City of Baltimore in the State of
" Maryland.

Wm. McKinley

" The execution of this commission appears by certain schedules
" hereto annexed.

Frederick Pinkney {Seal}
Commissioner

A

Cross-Interrogatories to H. F. Weld.

Summed at Pages 274 Interrogatory 1st. Do you know what the American Coal Company pays to the Cumberland and Pennsylvania Rail-Road Company, for transportation of coal per ton per mile?

Int. 2d. You have said, in answer to 4th interrogatory "that if the American Company pays less than two cents per ton, it is made up in other ways". What do you mean, and are you acquainted specially with the terms upon which the Cumberland
274 and Pennsylvania Railroad Company carries freight for the American Company? If you are so acquainted with the terms, state them in detail. State in how far you are acquainted with such terms.

Int. 3d. In which direction do the grades upon the Railroad of the
274 complainant ascend? from the mines to Cumberland, or from Cumberland to the mines?

Int. 4th. Before the present wharf of complainant was erected, from what place was its coal shipped into boats for the canal? And was the said place convenient and cheap, or inconvenient and expensive, as a place of shipment? and state your
274 reasons for the opinion you give.

B

Int. 5th. What, in your opinion, would be the difference per ton of getting coal to market, coming from the mines of complain-
274 ant, whether shipped from the old wharf or the present new wharf of complainant?

Int. 6th. Who owned the old wharf from which the complainant shipped its coal before the present wharf was made? And
375 do you know, or can state, what was charged complainant for wharfage and labor for its coal shipped from said wharf?