April Term 1863.

State of Maryland City of Baltimore Sc

On this 20 day of April 1863 personally appeared Charles D. Hiss and makes oath in due form of Law that the matters and facts set forth in the foregoing petition are true.

Wm. H. Hayward J.P.

And thereupon the Court hereupon passed the following Order to Wit.

Solomon McCabe vs Charles D. Hiss | In the Circuit Court for Baltimore City March Term 1863.

Ordered by the Court this 4th day of May 1863 upon Motion of the defendant Solicitor that the petition & amend answer in above cause be set down for hearing on Saturday 9th May 1863 provided a copy of this order be served on the opposite party or its Solicitor on or before the 5th day of May 1863.

Wm. Geo. Krebs.

On the Back of above is thus endorsed to Wit.

Service admitted this 5 day of May 1863.

Charles H. Ridgely
Sol for Complainant.

And afterwards to Wit on the 11 day of May in the year aforesaid the said Complainant by his Solicitor aforesaid filed in said cause the following Objections &c to Wit.

Solomon McCabe vs Charles D. Hiss | In the Circuit Court for Baltimore City
To the Honorable Wm. Geo. Krebs Judge.

The Complainant in this cause objects to the granting of the petition of the defendant to amend his answer because the defendant has not yet purged himself from the Contempt which he was adjudged to have committed against this Court.

Charles H. Ridgely
Trin Sate Solr for Compl.

And afterwards to Wit on the 30 day of May in the year aforesaid the said defendant by his Solicitor aforesaid filed in said cause the following petition to Wit.

To the Honorable Wm. Geo. Krebs Judge of the Circuit Court for Baltimore City.

The petition of Charles D. Hiss respectfully represents that he heretofore filed his petition praying leave to amend the answer of him heretofore filed. That objection was made to such proposed amendment because as alleged petitioner has not as yet purged himself from the Contempt which he was adjudged to have committed against this Court.

Petitioner represents that he paid the fine and cost the same day the said same was adjudged the remainder of the order to Wit " and cause the premises No 12 Walsh Street to be restored to the Condition they were in at the time of the granting of the injunction in this cause " has not as yet been complied with. And petitioner now prays that the enforcement of such part of the order may be suspended until the final hearing of the Motion to dissolve the injunction, which has been made and which on the part of the petitioner will be brought to a hearing without delay.

April Term 1863

And petitioner so prays for the following reasons.

1st Such delay cannot prejudice the Complainant in injury could result to Complainant or his property by such temporary suspension.

2d It will be shown conclusively at the hearing of the Motion to dissolve the injunction that the same ought not to have been granted as against this defendant the petitioner.

3 The Complainant was then fully notified that the petitioner had no title or claim of title to the property in question or to the adjoining property the said Complainant on the 2d March 1863 having received from Serena Jane Hiss the true and legal owner of property adjoining that pretended to be claimed by the Complainant by an order Notice that she was going to inform her property the Bill for injunction not having been filed until the 11 March 1863.

4th It will be manifest at the hearing of the Motion to dissolve the injunction that petitioner had no interest in the property at the time of the alleged trespass and has had no interest whatever since then.

5th That under the circumstances the obtaining by the Complainant of the injunction against the petitioner was a fraud upon the Court by concealing the true record of the party against whom the injunction should have been claimed if it was proper to issue.

6 Petitioner alleges that the weather boarding alleged to have been stripped off the Complainants house by the petitioner has been replaced and the said House is now as habitable as it was prior to the issue of the injunction and before the injunction.

That the alleged grievances other than the stripping of the weather Boarding are not injuries done to the possession of the Complainant nor benefits and that to remove the Wall would undermining to the Complainants House and result in serious injury to the same.

8th That all injuries as alleged in the Bill of Complaint have been repaired. Because that no injury can possibly result by the grant of the prayer of this petition by to suspend the operation of the Order of the Court till final hearing of the Motion to dissolve the injunction and because by admitting the amended answer to be filed substantial justice will be done in the premises by reason of the matters being presented to the Court your petitioner prays the same may be granted, And as in duty.

John H. Ing.
Solicitor for Complainant

State of Maryland City of Baltimore Sc

On this 25 day of May A D 1863 before the subscriber a justice of the peace of the State of Maryland for the City of Baltimore personally appears Charles D. Hiss and makes oath in due form of law that the matters and facts set forth in the within petition are true.

Wm. H. Hayward

Which being read and heard the Court passed the following Order

In Circuit Court
for Baltimore City

Ordered this 30 May 1863 that the matter of this petition stand for hearing on 4th June 1863 at 10 Oclock A M provided a copy of this petition and Order be served on Complainant or his Counsel on or before 1 June 1863.

Wm Geo Krebs