John Young — vs. Meshack Frost, Isaiah Frost & George Layman } In Allegany County Court sitting in Chancery. The commission in this case was continued on this 19th day of October — John Coombs a witness of lawful age produced on the part of the defendant being first duly sworn and examined as to the interrogatories filed with the commissioner and herewith returned answers and says —

To the 1st Interrogatory, I have known all three of the defendants for a good many years, I have known Mr. Young ever since he has been in this part of the country —

2nd I was on a part of it I was at the beginning of Musselman farm, I acquired my knowledge of Musselman's farm in the following manner, I was a commissioner to lay off the widows dower, the tree which stood there then is a stump now, it has been since cut down, it was pointed out to me as the beginning of the Musselman's farm, We commenced there and ended there, it was pointed out by the county surveyor's deputy, Mullen who surveyed the dower, some of the Musselman family pointed it out also — To the 3d The tree is not standing, the stump of the tree is still there, It was a chesnut oak, it was numbered I do not recollect the marks I think it was numbered, To the best of my recollection the figures were marked with red lead on one side it was notched on the other — I cannot remember what the figures were — 4th I know nothing —

5th I was down with Mr. Armstrong From the cucumber tree Mr. Armstrong showed me where the line ran across the line cut off a part of Frosts field, the point so cut off has been for forty years in possession of Isaiah Frost —

6th I know nothing else —

Mr. George M'Culloh being formerly sworn answers as follows to questions on the part of complainant filed with the commissioner and herewith returned —

To the 1st I know the whole of it, There is a deep ravine running between the part sold to Williams and Harryman and the rest of Josiah Frost's 2d part — The old mine is situated on the north west side of the ravine, and the part sold to Williams and Harryman on the south east and east side —

2nd It would not, it could not possibly be done —

J. Marshall Commissioner (Seal)

There being no other witnesses to be examined and neither party desiring further time for the production of his evidences the commissioner closed the said commission and herewith returns the same under his hand and seal this 19th day of October 1846 —

J. Marshall (Seal)

And the said commissioner, also returned with the aforesaid commission to the Court here a paper marked No. 4 which is as follows to wit — State of Maryland Allegany County — Articles of agreement made and agreed on this 27th day of October 1828 between Isaiah Frost, Meshack Frost and John Neff heirs and representatives of Josiah Frost deceased have and do hereby

fairly agree to and with each other 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 lands that is to say, Josiah Frost's 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 land and the privilege of building a house at the mouth of the pit, such a house as suites themselves for the convenience of coal diggers and also the said Meshack doth give to Isaiah Frost and John Neff the same privilege as above & also the said John Neff doth agree to give unto Isaiah Frost & Meshack Frost the same privileges as above in coal building houses & making repairs & to share alike and alike, and the said Isaiah Frost & Meshack Frost doth agree to give unto Josiah Frost & his heirs the privilege of the interest of their two shares of coal all that he will have with his own teams on his heirs by digging the coals for himself or themselves for which the said Josiah Frost doth agree to keep the banks in complete order so as not to injure them by diging to destroy the banks — In witness whereof they have hereunto set their hands & seals the day & year first above written — Isaiah Frost (Seal) Meshack Frost (Seal) John Neff (Seal)

Test —

Benj. Vaughn —

Which said paper is endorsed thus, to wit, This paper marked No. 4 is the paper referred to by George M'Culloh in his answer to the first interrogatory on the 16th day of April 1846 —

J. Marshall, Commissioner —

The said commissioner also returned with the aforesaid commission, to the Court here one other paper, as follows, to wit —

John Young, vs. Meshack Frost, Isaiah Frost, & others — } In Allegany County Court sitting as a Court of Equity — Gentlemen, — If you have in your possession the original article of agreement, made and entered into between Isaiah Frost, John Neff and Meshack Frost on the twenty seventh day of October in the year eighteen hundred and twenty eight, of which said article of agreement the paper marked No. 4, refered to in the deposition of George M'Culloh which has been taken in this cause is a true copy, and of which the complainants "Exhibit E" was meant to be a copy, you are hereby notified to produce the same before John Marshall commissioner to take testimony in this cause, that the same may be identified & proved, or else to file the same amongst the papers in this cause with your admission of its genuineness that the same may be read & used at the hearing before the Court, — Samuel McSemmes, Counsel for Complainant,

To Meshack Frost, Isaiah Frost & George Layman, defendants. — On the foregoing paper is the following endorsement, to wit, — I acknowledge the service of the within notice, — Isaiah Frost, —