

Superior Court

FRANK T. GIBSON, JULIA EASTER,
CHARLES C. CARROLL, VICTOR C.
CARROLL, VIVIAN CARROLL,
MARGARET H. CARROLL, JULIA S.
CARROLL, NELLIE C. CARROLL,
ADA C. BOWDIE, SALIY CARROLL
CRADDOCK

VS.

THE DIRECTORS OF THE MARYLAND
PENITENTIARY, JOHN F. WEYLER,
ITS WARDEN.

AMENDED DECLARATION.

*Mr. Clerk, Pleasance
of Goldsborough & Fletcher
Part in Wilmer, Archer &
Stewart
off copy
Source of copy amended
March 26 1907
W. S. Pleasance
GOLDSBOROUGH & FLETCHER.
ATTORNEYS AT LAW,
CAMBRIDGE, MARYLAND.*

Fr 26th Mar. 1907

Frank T. Gibson, et al

vs.

The Directors of the
Maryland Penitentiary, et al.

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In the Superior Court

of

Baltimore City.

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The Plaintiffs elect to try the above entitled case before a jury.

J. H. L. Hetcher

Bartholomew & Co. Stewart

Attorneys for Plaintiffs.

FRANK T. GIBSON, JULIA EASTER,
CHARLES C. CARROLL, VICTOR C.
CARROLL, VIVIAN CARROLL,
MARGARET H. CARROLL, JULIA S.
CARROLL, NELLIE C. CARROLL,
ADA C. BOWDLE, SALLY CARROLL
CRADDOCK

VS.

THE DIRECTORS OF THE
MARYLAND PENITENTIARY,
JOHN F. WEYLER, ITS WARDEN.

In the Superior Court of
Baltimore City.

* * * * *

Amended Declaration

Frank T. Gibson, Julia Easter, Charles C. Carroll, Victor C. Carroll, Vivian Carroll, Margaret H. Carroll, Julia S. Carroll, Nellie C. Carroll, Ada C. Bowdle and Sally Carroll Craddock, by Goldsborough & Fletcher and Barton, Wilmer, Ambler & Stewart, their attorneys, sue The Directors of the Maryland Penitentiary, a body corporate, duly incorporated under the laws of the State of Maryland, by Section 400 of Article 27 of the Code of Public General Laws and John F. Weyler, its warden:

For that the plaintiffs, being the owners thereof, were in possession of the following described property in the City of Baltimore and State of Maryland, to wit:

LOT NO. 1. All that part of a certain parcel of land designated as Lot "55", (on a plat marked No. 142, now on file in the Record Office of the Superior Court of said Baltimore City), that lies to the South of the South side of East Eager Street, and to the East of the West side of Great Constitution Street as the said street formerly existed before that part of said Great Constitution Street to the South of said East Eager Street was abandoned as a street. (The plat above referred to is a plat of the lands of Dr. Henry Stevenson, passing on his death to Cosmo G. Stevenson and Juliana (Stevenson) Carroll, wife of Thomas K. Carroll, his residuary

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To the Honorable the Judge of said Court:

The Plaintiffs respectfully ask leave to ~~withdraw the declara-~~
~~tion originally filed in this case, and to file in lieu thereof~~ the
annexed amended declaration.

Jacobson & Acheson

Robert W. Acheson & Charles

Attorneys for Plaintiffs.

Leave granted as prayed this *26* day of March, 1907.

Geo W Sharp

devises, which plat was made under the direction and authority of the said residuary devisees, and by which they made partition of the said lands, which lands, passing unto them as residuary devisees as aforesaid, are a part of the tract of land called "Salisbury Plains" and a part of that part of "Salisbury Plains" that was conveyed unto the said Doctor Henry Stevenson by Thomas Rutter and wife, by deed dated the 14th day of March, 1770, and now recorded among the Land Records of Baltimore City aforesaid, in Liber A. L. No. B, Folio 444; the said plat is also the same plat referred to in the two following deeds, to wit: - (1) Deed to Wm. W. Donald and others, Directors of the Maryland Penitentiary, from the said Thomas K. Carroll and Juliana (Stevenson) Carroll, his wife, dated the 26th day of May, 1828, and now recorded among the aforesaid Land Records in Liber W. G. No. 193, Folio 512, etc. (2) Deed to the said "The Directors of the Maryland Penitentiary" from Josias Pennington, Trustee, and Harriet G. Stevenson, dated the 7th day of November, 1828, and now recorded among the aforesaid Land Records in Liber W. G. No. 195, Folio 539). The lands above described as Lot "55" are a part of the same lands described in a conveyance, dated the 7th day of June, 1825, unto the said Thomas K. Carroll and Juliana (Stevenson) Carroll, his wife, from the said Cosmo H. Stevenson and wife, and now recorded among the Land Records aforesaid in Liber W. G. No. 176, Folio 239 etc.

