The plaintiffs by their counsel pray the court to instruct the Jury that if they shall find from the evidence in the cause that the defendant broke & entered the lands of Edward Hoye and John S. Combs and John A Smith at the places located on the plats prior to the institution of this suit, and that said John A. Smith died since the institution of this suit and made his last will and testament as offered in evidence and appointed the plaintiffs Walter S. Cox and Thomas B. Cox his executors, and that letters testamentary were granted to said executors by the Orphans Court of Washington County in the District of Columbia, and that said John A. Smith resided in said District of Columbia at the time of his death; and that the defendant mined out coal from said lands and made excavations thereunder and removed the coal so excavated and thereby injured the coal left remaining as pillars, or by bad mining or otherwise rendered it difficult or impossible for the plaintiffs to get out or remove such pillars of remaining coal or rendered it of less value to them, then the plaintiffs are entitled to recover such sum per ton for such coal as cannot be removed, as they shall find from the evidence it was worth in its native bed, and such damages for so much of said coal as can be removed but with increased expense as they may find such coal to be diminished in value

The plaintiffs by their counsel further pray the Court to instruct the jury that if they believe the facts stated in the first prayer down to & including the words "District of Columbia at the time of his death" and that the defendant mined and excavated under the said lands and thereby rendered it more difficult and expensive for the plaintiffs to obtain access to the coal under said lands and depreciated the value of said remaining coal, then the jury may allow the plaintiffs such damages as they may find the plaintiffs have sustained from the

depreciation of said land & increased difficulty & expense of obtaining access to the coal remaining therein.

The plaintiffs by their counsel further pray the court to instruct the jury that if they believe the facts stated in the first prayer down to and including the words "District of Columbia at the time of his death" and that the defendant mined out coal from under said lands at the places as located on the plats in the cause, then the plaintiffs are entitled to recover such sum per ton as the jury may find the said coal as mined was worth when first severed from its native bed and before it was put upon the mine cars without deducting the expense of severing said coal from its native bed.

The plaintiffs by their counsel further pray the Court to instruct the jury that if they believe the facts stated in their first prayer down to and including the words "District of Columbia at the time of his death" and that the defendant at the time of committing said trespasses knew that said lands were not its own, then the jury are not limited to the actual amount of damages committed (if they shall find any have been committed) but may find such further damages as the facts and circumstances accompanying such trespasses may warrant.

And also granted the third and sixth prayers of the defendant.

The defendant by its counsel prays the Court to instruct the jury that if they find from the evidence in the cause that any of the witnesses of the plaintiffs were not present on the ground at the making of the Survey returned in this cause that then the testimony of such witness is not competent to prove any objects whether headings, rooms, falls of material, or obstructions or other object connected with said Survey or intended