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STENOGRAPHER'S TRANSCRIPT

State
vs.
Griffin & Mannion

JAS. E. WILKINSON,  
Stenographer,  
104 E. Lexington Str  
BALTIMORE, MD.  
Official Stenographer to the Orpl  
Court.

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JAMES E. WILKINSON,  
~~Seemiller & Wilkinson,~~  
STENOGRAPHERS,  
104 E. LEXINGTON ST.,  
BALTIMORE, MD.

# Stenographers' Transcript.

IN THE CRIMINAL COURT OF BALTIMORE CITY

BEFORE

STATE OF MARYLAND

vs.

GRIFFIN & MANION

October 10, 15, 1890.


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and they made application to the Mayor and City Council for a permit, and it was refused. Then they goes to work and gets a permit to build a club stable, 45 feet front by 150 feet deep, three stories high in front and two stories on Jordan Alley. They were indicted by the Grand Jury and the case was brought before Judge Fisher here, as I said, and they went on and built a club stable, as they say. They were indicted by the Grand Jury and the case was brought here before Judge Fisher, and Mr. Hambleton---

Mr. CARTER : That's all been gone into Mr. Forbes. We object to it all.

Mr. WHYTE : You can describe the building ; the indictment speaks for itself.

WITNESS : Well, after that, the stable was intended for a club stable, and Mr. Hambleton went on to New York--- he kept his horses with them---while he was in New York they moved everything into the new stable and converted it into a livery stable, and the case was tried here before Judge Fisher, and there was not a scrap of paper between them, nothing but a verbal understanding, and he decided---

Mr. CARTER : We don't want Judge Fisher's decision.

Q. After that time ; what took place after that ?

A. After that they bought the coal yard lot and they

made application to the Mayor and City Council for a permit to build a stable, but the whole neighborhood was up in arms about it. I was down before the Committee, and Mr. Joseph Whyte was with me ; it went through the Council and they built another stable, I think, 46 feet front and three stories front and back, and 150 feet deep.

Q. That was another building towards Preston Street ?

A. Yes, sir. They tore down the Coolehan stable, which was a 14 inch wall there, they included Coolehan's house in the school-house lot, and there was a 4 inch wall next to the coal yard lot. They built the stable there. On the 14th of July the place took fire, I suppose, from spontaneous combustion. They had two fires there, a fire in Brown's stable right opposite the alley---

Q. After that fire of July 14th ; was it a large fire ?


A. The entire building was destroyed ; the whole entire building.

Q. Both buildings ; both the one with the 45 foot front and the other one ?

A. Yes, sir ; 99 or 100 feet front ; the whole thing was destroyed except, I believe, two sections on the second floor of the last building, that is the coal yard lot. Mr. Bennett adjusted the insurance there, and he will tell you what there was paid, and there was nothing left standing







except the walls, a portion of the walls of the first building ; that was only two stories and one story had to be torn down, and now they have run that up three stories ; they have taken out the division wall between the two stables, and they are thrown all into one open space now. They have taken and put windows on both sides and they have the stable arranged so as to have all their horses up stairs, and they have the stalls all around the side, the east and the west side of the stable, and put windows in there for light and ventilation for their horses.

Q. They have windows there now ?

A. Yes, sir.

Q. Now in a case of fire, what would be the effect ?

A. It is 100 per cent more hazardous now than it was before.

Q. As I understand you, there is now one single building covering the whole lot, about 99 feet ?

A. Yes, sir, there is no division wall at all.

Q. Therefore it is not the two old houses, one on the 45 foot lot and the other on the 50 foot lot ?

A. No, sir, it is not ; it is entirely one room, the whole thing on one open space.

Q. And they have the horses on the second story on a level with the sleeping rooms of people in the neighborhood?



A. Yes, sir. If they were to catch fire again, it would set the whole neighborhood afire.

Q. Have you any idea as to how many stalls they have ?

A. No, sir, I have not.

Q. Are they building it now ?

A. It is all completed they tell me, waiting to hear the decision of this trial today before putting their horses in. I understand it is all completed now.

