of land owned as aforesaid by the said Anne and the said Charles and since its said final location hath actually constructed its said road (though it has not yet completed said construction) through and upon the tract or part of a tract or parcel of land aforesaid and as the said tract or part of a tract and parcel of land in the greater part of the portion of it occupied by the line of said road consists and is composed of a continuous bed of rock or stone its construction through the same has necessarily involved in excavation of the said rock or stone at great cost the expenditure therefor as well as your orator can now ascertain it having been not less than from ten to fifteen thousand dollars or more. Further complaining sheweth to your Honor your orator that in the said excavation of the said rock or stone which was effected by the use, in a great measure of gun powder, the excavated rock or stone has been deposited as far as the said means of excavation permitted upon the immediately adjacent parts of the tract or part of a tract or parcel of land aforesaid as near to the line of the road as practicable, your orator having been governed in so doing as well (to use the language of its Chief Engineer in his Report which will be hereafter referred to and made part of this bill) by the intention of occupying as little arable space as possible as of placing the same conveniently for removal when hereafter its use would be necessary for the construction of the superstructure of the road buildings for depots side walls for deep cuts and Masonary of various kinds for the construction and repair of the rail road," and that their said deposit of the said excavated rock or stone upon the said Tract or part of a tract or parcel of land was known at the time it was made to the owners of the said tract or part of a tract or parcel of land to wit, to the said Anne and the said Charles and never either at that time or since has been objected to by either of them. Further complaining sheweth to your Honor your orator that in the construction of its said road the said excavated rock or stone is highly useful and necessary for many purposes among which may be stated (together with those hereinbefore specified in the extract from the report of the chief Engineer already alluded to and partly incorporated in this bill) embankments horse paths blocks to support the iron rail and as rubble under the said blocks and under the sleepers where the rails may rest upon wooden sleepers and that for all these purposes as well as generally for the uses of the road and its works all the said rock or stone so excavated will be necessary as is fully made to appear by a report of Isaac Trimble Esquire Chief Engineer made to Charles Howard Esquire President the original whereof (not only to support this averment but all others drawn therefrom) is herewith filed marked complainants exhibit B. and by your orator prayed to be taken and considered as part of this its original bill of complaint. Further complaining sheweth to your Honor your orator that as herein before averred, its treaty aforesaid with as well the contract actually entered into by the said Anne and the said Charles was not only to obtain a site for the bed of its road but also such materials as were necessary or useful in the construction of any part of the road or any of its works and the said averment is true will appear hereafrom that the portion of the stipulations of said contract which respects their furnishing materials to your orator was assumed by them to be performed even although the said road should not in fact pass through any land belonging to the said Anne or the said Charles. Further

complaining sheweth to your Honor your orator that at the time of entering into said contract the said Anne and the said Charles as well as your orator were aware and from the nature of things necessarily must have been so, that the construction of the road of your orator through their said tract or part of a tract or parcel of land if the location thereof should take that direction, would be neither upon the surface of said tract or part of a tract or parcel of land, nor upon any embankment to be raised upon such surface, but that the same would be made below the said surface and by excavation under the same through the rock or stone which formed as they well knew at but a small depth if any the substratum of the upper or surface soil of the tract or part of a tract or parcel of land so owned by them as aforesaid, and your orator distinctly avers that at the time of the execution of said contract and up to the period of the excavation aforesaid the said rock or stone since excavated by your orator upon the said tract or part of a tract or parcel of land was, at it stood of no value whatever and but for its excavation by your orator and the construction beside it of the road would have been to this day utterly and wholly valueless, the said excavated rock or stone in its natural bed lying so far from any feasible means of transportation that its quarrying would have cost more than it could have sold for there being upon the same tract or part of a tract or parcel of land which more convenient for transportation an almost inexhaustible quantity of the same sort of rock or stone. Further complaining sheweth to your Honor your orator that in and by the contract aforesaid entered into by the said Anne and the said Charles, it appears that the consideration for executing the same was the enhancement in value of their land through or near which the road of your orator was to pass deemed to the same through or from the passage of said road, and your orator avers that the advantage in that respect already gained and to be gained by them is very great the said tract or part of a tract and parcel of land through which the said road is constructed being almost composed of or at least affording a large and humanly speaking an inexhaustible quantity of lime stone, much of it of superior quality the facilities for the transportation of which when the said road shall have been completed, that is to say in a few months will be so increased at a cost much reduced below the present price of carriage that not only for the purposes of agriculture will they be enabled to sell large quantities in the adjacent country lying on said road, but will also from their nearness to the city of Baltimore have the power to send immense quantities to that mart, to be there used in building lime or exported in commerce and to make manifest to your Honor the extent (now inappreciable) to which said export may hereafter be carried your orator avers and so the fact is, that in the Southern States of this Union the demand for lime to be used in agriculture is immense, and as yet the only source from which they have been enabled in any material degree to obtain their supplies (and that too of an inferior article) is Thomastown in the State of Maine a port greatly more distant from the places of use of the said lime than the City of Baltimore and the coastwise voyage from which to the Southern states is much more difficult and dangerous, and your orator, in this part of its bill (being to that effect informed and so believing) does further aver that so impressed with the certain beneficial results to them of the said road are the said Anne and the said Charles that they are in the habit of considering and do consider the value of their