And afterwards, to wit, on the fourth day of July in the year last aforesaid, the said Commissioner, James J. McHenry, made return of his commission to the Court here, in the words following, to wit

The Cumberland Coal and Iron Company
against
The Hoffman Steam Coal Company of Allegany County, Allen M. Sherman & others

In the Circuit Court for Allegany County as a Court of Equity No 1286

At the execution of the annexed Commission issued out of the Circuit Court for Allegany County, as a Court of Equity, and to me directed and subscribing, I, the Examiner, in a cause depending in the said Court, between the Cumberland Coal and Iron Company, complainant and the Hoffman Steam Coal Company of Allegany County

William B. Dean and others, Respondents. I James J. McHenry, the commissioner therein named, on Tuesday the 4th day of June 1861, at the Court House in the City of Cumberland, having previously taken the oath annexed to said commission, and the counsel having named the time by agreement filed in this cause, did proceed then & there in the presence of the solicitors of Complainants and Respondents to take the following depositions, to wit.

The commissioner having announced his readiness to proceed with the taking of testimony, the Solicitors of Complainants, after some explanations in reference to his not being prepared, asked the Commissioner to postpone the taking of testimony for one week.

The Counsel for Defendants resisted the application for a postponement, but the commissioner adjourned the taking of testimony until Monday next, the 10th of June 1861. at 10 o'clock A.M., at the same place, and notified the Solicitors of Complainant and Respondents of the same

J. J. McHenry (Seal)
Commissioner

1861 June 10th. Pursuant to the adjournment the Commissioner met: and in the presence of the Solicitors of Complainant and Respondents, proceeded to take the following testimony, viz:

(Interrogatories)

The Cumberland Coal & Iron Company
against
Allen M. Sherman & William B. Dean, and the Hoffman Steam Coal Company of Allegany County

In the Circuit Court for Allegany County as a Court of Equity No. 1286

Interrogatories on part of Complainant to William Darrow a witness produced by it

Int. 1 Do you know the parties to this cause or either and which

of them; and if yea, how long have you known him or them.

Int. 2. Look at the papers now shown you marked Exhibits A & B in the bill of Complaint in this cause; and state whether you have any knowledge of the location, character and value of said land mentioned as conveyed by said Exhibit A. And supposing said land contains nine hundred acres underlaid with the great vein of Coal of the Frostburg region, state if you can, whether or not the sum of one hundred and forty thousand dollars, mentioned as the consideration money in said deed, would be an adequate consideration for said property, accompanied with the rights, property, privileges and agreements given to Sherman and Dean, and their assigns, in and by the Transportation contract marked Exhibit B. would have been an adequate price at time said deed bears date. State if you can what would have been an adequate price for said land, with said transportation rights and privileges connected with and belonging to it.

Int. 3. What is your occupation and how long have you been engaged in it.

Int. 4 How many tons of marketable coal is contained in an acre of the great vein of the Frostburg region. What is the average number that, that can be safely taken out and sent to market

Int. 5 Does your occupation make you familiar with the mining of coal of the great vein of said region.

Int. 6 State what was the average value of coal on board of Canal boats in Cumberland during the years 1856, 1857 & 1858; and what was the same value for same periods on board the Baltimore and Ohio Railroad at same City.

Int. 7 What does it cost to mine Coal and put it into the large cars at the mines ready for transportation to market, including cost of mining, laying track in mine &c, but excluding cost of property and preparing and opening mine cost required for, to be calculated in a business of 30. to 40,000 tons per annum.

Int. 8 Deducting from the average value of coal at Cumberland during the period from the April c 1856 to December 1858 the average cost of mining, and the price paid for transportation to the Baltimore & Ohio Railroad at Cumberland from the Hoffman mines under said transportation contract, what was said coal worth per ton to the owners of said Hoffman Mines property, during said Period at Cumberland in the cars of said Baltimore and Ohio Railroad Company.