Q. The fire took place the first of July of this year ?

A. Yes, sir.

Q. How many horses were there at that time ?

A. I don't know, but I should judge from the quantity of---

Mr. CARTER : (Interposing.) We object. He says he doesn't know.

Q. Were there many led out ?

A. I don't know exactly how many ; I suppose there were 130 horses.

Q. Did you see the horses there ?

A. Yes, sir, the whole street was lined with them.

Q. I understand you to say that the entire building except the wall was destroyed, and the most of that had to be taken down ?

A. Yes, sir, and they put a parapet wall on the first



stable to correspond with the last.

CROSS EXAMINATION.

Q. (Mr. CARTER.) You have been the person that has been getting up this indictment at all these other proceedings principally against Griffin & Manion, are you not ?

WITNESS : I don't understand you, Mr. Carter.

Mr. CARTER : I say you are the person that has been getting up this indictment against Griffin & Manion, and were principally interested in the other proceedings ?

A. Well, no, sir.

Q. Didn't you get this thing up ?

A. The whole neighborhood is interested in it.

Q. Didn't you employ Gov. Whyte as your counsel in this case ?

A. Not individually, I did not. He was employed by a number of gentlemen ; Charles Morton Stewart, he contributed towards employing him.

Q. That was five years ago ?

A. Yes, sir. I suppose eight or ten people, or more, in the neighborhood contributed. Mr. Bonaparte gave \$50.

Q. Ain't you the person that started to get this one up ?

A. Yes, sir, I suppose you might say I am, with others in the neighborhood. I am more interested than anyone else



in the neighborhood ; I have property there worth \$65,000 or \$70,000.

COURT : If you have 21 houses there, I suppose you have.

A. I have 10 houses on that side of the street running back to Morris Alley.

Q. Now, I want to examine you about first what you said as to the description of these buildings. After the indictment and the acquittal of Griffin & Manion by Judge Fisher here in 1885, they continued to occupy the school house, the building that was erected on the school house lot, which is 45 feet and a fraction front, up until the fire, which took place on the first of this last July ?

A. Yes, sir

Q. Now, I am going to take that building first.

WITNESS : Which building first ?

Mr. CARTER : The west one ; the one that was built on the property they bought from the Mayor and City Council ; the school house lot as we will call it ; that has a front of about 45 feet on Eutaw Street.

A. Yes, sir.

Q. And runs back to the alley ?

A. Yes, sir.

Q. The alley running parallel with Eutaw Street, between





that and Linden Avenue ?

A. Yes, sir.

COURT : You mean Jordan Alley ; the public alley there ?

A. Yes, sir.

Q. Now that building as it was erected in 1884, prior to the last indictment, was how many stories high on the front, on Eutaw Street ?

A. It was three stories.

Q. How many stories high is it now on Eutaw Street, that building ?

A. That building on the school house lot is three stories, and they put up an abutment on it since the fire, since that improvement ; this last improvement.

Q. One minute ; I will come to the abutment afterwards. But it was three stories high, as it was in existence at the time that that indictment was tried here before Judge Fisher, wasn't it ?

A. Yes, sir.

Q. It is three stories high now with the exception of--- what did you say it was ?

A. A sort of abutment.

Q. What is that.

A. The wall is raised up in the centre with a cap on it.





Q. Just a little kind of ornamentation, isn't it ?

A. It is a sort of parapet ; it ain't an abutment. I will show you what it is ; it is in that shape (indicating) ; there is the level of the cornice and it is raised up in the centre there to the last building, that way (indicating).

Q. I am taking the 45 foot front building ?

A. That is what I am speaking of.

Q. The abutment don't go the whole length of the 45 feet?

A. No, sir ; it takes, I suppose, about one-third.

Q. And about how high is it ?

A. Two and a half or three feet.

Q. It is made of lumber, isn't it ; of wood ?

A. No, sir ; bricks.

Q. What is the object of that ?

A. To make the line, I suppose, correspond with the last building they put up.

Q. To make it correspond with the building they put up on the other 54 feet ?

A. Yes, sir.

Q. So that it is merely an addition of two to three feet about one-third the length the 45 feet on Eutaw Street ?

A. I don't suppose it is that much ; somewheres in the neighborhood of one-third to one-quarter.



Q. And with that exception the front walls of the building as they now stand today are the same as they were at the time the indictment was tried before Judge Fisher. Except that the wall was damaged.

