the tract called "Mt. Pisgah" on the plats, was the home place of his uncle, Gabriel Jacobs, and was occupied by his uncle, Gabriel Jacobs, fifty years ago, and by his family from thence until it was sold to the defendant company in the year 1870, and that the beginning at black "B," was pointed out to him by his uncle as the corner of his land.

And proved by F. E. Brockett, superintendent of the defendant company, that since he has been such superintendent, viz: since 1878, he has collected rent from the tenants occupying said house, but offered no evidence as to who was in possession of said house between the purchase by the defendant in 1870, and the time Brockett took charge as superintendent in 1878.

The plaintiffs then offered two prayers:

1. If the jury find from the evidence that the certificate of survey of the tract of land called "Republic," (offered in evidence) was dated and returned into the Land Office on the 10th day of March, A. D. 1794, and was compounded on; and further find the patent for said tract - a copy whereof has been offered in evidence by the plaintiffs - then they are instructed that the title granted by said patent goes back by relation to said 10th day of March A. D. 1794.

2. The plaintiffs pray the Court to instruct the jury, that if they find for the plaintiff under the evidence in the case and the instructions of the Court, then in estimating the damages the plaintiffs are entitled to recover such sum per ton for each ton of their coal mined and carried away by the defendant, as the jury may find said coal so 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; and as to all coal (if any) left remaining as pillars, and which

has been rendered worthless or cannot be removed, the plaintiffs are entitled to recover so much per ton as it is worth in its native bed, and as to all coal (if any) left remaining, but rendered more difficult and expensive for plaintiffs to obtain access to and depreciated thereby in value, (if they so find,) the plaintiffs are entitled to recover to the extent that such coal is diminished in value.

The defendant offered seven prayers:

1. The defendant, by its counsel, prays the Court to instruct the jury, that if they shall find that the patent for the tract called "Mt. Pisgah," was issued by the State of Maryland to Mary and William Ayers, on the 15th July, 1795, and that the warrant on which the same was granted was issued out of the Land Office of the State of Maryland to Thos. Beall, of Samuel, on the 4th October, 1793, and that sds. warrant was assigned to Mary and William Ayers, on the 22nd Oct., 1793, and executed and returned into the Land Office on the 29th Sept., 1794, and the composition money thereon duly paid and patent issued as aforesaid, on the 15th July, 1795, and that mesne conveyances to the defendant were duly executed for sds. land, and that the successive owners have used and occupied the same openly, continuously and notoriously from thence hitherto, as located by the defendant in this case, then the plaintiffs are not entitled to recover in this action, even though the patent for "Republic," offered in evidence, under which pltffs. claims title in the case, may cover that part of the tract called "Mount Pisgah," contd. within the lines of "Republic" as located by pltffs.

2. And further prays the Court to instruct the jury, that if from the evidence they find that a warrant of resurvey was issued out of the Land Office of the State of Maryland on the 4th day of October, A. D. 1793, to Thomas Beall, of