derived from the lime trade, but that they will be in a great degree deprived of this value by depriving them of the stone which forms the subject matter of this controversy.- And these defendants further answering say that they admit it to be true that the complainant had at the time of the filing of its bill of complaint almost completed the construction of that portion of the said road, which passes through the said tract or part of a tract or parcel of land, and that the complainant then was and now is entitled to a specific performance of the contract aforesaid of this defendant Ann Lockey and the said Charles R. Lockey by having vested in it a legal title to that portion of the said tract, or part of a tract or parcel of land owned by these defendants to which they are entitled under the said agreement and that this defendant Ann Lockey and the said Charles R. Lockey in his lifetime and the said Ann Lockey and this defendant Thomas Dye Lockey of Thos. devisee of the said Charles since his death now are, and always have been willing and ready to make such title when required but these defendants again deny that the complainant hath under the said agreement any right or title or that the complainant hath a right to ask from them any right or title to the said excavated rock or stone or that any right or title thereto was granted or intended to be granted by the said agreement, and they admit that they have refused to give any right or title thereto except for a just and fair compensation for the same to be paid by the said complainant.- And these defendants further answering say that they admit it to be true that a short time before the filing of the said bill of complaint, and a short time before the death of the said Charles R. Lockey he the said Charles R. Lockey did take and remove a small quantity of the said stone so excavated as aforesaid and lying upon the lands of the said Ann and the said Charles R. Lockey, but that these defendants do not know and cannot state the quantity or value of the stone so removed by the said Charles and that they have no means of ascertaining the quantity or value thereof, and they say that they have been advised that the said Charles had a right so to do.- And these defendants further answering say that the said Charles R. Lockey departed this life on or about the tenth day of December last past having first duly made and published his last Will and Testament in writing whereby among st other things he devised his whole estate to this defendant Thomas Dye Lockey of Thos. and constituted and appointed him sole executor thereof, and died without altering and revoking the same, and that the said Will hath been duly proved and recorded in the Office of the Register of Wills for Baltimore County, a copy whereof can be produced if required, and that this defendant Thomas Dye Lockey hath taken upon himself the burthen of the execution thereof.- And these defendants deny all wrong and injury wherewith they stand charged in and by the complainants said bill of complaint without that, that there is any other matter or thing material or necessary for these defendants to make answer unto and not herein, and hereby well and sufficiently answered unto confessed or avoided, traversed or denied is true all which matters and things these defendants are ready to aver and prove, as this Honorable Court shall direct and award, and humbly pray to be hence dismissed with their reasonable costs in this behalf most wrongfully sustained and that the writ of injunction heretofore issued in this cause may be dissolved.- Thos. D. Lockey, of Thos.

John Scott, Solr. for defts.

City of Baltimore Set. On this 5th day of July 1837 before the subscriber a

Justice of the peace of the State of Maryland in and for the city of Baltimore personally appeared Thomas D. Lockey of Thos. above named and made oath on the Holy Evangelly of Almighty God that the matters and facts set forth and stated in the aforegoing answer are true as there stated.- Sworn before.- Thomas B. Pottinger.-

I agree that this answer shall be taken to have the same effect as if sworn to by both the defendants.- J. Mason Campbell, for pltffs.

And afterwards to wit, on the 6th day of December 1837, the Chancellor ordered as follows.- In Chancery 6th Decr. 1837.-

The motion to dissolve the Injunction standing ready for hearing and the solicitors of the parties having been fully heard the proceedings were read and considered.- Whereupon it is ordered that the Injunction heretofore granted in this case be and the same is hereby continued until the final hearing or further order.- Theodorick Bland, Ch.

And afterwards to wit, on the 12th day of March 1838 the counsel for defendants filed an order for an appeal as follows.

The Baltimore and Susquehanna Rail Road Company.- vs. Thomas Dye Lockey and Ann Lockey.-	In Chancery. Bill for Injon. answer filed, motion to dissolve the Injon. and order continuing the Injon. passed on the 6th Decr. 1837.- Mr. Waters enter a prayer of Appeal in the above case from the order passed on 6th Decr. 1837 continuing the Injunction.- 9th March 1838.- John Scott, Solr. for Defts.

And afterwards on the 16th day of July 1838 was filed in the said cause the following certificate to wit.

Thomas Dye Lockey of Thos. and Ann Lockey.- vs. The Baltimore and Susquehanna Rail Road Company.-	Court of Appeals W.S. June Term 1838.- Appeal from Chancery. Decree affirmed without costs by the Court the 30th June 1838.- Maryland Set. I Richard W. Gill, clerk of the Court of Appeals W.S. do hereby certify that the foregoing is a true copy of the decree of the Court of which it purports to be a copy.- In Testimony whereof I have hereunto affixed the seal of the said Court and set my hand as clerk thereof the 16th day of July 1838.- (Seal) R. W. Gill, Clk.

And on the 6th day of February 1839 was filed in said cause a petition in the words following.-

In the matter of The Baltimore and Susquehanna Rail Road Company.- vs. Thomas Dye Lockey and Ann Lockey.-	Bill and exhibits, and answers.- To the Honble. Theodorick Bland Esqr. Chancellor of Maryland. The petition of Thomas Dye Lockey and Ann Lockey the defendants in the above cause humbly sheweth.- That since the filing of their answer to the original bill of complaint in this cause certain matters have occurred which these defendants have been advised are material to their defense

and which are set forth and stated in a supplemental answer herewith exhibited and which these defendants ask leave to file, and which they pray may be taken and considered as a part of their answer to the complainants said bill of complaint.- And your petitioners will ever pray &c.

John Scott, Solr. for petr.

In the High Court of Chancery of the State of Maryland.- In the matter of The Baltimore and Susquehanna Rail Road Company against Thomas