LOT NO. 2. All that part of certain parcels of land designated as Lots "56", "57", "44", "30", "29", "45" and "46" on the aforesaid plat marked No. 142, that lies to the South of the South side of East Eager Street and to the North of a line joining the end of the fifth course, (of the second parcel of the lands conveyed by a deed dated the 13th day of May, 1850, to one John Eager Howard from Josias Pennington and James Mason Campbell, Trustees, etc., et al, and now recorded among the aforesaid Land Records in Liber A. W. B. No. 438, Folio 106), and the end of the first course of the second parcel of the lands conveyed by a deed dated the 19th day of May, 1831, to one Robert J. Henry from the said

Thomas K. Carroll and Juliana (Stevenson) Carroll, his wife, and now recorded among the aforesaid Land Records in Liber W. G. No. 212, Folio 52, and to the West of the East side of said Great Constitution Street, and to the East of the West side of said Great Constitution Street, as the same formerly existed before that part of said Great Constitution Street to the South of said East Eager Street was abandoned as a street. The lands above particularly described as Lots "56", "57", "44", "30", "29", "45" and "46", are a part of the same lands described in a conveyance dated the 7th day of June, 1825, from the said Thomas K. Carroll and Juliana (Stevenson) Carroll, his wife, unto the said Cosmo G. Stevenson, and now of record among the Land Records aforesaid in Liber W. G. No. 176, Folio 241, and are also a part of the same lands that were conveyed unto the said Robert J. Henry by Josias Pennington, Trustee, by deed dated the 29th day of December, 1830, and now of record among the aforesaid Land Records in Liber W. G. No. 212, Folio 48, and also a part of the same lands conveyed unto the said Thomas K. Carroll by the said Robert J. Henry by deed dated the 19th day of May, 1831, and now recorded among the aforesaid Land Records in Liber W. G. No. 212, folio 51.

NOT NO. 3. All that part of certain parcels of land designated as "Parnassus Hill Street" and "Alley", (said Alley binding on the East of a lot marked "A" on said plat), on the aforesaid plat marked No. 142, that lies to the North of a line joining the end of the fifth course, (of the second parcel of the lands conveyed by the aforesaid deed dated the 18th day of May, 1850, to John Eager Howard from Josias Pennington and James Mason Campbell, Trustees, etc, et al, and now recorded among the aforesaid Land Records in Liber A. W. B. No. 438, Folio 106), and the end of the first course of the second parcel of the lands conveyed by a deed dated the 19th. day of May, 1831, to the said Robert J. Henry from the said Thomas K. Carroll and Juliana (Stevenson) Carroll, his wife, and now recorded among the aforesaid Land Records in Liber

W. G. No. 212, Folio 52, and to the East of the West side of Great Constitution Street, and to the West of the East side of said street, as the same formerly existed before that part of said Great Constitution Street to the South of East Eager Street was abandoned as a street. The lands above particularly described as "Parnassus Hill Street" and "Alley" are a part of the same lands, described in a deed dated the 19th day of May, 1831, from the said Robert J. Henry unto the said Thomas K. Carroll, and now recorded among the Land Records aforesaid in Liber W. G. No. 212, Folio 50, and thereby conveyed.

The lands above described as Lots Nos. 1, 2 and 3 are as a whole thus described. Beginning at the point of beginning of the second parcel of the lands conveyed by the aforesaid deed unto the said John Eager Howard from Josias Pennington and James Mason Campbell, Trustees, etc., et al, and now recorded as aforesaid, and thence running Southerly 239 feet with the west side of said Great Constitution Street (as the same formerly existed) as aforesaid) and with the last course reversed of said second parcel in said deed to the beginning of said last course, thence Easterly, in a straight line, to the end of the first course of the second parcel of the lands conveyed by the aforesaid deed unto the said Robert J. Henry, dated the 19th. day of May, 1831, and now of record as aforesaid, thence Northerly, with the aforesaid first course reversed, 229 feet, with the East side of said Great Constitution Street (as the same formerly existed as aforesaid) to the beginning of said first course, and thence Westerly in a straight line to the place of beginning.

