it north seventy nine degrees west forty five perches to the end of the third line of a tract of land called "Good Luck" and with it west eighty perches, north forty five degrees west twenty perches to the centre of the road then with the road south thirty one degrees east seventy perches south forty two degrees east forty perches, then leaving the road south forty eight degrees west eight perches south forty two degrees east forty six perches, north forty three degrees east twenty perches, north ten degrees west fourteen perches, south eighty one degrees east seven perches south nine degrees and a half east twenty one perches south forty two degrees east thirty perches south twenty eight degrees west six perches then by a straight line to the beginning containing more or less, That the devise to the said Meshack Frost was of the following parcels of land lying and being in said Allegany County, to wit, beginning for the first parcel at the end of three perches on a line drawn north sixty two degrees west from a bounded white oak standing on the north side of the turnpike road and running north sixty two degrees west twenty perches north twenty eight degrees east six perches, north forty two degrees west thirty perches, north nine & a half degrees west twenty one perches to a stake, north eighty one degrees west seven perches to a stake south ten degrees east fourteen perches south forty three degrees west twenty perches, north forty two degrees west forty six perches, north forty eight degrees east eight perches to the centre of the road, north forty two degrees west forty perches, north thirty one degrees west seventy perches to the seventh line of a tract of land called "Good Luck" and with it south fifteen degrees west fifty perches, south eighty degrees west thirty perches, south forty four perches to the end of the third line of Lot No. 3628 then south thirty degrees east ninety four perches then by a straight line to the beginning containing more or less, And beginning for the second parcel at the same beginning and running north seventy four degrees & a half east thirty one perches to the end of thirty perches on the first line of lot No. 4088 and with it reversed north ten degrees west ten perches to a stake, north eighty five degrees east eleven perches north twenty six degrees east forty one perches to a chestnut tree marked with six notches then south eighteen degrees west seventy perches, south thirty three degrees west twenty six perches to the end of twenty perches on the third line of lot No. 3640 then with it north thirty six degrees and a half west forty two perches, north sixty eight degrees west six perches & three fourths of a perch to the end of the first line of lot No. 4088 then by a straight line to the beginning containing more or less, And your orator further sheweth that in connexion with the devise made as aforesaid to the said Josiah Frost Junior the testator excepted and reserved for the benefit of his other two sons Isaiah Frost & Meshack Frost, in the words following to wit, nevertheless the saw mill and coal mine situate and being on this my son Josiah's part it is my will and pleasure and I do hereby ordain that my two sons to wit Isaiah and Meshack shall have shares alike in the said saw mill and coal mine with my said son Josiah, that is to say, each one third to them and

their heirs and assigns forever, all which will more fully and at large appear by reference to a true copy of the said last will & testament herewith exhibited marked "Exhibit B" That a true extract from the aforesaid deed from Josiah Frost Junior to John Neff conveying to the said John Neff all his the said Josiah Frost Junior's portion of his fathers estate derived under the said last will & testament is herewith exhibited marked "Exhibit C" and that a true copy of the aforesaid deed from John Neff and others to Charles Williams and Orlando Harryman is also herewith exhibited marked "Exhibit D" for the purpose of more fully showing what part of said real estate devised as aforesaid was sold to the said I. L. Skinner and conveyed to the said Williams and Harryman, and your orator further sheweth that he also herewith exhibits a true copy of the aforesaid articles of agreement mentioned and referred to in "Exhibit A" which were made and entered into between the said John Neff, Isaiah Frost and Meshack Frost on the twenty seventh day of October in the year eighteen hundred and twenty eight, which said copy is in the hand writing of the late Benjamin G. Vaughan deceased with whom the original articles were deposited to be kept by consent of the parties, and is marked "Exhibit E" That by the said articles it is agreed "between Isaiah Frost, Meshack Frost and John Neff heirs & representatives of Josiah Frost deceased in the words following to wit, 'that they and their heirs and assigns shall hereafter have and enjoy free and equal intercourse, that is to say, to each one undivided third part of all the coal in and on all of our Land, that is to say Josiahs Frosts part now sold to John Neff and the said Isaiah Frost doth agree to let John Neff and Meshack Frost have free intercourse to the coal mines on his property left to him by his father and he further agrees to let Meshack Frost and John Neff have the privileges of coals on his lands and the privilege of building a house at the mouth of the pit such a house as suits themselves for the convenience of coal diggers, and also the said Meshack Frost doth give to Isaiah Frost the same privilege as above, and also the said Neff doth agree to give unto Isaiah Frost and Meshack Frost the same privilege as above in coals building houses and making repairs & to share alike and alike, & the said Isaiah Frost and Meshack Frost do agree to give unto Josiah Frost &c. which said articles of agreement are sealed as well as signed by the said John Neff, Isaiah Frost & Meshack Frost, That it thus appears from the explicit language of the said articles of agreement that the said John Neff, Meshack Frost and Isaiah Frost mutually covenanted each with the other that they should severally have one undivided third part of all the coal, "in and on" all the land which had been devised as aforesaid by the last will and testament of Josiah Frost deceased to his said three sons Meshack Isaiah and Josiah Frost Junior to which said Josiah Frost Junior's part the said Neff had succeeded by purchase as aforesaid, That at the time these articles were entered into there was opened and in use upon that part of said estate which was devised to the said Josiah Frost Junior certain coal shafts or pits denominated "coal mine" in said last will & testament, That the testator devised to the said Meshack & Isaiah Frost equal shares in this "coal mine" with the said Josiah Frost on whose portion of the devised estate