And in the case of Sieling v. Uhl, 153 A. 614 (1931), the Court stated, "If on a trial of the merits of the case the court finds Washington Avenue as laid out to be a public highway, either by user or dedication as such, or because of its location within the lines of the turnpike, if title be established, the injunction may then be granted as prayed by the cross-bill and the encroachment removed."

Finally, intervenors would note that the failure to require the Complainants to remove the subject encroachment injures not only the intervenors but the public who use such roads. Failure to remove the encroachment in this instance would serve as a precedent for other acquisitions of public thoroughfares in New Market which could hamper the right of public travel. Such consequences compel the application of the rules of law herein recited and the removal of the subject encroachment.

PEYTON PAUL PHILLIPS
Attorney for Intervenors

CERTIFICATION OF SERVICE

I hereby certify that on this 7th day of March, 1977, a copy of Intervenors' Supplemental Statement of Points and Authorities was mailed, postage prepaid, to Mary E. Storm, 114-A West Church Street, Frederick, Maryland, 21701, attorney for the town of New Market and James W. Hane, Post Office Box 246, Gaithersburg, Maryland, 20760, attorney for Complainants.

PEYTON PAUL PHILLIPS

Filed March 7, 1977