"OPINION AND DECREE"

Thomas and Company, a body corporate,	No. 13,771 Equity.
vs.	In the Circuit Court
Clarence A. Bussard, Raymond H. Bussard and Mary C. Wilhide.	for Frederick County.
	In Equity.

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The plaintiff in its bill of complaint alleges in effect, among other things, that the defendants obstructed and rendered impossible the use of a 20-foot alley laid out and dedicated as therein set forth by the erection of a cement block building therein and thereon, and other obstructions, and prays for an order of the Court enjoining the defendants from obstructing the alley and requiring the removal of the obstructions, for damages and for general relief. Upon this bill a nisi order was passed that the injunction issue as prayed unless cause to the contrary be shown, etc.

The defendant Clarence A. Bussard answered the bill and states that he alone is the owner of the lot alleged in the bill to be owned by the defendants, "having purchased the remaining interests of his brother and sister", but does not refer to any conveyance, and no additional facts have been placed in evidence. The answer denies the dedication of the alley to a public use or that it has been used by the public or adjoining owners except by the respondent and his predecessors in title; alleges that the plan of development was abandoned many years before the plaintiff acquired title to the parcel it now owns; that he has title to that portion of the alleged alley by adverse possession, and that his building does not encroach on the alley according to the lines laid out for him by the City Engineer.

Testimony was taken orally before the Court. The case was argued by Counsel and submitted to the Court.

The evidence shows that in January, 1891, The Frederick City Manufacturing and Development Company surveyed and platted for development a piece of land owned by it and known as Cannon Hill, located in the