by Allegany County Court sitting as a Court of Equity, that a commission issue to Elisha Coombs, William Ridgely, Ichabod L. Skinner & Thomas C. Atkinson authorising them or any three of them to enter upon, survey, lay off and divide the coal mine on the land devised by Josiah Frost Senior, to Josiah Frost Junior, by his will dated the 30th. of March 1813 which was open, at the date of the said will, into three equal parts whereof one part shall be allotted to John Young, the complainant, one part to Isaiah Frost, and part to Meshack Frost, the defendants, if the commissioners shall be of opinion that the same is practicable, and if they shall be of opinion that the said Coal mine cannot be divided without injury to the same and disadvantage to the parties, they shall express their reasons for such opinion, and the said commissioners make a return of their proceedings, as soon as may be, Know ye therefore that the said Court have assigned commissioned and appointed, and do hereby assign commission and appoint you or any three of you (having first taken the oath hereunto annexed) to enter upon, survey, lay off and divide the coal mine on the land devised by Josiah Frost, Senior to Josiah Frost Junior, by his will dated the 30th. of March 1813 which was open, at the date of the said will into three equal parts, whereof one part shall be allotted to John Young the complainant, one part to Isaiah Frost and part to Meshack Frost, the defendants, if you shall be of opinion, that the same is practicable, and if you shall be of opinion that the said Coal mine cannot be divided without injury to the same and disadvantage to the parties, you shall express your reasons for such opinion, and you or any three of you shall make a return of your proceedings as soon as maybe. — Witness the Honorable Robert N. Martin, Chief Judge of said Court the 12th. day of October 1846 Issued the 16th. day of April 1847. — Henry Bruce, Clerk.

Commissioners Oath — Allegany County S.S.

Be it remembered, that on this 2nd day of June in the year 1847 before the subscriber a justice of the Peace of the State of Maryland in and for Allegany County personally appeared Elisha Coombs, William Ridgely, Ichabod L. Skinner and Thomas C. Atkinson commissioners, named in the foregoing commission, and made oath on the Holy Evangely of Almighty God, that in pursuance of the said commission they will impartially execute and discharge the duties required of, or imposed upon them, by the said commission according to the best of their skill and Judgment.

And afterwards to wit, on the 3rd. day of June in the year last aforesaid the commissioners named in the foregoing commission made return of the said commission to the Court here, together with their proceedings under and in pursuance thereof, which proceedings are in the words and of the tenor following, to wit.

John Young — vs. Meshack Frost, et als. — 585. Ch. Cy.

Return of Commissioners appointed to divide Coal mine. — To the Honorable the Judges of Allegany County Court sitting as a Court of Equity. The execution of this commission will appear by certain schedules thereunto annexed. —

I. L. Skinner, (Seal)
Elisha Coombs, (Seal)
Th. Chalkly Atkinson, (Seal)

To the Commissioners oath was added the following signature to wit. — Wm. Thompson (Seal) Justice of the Peace in & for Ally County"

To the Honorable the Judges of Allegany County Court, sitting as a Court of Equity. —

The subscribers, commissioners, appointed by a commission issued out of Allegany County Court, sitting as a Court of Equity, in a cause wherein John Young is complainant and Isaiah Frost and Meshack Frost and others are defendants and which commission is hereunto annexed do hereby certify, that after having taken the oath annexed unto the said commission for us to be taken, and the several parties by their respective solicitors having agreed upon and designated the time and place of our meeting, we, did in pursuance of the power vested in us by said commission and in the presence of one of the solicitors of each of the parties, to this cause, meet at the coal mine, mentioned and designated in said commission on the 2nd day of June in the year 1847, and did carefully inspect and examine the same, and we are of the opinion that the said coal mine is not susceptable of a division or partition between the said complainant and defendants in pursuance of the decree passed in said cause, "without injury to the same or disadvantage to the parties" mainly and principally because the said coal mine is so limited in its extent, by the additional mines which have since been worked adjacent to it, and because, as we believe a great portion of the coal of said mine has been dug and carried away, so that the operations of drainage, ventilation, and handling out of the coal would be materially affected, if divided among several proprietors of varying interests and with different modes of carrying their views into effect, for these reasons the subscribers, commissioners as aforesaid have concluded that a partition or division of the said coal mine, between said complainant and defendants ought not to be made, and they beg to report to your Honors accordingly and the aforesaid commission is herewith returned, closed under our hands and seals this second day of June in the year eighteen hundred and forty seven. —

I. L. Skinner, (Seal)
Elisha Coombs, (Seal)
Th. Chalkly Atkinson, (Seal)
Commissioners. —

The appeal in this case having been applied for as aforesaid, it is thereupon, ordered by the Court here, that a transcript of the record and proceedings of the same, with all things thereunto belonging, be transmitted to the Court of Appeals, to be held for the Western Shore of the State of Maryland, and the same is transmitted accordingly. —

Maryland, Allegany County, Set. —

I hereby certify, that the aforegoing is truly taken from the record of proceedings of Allegany County Court. —