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the Rail Road with a gradual elevation from the stream of about 25 feet along that part of the land through which the excavation has been made:

11th Cross Interrog. The facilities of transportation afforded by the Rail Road have enhanced the value of said land:

12th Cross interrog. Limestone appears to be in demand in the upper part of Baltimore County and is carried at this time in that direction by the Rail Road:

13th Cross Interrog. Wood is not as abundant nor as cheap in the neighbourhood of said tract of land as it is in the upper part of the County wood delivered at the kilns is worth from $3 to $4 per cord:

Lastly 14th Cross Interrog. There was some little limestone disposed of to be burnt by the purchaser has bought some himself and John Clark also; The principal sales were of lime previous to the construction of the Rail Road:

Edward Norwood, a witness of lawful age produced on the part of Thos. Dye Cockey of Thos. and Ann Cockey &c. being duly sworn and examined deposes and says:

To the 1st Interrog. That he knows the parties:

2d Interrog. Knew Charles R. Cockey late of Baltimore County deceased son of Ann Cockey and brother of Thomas Dye Cockey of Thos. Thinks said Charles has been dead about 4 years:

3d Interrog. Knows the lands in Baltimore County occupied by Ann Cockey through which the Balt. and Susque. Rail Road has been located: The length of said Rail Road through said land is about half mile and the breadth he supposes to be about 30 or 35 feet. said Rail Road has been made by excavations chiefly. Deponent does not know the length depth and breadth of the excavation. The excavation was of dirt and a large quantity of limestone - Alum limestone of a superior quality:

4th Interrog. Not prepared to say.

6th Interrog. Deponent does not understand the method of estimating by cubic feet. The said limestone was worth twenty cents per perch as it laid in the earth previous to the excavation by the said Rail Road Company - and thinks it was worth fifty cents per perch after its removal - a perch of stone is 16½ feet long 18 inches broad and 12 inches high:

6th Interrog. Cannot state the quantity of stone lying upon the ground. The quality he has already stated and the value fifty cents per perch:

Lastly - Lime kilns were erected and quarries worked upon the said lands forty years ago:

Cross interrogatories by the solicitor for the Balt. and Susq. R. Road Co.

To the 1st Inty. Deponent says that the excavation performed by the owners would have cost on average from top to bottom about fifty cents per perch:

2d Interrog. Quarried stone delivered on the Rail Road at Cockey's is worth seventy cents per perch - Adjourned by consent to Thursday next the 14th inst. at 4 o'clock P. M.

Thursday 14th May 1840 commission met and James W. Collins a witness of lawful age produced on the part of Thomas Dye Cockey of Thos. and Ann Cockey, and being duly sworn and examined deposes and says:

To the 1st Inty. That he knows all the parties:

2d Inty. Did not know Charles R. Cockey and consequently cannot

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testify as to the time of his death:

3d Interrog. Deponent knows the lands in Baltimore County occupied by Ann Cockey - Is unable to state the entire length of said Rail Road through the said tract or parcel of land, but knows that part excavated by the Rail Road Company. The length of the rock excavation was from 13 to 1400 feet - and the depth and breadth of the said rock excavation varied - This deponent in speaking of excavations has allusion exclusively was mostly white limestone of the very best quality:

4th Interrog. This deponent would here premise that in the month of October 1839. he was applied by Thomas Dye Cockey of Thos. one of the parties in these causes to admeasure and estimate the quantity of stone that had been removed from the excavation herein before referred to by the said Rail Road Company in making said estimate this deponent made use of the same data which he had used on a former occasion in April 1837 at the special instance and request of John Littlejohn & Co. the contractors for excavating the said stone. The quantity of limestone which this deponent estimated in 1837 had been removed from the said excavation was 23,808 perches each perch containing 25 cubic feet. In 1839 by applying the old minutes to the positions assumed in 1837 this deponent estimated that 2640 perches had been removed since and in addition to the previous calculation made in 1837 making the whole quantity removed 26,448 perches - The above mentioned estimate is the contents of the solid rock as it laid in the bowels of the earth which solid content when broken up and removed would augment the quantity one fourth 6612 perches making the whole aggregate of said broken stone 33,060 perches each perch as before stated containing 25 cubic feet. The part of the road on the said lands from which the stone had been removed was graded and ready for the reception of the rails, at the time of the first estimate of 1837, and the rock subsequently removed was taken from the sides of the same excavation:

5th Interrog. Has already stated the quality very superior limestone - Is unable to form any idea of the value of said stone either as it lay in the bowels of the earth or after its removal.

6th Interrog. The quality of the stone now remaining upon the ground is the same as stated in the preceding answer and the quantity as well as deponent can judge from its scattered position is 2473 perches each perch as aforesaid containing 25 cubic feet, which is a part and parcel of the 33,060 perches mentioned in answer to 4th interrogatory.

Lastly - knows nothing further: - There being no other witnesses to be examined and neither party desiring further time for the production of his evidence the commissioner closed the said commission and herewith returns the same under his hand and seal this fourth day of November eighteen hundred and forty. Abner Neal, Com. (Seal)

And afterwards to wit on the 6th day of February 1839 came Thomas Dye Cockey and Ann Cockey of Baltimore County by John Scott, Esquire their solicitor and filed in said cause their bill of complaint against the Baltimore and Susquehanna Rail Road Company in the words and of the tenor following to wit:

To the Honourable Theodorick Bland Esquire Chancellor of Maryland - Humbly complaining show unto your Honor your orator Thomas Dye