June Term 1863

In this case as Solicitor for the defendants I hereby recognize of the time and place of executing the Commission lately issued in this cause to the standing Commissioners.

Wm Price Solr for Defts
Geo A Pearce Solr for Compltt

Affidavit to Wit and the 3d day of October in the year last aforesaid on motion of the Defendants by their Solicitor aforesaid It is ordered by the Court here that the said cause be set down for hearing on the first day of September next,

And afterwards to Wit on the 11th day of the month and 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 of which proceeding are in the words and of the following to Wit.

Frostburg Coal Company
vs
George P Hustle & others

In the Circuit Court for Allegany County sitting as a Court of Equity

Interrogatories to be propounded to Thomas Devecmon a witness produced on the behalf of the Complainants,

Int 1 Are you or not acquainted with Moses Rawlings; and how long have you known him,

Int 2 Did you or not know the late George Hustle

Int 3 What is your Occupation or profession and how long have you been engaged therein.

Int 4 Can you state and do you know whether on any occasion and if yes when the said Moses Rawlings and George came to your office together. And if yes state for what purpose they came and what they requested you to do if they requested you to do any thing.

Int 5 Do you know any other Matter or thing that may be of benefit or advantage to the Complainants in this cause "If yes state the same.

George A Pearce Solr for Compltt

Frostburg Coal Company
vs
George P Hustle and others

In the Circuit Court for Allegany County sitting in Equity

Cross Interrogatories to be propounded to Thomas Devecmon

1 State whether any deed was drawn by you on the occasion alluded to in your examination in Chief.

2 Can you state precisely what the contents of the deed were to have been in case it had been drawn "Was it to contain a Warrant. What covenants to be inserted in it" Can you state what was to be the description of the property as contained in the deed, Can you state what was to be the consideration. Were they to be any recitals in the deed.

Wm Price for Defts

Frostburg Coal Company
vs
George P Hustle and others

In the Circuit Court for Allegany County as a Court of Equity

At the Execution of the annexed commission issued out of the Circuit Court for Allegany County as a Court of Equity and directed

June Term 1863

to Peter Devecmon and the undersigned the standing Commissioners for said Allegany County empowering us or either of us to examine Witnesses in the above cause according to the Rules of said Court. We Jacob Brown one of said standing Commissioners do on the 11th day of October in the year 1863 in the office of Thomas Devecmon in the City of Cumberland pursuant to the following depositions to Wit,

Thomas Devecmon a witness of lawful age produced on the part of the Complainants being duly sworn and examined by and upon motion of the Commissioners by the Complainant and hereunto returned depose and says.

To 1st Interrogatory I am acquainted with Moses Rawlings and have known him for 20 years and upwards,

To 2d Interrogatory I did know the late George Hustle

To 3d Interrogatory My occupation is that of a practicing Lawyer since June 1848 for 2 or 3 years previous to my admission to the bar I had been in the habit of drawing deeds and other instruments of Writing.

To 4th Interrogatory On one occasion George Hustle and Moses Rawlings came into my office for the purpose of getting me to draw a deed to be made by said George Hustle to Rawlings for two Lots of ground situated in the Frostburg district, I remember that they stated that the Lots had been bought and paid for by Mr Rawlings some years previously. Neither one of them could give me the numbers of the Lots or a sufficient description to enable me to draw the deed and consequently it was not drawn. Mr Hustle who lived at Shriver declared before Cumberland promised to examine his papers and get the Numbers of the Lots and then when Rawlings again called to Cumberland they were to come over to see me again. They parted on this understanding but never afterwards came to see me. On the subject of terms to this time Mr James D Armstrong had bought the Lots from Rawlings and I was asked to draw a deed from Rawlings to said Armstrong for the same Lots as soon as Rawlings got the deed from Hustle I cannot remember when this conversation occurred it might have occurred before I was admitted to the Bar, or it might have been shortly after I was admitted I remember it was in my office. But I occupied the same office both before and after my admission.

To 5th Interrogatory I know Nothing further.

To 1st Interrogatory Had no deed been drawn.

To the 2d Cross Interrogatory That I cannot state what were to be the contents of the deed further than what I have stated in Chief I think it was to contain a Warrant or any covenants to be inserted in it that I remember of. Of course I do not know what was the description of the Lots because I was for the Vendee this the deed was not drawn I do not remember that the amount of the Consideration was mentioned though I do remember that it was stated that the Lots had been all paid for, I remember nothing any recitals to be inserted in it.

There being no other Witnesses to be examined and neither party desiring further time for the production of his Evidence the undersigned Commissioners closed said Commission and herein returned