Q. I am speaking about that now ; the height of the walls were the same ?

A. Yes, sir.

Q. So that front wall---I am entirely confining myself to the school house building yet---that three-story front wall, no part of it has been taken down since the fire of July 1st ?

A. Oh, yes, sir.

Q. How much of it ?

WITNESS : Do you mean the front ?

Mr. CARTER : Yes, sir.

A. There was a portion of the cornices taken down where it was all cracked to pieces.

Mr. CARTER : That is not wall ?

A. Yes that is wall ; it is a brick cornice.

Q. The cornice was taken away ?

A. Yes, sir.

Q. Was there anything else taken away ?

A. The frames was burned around ; the window frames where the fire burnt ; the bricks all crumbled all to



pieces and they were replaced in some places, but the wall proper stood, but it has been repaired.

Q. The three stories stood ?

A. Yes, sir.

Q. Now at the time of this fire the west wall of that building, was any part of that taken away ?

A. Yes, sir, a portion of that was taken down.

Q. How much of it was taken down ?

A. That I am not prepared to say.

Q. Was that part of the wall, I suppose you would call it the North wall---we will call it the North wall---the wall on Jordan Alley ?

A. Yes, sir, that was two stories high and it was taken down to the second floor of joists ; one story was taken down and rebuilt, and another new story built on top of that, and the gable end walls on the West side, of course, were raised to correspond with that.

Q. So that a part of the gable end wall of the west wall, was raised to correspond to this additional story, you say. How many stories has the building as it stands today on the alley, the 45 foot building ?

A. Three stories, the whole of it, front and back.

Q. But I am taking one building at a time. At the time of the fire, was there an East wall to that 45 foot building ?





WITNESS : Was there an East wall ?

Mr. CARTER : Yes, sir.

A. Yes, sir.

Q. That East wall had been erected prior to the time of the trial here before Judge Fisher, hadn't it ?

A. Yes, sir.

Q. Was any part of that taken down since the fire of July ?

A. It has been taken down from the top to the bottom, the entire wall 150 feet deep, three stories.

Q. This is taken down ?

A. That is taken down.

Q. And it has not been put up ?

A. No, sir.

Q. So that it was not taken down on account of the fire ; I mean it was not taken down to re-erect, but taken down entire. Now do you know whether it was necessitated to be taken down, that East wall of the school house building, by the fire or simply taken down because they choose to throw it all into one building ? Do you know that ?

A. Well, Mr. Carter, all I know is what I think.

Mr. CARTER : But I did not ask you that.

WITNESS : I know it is taken down and it is all in one room now.





Q. Did you examine that East wall of the school house building to see whether it would have to be taken down because of the injury by the fire ?

A. No, sir, I did not.

Q. I pass from that ; I have a description of that. Now as to the walls of the school house building, I have asked you all that I wanted to know about that. Now I am going to ask you about the new building, as you call it ; the building that was built where Coolehan's stable had been, and on the coal yard lot which they bought ; that was a building fronting 54 feet on Eutaw Street, wasn't it ?

WITNESS : Let me see.

Mr. CARTER : One moment ; I will just change the question. That was a building that they built after they got the permit that was granted to them, which you spoke of, in 1889, by the City Council ?

A. Yes, sir.

Q. That permit speaks for itself, and that describes it. That authorized them to take down the Coolehan building, 18 feet front, running back a depth of 150 feet, and put up a stable for a livery stable on that lot, and on the 36 foot lot to the East, and that of course would make 54 feet ?

