is the seal of our said Supreme Court and that the attestation thereof is in due form.

Dated New York April 27th 1861
George G. Barnard
Justice Supreme Court.

Complainants Exhibit I. I. D. No 7. Filed with commissioner May 6th 1861 Fredk Pinkney Commissioner

The People of the State of New York
By the Grace of God free and independant

To all to whom the Presents shall come or may concern Greeting

Know Ye That we having examined the records and files in the office of the Clerk of the County of New York and Clerk of the Supreme Court of said state for said County do find a certain affidavit there remaining, in the words and figures following to wit.

Supreme Court
The Cumberland Coal and Iron Company.
against
Allen M. Sherman and others

City and County of New York SS:

Andrew Mehaffey of said City being duly sworn says as to the affidavit of Wm. Phipps, in which he states that, at the meeting of the Plaintiffs Stockholders held on the 3rd day of June 1857 there was no allusion to any state of property, or contract of transportation to a director and that the person to whom a sale was made is not specified or alluded to, this deponent says that, at the said meeting of the Plaintiffs Stockholders held on the said 3rd day of June 1857 which was ~~a regular annual meeting~~ ~~of this deponent~~, being Plaintiff's President made his report as such in which he commenced as follows.

To the Stockholders

" at your last annual meeting the following resolution was unanimously adopted.

Resolved That the President and Directors be and they hereby authorized and empowered to sell or convey or otherwise dispose of such portion or parcels of the property of

the Company as they may deem advisable, and also to institute and carry into effect such other measures as they may think proper for the interest of the Company In pursuance of it and by the advice of the Board of Directors have negotiated and completed a sale of a portion of the unworked lands of the Company for the sum of $140,000. A larger sale was contemplated but our chief object - The developement of our property, encouraging and directing enterprise to the most accessible portion of the coal field and furnishing additional transportation for our own Rail Road was accomplished by the limited sale of a few hundred acres &c

Which said report was read by this deponent to the said meeting and was on motion, unanimously adopted and deponent says, that it was then fully understood and known at said meeting that the said sale was made to said Sherman and others. Indeed it was well understood and known that said sale so much desired by the stockholders, could not have been effected at all, if the said defendant Sherman had not yielded to the request of many of the Stockholders, and become one of the purchasers of said land.

And as to the affidavit of said Phipps relating to the call for, and the proxies used at, the meeting of the Plaintiffs Stockholders, held on the 1st day of June 1857. (at which said meeting the said sale deed and transportation contract were discussed) in which affidavit said Phipps states that the said call for said meeting, contains no reference to said deed or transportation contract, and in which said Phipps though he says that said call is recorded in the plaintiffs book of minutes, and is under his control does not set it forth to show what it does contain, this deponent says that the notice of said meeting required by Plaintiffs Charter was prepared by Plaintiffs Secretary, under this deponents direction, and the defendant Sherman had nothing to do with drawing said notice or directing the same, that said notice was in the customary form of the notices for the annual meeting of the Plaintiffs Stockholders which the Plaintiff had been accustomed to give, that said notice according to deponents best recollections, and belief read substantially as follows

"Notice is hereby given that the annual meeting of the Stockholders of the Cumberland Coal and Iron Company, will be held at the Company office in the City of New York, on the first day of June next for the purpose of electing a President and Twelve Directors and for the transaction of such other business as may be brought before the meeting.