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above for error assigned being seen, and by the Court of Appeals here fully understood, and mature deliberation thereupon had, for that it appears to the Court of Appeals here, that there is no error in the Record of Proceedings aforesaid, nor in the giving of the judgment aforesaid: Therefore it is considered by the Court of Appeals here, that the judgment aforesaid, given in form aforesaid, be in all things affirmed and stand in full force and effect, the said causes for error above assigned and alleged in anywise, - notwithstanding. And it is further considered by the Court of Appeals here, that the said Cox & Cox Extrs of Smith et al have execution against the said The Barton Coal Company as well for the - damages costs and charges aforesaid adjudged unto them in the said Circuit Court for Washington County as also the sum of $218.15 adjudged unto the said Cox & Cox Extrs of Smith et al - by the Court of Appeals here, on their account for their costs and charges which they sustained by occasion of the delay of the execution of the judgment aforesaid, by pretext of the prosecution of the said appeal by the said - appeal by the said The Barton Coal Company for the correcting of errors of and upon the premises as aforesaid, prosecuted &c.

Memorandum. Judgment affirmed on the 10th day of July 1873. and Execution awarded for the sum of $20.000.00 with interest thereon from the 30th day of November 1872 until paid and $403.79 costs in the Circuit Court and $218.15 costs in Court of Appeals.

Test:

James S. Franklin

Clerk.