any time altered by you and your said brother, If yea, at what time and in what manner.

Int. 8. Did or did you not, point out a fence on the ground to the surveyor yesterday, If yea, whether was that fence, placed by you & your brother Isaiah on the line so altered by you & himself and how long has the said fence been standing on the said line.

Int. 9. In your answer to the third interrogatory in chief propounded to you under a commission heretofore on the 14th of June 1845 issued in this cause to John Stockton Esq. of Mount Vernon Ohio you say that the inducement to the contract (agreement marked with the letter E,) was that your brothers Meshack & Isaiah Frost should have land sufficient to enable them to use & occupy their coal pits, Now be pleased to say what coal pits you had reference to, and in what land the coal lay which it was the object of said contract to enable them to obtain access to, State your knowledge fully.

Int 10. Do you know any other matter or thing that would be testimony in this cause, If yea state your knowledge fully.

Wm. Price, Sol for defendants.

Additional Int. on part of defendants.

1. Did or did not Meshack & Isaiah Frost your brothers get out coal for themselves from your lands under the will up to the time you sold.

2. Do you know where the end of the 8th line of the lands devised to you is, or do you know any of the lines by number, and what did you mean by the stake where the line crosses the pike.

Wm. Price, Sol. for Defendants.

Cross Interrogatories to be propounded to Josiah Frost a witness produced by the defendants.

Cross Int. 1st. Did you or did you not ever see the outlines of the land devised to you by your father run. If so when did you first see them run, by whom were they run, and what was the object in view in running them, and have you or not any recollection of running of the lines about the Cucumber tree mentioned by you on your examination in chief, and if so, on which side of said Cucumber tree did the lines run, or did the lines run to the said Cucumber tree or not.

Cross Int 2. At the end of the 8th line of the land devised to you by your father a stake is called for, now can you say whether or not in running out the lands as devised by your father to his three sons by Wm. Vaughn there was any conflict between the lines in the actual running thereof, and whether they all terminated at their respective calls &c and whether any of the lands so devised by your father to his three sons lay foul of each other to any extent or in any point according to said actual running and can you or not say where the stake called for at the end of said 8th line stood.

Cross Int 3d. In devising the lands owned by your father to his three sons, was the division intended to be an equal one or not, and if not which of the sons got the better share & why, and do you know whether it was your fathers will or not that his sons should share

equally in all the coal which he supposed he owned.

Cross Int. 4th. At the time the agreement entered into between Neff and your two brothers exhibited in this cause was made what were the opinions & views of your brothers Neff & yourself with respect to the value of the lands devised by your father on account of the coal they contained, Did your brothers Meshack & Isaiah attach any particular value to their shares for the coal they contained, and did they or not consider it important whether their shares contained coal or not, or was it a matter of much reflection amongst you at the time.

Cross Int. 5th. If at the time your father made his will, he had thought the lands he devised to your brothers Isaiah & Meshack had as good coal in them as your share had, would he or not have made you all share alike & alike in the coal in all your lands.

Cross Int. 6th. At the time the agreement referred to was made did the parties to said agreement believe or not that access could be had to the coal in any of the lands devised by your father, except the land devised to you.

Cross Int 7th. Prior to the agreement was any coal ever taken from the land devised to your brothers Isaiah & Meshack, and was it or was it not in contemplation at that time to take any coal from said land.

Cross Int. 8th. If the 8th line of the land devised to you be the line which crosses the little turnpike road laid down by the surveyor on the plot now shown to you, can you or not say where said line terminates when you saw it run.

S. M. Semmes.

Geo. A Pearce, Chas. C M'Culloch,
Solicitors for Complainant.

Interrogatories to be administered to James D Armstrong a witness on the part of Complainant.

Int 1st. Were you or not on the ground at any time, making a survey in this case and when, If yea, state where you made the beginning of Lot No. 3626, and who were present when the same was begun, and whether or not either of the Mr. Frosts, Meshack or Isaiah admitted the place where you began your survey to be the beginning of Lot No. 3626 and who else pointed out and said that that was the beginning, State your knowledge herein fully.

S. M. Semmes, Solicitor for Complainant.

The following depositions have been taken by consent of counsel this 17th day of June 1846 and are to be read in evidence subject to all legal exceptions. Josiah Frost Jr. a witness of lawful age, produced on the part of defendants, and sworn on the Holy Evangels of Almighty God by George W Devereaux, a justice of the peace of Allegany County, deposes and says to interrogatories herewith filed with the commissioner. To the first Int I do, I was along at the time it was run I was one of the chain carriers of Mr. Vaughan, the surveyor, it has been run something near 40 years.

To the 2nd Int I did, on yesterday.

To the 3d Int, It is rising 40 years since I became acquainted with it, the surveyor showed it to me, it was the beginning corner of lot No. 4088, it was a sugar tree and is not now standing, it was bounded as customary, Mr. Vaughan showed it to me as the beginning corner of Lot 4088, I laid a stone there yesterday where the sugar tree stood.