experience. To Interrogatory 7th He answers and says, that he is not prepared to say for he never paid any attention to that.
Interrogatory 8th Waived as to this Witness.
To Interrogatory 9th He answers and says that the roof or cover is strongest to the West and that the chambers in mining can be made wider to the west, and that most coal per acre can be taken out where the roof is the strongest.
To Interrogatory 10th He answers and says that the largest lumps can be taken out to the West of the old mine where he wrought, about one half could be taken out coarse and in the new mine about two thirds coarse.
To Interrogatory 11th Waived as to this witness.
Interrogatory 12th Waived as to this witness.
" 13th Waived.
" 14th Waived.
" 15th Waived.
" 16th Waived
" 17th Waived.
Whereupon the defendants exhibited their Cross Interrogatorys.
To Cross Interrogatory 1st He answers and says that he did not examine through the whole mine but so far as he has been, he saw the slate and that he has been in the most of it, and says that the slate of which he speaks is not found in one particular spot.
Question by Mr Percy one of the Commissioners. Have you examined the opening which is now worked by the Frostburg Coal Company and is that slate there found and how far are the two works a part.
He answers and says that he has examined the working of the Frostburg Coal Company and that he did not find the slate in the new working. He says that the two workings may be 150 or 180 yds a part, but he cannot pretend to say in particular and that there is a gallery from one to the other and that he brought 30 or 40 yards from the mouth of the old opening.
To Cross Interrogatory 2nd He answers and says, that he has answered this Interrogatory in his former answer.
To Cross Interrogatory 3rd He answers and says that he did not and says that his measurement was in the old mine 40 or 50 yards from the mouth where he worked.
To Interrogatory 4th He answers and says that the 16 or 18 acres is on the point of the hill and the commencement of the opening is at the outcropping and that the covering gets thicker as you proceed, he says that there is a ravine that runs to the west of the opening of the Frostburg Coal Company which runs around, he does not know the number of acres and that the covering there is lighter than it is to the east or west of it.
To Cross Interrogatory 5th He answers and says that in the old opening the chambers were narrower than in the present workings of the Frostburg Coal Company and that he cannot take out as much coarse coal from a narrow chamber as from a wide one.
To Cross Interrogatory 6th He answers and says that he thinks you could take out as much coarse coal on the East side as on the West if you would go in as far and he thinks that the vein would be as thick.
To Cross Interrogatory 7th He answers and says that he does not know the rise of the Coal vein, that is the height it rises per yard and he does not know the rise of the hill per yard, but he knows that the hill rises faster than

the coal vein and that the covering gets thicker as you go into the hill, he speaks of the covering no farther than the mines have been opened or worked.
To Cross Interrogatory 8th He answers and says that he cannot speak as to the South of the turnpike as there is no opening upon the land on the South side of the Road and in his former testimony, he did not refer to that portion of the lands in dispute which lies on the South side of the turnpike road. Additional interrogatory on the part of Complainant. To additional Interrogatory 1st He answers and says that the Frostburg Coal Company has worked farther into the hill than the old mines.

George Fennant.

Peter Preston a witness of lawful age, produced on behalf of the defendants after being duly sworn deposes and says.
To Interrogatory 1st He answers and says that — Knows the parties to this suit, he has known the Messrs Frosts for 60 years and has known John Young 3 or 4 years.
To Interrogatory 2nd He answers and says that he has lived in and near to the town of Frostburg all his life and that he is 71 years old.
To Interrogatory 3rd He answers and says that the town of Frostburg was laid out in 1815 or 1816 by Isaiah Frost and Meshack Frost he thinks they owned the land that it was guaranteed in some way to them by their Father as he understood by the parties, that the old man had laid off to each of his three sons his share of the land and that they were to pay some amount to their sisters, that Isaiah was to have the land lying North of the Turnpike and Meshack was to have that which laid South the other brother had his laid off below, it all belonged to the old man at that time, he made the dividend of it, the Town was originally called Mount Pleasant, the first sale of 23 Lots was made in 1815 or 1816, and that he was auctioneer at the sale he thinks that the sale took place in September after the plat was made out.
To Interrogatory 4th He answers and says that he does not know, but that the lots were laid off on each side of the road, he cannot tell which numbers were sold at the first sale, and that Meshack reserved lot No 1. at the sale and then sold on both sides of the Street to the number of 23 Lots, he thinks, he is not entirely certain, but thinks that 23 were then sold, but does not know the No. of those which were sold. He says that there were some lots sold East of No 1 but most of them were west — and that 4 or 5 years after the sale old Mr Frost died and after his death about September or September a year after his death another sale of lots was made by Meshack and Isaiah he was auctioneer at the second sale. He thinks that 19 Lots were sold then.
To Interrogatory 5th He answers and says that the Town plat marked No 1. is in the hand writing of Benjamin G. Vaughn, who made the survey and laid out the Town. To Interrogatory 6th He answers and says that about five years after the first sale a second addition of Lots was laid out, first prior to the second sale and subsequent to the Old Mans death.
To Interrogatory 7th He answers and says that he believes that they were, he is not certain, but it is his belief that they were all except No 1.
To Interrogatory 8th He answers and says that he has known John Neff forty odd, or 50 years and that he has lived in the Vicinity of Frostburg all his life.
To Interrogatory 9th He answers and says that it was a matter of public notoriety at Frostburg that the Frosts were selling lots in the town for it was advertised twice and he never heard of John Neff or any other person objecting.
To Interrogatory 10th He answers and says he cannot say how many, he knows that they sold sundry and different ones at different time but how many