December Term 1862

proceeding he will lay over it for Court of Oyer because in his opinion it will be a County Road.

Whereupon the defendant moved the Court to exclude the said Witness as incompetent to testify for the plaintiff which motion the Court refused and permitted him to be sworn. To which the Defendant prays leave to except and that the Court would sign and seal this Bill of Exception which is accordingly done on this 7 day of April 1862

R. R. Martin (Seal)

The State
vs
The Pres. Man. & Co. of the Wash. & Balt. Turnpike

In Superior Court of Baltimore City.

The Plaintiff to maintain the issue on its part proposed to offer in Evidence to the Jury a want of repair of the defendants Road in parts thereof lying outside of the limits of the City of Baltimore to the admissibility of which evidence the defendant objects but the Court overruled the said objection and permitted the said Evidence to go to the Jury.

Whereupon the defendant excepts and prays the Court to sign and seal this its Bill of Exception which is accordingly done on this 7 day of April 1862.

R. R. Martin (Seal)

State
vs
The President Man. and Company of the Balt. Turnpike

After offering the Evidence which is stated in the foregoing Exceptions which is made a part of this the plaintiff further to maintain the issue on its part proposed to offer Evidence to the Jury a Want of repair of the defendants Road existing more than one year before the Commencement of the prosecution to the admissibility of which Evidence the defendant objects but the Court overruled the objection and allowed the said testimony to be given to the Jury. Whereupon the defendant prays leave to except and that the Court would sign and seal this its Bill of Exception which is accordingly done on the 7 day of April 1862.

R. R. Martin (Seal)

December Term 1862

The State
vs
The Pres. Man. & Co. of the Wash. & Balt. Turnpike

After offering the Evidence stated in the foregoing Bills of Exceptions which are made a part of this the plaintiff further to maintain the issue on its part offered in Evidence by several Competent Witnesses the Court of repair of the defendant Road among which Witness was Charles Rittenhouse who being Cross Examined by the defendant stated that he had found in his own mind and thinks he may have stated to Mr Sutton and Mr Smith a year after the taking of this Road in the Court of its Condemnation into the Ownership of a New Company to be by the said New Company repaired and made subject to toll which he thought would be profitable to a Co. stated that he had spent upon the expenditure of Eight Hundred dollars per mile as the sum necessary to find said Road in such improved condition. Whereupon the Counsel for the defendant proposed to ask the Witness by what calculation as to the expenditure of the said Capital and the Necessary expenditure for repairs and interest on said Capital he proposed to make said Company a profitable investment But the plaintiff by its Counsel objected to said question which objection the Court sustained and would not allow the said question to be put to the Witness,

Whereupon the defendant prays leave to except and that the Court would sign and seal this its Bill of Exceptions which is accordingly done on this 7 day of April 1862

R. R. Martin Seal

State
vs
The Pres. Man. & Co. of Wash. & Balt. Turnpike

The Evidence in the foregoing four Bills of Exceptions having been offered and given as therein stated which said Bills of Exception are now made a part of this the plaintiff further to maintain the issue on its part offered Evidence to the Jury