A plat of the lands shown on said plat No. 142 is herewith filed as part hereof, marked "Plaintiffs' Exhibit 1", showing the lands passing unto the said Cosmo G. Stevenson and Juliana (Stevenson) Carroll, as the residuary devisees of Dr. Henry Stevenson as aforesaid, and showing the same divisions into streets, alleys, and lots as shown on the aforesaid plat No. 142, (the lots being indicated in red figures, by the same numbers, as on the aforesaid plat No. 142)

and also showing the position of Great Constitution Street, (before the closing of a part of the same as aforesaid), and of East Wager Street.

And the defendants did wrongfully enter said parcels of land, Lots Nos. 1, 2 and 3, and eject them, the said Plaintiffs therefrom, and the said defendants ever since have retained and still retain possession of the said lots or parcels of land, and other wrongs to the said plaintiffs then and there did to their great damage

And the plaintiffs claim the recovery of the said parcels of land, and for their damages, \$40,000.00.

James William Ambler & Stewart

John William & Phelps

Attorneys for Plaintiffs.

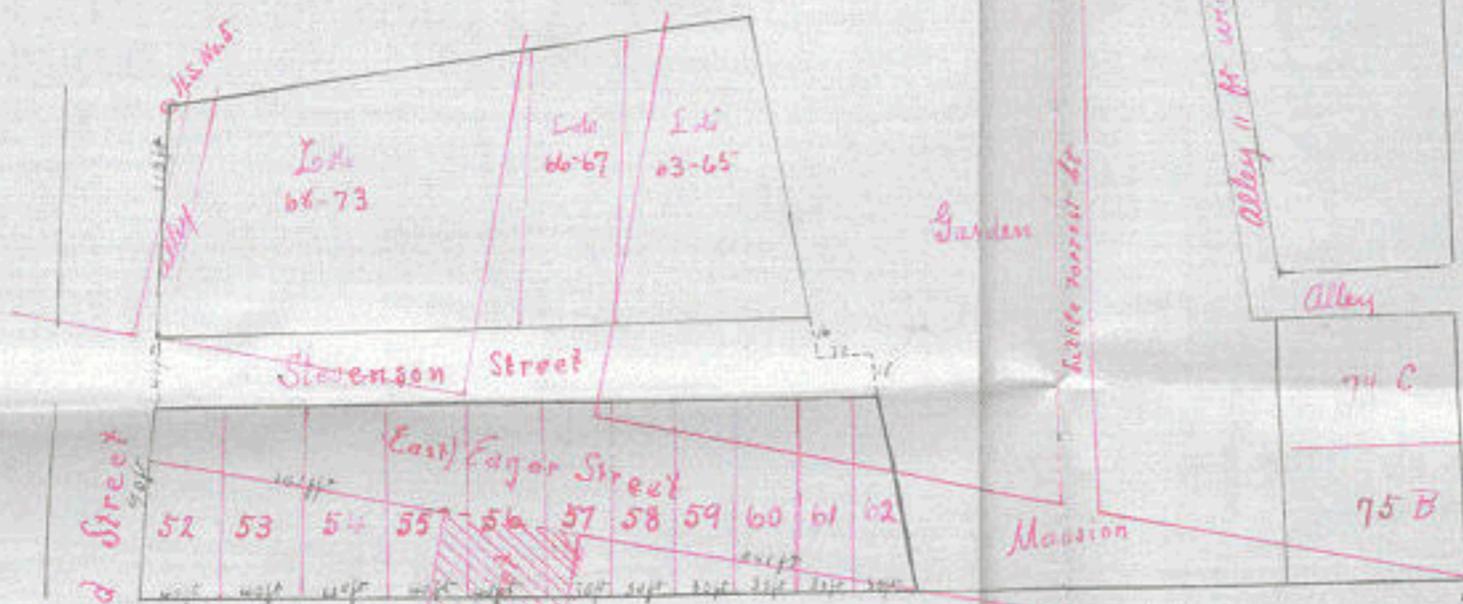
To the Defendants:

Take notice: That on the day of service of copy upon you or your attorneys of above declaration, and filing of same in the Superior Court of Baltimore City, a rule will be entered against you, requiring you to plead to said declaration in accordance with the rules in such cases made and provided.