A. Yes, sir.



Q. When did they erect that building ; did they do that in 1889 ?

A. I think it was in 1889 ; 1888 or 1889.

Q. It was before 1890, at all events.

A. Oh, yes, sir.

Q. When they erected that building did they put up a wall on Eutaw Street ?

A. Yes, sir.

Q. How many stories high was this ?

A. Three stories.

Q. So that that building was three stories high at the time of the fire ?

A. Yes, sir.

Q. Now it has three stories today, hasn't it ?

A. Yes, sir.

Q. And it had this abutment ?

A. This parapet, yes, sir.

Q. When it was constructed originally they constructed it with the three stories and the parapet ?

A. Yes, sir.

Q. And that is what it has today, hasn't it ?

A. Yes, sir.

Q. Was any part of that wall taken down since the fire ; that front wall of the 54 feet wall ?



A. I don't think there was any taken down, except the brick cornice ; I believe that has been replaced.

Q. Are you sure of that ?

A. I would not be positive about it ; it looked to me as if it had to be taken down and replaced ; to the best of my knowledge and belief, I believe it has been taken down and repaired.

Q. But you are not certain ?

A. No, sir.

Q. With that exception then, that is the only part of the 54 foot building, the new building at any rate, the only part of that ~~xxx~~ taken down since the fire would be the cornice ?

A. The cornice and frames and all the sash and doors.

Q. I am not speaking of that now ; I will come to the wood work afterwards. Did it have the West wall when it was built in 1889 ?

A. Yes, sir, it had the west wall.

Q. (Mr. WHYTE.) Did it have the West wall ?

A. There was a division wall between the two buildings, a 14 inch wall.

Q. (Mr. CARTER.) Running together from Eutaw Street to the alley ?

A. From Eutaw Street to Jordan Alley, yes, sir.





Q. Was that put up at the time of the new building ?

A. That was put up at the time of the first building.

Q. You mean at the time of the Coolehan building ?

A. The time they built on the school house lot.

Q. Well, but when they took down the Coolehan building in 1889, under this permit, did they take it down entirely ; all the walls of it clean out ?

A. I think so.

Q. Now did they re-erect a new East wall, we will call it, for the new building, or simply leave the wall which had been the West wall of the school house building to form the East wall of the new building ?

A. I think they left the wall remain that was built there on the school house lot ; that is my recollection.

Q. That is your recollection, but you may be mistaken.

Now they built a wall on the alley, did they not ?

A. Yes, sir, the whole building shows a front on the alley.

Q. But I am asking you when they built it in 1889, of 54 feet front by so much depth, and the wall of the same width on the alley, they built the wall on the alley, how many stories high ?

A. Three stories high.

Q. So that the entire ~~wall~~ <sup>building</sup> when it was erected in 1889





had a wall three story high on the alley ?

A. Yes, sir.

Q. Now, how many stories is it now on the alley ?

A. It is three now.

Q. Was any portion of that taken down subsequent to the fire of July 1st ?

A. I don't think so.

Q. Now that building, that new building of course had an east wall towards Preston Street, running back from Eutaw Street to the alley ?

A. Yes, sir.

Q. How many stories high ?

A. It was three stories high.

Q. And how many now ?

A. Three stories high.

Q. Was any part of that taken down since the fire ?

A. There was a portion of the top part taken down ; very little I should suppose, from the looks of it.

Q. A foot you mean ; a foot may be. You didn't measure it, I suppose ?

A. I didn't measure it ; I merely looked at it going along the street.

Q. But a very little ?

A. Yes, sir, very little.



Q. According to your understanding, none of the walls ~~xxx~~ that were erected for this new building in 1889 were taken down since the fire ; that is, the Eutaw Street wall was not taken down, the alley wall was not taken down---

A. Yes, sir, there was a portion of the alley wall taken down since the fire.

Q. I asked you just now if there was---

A. (Interposing) I told you the building that was two stories on the alley.

Q. I am not talking about that, but the new building ?

A. No, sir, there was none of that taken down.

Q. I say the building built on the 54 foot front, the new building built in 1889, the front walls were not taken down since the fire, the alley wall was not taken down since the fire, the East wall was not, except you think a small part, a little of it was removed, and you say you don't think that building, when it was constructed, had any West wall, but they used what was the East wall of the school house lot ?

