mine will be an increase of two cents per ton for every five hundred yards distance, in which calculation I embrace the transportation of materials to the interior of the mine, closing the ends of chambers along the main headings, putting in trap doors, air shafts building and keeping up furnaces and supplying them with fuel, and additional cost of keeping up roads as we progress.

To the fifth Interrogatory. He answers and says that he has answered in the third.

To Interrogatory 6th. He answers and says that about two fifths of the Coal has been mined out so far as has been broken and that three fifths still remain.

To Interrogatory 7th. He answers and says that it is.

To Interrogatory 8th. He answers and says that the difference between the price of fine and coarse Coal is seventy five cents per ton, the difference will still be greater by taking into account the circumstance that a great deal of the fine Coal cannot be sold the average price of lump Coal at the mouth of the mine is $1.30 per ton. and fine 55 cts per ton.

Additional Interrogatories to be propounded to Daniel C. Bruce.

To the first additional Interrogatory he answers and says that from any opening on south West side of Frostburg there can be no made a reaching any rail road, not in existence but by hauling by wagons or tunnelling the hill.

To 2nd additional Interrogatory. He answers and says the distance is about one mile.

To 3rd additional Interrogatory he answers and says, that the Coal on the Eastern portion of the property in dispute can be approached and taken out through the Coal opening reserved in the deed mentioned in the interrogatory, the cost of drawing in those reserved entries, so as to have access to the Coal on the Eastern portion of the land would not be as expensive as the sinking of air shafts to enable you to mine out the Coal under the Western portion of the land.

To the 4th additional Interrogatories he answers and says, that the Coal taken out in making the reserved entries, would more than pay the expense of making them. To the 5th Additional Interrogatory he answers and says that it is likely it would require one which would depend upon the number of men worked in the mine at the same time, and on the Western portion it would require two air shafts and perhaps more which would have to be sunk near 400 feet to reach the Coal.

To the 6th Additional Interrogatory he answers and says the synclinal axis of the Coal basin runs west of south about 22 to 30 degrees; and the Coal on the land in dispute lies on the West side of the synclinal axis and the Coal vein rises about 5 feet in 100 feet in a Westerly direction from the synclinal axis.

To additional Interrogatory 7th He answers and says that the Eastern portion.

Daniel C. Bruce.

John Giles a witness produced on behalf of defendants being duly sworn. Interrogatories waived as to this witness. The Commission adjourned to meet at Cumberland on Monday the 21st instant.

John Tolck.

Cumberland August 21st 1848. Commission met in pursuance of adjournment. Present J. L. Pattenson, J. C. Atkinson, Elisha Coombs, James Percy and John Tolck.

Fielding R. Shepard a Witness of lawful age produced in behalf of the defendant after being sworn deposes and says, that

To Interrogatory 1st He answers and says that he has known the Frosts about 30 years and John Young four or five years.

To Interrogatory 2nd He answers and says, that he bought two lots in the Town of Frostburg of Josiah Frost, that the title was made to Michael C. Spriggs the above

two Lots are one of them marked on Armstrong's plat No. 6 Spigg and half the lot adjoining Marked Percy. he bought the above lots in 1823 or 1824 and got possession at that time but the deed was not made until it was made to Spigg. he says that he bought from John Neff a part of a lot adjoining the lot marked Spigg and bounded by the little turnpike on the East, the National Road on the South and running back as far as the other lots he bought the last lot within a year after he bought the other 2 lots, he says he got no deed for the lots he bought, the deeds were made to M. Spigg. he bought 2 other lots of Meshack Frost one of them the triangular lot on the opposite side of the street and marked Porter on Armstrongs plat he purchased and took possession of this lot about 1825, the deed for this lot was also made by the Frosts to Spigg several years afterwards, he purchased also a lot from Meshack Frost situate on the North side of the Turnpike nearly opposite Dilley's Brick house. marked on Armstrongs plat "Dean." he purchased this lot about 1825 and got possession of the lot at that time, but got no deed for it, the deed was afterwards made to Spriggs to whom he sold, by the Frosts.

F. R. Shepherd.

State of Maryland. Allegany County to wit.

Be it remembered, that on this 21st day of August 1848. before the Subscriber a justice of the peace of the State of Maryland in and for Allegany County, personally appears Joseph Dilley and makes oath on the Holy Evangelly of Almighty God, that he came to reside in Frostburg in said County in the month of March 1816, that he continued to reside in Frostburg until the year 1843 when he removed to Cumberland where he now resides. He states that he has no recollection of a public sale of lots in the Town of Frostburg after he came there to reside, but there had been a public sale as he was informed before. That he purchased part of Lot No. 2 in Frostburg from Meshack Frost in the year 1827 commenced building upon it in March 1828, but did not receive a deed for it until October 1846. The Lot on which Beall's tavern is now situated on the Corner of South Street and the National Road is the lot alluded to. It is 40 feet front and 165 feet deep. That he purchased Lot No. 19 in the year 1817 from Josiah Frost Junior and received a deed for the same in May 1819 from Josiah Frost Senior. That he purchased Lot No. 20 in 1817 from Meshack Frost and received a deed from him for it in April 1821. That he purchased Lot No. 21 from Meshack Frost in 1825 and received a deed for it from the said Meshack in 1826 and again another deed from the same lot in 1846, on account as he supposes of some defect in the first deed. That he has had possession of the said Lots from the time he purchased them. These Lots No. 19. 20. 21 lie adjoining each other and are marked severally "Dilley" on Armstrongs Plat and front on the National road from the Corner of South Street and the said road running West. That the Lot marked "Dilley" and the lot lying east of it and marked "Jenhart" on said plat were purchased by him from Meshack Frost about the year 1836. He sold the lot to Jenhart and Meshack Frost made him a deed for it in 1843. His own deed for the part not sold to Jenhart was not made until the year 1846.

That he purchased three lots which are marked respectively "Beall" on the said plat, on part of which Beall's Stables now stand, lying between South Street and Water Street, with fronts on each of said streets, one of said Lots lying next to the lot marked "Calmes" he purchased from Meshack Frost about the year 1836 or 1837, the two he purchased from Edward Johnson about the years 1837. or 1838. Johnson purchased the same from Peter Gephart who