To the 4th Int, I did.
To the 5th Int I did it stands by the side of the little Turnpike it is a boundary of the line between my brother and me, it was in the division of the property which was made before the will of my father was drawn, I was a chain carrier at the division, Old Mr Vaughan was the surveyor that made it, My father sent me after Vaughan, to make the survey, My father, Vaughan, my brother Meshack and Isaiah and myself went out to make the survey. It was.
To the 6th Int It was some rising some six years before his death The survey was made in 1813, I think, shortly after the survey was made the will was written, They were known before his death among the family, It was on one of the division lines it is at the end of the 4th line of my part and the beginning of the division line between Isaiah & myself and the end of the division line between Meshack and myself as made by the will it was considered on the line. To the 7th Int It was altered about a year after the will was made on account of the triangular direction of the division line across the hill, it threw off a point that was of no service to me, next to the county road, and the fence could not be set angling across the hill and was therefore set straight up and down the hill, and this threw a point of my land on Isaiah's side of the fence and a point of Isaiah's land on my side of the fence.
To the 8th Int I did show the surveyor where the fence has stood ever since the division line was made, it was, and it stood there for 30 years it was placed there by Isaiah and myself.
To the 9th Int, It was the coal pit which we then occupied, to get coal off my land which was left me by will, it was my land, it was on the land which was left to me by will and I was going to dispose of it, and that was the land which the contract had reference and which I was about to sell to Neff. When I was about selling Mr Neff and myself went to old Mr Vaughan's house, for to draw the writing of the sale Mr Vaughan drew one, until he came upon the particular points, and it was then for me and Mr Neff to decide upon how it was to go, Well, my brother Isaiah came up, shortly after we got there, well, there was a stop made in going any further with our title on account of my brother, saying, him and his brother, had not privilege to take their dirt out, so as to get their coal, out of the bank on my land Mr Neff seemed loath to agree to granting the privilege, I told him, says I Mr Neff, I have not yet closed the contract, says I the right yet lays in me and I shall not sell unless, you agree with my brothers to give them, the privilege of getting into the coal and laying their dirt in front of the mine, out of the way, Mr Neff, hung back and would not agree for some time, I told Mr Neff I am easy about selling, my brother then requested me to go out of the house with him and my brother referred to me says he, if Mr Neff does not agree I think me and my brother can purchase with that we went into the house, and laid the thing open to Mr Neff. Mr Neff replied to my brother, says he, you come up to undermine me, my brother

made the reply that he diddent. I then told Mr Neff, after he had impeached my brother, of undermining, that there had never been a word passed between him and me until that time. I told Mr Neff, that I had thought in my own mind that they might purchase, but never had made it known till there. Mr Neff still interrogated my brother warmly, about his interfering, I told Mr Neff I thought he was too hard upon him, it consumed time till we had to adjourn till the next morning, Mr Vaughan agreed to come down to my brother Meshack's, to finish out the title, and Mr Neff agreed to the proposal, They was to have a mission around the coal mine on my land to get their coal, which he granted to go into. which we considered the will did not, grant them full privilege into the bank, to lay their dirt and take out the coal, but the will gave them the right in the coal Mr Vaughan drew the agreement according to that. To the 10th Int, I do not know as I do.
Cross Interrogatories propounded by complainant.
To 1st C. In. I did, I saw them run in 1813 by B Vaughan, so as to make a divide between my two brothers and me, I have a recollection of the running of the line about the Cucumber tree the line run to it.
To C. In. 2d There was a stake at the end of the 8th line and the lines between us did not conflict and all run so as to fit in, the land so devised did not lie foul of each other, I know pretty near where the stake stood, but it is hard for me to tell where it stood.
To C. Int, 3d I think my father intended an equal division, the shares were equal in quantity of acres, he did in all the coal under my land
To C. Int 4th It was not considered of any great value at the time the will was made, at the time the agreement was made it was getting to be more valuable.
To C. Int 5th I doubt whether he would or would not, at the time my father made his will, coal was of little value and he did not know that he had any coal to which access could be had, except upon the part devised to me. To C. Int, 6th At that time they did.
Additional Interrogatory upon the part of defendants.
To 1st They did.
To the 2nd I dont know, not in particular, I understood the National Turnpike when they put it first.
To the 7th C. In. There never was prior to the agreement, It was contemplated so to do by themselves.
To the 8th C. Int, I cannot now say where it terminated.
Interrogatories to be put to James D Armstrong.
To 1st He answers and says, some time last fall I made the survey in this case, and I was taken by Mr George M'Culloh, to a stake standing on the inside of his field, Mr Meshack Frost was present as well as the hands employed in the survey, I recollect of asking the question whether there was any dispute about that stake being the beginning of Lot 3626 and I understood Mr Meshack Frost and Mr M'Culloh to admit that to be the beginning, Mr M'Culloh pointed it out, I am positive Mr Frost admitted that to be the beginning. It is understood that the examination of Mr Armstrong is hereafter to be resumed. Chas. C. M'Culloh, Com. Ad. Eq.