The Baltimore and Ohio Railroad Company.
vs
Laura Patterson and Others.

Be it Remembered, That now here, on the first Monday in October being the Third day of the said month in the year of our Lord one thousand eight hundred and eighty seven, the Judge of the Circuit Court of Baltimore City being in the Judicial Circuit eighth of Maryland, in pursuance of the directions of the Act of Assembly in such case made and provided, transmit to the Court of Appeals here, the Record of Proceedings of a Cause which was lately depending before him in the said Circuit Court of Baltimore City between Laura Patterson et al Plaintiffs and The Baltimore and Ohio Railroad Company Defendant, and wherein the said Circuit Court passed a decree in favor of the said Laura Patterson et al against the said The Baltimore and Ohio Rail Road Co. and from which said Decree the said Baltimore & Ohio Rail Road Co. appealed to the Court of Appeals here, the tenor of which said Record of Proceedings is in form following, to wit:

In the Circuit Court of Baltimore City:

Special Case stated under Agreement.

(Filed 6th January, 1888.)

Laura Patterson, and Sidney Smith Swan and Donnell Swan, her husband, and Laura Patterson, Trustee, Plaintiffs.
vs
The Baltimore and Ohio Railroad Company. Defendant.

In the Circuit Court of Baltimore City.

Special Case Stated.

I, William Patterson, of the City of Baltimore, died in the month of February, A. D. 1835, leaving a last will and

testament, duly executed and attested, to pass real estate, dated the 20th day of August, 1827, which with its codicils, was proved in the Orphans' Court of Baltimore County, on the 12th day of February, 1835.

2. The said will, with the omission of portions relating solely to personal property, or bequeathing pecuniary legacies or other benefits immaterial to the present case, is in the following words:

In the name of God, Amen! I, William Patterson of the city of Baltimore and State of Maryland, Merchant, being of sound and disposing mind, memory and understanding - praised be Almighty God for the same - do hereby make, ordain and publish this as my last will and testament, in manner and form following, viz:

1st I do will and direct that my executors hereinafter named, cause my body to be buried in my family burying ground at my Goldstream plan, opposite the centre of the middle walk that leads up from the gate or entrance, and that they cause to be erected over my grave a small marble monument, with four or six sides, for the purpose of engraving thereon my name and age, the name and age of my dear departed wife, Dorcas and the names and ages of all our dear children who may have departed this life before me.

* * * *

6th. I give and devise to my two sons Joseph and Edward in trust for the use and benefit of Matilda Summers, (daughter of Mrs. Providence Summers, now the wife of John Gowin, Esq., of Gettysburg Pennsylvania,) born at Lancaster, in Pennsylvania, in the month of March, 1817:

First. The lower brick stated store and lot on the west side of Commerce street, lately purchased from the City