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Complainant therein described for the use and benefit of the Mayor, Aldermen and Common Council of Frederick as therein set forth, that upon such application a warrant was issued by your Honorable Court to the Sheriff of Frederick County authorizing and requiring him to summon five persons as jurors to meet on said premises on the third day of September in the year Eighteen hundred and sixty Eight at ten O'clock A. M. to view value and condemn the land of your Complainant therein described for the use and benefit of the Mayor, Aldermen and Common Council of Frederick as therein set forth.

Your Complainant further states that the Sheriff of Frederick County by virtue of and in pursuance of the powers conferred upon him by said Warrant, did summon Edward Grail, William H. Johnson, Adam Wolfe, Ezra Hauck and Frederick Zaustein as Jurymen to meet on the premises on the third day of September Eighteen hundred and sixty Eight at ten O'clock A. M. to view value and condemn the lands of your Complainant therein described for the use of the Corporation of Frederick as therein mentioned — that the said Jury did meet at the time and place appointed and did condemn the lands of your Complainant therein described for the uses and purposes therein mentioned, and did sign and seal the Inquisition condemning the land of your Complainant therein described for the purposes therein mentioned, all of which matters will more fully appear by a certified Copy of said Proceedings herewith Exhibited marked Exhibit No. 2.

Your Complainant further states that the said Mayor, Aldermen and Common Council of Frederick, in pursuance of such condemnation, did Enter upon and take possession of the lands of your Complainant so condemned as aforesaid, and are now Engaged with their agents, horses

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and carts in Excavating, digging up and removing the soil from the land of your Complainant so condemned as aforesaid.

Your Complainant charges that the said acts of trespass by said Mayor, Aldermen and Common Council of Frederick are unwarranted by their Charter and without authority of Law, and inflict great damage upon your Complainant, that the Business of your Complainant as a dealer in Coal will be seriously impaired if not destroyed by the Acts of the said Mayor, Aldermen and Common Council of Frederick.

In Consideration whereof and to the end that the Defendants hereinafter named, may answer the several matters and things hereinbefore charged as fully and particularly as if they were herein again stated; And that the Mayor, Alderman and Common Council of Frederick, their servants, agents and workmen, may by Injunction be restrained from taking possession of working on, Excavating digging up and removing the soil from the land of your Complainant, herein before described as Condemned for the use of the said Corporation;

May it Please your Honors to grant to your Complainant a writ of Injunction against the Mayor, Aldermen and Common Council of Frederick, Enjoining and strictly prohibiting the said Mayor, Aldermen and Common Council of Frederick their servants, agents and workmen, from taking possession of, working on, Excavating, digging up and removing the soil from the land of your Complainant, herein before described as condemned for the use of said Corporation and also the writ of Subpoena, against the Mayor Aldermen and Common Council of Frederick, Commanding them to appear in this Court at some certain day to be therein named to answer the premises and abide by and