6623

Bellona Gunpowder Company
of Maryland

vs

Baltimore & Susquehanna
Rail Road Company

Baltimore County 1831

Bill, Exhibits, Answer, Order
Extra Book, plats

Not sealed

Hedges Hop Yard (Jones Falls)

State of Maryland

City of Baltimore to wit

Be it remembered that on this twenty
fifth day of March in the year of our Lord one thousand
eight hundred and thirty seven before the subscriber one of the
Justices of the Peace of the State of Maryland in and for the City of Baltimore
aforesaid personally appeared David Stewart with the party of the first
part to the foregoing Instrument of writing and
acknowledged the same to be his act and deed. In testimony
whereof I have hereunto set my hand and seal the day and
year aforesaid

[illegible]

W

Deed from

David Stewart Esq
trustee

to

James Realty

Received to be recorded
the 31st day of March
1827 at half past eleven
O'clock A.M. Same day
recorded among the Land records
of Baltimore County Court in
Libr WG No 185 folio 275
&c and exd per Wm Gibbons Clk

Filed 16 September 1831

Paid 12.00

C

&c 14th September 1831

This Indenture made this twelfth day of March in the year of our Lord one thousand eight hundred and twenty seven Between David Stewart of the City of Baltimore in Baltimore County and State of Maryland Esquire Trustee as hereinafter mentioned of the one part and James Beatty of the same place Gentleman of the other part Whereas in a cause lately pending in Baltimore County Court sitting as a Court of Equity wherein William B Blackway and others were Complainants and Miller Speakman and others were Defendants it was on the tenth --- day of --- June --- in the year of our Lord one thousand eight hundred and twenty six by the authority of that Court, adjudged ordered and decreed that the ~~real~~ estate and property in ~~the~~ proceedings mentioned of which the premises herein after described and by these presents conveyed were a part, should be sold, and that David Stewart above named be and he thereby was appointed trustee for the sale thereof, and that the course and manner of his proceedings should be as in in the said decree mentioned and set forth: as by reference to the same will fully and at large appear And whereas the said David Stewart as Trustee aforesaid, after having filed the Bond required by the said Decree and complying with the other requisitions thereof and giving the notice thereby prescribed did on the seventh day of September in the year of our Lord one thousand eight hundred and twenty six on the premises set up and expose to sale at public auction all that part of a tract piece or parcel of land and premises lying and being in Baltimore County aforesaid Called Hectors Hop yard as laid down on the plat filed among the proceedings in the above mentioned cause and designated thereon by Lot No 2 (two) and which is contained within the following metes and bounds courses and distances that is to say Beginning for the same at a stone standing on the west side of the Falls

Turnpike road and on the second line of the whole track of Land called Hectors Hop Yard as run with two degrees and forty five minuts allowance for variation and at the word Beginning on the said plat the said Stone is marked with the letter X on both sides said Stone is also the beginning of Lot Number one as laid down on said plat thence running and bounding on Lot number one the three following courses to wit South fifty seven and three quarters degrees East fifty four perches to a Stake standing on the East side of said Turnpike road thence South fifty degrees East fifty four perches to a Stake standing on the east side of said Turnpike road South twenty two and one quarter degrees East nineteen and six tenth perches to a Stake standing on the east side of said Turnpike Road thence running as numbered with black figures on the said plat the thirty one following courses to wit North sixteen degrees East fifteen and a half perches to the end of the west one hundred and fifty perches line of a part of the Land sold to Jonas Brown thence north one hundred and seven perches East one hundred twenty nine and three quarters perches North thirty degrees East thirty one and a quarter perches North four degrees West twenty seven and three quarters perches until it intersects a deed given from Sarah Young and others to the Bellona Gunpowder Company bearing date the fifth day of August in the year of our Lord one thousand Eight hundred and nineteen and at the end of the South sixty six degrees and thirty minutes east fourteen perches line of the aforesaid deed given to the Bellona Gunpowder Company as aforesaid thence running with and bounding on the said deed reversely the nineteen following courses to wit North sixty six and a half degrees West fifteen and two tenths perches to a marked willow Tree South forty degrees West fifteen and nine tenths perches to a Stone standing on the west side of the Falls thence South thirty three and three quarters degrees West ten perches to an ash Tree on the West side of the Falls thence

North

North forty four and a half degrees West twelve and nine tenths perches to a Stone North twenty nine and three quarters degrees East thirty two and two tenths perches to a Stone thence north twenty degrees West twelve perches to a Stone thence north fifty five degrees West twenty and a half perches to a Stone thence north thirty seven degrees East two perches thence north fifty four degrees West eight and a half perches to a marked apple tree thence west thirteen and three quarters perches to a Plumb tree and Stone thence north seventy seven and a half degrees West thirty eight perches to a Stone thence north seventy nine and a half degrees West eighteen perches to a Stone thence North Eighty two and a half degrees West twenty six perches to a Stone thence North Eighty four and a half degrees West twenty perches to a Stone thence North Eighty four and a quarter degrees West Eleven and two tenths perches to a Stone thence west ten perches to a Stone thence South thirty eight and a half degrees West twelve perches to a Stone thence South fourteen and one quarter degrees West seventeen perches to a marked Gum tree South twenty seven and one quarter degrees West fifteen and a half perches to a large Rock and to the North Westerly extremity of said Rock thence South forty three degrees West twenty and one quarter perches thence North forty five and a half degrees West three perches to a marked Hickory tree thence north thirty Eight and a half degrees East five and a quarter perches thence North thirty one and a half degrees East one and three quarters perches until it intersect George McConkeys land thence South fifty degrees West fourteen and a half perches thence South Eighty Eight and three quarters degrees West sixteen perches until it intersects the second line of the whole track as run with two degrees and forty five minutes allowance for variation thence running with and bounding on said line with two degrees and forty five minutes allowance for variation

South two and three quarters degrees East one hundred and six perches to the place of beginning Containing one hundred and ninety four and a half acres of Land more or less, saving and reserving unto the descendants of Michael Young late of said County deceased out of the above described part of a tract piece or parcel of Land and premises forever the family Burial Ground as laid down on said plat and contained within the following lines to wit Beginning for the same at a Pear Tree marked with six notches standing at the letter E on the said plat and running thence south seventy six and a half degrees West three perches to a stone thence north sixteen and a half degrees West two and a half perches thence north seventy six and a half degrees East three and six tenths perches and thence with a straight line to the place of beginning containing eight perches of Land more or less with the right and privilege of passing and repassing over the land hereby conveyed to and from the same Together with the buildings improvements privileges advantages and appurtenances thereunto belonging or in any wise appertaining, at which said sale the above named James Beatty became the highest bidder therefor and purchaser thereof at the price or sum of ten dollars per acre amounting in the whole to the sum of nineteen hundred and forty four dollars, which said sale has been duly reported to and ratified by the said Court as by reference to the proceedings aforesaid may more fully and at large appear And Whereas the whole amount of the purchase money aforesaid has been paid to the Trustee aforesaid agreeably to the terms of the aforesaid sale as is hereby acknowledged Now this Indenture Witnesseth that for and in consideration of the above recited premises and of the sum of five dollars lawful money to the party hereto of the first part paid by the party hereto of the second part at or before the sealing and delivery hereof the receipt

whereof is hereby acknowledged the said David Stewart Trustee as aforesaid hath by virtue and in pursuance of the power and authority vested in him by the aforesaid Decree, granted bargained sold and conveyed and by these presents Doth grant bargain sell and convey in pursuance of such power and authority unto the said James Beatty his heirs and assigns all that part of a tract piece or parcel of land and premises hereinbefore described (except as herein before excepted) Together with the buildings privileges appurtenances and advantages thereunto belonging or in any wise appertaining To have and To hold the part of a tract piece or parcel of land and premises above described (except as herein before excepted) with the Buildings privileges and appurtenances thereunto belonging unto the said James Beatty his heirs and assigns forever to his and their only proper use behoof and benefit and to and for none other use or purpose whatever.

In Witness whereof the said David Stewart hath hereunto subscribed his name and affixed his seal on the day and year first above written

Signed Sealed and delivered in the presence of

J. J. Bell

David Stewart [Seal]
Trustee

Received on the day of the date of the foregoing Indenture from James Beatty the party of the second part thereto the sum of five dollars in full of the consideration within mentioned to be paid by him to me

David Stewart

Witness

J. J. Bell

State of Maryland

City of Baltimore Sct

Be it remembered and it is hereby certified that on this ~~twelfth~~ day of March in the year of our Lord one thousand eight hundred and twenty seven before the subscribers two Justices of the peace of the State of Maryland in and for the City of Baltimore aforesaid personally appear David Stewart the party of the first part to the foregoing Indenture as Instrument of writing and doth acknowledge the same to be his act and deed In testimony Whereof we hereunto subscribe our names on the day and year aforesaid

J. W. Bell

Fielder Israel

Order 17 Octo. 1831

Filed 16 September 1831.

The Baltimore Steam Packet Company & others

vs

The Baltimore & Susquehanna Rail Road Company

= Filed the 25th August 1831.

Bill for injunction

= Mr Gibson Solr for pltfs

= R. Johnson.

Let Injunction issue as prayed with leave to Defendants to be dissolved on the 5th of September on motion therefor unless the Complainants satisfy the Court by affidavits which they are hereby authorized to take before a Justice of the peace, that the rail Road can be located as suggested by Complainants or the same be admitted by the Answers of Defendants —.

The affidavits to be taken upon two days notice to the Opposite party, or their Solicitor.

25 augt 1831 Thos Kell

To The Honourable The Judges of Baltimore County Court, sitting as a Court of Equity.

The Bill of Complaint of the Bellona Gunpowder Company of Maryland, respectfully sheweth unto your Honors, That by an Act of the General Assembly of Maryland, passed in the Year Eighteen hundred and fourteen, Chapter Seventy eight (1814 Ch. 78) your Orators were incorporated by the above name of The Bellona Gunpowder Company of Maryland, and by a Supplement to said Act, passed in the Year Eighteen hundred and twenty four, Chapter thirty two (1824 Ch. 32) the first Act was so far modified as to reduce the number of Directors from five to three, as will appear by said Acts, reference being had to the printed Statute books for said Years, or by authenticated copies thereof, which, if required, your Orators will produce and which said Acts your Orators pray may be considered as forming a part of their Bill of complaint. Your Orators further represent to your Honors That under and in pursuance of the powers created by said Acts your Orators have ever since been and continue to be a body corporate entitled to all and every of the benefits rights and privileges provided by said laws having duly accepted the provisions of the supplementary Act aforesaid, of 1824 ch. 32. That by their said Charter it is, amongst other things, enacted, That the objects of their incorporation are the manufacturing and vending

of Gunpowder, and the carrying on of any other branches of manufac-
-ture in their discretion, and that for that purpose they were author-
-ized to purchase and hold lands in fee simple or otherwise not
exceeding one thousand Acres at a time, and to erect thereon all
needful and convenient buildings. Your Orators further represent
unto your Honors that in the exercise of their said chartered rights
they long since and long before the Year Eighteen hundred and
twenty seven, when the Defendants hereinafter named The
Baltimore and Susquehanna Rail Road Company, were also
incorporated, purchased and obtained titles in fee simple to a quan-
-tity of land less than a thousand acres and to water rights situ-
-ated on Jones' Falls in Baltimore County, in the State aforesaid,
with a view to erect the necessary works and buildings thereon for
the manufacture of Gunpowder. And your Orators further charge
That in pursuance of their said intention they have also long
before the chartering of the said Defendants erected large and
expensive buildings on said lands for the making of Gunpowder
and have ever since and up to the present time, been extensively
engaged in said manufacture and have now on hand material
to be so worked up at the ensuing season to amount of nearly
Twenty three thousand Dollars, much of which will be in a

great measure sacrificed to them if the Defendants are not restrained from committing the Acts hereinafter complained of. And your Orators further complaining represent unto your Honors, That the capital which they have now actually invested in said manufacture including their real and personal estate is from Seventy to Eighty thousand Dollars or thereabouts, and has all been advanced and expended upon the faith of their rights under the said Acts of incorporation and under the belief and assurance that the same would never be interfered with, much less destroyed. And your Orators further representing to your Honors charge, That in the prosecution of their said manufacture they have expended large sums of money in perfecting, as far as they were able, the Gunpowder which they manufacture and have, by means thereof, brought it to high credit in the market and obtained for it a constant and ready demand and will be able to continue to dispose of all they can make unless their works should be stopped by reason of the acts hereinafter complained of for any length of time and their customers be thereby forced to form connexions with some other establishments. Further complaining your Orators charge That such is the nature of their said manufacture and the hazard of carrying on the same that workmen cannot be procured

to carry it on if subjected to the increased hazard consequent upon such a thorough fair, as a public rail road running near or through the works, and your Orators charge and so the fact is That if the Defendants The Baltimore and Susquehanna Rail Road Company are permitted to locate their road in the manner hereinafter complained of the workmen now in the employ of your Orators at their said works, as they have informed the manager of your Orators, ~~that they~~ cannot and will not continue at said works because of the very great additional danger to which they would be thereby made liable, nor could your Orators hope to obtain other hands because of the same reason. Further complaining your Orators charge unto your Honors That the aforesaid The Baltimore and Susquehanna Rail Road Company, who were not incorporated until the thirteenth day of February Eighteen hundred and twenty eight by an Act of the Legislature of Maryland, passed at December Session 1827 ch. 72, have, in violation of justice and equity and contrary to the chartered rights and privileges of your Orators as they are herein before set forth and to the great and irreparable ruin of your Orators said manufactory if the intention of the said Defendants is consummated, determined as your Orators are advised to locate a branch of their road thro' the said lands

of your Orators, and have actually staked off the same with a view to a speedy and immediate construction thereof, contrary to the wish and earnest remonstrance of your Orators. That by the said location the said road will be made to run nearly a mile thro' the lands of your Orators and will in its progress actually take down one of your Orators houses which is used by them as a drying house for their Gunpowder, and will run so close to another house used by them as a granary for Gunpowder, as to render the same wholly useless. And your Orators further charge That from the character of their manufacture the houses in which the same is carried on in its various branches, are required to be some distance apart so as to avoid an explosion in one affecting the rest. And your Orators charge that if the said location is adopted for said road and the road is made thereon and the said two houses are taken down or rendered useless as aforesaid it will be impossible to carry on their works at all. And your Orators further charge That not only is the said location of said road destructive to your Orators and in violation of their aforesaid chartered rights but they believe and so charge that the said road may be located in a different way avoiding any collision with the works of your Orators, and at very little if any additional expense to said

Defendants and a location to which at one time your Orators were induced to believe had been determined upon by the said Defendants. And your Orators further charge that they are advised not only that the Legislature of Maryland had no right or power of themselves and for the uses of the public, to interfere in any way with the chartered rights of your Orators much less to authorize any subsequent private incorporation to take for their private benefit any portion of the rights to which your Orators are entitled under their prior incorporation, but they are also advised and so charge that no such authority was in fact conferred or designed to be conferred upon the Defendants by their said incorporation. The whole power of Defendants to take against the will of the proprietors by condemnation their lands for the use of the road is, your Orators are advised, and so charge, limited to the case of individual proprietors and does not embrace that of previously incorporated companies much less of the lands of such companies as are necessary to ennable them to effect the very object of their association as your Orators aver is their present case. All which actings and doings of the said The Baltimore and Susquehanna Rail Road Company are contrary to equity and justice and tend to the manifest wrong and injury of your Orators in the

premises. In tender consideration whereof and for as much as your Orators are remediless in the premises at law and cannot have adequate relief except in a Court of Equity where matters of this kind are properly relievable, To the end therefore that the said The Baltimore and Susquehanna Rail Road Company may full true direct and perfect answer make to all and singular the matters herein before stated and charged as fully and particularly as if the same were here repeated and they thereto especially interrogated and that not only to the best of their knowledge and remembrance but also to the best of their information hearsay and belief, and that ~~in the meantime~~ an injunction may be awarded by this Honorable Court perpetually to restrain the said Defendants, their servants workmen, Engineers or agents from making or constructing, or from proceeding further to make or construct such part of the branch road aforesaid which they have, as aforesaid is charged, located thro' the lands of your Orators, & by which location runs thro' the drying house aforesaid of your Orators, as runs at any distance within the said lands of your Orators & within one hundred yards Southerly of their aforesaid granary & within three hundred

yards eastwardly & northerly from any one
of the buildings composing a part of the
said manufacturing Establishment of
your Orators, and that your Honors will
decree to your Orators such other & further
relief in the premises as they may appear
to be in justice & Equity entitled, May
it please your Honors to grant unto
your Orators the Writ of Subpoena
to directed to the said The Baltimore and
Susquehanna Rail Road Company
Commanding them to appear before
your Honors to answer the premises
& to stand to & abide such Order &
Decree therein as to your Honors
Shall seem to be agreable to Equity &
good Conscience, and your Orators
will pray, and &c &c &c —

R. Johnson
Sol.r for Compl.ts

Baltimore City Sct.

On this 25th day of August, 1831,
personally appeared before the subscriber,
a justice of the peace for the city
aforesaid, James Beaty, of said place,
President of the Baltimore Powder Company
of Maryland, and makes oath that the
matters & facts stated in the foregoing &
within bill of Complaint are true, as
stated, to the best of his knowledge &
belief. Sworn before

James Beaty

The Bellona Gunpowder Company of Maryland
vs
The Baltimore & Susquehanna Rail Road Company

In Chancery
17 October 1831

The motion to dissolve the injunction standing ready for hearing, and the Solicitors of the parties having been fully heard the proceedings were read and considered -

Whereupon it is ordered that the injunction heretofore granted in this case be and the same is hereby annulled and dissolved -

Theodorick Bland Chr

The Bellona Powder
Company of Mayland.

vs.

[redacted] Baltimore and
Susquehanna Raie
Road Company.

Copy Bill

To the Honorable the Judges of Baltimore County Court sitting as a Court of Equity.

The Bill of Complaint of the Bellona Gunpowder Company of Maryland respectfully sheweth unto Your Honours, That by an act of the General Assembly of Maryland passed in the Year Eighteen hundred and fourteen Chapter seventy eight (1814. ch 78) Your orators were Incorporated by the above name of The Bellona Gunpowder Company of Maryland, and by a supplement to said act passed in the Year Eighteen hundred and twenty four, Chapter thirty two. (1824 ch. 32) the first act was so far modified as to reduce the number of Directors from five to three, as will appear by said acts reference being had to the printed Statute books for said Years, or by authenticated copies thereof, which, if required, Your orators will produce, and which said acts Your orators pray may be considered as forming a part of this Bill of Complaint. Your orators further represent to Your Honors, That under and in pursuance of the powers created by said acts, Your orators have ever since been and continue to be a body Corporate, entitled to all and every of the benefits, rights and privileges provided by said laws, having duly accepted the provisions of the Supplementary act aforesaid of 1828, ch 32, That by their said Charter it is amongst other things enacted, that the objects of their Incorporation are the Manufacturing and

Vending

vending of Gunpowder, and the Carrying on of any other branches of Manufacture in their discretion, and that for that purpose they were authorized to purchase and hold lands in fee simple or otherwise not exceeding one thousand Acres at a time, and to erect thereon all needful and Convenient buildings. Your Orators further represent unto Your Honors that in the exercise of their said Chartered right they long since and long before the Year Eighteen hundred and twenty seven, when the Defendants herein after named, The Baltimore and Susquehanna Rail Road Company were also incorporated, purchased and obtained titles in fee simple to a quantity of Land less than a thousand Acres and to Water rights situated on Jone's Falls in Baltimore County in the State aforesaid with a view to erect the necessary works and buildings thereon for the Manufacture of Gunpowder, And Your Orators further Charge that in pursuance of their said intention they have also long before the Chartering of the said Defendants, erected large and expensive buildings on said lands for the making of Gunpowder and have ever since and up to the present time, been extensively engaged in said Manufacture and have now on hand Materials to be so worked up at the ensuing season to amount of nearly twenty three thousand dollars Much of which will be in a great measure sacrificed to them if the Defendants are not restrained

Materials on hand

From

from committing the acts hereinafter Complained of.
And your Orators further Complaining represent unto
Your Honors. That the Capital which they have now
Capital invested actually invested in said Manufacture including
their real and personal estate is from Seventy to
Eighty thousand dollars or thereabouts, and has all
been advanced and expended upon the faith of their
rights under the said Acts of Incorporation and
under the belief and assurance that the same would
never be interfered with, much less destroyed. And
your Orators further representing to Your Honors
Charge. That in the prosecuting of their said Manu-
facture they have expended large sums of money in
perfecting, as far as they were able, the Gunpowder which
they manufacture and have by means thereof, brought
it to high Credit in the Market and obtained for it
Copy of custom a constant and ready demand, and will be able
to Continue to dispose of all they can make unless
their works should be stopped by reason of the Acts
herein after Complained of For any length of time
and their Customers be thereby freed to form Con-
nections with some other establishment. Further
Complaining your Orators Charge that such is the
Nature of their said Manufacture and the hazard
Effect of the contingent upon the
of Carrying on the same that Workmen cannot be
procured to Carry it on if subjected to the increased
hazard consequent upon such a thorough Law, as a

Public

Public rail road running near or through the works and Your orators Change and so the fact is, that if the Defendants, The Baltimore and Susquehanna Rail Road Company are permitted to locate their Road in the manner herein after Complained of the Workmen now in the employ of Your orators at their said works as they have informed the manager of Your orators cannot and will not continue at said Works because of the very great additional danger to which they would be thereby made liable, nor could Your orators hope to obtain other hands because of the same reason. Further Complaining Your orators shew unto Your Honors, that the aforesaid The Baltimore and Susquehanna Rail Road Company, who were not Incorporated until the thirteenth day of February Eighteen hundred and twenty Eight by an act of the Legislature of Maryland passed at December Session 1827, ch 72. have in violation of Justice and Equity and contrary to the Chartered rights and privileges of Your orators as they are hereinbefore set forth and to the great and irreparable ruin of Your orators said Manufactory if the intention of the said Defendants is Consummated, determined as Your orators are advised to locate a branch of their road thro' the said lands of Your orators, and have actually staked off the same with a view to a speedy and immediate Construction thereof, contrary to the

Wish

Wish and earnest remonstrance of Your Orators, That by the said location the said road will be made to run nearly a Mile thro the lands of Your orators and will in its progress actually take down one of Your Orators houses which is used by them as a drying house for their Gunpowder, and will run so close to another house used by them as a Granary for Gunpowder, as to render the same wholly useless, And Your orators further Charge That from the character of their manufacture the houses in which the same is carried on in its various branches, are required to be some distance apart so as to avoid an explosion in one affecting the rest. And Your orators Charge that if the said location is adopted for said road, and the road is made thereon, and the said two houses are taken down or rendered useless as aforesaid it will be impossible to carry on their works at all. And Your orators further Charge That not only is the said location of said road destructive to Your orators and in violation of their aforesaid Chartered rights but they believe and so charge that the said road may be located in a Different way avoiding any collision with the Works of Your orators, and at very little if any additional expense to said Defendants and a location for which at one time Your orators were induced to believe had been determined upon by the

Said

said Defendants. And Your orators further charge that they are advised not only that the Legislature of Maryland had no right or power of themselves and for the uses of the Public to interfere in any way with the Chartered rights of Your orators much less to authorize any subsequent private Incorporation to take for their private benefit any portion of the rights to which Your orators are entitled under their prior incorporation, but they are also advised and so charge that no such authority was in fact conferred or designed to be conferred upon the Defendants by their said incorporation. The whole power of Defendants to take against the will of the Proprietors by condemnation their lands for the use of the road is, Your Orators are advised, and so charge limited to the case of individual proprietors and does not embrace that of previously incorporated Companies, much less of the lands of such Companies as are necessary to enable them to effect the very object of their association, as Your orators are in their present case. All which actings and doings of the said The Baltimore and Susquehanna Rail Road Company are contrary to Equity and Justice and tend to the manifest wrong and injury of Your orators in the premises. In tender Consideration whereof and for as much as Your orators are remediless in the premises at law and cannot have

Adequate

adequate relief except in a Court of Equity where matters of this kind are properly relieveable. To the end therefore that the said The Baltimore and Susquehanna Rail Road Company may full true, direct and perfect answers make, to all and singular the matters herein before stated and charged, as fully and particularly as if the same were here repeated and they thereto especially interrogated and that not only to the best of their knowledge and remembrance, but also to the best of their information hearsay and belief, and that an injunction may be awarded by this Honorable Court perpetually to restrain the said Defendants their servants, workmen, engineers or agents from ~~making~~ making a constructing, or from proceeding further to make and or Construct such part of the branch road aforesaid which they have, as aforesaid is Charged, located thro, the lands of Your orators, and which location runs thro. the drying house aforesaid of Your orators, as runs at any distance within the said lands of Your orators and within one hundred Yards southerly of their aforesaid Granary and within three hundred Yards Westwardly and northerly from any one of the buildings Composing a part of the said Manufacturing Establishment of Your orators, And that Your Honors will decree to Your orators such other and further relief in the premises as they may

[appear

appear to be in justice and Equity entitled, may it please Your Honor to grant unto Your Orators the States Writ of Subpoena to directed to the said The Baltimore and Susquehanna Rail Road Company Commanding them to appear before Your Honors to answer the premises and to stand to and abide such order and decree therein as to Your Honor shall seem to be agreable to Equity and good Conscience and Your Orators will pray and so forth. R. Johnson

Sol^{r} for Compt

Baltimore City to Wit

On this 25th day of August 1831 personally appeared before the subscriber a Justice of the Peace for the City aforesaid James Beatty of said place President of the Bellona Powder Company of Maryland and makes oath that the matters and facts stated in the aforegoing and within Bill of Complaint are true as stated to the best of his knowledge and belief.

