under a commission to value the Musselman farm and to lay off the widows dower; and he together with the other commissioners was taken by Mullen deputy County surveyor under Brown to the beginning tree, or what was shown as the beginning tree of said land. The tree was a chesnut oak tree, and marked, witness can't describe the mark, The surveyor and commissioners commenced the running of the lines of said land, from that tree, and run out the whole of the lines of said tract, In running the home line they came within three feet of the tree from which they started The tree has been cut down since that time, and the stump only is now standing. The survey under said commission was made in 1828. — To the 4th Interrogatory he answers & says that said beginning tree was said to be a well known boundary at that time, but it was the first time witness ever saw it, The said Mullen, deputy surveyor, is since dead, and further this deponent saith not. —

Thomas Blair a witness of lawful age on the part of the defendants deposeth & saith in answer to the interrogatories put to him as follows.

To the 1st Interrogatory, he answers and says, that he knows the parties & has known the defendants for a number of years, the complainant he has known for the last two or three years. —

To the 2nd Interrogatory, He answers and says that the place now pointed out to the surveyor is the spot where formerly stood the beginning tree of the tract called "The Musselman Farm". —

To the 3rd Interrogatory, He answers & says, That he obtained his knowledge of said beginning tree at the same time & in the same manner that Mr. Coombs did as detailed by him in his deposition

A commission was sued out of Allegany County Court to lay off the dower of Mrs. Musselman in the Musselman Estate, John Coombs, Jacob Snyder, Valentine Hoffman, Meshack Frost & witness were the commissioners to lay off said dower, In laying off the dower they had to run out "The Musselman Farm" and they were accordingly taken by the surveyor, Mr. Mullen, to the beginning of said farm, Mullen was then acting as deputy surveyor to Brown the County surveyor, They commenced running from said tree, It was a chesnut oak tree, marked & numbered, but witness does not recollect the number, He knows that in running out the lines they came within three feet of said tree in running the home line.

To the 4th Interrogatory, That he saw said tree for the first time when called on to execute said commission, He has seen said tree run from frequently since, By running from it, the running corresponds with the known outlines of the tract. —

Jacob Musselman a witness of lawful age produced on the part of the defendants deposeth and saith in answer to the defendants Interrogatories, as follows. —

To the 1st Interrogatory. — That he knows the defendants & has known them for a number of years, he has seen the complainant but has no personal acquaintance with him. —

To the 2nd Interrogatory He answers and says that he knew the beginning tree of the "Musselman farm" it was pointed out to witness from thirty to thirty five years ago, Witness father took him

to said tree. It was a chesnut oak tree, and marked, but witness cannot describe the marks. —

To the third Interrogatory, He answers & says, that the way he came to know said tree, it was shown him by his father, said tree was always accounted the beginning tree of said tract. —

To the 4th Interrogatory, he answers & says that said beginning tree was cut down by witness. —

This commission was continued by consent of counsel. —

J. Marshall, Commissioner, (Decd)

Last commission No. 1. page. —

John Young — vs. Meshack Frost, Isaiah Frost & George Layman,	In Allegany County Court, sitting as a Court of Equity. — Interrogatories to be propounded to witnesses to be adduced, sworn & examined on the part of defendants,

Int. 1st. Do you know the parties or either of them, and how long have you known them or either of them. —

Int. 2d. Were you on the ground at the execution of the survey made by agreement of parties in this case, If yea, state whether you are acquainted with the beginning tree of "Musselman's Farm" being the place which is shewn on the plot by blue B's, and how you acquired your knowledge of the said beginning. —

Int. 3d. Is the said beginning tree still standing — If not, describe the said tree and the marks it bore. —

Int. 4th. Was the said tree the beginning of any other tract, If yea, state what tract, and how you obtained your knowledge. —

Int. 5th. Did you point out to Mr. Armstrong the surveyor, the triangular piece of ground shewn on the plot & explanations, as the possession of Isaiah Frost, If yea state whether the said piece so marked & described, has been in the possession of the said Isaiah Frost, and whether he has held it by enclosed possession & for what length of time. —

Int. 6. Do you know any other matter or thing which would be evidence in this cause, If yea, state your knowledge fully. —

Wm. Price. —

John Young — vs. Meshack Frost, Isaiah Frost & George Layman,	Chy. — Interrogatories to be propounded to George M'Culloh a witness on the part of the complainant. —

Int. 1st. Are you or not acquainted with the lands devised by Josiah Frost Sr. to his three sons, If yea, state the location of the part of Josiah Frost Jr. part which was afterwards sold by John Neff to Williams & Harryman and particularly the nature of the ground dividing said part, sold to Williams & Harryman from the portion of said Josiah's part upon which is situated the old Frost mine. —

Int. 2d. From your knowledge of the location of said respective parts, would it or would it not be practicable to reach the coal lying under the part sold to Williams & Harryman, through the opening at the old Frost mine. —

George A. Pearre,
G. M'Culloh. —
Solicitors for Complainant. —