intention of finally abandoning the straight line and that the deviation and location aforesaid upon the land of said Wagner do not in any way affect the value or usefulness of said Road as a public improvement nor to the extent of an cent affect its value to said Complainants as owners the said property called Clover Hill. The Plat herewith filed will at once show to our Honor the deviation and location complained of.

This respondent answering says that the said Joseph and George two of the said Complainants acting for and representing the views & wishes of their co-tenants of said Clover Hill were now active and solicitous to have the said road made through any other proprietor of land along its line. That they called upon and persuaded many proprietors of land through which said road was desired to pass, to give to this Respondent the right of way over and through their lands and in September 1852 a paper was drawn up and executed under the hand and seal of nineteen proprietors of land giving ~~and granting~~ to this Respondent the right of way over and through their respective lands. Among said nineteen are Charles, Lewis, George, Joseph and Oliver P. Merryman five of the said Complainants. This respondent will produce said paper and exhibit the same to this Hon. Court at the hearing of this cause and will then ask permission to file as an exhibit a copy thereof to be made and certified by the Clerk of this Hon. Court. This Respondent avers and charges the said five Complainants in executing the paper aforesaid acted as well for the said Eleanor and Helen Merryman as for themselves and that the said Eleanor and Helen knew and approved of and consented to be bound by the acts of the said five Complainants their co-tenants in relation to the right of way over through the said Clover Hill property.

This respondent admits that it is proceeding to make the said road over the said Clover Hill farm and that William S. Crowley a contractor with this Respondent for making said road entered upon said farm and has commenced or was about the commence the construction of the said Turnpike Road over and through said Clover Hill farm according to the survey and location previously made with the full knowledge and consent of said Complainants. This Respondent denies that in so entering upon the said Clover Hill farm it committed any trespass upon said Complainants or in any degree exceeded this Respondents clear legal right conferred upon it by its charter and the instrument of writing executed by the said five Complainants as hereinbefore stated.

Respondent expressly denies that it has in any of its acts exceeded its authority or failed in its duty to the public for whose benefit (and not merely for that of the Complainants) it was created and it denies that it has done any wrong to or violated any of the rights of said Complainants either as corporators or as proprietors and owners of the said Clover Hill farm.

This respondent was incorporated as disclosed in the preamble to its charter to make a public road because the public convenience

convenience required it and not to open to the Complainants a view of the City of Baltimore but even in that this Respondent would gladly have gratified the Complainants if it could have been done without sacrificing the interests and convenience of the public to the pleasure of private individuals. This respondent further answering says that for whatever wrong or trespass it may have committed upon said Complainants they had ample remedy at Law and are therefore not entitled to the exercise of a Court of Equity.

This respondent prays that the injunction heretofore granted and issued may be dissolved and the said Bill dismissed with an allowance of costs to this respondent, and it will pray &c.

C. H. Pitts } Solrs for
J. Malcolm } Respts

State of Maryland Baltimore County Sct.

Be it remembered that on this second day of December 1856 personally appeared Adam Denmead President of the Charles Street Avenue and made oath to the facts stated in the foregoing to the best of his knowledge and belief.

Jas W. Owings J. P. for Balt. Co