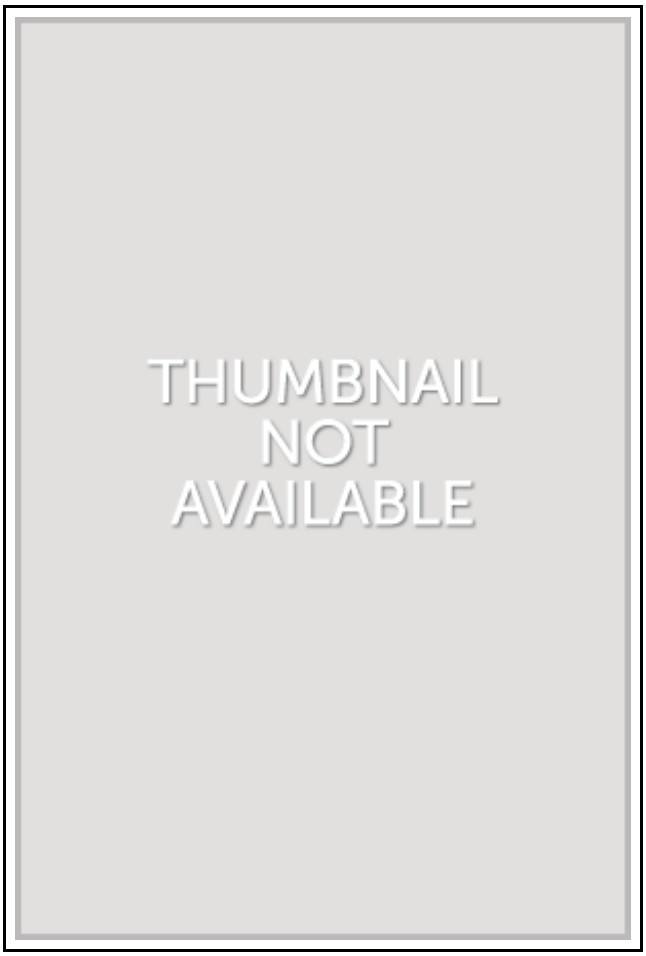
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Rarebooksclub.com, United States, 2013. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1890 edition. Excerpt: .v. Rosedale Street Ry. Co., 64 Texas, 80. The appellant contends in this case that the transfer of a part of its right of way by the Texas Pacific Railway Company to the appellant did not contemplate a use difl erent from that intended in the deed conveying to it the right of way, and that consequently there could be no additional burden upon plaintifi s land by the building and running of defendant s road thereon. We can not agree to this proposition. The deed of the right of way was to the Texas Pacific Railway Company, granting it the right to use the same perpetually in operating its road. There is no doubt that a legal sale of the franchise and road would carry everything appurtenant thereto--the right of way, as well as to op crate the road, and to take tolls for freight and passengers; but it may be doubted that it can sever a part of the easement, an incident of the franchise, from the franchise, and convey the same to another company itself. It has been held by the Supreme Court of the United States that the right of way could not be sold on execution or otherwise to a purchaser who did not own the franchise. Railway v. Doe, 114 U. S., 341. The same doctrine is maintained in Ohio. Platt v. Railway, 22 American and English Railway Cases, 130. But where one company sold its entire right...

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