Your Orator and Oratrices further show that an application was made in writing to the aforesaid City Commissioner to grade and pave said Bell air Avenue from Pond Lane to North Avenue and the grade of said Avenue Established from Oliver Street to the North Avenue, on the Back of which said application is to be found the words following to wit, "Application to establish the grade of Bell air Avenue from Oliver Street to the North Avenue," "application to pave Bell air Avenue from Pond Lane to North Avenue" "25 June 1853 Received and advertised to determine at 10 O'clock on Wednesday the 6th July 1853 after which the consideration the determination on the within application was first postponed until"

Your Orator and Oratrices further show that another application was made in writing to grade and pave another part of Bell air Avenue between Pond Lane and North Avenue and the grade of said Avenue Established from Oliver Street to North Avenue. That your Orator and Oratrices are informed and believe and therefore charge that neither of the said applications are signed by the proprietors or owners of the Majority of the feet of ground bounding and fronting on said Bell air Avenue between Pond Lane and North Avenue.

Your Orator and Oratrices further allege that they are informed and believe and therefore charge that to the first of the above applications to the said City Commissioner there was a paper attached purporting to be a letter or power of Attorney from a certain Joseph T. Meers to a certain Benjamin A. Lavender authorizing the said Benjamin A. Lavender his true and lawful Attorney to sign a petition to the City Commissioner of the City of Baltimore for the grading and paving of Bell air Avenue from Pond Lane to North Avenue and which said letter or power of Attorney bears date the 1st day of July 1853. That prior to said first application was advertised and that nothing more was done under said application after the 6th day of July 1853.

Your Orator and Oratrices further allege that they are informed and believe and therefore charge that the above mentioned letter or power of Attorney from the said Meers to the said Lavender was part and parcel of the first application to the City Commissioner aforesaid and should have been suffered to remain attached to said first application.

That said letter or power of Attorney was subsequently taken from said first application and attached to the second application made to said City Commissioner to grade and pave said Bell air Avenue between Pond Lane and North Avenue and Establish the grade of said Avenue from

Oliver Street to North Avenue. That said letter or power of Attorney only authorizes said Lavender to sign a petition to grade and pave the above mentioned part of Bell air Avenue from Pond Lane to North Avenue and also does not authorize said Lavender to sign a petition to establish the grade of Bell air Avenue from Oliver Street to North Avenue.

Your Orator and Oratrices further allege that they are informed and believe and therefore charge that the City Commissioner aforesaid upon the last application aforesaid received by him on the 25th July 1853 to which was attached the aforesaid letter or power of Attorney from the said Meers to the said Lavender did establish a grade for said Avenue. That said grade was not established by said City Commissioner in accordance with the laws of the State of Maryland and the Ordinances of the City of Baltimore. That the said City Commissioner contrary to the Ordinances of the City of Baltimore subsequently changed the grade of said Bell air Avenue between Allen and Chaplain Streets upon a petition to him which was not signed by the owners of a Majority of the number of feet of ground bounding and fronting on that part of said Avenue asked for to be regarded and without having given the Notice required by the City Ordinances of Baltimore City.

Your Orator and Oratrices further allege that they are informed and believe and therefore charge that in the proceedings of the City Commissioner there many fatal errors tendering the same illegal and void as by an inspection of the same above mentioned to be your Honor will appear and especially in these that said Avenue had never been formally and regularly condemned as a public Street as to the part so applied for to be graded and paved under the aforesaid applications. That there was not a grade established in accordance with the ordinances of Baltimore City for Bell air Avenue between Oliver Street and North Avenue that there was not a contract in writing for grading and paving said Bell air Avenue as is required to be done by the Ordinances of the City of Baltimore. That the application to said Commissioner was not signed by the proprietors of the Majority of feet of ground bounding and fronting on said Bell air Avenue between Pond Lane and North Avenue. That the petition of the property bounding and fronting on the part of Bell air Road applied for to be paved under the application aforesaid is not such a petition as is required by the Ordinances of the City of Baltimore.

That the proceedings of the City Commissioner in regard to the said paving tax are irregular and void and have created no liability in law upon your Orators and Oratrices