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Defendants do not intend to take possession of and use the property of the Complainant for a specified time, but they have condemned this land for the perpetual use of the public and in this way to divest the Complainant of all title. And they claim absolute title to the property by their Condemnation under the Act of 1847. If this theory or claim of the Defendants be correct then certainly no action of trespass for damages could be maintained because title to the property has been vested in the Defendants by their act of Condemnation. The Defendants have no remedy at law under the Act of 1847 Ch 324 if it be repealed, because the proceedings can come in review by the Circuit Court only on appeal of the party aggrieved. The right of appeal exists only under that act and if it be not now in force the right of appeal cannot Exist. This Law having in our opinion been repealed by the adoption of the Code there is no remedy at law by way of Appeal.

Entertaining these views in regard of of the law and facts of this case the Court have come to the conclusion that the Injunction should be made perpetual. It is thereupon this 24th day of October A. D. 1868 adjudged, ordered and decreed by the Circuit Court for Frederick County as a Court of Equity and by the authority thereof - (The Hon. W. Nelson Chief Judge - dissenting) that the Injunction heretofore granted in this case be and the same is hereby confirmed and made perpetual.

And it is further adjudged, ordered and decreed that the Defendants pay unto the Plaintiff George S. Groshon all his costs expended by him in this suit

W Viers Bonnie
John A. Lynch

April Term 1869

Judges of the Circuit Court.

Filed Oct. 26, 1868.

And thereupon the Defendants aforesaid by their said Solicitor and also by Frederick J. Nelson Esquire who appears as Solicitor for them filed in Court here in said cause the following Prayer of Appeal viz

George S. Groshon vs The Mayor Aldermen & Common Council of Fred.k	No. 3417 Equity In the Circuit Court for Frederick County sitting as a Court of Equity.

September Term 1868.

Charles Mantz Esq. Clerk Circuit Court Fred.k County.

The Defendants by their Solicitors James McSherry Jr and F. J. Nelson pray an Appeal to the Court of Appeals of Maryland from the decree of the Circuit Court for Frederick County sitting as a Court of Equity passed in the above cause

Jas. McSherry Jr.
Fred. J. Nelson
Solicitors for Defendants.

Oct 26 1868.
Filed Oct. 26 1868.

And thereupon it is Ordered by the Court here that the Record and Proceedings aforesaid with all things thereunto relating in the cause aforesaid be transmitted to the Court of Appeals of the State of Maryland and the same are transmitted to said Court accordingly

Test Charles Mantz
Clerk

5 cts Stamp