December Term 1842.

And afterwards to wit, on the 30th day of December 1840 the commission heretofore issued to Abner Neale of Baltimore County was duly returned with his proceedings had under the same as follows:

Maryland &c. The State of Maryland - To Abner Neale of Baltimore County greeting: Know that we have appointed you to be our commissioner to examine witnesses in a cause depending in our high Court of Chancery between the Baltimore and Susquehanna Rail Road Company complainants and Thomas Dye Lockey Exr. of Charles R. Lockey and Ann Lockey defendants and in the case wherein Thomas Dye Lockey and Ann Lockey are complainants and the Baltimore and Susquehanna Rail Road Company and others are defendants we therefore require you having first taken the oath hereunto annexed and also administered the annexed oath to the person whom you shall appoint as clerk to attend the execution of this commission that at such time and place as to you shall seem convenient you cause to come before you all such witnesses as shall be named and produced to you by either the plaintiff or defendant and that you examine them on their corporal oaths to be by you administered upon the Holy Evangelys of Almighty God touching their knowledge or remembrance of any thing that may relate to the cause aforesaid and that you cause notice to be given to the parties or their attornies, of the execution of this commission before you execute the same and having reduced the depositions of the witnesses so taken by you into writing you send the same with this our commission close under your hand and seal to us in our High Court of Chancery with all convenient speed witness the Honourable Theodorick Bland Chancellor this 15th day of October Anno Domini 1839. Test, Ramsay Waters, Regr. Curr. Cancr.

Commissioner's oath:- You shall according to the best of your skill and knowledge truly faithfully and without partiality to any or either of the parties take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the commission hereto annexed upon the interrogatories now or which may hereafter before the said commission is closed be produced to and left with you by either of the said parties. So help you God. - Sworn to this 6th day of May in the year 1840 before the subscriber a justice of the peace of the State of Maryland in and for the City of Baltimore by Abner Neale the within named commissioner - Sworn to before

T. Hanson Belt.

Clerk's Oath:- You shall truly faithfully and without partiality to any or either of the parties in this cause take write down and transcribe the depositions of all and every witness and witnesses produced before and examined by the commissioners named in the commission hereunto annexed as far forth as you are directed and employed by the said commissioners to take write down and transcribe the said depositions or any of them. So help you God. - Sworn to this 6th day of May in the year 1840 by Michael F. Kernan the clerk by me appointed.

Abner Neale, Comm.

The Baltimore and Susquehanna Rail Road Company.
vs.
Thomas Dye Lockey of Thos. and Ann Lockey.

In Chancery - Interrogatories on the part and behalf of Thomas Dye Lockey of Thomas, and Ann Lockey to be propounded to and answered by the witnesses to be produced sworn and examined in their behalf under and by virtue of a commission issued from the High Court of

Thomas Dye Lockey of Thos. and Ann Lockey
(vs)
The Baltimore and Susquehanna Rail Road Company.

Chancery of the State of Maryland directed to Abner Neale, Esqr. of the City of Baltimore authorising and empowering him to take depositions to be read in evidence on the hearing of the causes in the title to these interrogatories mentioned.

Imprimis - Do you know the parties in the title to these interrogatories mentioned or either or any and which of them?

Second - Did you know Charles R. Lockey late of Baltimore County deceased who was the son of Ann Lockey and the brother of Thomas Dye Lockey of Thos.? If yea when did he die?

Third - Do you know the lands in Baltimore County about fourteen miles from the City of Baltimore occupied by Ann Lockey through which the Baltimore and Susquehanna Rail Road has been located and constructed? If yea state the whole length and breadth of the said road through the said lands and whether the said road has been made by embankments or by excavations and the length depth and breadth of the said excavation and the nature extent and quality of the materials excavated?

Fourth - Do you know or can you state the quantity of cubic feet of limestone which has been excavated and moved by the location of that part of the said road hereinbefore mentioned? If yea state the quantity of limestone so moved both in cubic feet and in perches?

Fifth - What is the quality and value of the limestone mentioned in the preceeding interrogatory as well by the cubic foot as by the perch and as well as it lay in the bowels of the earth and as after the same was removed by the rail road company from its natural position?

Sixth - Do you know any other matter or thing touching the matter in question in this cause that may tend to the benefit and advantage of the said Thomas Dye Lockey of Thos. and Ann Lockey besides what you have been interrogated unto? If yea declare the same at fully and at large as if you had been particularly interrogated thereto.

John Scott, Solr. for Thomas Dye Lockey of Thos. and Ann Lockey.

Balt. and Susq. R. Road Co. vs. Lockey & Lockey's vs. Balt. and Susq. R. Road Co. - Leave interrogatories to William Bosley a witness produced on the part of Thos. Dye Lockey of Thos. and Anne Lockey.

Imprimis - How many acres are there in the tract of land belonging to the Lockey's through which the Rail Road passes.

Second Interrogatory - Is there much limestone in other parts of the said tract which the Rail Road has not uncovered?

Third Interrogatory - Do you mean by your answer to the 5th interrogatory in chief that limestone of the quality with that excavated in its natural state in any part of the said tract of land and at any depth before the said road was made was worth twenty five cents per perch?

Fourth interrogatory what is the greatest depth of the excavation?

Fifth Interrogatory - Of what quality is the limestone which forms on both sides of the excavation of the Rail Road? Is it of the same quality with that which has been dug out of the excavation?

Sixth Interrogatory - Had any excavation for limestone been made before the Rail Road was constructed on the line which the