Sworn before James B Latimer

True Copy

Wm Absonder

The Belond Gunpowder
Company of Maryland
vs
The Baltimore & Susquehanna
Rail Road Company
Injunction

2? Sept: 1831 served on George Winchester Esq President of the Balt: & Susquehannah Rail Road Co and also on John Glenn & I M Campbell Esqr 3d Sept 1831 served also on Samuel M Kim Benjamin C Rose, John Ogston, George Keyser Alexander Haidge, Leonard Ponder, James Carroll Jr, Basil A Elder, James M Cannahan, John King, Henry Webb and Alexander M Donald

Filed 16 September 1831

Henry Green Clk
D C C

Maryland Sct.

The State of Maryland To the Baltimore and Susquehanna Rail Road Company Your agents or attorneys and all other persons acting on behalf of the said Company - The Sheriff of Baltimore County and the Justices of the peace in and for Baltimore County Greeting:

Whereas the Bolton Gunpowder Company of Maryland hath exhibited to us in our County Court for Baltimore County their bill of Complaint for relief in Equity and to prohibit and enjoin you the said Rail Road Company your agents or attorneys from issuing or causing to be issued, or executing, or causing to be executed any warrant summoning any Jury of Inquest to value and condemn any of the Lands of the said Gunpowder Company lying along the route of the location of the branch road of the said Rail Road Company or within one hundred yards Southerly of the Granary of the said Gunpowder Company and within three hundred yards westwardly and northerly from any of the buildings comprising a part of the Manufacturing Establishment of the said Gunpowder Company and from having any of the said lands condemned for the said Baltimore and Susquehanna Rail Road Company - and also to prohibit and enjoin you the said Sheriff and the said Justices the latter from issuing and the former from executing any warrant or warrants for the summoning of any Jury to value and condemn any of the Lands of the said Complainants within the aforesaid limits for the use of the said Rail Road Company or for the construction of its said branch road - We do therefore hereby command and strictly

enjoin you the said Baltimore and Susquehanna Rail Road Company your agents and attorneys and all persons acting on your behalf from issuing or causing to be issued or executing or causing to be executed any warrant summoning any Jury of Inquest to value and condemn any of the lands of the said Gunpowder Company aforesaid lying along the route of the location of the said branch Road as aforesaid, and from having any of the said lands condemned for the said Rail Road Company and we do also hereby prohibit and enjoin you the said Sheriff and Justices, the latter from issuing and the former from executing any warrant or warrants for the summoning any Jury to value and condemn any of the lands of the said Complainants within the aforesaid limits for the use of the said Rail Road Company or for the construction of its said branch, until the Injunction issued on the Complainants Bill of Complaint against the said Rail Road Company Defendants on the twenty fifth day of August last shall have been duly dissolved or until the further order of our said Court in the premises. Witness the Honorable Stevenson Archer Chief Judge of our said Court the first day of September Eighteen Hundred and thirty one Issued the 2d day of September 1831

Wm Gibson Clk

And also personally appeared John Gibbs who being first duly Sworn on the Holy Evangely of Almighty God Deposes and says, that he has been engaged at the Bellona Gun Powder Company of Maryland's Works upwards of Nine years, had been engaged in making Powder Four or Five years Before he came to these Works — Deponent states that in his opinion the Buildings attached to the works could not be brought nearer together with safety to the Establishment — That he does not know who would remain at them Deponent states that the object in keeping them at their present distances is to prevent the explosion of one communicating to the other — has seen Establishments where the Buildings being closer together the Explosion of one building did destroy the whole Establishment — He knows a route for a road which has been staked out near the Buildings that if the route as staked out along the graining House and drying House, is made for a Rail Road that the Buildings could not be used, as no person could work in them with safety — That the works could not be used without a graining House and drying house, that the Graining house could not be removed except by Blowing it up That he knows the lands attached to the Bellona Gun Powder Company's Works That there is no suitable place on said Lands or the Lands convenient to them on which the Graining house and Drying house could be rebuilt with safety to the works — if they were removed from the present situation by the passage of the Rail Road along said Route — Deponent states that in his opinion the construction of a Rail Road along the Route that he has described would endanger the security of the works — That he himself would not consider it safe to be employed at the works if the Road was to be made there

Cross Examined by Counsel for Defendants

has been acquainted with Four different Establishments for the

(manufactory)

manufactory of Powder in England ——————

And Also appeared Stephen Gibbs who being first duly Sworn on the Holy Evangely of Almighty God deposes and says that he has been engaged Twelve or Thirteen years in the Manufactory of Powder, has been employed at the Bellona Gun Powder Company's works upwards of Nine years of that time — That in his opinion the safety of the Establishment would not permit the present Buildings of the Bellona Gun Powder Works to be brought closer together than they are at present — That experience of Powder manufactoring has shewn that it would not be safe to have them closer together — The object of having them at the present distances is to prevent the explosion of one from communicating to the others Deponent knows a route which has been staked out for a Road which he has understood is intended for a Rail Road — That he knows of no other route surveyed for a Road except a route over the Hill which begins about One hundred yards from the graining House and then runs over the Hill so as not to come within Three hundred yards of any other of the Buildings Composing the Establishment — The route that he first spoke of came along near the Buildings of the company and runs along them until it meets the route over the Hill — if the Rail Road was made along the first mentioned or lower route along the Buildings it would render useless the present graining House and Drying house and the hands could not work in them with safety, and would not work in them — and the Buildings would be in continual danger — the graining house could not be removed it would have to be blown up — The Drying house could not be removed except at considerable expense — if the Road pases along that route he knows of no other situation on the Land of the Bellona Gun Powder Company of Maryland attached to their works where they could be rebuilt with safety to the Works — That

(the)

the passage of a Rail Road along the first mentioned or lower Route would endanger the security of the works — That the lower route is staked off and the Stakes marked — would not consider it safe to be employed at the works if the Rail Road passed along the last mentioned route — The Survey over the Hill does not come near to the Drying house and there has been no other survey or location made which interferes or comes near to the drying house than the first mentioned

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And Also personally appeared Solomon Hook who being first duly sworn on the Holy Evangely of Almighty God, deposes and says that it is now about Twenty years since he first worked at the Bellona Gun Powder Company's Works as a Carpenter and occasionally employed in repairing Millwright work — and for the last Thirteen years has been pretty regularly employed in doing the Carpenters work for the Establishment — has a recollection of the Explosion of the works in 1817 which destroyed all the buildings except the packing House the Buildings were then closer then they are now — that since the Buildings have been placed at these present distances there has been many Explosions which have been confined to the Buildings in which they originated, and did not destroy the rest of the works

Cros Examined by Counsel for Defendants

That the Buildings in every instance are placed at greater distances than they stood in 1817, Some of them are Fifty yards farther apart, and some upwards of One hundred yards — The Refinery Mill, the Dust Mill and Sulpher Mill, are more then One hundred yards farther apart then before

State of Maryland City of Baltimore Sc.

I James B. Latimer a Justice of the Peace of the State of Maryland, in and for the City of Baltimore Do hereby Certify, that the within and aforegoing Depositions were taken before me at the time and place therein stated

In Testimony Whereof I have hereunto subscribed my Name

James B. Latimer

No 14 Sept. 1831.

Filed 16 Sept. 1831

The Bellona Gunpowder
Company of Maryland

vs

The Baltimore Susquehanna
Rail Road Company

In Chancery 23 Sept 1831

The Defendants in this case having
filed their answer and entered on the
Docket Notice of Motion to dissolve
It is thereupon Ordered that the
said Motion stand for hearing at the
next Term - provided a copy of this
Order be served on the Complainants
or their Solicitor on or before the 26th
Inst.

Theodorick Bland Ch

True Copy
Test

Ramsay Waters
Clk Md

Service admitted
the 23 September 1831 by
Wm McMahon Atty for Defts

PAID
Oct 27 1831

Hon. Ransom Wales Esquire
Rupert in Vermont
Favoured

Sir

Bellona Gun Powder
Company of Maryland
of
Baltimore and Susquehanna
Rail Road Company

State of Maryland
Baltimore County—To wit:

The Deposition of William Gibbs taken on Tuesday the Thirtieth day of August Eighteen hundred and Thirty One at Eleven O'clock A.M. at the Bellona Gun Powder Company's Works situate in Baltimore County State aforesaid Before James B. Latimer one of the Justices of the Peace of the State of Maryland in and for the City of Baltimore in the presence of John V. L. McMahon Esqr. Counsel for complainants and James Mason Campbell Esqr. Counsel for Defendants the said witness being first duly sworn on the Holy Evangely of Almighty God deposes and says that he is the manager of the Bellona Gun Powder company of Maryland Works, has acted as such nine years preceding the Thirteenth of May last and up to the present time, has been engaged in the Manufactory of Powder near Fifty years—That the number of buildings attached to the Bellona Gun Powder Company's Works in which combustible materials are used employed or contained are Twelve Viz: One graining house, One glazing and Press house, One Drying house, Two granulating machine houses, Two Rolling Mills, One composition house One Sulpher mill, one Dust Mill, One packing house, one magazine house for unfinished Powder—That the Buildings in his opinion cannot be brought closer together than they are at present without very great danger—Deponent has

(in)

in his experience seen many instances of injury to works resulting from their Buildings being brought closer together than these buildings — and has in a manner seen whole Establishments destroyed — the advantages derived from constructing the buildings at there present distances arise from keeping them each out of the flash of the other, in case of the Explosion of any one so that unless that the Timbers shall fall on the buildings, the explosion would be confined to the building in which it took place — That he has known the flash to reach near One Hundred yards or thereabouts — Deponent knows the route, which he understood has been located for the Rail Road for the Baltimore and Susquehanna Rail Road Company — That the said route is marked out by standing Stakes, upon some of which is a mark to cut down, and on others a mark to fill up — There has been no other route surveyed across the lands, and so marked — The persons who were the surveyors or the persons who were in company with the surveyors represented that it was the route intended for the Rail Road — That it is Thirty feet Six inches from the South West corner of the graining house to a stake in that route — That it is Nineteen feet from another Stake in that route to the Drying house — if the said Stake in that route is taken as the Centre of the Road and the the ground is condemned for thirty feet on each side of the Stake, the edge of the Road will come within Six inches of the graining house, and take Eleven feet from the Drying house and in that event it will destroy the Drying house and render the graining house useless to the Company — That if the innermost Edge of the Road is made on a line with the Stakes so as the road will not be nearer to the houses than the Stakes the buildings could not be used. — Deponent would not venture into the buildings — That there is a plot of ground between the graining house and Drying

(house)

-house and just above the Press and Glaze house and be-
tween it and the proposed road which is appropriated for
the Drying of Powder in the open air which is used for about
Eight months in the year and is called the Drying Tables
if the road passes along the proposed route the Drying Tables
could not be used at all — The Bellona Gun Powder Works
cannot be carried on without graining house and drying house
and drying Tables they form an absolutely necessary part of
the works — That the Building of the graining house could
not be removed, it would have to be destroyed — Deponent
has known people to be killed by attempting to take down
such Buildings — The Drying house could be pulled down
and the Materials of which it is built taken away being
built of Stone — That the drying house is continually want-
-ed for the operations of the Works — That they are forced to
make use of it during Showery and damp Weather, even in
the hottest of Summer — That the operations of the Works
would be suspended if the drying house was taken away
until another could be constructed — Because should a
spell of damp or wet weather come on, it would destroy
or render useless all they had manufactured — Deponent
States that if the present Drying house and Graining house
were destroyed or rendered useless there is not to his know-
-ledge any other suitable situation on the Lands of the
Baltimore Gun Powder Company attached to the works
on which these houses could be rebuilt with safety to
the works — Deponent knows all the Lands owned by the
Company and would know such situation if there was such
that the passage of the Baltimore and Susquehanna Rail
Road Company along the stake route which he has de-
scribed, would in his opinion altogether endanger the security
of the Baltimore Gun Powder Company's Works — Deponent

(would)

would not consider it safe to be employed at the works and would not remain at them himself, and the present hands have given Deponent notice that if the road passes along the proposed route they will not remain at the works. Deponent states that there was a survey for another route which began about one Hundred yards down the Stream from the graining house which passed along over the Hills so as to keep clear of the Buildings and met the other about Three fourths of a Mile from the point where the two routes seperated — That the route over the hill is the shortest route, if the road was made along this route over the hill last mentioned, that he should consider the works perfectly safe and would remain — Deponent does not know the persons who made the last survey or by whom employed — Deponent states that the route near the buildings was first surveyed then the route over the hill was surveyed — after which the first route was graduated by Stakes for Cutting down and filling up — That there is no other marked route thro' the Company Lands that he Deponent knows of —"—

Cross Examined by Counsel for Defendants

Deponent does not know the exact distance between the buildings attached to the works — Deponent has seen many Establishments of this kind would not consider it safe to have the buildings closer together than the buildings at these works

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Further examined by Counsel for Complainants

Deponent states that he knows of no other survey or location for a Road over the lands of the Bellona Gun Powder Company of Maryland except the one surveyed and marked which he first spoke of as having been represented as intended for the Rail Road which at all interfers or comes near the Drying House

The Bellona Gunpowder
Company of Maryland
ags[t]
The Baltimore & Susquehanna
Rail Road Company

W. Waters

File this answer
and Enter on docket notice
of motion to dissolve

R B Taney
C J of Hearth
Thursday [illegible]
Solrs for Comp[t]
Filed 23[d] Septr 18[illegible]

To the Honorable Theodrick Bland
Chancellor of Maryland

The answer of the Baltimore and Susquehan-
-na Rail Road Company to the Bill of Com-
-plaint of the Patapsco Guano Company
of Maryland lately exhibited in this Honor-
-able Court against the said Baltimore and
Susquehanna Rail Road Company

These Defendants now and at all times
hereafter saving & reserving to themselves all
and all manner of benefit of Exception to
the many Errors uncertainties imperfections and
other insufficiencies in the said Complainants
said Bill of Complaint contained. For answer
-ing thereto say that the said Complainants has

no

right to ask the Court here passes for by them
said Bill of Complaint. for answer thereto
or to so much thereof as they are advised
it is material or necessary for them to answer
unto they answer and say

That they admit the passage by the
General Assembly of Maryland in the year
Eighteen hundred and fourteen Chapter seventy
eight of an act Entitled an act to incorporate
the Patapsco Guano Company of Maryland
and also the passage by the said General
Assembly of another act in the year Eighteen
hundred and twenty four Chapter Thirty two
Entitled a supplement to the act Entitled an
act to incorporate the Patapsco Guano Com-
pany of Maryland, to which said acts they

Sufficient the said Complainants to Entitle them in their said Bill of Complaint. But whether the Effect attributed to the said Act by the said Bill that is to say the Incorporation of the said Complainants was did follow therefrom or whether it did the said Complainants have now any legal Existence as the Bellona Gunpowder Company of Maryland these Defendants do not admit but deny And of the same therefore pray the Complainants to prove. These Defendants averring on the Contrary that they believe James Beatty of the City of Baltimore to be the sole and only proprietor of the Works known by the Bellona Gunpowder Company works, and that in Consequence there being no other Corporation of the said alleged Company

the said Thanks Mary Forsyth has become
null and void and the said Company without
any right or Capacity whatsoever to sue or to
be sued -

These Defendants further answering say
that they have no Knowledge or information
of the length of time a Manner of Carrying on
the works in the said Bill of Complaint mentioned. but they do deny that large and
Expensive Buildings have been erected on
the lands in the said Bill mentioned. Alleging
on the Contrary that the Buildings thereon
of every description are of the meanest kind
being principally Constructed of unfinished
plank and deserving more properly the appellation of Sheds than Houses - These Defendants

this knows have no knowledge or information of the
amount of Capital alleged by the Complainants
in their said Bill of Complaint to be invested in
the manufactures thereinmentioned, but affirm-
that of it be as in the said Bill is represented
the large amount of Seventy or Eighty Thousand
Dollars which this Defendant by no means
admit it must be in personal property or in
improvements other than the Building now Erected
or Existing on the said Lands. This Defendant
further deny any knowledge or information
of the Skill and talent Employed in the Manu-
=factures of Gunpowder by the said Complainants
as stated in their said Bill. or of the Credit
Enjoyed by the said Work taken Compared with

other

popular Establishment and of the facts therefore as they cannot and do not admit. they put the said Complainants to their proof -

The Defendants further answering say that by an act of the General Assembly of Maryland passed at December Session Eighteen hundred and thirty seven entitled an Act to incorporate the Baltimore and Susquehanna Rail Road Company and an Act supplementary thereto passed by the said General Assembly at December Session Eighteen hundred and thirty and entitled An act to authorize the Baltimore and Susquehanna Rail Road Company to construct a Lateral Road to Westminster and for other purposes they Defendants were incorporated by the name and Style of the Baltimore & Susquehanna

Rail Road Company and invested by the said act
=forcyard with all the rights and powers necessa
=ry for the construction and repair of a Railroad
from the City of Baltimore to some suitable point
or points on the Susquehanna River to be by
them determined not Exceeding Sixty six feet wide
and also for the construction of a branch of
said Rail Road commencing at some suitable
point on the main stem to be by them determined
within ten miles from the City of Baltimore, and
extending from thence through or across the
town of Westminster -

The Defendants further answering say that
in virtue of the rights and powers aforesaid their
granted to them by the said act of Assembly and
which said rights and powers they are interested

such no chartered privileges of any Corporation or individual and certainly such none vested in the said Complainants, they (these Defendants) have such a right to the Construction thereof and Legislature thereto caused to be located a Railroad from the City of Baltimore toward the Susquehanna. part of the first division whereof has been actually completed and is now in operation to a point near to the property of the said Complainants, from which said point being nineteen miles from the City aforesaid the said Branch Road in the supplementary bill aforesaid mentioned, has been begun and such a right to the ~~location~~ Construction thereof located in and over the property of the Complainants, and also over the property of the said James Beatty, as alleged in said Bill of Complaint to be the property

=cording to a Plat herewith filed marked A
which these Defendants ask and believe to be
a true and correct a true location of the
route of the said Branch Road and the land
through which it passes and which with
(the said Exhibit having been heretofore filed in a cause in this
two Exhibits of Deeds marked B & C these Defen-
Court between these Complainants & Defendants, being now of record.)
=dants pray may be taken and considered with
all other Exhibits by them filed as part of
their Answer.

These Defendants further answering say
that the location of the Branch Road aforesaid
as designated on the said Plat is the only prac-
=ticable route there for consistently with the fun-
=damental rules which govern the location of Rail
Roads And that as to any location shown
on by the Complainants whose a different

wrote according to the [redacted] and the said Complai=
=nants, it looked like a practicable which
these Defendants deny to be [redacted]
from fifteen to twenty thousand dollars more
than the one now adopted by these Defendants
and which they are bound not to exceed on make
after a laborious thorough and accurate Exam=
=ination of the whole face of the Country
thereabouts in the hope of discovering a route
which would cause untouched as both the
lands alleged to be the property
of the said Complainants as those of
the said James Beatty.

And these Defendants further answering say
that having thus under and by virtue and
strictly in pursuance of the powers aforesaid
granted to them by the General Assembly located

upon its present route, their Yard Branch Road
the Defendants were willing and desirous to
lead and agree with the said Complainants
and the said James Beatty for the purchase or
occupation of so much of their Yard Land
as would be necessary for constructing the said
Branch Road upon their said Location of the
same - That they found both the Complainants
however and the said James Beatty were to ob-
tain the consent of Commissioners by amicable arrange-
ment and thereupon the Defendants made
and by virtue of the Powers of the
Act aforesaid in contemplation thereof and prepared
at December Session Eighteen hundred and twenty
four their application to Nicholas Stone
Engineer one of the States Justices for Baltimore

County who thereupon issued his Warrant under hand and seal dated the twentieth day of August Eighteen hundred and thirty one and directed to the Sheriff of said County requiring him to summon a Jury of twenty Inhabitants of said County not related nor in any wise interested to meet on the land claimed by the said Complainants on the third day of September following - and also his other Warrant under hand seal and of the same date directed to the said Sheriff and commanding him to summon a similar Jury to meet on the same day on the lands of the said James Beaty -

And this Defendant further answering say and admit that on the twenty fifth day of August last after the warrants aforesaid

had been issued and whereas the Jurors thereunto duly summoned an Inquisition was taken by the Honorable Thomas Kell one of the Judges of Baltimore County Court at the suit of the Complainant, enjoining and prohibiting this Defendant their servants workmen & agents from making & constructing & proceeding to make or construct such part of their branch road as was located through the lands of the said Complainant, and that the said Injunction as the said Bill of Complaint sets forth was served upon this Defendant, who are duly bound have & find the several Oaths of faithfully and truly and according to the letter and Spirit, in all things observed obeyed and kept the same - further

answering these Defendants say that in making the
application for their said warrant to condemn the
for their use so much of the said lands of the
Complainants as would be required for the
route of their Branch Road aforesaid, these
Defendants acted strictly within the limits of
the powers conferred on them by the Acts of
Assembly aforesaid and in the Exercise of the
rights and franchises secured by the said
acts they had duly and lawfully pursued
and do submit to your Honor
whether there being no allegation in the
said Bill of Complaint that the said warrants
were illegally issued or that in the Execution
of them these Defendants were guilty of any
Delay, or that in any thing the same were

contrary to Law, the said Complainants have
any right to ask or claim the relief prayed
for by their said Bill of Complaint.