A. Yes, sir.

Q. Now the wood work in each of these buildings was destroyed ; am I right ?

A. It was totally destroyed as far as I could see, with the exceptions of two sections of the building that is



built on the coal yard lot.

Q. Nearest to Preston Street ?

A. Yes, sir, I suppose there was a difference of some 32 feet ; I suppose the joists were some 16 or 18 feet long, and the girders run crosswise on the building, and I think there were two sections of that standing.

Q. What do you mean by sections ?

A. I mean one span of joists ; for instance, here is a joist and here is a joist (indicating), and the girders run from one to the other.

Q. How far towards Eutaw Street did they go ?

A. It extended about 32 feet to Jordan Alley and that was partially destroyed, and the other was burned totally out and out.

Q. Frames and windows ?

A. Yes, sir, frames, windows, rafters and everything else.

RE-DIRECT EXAMINATION.

Q. (Mr. WHYTE.) Now, as I understand you, the division wall which had formerly been between the 45 foot lot and the 54 foot lot is taken away ?

A. Yes, sir.

Q. And instead of these two buildings, the one authorized by the Mayor and City Council, instead of these two they have now erected one building 99 feet front running back





to Jordan Alley ?

A. Yes, sir.

Q. So that there is a single building now where there had been two buildings before ?

A. Yes, sir, it is all covered by one roof.

Q. Do you know whether they have made any application to the Mayor and City Council to put up a new building ? Have you seen it published ?

A. Yes, sir.

Mr. CARTER : Mr. Forbes don't know anything about that, Governor ; you can prove that in the regular way if you want to.

Mr. WHYTE : I think this is all right. I can hand the witness a newspaper and ask him to show a published advertisement.

Mr. CARTER : It is not competent proof to ask Mr. Forbes, to prove that in this way.

Mr. WHYTE : Do you deny that you published that advertisement ?

Mr. CARTER : No, sir.

Mr. WHYTE : Do you admit that you published it ?

Mr. CARTER : No, sir. Just produce it in the regular way. It is not right to ask Mr. Forbes.

Mr. WHYTE : Well, I will ask him whether he saw it in the Sun.



Mr. CARTER : We object to proving it in that way.

COURT : I don't think that would be legal evidence.

The proper way would be to produce some person from the Sun Office and prove it by him. I expect I saw it in the paper just as well as Mr. Forbes did, or if I did not, I can look at it now and see it for myself. All that Mr. Forbes can say is, that he saw it in the newspaper.

Mr. WHYTE : I only want to identify the paper here now, and I will send for the Sun man to prove that they put it in the paper.

Mr. CARTER : We will not make any trouble about the advertisement ; it is admitted that they put it in.

Mr. WHYTE : Then I offer it in evidence. I will read it to your Honor. The first insertion is September 23rd, 1890 :



WILLIAM J. H. B. FUSSELBAUGH, called on behalf of the State, testified as follows.

DIRECT EXAMINATION.

Q. (Mr. WHYTE.) You are one of the Judges of the Appeal Tax Court ?

A. I am, sir.

Q. You were in July last, were you not ?

A. Yes, sir.

Q. Will you tell the Court whether Griffin & Manion or either of them applied to you as Judge of the Appeal Tax Court, or to your colleagues for a permit to erect a building on N. Eutaw Street ?

Mr. CARTER : One moment, before you answer the question. What is this for ? Mr. Fusselbaugh had no right to issue a permit, your Honor, for the livery stable.

COURT : Mr. Fusselbaugh is a Judge of the Appeal Tax Court .

Mr. CARTER : Yes, sir, but under the ordinance under which we are indicted no livery stable is to be erected without a permit from the Mayor and City Council, and if Griffin & Manion went there for a permit, they had no right to go there, and the Appeal Tax Court had no legal right to grant it.

Mr. WHYTE : But we want to show, if your Honor





please, that before they built the stable they were notified by Mr. Fusselbaugh that they had no right to build it.

