

permanent buildings, as an addition to and an essential part of the Maryland State Penitentiary, and continued the erection of said buildings up to some time in the year 1899, so that said Constitution Street was entirely and permanently occupied and enclosed thereby; that said buildings have ever since been maintained upon said lands and used as a part of said State Penitentiary, and that at no time since the commencement of the erection of said buildings have said lands been used or usable as a street or highway or for purposes of passage upon, under or across the same by the public; that at the time of the erection of said buildings the Directors of the Maryland Penitentiary were the owners of the property abutting on said lands, and that the erection and maintenance of said buildings on said lands were with the knowledge and acquiescence of the Municipal authorities of Baltimore, - then the Court rules as matter of ^{law} ~~fact~~ the aforesaid easement of the public in said lands as a street or highway, was prior to the institution of this suit abandoned ~~as a public highway~~ ^{admission} by the Mayor and City Council of Baltimore, notwithstanding the fact that the Court may find that a formal closing of said street in accordance with the provisions of said Ordinance No. 111 has not been consummated; and under the pleadings, and evidence in this case, the title to said lands, at the time of the institution of this suit was unincumbered by the easement previously existing as aforesaid in favor of the public or the Mayor and City Council of Baltimore for the use of said lands as a public street or highway.