of the Coal was or might have been occasioned by the manner of working it he does not know that there is any difference in the quality of the Coal in the mine upon said land but the difference consists in being taken out in large lumps or in a fine state.

To Cross Interrogatory 3rd. He answers and says that he had rather have two acres on the North side than 3 on the south owing to the difference in accessibility.

To Cross Interrogatory 4th. He — and says that from what he saw in 1831 he thought that an experienced miner could have got out more coarse coal.

To Cross Interrogatory 5th. He answers and says that the cheapest and easiest mode of mining the Coal from the South West side would be through the Openings in the North East side.

To Cross Interrogatory 6th. He answers and says that the working of the Frostburg Coal Company approaches the workings of the Old Frost Mine drain the Workings of the Frostburg Coal Company.

James Percy.

David Percy a witness of lawful age produced on behalf of Complainant, being duly sworn, deposes and says.

To Interrogatory 1st. He answers and says that he has known Mr. Frost 10 or 11 years. Mr. Young Seven Years. and Mr. Layman four or five years.

To Interrogatory 2nd. He answers and says, that he knows the property in dispute, and that he is acquainted with the quality of the Coal so far as worked, there is no difference in quality if it is carefully mined, there is a slate in the old mine of 4½ inches as he measured it which is not in the new mine so far as worked; there are other veins of Slate common to both openings.

To Interrogatory 3rd. He answers and says that he is a miner by profession and has followed that business for 30 Years past and that he is acquainted with quality of Coal and its mining.

To Interrogatory 4th. He answers and says that the vein of Coal on the West side is thicker than on the East and that on the west side the most Coal can be taken out per acre as the mines are now worked.

To Interrogatory 5th. He answers and says that there is no difference in value, the quality being the same if carefully worked.

To Interrogatory 6th. He answers and says that it is the generally received opinion, and that opinion is borne out by experience, that it is his own opinion and that opinion is borne out by his own experience.

To Interrogatory 7th. He answers and says that the covering on the West side is the deepest from 180 to 200 feet.

To Interrogatory 8th. He answers and says that he is acquainted with the outlines of the 16 or 18 Acres tract from the cucumber tree boundary, he has examined the excavating with particularity he cannot state the quantity taken therefrom, he says that about 2 years and nine Months since he was employed by Mr. Atkinson to examine and make survey of the openings under that portion of the land, which he did and after that Mr. Atkinson and he made a calculation of the quantity of Coal that could yet be taken out of the ~~Coal~~ whole of the 16 or 18 acres. and he then found that so far as the Coal had been broken that no part of it could be mined with safety, for the reason that the pillars had not been left in a proper manner or not strong enough and that in the part which was still unbroken that 20,000 tons could be taken out in order to take the 20 M, tons a ditch would have to be cut to carry out the water which would cost $100. He says, that he was in the said old mine Eight days since and found that a greater part of the workings which had — previously excavated had fallen in.

To Interrogatory 9th. He answers and says that the cover there is weaker, that the top was left in to support the roof and could not with safety be taken out, and he says that the chambers in the old mine cannot be made as wide as in the new; the chambers in the old mine were from 6 to 9 feet wide and further west they are made from 12 to 13. He says that most Coal per acre can be taken out when the roof is strongest.

To Interrogatory 10th. He answers and says that in the western side the lumps can be taken out largest for the reason that the slate is to be taken out of the coal in the old mine which breaks the lumps, he cannot state the average quantity of coarse or fine Coal at the East or West side.

To Interrogatory 11th. He answers and says, that he is now engaged in mining Coal west and near the Workings or opening of the Frostburg Coal Company he says. that the covering is about 150 feet greater on the West side than on the East, the quality is equal on the west side of these lands as far as worked, and that the Coal can be taken out as large as far west as we have worked on these lands as is now taken out by the Frostburg Coal Company.

To Interrogatory 12th. He answers and says, that the Coal could be mined and brought out from the South west of said land by the Openings at the North East side running through the lands sold off which is the Town of Frostburg except a portion of the Eastern Side which is below water level.

To Interrogatory 13th. He answers and says that this question to be answered hereafter when he shall obtain information.

To Interrogatory 14th He answers and says that he sees no necessity for making air Shafts; if two parallel drifts been run in.

To Interrogatory 15th. To be answered hereafter when he obtains information.

Interrogatory 16th Waived.

Interrogatory 17th. He answered to a former one.

The Commission adjourned to meet on Saturday the 5th day of August next.

John Folck.

John Young
vs.
Meshack Frost
Isaiah Frost
George Layman
and others.

August 5th 1848.

Commission met, pursuant to adjournment. Present Elisha Combs. James Percy and John Folck.

George Hemant a witness of lawful age, produced on the part of the Complainant being duly sworn deposes and says.

To the 1st Interrogatory. He answers and says that he knows the parties to this suit some of them 6 years. and some of them 10 years.

To Interrogatory 2nd. He answers and says that he has wrought in the old mine in 1843 and that he is at present working in Mr. Percy's mine adjoining these lands and West of the opening of the Frostburg Coal Company and that he has worked in that portion of Mr. Percy's mine which is upon the lands. He says that there is a difference in the Coal in different portions of these lands as far as he has seen it broken in the mines, he says that there is a slate of from 2 to 4 inches in the old mine which is not found in the new.

To Interrogatory 3rd He answers and says that he is a miner by profession and that he is acquainted with the mining of Coal and its quality.

To Interrogatory 4th He answers and says that on the west side.

To Interrogatory 5th. He answers and says that he is a ~~miner~~ prepared to say.

To Interrogatory 6th He answers and says that the Coal is best where it has the greatest covering upon it, that is his opinion, and his opinion is borne out by his