The Defendants further Answering say
that they have proceeded in the Execution
of the Warrant aforesaid Issued by them for
the Condemnation of the Lands of the said
James Beatty, and therein have Conformed
to all the requirements and duly fulfilled
all the provisions of the Act of Assembly
aforesaid. That the Jury having been duly
& fully summoned and the Defendants
having Struck therefrom four Jurors. This
Same being done for the said James Beatty
by the said Sheriff, the remaining Jurors
were then taking the oath by the Act prescribed

proceeded upon the Lands of the said James Beatty and along the Road of the said Branch Road to view the same and fully and impartially to value the damages which the said James Beatty claimed from the use and occupation of his said Lands by the said Defendants and that they agreed upon the same the said Jury value the said damage at the sum of Twelve hundred Dollars. which said Inquisition being duly and truly found and made thereupon according to Law the said Jury reduced to writing and signed and sealed the same - Further answering the Defendants say that they have since tendered to the said James Beatty the said sum of Twelve hundred Dollars. so as aforesaid

aforesaid for his damages.

These Defendants further answering say that they have no knowledge or information of the premises of Raleigh now in hand by the said Complainant to be worked at the Empire Farm but they do deny that if there be any such or any part of it can be necessary to the said Complainants if these Defendants are permitted to proceed with their said location. They also deny the assertion in the said Bill of Complaint that the Work of the said Complainants can be stopped for any length of time by the acts of these Defendants hereinafter complained of. They deny knowing that if permitted to locate their Road in the manner complained of in the said Bill of Complaint, the Workmen

in the Employ of the Complainant and that the said work cannot and will not be carried on and work not continued at the said Yard work because of the very great and obvious danger to which they would be thereby exposed affirming as these Defendants do that there will be no additional danger caused thereby to the workmen at said work - They likewise deny that the Complainant for the years last past have or could and would in Employ other hands. They admit that by the said location of the said Branch Road it will run near to a house called the Granary and will embrace within its limits part of the building called the Depot house both the said Houses belonging to the Belmont Manufacturing Company work if the said Company now exist yet so admitting they deny that of the

part two powder mills taken down or rendered useless
& work to be impossible for the said Complainants
to carry on their said works at all - This Defend-
=ants do further deny the injury and damage
alleged in the said Bill of Complaint to be
consequence of the determination of these
Defendants to locate a branch of their said
Road through the said lands alleged to be the property
=plaintiffs - On the contrary, these Defendants say
that the said Road will be productive of much
and lasting benefit to the said Powder Works
in every way and will in particular greatly
enhance the value and facilities of the
lands whereon they are erected -
And these Defendants further answering
deny all and every allegation that the grants of

said branch Road Dum for nearly a mile as
alleged to belong to
the lands of the said Complainants. They say
that if the said Complainants have any legal
Evidence at all the land by them held ought
be cropped by the said road only for the
distance of a hundred yards and no more and
that by the said Ridges and Boundary of
their said lands as to the best understanding
of which they again refer your Honors
to their Exhibit A. by which on examination
the ~~Complainant~~ of the Commissioner Marked
your Honor with ease that the said Road
~~turns~~ to the left of a line of running the
boundary of the Bellona Gunpowder Company
their lands of such a Company Exist, these
~~Defendants~~ owning on by the said Exhibit

referred to
and other Exhibits in the Cause fully more
fully appear that the Lands over which the
Location of the said Road passes, with the
Exception of the one hundred yards on Mississ-
=ippi shore mentioned to belong to and are
the property of the said Jesse Beatty, and are
not owned, as the said Complainant in the
said Bill alleges, by the said Complainants
Nor is Defendants Counsel able to say that the Lands
over which the said Road will pass are necessary
to Enable the said Complainants to carry on
their said business of manufacturing Gunpowder
and does on the Contrary that the said Branch
Road by its present Location will cause unnec-
=essary and ample Loss to the said Complainants

to perform any and every of the operations and to construct all such buildings as are necessary and called for by their said Manufactures.

Without that that there is any other matter or thing material or necessary for these Defendants to answer unto, and not herein and hereby well and sufficiently answered unto confessed or avoided traversed or denied is true, all which matters and things this Defendant is ready to aver and prove as this Honl Court may direct and humbly prays hence to be dismissed with his reasonable Costs & charges in this behalf most wrongfully sustained

R. B. Taney
H. J. Heath
J. Mason Campbell
Solrs. for Defts

Bellona Gun Powder
Company of Maryland
vs.
Baltimore and Susquehanna
Rail Road Company

State of Maryland City of Baltimore ss:

The Deposition of Dr. Augustus C. Schwartz taken on Wednesday the Thirty first day of August Eighteen hundred and Thirty one at Four O'clock P.M. at the office of James B Latimer in the City of Baltimore and State aforesaid, Before the said James B Latimer one of the Justices of the Peace of the State of Maryland in and for the said City, in the presence of John V. L. McMahon Esquire, Counsel for Complainants and James Mason Campbell Esquire, counsel for Defendants. The said witness being first duly sworn on the Holy Evangely of Almighty God deposes and says, that he had frequent conversations with Mr James Beatty of the City of Baltimore in which he Mr Beatty expressed his apprehension that the Susquehanna Rail Road would pass near the works of the Bellona Gun Powder Company of Maryland, and that early in July 1831 Mr Beatty expressed his apprehension to this deponent that said Rail Road had been located so near to his works as to be seriously injurious to him. Deponent states that he then volunteered his mediation with Mr Winchester as President of the Baltimore Susquehanna Rail Road Co. and that he called on Mr Winchester and stated to him the apprehensions of Mr Beatty that Mr Winchester informed him deponent that the Road had not been located and that he was very desirous of avoiding the works of Mr. Beatty, as he wished not to come into any collision with Mr Beatty that he Mr Winchester had spent several hundred Dollars in

surveys and that he continued his exersions to avoid the works of Mr. Beatty, Deponent told Mr. Winchester that Mr Beatty was under an impression that he could point out a route to him which would avoid his works and be as advantageous as any other position, that Mr Winchester then proposed that Mr Beatty should go out with him to the spot, that he would take the Engineers with him and that they together would examine into the situation the road had best be in - that on the Eighteenth or Nineteenth of July Deponent states that he saw Mr Winchester by accident in the Exchange - Deponent asked Mr Winchester how he came on with Mr Beatty and he told Deponent that they had a route that would not touch the works of Mr Beatty that he had not particularly seen the Engineers but they should go through a hill, and that if Mr. Beatty should not be satisfied after the work was done they would cover in the Road which they had made; Mr. Winchester stated that this route would entirely avoid the buildings

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Cross Examined by Counsel for defendants -

Deponent states that at the Conversation between Deponent and Mr. Beatty which resulted in his deponents calling on Mr Winchester - Mr Beatty said the route would go near his buildings but did not give any other description of the location of the route Mr. Winchester stated at the second conversation with Deponent that they had a route which would avoid Mr Beatty's works entirely, which would go through a hill Mr Winchester gave no further description of the route except what Deponent has previously stated - Deponent states that after the accidental meeting with Mr Winchester he saw Mr. Beatty who expressed his satisfaction at the route before spoken of as entirely avoiding the buildings - That Mr Beatty stated that it did not come within

(One)

One hundred feet or One hundred yards he does not recollect whether McBeatty said yards or feet of the works—

"

And at the same time personally appeared William F. Small Civil Engineer, who being first duly sworn on the Holy Evangely of Almighty God deposes and says that he was the Engineer of the Baltimore and Susquehanna Rail Road company from its commencement until January Eighteen hundred and thirty, that he made the general location of the road from Baltimore as far as the Gun Powder Falls a distance of about Sixteen Miles— has been over the Lands of the Bellona Gun Powder company of Maryland, is acquainted with the country adjacent to the route of the Baltimore and Susquehanna Rail Road &c. as surveyed by himself for two or three miles below and above the Bellona Gun Powder Works— Deponent cannot say that he is acquainted with the route surveyed for the Branch to Westminster through the Lands of the Bellona Gun Powder company of Maryland, that he has never made any particular surveys of the Country adjacent to the main Stem of the Rail Road company with a view to a Branch to Westminster but from his general knowledge of the country it has been his impression that the branch would communicate with the main stem somewhere between Rides Mill and John Goadings farm, if the branch to Westminster was made by that route it would not interfere with the lands of the Bellona Gun Powder company of Maryland Deponent states that his impression has always been, that a branch to westmenster could be made by that route and from the result of his reconnoissances and not an actual survey of the Country he should suppose that there was a good and practicable route in that direction for the branch to Westminster, that it was the route to which he should have first directed his attention for said Branch

"

Cross examined by Counsel for Defendants

Deponent states that while in the Employment of the Baltimore and Susquehanna Rail Road Co. his attention was directed solely to the main Stem that he never made any reconnoissance or surveys with a view to a branch Road to Westminster but he did make a voluntary reconnoissance (or ~~surveys~~) for the route of a branch Road (to ~~Westminster~~) up Jone's Falls for Five or Six Miles – Deponent states that his reconnoissance started from Rowlands Run above Riders Mill west to Jone's Falls thence up the Valley to the Reisterstown Road between Sutton Hill on the South and Chesnut Ridge on the North

Further Examined by Counsel for Complainants

Deponent states that any route for the branch to Westminster going through the Lands of the Bellona Gun Powder Company of Maryland must pass along the Valley of Jone's Falls and would intersect the Reisterstown Road and would come into a common line with the reconnoissances of the route spoken of by Rider's Mill within at farthest 3 Miles from which the last mentioned route left the main Stem – Deponent states that he has been intimately acquainted with the Country on the Valley of Jones Falls except for about a mile from the head of the Bellona Gun Powder Company of Md. Works to the Falls Turnpike road where it has been represented to deponent a part of the present branch to Westminster has been located

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State of Maryland City of Baltimore To Wit

I James B. Latimer a Justice of the Peace of the State of Maryland, in and for the City of Baltimore Do hereby Certify that the within and aforegoing Depositions were taken before me at the time and place therein Stated

In Testimony Whereof I have hereunto subscribed my name

James B. Latimer

fo 14th September 1831

Filed 16 September 1831

Bellona Gun Powder Company
of Maryland
vs
Baltimore and Susquehanna
Rail Road Company

Depositions of William Gibbs
John Gibbs
Stephen Gibbs
Soloman Hook
Doctor Schwartz
William F. Small
Maria Brown
Alexander J. Bouldin

Witnesses examined on behalf of Complainants

Filed 16 September 1831

Bellona Gun Powder
Company of Maryland
vs
Baltimore and Susquehanna
Rail Road Company

State of Maryland Baltimore City, to Wit:

The Deposition of Uria Brown taken on Wednesday the Seventh day of September Eighteen hundred and thirty one at Four O'clock P.M. at the office of James B Latimer in the City of Baltimore and State aforesaid Before the said James B. Latimer one of the Justices of the Peace of the State of Maryland in and for the said City in the presence of John V.L. McMahon Esqr Counsel for Complainants and James Mason Campbell Esqr. Counsel for defendant, The said Witness being solemnly affirmed answers and says That on the Twenty first day of October Eighteen hundred and Seventeen he made a survey of a part of a tract of Land called "Hectors Hop Yard" sold by Michael Young of Baltimore to the Bellona Gun Powder Company of Maryland and drew the annexed Deed and plot marked A. that on the Fifth day of September instant Deponent was on the premises of the Bellona Gun Powder Company of Maryland and shewed to Mr Boudin the true beginning of the part of the tract of Land as aforesaid surveyed by him at an ash Sapling

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And at the same time personally appeared Alexander J. Boudin Surveyor for Baltimore County who being first duly sworn on the Holy Evangely of Almighty God deposes and says that at the instance of Mr James Beatty President of the Bellona Gun Powder Company of Maryland he carefully surveyed two routes or sections of a road passing over the Lands of the

/said/

said Gun Powder Company and which routes were shewn to Deponent as having been surveyed and levelled by the Engineers employed by the President and Directors of the Baltimore and Susquehanna Rail Road Company Beginning for the first route or section at a Stake shewn to him as having been set by the Engineers aforesaid as the Centre of said Road and marked No. 335 cut 2-00 it being at the letter A in red ink on the plot herewith Exhibited and filed and running thence along the Centre of said route to 1.2.3.4.5.6.7.8.9.10.11.12.13.14.15.16.17.18.19.20 21.22. thence to B in red ink being at a stake shewn to him as having been set by the Engineers aforesaid marked 361 cut 9.25 the length of which route is 127.3/5 = 700 15/100 yards — Beginning for the second route or section at A in red ink — The beginning of the first described route and running by the red drawn lines to Stakes No. 336.337.338.339.340.341.342.343.344.345.346 347.348.349.350.351.352.353.354.355.356.357.358.359.360 361 in red ink, at B in red ink the length of which route is 2566 feet = 855/3 yards — The above last described route Deponent has located as the one described in a Warrant issued by Nicholas Norris Esquire a Justice of the Peace of Baltimore County to Henry Green Esq. Sheriff of said County. On application of the President and Directors of the Baltimore and Susquehanna Raid Road Company bearing date the Twentieth day of August Eighteen hundred and thirty one — Deponent further states that he has also levelled the said two routes the result of which are shewn by profile 1 and 2 on said plot — That he has located the land described in the Deed from Michael Young to the Bellona Gun Powder Company of Maryland heretofore referred to filed and marked Exhibit A in the testimony of Asia Brown bearing date the Eighth day of November Eighteen hundred and Seventeen from D in red ink — It being an ash Tree shewn to Deponent by said Asia Brown as the Beginning of the land described in said deed and running thence to 10 (in red figures) to 2 in black figures) — to 1 in (black) to 12 (red) to 12 (red) thence to D in red ink, (purple)

purple shaded lines —. That he has located the Land described in a deed from Sarah Young and others to the Bellona Gun Powder Company of Maryland herewith filed and marked exhibit **B** — bearing date the Fifth day of August Eighteen hundred and Nineteen from **B** in red ink to 26. 25. 24. 23. 22. 21. 20. 19. 18. 17 16. 15. 14. 13. 12 **D** to 10. 9. 8. 55. 54. 53. 52. 51. 50. 49. 48. 47. 46. 45 44. 43. 42. 41. 40. 30. 29 28 thence to **E** black lines shaded red — That he has located the Land described in the Deed from David Stewart Esqr Truste to James Beatty herewith filed and marked exhibit **C**. bearing date on the Twelfth day of March Eighteen hundred and Twenty Seven from **C** to 1. 2. 3. 4. 5. 6. 7. 8. 9. 10 **D** 12 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26 **B**. 28. 29. 30. 31. 32. 33 thence to **C** black lines shaded yellow —

That he has also located the several buildings used by said Gun Powder Company as follows

A The Graining House
B The Drying House
C The Glazing & Pressing House
D The Drying Tables
E The Graining Machine House
F The Packing House
G The Rolling Mill
H The Dwelling House
I The Composition House
J The Coal House
K The Barn
L The Refining House
M The Sulpher Mill
N The Barrell Mill
O The Magazine

That the said Buildings are located at their true distances from each other and from the several lines located on said plat according to the given scale on said plat —

(That)

That the length of the first described route is 700 15/100 yards
That the length of the second described route is 855/8 yards
difference in favour of the first described route 155- 1 8/8 yards

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State of Maryland

City of Baltimore Joint

I James B Latimer a Justice of the Peace of the State of Maryland in and for the City of Baltimore do hereby Certify that the within and aforegoing depositions were taken before me at the time and place therein Stated.

In Testimony Where of I have hereunto subscribed my name

James B Latimer

14th September 1831

Filed 16 Septr. 1831

A

Deed
Michael Young
To
The Bellona Gun-
Powder Company
of Maryland!

Ex 14th September 1831

Received to be recorded the
8th day of November
1814 - Same day recorded
among the Land Records of
Baltimore County Court in
Liber WG No 143 folio 91 &c and
examined. Test Wm Gibson Clk

Filed 16 September 1831.

paid

deed 1.14
plat 50

This Indenture made the Eighth day of November in the Year of our Lord One thousand eight hundred and seventeen, by and between Michael Young of Baltimore County and State of Maryland of the one part; And The Bellona Gun Powder Company of Maryland of the Same County and State of the other part; Witnesseth that for and in consideration of the Sum of Two hundred and Seventeen Dollars of good and lawful money of the United States of America, to the said, he the ~~said~~ Michael Young in hand paid by The Bellona Gun Powder Company of Maryland at or before the Signing, Sealing and delivering of these presents, the receipt and payment whereof he the said Michael Young doth hereby Acknowledge and confess himself to be therewith fully Satisfyed, contented and paid, and thereof and from and of and from the Same, and every part and parcel thereof doth acquit release and for ever discharge The Bellona Gun Powder Company of Maryland and their Assigns by these presents; and also for divers other good causes and considerations him thereunto moving; he the said Michael Young hath given granted bargained and sold, Aliened, released, enfeoffed, conveyed and confirmed and by these presents doth give grant, bargain, and Sell, Alien, release, Enfeoff, convey and confirm unto The Bellona Gun Powder Company of Maryland and their Assigns for ever, a part of the Plantation he the said Michael Young now lives on, together with the appurtenances thereon; Situate lying and being in the County and State aforesaid being part of a tract of Land called Hectors Hop yard, which was heretofore devised to the said Michael Young by the last Will and Testament of his Grand-father Edward Fully, which may be seen on the records for that purpose in Baltimore County, and is contained within the following Metes and bounds, courses and distances To Wit:— Begining for the Same at an Ash Sapling now bounded and marked, growing on the West side or bank of Joneses Falls and runing thence North thirty-three and three quarters of a degree East, Ten perches; to a Stone; thence North Twenty-four degrees West, fourteen perches to a Stone; thence North Sixty-two and a quarter degrees East, Eight perches and thirty-five hundred parts of a perch to a Stone; thence North two and an half degrees West, twelve perches to a Stone; thence South twenty-nine and an half degrees West, Thirty-two perches to a Stone; thence South forty-four and an half degrees East, twelve perches and eight tenths of a perch to the place of Begining:— Containing One Acre, and one quarter of an Acre, and twenty-eight perches of Land, be the Same more or Less.— Together with all and Singular improvements, Streets, Roads, Lanes, Alleys, Paths, Passages, Rights, Liberties, Easments, Priviliges, Advantages and Heridetriments what-ever, unto the piece or parcel of ground and premises hereby granted, released and conveyed, or mentioned or intended to be, belonging, or in any-wise appertaining, or therewith Occupied or enjoyed, or accepted reputed, deemed taken or known as part parcel or member thereof or of any part or parcel thereof, and Estate, Right, Title, Interest, Use, Trust, Property, Tenaugh-tright, claim and demand whatever, both at Law and in equity of him the said Michael Young of in and unto the Same and every and any part or parcel thereof, and the reversion and reversions, Remainder and Remainders, yearly and other Rents, Issues and profits of, of all and Singular the said premises.—— To have

To have and to hold all and singular the said be=
=fore described parcel of Ground and
Premises, which is now and hereby granted, released, and conveyed,
or mentioned or intended to be, and every part and parcel thereof,
with the appurtenances unto The Bellona Gun Powder Compa=
=ny of Maryland and Assigns for ever; To and for the only
proper use and behoof of The Bellona Gun Powder Company of
Maryland and their Assigns for ever: — And to for and upon
none other use, Trust, Intent or purpose whatever. — And
the said Michael Young for himself his Heirs, Executors or
Administrators, doth hereby covenant, promise, grant and agree
to and with The Bellona Gun Powder Company of Maryland or
Assigns that he the said Michael Young and his Heirs, All and
Singular the said before described piece or parcel of Land and
Premises, with the appurtenances unto The Bellona Gun
Powder Company of Maryland or Assigns, against the
said Michael Young and his Heirs, and against all and ev=
=ery other person and persons whomsoever Lawfully or equi=
=tably, claiming or to claim by from or under him or them shall
and will Warrant and for ever defend by these presents.
In witness whereof the said Michael Young hath
hereunto Set and put his hand and Seal, the day and year
first within written. —

Signed, Sealed and delivered by the within named Michael Young in the presence of
John Tittsworth

John T. Harris

Michael Young

I the within named Micha=
=el Young do Hereby acknowledge that I have received be=
=fore and at the Execution of the within Indenture, of and
from the also within named, The Bellona Gun Powder
Company of Maryland, the Sum of Two hundred and Sev=
=enteen Dollars of good and lawful money of the United
States of America, it being the full consideration mo=
=ney within mentioned; As witnesseth my hand the
day and Year first within written. —

Michael Young.

$217,00

Signed in the presence of

John Tittsworth

State of

State of Maryland.— Baltimore County.— To wit:

Be it remembered that on the Eighth - day of November in the Year of our Lord One thousand eight hundred and seventeen, before us the Subscribers, two of the Justices of the peace of the State of Maryland, in and for Baltimore County, personally appeared Michael Young party to the foregoing Indenture of bargain, and Sale, or instrument of writing, and acknowledged the same to be his act and deed for the uses, and purposes therein mentioned according to the purport, true intent, and meaning thereof, and according to the act of Assembly in such case made and provided. At the same time came Sarah Wife of the said Michael Young and acknowledged the foregoing Deed, and released and relinquished all her right and title of Dower, of, in and to the Land and premises therein mentioned, and thereby bargained and Sold, and She being by us privately examined apart from and out of the presence and hearing of her Husband, declared that She made the same Acknowledgment willingly and freely, without being induced thereto by fear or threats of or ill usage by her Husband, or fear of his displeasure.

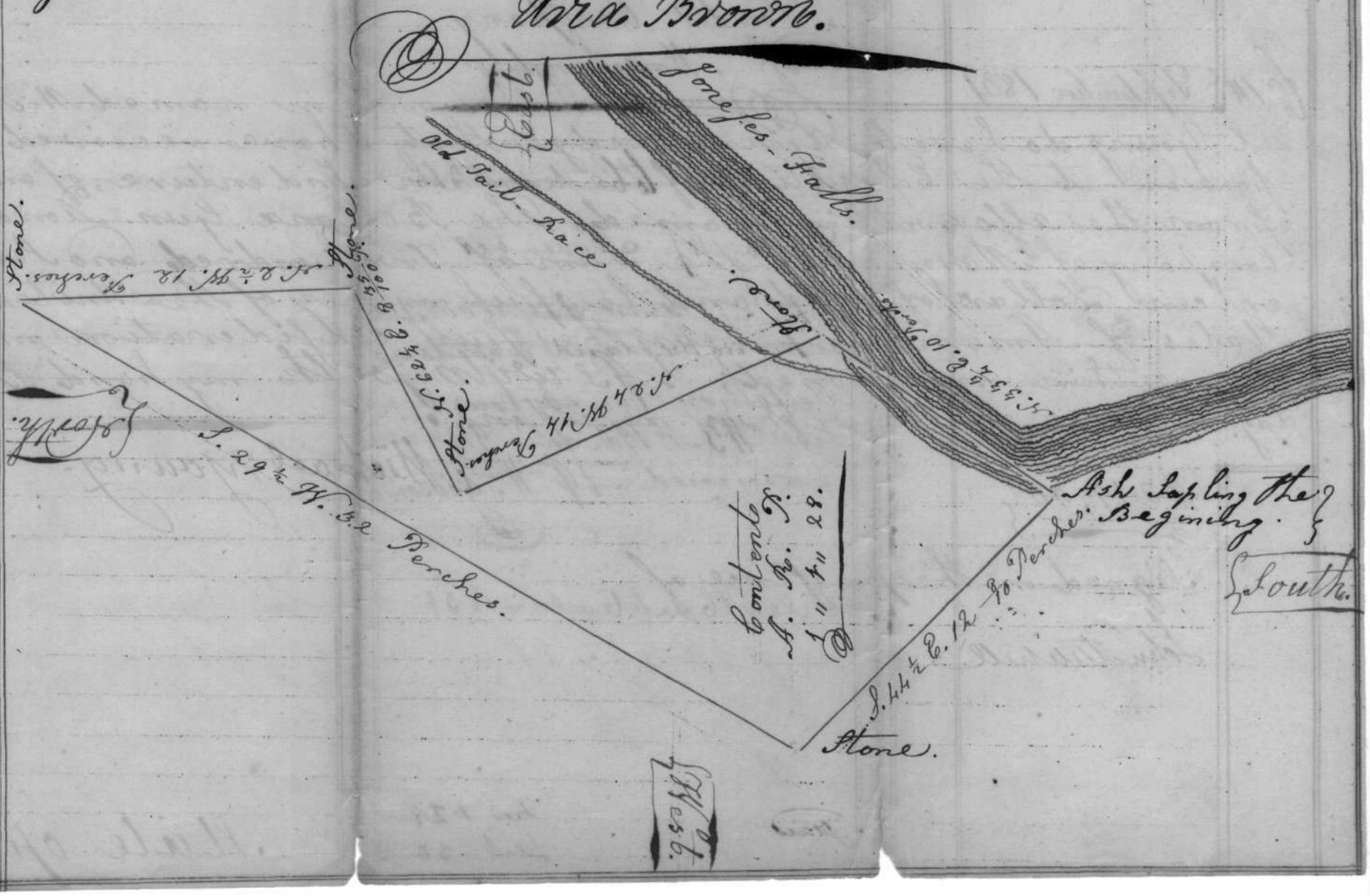
John T. Harris

John Mitchell

This Map directly corresponds with the within described piece or parcel of Land.

