to Lewis Howell on the 18th day day of November 1837 and that Lewis Howell Conveyed the same lands to the Maryland & New York Iron & Coal Company on the 2d day of June 1838. That And Bruce & George Bruce Executors of Andrew Bruce Conveyed to Lewis Howell on the 23d of June 1838 and that Lewis Howell Conveyed the same lands to the Maryland & New York Iron & Coal Company on the 28th of July 1838. That Andrew Bruce and George Bruce Executors of Andrew Bruce Conveyed to Lewis Howell on the 4th of September 1838 and that Lewis Howell Conveyed the same lands to the Maryland & New York Iron & Coal Company on the 25th of January 1839 and that the lands so conveyed to the said Lewis Howell & by him to the said Company comprise the lands on which the works of the said Company have been erected and on which (together with the lands conveyed to the said Howell by Philip Wingert) are situated the coal, iron ore and other materials for making iron upon which the said Company relies for the supply of its said works.

Samuel M Semmes
Solicitor for defendant

And afterwards towit on the 7th day of September in the year 1848 The Commissioner aforesaid made his return of said Commission with his proceedings under the same in the words following towit:

Maryland Allegany County Set.

(Seal) The State of Maryland to M Topham Evans of Allegany County in the State of Maryland: Greeting Be it known, that you are appointed Commissioner to examine witnesses in a Cause depending in Allegany County Court between Philip Wingert Complainant and The Maryland and New York Iron & Coal Company Defendant; Therefore you are requested having first taken the oath hereunto annexed and also administered the annexed to the person whom you shall appoint as Clerk to attend the execution of this Commission, that at such time and place as to you shall seem Convenient, you Cause to Come before you all such witnesses as shall be named or produced to you by either the plaintiff or defendant and that you examine them upon their corporal oaths, to be by you administered on the Holy Evangels of Almighty God touching their knowledge or remembrance of any thing that may relate to the cause aforesaid; and that you Cause notice to be given to the parties or their attornies of the execution of this Commission before you execute the same; and having reduced the depositions of the witnesses so taken by you into writing, you send the same, with this Commission closed under your hand and seal to the said Court, with all convenient speed.

Witness the Honorable Robert N'Martin Esquire Chief Judge of our said Court the 20 day of April 1846.

Issued the 20 day of June 1846.

Henry Bruce Clerk of
Allegany County Court.

Commissioners Oath

You shall according to the best of your skill and judgment, truly, faithfully and without partiality to any or either of the parties take the examinations and depositions of all and every witness and witnesses produced and examined, by virtue of the Commission hereunto annexed,

upon the interrogatories now or which may hereafter, before the said Commission is closed be produced to, and left with you, by either of the said parties; so help you God.

Sworn to before S Alex Leckey J P

At the execution of the annexed Commission issued out Allegany County Court and to me directed, authorising and empowering me to examine evidences in the cause depending in the said Court between Philip Wingert as Complainant and the Maryland and New York Iron and Coal Company defendants.

Mathew Topham Evans Commissioner therein named being present at the house of Henry Kemp in Frostburg on the tenth day of June 1848. pursuant to previous notice given to the solicitors of the respective parties and no witness then and there appearing did adjourn the said Commission until the twentieth day of July 1848 at the same time and place, whereof notice was only given as above, at which time and place, and after having taken the oath annexed to the said Commission I did proceed then and there to take the following deposition neither the solicitor for the Complainant nor the defendant being present.

George M'Culloh a witness of lawful age produced on the part of the Complainant, being duly examined and sworn to interrogatories filed with the Commissioner by the Solicitor for the Complainant and herewith returned marked No 1 in red ink, deposes and answers as appears by the Schedule of his several answers herewith returned and marked No 2 in red ink

No 1.

Philip Wingert
vs
The Maryland & New York Iron & Coal Company.

In Allegany County Court sitting as a Court of Equity.

Interrogatories to be propounded to George M'Culloh a witness to be produced sworn and examined on the part and behalf of the Complainant.

Int 1st Look at the paper writing here shown you at the time of your examination, being an agreement executed between Philip Wingert the Complainant & Lewis Howell by yourself as the agent of the said Howell, the same being the Complainants exhibit marked C. State whether the lands in relation to which the said agreement was made, were or were not intended at the time for the Maryland & New York Iron & Coal Company? State your knowledge fully.

Int 2d Have you any knowledge of the purchases of land made by the said Lewis Howell from John Hoye and wife, George, John and Samuel Mattingly. Andrew Bruce and George Bruce Executors of Andrew Bruce? Were you in any manner privy to such purchase or either and which of which of them? Whether did you negociate either of the said purchases, either seperately or in conjunction with the said Lewis Howell? If yea state which of the said purchases and with what view and for what purpose were the said