COURT : That is not evidence. If they were obliged by this ordinance to get a permit from the Mayor and City Council, they were obliged to do it, and if they were not, they were not, and Mr. Fusselbaugh's telling them would not make it any more effectual ; if they were not obliged to do it, his telling them had nothing to do with it. I sustain the objection.

Mr. WHYTE : We will reserve an exception.

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RUFUS BENNETT, called on behalf of the State, testified as follows :

DIRECT EXAMINATION.

Q. (Mr. WHYTE.) You are, I think, engaged as adjuster, I forget what particular title you have, by the Insurance Companies ?

A. I am a builder.

Q. You are frequently called on to act as appraiser by the Insurance Companies after a fire ?

A. Yes, sir.

Q. Do you remember when the fire took place at Griffin &





A. There was some \$7000. insurance that they thought they had, but that seemed to have been a mistake ; it was not insured ; some \$7000. that they proposed to have insured, and it was not insured.

Q. But all that was insured amounted to about \$15,000, and they got \$14,000?

A. It was a little upwards of \$15,000., and they got \$14,700.

Q. Did you examine the premises ?

A. Yes, sir.

Q. Will you tell the Court whether the property was much injured ?

A. Well, it was all burnt out with the exception of two sections.

Mr. CARTER : That is, you mean the woodwork ?

A. Where there were girders ; when the run of the joist was made it run to and from the alley to Eutaw Street, and there was two sections of that ; the joist was about 20 feet long, so it was about 40 feet. The frames and everything were burned out with that exception.

Q. Was the structure one or two buildings ; was there a centre wall ?

A. There was a centre wall, yes, sir.

Q. A division wall running from Eutaw Street through to





~~running through~~ Jordan Alley ?

A. Yes, sir, with some openings in it on the first and second stories.

Q. With openings between, but the wall was there ?

A. Yes, sir

Q. How high were the two walls on the alley ; the two buildings, I mean ?

A. The walls were three stories high ; that part of it was three stories.

Q. How about the other part ?

A. There was one part of the building three stories and the other part three stories high.

Q. So that one part of the two rear walls was three stories, and the other part was three stories ?

A. Yes, sir.

Q. Was any part of that wall taken down, do you know ?

A. There was a portion of that centre wall that we had to allow to be taken down.

Q. You had to allow for the expense of taking it down ?

A. Yes, sir, and replacing it ; of course that was in our settlement, and then there was some small portion of the West wall where it was cracked ; of course we had to allow them to take that down to be replaced.

COURT : In order to straighten it ?



A. Yes, sir, wherever it was damaged we had to make allowance for it.

Q. Have you seen the building since it has been renovated

A. I have not ; I have only seen it simply from riding in the cars along there ; I haven't been there.

CROSS EXAMINATION.

Q. (Mr. CARTER ) You represented the Insurance Companies in the adjustment ?

A. Yes, sir.

Q. Who represented Griffin & Manion ?

A. A Mr. Lamb ; Mr. Joseph Lamb.

Q. Who had been a builder ?

A. Yes, sir, a builder.

Q. He had been the builder of both buildings ?

A. Yes, sir ; I think so.

Q. Didn't you have any third party, or did you two settle it ?

A. Yes, sir, we had a third party ; we had Mr. Small.

COURT : What Small.

A. Mr. John Small

Q. Now you say that the total insurance was some Fifteen thousand dollars and a small fraction over ; of course I don't care about the items ?

A. Yes, sir.

Q. Some Fifteen thousand two hundred dollars ; something like that, wasn't it ?



A. Yes, sir, something like that.

Q. You said something in your direct examination about \$7000. of the insurance which I didn't quite catch ?

COURT : He said that there was about \$7000. worth of the property that they thought was insured that was not.

Q. Will you let me ask him that ? What did you say about that \$7000. insurance ?

A. The question was asked me and I tried to answer it as plain as I could. There was fifteen thousand some two hundred dollars insurance on it, and Griffin & Manion supposed that there was \$22,500. on it ; it was supposed that there was \$7000 more, but that was an oversight ; that was not insured.