Surveyed the 21st. of 10th. Mo: 1817; And Laid down from a Scale of 5 perches to an Inch by

Uria Brown.



An Act to Incorporate the Baltimore and Susquehanna Rail Road Company.

Sect. 1st Be it enacted by the General Assembly of Maryland, That Charles Ridgely, (of Hampton) George Winchester, Thomas Wilson James L. Hawkins, Roswell L. Colt, Sheppard C. Leakin, Jacob D. Cohen, Justus Hoppe, James B. Stansbury Hugh W. Evans, William Frick, Robert Purviance and James Smithson, and they are hereby appointed Commissioners, under the direction of a majority of whom, subscriptions may be received to the Capital Stock of the Baltimore and Susquehanna Rail Road Company, hereby Incorporated: and they or a majority of them may cause books to be opened at such times and places as they may direct, for the purpose of receiving Subscriptions to the Capital Stock of said Company, after having given such notice of the times and places of opening the same, as they may deem proper: and that upon the first opening of said Books, they shall be kept open for at least ~~ten~~ Five successive days, from ten Oclock A. M. until two Oclock P. M, and if at the expiration of that period such a subscription to the Capital Stock of said Company as is necessary to its Incorporation, shall not have been obtained, the said Commissioners, or a majority of them, may cause the said Books to be opened, from time to time, after the expiration of the said ~~ten~~ Five days, for the space of twelve months thereafter, or until the sum necessary to the Incorporation of the Company shall be subscribed, if sooner subscribed, and if any of the said Commissioners shall die, resign or refuse to act during the continuance of the duties devolved upon them by this Act, another may be appointed in his stead, by the remaining Commissioners, or a majority of them.

Sect. 2nd And be it enacted, That the Capital Stock of the said Baltimore and Susquehanna Rail Road Company, shall be One Million of Dollars in Shares of fifty dollars each, of which two thousand Shares shall be reserved for subscription by the State

of Maryland, and two thousand for the Commonwealth of Pennsylvania and two thousand for the City of Baltimore, for the space of twelve months after the passage of this Act by the Legislature of Maryland: and the remaining fourteen thousand Shares may be subscribed for by any Corporation or by Individuals; and as soon as ten thousand Shares of the said Capital Stock shall be subscribed, the Subscribers of the said Stock, their Successors and Assigns shall be, and they are hereby declared to be Incorporated into a Company by the name of the Baltimore and Susquehanna Rail Road Company, and by that name, shall be capable in Law of purchasing, holding, selling, leasing and conveying, estates Real personal and mixed, so far as the same shall be necessary for the purposes hereinafter mentioned, and no farther, and shall have perpetual succession, and by said Corporate name may sue and be sued, and may have and use a common Seal, which they shall have power to alter, or renew at their pleasure, and shall have, enjoy and may exercise all the powers, rights and privileges which other Corporate bodies may lawfully do for the purposes mentioned in this Act.

Sect. 3d. And be it enacted, That if more than fourteen thousand Shares, shall be subscribed to the Capital Stock of said Company, not reserved to the State of Maryland, or to the Commonwealth of Pennsylvania or to the City of Baltimore, the said Commissioners or a majority of them, shall reduce the subscription to fourteen thousand shares by striking off from the largest number of Shares ~~subscribed~~ in succession until the subscriptions are reduced to fourteen thousand Shares, or all the Subscriptions to one Share: and if there be still an excess, then lots shall be drawn by the Commissioners, to determine who are to be excluded.

Sect. 4th. And be it enacted, That upon every such subscription

there shall be paid at the time of subscribing, to the said Commissioners, or to their Agents, appointed to receive such Subscription, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments, and at such times, as may be required by the President and Directors of said Company; provided no payment shall be demanded, until at least thirty days public notice of such demand shall have been given by the said President and Directors: and if any subscriber shall fail or neglect to pay any instalment, or part of said subscription thus demanded, for the space of sixty days next after the time the same shall be due and payable; the Stock on which it is demanded shall be forfeited to the Company, and may be sold by the said President and Directors for the benefit of the Company; but the President and Directors may remit any such forfeiture on such terms as they shall deem proper.

Sect 5th. And be it enacted, That if the subscription herein made necessary to the Incorporation of the said Company shall not be obtained within twelve months after the first opening of the Subscription Books, by the said Commissioners; this Act and all the Subscriptions under it, shall be null and void; and the said Commissioners after discharging the expenses of opening the books, shall return the residue of the money paid in upon such subscriptions, to the several Subscribers in proper proportions to the sums respectively paid in by them.

Sect 6th And be it enacted, That at the expiration of the Five days for which the books are first opened, if ten thousand shares of said Capital Stock shall have been subscribed, or if not, as soon thereafter as the sums shall be subscribed if within one year after the first opening of the books, the said Commissioners or a majority of them, shall call a general meeting of the Subscribers,

at such time and place as they may appoint, and shall give at least twenty days public notice thereof, and at such meeting the said Commissioners shall lay the Subscription books before the Subscribers, then and there present, and thereupon the said Subscribers, or a majority of them shall elect twelve Directors by ballot, to manage the affairs of said Company, and these twelve Directors, or a majority of them shall have the power of electing a President of said Company either from amongst the Directors, or others, and of allowing him such compensation for his services as they may deem proper: and that in said election and on all other occasions wherein a vote of the Stockholders of said Company is to be taken each Stockholder shall be allowed one vote for every share owned by it, him, or her, and every Stockholder may depute any other person to vote and act for it him or her, as it's, his, or her proxy; and the Commissioners aforesaid, or any three or more of them, shall be Judges of the said first election of Directors — And any Stockholder whether residing in Maryland or Pennsylvania shall be eligible as President or Director.

Sect. 4th And be it enacted, That to continue the succession of the President and Directors of the said Company, twelve Directors shall be chosen annually on the third Monday of October in every year in the City of Baltimore by the Stockholders of said Company, and that the State of Maryland the State of Pennsylvania and the City of Baltimore may each appoint one additional Director of said Company for ~~every~~ each of the said two thousand ~~and thousand~~ Shares of Stock ~~of said Stock~~ of said Company by them respectively owned at the time of such election but shall not be permitted to vote upon their stock in the election of the Directors by the Stockholders in general meeting; and that the Directors of said Company or a majority of them shall have power to appoint Judges of all elections and to elect a President of

said Company, either from amongst the Directors, or others, and to allow him such compensation for his services as they may deem proper - and if any vacancy shall occur by death resignation or refusal to act, of any President or Director, before the year for which he was elected has expired, a person to fill such vacant place for the residue of the year may be appointed by the President and Directors of said Company, or a majority of them, and that the President and Directors of the Company shall hold and execise their Offices until a new election of President and Directors; and that all elections which are by this Act or the By-Laws of said Company, to be made on a particular day, or at a particular time, if not made on such day or such time may be made at any time within thirty days thereafter.

Sect. 8th. And be it enacted, That a general meeting of the Stockholders of said Company shall be held annually at the time and place appointed for the election of the President and Directors of said Company, that they may be called at any time during the interval between said annual meetings by the President and Directors, or a majority of them, or by the Stockholders, owning at least one fourth of the whole stock subscribed, upon giving thirty days public notice of the time and place of holding the same, and when any such meetings are called by the Stockholders, such notice shall specify the particular object of the call: and if at any such called meetings a majority (in value) of the Stockholders of said Company are not present, in person or by proxy, such meeting shall be adjourned from day to day without transacting any business for any time not exceeding three days, and if within said three days, Stockholders having a majority (in value) of the Stock Subscribed do not then attend, such meeting shall be dissolved.

Section 9th And be it enacted that at the regular annual meetings of the Stockholders of said Company, it shall be the duty of the President and Directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the Company; that at any called meeting of the Stockholders, a majority of those present may require similar statements from the President and Directors whose duty it shall be to furnish them when thus required; and that at all general meetings of the Stockholders a majority (in value) of all the Stockholders in said Company may remove from office any President or any of the Directors of said Company and may appoint others in their stead.

Sect. 10th And be it enacted, That every President and Director of said Company before he acts as such, shall swear or affirm as the case may be, that he will well and truly discharge the duties of his said office to the best of his skill and judgment.

Sect. 11th And be it enacted, That if any of the said fourteen thousand Shares of the Capital Stock of said Company, not reserved to the City of Baltimore, or to the State of Maryland or to the State of Pennsylvania, shall remain unsubscribed until the organization of the said Company; or if the Shares of the said Capital Stock, herein reserved to the said States or City or any part of them shall not be subscribed by said States or City respectively during the time for which Stock is reserved for them; in either case the President and Directors of the said Company, or a majority of them shall have power to open books and to receive subscriptions to any of the Capital Stock of said Company, which may remain unsubscribed for, or to sell or dispose of such unsubscribed stock, for the benefit of the

Company, for any sum not under its par value; and the purchasers or Subscribers of such Stock, shall have all the rights powers and privileges of original Subscribers, and shall be subject to the same regulations.

Sect. 12th And be it enacted, That the said President and Directors or a majority of them may appoint all such Officers, Engineers, Agents or Servants whatsoever, as they may deem necessary for the transaction of the business of the Company, and may remove any of them at their pleasure; that they or a majority of them shall have power to determine by contract the compensation of all the Engineers Officers Agents or Servants, in the employ of said Company, and to determine by their By-Laws the manner of adjusting and settling all accounts against the Company, and also the manner and evidence of transfers of Stock in said Company: and that they or a majority of them, shall have power to pass all By-Laws which they may deem necessary or proper for exercising all the powers vested in the Company hereby Incorporated, and for carrying the objects of this Act into effect; Provided only, that such By-Laws shall not be contrary to the Laws of the United States, or the Laws of any of the States assenting to this Act, or any of the provisions of this Act.

Sect. 13th And be it enacted, That if the Capital Stock of the said Company shall be deemed insufficient for the purposes of this Act, it shall and may be lawful for the President and Directors of said Company or a majority of them from time to time to increase the said Capital Stock, by the addition of as many shares not exceeding in amount one Million of Dollars as they may deem necessary for which they may at their option cause subscriptions to be received giving notice in the manner herein before prescribed, or may sell the

same for the benefit of the Company for any sum not under their par value.

Sect. 14th And be it enacted, That the President and Directors of said Company, shall be and they are hereby invested with all the rights and powers necessary for the construction and repair of a Rail Road from the City of Baltimore to some suitable point or points on the Susquehanna River to be by them determined, not exceeding sixty six feet wide, with as many set of tracks as the said President and Directors may deem necessary and they may cause to be made, or contract with others for making, said Rail Road or any part of it: and they, their Agents, or those with whom they may contract for making any part of the same, or their Agents, may enter upon and use, and excavate any land which may be wanted for the site of said Road, or the erection of mare houses for other works necessary to said Road, or for any other purpose necessary or useful in the construction or repair of said Road or its works, and that they may build Bridges, may fix scales and weights, may lay Rails, may take and use any earth, timber, gravel, stone or other materials which may be wanted for the construction or repair of any part of said Road or any of its works; and may make and construct all works whatsoever which may be necessary and expedient in order to the proper completion of said Road.

Sect. 15th And be it enacted, That the President and Directors of said Company or a majority of them or any person or persons, authorised by a majority of them may agree with the owner or owners of any Land, Earth, Timber, Gravel, Stone or other materials, or any improvements which may be wanted for the construction or repair of any of said Roads or any of their works for the purchase or use and occupation of the same;

and if they cannot agree, or if the owner or owners or any of them be a feme covert, under age non Compos Mentis, or out of the County in which the property wanted may lie when such land and materials shall be wanted, application may be made to any Justice of the Peace of such County, who shall thereupon issue his warrant under hand and seal directed to the Sheriff of said County requiring him to summon a Jury of twenty Inhabitants of said County not related nor in anywise interested, to meet on the land or near to the other property or materials to be valued on a day named in said warrant, not less than ten nor more than twenty days after the issuing of the same, and if at said time and place any of said Jurors summoned do not attend, the said Sheriff shall immediately summon as many Jurors as may be necessary with the Jurors in attendance to furnish a Panel of twenty Jurors in attendance and from them each party, or its his or her or their agent if either be not present in person or by Agent, the Sheriff for him her it or them may strike off four Jurors and the remaining twelve shall act as the Jury of Inquest of damages: and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation as the case may be — That he will justly and impartially value the damages which the owner or owners will sustain by the use or occupation of the same required by the Company, and the Jury in estimating such damages shall take into the estimate the benefits resulting to the said owner or owners from ~~constructing~~ conducting such Rail Road through, along or near to the property of said owner or owners, but only in extinguishment of the claim for damages: and the said Jury shall reduce their Inquisition to writing and shall sign and seal the same and it shall then be returned by said Sheriff to the Clerk or Prothonotary of his County, as the case may be, and by such

Clerk or Prothonotary filed in his Court and shall be confirmed by said Court at its next Session, if no sufficient cause to the contrary be shewn; and when confirmed shall be recorded by said Clerk or Prothonotary, at the expense of said Company; but if set aside the said Court may direct another Inquisition to be taken in the manner above prescribed; and such Inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity of duration of the interest in the same, valued for the Company; and such valuation, when paid or tendered to the owner or owners of said property or his her or their legal Representatives, shall entitle the said Company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation if not received when tendered may at any time thereafter be received from the Company, without costs, by the said owner or owners his her or their legal Representative or Representatives.

Sect. 16th. And be it enacted, That whenever in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the President and Directors of the said Company so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or where it shall be necessary to pass through the land of any Individual, it shall also be their duty to provide for such Individual proper waggon ways across said road or roads, from one part of his land to the other.

Sect. 17th. And be it enacted, That if the said Company should neglect to provide proper waggon ways across said road as required by the sixteenth section of this Act, it shall be lawful for any Individual to sue said Company and be entitled to such damages as a Jury may think him or her entitled to for such neglect or refusal on the part of the said Company.

Sect. 18th. And be it enacted, That whensoever it shall be necessary for said Company to have use or occupy any lands, materials, or other property, in order to the construction or repair of any part of said Road or Roads, or their works or necessary buildings, the President and Directors of said Company, or their

Agents, or those contracting with them for making or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a Jury (formed in the same manner herein before prescribed in those cases where the property is to be changed or altered by admixture with other substances, before such alteration is made) and that it shall not be necessary, after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such view; and the Inquest of the Jury after confirmation, and after payment or tender of the valuation, shall be a bar to all actions for taking or using such property whether commenced before or after such confirmation or the payment of said valuation.

Sect. 19th. And be it enacted, That if it shall be necessary for the said Baltimore and Susquehanna Rail Road Company, in the selection of the route or construction of the road, by them to be laid out and constructed, or any part of it, to connect the same with, or to use any Turnpike Road, or Bridge made or erected by any Company or persons Incorporated or authorised by any law of this State, it shall be lawful for the said President and Directors, and they are hereby authorised to contract and agree with any such other Corporations or persons for the right to use such road or bridge, or for the transfer of any of the Corporate or other rights, or privileges of such Corporations or persons to the said Company hereby Incorporated, and every such other Corporation and persons Incorporated by or acting under any laws of this State, is and are hereby authorised to make such agreement, contract or transfer, by and through the agency of the person authorised by their respective Acts of Incorporation, to exercise their corporate powers, or by such

persons as by any laws of this State, are entrusted with the direction and management of such turnpike road or bridge, or of any of the rights or privileges aforesaid, and every contract, agreement or transfer, made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective corporate seals, or otherwise legally authenticated shall vest in the Company hereby incorporated, all such road part of a road rights and privileges and the right to use and enjoy the same as fully to all intents and purposes as they now are or might be used and exercised by the said Corporations or persons in whom the same are now vested.

Sec. 20th. And be it enacted, That the said President and Directors, shall have power to purchase with the funds of said Company, and place on any Rail Road constructed by them under this Act, all Machines, waggons, vehicles, or carriages of any description whatsoever, which they may deem necessary or proper for the purposes of transportation on said road, and that they shall have power to charge for tolls (and the transportation of persons) goods, produce, merchandize or property of any kind whatsoever transported by them along said Rail way from the City of Baltimore to the Susquehanna River any sum not exceeding the following rates: Viz. On all goods, produce Merchandize or property of any description whatsoever transported by them from the Susquehanna to Baltimore, that is to say from North to South, not exceeding one cent a ton per mile for toll, and three cents a ton per mile for transportation; On all goods Merchandize or property of any description whatsoever transported by them from Baltimore to or towards the Susquehanna, that is to say

from South to North, not exceeding three cents a ton per mile for tolls, and three cents a ton per mile for transportation: And for the transportation of passengers, not exceeding three cents per mile for each passenger. And it shall not be lawful for any other Company, or any person or persons whatsoever to travel upon or use any of the roads of said Company, or to transport persons, Merchandize produce, or property of any description whatsoever along said road, or any of them, without the license or permission of the President and Directors of said Company: and that the said road or roads, with all their works, improvements and profits, and all the Machinery of transportation used on said road, are hereby vested in the said Company incorporated by this Act, and their successors forever; and the shares of the Capital Stock of the said Company, shall be deemed and considered personal estate and shall be exempt from the imposition of any tax or burthen by the States according to this Law.

Sect. 20th. And be it enacted, That the said President and Directors, shall annually or semiannually, declare and make such dividends as they may deem proper, of the nett profits arising from the resources of the said Company after deducting the necessary current and probable contingent expenses; and that they shall divide the same amongst the Stockholders of said Company in proper proportions to their respective shares.

Sect. 21st. And be it enacted, That if any person or persons shall wilfully by any means whatsoever injure impair or destroy any part of any Rail Road constructed by said Company under this Act, or any of their necessary works, buildings, carriages, Vehicles or Machines of said Company; such person or persons, so offending, shall each of them for every such

offence forfeit and pay to the said Company a sum not exceeding Three hundred dollars which may be recovered in the name of the said Company by an action of debt, in the County Court of the County wherein the offence shall be committed, and shall also be subject to indictment in said Court; and upon conviction of such offence shall be punished by fine and imprisonment in the discretion of the Court.

Sect. 23d. And be it enacted, That as soon as this Act shall have been passed by the Legislature of Maryland, books may be opened, subscriptions received, and the said Company organized, and that when organized, the said Company and the President and Directors of the same shall have all the powers rights and privileges granted by this Act, and shall be subject to all its regulations in constructing or repairing any of the said Rail Roads, or other necessary works, or buildings which can or may be constructed within the limits of the State of Maryland; and in transporting persons goods merchandize or property of any description along any of said Roads: and that the provisions of this Act, shall be wholly in force as to all the property of the Company which may be situated or may be within the State of Maryland, and which said Company is permitted to hold under this Act.

Sect. 24th. And be it enacted, That if this Road shall not be commenced in two years from the passage of this Act, and shall not be finished within this State in ten years from the time of the commencement thereof, then this Act shall be null and void.

Sect. 25th. And be it enacted, That free right and privilege is hereby reserved to the Citizens of this State, or any Company hereafter to be Incorporated under the

authority of this State to connect with the road hereby provided for, any other Rail Road leading from the main route, to any part or parts of this State. Provided that in forming such connexion no injury shall be done to the works of the company hereby incorporated, and the same right and privilege is hereby reserved to the citizens of Pennsylvania or to any company incorporated under the authority of that State, to connect with the Rail Road hereby provided for, any other Rail Road leading from the main route in that State, to any part or parts of that State, provided that in forming such connexion no injury shall be done to the works of the company hereby incorporated.

We hereby Certify, the aforegoing is a true Copy of the original Act, which passed both Branches of the Legislature of Maryland at their December Session, eighteen hundred and twenty seven

Given under our hands at the City of Annapolis this fifteenth day of February, eighteen hundred and twenty eight.

Gideon Pearce Clk Ho Dels

Wm Kilty Clk Senate

Bellona Gun Powder Co.
of Maryland
vs
Baltimore and Susquehanna
Rail Road Company

Depositions of ~~[illegible]~~
Capt. John K. Rowe, &
Lieut. Whistler

Witness, Examined on behalf of the
Defendants

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ds. 14th September 1831

Filed 16 September 1831.

