constructing tram roads inclined planes, bridges sidings, shafts and other necessary means of carrying it to market. And further prays the court to instruct the jury that they cannot add the cost of mining the coal in controversy to its value before it was severed from the mine as a mode of ascertaining its value to the plaintiffs after such severance.

And rejected all the other prayers of the defendant and refused to give the instructions as prayed by the rejected prayers of the defendant to which ruling of the court in granting the several prayers of the plaintiff and in rejecting the prayers of the defendant, the defendant excepted and prayed the court to sign and seal this its 5th bill of exceptions which is accordingly done this 26th day of November 1872.

W. Motter (Seal)

Trial and Verdict for the Plaintiffs and assess the damages at $22.954.24. Whereupon the following remitter of Pltffs was filed November 30th 1872. to wit,

Walter S. Cox and others
vs
The Barton Coal Co.

To the Honorable the Judges of the Circuit Court for Washington County:

The plaintiffs in the above mentioned cause by their counsel respectfully show that in their declaration filed in the said cause they claim damages to the extent of twenty thousand dollars and no more, that at the trial of said cause the jury empannelled and sworn to try the same rendered their verdict for the sum of $22.954.24/100 being $2.954.24/100 in excess of the damages claimed in the said declaration, as aforesaid.

Therefore the plaintiffs by their counsel come here

into Court, and do hereby abate remit and release the said sum of $2.954.24/100 being the excess of damages found by the said jury, beyond the sum laid in their said declaration and pray that a Judgment may be entered in said cause for the sum of twenty thousand dollars as claimed in said declaration.

Wm. P. Read. William Walsh.
Hamilton & Smith
Attys for plaintiffs

Judgment on Verdict for $20.000.00 with interest thereon from Nov. 30th 1872. till paid and costs.

Judgt signed Nov. 30th 1872.

Whereupon the Defendant prayed an Appeal and filed its affidavit Dec. 31st 1872.

Bond approved and filed January 1st 1873.

State of Maryland Washington County to wit,

I, Wm McK. Kepper clerk of the Circuit Court for Washington County do hereby certify that the foregoing is truly taken from the Record and Proceedings of the Circuit Court for Washington County, Maryland.

In Testimony whereof I hereunto subscribed my name and affix the seal of the said Court at Hagerstown this 24th day of March A.D. 1873.

Wm McK. Kepper clerk.

Plaintiffs Costs		Defendant's Costs	
Clerk	$10.05	Clerk	$5.40
Shff Allegany Co.	9.20	Shff Balto city.	.90
Wash. Co.	2.30	Allegany Co.	7.20
Witnesses	342.30	Wash. Co	1.20
Atty	5.00	Witnesses	187.80
Costs in Allegany Co	948.34	Atty.	5.00
		Costs in Allegany Co.	145.44
		Cost of Record	50.85
			403.79.