

## The Bellona Company Case, 3 Bland 442 (1831)

### FACTS:

- Plaintiff The Bellona Gunpowder Company is a gunpowder manufacturer who had purchased land in Baltimore County to erect mills and other buildings for its business.
- Defendant The Baltimore and Susquehanna Railroad Company is incorporated by the Act of 1827, ch. 72, which authorized it to construct a railroad from Baltimore City to some suitable point on the Susquehanna River. Defendant's proposed railroad would run over the plaintiff's property, toward the Town of Westminster.

### PROCEDURAL HISTORY:

- Plaintiff filed suit in Baltimore County Court, alleging that Maryland did not have the power to authorize a private corporation to take for private gain any portion of plaintiff's land. Because the construction of defendant's proposed railroad would disrupt plaintiff's gunpowder manufacturing business, plaintiff sought to restrain the construction of the proposed railroad on a portion of its property.
- An injunction was granted in favor of plaintiff.
- Defendant had the case removed from Baltimore County Court according to the Act of 1824, ch. 196.
- Defendant moved to dissolve the injunction.

### ISSUE:

- Whether the injunction restraining defendant from constructing its proposed railroad over a portion of plaintiff's property is valid?

### HOLDING:

- The injunction is invalid, and is dissolved.

### REASONING:

- By the Act of 1827, ch. 72, the legislature intended to authorize defendant to acquire land to build its railroad in one of two ways: (1) by an agreement with the owner, or (2) by power of eminent domain.
- With respect to eminent domain, private property may be taken for any public purpose with just compensation for it. "It is the public good alone which can sanction [condemning private property.]" The power of eminent domain "is not confined to those cases only in which the private property taken is to be applied immediately, directly, and exclusively to some public use . . . it is enough, if it clearly appears, that the application of such private property to the proposed new use will be attended by a material public benefit which would not otherwise be so immediately and effectually produced."
- The construction of defendant's proposed railroad would serve a public purpose, so thus plaintiff must be required to part with its land, upon receiving just compensation for it.