Bellona Gun Powder
Company of Maryland
vs
Baltimore and Susquehanna
Rail Road Company —

State of Maryland City of Baltimore ss

The Deposition of Captain John K. Rowe President of the Etna Gun Powder Company's Works taken on Friday the Ninth day of September Eighteen hundred and Thirty one at the office of James B. Latimer corner of St Pauls and Fayette Streets in the City aforesaid Before James B. Latimer a Justice of the Peace of the State of Maryland in and for the said City in the presence of John V. L. Mc Mahon Esqr. Counsel for Complainants and James Mason Campbell Esqr Counsel for defendants. The said Witness being produced on the part of the defendants being first duly Sworn on the Holy Evangely of Almighty God deposes and says that he has been acquainted with the manufactoring of Gun Powder since the year 1823 at which time he was appointed President of the Etna Gun Powder Company has been at the works of the Bellona Gun Powder Company of Maryland, has seen those parts of the works of the Bellona Gun Powder Company of Maryland that are immediately contiguous to the route of the Baltimore and Susquehanna Rail Road that with the exception of the two Buildings immediately adjoining the Rail Road — the Graining house and Drying house the danger would not be enhansed in the opinion of this deponent by the passage of a Rail Road — Deponent states that the Owners of Powder Works like to keep Public roads from being near the works — Deponent thinks as there is much cutting along the road near the said Buildings that together with a fence it would make the Works perfectly secure except the graining house and Drying house — That the use of a Drying house is for drying

Powder

Powder – That they are compelled to dry the Powder as soon as it is prepared – that it is dried in the drying house by the means of a Stove which is kept nearly red hot that a wood fire is used – Deponent States that he passed along the route of the Rail Road a considerable distance, should from his superficial observation of the ground think there might be places but dont know that there are where the Drying house and Graining house might be placed – does not know where Mr Beatty's lands lie should not think it would do to have the Rail Road between the Graining house and drying house and the other buildings – That it would not do to cross the road in going from one of the building to the other –

Cross Examined by Counsel for Complainant

That the Buildings at the Etna Gun Powder Works are rather more remote from each other than at the Bellona Gun Powder Company's Works – as far as he Noticed the works at the Bellona Gun Powder Company of Maryland – that he did see the situation of the Buildings from the Manager's house down to the Graining house – that the Composition house at the Etna Works is about as far from each of their two Mills as the drying House is from the Glazing Mill of the Bellona Company's Works. That the drying house at the Etna Works is further from the Mills than the Drying House is from the Mills of the Bellona Gun Powder Company's Works. – Deponent thinks that the Drying House at the Etna Works is upwards of One hundred yards from the Mills and that the Mills are about the same distance apart. that the object of having them at that distance is to prevent the danger of an Escplosion of one communicating with the others – would not like to bring the buildings at the Etna Works nearer together than they are at present except he was compelled to do so – that he thinks that the buildings at the Bellona Gun Powder Company's Works as far as he observed them from the Manager's House down to the Graining House

are

are as close together as they ought to be. he would not like to bring them closer together — The Drying House and Graining House if removed ought not to be put above the Managers House — That the Graining House and Drying House are essential to the Works, that they are continually required in carrying on the Manufactory — That he should not consider the passage of the road dangerous to the Glazing Mill except from the intercourse along the road to which it would give rise, which a fence would prevent — Supposes that the Glazing Mill is distant from the road about 50 yards — That the Stove or furnace at the Bellona Company's Drying House is so covered — as not to throw out any Sparks, he thinks there is more danger from the Sparks falling from the Chimney on the roof — There is an extra Copper or Iron base around the Stove or furnace at the distance of 4 or 5 inches from it — Deponent states that the utmost caution is observed at the Etna Works to prevent Strangers from being admitted — and do not permit Strangers to visit the Works — along one side of the Etna Works where the Mills are, a plank fence of about 7 feet in height has been put up of about Five hundred yards in length at an expense of near ($1000) One Thousand Dollars — That the Etna Company own about Thirty acres of Land attached to their works — That there is attached to the Etna Works a Graining Mill, a Stamping Mill a drying house a composition House and a variety of other buildings in which combustible materials are not employed — That before the year 1823 he was not acquainted with the Manufactoring of Gun Powder that since that period he has been President of the Etna Company —

And at the same time and place personally appeared Lieutenant Whistler of the Engineer Department of the United States Army a Witness produced on the part of the Defendants who being duly

(Sworn)

Sworn on the Holy Evangely of Almighty God deposes and says that he located the route of the Baltimore and Susquehanna Rail Road Company as far as it has gone – has been lately engaged in making Surveys and locations for the Westminster branch of the Baltimore and Susquehanna Rail Road – that the route located for said branch passes along the Works of the Bellona Gun Powder Company of Maryland – That he considers the route as located along these Works the only practicable route consistant with the principals that govern the location of the Rail Road – That two of the buildings are within the limits of the land condemned for the said Road Viz: the Graining Mill and Drying House – that there is about Four feet cutting at the Drying House – that the cutting begins about One hundred feet South of the Drying House and extending in length about Five hundred feet. the deepest cutting being about Twelve feet – that before and since locating the present route along the works he has made surveys for the purpose of keeping it as distant as possible from the works – but his conclusion was that this is the only route consistant with the principals of location – That when he speaks of its being the only practicable route consistant with the principal of location he does not mean to say that it could not be made by any other route – but that considering the principals of Economy in the construction of the road and the utility of the road when constructed which are the governing principals in the constructing of Rail Roads, this route was to be preferred to all others – Deponent states that he surveyed two other routes – one of these routes starts from the main stem above the works and on the opposite side of Jones Falls, it begins on Mr Boughans property and crosses Rowlands Run to the valley of Jones Falls, and avoids all the works except two of the Mills, the Sulpher Mill and one other from which it is seperated by the Falls – The Falls at this Point are about Thirty feet wide and the road would be distant about One hundred feet from the Falls – The objections to the last mentioned

(tioned)

-tioned route are that the road would start about Twenty feet above the level required for the Branch – That would give the road a descent in the direction from Baltimore – The Valley of Rowlands Run required heavy embankments and a Bridge both together would cost about Fifteen Thousand Dollars – That this route would require a very short turn from the main stem to the branch and a very high embankment which is always if possible avoided – because of the liability of danger in proportion to the curve of the road and the height of the embankment – Another objection to this route is that it would make the travel from Baltimore to Westminster about a half a mile longer than along the present route – Deponent states that the other route which he surveyed branched from the present location about One hundred yards south of the Graining House or Grainery and follows up the Valley of the small stream that runs by the Graining House thence passes through a ridge above the Works between the gate and the Magazine on the Hill, and passes down another small Valley and intersects the present route between the dam and the Magazine below the Hill – the objections to this route were the expenses of construction. a cut through the ridge (it) would require an excavation of upwards of One hundred Thousand yards, to bring it to the proper grade – That if it were rock it would require about Forty thousand yards – That this route would be from Three to Four hundred feet shorter than the present route. another objection to this route would be that the winding of the Valley up which the road turned would produce as short a curve as any in the route – that in comparing the peculiar expenses of each route he estimates those of the present route at Four thousand Dollars the route from the main stem by Rowlands Run at Fifteen thousand Dollars the other route at Twenty five thousand Dollars. this estimate of the expense of the route by Rowlands Run is predicated upon the supposition of that the embankment is Twenty four feet wide at top, its greatest height (is) about Thirty three feet. ———

(Cross)

Cross Examined by Counsel for Complainants

Deponent states that the main stem of the Baltimore and Susquehanna Rail Road crosses Jones's Falls about Thirty five hundred feet below the Graining House or Grainery and follows up the left Bank of Jones Falls opposite the works of the Bellona Gun Powder Company of Maryland and as he believes through property belonging to Mr Beatty – The said main stem running opposite to the works, at an average distance of Two to Three hundred feet from Jones Falls – The present route of the branch road of the Baltimore and Susquehanna Rail Road to Westminster passes along the works of the Bellona Gun Powder Company of Maryland and has been condemned for the use of said Company, it is designated by stakes marked with a cross and numbered from 335 to 374 where it crosses Jones Falls into the field of Mr McConkey above the works these stakes are placed in the Centre of the Road and are marked for cutting down and filling up and the width of the road is Sixty Six feet or Thirty three on each side of the Stakes, it includes within its limits a part of the Drying House and a part of the Graining House.

State of Maryland City of Baltimore To Wit:

I James B. Latimer a Justice of the Peace of the State of Maryland, in and for the City of Baltimore do hereby Certify that the within and aforegoing Depositions were taken before me at the time and place therein Stated

In Testimony Whereof I have hereunto subscribed my name

James B. Latimer

Extract Deed

David Stewart

Trustee

To

James Beatty

Defendants Exh Bit B

Dt. 14th September 1831.

Filed 16 September 1831.

By _____ $1.12½

David Stewart Trustee
To
James Beatty

Deed dated 12th March 1827 Consideration $1945
For all that part of a tract piece or parcel of Land and premises lying and being in Baltimore County aforesaid called Hectors Hopyard as laid down on the plat filed among the proceedings in the above mentioned cause, and designated thereon by Lot No. 2 and which is contained within the following metes and bounds courses and distances that is to say Beginning for the same at a stone standing on the West side of the Falls Turnpike road and on the second line of the whole Tract of Land called Hectors Hopyard as run with 2 degrees and 45 minutes allowance for variation and at the Word Beginning on the said plat, the said stone is marked with the letter X on both sides, said stone is also the beginning of Lot No. 1 as laid down on the said plat, thence running and bounding on Lot No. 1 the three following courses, towit, South 57 3/4 degrees East 31 perches to a stake standing on the East side of said Turnpike road, thence South 30 degrees East 31 perches to a stake standing on the East side of Turnpike road South 22 1/4 degrees East 19 9/10 perches to a Stake standing on the East side of said Turnpike road, thence running as numbered with black figures on the said plat the 31 following courses, towit. North 16 degrees East 15 1/2 perches to the end of the West 150 perches line of a part of the land sold to Josias Brown thence North 107 perches East 129 3/4 perches North 30 degrees East 31 1/4 perches North 4 degrees West 27 3/4 perches until it intersects

To deed

a deed given by Sarah Young and others to the Bellona Gunpowder Company bearing date the 5th. day of August in the year of our Lord one thousand eight hundred and nineteen and at the end of the South 66 degrees and 30 minutes East 11¼ perches line of the aforesaid deed given to the Bellona Gunpowder Company as aforesaid, thence running with and bounding on said deed reversely the 19 following courses, to wit North 66½ degrees West 15²/₁₀ perches to a marked Willow Tree, South 40 degrees West 15⅘ perches, to a stone standing on the West side of the falls thence South 33¾ degrees West 10 perches to an ash Tree on the West side of the Falls, thence North 44½ degrees East 32⅖ perches to a stone thence north 20 degrees West 12 perches to a stone thence North 55 degrees West 12²/₁₀ perches to a stone, thence North 37 degrees West 20½ perches to a stone, thence North 37 degrees East 2 perches thence North 54 degrees West 8½ perches to a marked apple Tree, thence West 13¾/₀₀ to a plumb tree and stone thence North 77½ degrees West 38 perches to a stone thence North 79½ degrees West 18 perches to a stone thence North 82½ degrees West 26 perches to a stone thence North 84½ degrees West 20 perches to a stone thence North 84¼ degrees West 11²/₁₀ perches to a stone thence West 10 perches to a stone thence South 38½ degrees West 12 perches to a stone thence South 14¼ degrees West 17 perches to a marked Gum Tree South 27¼ degrees West 15½ perches to a large rock, and to the northwesterly extremity of said rock thence South 43 degrees West 20¼ perches thence West North 45½ degrees West 3 perches to a marked hickory Tree, thence North 38½ degrees East 5¼ perches thence

North

North 31½ degrees East 1¾ perches until it intersects George McConkey's Land thence South 50 degrees West 18½ perches, thence South 88¾ degrees West 16 perches until it intersects the Second line of the whole tract as run with 2 degrees and 45 minutes allowance for variation thence running with and bounding on said line with 2 degrees and 45 minutes allowance for variation South 2¾ degrees East 106 perches to the place of beginning containing 19 1/2 acres of Land more or less. Saving and reserving however unto the descendants of Michael Young late of said County deceased out of the above described part of a tract piece or parcel of Land and premises forever the family Burial ground as laid down on said plat and contained within the following lines, to wit, Beginning for the same at a pear tree marked with six notches standing at the letter E. on the said plat and running thence South 76½ degrees West 3 perches to a stone thence North 16½ degrees ~~East 6¼ perches~~ West 2½ perches thence North 76½ degrees East 3,10 perches, and thence with a straight line to the place of beginning containing 8 perches of Land more or less, with the right and privilege of passing and repassing over the Land hereby conveyed to and from the same

True Extract taken from Liber W.G. No. 185 folio 275 &c.

Test. Wm Gibson Clk

Bellona Gun Powder
Company of Maryland
vs
Baltimore and Susquehanna
Rail Road Company

State of Maryland City of Baltimore ss

The Deposition of Henry Payson one of the Judges of the Orphans Court for Baltimore County taken before the subscriber a Justice of the Peace in and for the City of Baltimore on the Twenty first day of September Eighteen hundred and Thirty one in the presence of John V. L. McMahon Esq. Counsel for Complainants and James Mason Campbell Esq. Counsel for Defendants said Witness being first duly sworn on the Holy Evangely of Almighty God, Deposes and says, that he was a Stockholder in the Bellona Gun Powder Company of Maryland, in the year Eighteen hundred and Twenty four, the Book marked A.B. and Endorsed the proceedings of the Bellona Gun Powder Company of Maryland being produced and shewn to Deponent he identifies the Entry at page 19 of said Book purporting to be the acceptance of An Act passed at December Session 1824 Entitled "A Supplement to the act entitled an act to incorporate the Bellona Gun Powder Company of Maryland" as made by Deponent. Deponent further states that in January Eighteen hundred and Twenty five the period when said Entry was made, that as far as he knows James Beatty, James Beatty Jr. himself and John J. Steele were the owners and proprietors of the Stock of said Company - that the signatures affixed to said acceptance are the respective sig-

(-natures)

-natures of James Beatty, himself and John F. Steele, and in their respective handwriting - and that the Entry was made to signify the acceptance of said supplement by the said Stockholders and that said supplement was in fact accepted by them, and that under that acceptance of the supplement to the law the next Election of Directors for said Company was made.

And also at the same time and place personally appeared John Hopkins who being first duly sworn on the Holy Evangely of Almighty God deposes & says that he is acquainted with the Powder Manufactured at the works of the Bellona Gun Powder Company of Maryland, and has known it for several years - that he has been in the habit for five or six years of purchasing from said Company from six to seven hundred kegs, Every year - that when Mr James Beatty took charge of the works of the Bellona Gun Powder Company of Maryland the Powder manufactured at Deponts. works was that most in demand in the Baltimore market - that the Powder of the Bellona Gun Powder Company of Maryland's works under Mr Beatty's management has acquired such a reputation that it has superseded the use of Dupont's - Deponent states that the works of the Bellona Gun Powder Company of Maryland supply almost all the Shooting powder for the Baltimore market, that there is now very little British or Dupont's sold in this Market - that if the supplies from the Bellona Gun Powder Company's Works were stopped, the trade would be embarrassed and they would have to go elsewhere for such Powder as is manufactured at these works - that there is no manufactory in the State of

(Maryland)

Maryland which could furnish Powder which would answer the purposes and uses which are supplied from said Works - Deponent further states that Mr Beatty had great difficulty in first introducing the Powder Manufactured at these Works into general use in the Baltimore Market, and had to sell at a reduced price to effect that object - that if these Works were stopped so as to prevent supplies of Powder from them for the Baltimore Market, when wanted, it would be the means of introducing other Powder into the Market, not manufactured in the State of Maryland, and would divert the custom of the Company to regain which it would require a considerable effort to drive the Powder so introduced, out of the Market .....

And also at the same time and place personally appeared Edward Beatty who being first duly sworn on the Holy Evangely of Almighty God deposes and says, that he acted as Clerk to the Bellona Gun Powder Company of Maryland from the Fifth day of July 1824 until sometime in May 1829, that the two Entries contained in the Book marked A.B. purporting to be records of the Election for Directors for the Bellona Gun Powder Company of Maryland, on the Ninth day of January 1826, and on the Eighth of January 1827, are both authenticated by his deponents signature, that the first of said Entries is in the handwriting of this deponent - that both of the said Entries were made by order of the said Company and contain a true record of the proceedings of said Company in said Elections - Deponent on being shewn

(the)

the Entries in page 20 and page 21 in said Book marked A. B. purporting to be records of the Election of Directors for said Company, bearing date the 1st of June 1827, the Eighth of January 1828, and the Ninth January 1829, states that the first of said Entries is in his Deponents handwriting and is authenticated by the signature of James Beatty Senr. President of the Bellona Gun Powder Company of Maryland, and that said signature is in the proper handwriting of said James Beatty Senr. and is a true record of the Election then made - That the entry of the Election on the Eighth day of January 1828 is in the proper handwriting of said James Beatty Senr. President of the Bellona Gun Powder Company of Maryland, and Authenticated by his signature and is a true record of the Election then made - Deponent states that he knows that James Beatty Senr. James Beatty Junior and Edward Beatty were Elected Directors during that year - that the Entries of Directors on the Ninth day of January Eighteen hundred and twenty nine is in his deponents handwriting and authenticated by the signature of James Beatty Senr. President of the Bellona Gun Powder Company of Maryland, and that said signature is in the proper handwriting of said James Beatty Senr. and that is a true record of the Election then made and that James Beatty Senr. James Beatty Junior and Edward Beatty were Elected Directors for that year - Deponent further states that the two other Entries in said Book purporting to be records of Election for Directors of the said Company bearing date the Sixth day of January 1830 and the Sixth day of January (1831,

1831 are in the handwriting of Deponents Brother John Beatty who was at the period when said Entries purport to have been made, the Clerk of said Company and are authenticated by the signatures of James Beatty Senior President of the Bellona Gun Powder Company of Maryland which said signatures are in the proper handwriting of said James Beatty Senior — That from the year 1824 up to the year 1827 there were Four Stockholders in the said Company, and that since that period there has been Three Stockholders, and that ever since the acceptance of the Charter granted to said Company in 1824 there has been three Directors of said Company and that there are now three Directors — Deponent further says, that it was sometime customary for the Clerks to enter the records of the Elections by order of the Stockholders, and sometimes they were made by the President and sometimes authenticated by the signature of the President — and that whenever the Entry was not made and authenticated by the President it was made by his order — Deponent states that he has a knowledge of the purchase of certain Lands adjoining the Works of the Bellona Gun Powder Company of Maryland made by his Father James Beatty Senior from David Stewart Trustee of Michael Young — that the purchase was made somewhere about September 1826 and that said Lands were purchased for the use of the Bellona Gun Powder Company of Maryland and paid for out of the funds of said Company that the said Company has erected several buildings on said Lands and removed other buildings from other situations to said Land, that the Building known by the name of the Drying House is not on that Land — but that the

(graining)

graining House or grainery is on that Land – and that the said Land was always used by the Bellona Gun Powder Company of Maryland as theirs and that so long as Deponent was a Stockholder he considered it as the land of the Bellona Gun Powder Company of Maryland ....

Cross Examined by Counsel for Defendants

Deponent states that he is not a Stockholder in the Bellona Gun Powder Company of Maryland, that his interest in said Company ceased on the Seventeenth day of September 1831, when he transferred all his Stock and interest in said Company – That he Deponent derived his knowledge of the purchase of the Lands ~~of~~ David Stewart from his Father James Beatty Senior President of the Bellona Gun Powder Company of Maryland who made the purchase – That as to the funds applied to the payment of the purchase money of said lands he being the Clerk to said Company and accustomed to do all the Bank business he had an opportunity of Knowing – that the terms of the sale were one Third Cash – One third three months with interest, and the other third Six months with interest – that for the last two payments Notes were given by his Deponents Father but whether in his individual capacity or as President of the Bellona Gun Powder Company of Maryland he does not know – Deponent does know that to meet the first cash payment a Note belonging to the Bellona Gun Powder Company of Maryland was placed in Bank to meet said payment – that the first Note on the credit payment

(was)

was met by the deposite of a Note or Draft in Bank belonging to the said Company and that the last Note was met in the same way

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Further Examined by Counsel for Complainants—

Deponent states that before the purchase by his Father he frequently heard his father speak of the necessity of having these Lands, so as to extend the works of the Company and also to extend the cultivation of the Willow Tree for the making of Coal for said works— That to the best of his belief in the Spring after said purchase the Company planted somewhere about Twelve acres of said Land in Willows— that the houses which were built on said Land, and all the fencing and other improvements were made out of the funds of said Company and with the knowledge of James Beatty Senior

State of Maryland City of Baltimore—ss:
I James B. Latimer a Justice of the Peace of the State of Maryland in and for said City do hereby certify that the within and aforegoing Depositions were taken Before me at the time and place stated

Given under my Hand

J. B. Latimer
A Justice of the Peace
of the State of Maryland
in and for the City of
Baltimore.

Filed 30 Septr 1831.

The State of Maryland.

To The Baltimore and Susquehanna Rail Road Company

of Baltimore County, Greeting:

We command and enjoin you, that all excuses set aside, you be in your person before the Judges of Baltimore County Court, at the Court House, in the same county, on the first day of September next, to answer the complaint of The Bellona Gunpowder Company of Maryland against you in the said Court exhibited

Hereof fail not, as you will answer the contrary at your peril.

Witness the Honourable STEVENSON ARCHER, Chief Judge of our said Court the 20 day of May in the year of our Lord one thousand eight hundred and thirty one

Issued the 25th day of August 1831

Wm Gibson Clk

Equity Docy 48.

The Belleona Gunpowder
Company of Maryland

v.

The Baltimore and
Susquehanna Rail Road
Company

Subpoena

Summoned George
Winchester Esqr. the President
&c. &c.

Kerr Green
Solr

R D

Filed 16 Septr 1831.

The State of Maryland.

To The Baltimore Susquehanna Rail Road Company

of Baltimore County, Greeting:

We command and enjoin you, that all excuses set aside, you be in your person, before the Judges of Baltimore County Court, at the Court House, in the same county, on the first day of October next, to answer the complaint of The Bellona Gunpowder Company of Maryland against you in the said Court exhibited.

Hereof fail not, as you will answer the contrary at your peril.

Witness the Honourable STEVENSON ARCHER, Chief Judge of our said Court the first day of September in the year of our Lord one thousand eight hundred and thirty one

Issued the second day of September 1831

Wm. G. Watson Clk

The Bellona Gunpowder
Company of Maryland
vs
The Baltimore &
Susquehanna Rail
Road Company
Sworn

Summoned

Filed 16 September 1831

Henry Greenleaf

McMahon
R J

Equity Page 48.

The Bellona Gunpowder
Company of Maryland
vs
The Baltimore and
Susquehanna Rail Road
Company

Injunction, with copy of
Judges order.

Served 26th August 1831
on George Winchester
Esqr President thereof
Henry Green
Sheff
R D

Filed 16 September 1831

Maryland Sct. The State of Maryland To the Baltimore and Susquehanna Rail Road Company, your Servants, Workmen, Engineers and agents Greeting:

Whereas the Bellona Gunpowder Company of Maryland hath exhibited to us in our County Court for Baltimore County their Bill of Complaint for Relief in Equity and to prohibit and injoin you and each of you from making or constructing, or from proceeding further to make or construct such part of the branch of the Baltimore and Susquehanna Rail Road located through the lands of the Bellona Gunpowder Company aforesaid and which location runs through the Drying House of the said Gunpowder Company, as runs at any distance within the lands of the said Bellona Gunpowder Company and within three hundred yards southerly of their Granary and within three hundred yards westwardly and northerly from any one of the buildings composing a part of the Manufacturing Establishment of the said Bellona Gunpowder Company until the further order of our said Court in the premises.

We do therefore hereby and strictly injoin you and each of you that from henceforth you and each of you Surcease and desist from making or constructing, or from proceeding further to make or construct such part of the branch road aforesaid, located as aforesaid, as runs at any distance within the said lands of the said Complainants and within three hundred yards southerly of their Granary and within three hundred yards westwardly and northerly from any one of the buildings composing

a part of the said Manufacturing Establishment of the complainants until the further order of our said Court in the premises.

Witness the Honorable Stevenson Archer Chief Judge of our said Court the second day of May in the year of our Lord One thousand Eight hundred and thirty one

Issued the 25th. day of August 1831.

