I hereby certify that the aforegoing is a true transcript taken & made from the Records and proceedings of the Circuit Court of Baltimore County.

State Seal

In testimony whereof I have hereunto set my hand and affixed the seal of the Circuit Court of Baltimore County this Nineteenth day of March 1857.

Henry M. Fitzhugh Clerk

"Petitioners Exhibit No. 5."

Office of the Water Board
Baltimore City 18th 1856.

As the City of Baltimore will want the property you purchased of Henry Mankin Esq or his trustees being part of Lot No 10 on Stoney River as necessary in the construction of Works to supply the City with water and as under an ordinance of the City lately passed and approved by the Mayor ~~and City~~ 17th day of July 1855 numbered 84 the undersigned appointed agents of the Corporation as therein set forth now we hereby give you notice to stop the improvements on said ground in which you are engaged as the same cannot be enjoyed by you and should not be unlessly made in order that the value thereof may be charged against the City on the condemnation of the said property for so now we shall forthwith take the proper steps for the summoning of a Jury to value said property and shall before said Jury object to the valuation and assessment of any work or improvement you may put thereon between this day and the time the assessment shall be completed which will be as soon as the necessary legal steps can be taken.

Respectfully Yours
Geo Weldon
President Comm of the W. Board

To
George W. Graff Esq
Baltimore

And at the time of filing the Petition aforesaid the said George W. Graff by his Attorneys aforesaid filed in Court here the paper writing and affidavit following, to wit,

To the Honorable The Mayor and City Council of Baltimore

The Inquisition taken by the Sheriff of Baltimore County and by him returned to the Clerk of the Circuit Court for said County in the matter of the Lands of the undersigned in said County required by the Mayor and City Council of Baltimore under the act of the General Assembly of Maryland Entitled an act for supplying the City of Baltimore with pure water (Laws 1853 ch. 376) having been duly confirmed by the Circuit Court for Baltimore County at the November Term of said Court now last past the undersigned hereby demands of you payment of the sum of Thirty three and Dollars awarded to him in the said Inquisition.

Geo Usher Graff

April 21st 1857

State of Maryland Baltimore City Sct

On this second day of May in the year of our Lord Eighteen hundred and fifty seven before the subscriber a Justice of the Peace of the said State in and for said City aforesaid personally appeared George W. Graff and made oath on the Holy Evangely of Almighty God that a paper writing whereof the within is a true copy signed

himself was on the twenty first day of April A.D. 1857 by him personally delivered to and served upon the Hon Thomas Swann Mayor of the City of Baltimore at the Mayors Office in said City

Wm H. Hayes and

Which being read and heard the Court thereupon passed the following order and rule, to wit,

It is this second day of May A.D. 1857 ordered and ruled that the Mayor and City Council of Baltimore do show cause on or before the Sixth day of this month why a Writ of Mandamus should not issue as prayed in the Petition of George W. Graff filed in this Court, provided a copy of this rule be served upon the said Mayor and City Council of Baltimore on or before the fourth day of May A.D. 1857.

J. Eddis Lee

At the foot whereof is this Endorsed, to wit, "Service of the Copy of the above order and rule admitted"

2nd May 1857.

G. L. Dulany

Attorney for the Mayor City Council of Baltimore

And thereupon appear in Court here the Mayor and City Council of Baltimore aforesaid by Grafton L. Dulany Esquire their Attorney. And thereupon by consent of Parties and by leave of the Court here further proceedings in the matter aforesaid were continued until the Second Monday of May instant

and now here at this day the said Second Monday of May to wit in the year aforesaid came into Court here the parties aforesaid by their Attorneys aforesaid. And afterwards to wit on the Eleventh day of May in the year aforesaid the Mayor and City Council aforesaid by their Attorney aforesaid filed in Court here in the matter of the application aforesaid the following answer to wit:

The answer of the Mayor and City Council of Baltimore to the Petition filed against them in this Court by George W. Graff.

These respondents reserving to themselves the benefit of exception to the many Errors and misstatements in said Petition contained now the[y] for answer thereto answering say that they admit that said George W. Graff was the owner of the Leasehold interest or Estate in the Land mentioned in said Petition subject to an annual ground rent of one hundred and Eighty dollars payable annually for the remainder of a term of ninety nine years renewable forever and subject also to a sub lease to a certain Stanley whose time in the said property has not yet Expired and these respondents aver that at the time of said Inquisition and before the notice thereof was served as said Graff and from thence until this time the said Graff had not actual possession of said property a right of entry thereon otherwise than is in the contemplation of the law the possession of the tenant is that of the Land Lord that these respondents are informed and believe and therefore charge that the said Stanley caused an injunction to be issued out of the Circuit Court for Baltimore City upon his Bill filed therein against said Graff restraining and enjoining him from erecting a distillery then in the course of construction on said land by virtue whereof he was compelled to cease and quit his said work from which he did