cause can hereafter be procured in a reasonable time and also that as this deponent believes a justice of the peace can behave when said Tracy is now temporarily detained and confined in the City of New York q.o. the room of him the said Tracy and last the said Tracy's depositions as to and of all the facts hereinbefore stated as expected to be proved by him as a witness for the plaintiff in this cause he the said deponent believes the deposition of the said Tracy as a witness herein for the plaintiff as to and of these facts can be taken in interrogatories and has herein a remarkably short period of time. And this deponent further states that if said Tracy had been summoned here as a witness for the plaintiff in this cause he could not now be present in account of his illness which alone prevents his being present at this deponent is most credibly informed and verily believes and as the said Tracy has always been present here to fro whenever his case could have been tried as aforesaid for the purpose of being a witness for plaintiff and always declared that he would be present whenever said case could be tried and very recently that he would certainly be back in time for that very purpose, it seems wholly unnecessary that he should have been so summoned as the object of so summoning was only to procure his attendance, which would have occurred and taken place surely as this deponent believes, but for the illness which alone prevents his now being here present as a witness for the plaintiff in this cause

Joel H Reeley Clk

For the same purpose stated in the first Bill of Exceptions to the admissibility of which defendants objected which objections the Court overruled to which ruling of the Court the defendants excepted and now pray the Court to sign and seal this their second Bill of Exceptions which is accordingly done on the day and year aforesaid

D Weisel (Seal)

Defendants 3rd Bill of Exceptions

The plaintiff further to support the issue on his part joined and in addition to the evidence stated and contained in the defendants his first Bill of Exceptions which are made part hereof proved that one Henry Innskeep is dead whom it is admitted was examined

as a Witness for the plaintiff in this cause in the proceedings mentioned in the first Bill of Exceptions wherein the Warrant Inquisition proceedings docket Entries and Judgment were had between the plaintiff herein and one of the defendants herein the Cumberland Coal and Iron Co, and it further admitted that the said Henry Innskeep was once examined by said Cumberland Coal and Iron Co only in the said said proceedings and now the plaintiff further offers to prove in this cause as evidence between the plaintiff and all the defendants herein that the said Henry Innskeep testified to in the said proceedings so had between the said Plaintiff and the said Cumberland Coal and Iron Co in relation to and alleged of be been of the bats already in evidence to which evidence of what said Innskeep so testified to as aforesaid the defendants now object as inadmissible in this cause which objection the Court overruled to which ruling the defendants except and pray the Court to sign and seal this their 3d Bill of exceptions which is accordingly done on the day and year aforesaid in said first exception stated. —

D Weisel (Seal)

Defendants 4th Bill of Exceptions

The plaintiff to support the issues on his part joined offered the evidence contained in the defendants first second and 3 Bills of Exceptions and also the following evidence to wit.

The plaintiff proved by John Neff competent witness produced on his part that said Henry Innskeep testified before the Jury summoned in the warrant and proceedings mentioned in defendants first Bill of Exceptions that he said Innskeep had Tracy testified is admitted to be the Superintendent of the Cumberland Coal and Iron Co and one of the defendants in this action) say to Jeffries, in Irvsbury sometime in the Spring of 1859, that he Jeffries might sow clover and timothy seed on his farm and reap the benefit of that said conversation was before the said was sworn by Jeffries that said Inns Keep did not recollect the exact time when such conversation occurred and that Neff thought he remembered that said Innskeep was once examined by the Counsel of the Cumberland Coal and Iron Company at the time before said Jury of inquisition and that the above is the substance of what said Innskeep testified to before said Jury on his