

wered, "that an arrangement has been proposed for the mutual benefit of *this company*, and the company owning the line commonly called the *Union Steam Boat line*;" and "by stockholders in each of said companies," and had heard the names of some of them to be as follows viz. MR. RICHARDS and MR. BUCKLEY, of Philadelphia, of the Union line, and MR. NEWKIRK, of the Philadelphia, Wilmington and Baltimore rail road company;—and is *positive* as to Mr. Newkirk."

An interrogatory was propounded to Mr. Cohen in the following words.—1st "Has there been made, or been proposed to be made, to any extent whatever, a mutual transfer or exchange of stock in one company, as aforesaid, for stock in another company, as aforesaid, for the purpose of removing the inducement, before then existing, of rivalry or competition between your company and another?—2d, Or was any *officer*, or large or *influential* stockholder, in either company, as aforesaid, the mover or receiver of any proposition for effecting an arrangement for the purpose aforesaid?—3d, And has any such proposition or plan of arrangement been at any time seriously entertained by the *board*, or a committee of *directors*, of the company in whose behalf you appear here now?"

To the 1st branch he answered that "he understands that some proposition of that nature is *now pending*." To the 2d branch, "yes, and scarcely doubts that Mr. *Newkirk* received such a proposition." To the 3d branch, he answered, "that a committee of *Directors* of this company has been *appointed* for that purpose, but have never had a meeting; *that committee* was appointed at the last meeting of the board, at Wilmington, the second Tuesday in this present month," (which was the 12th of February.) He stated that, at the date of giving his testimony, the committee of Directors had not yet had a meeting; and that he had no knowledge, personally, as to any proposition being submitted on the part of any *company*, or to any director.

Another question put to Mr. Cohen was, "is the company bound to transport all articles of merchandize that are offered to the company for transportation?" And his answer was, "that he *did not know that they are*; but they have never refused, with the exception of gun powder, which they declined taking, in consequence of the danger to be apprehended, in consequence of the sparks from the locomotives."

"Has the Rail Road company freely permitted persons, other than those interested in said company, to place their own cars on said road, and use the same for, the conveyance of passengers, or transportation of merchandize on said road, by said persons paying *toll* for such use made of the road?" To this interrogatory, Mr. *Cohen's* answer was, he "does not know that the charter *requires* the company to do so, but it gives *permission* to do so; but no application has been made, so far as he has knowledge."

"If such application had been made, would it have been granted by the company?" Mr. *Cohen's* answer to this question was, "he would not have granted it, without first having submitted it to the board of directors."