Q. That is, Griffin & Manion supposed that they had that much more ?

A. Yes, sir, that there was \$7000. more on it, but when they came to examine it it wasn't there ; hence there was \$15,200.

Mr. WHYTE : That covered the whole property, as I understand it ?

A. Yes, sir, the whole property.

Q. So that it was not what they supposed they had on the building. Now, Mr. Bennett, of course it is rather foolish for me to ask the question, but I am going to ask it.





Insurance Companies never insure up to the full value of buildings, do they ?

A. Well, they do sometimes.

Q. Well, I know, but it is in very exceptional cases. They don't do it as a general thing, do they ; they don't do it if they know it ?

A. Well, I believe they don't want to over-insure.

COURT : They used to have an idea that if a man over-insured it was a temptation to set the buildings afire, but my old friend, Mr. Jones, in the Equitable Company said to me once that it didn't make so much difference now a days, for they only allowed a man his actual loss on the building.

A. That's the idea

Q. You say there was a division wall between what we will call the West building and the narrow building on the East, but that it had openings in it. How many openings did it have, if you recollect ?

A. There was one large door and I think about three windows, possibly, in the first story.

Q. You mean on the street story ?

A. No, sir, the division between the two.

Q. But I say on the floor that you entered from the street ?



A. Yes, sir. The second floor had about four openings where windows and doors were.

Q. Now, I don't know as it is necessary to trouble you, because I can prove it afterwards. Had you ever been in the stable when it was in operation before the fire ?

A. No, sir.

Q. Then I will not trouble you with the question. You say that the rear wall on the alley, that a part of it was a two story wall, that part, say the western part, that was the rear wall of the building that was built on what had formerly been the Mayor and City Council's lot ?

A. Yes, sir.

Q. But the wall of the narrow building towards Preston Street was a three-story wall ?

A. Yes, sir.

Q. Now you say that a portion of the centre wall, the division wall, you allowed to be taken down ?

A. Yes, sir.

Q. Do you recollect how much that was ?

A. I think it was about a hundred feet.

Q. And how much of it did you allow to be taken down ?

A. Possibly about 12 to 14 feet of that.

Q. You mean 12 to 14 feet from the top ?

A. 12 or 14 feet from the top down running together.



Q. That is, 12 or 14 feet from the top and about 100 feet in length that you thought, when we built, ought to come down ?

A. Yes, sir. It was rather in a condition for it to come down.

Q. You thought it would have been better to let it come down ?

A. To take it down and have it replaced.

Q. But it could have been allowed to be left there ?

A. No, sir, I think not.

Q. Now you say also that the West wall of the entire structure, which would be of course the West wall of the school house building, that part of it was cracked ?

A. Yes, sir, the wall was cracked ; it was bulged.

Q. And you allowed for the taking down of that ?

A. A portion of that .

Q. Do you remember what portion of it ?

A. I think possibly about 16 feet.

Q. 16 feet in length ?

A. 16 feet in length possibly by about 22 or 24 feet in height.

Q. So that of the West wall about 16 feet in length of the whole 150 feet, and about 22 feet of it in height, was all that you thought, of that wall, ought to come down ?





A. Yes, sir.

Q. Then of the rear wall. Did you allow on any part of that ?

A. No, sir, there was no occasion for that.

Q. You thought that there was no occasion to take down any of the rear wall?

A. No, sir, it was blackened by the smoke, but there were no bulges or anything of that kind.

Q. When you spoke of the building being burnt out, you spoke of those parts of the wall that you described, and you ~~speak~~ meant the wood work was burnt out ?

A. I meant the wood work burnt out ; there was some of the old girders there that had to be taken out.

Q. About two sections I think you said were left undisturbed ?

A. Yes, sir.

Q. I am sure I ought to understand you, but I cannot say that I do exactly. What do you mean by two sections ; how far did they extend ?

A. I will show you. Here is Eutaw Street and here is the alley (indicating), and here are the girders that come across here, and here is the joist that lay there ; here is one girder and here is another girder (indicating), and this distance makes two sections, I think about 40 feet;



that is what I term the sections.

