known as Clover Hill lying in Baltimore County within two miles of Baltimore City and containing One hundred and thirty five acres; and your first mentioned orator resides upon and is in occupation of the said tract of land:

That your Orators believing it would be for their advantage as owners of the said tract of land that Charles Street one of the streets of Baltimore City aforesaid should be extended Northwardly or that a public road or avenue should be laid out from the Northern extremity of said Street in a straight line thereunto so as to crop and bisect the said tract of land and desiring to advance their interests without behalf as well as having regard to the public convenience and advantage gave their support and furtherance to a plan which was projected for the construction of a road extending Northwardly from the Northern termination of Charles Street aforesaid in such manner as to accomplish the objects aforesaid. That the said project so furthered by your orators received such favor that an act of the General Assembly of the State of Maryland was passed on the 10th of March A.D. 1854 entitled an act to incorporate the Charles Street Avenue Company (Laws of Maryland 1854 ch 204) whereby a company called the Charles Street Avenue Company was incorporated to make a turnpike road from the Northern termination of Charles Street in or near the City of Baltimore to a point on the road known as the Powder Mill Road in Baltimore County near to the Powder Magazine; and in order that the route or intended course of the said turnpike road might be known to all concerned with as much precision as possible it was in the said act of incorporation enacted that said road shall commence as aforesaid at the Northern termination of Charles Street and shall run thence in a direct line with said Street extended in a direction about due North until it reaches or approximates the Northern antique of a farm in said County known as Clover Hill the property of Joseph Merryman and others which is the same tract of land above mentioned; and the remaining course of the said road is also prescribed in the said act of incorporation and with the like precision and particularly as by the said act reference being thereto had will more fully appear: That by reason of the undertakings afforded in the said act a route of the said turnpike road as prescribed in the said act of Assembly four of your Orators together with other persons afterwards became subscribers to the Capital Stock of the said Company, your Orator Joseph taking 25 Shares in the said Stock, your Orator Gary 25 other shares, your Orator Charles 25 other shares, and your Orator Oliver 25 other shares; and in compliance with the provisions of the said act of Assembly and the terms of subscription your Orators last mentioned subscribers as aforesaid, severally paid for each and every of their said respective shares to the said Charles Street Avenue Company the sum of twenty Dollars: That one third or more of the shares of said Stock having been subscribed for, the said Company was organized according to the provisions of its said Charter and proceeded for a time to carry out and regard the directions in the said Charter contained; but that afterwards in contravening

to lay out and construct the said road between the end of Charles Street aforesaid and the nearest or Southern edge of your Orators said farm of Clover Hill that is to say at a place on the land of one Samuel Wyman the said road instead of pursuing as it ought to have done a straight course from the said Northern termination of Charles Street in a direct line with said Street and in a direction about due North as made by the said Company to deviate and depart from said course for the space or distance of 1850 feet and pursue a circuitous route and longer route which at some points is distant full three hundred feet from the proper straight line aforesaid so that between two points in the line of said road distant as above mentioned 1850 feet from each other the said road instead of running due North as it should do has been made to take the three several directions following that is to say North twenty six degrees East; North ten degrees East and North twenty three degrees East:

That your Orators strenuously opposed the purpose so to deviate when it was first formed and have continued hitherto to resist and protest against the same but the said Company proceeding in the face of your Orators most earnest remonstrances hath fixed and established the said route deviating as aforesaid from the proper straight and North course, as the permanent route of the said road, and utterly abandoning for the entire space of 1850 feet aforesaid the proper and duly lawful line or route, hath located the said road upon and along the line and lines course and courses of the said deviation; and the said Company by the agency and instrumentality of the persons in its employ has made excavations and embankments upon the said lines of deviation and constructed a permanent road bed for the said turnpike road thereupon; and the said Company hath now no purpose to relinquish the said road as now by it laid out aforesaid in divergence and deflection from the proper straight course nor to pursue between the termini of the said divergence the direct North course which is prescribed in the 9th Section of the said act of Assembly That the said deviation is not authorized by anything in the said act of incorporation contained but in making the same the said Charles Street Avenue Company hath plainly exceeded its powers and violated its Charter; and the said deviation operates to the great injury of your Orators for had the said turnpike road pursued as it ought to have done a straight course from the end of Charles Street to the further or Northern extremity of the said Clover Hill farm, the land contained in said farm being brought into direct connection with Baltimore City by an Avenue extending from one of the principal streets of said City in a straight line therewith would have been greatly enhanced in value; and the building lots upon the said land along the sides of the said Avenue would have brought a higher price if sold or a better rent if leased than they can bring if the said Avenue is deflected from the straight line and made to pursue as now laid out as aforesaid a circuitous and indirect course And whereas if the said road or Avenue had been continuously straight the said property of your Orators upon the line of the said Avenue would by means thereof have commanded an unobstructed

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