Wm. Gibson Clk

(Copy of the Judges order for issuing Injunction)

Let Injunction issue as prayed - To be dissolved on the 5th. of September or motion therefor, unless the Complainants satisfy the Court by affidavits which they are hereby authorised to take before a Justice of the peace, that the Rail Road can be located as suggested by complainants, or the same be admitted by the answers of Defendants. The affidavits to be taken upon two days notice to the opposite party or their Solicitor Tho Kell

25th. Augt 1831

True Copy Wm Gibson Clk

Extract deed

Jas & Thos Wilson
to
— James Beatty. —
— 23d August 1825. —

Defendant's Exhibit C

Jo 14th September 1831

Jd 16 September 1831

Exd $1.00

James and Thomas Dixon to James Beatty } Deed dated 23 August 1825. of six to and out of the several tracts or parts of tracts lot slips pieces or parcels of Land therein and hereon after particularly described situate and lying in Baltimore County in Maryland and contained within the following metes & bounds courses and distances being the table of courses contained in the paper or Exhibit marked A1 therein and hereinbefore mentioned as filed among the proceedings of a cause in Ballo Co. Ct to wit- Beginning for the same at the northwesternmost Extremity of a point of Rocks situated on the S. side of Jones's Falls and running thence N. 27¼° E 15½ p. to a marked Gum Tree thence N 14° E 17 p. to a stone thence N 38° and one half of a degree. East 12 p. to a stone thence E 10 p. to a stone thence S 84¼° E 11 p. and one tenth of p. to a stone thence S 84½° E 20 p. to a stone thence S 82½° E 26 p. to a stone thence south 79½° E 18 p. to a stone thence South 77½° E. 38 p. to a plum Tree thence S 87½° E 13 p. and eighty five one hundredth part of a perch to an Apple Tree thence S 44° E 8 p. and a half to a stone thence S 37° W 2 p. to a stone thence S 55° E 20 pers and a half to a stone thence S 20° E 12 p. to a stone

(thence

thence S 29° and a half W 32 pes to a stone thence S 44° and a half E 12 pes and Eight tenths of a perch to an Ash Tree on the west bank of Jones' Falls thence running in and up the said Falls N 33° and 3/4 of a degree E 10 pes to a stone planted on the W. side of Jones Falls thence N 40° E 15 pes and nine tenths of a perch. to a willow Tree thence S 66° and a half E 14 pes to a stone in the fourth line of Hectors Hopyard thence running with and bounding on said line N 3° and 3/4 of a degree W 52 pes and a half to a Sycamore Tree on the S Bank of Jones' Falls thence running with and bounding on the said South Bank of Jones' Falls the 5 following courses towit S 79° and a half W 8 pes thence North 81° and a half W 18 pes thence N 83° W 20 pes thence N 89° and a half W 18 pes thence N 76 1/2° W 8 pes thence N 52 1/4° W 18 pes and three tenths of a perch to a stone on the N Bank of Jones' falls thence running with and bounding on the said N. Bank of Jones' Falls the 6 following courses towit S 67 1/2° W 14 pes. thence N. 79 1/2° W 64 pes thence N. 68 1/2° W 10 pes to the Southernmost Extremity of a large point of Rocks situated on the N side of Jones' Falls thence S 85° and a half W 5 pes thence S 46 1/4° W 25 pes thence S 4° W 4 pes thence leaving Jones' falls N 56° and a half W 7 1/2 pes to a stone thence S 2 1/2° W 16 pes to a stone thence S 14° and a half W. 10 pes to a stone thence S 30 1/2°

(West

West 17 ps to a stone where a forked sycamore tree once grew thence S 38° and a half W 5 ps and a quarter to a marked Hickory Tree on the N side of Jones' Falls and on the South side of an Island that is formed by Jones' falls thence crossing Jones' falls S 45½° E 3 ps to a stone planted on the S. bank of Jones falls thence N 42° and a half E 20 ps and a quarter to the place of Beginning containing 20 acres of Land more or less.

Taken from Liber WG No 177 folio 418 &c.

J Phil Gibson Clk

Baltimore County Court September Term 1831

The Patapsco Gunpowder Company of Maryland
vs.
The Baltimore & Susquehanna Rail Road Company

25th August 1831 Bill filed, Injunction and subpoena issued - Summons Geo. Winchester Esqr. President - Injunction served - 14th September 1831 answer of Defendant and three Exhibits filed - Same day Depositions of William Gibbs John Gibbs Stephen Gibbs, Solomon Hook, Doct. Schwartz William D. Small, Uriah Brown and Alexander J. Boulden and three Exhibits and plat filed by Complainants, and the Depositions of John K. Rowe and Lewis Whistler filed by the Defendant - 15th September 1831 Suggestion and affidavit of Defendant and order for removal to the High Court of Chancery filed.

Wm Gibson Clk

In pursuance of the order above referred to I herewith transmit to the Honorable the High Court of Chancery of Maryland the original papers in the above mentioned cause.

In testimony whereof I have hereto subscribed my name and affixed the seal of Baltimore County Court this 15th day of September 1831.

Wm Gibson Clk Balto Cty Ct

Complainants Costs in County Court £17. 33/3
Defendants Ditto 13. 00

Filed 16 September 1831

The Baltimore Gunpowder Company
of Maryland
and
The Baltimore & Susquehanna
Rail Road Company

In Chancery
23 Sept. 1831

The Defendants in this Cause having filed their answer and entered on the Docket notice of motion to dispose. it is thereupon ordered that the said motion stand for hearing at the next Term. provided that a Copy of this order be served on the Complainants or their Solicitor on or before the 26th Inst.

Theodorick Bland Ch

Order

23 Sept. 1831

The Defendant in this Cause having
[illegible] or Plea filed or
is hereby ordered that the said matter
stand for hearing at the next Nov. Term=
=ber Ct of the City of Bos. to be held
at the Court House or such other
place as the Court shall direct

Attest: Theodore Lyman Jr Clerk

The Defendants Petitioners
vs
The Selectmen Inhabitants
of Roxbury

Petition for Mandamus

23 Sept. 1831

Baltimore County Court September Term 1831.

The Belond Gunpowder Company of Maryland
vs.
The Baltimore Susquehanna Rail Road Company

2d September 1831 Bill filed Injunction and subpoena issued - Summons - Injunction served on George Winchester Esqr. Revd. John Glenn D. M. Campbell Samuel McKim Benjamin C. Ross, John Ogelow, George Keyser, Alexander Bridge, Leonard Pender, Jamy Carroll Junior Basil S. Elder, Jamy McLanahan John King, Henry Webb and Alexander McDonald - 15th September 1831 appearance for Defendant - Same day Suggestion and affidavit of Defendant and order for removal to the High Court of Chancery filed

Wm Gibson Clk

In pursuance of the order above referred to I herewith transmit to the Honorable the High Court of Chancery of Maryland the Original papers in the above cause.

In Testimony whereof I have hereto set my hand and affixed the seal of Baltimore County Court this 15th day of September 1831.

Wm Gibson Clk Balto Co Ct Ct

Complainants Costs in County Court $ 21. 39
Defendants Ditto ——— 13. 60.

Filed 16 September 1831.

The Bellona Gun Powder
Company of Maryland
vs
The Baltimore and
Susquehanna Rail Road
Company —

fc 2c September 1831.

Filed 16 September 1831.

Order 17 Octo. 1831

Def. Gudgen ^ Stone the Defendants in the Injunction in
this Cause, to answer the Complainants Bill, and to remain and continue, until the Injunction
aforesaid, be dissolved, or until the further order of
this Court in the premises, and that the Defendants
do pay the Complainants their Costs in this behalf
expended.

Thomas Kell
Clk

Dec. 16th September 1831

The Bellona Gunpowder Company of Maryland.
vrs
The Baltimore & Susquehanna Rail Road Company.

In Chancery
17 October 1831

The motion to dissolve the Injunction standing ready for hearing and the Solicitors of the parties having been fully heard the proceedings were read and considered.

Whereupon it is Ordered, that the Injunction heretofore granted in this case be and the same is hereby annulled and dissolved.

Theodorick Bland Ch

To The Honorable The Judges of Baltimore County Court
sitting as a Court of Equity

The Bill of Complaint of the Bellmar Gunpowder Company of Maryland respectfully sheweth unto your Honors that by an Act of the General Assembly of Maryland passed in the year Eighteen Hundred and Fourteen Chapter Seventy Eight Your Orators were incorporated by the above name of the Bellmar Gunpowder Company of Maryland: and that by a supplement to said Act to wit the Act of December Session Eighteen Hundred and Twenty Four Chapter Ninety Two the first mentioned Act was so modified as to reduce the number of Directors of said Company to three, all of which will more fully appear by reference to the printed Statute Books for said Sessions, or by authenticated copies thereof, which if required Your Orators will produce and which said Acts Your Orators pray may be taken as a part of this Bill of Complaint

Your Orators further represent, that the provisions of the said supplementary Act were duly accepted and that in pursuance of the powers conferred by the aforesaid Act and its supplement Your Orators have ever since been and continue to be a Body Corporate entitled to all the benefits, rights, franchises and Powers conferred by said Acts of Assembly: that under said Acts the objects of their said incorporation were declared to be the manufacturing and vending of Gunpowder and the carrying on of any other branches of manufactures in their discretion: and that for said objects they were authorised to purchase and hold lands in fee simple or otherwise not exceeding One Thousand Acres at

at time and to erect thereon all necessary & convenient buildings

Your Orators further state that in exercise of their said chartered

rights. they long since and long before the year Eighteen Hundred

and Twenty seven when the Defendants hereinafter named, the

Baltimore and Susquehanna Rail Road Company were incorp=

=orated, purchased and obtained titles in Fee to a quantity of

land less than a Thousand acres, and the water-rights situated

on Deer Creek Falls in Baltimore County and State with a

view to the erection of the necessary works and buildings for the

Manufacture of Gun Powder: and that carrying said intention

into effect Your Orators long before the passage of the Act

incorporating the said Defendants erected on the said lands

so purchased by Your Orators large and expensive buildings

for the manufacture of Gun powder, and have ever since

been extensively engaged in said Manufacture: that the

Capital which they have actually invested in said

Manufacture amounts to about Seventy or Eighty Thousand Dollars:

, and that they have now on hand materials to be worked up

into the ensuing season to nearly the amount of Twenty Three

Thousand Dollars which will be to your great measure lost

and sacrificed to them if the said Defendants are not restrained

from doing the Acts hereinafter complained of: and that all the

said Capital has been so invested by your Orators upon the faith

of their chartered privileges under the aforesaid Acts and under

the confident belief that the said property would not be interfered

with or destroyed — Your Orators further represent

that such is the nature of their said manufacture and the hazard of carrying it on, that workmen cannot be procured to carry it on if subjected to the increased hazard consequent upon such a thoroughfare as a Railroad running near to or through their said works: and that if the said Defendants the Baltimore and Susquehanna Railroad Company are permitted to locate their Road in the manner hereinafter complained of that the workmen now in the employ of your Orator, as they have informed the Manager of your Orator and as your Orator believes, will not continue at the said works of your Orator because of the great additional hazard of their lives to which they would be subjected by the construction of said road in said manner: and that for the same reasons, your Orator could not hope to obtain other suitable hands to supply the places of said workmen

Your Orator further complaining states to your Honors that the said Baltimore and Susquehanna Railroad Company who were not incorporated until the Nineteenth day of February Eighteen Hundred and Twenty Eight by an Act of the General Assembly of Maryland passed at December Session Eighteen Hundred and Twenty Seven Chapter Seventy Two, [illegible] contrary to justice and Equity, in violation of the [illegible] rights and privileges of your Orator, and to the great injury and ruin of the afores said Manufactory of your Orator, if the purpose of the said Defendants is effected, have determined as your Orator are informed and believe, to locate a branch

of the road through the said lands of your Orators and have actually blaked off the same with a view to its immediate construction & against the wishes and remonstrances of your Orator — Your Orator further represent that the said branch of said road by the said location will be made to run nearly a mile through the lands of your Orator, that it will actually take down one of the houses attached to your said Orators Powder manufactory and one said lands of your Orators used by your Orator as a charging house for their Gun Powder and one house used as a Granary for their Gun Powder and to render the same wholly useless — Your Orator further represent that the houses belonging to their said manufactory are necessarily placed at their present distances from each other so as to prevent an explosion of any one from communicating with the rest: and that if the said location of said branch is adopted and the said houses of your Orator destroyed or rendered useless, that there is no other suitable situation on the said lands of your Orator to rebuild the same or one which they could be rebuilt with safety to the works — and that it will be impossible for your Orators to carry on their works at all — Your Orators further charge & that they believe and do charge that the said branch road may be located in so different a way according any collision with the works of your Orators and with the least trouble if any additional expense to the said Defendants and as a route too, which as your Orators were induced to believe, had been determined upon by the said Defendants — Your Orators further charge, that as they are advised the Legislature of Maryland had no power

to confer upon the said Defendants the right to interfere with or
in any wise to control or injure the aforesaid rights, franchises
and property of your Orator and that in fact, as your Orator
is advised, the right of the said Defendants to condemn lands
and claim the same for the construction of their road against the
will of the owners of such lands is limited to the case of individual
proprietors or owners and does not reach or affect the property
of incorporated Companies

Your Orator further charges and doth represent to
your Honors that on the twenty fifth day of the present last month
your Orator exhibited to the Honorable Court their Bill of
Complaint setting forth the facts above stated by your Orator,
and praying for an Injunction to restrain the said Defendants
their servants, workmen, Engineers or Agents from making or
constructing or from proceeding further to construct or make such
part of the branches aforesaid which the said Defendants have, as is
aforesaid charged, located through the lands of your Orator and
which location runs through the dwelling house aforesaid of your
Orator, as runs at any distance within the said lands of
your Orator and within One Hundred Yards Southerly of their
aforesaid Granary and within Three Hundred Yards Westwardly
and Southerly from any one of the buildings composing a part
of the said Manufacturing Establishment of your Orator - and
your Orator further charges and represents that upon their said
Bill of Complaint an Injunction was ordered to be issued by
the Honorable Thomas Keller one of the Judges of the Honorable Court
and was accordingly issued on the aforesaid twenty fifth

day of ~~the present month~~ August last aforesaid prayed for an Injunction and to be disposed on ~~the~~ Monday the fifth of September next unless ~~before~~ on or before said fifth of September Your Orator should file in this Honorable Court upon ~~which~~ under which said Bill of Complaint affidavits by which this Court should be satisfied of the existence of such as to grant for said branches and ~~avoiding~~ avoiding any collision with the works of Your Orators as is represented in Your Orators said Bill of Complaint = And Your Orator further charges, and so the fact is, that the said Injunction was duly issued and served upon the President of the said Baltimore & Susquehanna Rail Road Company and that the said President, ~~and~~ having caused a Warrant to be issued to condemn the lands of Your Orators for the location of the said branches along the aforesaid route next to the buildings of Your Orators as above complained of and to take the same from Your Orator against the will of Your Orators and in order to the construction of said branches along said route, ~~pending~~ the service upon him of the said injunction, pending the hearing of the said injunction aforesaid, is now proceeding contrary to the equity and right of the matter, the aforesaid rights and privileges of Your Orators, and the spirit and objects of the said Injunction, to carry said warrant into execution and to have the said lands of Your Orators valued and condemned for the said Baltimore and Susquehanna Rail Road Company and for the uses aforesaid before the hearing of the said Injunction & before the day as aforesaid agreed to Your Orators ~~agreed~~ for the filing of Affidavits to sustain their said Bill of Complaint — And Your Orator further charges to the fact is, that the day of August under said warrant has already been summoned and that Saturday next the third instant has been appointed as the day for the meeting of the said Jury and the condemnation of ~~the~~ aforesaid of the said lands of Your Orators

Tho. your Orators are informed and believe, under and agreeably to the instructions of the President of the said Baltimore Susquehanna Rail Road Company: and that as your Orators apprehend & believe, the said Defendants if not restrained by this Honorable Court, will proceed to execute said warrant and have the said lands of your Orators condemned for the uses aforesaid Wherefore and forasmuch as your Orators are remediless in the premises except by the aid of this Honorable Court where matters as a Court of Equity whereof matters of this kind and proper cognizable To the ends that the said Baltimore and Susquehanna Rail Road Company may true and perfect answer make to the matters herein before stated and charged as fully as if particularly interrogated thereto and that and injunction may be granted by this Honorable Court to restrain the said Defendants from taking or condemning or causing to be taken or condemned any of the lands of your Orators along the location of aforesaid the said branch road above complained of by your Orators or within the limits particularly described in the aforesaid injunction also above set forth until the injunction as aforesaid granted by and issued out of this Honorable Court on the twenty 7th of August upon the aforesaid Bills of Complaint of your Orators shall be dissolved by this Honorable Court Your Orators pray Your Honors to grant unto them the Writ of Injunction directed to the said Baltimore and Susquehanna Rail Road Company, their agents, or attorneys and all persons acting on behalf of said Company, to the Sheriff of Baltimore County and the Justices of the Peace in and for said County, prohibiting the said Baltimore and Susquehanna Rail Road Company, and their agents or attorneys from executing their warrant aforesaid or causing to be issued or executing or causing to be executed any warrant summoning any Jury of Inquest to value and condemn any of the lands of your Orators lying along the route of the location of the branch road as above complained of by your Orators or within One Hundred Yards southerly of their aforesaid Granary

and within three hundred yards westwardly and northerly from any of the buildings comprising a part of the said Manufacturing Establishment of your Orators and from leaving any of the said lands condemned for the said Baltimore Susquehanna Rail Road Company and also the said Sheriff and the said Justices, the former from letting from issuing and the former from executing any warrant or warrants for the summoning of any Jury to value and condemn any of the lands of your Orators within the aforesaid limits for the use of the said Baltimore and Susquehanna Rail Road Company or for the construction of any roads and tracks until the injunctions aforesaid and upon your Orators Bill of Complaint against the said Defendants and the twenty fifth of August last shall have been duly disposed of under the further order of this Court in the premises - May it also please your Honors to grant unto your Orators the State's writ of Subpoena directed to the said Baltimore Susquehanna Rail Road Company commanding them to appear and answer the premises and abide by such decree as your Honors may deem proper to make in the same: and also to grant unto your Orators such further relief as your Honors may deem proper in the equity and right of the case may demand - And your Orators will ever as in duty bound pray &c

J. Glenn Thelan } Solrs for Complts
Reverdy Johnson }

Baltimore City

On the first day of September in the year Eighteen hundred and thirty one personally appeared before the subscriber a Justice of the Peace in and for the City aforesaid James Beatty of said place President of the Potomac Powder Company of Maryland and made oath the matters and facts stated in the aforegoing and within Bill of Complaint

are true as stated, to the best of his
knowledge and belief

Sworn before

James P. Latimer

The Kekona Gunpowder Company
of Maryland
vs
The Baltimore Susquehanna
Rail Road Company

} Balt. County Court
in Equity

To the Honorable the Judges of Baltimore County Court sitting in Equity

The petition of the Balt. Susquehanna Rail Road Company, Defendants in the above cause respectfully sheweth, That a Bill was filed in this Court upon the twenty fifth day of August last by the Kekona Gunpowder Company against these petitioners, which said Bill with the papers filed therewith, or in the further proceedings of any which have been had thereon, your petitioners pray may be removed to the High Court of Chancery according to the act of assembly in such case made and provided

And your petitioners will ever pray &c

J. Whitridge
John Glenn
& Thomas Scott Solrs for Petrs

State of Maryland
City of Baltimore to wit

Be it remembered that on this Fifteenth day of September Eighteen hundred and thirty one personally appeared before me the subscriber one of the State of Maryland's Justices for the City aforesaid George Winchester, President of the Baltimore & Susquehanna

Rail Road Company. Let hearing in the aforesaid petition & made known that the same is not intended for delay

Noon before

S. C. Clerk

Upon the aforesaid application it is this 15th day of September Eighteen hundred and sixty one ordered. that the papers and proceedings in the above Cause be removed as prayed

Ch. W. Dawson

Suggestion and affidavit

Sept. 15th. September 1861.

Filed 16 Sept. 1861

The Baltimore Gunpowder Company
of Maryland
vs
The Baltimore Susquehanna
Rail Road Company

Balt: County Court
In Equity

To the Honorable the Judges of Baltimore County
Court sitting in Equity

The petition of the Balt: Susquehanna Rail Road
Company defendants in the above cause respectfully sheweth
that on the second day of September last a Bill was filed
in this Court against your petitioners by the Baltimore Gunpowder
Company of Maryland. which said Bill with all papers filed
therewith or in the further proceedings of any which have been
had thereon. your petitioners pray may be removed to the
High Court of Chancery according to the Act of Assembly in
such case made and provided.

And your petitioners will ever pray

R J Heath
John Glenn
J Mason Campbell
Solrs for Petr

State of Maryland
City of Baltimore to wit

Be it remembered that on this fifteenth
day of September Eighteen hundred and thirty one. Septi-
mus Hall appeared before me the subscriber one of the State
of Maryland's Justices for Baltimore City. George Winchester

President of the Baltimore Susquehanna Rail Road Company the petitioners in the aforegoing petition & made oath that the same is not intended for delay -

Noon 6th Sept

P. Mc Culloh

Upon the aforegoing petition it is this fifteenth day of September Eighteen Hundred & thirty one ordered. That the papers & proceedings in the above cause be removed as prayed

Chs. W. Harvey

Sept 15th Petition & Order

Filed 16th September 1831

The Bellona Gunpowder Company of Maryland adv.
Sarah Young Widow & the Infant Children of Michael Young dec.

