December Term 1842.

Thomas Dye Cockey and Ann Cockey vs. The Baltimore and Susquehanna Rail Road Company.

Be it remembered, that now here on the second Monday in December being the sixth day of the said month in the year of our Lord one thousand eight hundred and forty one the Chancellor of Maryland, in pursuance of the directions of the act of Assembly in such case made and provided transmit to the Court of Appeals here the record of proceedings of a cause which was lately depending before him in the Court of Chancery between the Baltimore and Susquehanna Rail Road Company complainants and Thomas Dye Cockey and Ann Cockey defendants and wherein the said Court of Chancery passed a decree for the said Baltimore and Susquehanna Rail Road Company against the said Thomas Dye Cockey and Ann Cockey and from which said decree the said Thomas Dye Cockey and Ann Cockey appealed to the Court of Appeals here the tenor of which said record of proceedings is in form following to wit:

State of Maryland Set. At a Court of Chancery for the State of Maryland begun and held at the City of Annapolis on the first Tuesday of December in the year of our Lord eighteen hundred and forty one.

Present, The Honorable Theodorick Bland Chancellor

Ramsay Waters Register.

Were had (among other) the following proceedings.

The Baltimore and Susquehanna Rail Road Company vs. Ann Cockey and Charles R. Cockey.

Be it remembered that heretofore to wit on the 18th day of October 1836 came The Baltimore and Susquehanna Rail Road Company by J. Mason Campbell, Esq. their Solicitor into the Court of Chancery for the State of Maryland and exhibited their bill of complaint in said Court against Ann Cockey and Charles R. Cockey in the words following: To the Honorable Theodorick Bland Chancellor of Maryland Humbly Complaining sheweth to your Honor your orator the Baltimore and Susquehanna Rail Road Company, That heretofore to wit at December Session in the year of our Lord one thousand eight hundred and twenty seven your orator was by the general Assembly of Maryland incorporated by the name of the Baltimore and Susquehanna Rail Road Company and by that name vested with perpetual succession and empowered to sue and be sued and to have and use a common seal, and to enjoy and exercise all the rights and powers which other corporate bodies might lawfully do for the purposes in said act of Incorporation mentioned among which purposes was the construction and repair of a rail road from the City of Baltimore to some suitable point or points on the Susquehanna River to be by your orator determined not exceeding sixty six feet wide with as many sets of tracks as your orator might deem necessary and for the accomplishment whereof it is generally provided that your orator shall be and by the act aforesaid is invested with all the rights and powers necessary therefor, and more particularly that its President and Directors may cause to be made or contract with others for making said rail road or any part of it, that they their agents or those with whom they may contract for making any part of said road or their agents may enter upon and use and excavate any land which may be wanted for the site of said road or the erection of ware houses for other

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works necessary to said road or for any other purpose useful or necessary in the construction or repair of said road and its works and that they may build bridges may fix scales and weights may lay rails may take and use any earth timber gravel stone or other materials which may be wanted for the construction or repair of any part of said road or any of its works and may make and construct all works whatsoever which may be necessary and expedient in order to the proper completion of said road; And your orator further shews that the act of Incorporation aforesaid having thus declared the purpose to be effected under the same by your orator and having thus also invested it for said purpose with the power (among other things) to enter upon use and excavate any land which may be wanted for the site of said road and to take and use any earth timber gravel stone or other materials for the construction of any part of said road or any of its works it is further in and by said act provided for the execution and exercise of the said last mentioned power that your orator may agree by its President and Directors with the owner or owners of any land earth timber gravel stone or other materials which may be wanted for the construction of said road or any of its works for the purchase or use and occupation of the same all which will be more fully made manifest to your Hon or by referring to the act aforesaid as the same hath been published by the General Assembly in the printed Statute Book, which reference your orator prays and humbly asks that by the same the said act may be deemed and taken to be part of this its original bill of complaint. Further complaining sheweth unto your Hon or your orator that the said act was accepted and the execution of the purpose therein mentioned undertaken by your orator and that thereupon your orator proceeded in conformity therewith to exercise the powers given it as aforesaid for the purchase or use and occupation of the land which would be wanted for the site of said road, and the earth timber gravel stone or other materials which would be needed for its construction and it having been ascertained that its said road would probably run through a certain tract or part of tract or parcel of land owned by a certain Anne Cockey as tenant for life and a certain Charles R. Cockey as remainderman in fee and living in Baltimore County, and it having been further ascertained that in and upon said tract or part of a tract or parcel of land there existed a large body of stone which would be useful and necessary in the construction of said road and its works, your orator proceeded to exercise its power aforesaid of obtaining a site for its said road and such materials for the said constructions by agreeing with the said Anne Cockey and the said Charles R. Cockey for the purchase or use and occupation of said land and materials and in its said exercise of its said power did agree with the said Anne and the said Charles for the purchase or use and occupation of the said land and materials they the said Anne and the said Charles signing and sealing their contract to that effect, a copy of which (for more particular information herein) is herewith filed marked complainants exhibit A. and by your orator prayed to be taken and considered as part of this its original bill of complaint. Further complaining sheweth to your Hon or your orator that after the execution of the contract aforesaid your orator proceeded to locate the line of its said road and finally located the same through the said tract or part of a tract or parcel