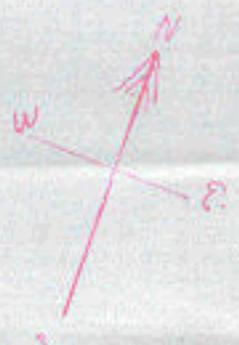
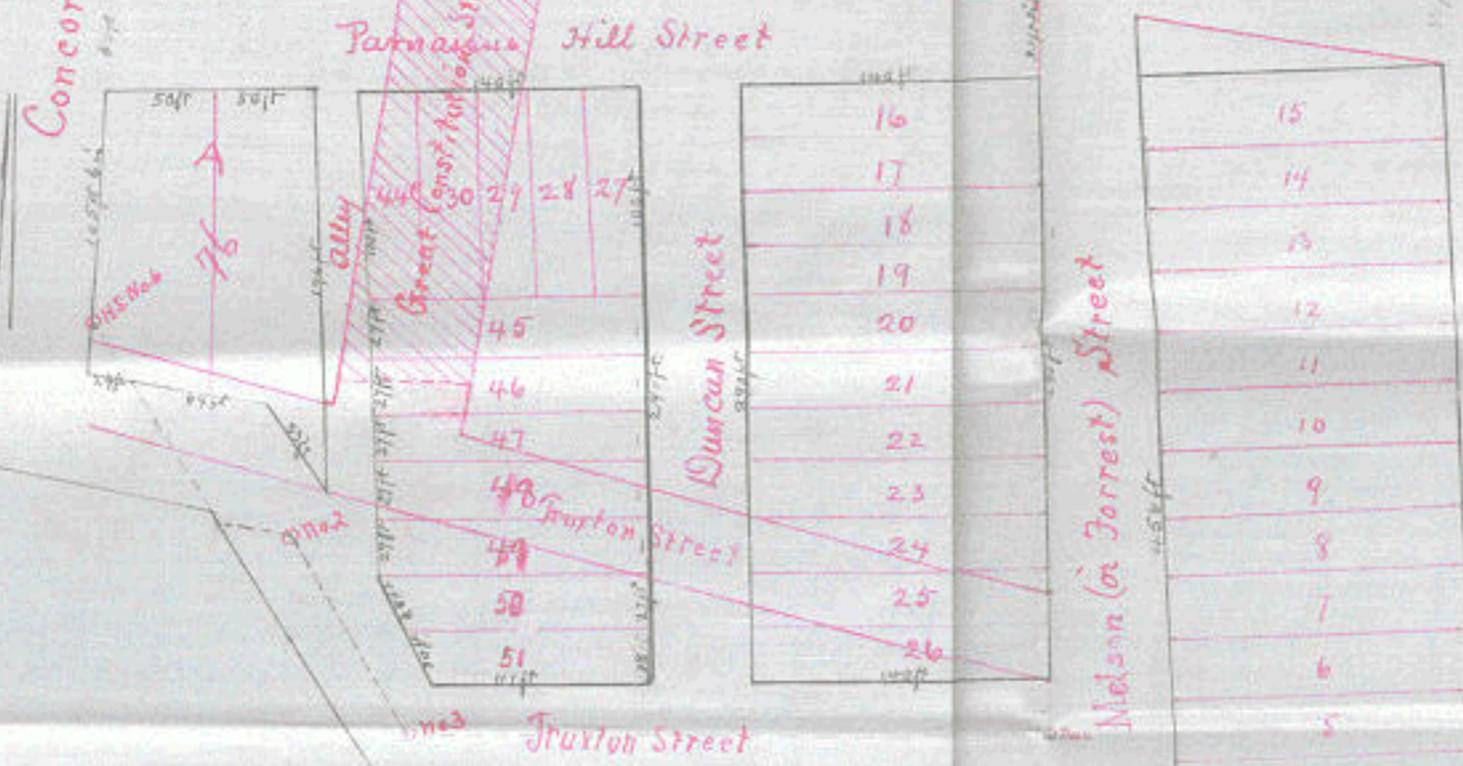
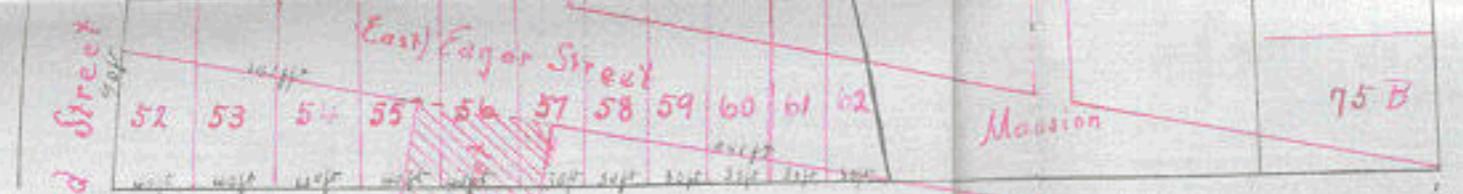
James William Ambler & Stewart

John William & Phelps

Plaintiffs' Attorneys.



Plaintiff's lands



Plaintiff's Exhibit I