The Western Maryland Rail Road Company
vs
Henry W. Owings and others

Be it remembered That now here on the first Tuesday in December being the 5th day of the said month in the year of our Lord 1859 the Judges of the Supreme Court of Maryland in pursuance of the directions of the act of Assembly in such case made and provided transmit to the Court of Appeals their Record of proceedings of a cause wherein is lately depending before them in the Circuit Court for Baltimore County between Henry H. Owings and the Western Maryland Rail Road Company and others defendants and wherein the said Circuit Court gave Decree for the said Henry H. Owings and others against the said Western M. R. R. Company and from which said Decree the said Western Maryland Rail Road Company and others appealed to the Court of Appeals here the tenor of which said Record of proceedings is in these following to Wit.

State of Maryland } Baltimore County } to Wit.

At a Circuit Court of the Seventh Judicial Circuit of the State of Maryland begun and held at the Court House in Towsontown in and for said County on the 3d Tuesday of May being the 17th day of the said Month in the year 1859

Present

The Honorable John S. Price Judge

Richard W. Hook Sheriff

George H. Carman Clerk

Among other were the following proceedings to Wit.

Henry H. Owings James A. Jessop
Richard A. Jessop Dominick R. Jessop
Ann Jessop Mary Elizabeth Jessop
Hester Ann Dalrymple Ariella Jessop
Achsah Owings Sarah Ellen Jessop
vs.
The Western Maryland Rail Road Company W. W. Taylor Robert Irwin and Morris

Be it remembered That heretofore to Wit on the 24th day of May in the year 1859 came in the Circuit Court in Equity sitting the said Henry H. Owings James A. Jessop Richard A. Jessop Dominick R. Jessop Ann Jessop Mary Elizabeth Jessop Hester Ann Dalrymple Ariella Jessop Achsah Owings and Sarah Ellen

Jessop Complainants by Richard J. Gittings and Arthur W. Machen Esquires their Solicitors and filed in our said Court their Bill of Complaint and Petition in these following to Wit. To the Honorable John N. Reed Judge of the Circuit Court for Baltimore County sitting in Equity. Humbly complaining shew unto your Honor your Orator Henry H. Owings James A. Jessop Richard A. Jessop and Dominick R. Jessop and your Orators Ann Jessop Mary Elizabeth Jessop Hester Ann Dalrymple formerly Jessop Ariella Jessop Achsah Owings formerly Jessop and Sarah Ellen Jessop That your Orator Henry H. Owings is seized in fee of a tract of land lying in Baltimore County in the Neighborhood of Reisterstown containing about 330 acres the several parts whereof are respectively known as Arthurs Lot "part of Arthurs Addition part of Gilead" part of William Kearneys "and part of Park Head and is seized in trust for the sole and separate use of your Orator Ann Jessop during her Natural life and after her decease for the use of your said Orator and Orators other than Orator Henry and Anne,

That your said Orator Henry Owings being so rightfully seized of the said Land in trust as aforesaid the Western Maryland Rail Road Company a body politic and corporate of the State of Maryland have unlawfully entered upon said Land and are making divers extensive excavations filling and embankments thereon, and are proceeding to lay the tracks of a rail road thereon, and the servants of any of your Orators and Orators are unlawfully and unjustly about to make and lay a permanent Rail Road track for the use of the said incorporated Company through over and upon the whole length or breadth of the said tracts of Land And that one William W. Taylor Robert Irwin and Morris unlawfully confederating with said Company in the behalf are also engaged in and about said work and acts of trespass and damage, That the said Western Maryland Company have not nor have their said confederates tendered or offered to your Orator and Orators or any of them a just compensation for their said use and occupation of said Land, That the said Western Maryland Rail Road Company their said confederates and their agents and servants acting at their instance