On the Equity side of Baltimore County Court
July Term 1819

This cause standing ready for hearing and being submitted, the Bill, answers Exhibits and all other proceedings were by the Court read and considered It is thereupon this fifth day of July 1819 by the authority of Baltimore County Court and by the assent of the parties of age appearing by their answers, ordered adjudged and decreed that Sarah Young (Widow) and William Alexander and Eliza his wife for themselves and Doctor Thomas Johnson as Guardian to and on behalf of Eliza Alexander Harriet Rebecca Eleanor Edward Tilly Nesbit Sarah Camilla and Ann Maria Young Infant Defendants do and shall by a good and sufficient deed to be acknowledged according to Law convey to the Bellona Gunpowder Company of Maryland their successors and assigns in fee simple all their right title interest property claim and demand both at Law and in Equity of in and to the Lands and premises described among the proceedings of this cause and particularly set forth by courses and distances metes and bounds in the paper or Exhibit marked A filed with the bill of complaint the deed not to be made until the remainder of the purchase money stated to be due is paid or secured to be paid to the satisfaction of the Guardian and Medad the Exors of

of this suit to be paid by the Complainants

In testimony that the aforegoing is a true copy taken from the original decree filed in my office the fifth day of July Eighteen hundred & twelve

I have hereto set my hand and affixed the seal of my office this day and year before written

Wm Gibson C.M. Patt. Co. Court

This Indenture made this Fifth — day of August in the year One Thousand, Eight Hundred and nineteen, between Sarah Young (Widow), William Alexander and Eliza his Wife, and Thomas Johnson, all of Baltimore County and State of Maryland, of the one part, and The Bellona Gunpowder Company of Maryland of the other part. Whereas a certain Michael Young, now deceased, did heretofore at various times between the Early part of March Eighteen Hundred and One and the First — day of January Eighteen Hundred and Eighteen, convey, assign, Lease and transfer unto Noah Nelms and others whose names are set forth at length in the Deeds herein after referred to, and who or the Survivors of whom now constitute the incorporated Company now known by the name of the Bellona Gunpowder Company of Maryland; and whereas the said Michael Young did also convey to the said Company since its incorporation sundry property contained and set forth in a Deed from him to said Company recorded in Liber W.G. No. 143, folio 91 &c one of the Land Record Books of Baltimore County Court; and whereas after the Execution and delivery of the said last mentioned Deed, and of the Deeds herein before first mentioned as executed to certain individuals before the Company became incorporated, to wit a Deed from Michal Young to Noah Nelms and others recorded among the Land Records aforesaid in Liber W.G. No. 68 folio 498 &c; one other Deed from said Young to Noah Nelms and others recorded in Liber W.G. No. 79 folio 341 &c and one other Deed from said Young to Mary Ann Nelms and others recorded in Liber W.G. No. 120 folio 443 &c, and perhaps some other Deed or Deeds from the said Young to the said persons or Company after its incorporation, it was found that in making the necessary Plats, running the lines of the several Lots, Tracts or parts of Tracts of Land conveyed as aforesaid, some inaccuracies and mistakes were committed, and it was proposed and agreed between the said

Michael Young, and the said Ballona Gunpowder Company of Maryland, that there should be made a new Survey of the whole of the aforesaid Tracts, Lots or parcels of Land for the purpose of correcting the said Errors, straightening the lines and taking in a small slip of Land of about one acre and a quarter which the said Company found necessary for their Factory and which the said Young agreed to sell; And whereas in conformity with the said arrangement the whole of the aforesaid property was accordingly run out by and with the consent and in the presence and under the direction of the said Michael Young on or about the Twentieth day of December Eighteen Hundred and Seventeen, and the said Acre and a quarter taken in and the whole reduced into and laid down upon a Table of Courses contained in a paper marked Exhibit A filed among the proceedings of a Cause instituted in Baltimore County Court at July Term Eighteen Hundred and nineteen as a Court of Equity, in which Cause the said Ballona Gunpowder Company of Maryland was Complainant and the Widow and Infant Children of the said Michael Young were Defendants - and whereas after the Survey aforesaid was completed, and before the Execution to the said Ballona Company of a new Deed by the said Michael Young, as was intended, of all and every part of the said Lands, according to the aforesaid Table of Courses, to the said Michael Young departed this life intestate, in consequence whereof it became necessary to proceed in a Court of Equity to obtain a Decree for a Conveyance according to the said intention and agreement of the said Michael Young before his decease, and a Bill being filed a Decree was passed by Balti-

more

mon County Court as a Court of Equity bearing date the (5th)
fifth day of July in the year Eighteen Hundred and
nineteen, a Copy whereof is hereunto annexed, whereby it
is adjudged, ordered and decreed by the said Court
that Sarah Young (Widow) and William Alexander and
Eliza his wife (one of the Children of the said Michael Young) for
themselves, and Thomas Johnson as Guardian to and on
behalf of Eliza Alexander; Harriet; Rebecca; Eleanor;
Edward Tilly; Nesbit; Sarah; Camilla; and Ann Mar-
ia Young Infant Children of said Michael Young
deceased should by a good and sufficient Deed to be
acknowledged according to Law convey to the Bellona
Gunpowder Company of Maryland, their Successors
and Assigns, all their right, title, interest, claim,
property and demand both at Law and in Equity
of, in and to the Lands and premises described among
the proceedings of the Cause aforesaid, and particu-
larly set forth by Courses and distances, metes and
bounds in the paper or Exhibit marked A filed
with the Bill of Complaint in said Cause, NOW
This Indenture Witnesseth that for and in Con-
sideration of the premises, and for the purpose of carry-
ing the said Decree into effect, and for the further con-
sideration of Five dollars to the parties of the first
part herein before mentioned, in hand paid at the
Sealing and delivery of these presents the receipt
whereof is hereby acknowledged, they the said Sarah
Young (Widow) and William Alexander and Eliza his
Wife for themselves, and the said Thomas Johnson as the
Guardian to and on behalf of Eliza Alexander and Harriet,
Rebecca Eleanor, Edward Tilly, Nesbit, Sarah, Camilla and
Ann Maria Young Infant Children of the said Michael
Young, have granted, bargained, sold, assigned, conveyed,
transferred and set over, and by these presents do grant,

bargain, sell, assign, convey, alien, release, enfeoff, and confirm
and set over unto the said Bellona Gunpowder Company
of Maryland, their Successors and assigns, forever, all
the right, title, interest, property, claim and demand
whatever both at Law and in Equity, of the said
Sarah Young, William Alexander and Eliza Alexander
his Wife, and of Harriet Young, Rebecca Young, Eleanor Young, Edward Tilly Young, Norbit Young, Sarah
Young, Camilla Young, and Ann Maria Young, of
in, to and out of the several Tracts or parts of Tracts,
Lots, Slips, Rocks, Pieces or parcels of Land herein
after particularly described, situate, lying and being
in Baltimore County, in Maryland, and contained within
the following metes and bounds, Courses and distances
(being the Table of Courses contained in the paper
or Exhibit marked A herein before mentioned and
filed among the proceedings of a Cause in Baltimore County Court) To wit Beginning for the same at
the Northwestermost extremity of a point of Rocks situated
on the South side of Jones's Falls, and running thence
North Twenty seven and one quarter degrees East Fifteen
and a half perches to a marked gum tree, thence
North fourteen degrees East Seventeen perches to a
Stone, thence North Thirty Eight degrees and one half of
a Degree, Twelve perches to a Stone, thence East
Ten Perches to a Stone; thence South Eighty four and
one quarter Degrees East Eleven perches and One
Tenth of a perch to a Stone; thence South Eighty four
and One half degrees East Twenty Perches to a Stone;
thence South Eighty Two and a half degrees East Twenty
Six perches to a Stone; thence South Seventy nine
and a half degrees East Eighteen perches to a Stone;
thence South Seventy seven and a half East thirty Eight

perches

perches to a plum-tree; thence South eighty-seven and
a half degrees East thirteen perches and eighty-five one
hundredth parts of a perch to an apple-tree; thence
South fifty-four degrees East eight perches and a half
to a Stone; thence South thirty-seven degrees West
two perches to a Stone; thence South fifty-five Degrees
East twenty perches and a half to a Stone; thence South
twenty degrees East twelve perches to a Stone; thence
South twenty-nine Degrees and a half West thirty-two
perches to a Stone; thence South forty-four degrees and
a half East twelve perches and eight-tenths of a perch
to an Ash-Tree on the West Bank of Jones's Falls; thence
running in and up the said Falls North thirty-three degrees
and three quarters of a Degree East ten perches to a
Stone planted on the West side of Jones's Falls; thence
North forty degrees East fifteen perches and nine-tenths of a
perch to a Willow-tree; thence South sixty-six degrees and
a half East fourteen perches to a Stone in the fourth
Line of Hector's-Hop-yard; thence running with and binding on
said Line North three Degrees and three quarters of a Degree
West fifty-two perches and a half to a Sycamore-Tree on the
South Bank of Jones's Falls; thence running with and bind-
-ing on the said South Bank of Jones's Falls the five
following Courses: To Wit, South seventy-nine degrees
and a half West eight perches; thence North eighty-one
degrees and a half West eighteen perches; thence North
eighty-three degrees West twenty perches; thence North
eighty-nine Degrees and a half West eighteen perches;
thence North seventy-six degrees and a half West eight
perches; thence North fifty-two Degrees and a quarter of
a Degree West eighteen perches and three ~~Tenths~~ of a
perch to a Stone on the North Bank of Jones's Falls; —
thence running with and binding on the said North Bank of
Jones's

Jones's Falls the six following Courses: to wit, South sixty-seven Degrees and a half West fourteen perches; — thence North seventy-nine degrees and a half West sixty-four perches; thence North sixty-eight degrees and a half West ten perches to the Souther most extremity of a large point of Rocks situated on the North side of Jones's Falls; thence South eighty-five degrees and a half West five perches; thence South forty-six degrees and a quarter West twenty-five perches; thence South four degrees West four perches; thence leaving Jones's Falls North fifty-six degrees and a half West seven perches and a half to a Stone; thence South two degrees and a half West sixteen perches to a Stone; — thence South fourteen Degrees and a half West ten perches to a Stone; thence South thirty Degrees and a half West seventeen perches to a Stone where a forked Sycamore-Tree once grew; thence South thirty-eight degrees and a half West five perches and a quarter to a marked Hickory-Tree on the North side of Jones's Falls, and on the South side of an Island that is formed by Jones's Falls; thence crossing Jones's Falls South forty-five Degrees and a half East three perches to a Stone planted on the South Bank of Jones's Falls; thence North forty-two degrees and a half East twenty perches and a quarter to the place of Beginning: — Containing twenty acres of Land be the same more or less:

To Have and To Hold all and singular the aforesaid several Tracts or parts of Tracts, Lots, slips, rocks, pieces or parcels of Land herein before particularly described as aforesaid together with their and every of their appurtenances unto the said

Bellona

Belloa Gunpowder Company of Maryland, their Successors and assigns for ever in as full and ample a manner both at Law and in Equity as the parties of the first part herein before mentioned do now hold and have heretofore held the same.

In Testimony whereof the parties of the first part herein before mentioned have hereunto set their hands and affixed their seals the day and year first above written.

Signed, sealed and delivered in the presence of

John Forguth
John McMorry

Sarah Young (Seal)
Wm " Alexander (Seal)
Eliza Alexander (Seal)
Thos. Johnson (Seal)

Baltimore County, Sc.

Be it remembered that on this
day of in the year of our Lord one thousand
eight hundred and nineteen personally appear before us
the Subscribers two Justices of the Peace of the State
of Maryland in and for Baltimore County aforesaid, Sarah
Young, (Widow) William Alexander and Eliza Alexander his wife
and Thomas Johnson (of Baltimore County all) the parties
grantors named in the aforegoing deed, and acknowledge the
said Deed or Instrument of writing to be their Act and Deed,
and the land and premises therein mentioned to be the right
and Estate both at Law and in Equity of the Belloa

Gunpowder Company of Maryland party grantee also therein named their Successors and assigns for ever, according to the purport, true intent and meaning of the said Deed or Instrument of writing, and the Acts of Assembly in such case made and provided. And now at the same time the said Eliza Wife to the said William Alexander being by us examined apart from and out of the hearing of her husband whether she doth make her acknowledgement of the same willingly and freely, and doth relinquish her Dower in the said Lands contained in the same willingly and freely and without being induced thereto by fear or threats of, or ill usage by, her husband or fear of his displeasure, acknowledges and declares that she doth freely, willingly and voluntarily - Taken and certified the day and year above written.

John Ringgold

John Mallory

Deed
Sarah Young
& others
to
The Bellona Gunpowder
Company of Maryland

Received & the Record thereof

day of August 1831. Same day
Recorded among the Land
Records of Baltimore County
Court in Liber WG 80 153
to 253 & 254 and
Examined per Wm Gibson Clk

Paid

32

Filed 16 September 1831

Sc. 14th September 1831

B

To the Honorable the Judges of Balti-
-more County Court sitting in Equity

The answer of the Baltimore and Susque-
-hanna Rail Road Company to the Bill of
Complaint lately filed in this Honorable
Court by the Baltimore Gunpowder Company
of Maryland against the said Baltimore and
Susquehanna Rail Road Company

These Defendants now and at all
times hereafter saving and reserving to
themselves all and all manner of benefit
of Exception to the many Errors Uncertainties
Uncertainties and other Imperfections in
the said Complainants said Bill of Com-
plaint contained, and praying that

the said Complainants had no right to ask and this Court no authority to grant the relief prayed for by their said Bill of Complaint. for answer thereto or to so much thereof as they are advised it is material or necessary for them to answer unto. they answer And say

That they admit the passage by the General Assembly of Maryland in the year Eighteen hundred and fourteen chapter 78 of an act Entitled "an act to incorporate the Bellona Gunpowder Company of Maryland", and also the passage by the said General Assembly of another act in the year Eighteen hundred and twenty four Chapter 32 Entitled "a supple-

=ment to the act entitled an act to incor=
=porate the Bethesda Gunpowder Company
to which said act they subscribe the said
Complainants to 28[illegible] in their said Bill
of Complaint. But whether the effect attri=
=buted to the said act by the said Bill
that is to say. the incorporation of the said
Complainants. Ego do follow therefrom
or whether if it do, the said Complai=
=nants have now any legal existence
as the Bethesda Gunpowder Company of
Maryland. These Defendants do not
admit. And of the same therefore put
the Complainants on their proof= These
Defendants Answering on the Oath say that
they believe James Beatty of the City

of Baltimore to be the sole and only proprietor of the property known as the Baltimore Gunpowder Company work and that in consequence there being no other Corporators of the said alleged Company the said Charter if any for Erecting has become null and void, and the said Company without any right or Capacity whatever to sue or be sued -

These Defendants further answering say that they have no knowledge or information of the length of time or manner of carrying on the Works in the said Bill of Complaint mentioned but they do deny that large and Expensive buildings have been Erected on the land

in the said Bill mentioned. Averring on the contrary that the building thereon of every description are of the meanest kind being principally constructed of unfinished plank. and deserving more properly the appellation of sheds than houses. The Defendants likewise have no knowledge or information of the amount of Capital alleged by the said Complainants in their said Bill of Complaint to be invested in the manufactures therein mentioned, but affirm that if it be as in the said Bill is represented, the large amount of Seventy or Eighty thousand Dollars, which these Defendants by no means admit, it must

ge in personal property or in improvements
other than the Buildings now erected or
existing on the said Lands — These Defen-
=dants further deny any knowledge or
information of the skill and talent em-
=ployed in the manufacture of Gunpowder
by the said Complainants as stated in
their said Bill. or of the credit enjoyed
by the said Works when compared with
other similar Establishments, and of the
gains therefrom as they cannot and do
not admit it. they put the said Com-
=plainants to their proof —

These Defendants further answering
say that by an act of the General
Assembly of Maryland passed at Decem-

of Assembly Eighteen hundred and twenty seven entitled "an act to incorporate the Baltimore & Susquehanna Rail Road Company" and an act supplementary thereto passed by the said General Assembly at December Session Eighteen hundred and thirty and entitled "an act to authorize the Baltimore and Susquehanna Rail Road Company to construct a lateral road to Westminster and for other purposes", the Defendants were incorporated by the name and style of the Baltimore and Susque=
=hanna Rail Road Company, and in=
=vested by the acts aforesaid with all the rights & powers necessary for the con=
=struction and repair of a rail road from

the City of Baltimore to some suitable point or points on the Susquehanna River to be by them determined, not exceeding Sixty feet wide, and also for the Construction of a branch of said Rail Road Commencing at some suitable point on the main line, to be by them determined between ten miles from the City of Baltimore and extending from thence through or near the town of Westminster.

And the Defendants further answering say that in virtue of the rights and powers aforesaid, thus granted to them by the said Acts of Assembly, and to such said rights and powers they are entitled to

no chartered privileges of any Corporation, or
individual, and certainly with none vested
in the said Complainants; they (their Defen-
dants) have with a view to the Construction
thereof & preparations thereto, caused to be
located a Rail Road from the City of
Baltimore towards the Town Susquehanna
part of the first division whereof has been
actually completed and is now in operation
to a point near to the property of the
said Complainants. from which said point
being fourteen ten miles from the City aforesaid
the said Branch Road in the Act aforesaid
mentioned has been, previous & with a view

to the Construction thereof. located in and on the property of the Complainants and also of the said James Beatty according to a plat herewith Exhibited marked A. and which ~~was Exhibited as Exhibit B to~~ These Defendant now and believe to be a true location of the route of the said branch road & the land through which it passes, and which with two Extracts of deeds for part of the said premises marked B & C. These Defendants pray may be taken and considered with as a part of their answer.

These Defendants further answering say that the location of the said Branch

Road as designated on the said plat is the only practicable route therefor consistently with the principles which govern the location of rail roads and that as to any location spoken of by the complainants upon a different route avoiding the collision with the said complainants. it would be impracticable which the defendants deny, involves an expenditure of from fifteen to twenty thousand dollars more than the one now adopted by the defendants, which the law not resolved on until after a laborious thorough and accurate examination of the whole face of the country thereabouts, in the hope of discovering

a route which would leave untouched as both the lands of the said Complainants as of the said James Beatty.

And the Defendants further answering say that having under and by virtue of strictly in pursuance of the powers aforesaid granted to them by the General Assembly located upon the present route their said branch road, the Defendants were willing and desirous to treat and agree with the said Complainants and the said James Beatty for the purchase or occupation of so much of their said lands as would be necessary for constructing the said branch road upon the said location. That they found both the said Complainants however

and the said James Beatty agree to all the terms of compromise and thereupon as there ought resource, these Defendants, under and by virtue of the fifteenth section of the Act aforesaid incorporating the Company aforesaid at Decem-ber Session Eighteen hundred and twenty four made application to Nicholas Stonestreet Esquire Justice of the Peace of Baltimore County who thereupon issued his Warrant under hand and seal dated the twenty-sixth day of August Eighteen hundred and thirty one and directed to the Sheriff of said County requiring him to summon a Jury of twenty inhabitants of said County not related to nor in any

interested to meet on the lands of the said
Complainants on the third day of the term
of the following - and also his other warrant
under hand and seal of the same date
directed to the said Sheriff. and likewise
commanding him to summon [illegible] a
similar Jury to meet upon the same
day on the lands of the said James
Beatty - That after the swearing of the
said Jurors. the said Complainant
obtained an Injunction from this Honora-
ble Court against proceeding in the Execu-
tion of the said first mentioned Warrant
in consequence whereof the said Sheriff
executed only the Warrant last mentioned

That the said Jury having been duly summoned according to the provisions of the Section aforesaid. and these Defendants having stricken Men from said Jurors. the same being done for the said James Beatty by the said Messrs. the remaining Jurors being first sworn as the act prescribed proceeded upon the lands of the said James Beatty and along the roads complained of in the Bill of Complaint to view the same and justly and impartially to value the damages which the said James Beatty would sustain by the use and occupation of his said lands by these Defendants - and that, having

injured upon the same, the said Jury do
value the said damage at the sum of
Twelve hundred Dollars because of the
Buildings which would either be rendered
useless, or whose removal would be requi-
red by the said James Beatty. Which
Inquisition being read and duly found
and in all things according to Law, the
said Jury was discharged and signed
and Sealed the same -

This Defendant further answering
say that they have no knowledge or
information of the quantity of material
now on hand by the said Complainants
for work upon the Existing Dam

but they do deny that much ocean part of it will be sacrificed to the said Complainants if these Defendants are permitted to proceed with their said location - They deny also the allegation in the said Bill of Complaint that the works of the said Complainants will be stopped for any length of time by the acts of these Defendants hereinbefore Complained of - They deny likewise that if permitted to locate their said dam in the manner complained of in the said Bill of Complaint. the workmen in the employ of the Complainants at their said works cannot and will not continue at

their said work because of the very great additional danger to which they would thereby be made liable, allowing as the defendants do. that there was no additional danger caused thereby to the workmen at said work - They likewise deny that the complainants for the reasons stated. Could not hope to employ other hands. They admit that by the said location of the said road it will run near to a house called the granary and will embrace within its limits part of the building called the drying house with the said house belonging to the works of the Belmont Gunpowder Company of

Mary land of the said Company now exist
yet so as aforesaid they deny that of the
said two horses are taken down or rendred
unfit for it will be impossible for the said
Complainants to carry on their said work
aforesaid. These Defendants do further deny
the great and irreparable injury
alleged in the said Bill of Complaint
in the consequence of the determination
of these Defendants to locate a Branch
of their said Road through the said
lands of the Complainants, or the contra-
-ry these Defendants doe say that the said
Road will be productive of much and
lasting benefit to the said Complainants

in going away, and both the said parties greatly enhance the worth and value of the said said lands -

And the defendants further answering say most absolutely that the road of their said branch road runs for many miles over the lands of the said Complainants - they aver that the said Complainants have no legal existence at all the lands by them held could be crossed by the said road only for the distance of a hundred yards at most, and that too over the edge and boundary of their said lands - for the better understanding of which the

again refer your Honors to the Exhibit A
by which upon an inspection thereof, and
of the lines thereon marked, your Honors
will observe that the said road, ~~[illegible]~~
~~[illegible]~~ leaves to the left of a line
forming the boundary of the Bellona
Gunpowder Companys works of such
as contains Exhibit. These defendants
assert as by the said Exhibit of their
Exhibit in this Cause filed will more
fully appear that the lands over which
the location of the said road takes
with the exception of the one hundred

yards or thereabouts before mentioned; be=
=long to and are the property of the said
James Beatty, and are not owned as
the said Complainants in their Said Bill
alleges, by the said Complainants. The
Defendants do further deny that the land
over which the said road will pass, are
necessary to enable the said Complainants
to carry on their said business of manufac=
=turing Gunpowder, and does or does not
that the said branch road by its present
location will cause ample and abundant
room to the said Complainants to per=
=form all and every of the operations
and to construct all such buildings

as are necessary or called for by their
said Manufactures -

And having thus fully and particularly
and without Concealment or Evasion answered
the said Interrogatories and therein
in the said Bill of Complaint mentioned
they pray hence to be dismissed with their
reasonable Costs in this behalf most wrong-
-fully sustained -

N. J. Heath
John Glenn
J Mason Campbell
Solrs. for Defts

6623

The Bohona Gunpowder
Company of Maryland
" " ats
The Baltimore & Susquehanna
Rail Road Company

Mr Gibson
File this answer
with the Exhibit

A. J. Heath
John Glenn
Marion Humphrey
Solrs for Defts

for 14th September 1891
Filed 16 September 1831

The Bellona Gunpowder Company of Maryland

vs.

The Baltimow and Susquehanna Rail Road Company

In chancery Septr 17. 1831.

The Defendants having filed their answer and entered on the Docket Notice of motion to dissolve Injunction - It is thereupon adjudged and ordered that the said Motion stand for hearing at the next Term provided a copy of this Order be served on the Complainants or their Solicitor on or before the 23d Inst.

Theodorick Bland chr.

True Copy

Test

Jerre adm'r'd Ms Ramsay Waters

Leg'r. Septmbr 1831 Reg. Cur. Can.

R. Johnson -

The Bellona Gunpowder Company of Maryland

@

The Baltimore and Susquehanna Rail Road Company

Copy Order

Filed 21 Septr 1831

The Bellona Gunpowder
Company of Maryland
vs.
The Baltimore and
Susquehanna Rail Road
Company

In chancery
Septr 17. 1831

The Defendants having filed their answer and entered on the Docket Notice of Motion to dissolve Injunction - It is thereupon adjudged and ordered that the said Motion stand for hearing at the next Term provided a copy of this Order be served on the Complainants or their Solicitor on or before the 23^d Inst^o.

Theodorick Bland Ch

Order
17 Sept. 1831

Filed 30 Septr. 1831.
in the Case of
The Bellona Gunpowder Co of md
and
The Baltimore & Susqa. Rail Road Co

Stockholders Names -

1 B	Mc Donald & Rugely	£ 2/12	or —	50 Votes
J B	James Beatty	£ 3/24	—	38 — do
J B	Geo^d Mann	£ 1/24		12 — do
J B	Nathan Levering	£ 1/12		25 — do
J F S	James Cox	£ 1/12		25 — do
J B	Peter Levering	£ 1/12		25 — do
J B	Henry Payson	£ 1/12		25 — do
J B	William Wilson & Sons	£ 1/12		25 — do
J B	Enoch & Jesse Levering	£ 1/12		25 — do
J B	John & Isaac Levering	£ 1/12		25 — do
J B	Mary Ann Nelms	1/12		25 —

An act to incorporate the Bellona Gunpowder Company of Maryland.

Be it enacted by the general assembly of Maryland, that Henry Payson, James Cox, Peter Levering, Alexander Macdonald, Nicholas G. Ridgely, Thomas Wilson, James Beatty, Aaron Levering, and George Maris, their associates successors and assigns, be and they are hereby ended a corporation and body politic, by the ame and style of the Bellona Gunpowder Co f Maryland, and by that name may have erpetual succession, and shall be able and apable in law to sue and be sued, implead and be impleaded, answer and be answered in any court of law or equity, and to make and use a common seal, and the same to chang nd alter at their pleasure, and to ordain nd establish such by laws and regulations as hall be convenient or necessary for conducting the affairs of this corporation not repugnant o the laws and constitution of this state or of the United States.

And be it enacted that the objects of this corporation are declared to be the manufacturing and vending of gunpowder and the carrying on of any other branches of manufacture in their discretion, for which pur pose they are hereby authorised to purchase and hold lands in fee simple or otherwise, not exceeding one thousand acres at a time and to ect thereon all needful and convenient buildings.

And be it enacted, that the capital tock of said corporation shall be one hundred nd fifty thousand dollars and to consist f three hundred shares of five hundred dollars each.

And be it enacted that there shall be a meeting of the stock holders of the said corporation on the first monday of January in every year, or within ten days thereafter, for the purpose of choosing five directors to manage all the concerns of the company, who shall be elected by ballot in person or by proxy, and each share shall entitle the holder thereof to one vote.

