

southern section of Frederick City. The plat showing streets, alleys and building lots was recorded among the Land Records of Frederick County on March 4, 1891. The portion of said property to be considered in this opinion includes a hill of almost solid rock, situated between East South Street on the south, East All Saints Street on the north, and is bounded on the east by South Carroll Street and on the west by what is known as C. Lerch's lot. Most of the lots fronting on Carroll Street from the corner of Carroll and South Streets, north toward All Saints Street have been improved with warehouse and business buildings. According to the plat these lots extend west to a 20-foot alley, the eastern margin of which is 147 feet from Carroll Street on South Street and 157 feet on All Saints Street.

The plaintiff owns a portion of the lots immediately west of the 20-foot alley, their said portion fronting 40 feet on South Street and extending north of even width along the western margin of said alley 273.5 feet.

G. Frank Thomas, a witness for the plaintiff, testified that in 1931, after having the alley located and staked off by Jarboe Grove, a surveyor, the plaintiff placed the east wall of its building a little over three feet west of the west line of the alley and leveled off the alley for a distance of about 50 feet north, so that trucks could use it for hauling purposes to and from their building. A short distance north of these 50 feet, the alley passes over the rock hill and is impassable except for pedestrians. The defendants' only lot is at the corner of East South and Carroll Streets, fronting 73 feet on Carroll Street and extending westward of even width from Carroll Street to the 20-foot alley a distance of 147 feet on the southern boundary and about 150 feet on the northern boundary, and is directly across the alley from the Thomas building.

The plaintiff obtained its property by deed in 1912, and the father of the defendants obtained by deed in 1914 the property which they now own as his devisees.