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of Maryland and the same is transmitted accordingly.

Test Thomas Adams Clk

I hereby certify that the foregoing is a true and true transcript taken from the Record of proceedings of the Circuit Court for Baltimore City in the cases therein mentioned

Witness set my hand and affix the seal of the Court aforesaid this 16 day of May in the year of our Lord 1863.

(Seal)

Thomas Adams Clk

Circuit Court for Baltimore City.

U S
D R S. sol
J T A. cit
Sol
May 63
Argument

Whereupon this Court passed the following Order for hearing in the Words and figures following to Wit

Canton Company vs N Central Railway Co John D Lesser of Can Co vs N Central Railway Co	Ordered that the Exceptions to the answers in these cases be set down for hearing on Saturday 13th June 63. Provided a copy of this Order be served on defendant counsel before the 11th June 10/63. W H Martin.

On the back of said Order was the following Endorsement to Wit.

Service admitted in due season. H S Alexander 11 June 1863

And thereupon the Defendant by its Attorneys aforesaid filed in said cause the appellees Brief in the Lower and of the following Words to Wit.

The Canton Company of Baltimore vs The Northern Central Railway Co of Baltimore	In the Court of Appeals of Md June Term 1863

The appeal in this case is from an Order passed by the Circuit Court for Baltimore City directing an Injunction to issue By the injunction the appellant was prohibited from further prosecuting two suits instituted by it against the Appellees the one an Ejectment and the other Trespass quare clausum fregit. The appellee has moved to dismiss the appeal and the ground for that Motion is that the answer is not full the points in which it is defective will appear in the exceptions filed with and as part of the Motion to dismiss If the appellee be right in regard to the answer in consideration of the Merits will be necessary but as both the Motion and the Merits will be argued together it proceeds

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to state briefly the grounds of fact and law upon which the Injunction was asked for & granted.

The Northern Central Railway Company was incorporated by the States of Pennsylvania and Maryland, the latter of which by the act of 1854 ch 250 authorized the Consolidation into one Company of four then existing Corporations three of them having their Sphere of operations in Pennsylvania and the fourth to Wit the Baltimore and Susquehanna Rail Road Company being chartered by and having its road and Works in Maryland By this arrangement one Continuous line of Railway from Sunbury in Pennsylvania to Tide Water in Baltimore was placed under one Management, and for the purpose of completing and operating such Continuous Railway the Northern Central Railway Company was clothed with all the Corporate powers and privileges as to and in the State of Maryland which had been granted to the Baltimore and Susquehanna Railroad by its Original Charter and Supplements among these Supplements was the act of 1853 ch 191 entitled "An act to amend the act of incorporation of the Baltimore and Susquehanna Rail Road Company". By this act that Company was authorized to construct a latter branch railroad from any point on the line of its road to the Water line of the North west Branch of the Patapsco River East of Jones Falls, and to that end invested with all the rights powers and privileges granted in the Original Charter of said Company and its Supplements provided the assent of the Mayor and City Council of Baltimore should be first had and obtained before such lateral road should be constructed within the limits of said City The City gave the necessary assent.

The Appellant the Canton Company of Baltimore was at that time and then is the owner of a large tract of land lying in the East of the City of Baltimore and bounding for a considerable distance on the North West Branch of the Patapsco River East of Jones Falls. In order to secure the tide water terminus on its land that Company purposed in the February 1853 to grant to the Rail Road Company a free right of Way through its property and also a Wharf in the River at such terminus (Rec) The Baltimore and Susquehanna Railroad Company, on the August 1853 accepted such proposition as made (Rec) Some subsequent Correspondence took place between the two Companies the whole of which is set out in the Record which however affirms the Contract as made by such proposition and acceptance in this Condition of things, the Baltimore and Susquehanna Railroad Company went out of existence and its place was