And be it enacted, that the board of directors three of whom shall be a quorum, at their first meeting after each annual election, shall appoint one of their number, President to continue for one year and they shall fill up all vacancies which may happen in their body during the year, they are also authorized to employ, compensate and dismiss at pleasure all officers, agents, and superintendants which may be thought needful or beneficial to the company, they shall establish regulations for the transfer of the stock thereof, and for proof of the ownership therein, they shall have power in behalf of the company to enter into contracts, to make purchases of real estate, and to make purchases and sales of personal property, and to use therefor the name and seal of the corporation, they may call for payments by instalments of the capital stock and shall from time to time declare dividends of the profits of the concern and report to the stockholders the state of their funds, they are also authorised to make such by laws and regulations, and the same to repeal at pleasure as shall be necessary for the well-conducting of the business of the company, not inconsistent with the provisions of this act, and shall generally have authority to exercise all the powers and privileges conferred on or appertaining to this corporation.

And be it enacted that sales of the

real estate of the said corporation may be made with the unanimous consent of the directors all of whom shall join in executing and acknowledging according to law conveyances of such estates when sold as aforesaid.

And be it enacted, that all the property estate, and joint stock of the said corporation, shall be bound and answerable for any contracts or engagements made or liability incurred by the directors thereof, or through their agency or by their authority, but the stock holders shall in no wise be answerable or liable therefor in their individual capacities or private estates, and the service of any writ or judicial process by an authorized officer upon any director shall be a good service upon the corporation.

And be it enacted, that it shall be the duty of the said corporation to provide a competent teacher to instruct the children employed in their service, in reading, writing, arithmetic and good morals.

And be it enacted, that special meetings of the stock holders may be called by a majority of the directors or by any number of the stock holders, who shall be owners of three fourths of the stock of the company.

And be it enacted that this corporation may be dissolved on the written application of three fourths of the stock holders in number, who shall also be bona fide, proprietors of three fourths of the whole stock in amount, and in that event, it shall be the duty of the directors then being to settle up all the concerns of the company, without unnecessary delay, and divide and distribute the whole balance and nett proceeds thereof, among the stock holders, according to their respective interests. Provided that no suit then depending, for or against the said corporation, shall be thereby abated nor any contract then subsisting by or with the said corporation be in any manner thereby altered or

unpaired.

Cost 5 ℔

I hereby certify that the aforegoing is a true copy of an original law passed by the General Assembly of Maryland at December Session in eighteen hundred and fourteen.

Signed Thomas Rogers
Clk Senate

postage pd by Dr. 37½ cts.

Baltimore March 28. 181

At a meeting of the Stock holders of the Bella Gunpowder Company, present Aaron Levering James Beatty, Jesse Levering, Alexander macdon Peter Levering, Geo. Maris, and Thomas Wilson Peter Levering was appointed President and Thomas Wilson, Secretary - An act to incor porate the company was submitted for their consideration, which was accepted and the following persons were elected directors to serve until the first Monday in January next. N.G. Ridgely, James Beatty, Aaron Levering, Henry Payson and Thomas Wilso

August 5 1815

At a meeting of the Directors present Henry Payn Thomas Wilson A Levering & James Beatty

It was moved and seconded tha that they make choice of a president on counting the ballots it appeared that A. Levering was elected - the following resolution was adopte Resolved that the President shall be paid Six teen hundred dollars for his services per year

the 1st July last be Lunenburg county

A Supplement to the act Entitled "an act to incorporate the Bellona Gunpowder Company of Maryland. Whereas the Stockholders of the said Company, have by their petition to this General Assembly represented, that in Consequence of the decease of their number it is impracticable at present to Choose from their own body three directors pursuant to the number prescribed by the fourth Section of the act to which this is a Supplement, and have prayed that the Stockholders of the said Company may be authorised and empowered hereafter to Choose three directors only, Therefore

Be it Enacted by the General Assembly of Maryland, that from and after the passage of this act, it shall and may be lawful to, and for the Stockholders of the Bellona Gunpowder Company of Maryland "at the annual (times)

the authorised to engage Mr. Francis Cassidy as sole Manager of the Works

times and in the manner prescribed and limited in and by the fourth section of the said Act to which this is a supplement to choose three directors only to manage all the Concerns of the Company, and that so much of the said original act as required that the said Stockholders should choose five directors be and the same is hereby repealed

And Be it Enacted that if this act shall be previously accepted by the said Company and the acceptance thereof entered on the Journals or Minutes of Proceedings then the same shall Commence and be in force from the day of acceptance thereof.

Thos Shanley Clerk

The

It was moved and seconded that that they make choice of a President on counting the ballots it appeared that A. Livermy was elected. the following resolution was adopted Resolved that the President shall be paid Fifteen hundred dollars for his services for year

commencing on the 1st July last. he furnishing. country

the aforegoing is a true Copy from the Original
passed by both branches of the Legislature of
Maryland at December Session eighteen
hundred and twenty four

John Reed Clk Hse Del Md

be authorised to engage Mr. Francis Cassidy
as sole Manager of the Works

mmencing on the 1st July last for furnishing country
own. Stone rown. gullis in Paper &c—

Baltimore 9th January 1816.

Agreeably to Notice the Stockholders Mett
at the Agents Office, and proceeded to the
Election of Directors for the ensuing Year
after Counting the ballots it appeared that
N. G. Ridgely. James. Beatty. A. Levering
Henry Payson & Thomas Wilson were
duly Elected —

Baltimore 1st Feby 1816.

Agreeably to Notice the Directors Mett. present
James Beatty. Thomas Wilson. N. G. Ridgely
& Aaron Levering, and went into the Election of
President. it appeared on Counting the Votes that
Aaron Levering was duly Elected —

Resolved. that James Beatty
& Thomas Wilson be the committee for exam-
ining the Accounts —

Resolved that the President
be authorised to engage Mr. Francis Cassidy
as Sole Manager of the Works —

Baltimore March 23d 1816

Agreeably to Notice the Directors Met present. Henry Payson. James Beatty. Et. G. Ridgely. Thomas Wilson & Aaron Levering

It was unanimously Resolved that a Devidend of Six Thousand Dollars, on the Capital Stock, be declared, and made payable on or about the 10th of May Next —

Aaron Levering
President

Baltimore April 16th 1816

Agreeably to Notice from the Agent the Directors Met. all present, the President submitted for their consideration, 2 Letters from Doctr. C. Bollman of Philadelphia on the subject of Chaining wood, after having the same read, the Agent was ordered, to write Doctor Bollman, signifying their acceptance of his improvement on the terms offered —

77.

Baltimore January 11th 1817.

Agreeably to Notice the Stockholders met at the Agents office. present James Coy. Peter Levering. Thos. Wilson. George Davis & Aaron Levering. for the purpose of Electing five — Directors to serve the ensuing Year. after the Election. James Coy's & Peter Levering. was appointed to Count the Votes. it appeard that. Henry Payson had 112 Votes —

James Beatty .... 112 do —
Thomas Wilson ... 112 do —
N. G. Ridgely .. 112 do —
& Aaron Levering .. 112 do —

and were by them declared. duly Elected and the Meeting adjourn'd —

Baltimore February 12th 1817.

The Directors Met agreeably to Notice present. James Beatty. Thomas Wilson & Aaron Levering —

It was resolved that the Agents Salary for the present Year be Twelve Hundred Dollars —

The Board went into an Election for President. on Counting the Votes it Appeard Aaron Levering was duly reelected —

A. Letter was laid before the Board from
Francis Cassidy Manager at the Mills
dated 3rd. Inst. last, stating that his compen=
=sation for boarding the hands was not
sufficient and praying that the allowance
may be increased. it was unanimously
resolved to allow him nine Dollars P. Month
until a change of times. agreeably to the
Tenor of his letter —

Resolved that James Beatty
& Thomas Wilson. be a Committee to examine
the Company's Books — — — — — —
& the Meeting — — — — Adjourned

Aaron Levering
President

October 4. 1817. at 8 Oclock in the morning the company
Mill. blew up. by which explosion Six men lost their
lives * — one man his leg † and 2 Slightly injured ‡

* Solomon Wheeler —
Patrick Tinney +
John Boyd —
James Welsh
Samuel Densmore
John Mingo. black man
† Duncan Stuart —
+ James Shuter
S. Norris ‡

October 13. 1817. Agreeably to Notice the Stockholders met at the Agents dwelling. all present. when it was unanimously agreed to proceed forthwith. and rebuild their Works. destroyed by explosion. on Saturday the 4th Inst.

It was also unanimously resolved that the agent pay to Mrs Wheeler. wife of Mr Solomas Wheeler who lost his life by the explosion fifteen dollars p month for Six months. to the Wife of Jno Mungo. who also lost his life by the same (a Colourd man) Ten Dollars p Month. & to Mr Duncan Stone. who lost his leg by the accident Ten Dollars p month for 6 months each

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Baltimore 15th Janry 1818.

Agreeably to Notice the Stockholders Met at the Agents Office. Present, Henry Payson. James Beatty. Geo. Manis. Peter Levering. Jesse Levering and Aaron Levering Esquires. and proceeded to the Election of five Directors to serve the present year. when on Counting the balley. it appeared that Henry Payson. James Beatty Thomas Wilson N. G. Ridgely & Aaron Levering Esqrs were duly elected.

And at a meeting of the Directors Aaron Levering was reelected President. when they adjourned.

Baltimore 13th January 1819

Agreeably to Notice the Stockholders Met at the agents office. Present Messrs James Beatty. Thomas Wilson. Nathan Levering Enoch Levering. Jesse Levering and Aaron Levering. When they proceeded to Elect five Directors. to serve the present year. after the Election. Messrs. Nathan Levering and Enoch Levering was appointed to count the ballots it appeared that = Henry Payson Esqr. had 138 Votes

James Beatty Esqr. — 138 —
Thomas Wilson Esqr. — 138 —
N. G. Ridgely Esqr. — 138 —
Aaron Levering Esqr — 138 —

Whereupon it was resolved that. Henry Payson. James Beatty. Thomas Wilson — N. G. Ridgely and Aaron Levering Esquires are duly elected Directors of the Baltimore Gunpowder Company of Maryland. for the present Year. When — — it was resolved that this Meeting do adjourn — —

Samuel Wood Judge,
Of the Election —

" " "

Balt.e 25th October 1819

At a meeting of the Directors of the Bellona Gun powder Company of Maryland. this day Present James Beatty. Thomas Wilson & Nicholas G. Ridgely. It was Resolved that a Committee be appointed to examine the accounts of the Company for the year past and report the result to the next meeting. Resolved that James Beatty & Thomas Wilson be the Committee for the above purpose — whereupon it was resolved that this meeting do adjourn —

Baltimore 12th Jany 1820

Agreeably to Notice the Stockholders met at the counting house of James Beatty Esqr. Present. James Beatty. N. G. Ridgely. Geo. Maris. Enoch Levering & Aaron Levering — when according to Law they proceeded to Elect five directors. to serve the present year — On Counting the ballots it appeared that the following persons were duly elected as Directors in the Bellona Gun powder Company for the present year. Viz. James Beatty. Henry Payson. N. G. Ridgely. Thomas Wilson. and Aaron Levering —

Sign'd = Jesse Tyson
Christian Keller } Judges of Election

Jany 12th 1820.

At a meeting of the Directors, it was resolved that Thomas Wilson & James Beatty, be a committee to examine the Accounts —

At a meeting of the Directors of the Bellona Gunpowder Company on the 23d February 1820 present Henry Payson, N. G. Ridgely, Thomas Wilson, Aaron Levering and James Beatty.

Resolved, that the business of the Company be continued one year from the 1st March next.

Aaron Levering having resigned as Agent for this Company, John James Beatty was appointed President for the ensuing year

Resolved, that the Salary of the Agent for the ensuing year be eight hundred Dollars. and James Beatty is appointed Agent to conduct the Business of the Company —

Resolved, that the late Agent have all the affairs of the Company arranged by the 1st day of March next, when he will transfer all the Books, Papers and other property to the Agent appointed this day.

Test

James Beatty Agent

Agreably to notice the Directors of the Pellona Gun
powder Company met on the 10th June 1820 at the
office of James Beatty Agent: present — Messrs
Henry Payson, Thomas Wilson, Aarow Levering and
James Beatty. —

The Agent submitted a quarterly statement
of the Expenditures for the quarter ending on the
31st May 1820, the amount of powder manufactured
during the quarter, and the cost of manufacturing
a quarter Cask of powder. — He also submitted
a list of Accounts due the Company, from the
Books of the late Agent, and solicited advice as to
their collection, and they were tacitly referred to his
own discretion —

The meeting was then adjourned —

James Beatty Agent

At a meeting of the President & Directors of the Pellona Gunpowder
Company at the office of the agent on the 30th day of August 1820, present,
Messrs Henry Payson, Aarow Levering and James Beatty — the Agent
having communicated to the Directors the Calamity of yesterday viz-
the blowing up of the following Mills i.e. the barrel Mill and the
granary with about 300 lbs Casks of powder, shattering of the drying
house, unroofing of the packing House, shattering of the stamping
Mill & dwelling house: when it was resolved that the agent
do forthwith rebuild the Granary and repair the other buildings
in the most economical plan

James Beatty
Agent

Baltimore 9th January 1821

Agreable to notice given for the purpose, the following Stockholders in the Bellona Powder Co of Maryland assembled at the office of the Agent of said Company, viz. Henry Payson, Alexander Macdonald, George Mears, Enoch Levering, Aaron Levering and James Beatty, when on going into an election for five Directors to that institution to serve for the ensuing year, agreable to the act of incorporation, the following persons were duly elected viz.

James Beatty
Henry Payson
Nicholas G. Ridgely
Thomas Wilson
Aaron Levering

given under my hand at Baltimore this ninth day of January 1821.

Chas: H: Wilmano. Judge of Election

At a meting of the Directors of the Bellona Gunpowder Co. of Maryland, present Henry Payson, Aaron Levering and James Beatty — James Beatty was duly elected president of the Company for the present year 1821

Baltimore 9th January, 1821

Jas Beatty Chrmn

A meeting of the Stock Holders of this Institution convened by written notice to all the proprietors took place this 8th day of December 1821 at the Office of the Agent: when the following persons were present Viz.

Henry Payson.
Thomas Wilson.
Peter Severing.
James Cox.
George Maris. &
James Beatty.

The object of the meeting Viz. To close all the affairs of the Bellona Company having been communicated to them by the President: it was Resolved that the President should forthwith advertise the works for Sale in the public papers of this city &

J. Beatty agent

~~At a meeting of the Directors of the Bellona Company of Maryland present~~

Baltimore 12 January 1822

Agreeable to notice given for the purpose, the following Stockholders in the Bellona Gunpowder Co. of Maryland assembled at the Office of the Agent of Said Company, Viz Henry Payson, Thomas Wilson, George Maris & James Beatty, when on going into an Elec-

tion for five Directors to that Institution to serve for the ensuing year, agreeable to the Act of Incorporation, the following persons were duly elected—

Viz.

Henry Payson
Richd. G. Ridgely
Peter Levering
Thomas Wilson
James Beatty

given under my hand at Baltimore this twelth day of January 1822—

James Beatty Junr
Judge of Election

At a meeting of Directors of the Bellona Gunpowder Co of Maryland, present Henry Payson, Thos Wilson & James Beatty — James Beatty was duly elected President of the Company for the present year 1822—

James Beatty Junr Judge of Election
Baltimore 12 January 1822

At a meeting of the Directors of the Bellona Gunpowder Comp^{y} of Maryland, Present Henry Payson & James Beatty the only remaining Directors of said Comp^{y}, Nich^{s} G Ridgely. Porter Levering & Thomas Wilson having disposed of their several & respective Shares of said Stock to James Beatty whereby they have Vacated their appointment of Directors in said Comp^{y}, therfore to fulfill as far as is now practi=cable what is required by the Act of Incorporation the above named Directors proceeded to fill up one Vacancy by the appointment of Geo^{g} Maris to act as Director of said Company for the remain=der of the Year, Baltimore 20th March 1822

Henry Payson

Jas Beatty

Doctor George Maris

Baltimore 20th March 1822

Sir;

You were this day elected a Director in the Bellona Gunpowder Company of Maryland

(Signed) Jas Beatty President of the B. G. Co of Md

Baltimore 15th January 1823 Whereas Since the 20th March last past James Beatty has purchased the Shares of Stock in this Company belonging to Enoch & Jesse Levering and James Cox, and the Share of Stock belonging to the Estate of Noah Nelms Dec^{d} has been purchased by Jas Beatty Junr and the Share of Stock owned by Nathan Levering has been purchased by John T Steell, now therfore it is hereby declared that Eight and One half Shares of the Orgenal Stock of the said Bellona Gun Powder Company of Maryland is now owned by James Beatty Esqr and One Share of the same is owned by James

Beatty Junr. One Share by Henry Payron, One Share by John J Steell & One half Share by George Maris, and at a Meeting of a Majority of Said Stockholders this day at the Office of Said Company. James Beatty. Henry Payron James Beatty Junr George Maris and John J Steell were Chosen Directors of Said Company for One Year. & the Said Directors have appointed James Beatty Senr Pres. thereof Witness the Secretary

Jas Beatty Junr

Baltimore 8th Jany 1824 Since the foregoing Statement of the Affairs of the Bellona Powder Company George Maris has disposed of his half Share Stock in Said Comp to James Beatty Senr, there remains therefore only four Proprietors to Comply with the Act of Incorporation as far as practicable, at a Meeting held this day of a Majority of them, it was determined to declare Jas Beatty Senr Henry Payron, John J Steell and Jas Beatty Junr Directors of the said Comp & they have appointed Jas Beatty Senr as President thereof Witness the Secretary

Jas Beatty Junr

Baltimore 8th January 1825 The number of the Proprietors of the Stock in the Bellona Powder Company remaing the same & no change having taken place in the Persons holding said Stock, in compliance as far as practicable with the Act of Incorporation, be it known that at a Meeting of the Stockholders this day at the Office of Said Company Jas Beatty Senr Henry Payron, John J Steell & Jas Beatty Jr. are declared to be Directors of the said Company for the ensuing Year, that Jas Beatty Junr is Secretary and Jas Beatty Senr President thereof by order

Edwd Beatty

The Legislature of Maryland haveing at their December Sepions in the Year Eighteen Hundred and Twenty four, paped an Act entitled "a Supplement to the act entitled an Act to Incorporate the Bellona Gun Powder Company of Maryland" wherein it is required that this act shall be previously accepted by the said Company, and the acceptance thereof entered on the Journal or minuts of Proceed-ings" in Persuance thereof at a Meeting of the Stockholders held this day at the Office of said Company, it was Resolved and is hereby declared that the Bellona Gunpowder Company of Maryland do accept the said Supplement as above mentioned, as a part, and of equil validity with the Original Act of Incorporation and do now record their Assent thereto in this Book containing the Journal of their Proceedings under the said act of Incorporation, and sign the same at Baltimor 21st January 1825

Jas Beatty Jr Self and
James Beatty Senr.
Henry Payson
John F. Steell

In Baltimore 9th January 1826. At a meeting of the Stock Holders of the Bellona Gunpowder Company, an Election took place in conformity to the Supplementary Law, when the following persons were elected directors, to serve for the ensuing years viz, Henry Payson, James Beatty Senr., and James Beatty Junr., and at the same time, James Beatty Senr. was chosen President, to serve one year from this date.

By order Edward Beatty.

Office of the Bellona Gunpowder Company of Maryland Baltimore
8th January 1827. At a meeting of the Stock Holders of the
Bellona Gunpowder Co. of Maryland this day, an Election took
place for Directors conformable to the provisions of the Charter &
Supplement thereto, when the following persons were chosen to
serve One year from this date, viz James Beatty Senr. Henry
Payson and James Beatty Senr. and at the same time James
Beatty Senr. was chosen president to serve during the ensuing
year.

By Order Edwd. Beatty

Baltimore 1st June 1827. Whereas James Beatty Senr.
has this day purchased the Share of Stock in this Company
belonging to Henry Payson and the Share of Stock in the
Company belonging to John H. Steel has this day been pur-
-chased by Edward Beatty. Now therefore it is hereby de-
-clared that Ten Shares of the original Stock of the
said Bellona Gunpowder Co. of Maryland is now owned
by James Beatty Senr. and One Share of the said Stock
is owned by James Beatty Junr. and One Share of the
said Stock is owned by Edward Beatty; and at a meet-
-ing of a majority of the said Stock Holders held this
day at the Office of the said Company to elect a Director
to fill the place of Henry Payson who has been disqualifi-
-ed from acting as such by the Sale of all his interest in
this Institution when Edward Beatty was chosen a
Director to serve for and during the present Year termi-
-nating within the 1st ten days of January 1828.

Test J. W. Beatty Secy. Pro tem.

of the Bellona Gunpowder
Company of Maryland

Office of the Bellona Gunpowder Company of Maryland, Baltimore
8th January 1828.

Be it known that at a Meeting of the Stockholders of the Bellona Gunpowder Co of Maryland this day, an Election took place for Directors for the ensuing year, conformable to the provisions of the Charter and Supplement thereto. When the following persons were chosen to serve until the Regular Election in January 1829. Viz: James Beatty Senr. James Beatty Junr. and Edward Beatty and at the same time James Beatty Senr was chosen President to serve during the ensuing year

test J. A. Beatty Secy

James Beatty Senr President B.G.P.C. of Md

Office of the Bellona Gunpowder Company of Maryland, Baltimore 9th January 1829.

At a meeting of the stockholders of the Bellona Gunpowder Co. of Maryland this day an Election took place for Directors conformable to the provisions of the Charter and supplement thereto when the following persons were chosen to serve viz James Beatty Senr, James Beatty Junr and Edward Beatty as Directors for the ensuing Year and James Beatty Senr was chosen to serve as President during same time

test J. A. Beatty Secy

James Beatty Senr President of the Bellona Gunpowder Co of Md.

Office of the Bellona Gunpowder Company of Maryland
Baltimore 6th January 1830

At a meeting held this day of the Stockholders of the Bellona Gunpowder Company of Md. an election took place for Directors of this institution for the ensuing year, conformable to the provisions of the Charter & supplement thereto, when James Beatty Senr, James Beatty Junr & Edwd Beatty were chosen for that purpose, and James Beatty Senr was elected President to serve during same time

James Beatty President of the B. G. P. Co of Md.

Test J. A. Beatty Secy

Jno Beatty

Office of the Bellona Gunpowder Company of Mary

Baltimore 6th January 1831—

At a meeting held this day of the Stockholders
the Bellona Gunpowder Company of Maryland, an elec
took place for Directors of the Institution for the ensuin
year conformable to the provisions of the Charter & supple
-ment thereto when James Beatty Senior, James Beatty
Junior and Edward Beatty were chosen for the purpos
and James Beatty Senior was elected President to serve
during same time. test. J A Beatty Pres't of the Bellona
G P Co of Maryland

Baltimore 17th September 1831. Whereas Edward Beatty has sold to
one twelfth part being the interest he held in the Stock of the Bellona Gun
-powder Company of Maryland to John Beatty now therefore be it declared
and made known that at a meeting of a majority of the Proprietors at the
Office of the President to elect a Director to fill the place of Edward
Beatty who has been disqualified from acting as such by the Sale of
all his interest as aforesaid in the Bellona Gunpowder Co of Mary
when John Beatty was chosen a Director to serve for and during the
present Year terminating within ten days after the 1st Monday in
January Eighteen hundred and thirty two (1832)— It is further declared
and now made known and certified by these Presents that ten twelfths
of the original Stock of the said Bellona Gunpowder Company of Maryla
is now owned by James Beatty Senior and one twelfth part of the same
is owned by James Beatty Junior and one twelfth part of the same is
owned by John Beatty

J A Beatty Presidents of
Bellona Gunpowder Co