Q. Did they go across the lower end ; built in them ?

A. Yes, sir.

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WILLIAM H. COLE, a witness called on behalf of the State, testified as follows :

DIRECT EXAMINATION.

Q. (Mr. WHYTE.) Do you know the livery stable of Griffin & Manion on Eutaw Street near Preston ?

A. Yes, sir.

Q. You live near there, I believe ?

A. I live opposite, or say nearly opposite ; my house is directly opposite the one adjoining the stable on the West.

Q. Have you seen the stable since it has been built ; since it has been re-erected after the fire ?

A. I have, yes, sir.

Q. Now, will you state to the Court, if you please, whether there is any division wall where the old division wall used to be between the old school house lot stable and the Coolehan lot stable ?

A. There is no wall there at all.

Q. That wall has entirely gone ?



A. It has been removed from the property, yes, sir.

Q. Now will you tell the Court whether there is one single building there fronting on Eutaw Street, and running back to Jordan Alley ?

A. It is one single building ; I viewed it this morning ; I went in and for the first time since it has been rebuilt, went up stairs and viewed the stalls and walked about on the second floor, and I find it is all in one building. There are three openings by which horses may go up, one from the eastern side on Eutaw Street, and one adjoining the western wall in Jordan alley, and the second floor is arranged in four rows of stalls running from Eutaw Street back to Jordan Alley with about room for 28 horses in each row.

Q. It has four rows of stalls with room for about 28

A.  
horses in each ~~xxxx~~ row. ? The stalls are separated by an open way wide enough for horses to pass, extending all the way from Eutaw Street to Jordan Alley, and the cross openings extend over the other direction at right angles.

Q. Did you notice what the floors of these stalls was ; whether it was wood or not ?

A. The floor on the side is wood, but on the upstairs in the stalls part of it, where the stalls are it is open-





work, something like mats in the wood across, and so arranged as to carry the water off ; constructed around to carry it off properly ; arranged for drainage in the stable.

Q. And these stalls are all on the second floor ?

A. That is what is visible on the second floor.

Q. And from the Eutaw Street front of the building, the horses ascend a sort of ladder, I suppose ?

A. A sort of boardway that goes up, yes, sir.

Q. Did you notice whether there were any windows in front of these stalls fronting either towards Hoffman or Preston Street ?

A. There are windows in both walls, opening wide enough-- windows three feet wide, I judge, of sufficient opening to give ventilation, and doors, I think six or eight at least on the second story towards Hoffman Street, and as many in the wall towards Preston Street.

Q. Did you notice how the floors were arranged ; I mean as to the floor, is it tongued and grooved, or is there anything to make it tight ?

A. I didn't observe critically or carefully the whole floor ; I only observed it running along the walls, the outer edge of the walls, there is evidently the cover of a drain there with rings in it with which to remove it



from the gutter, and according to my recollection the only visible thing was solid boards.

CROSS EXAMINATION .

Q. (Mr. CARTER.) Only a question or two, if you please. Do you remember whether you were in the building on the 16th of September or before that, of this year, this present year ?

WITNESS : . Was I in the building on the 16th of September ?

Mr. CARTER : I don't mean on that day, but about that day, or any time before that.

WITNESS : In the stable ?

Mr. CARTER : Yes. I understood you to say that you were there this morning, but what I am asking is do you remember being in the stable on the 16th of September, or before that, of this year ?

A. I think I went in there about the 16th of September ; I went in there one day, and my recollection is that it was about that time.

Q. Will you tell the Court whether the building was completed at that time ?

A. It was not completed at that time.

Q. Now what has been done since ? Of course I don't ask you to give all the details.



A. Well, general work has been done.

Q. Have the stalls been put in there since ?

WITNESS : Have the stalls been put in since ?

Mr. CARTER : Were there any stalls in it at the time that you went in there ?

A. I didn't go on the second floor, and I did not observe the stalls. I know that a great deal of work has been done on the ground floor, on the level of the street since that time.

Q. What kind of work has been done ?

A. Well, a large amount of bricks and paving stones and material, rubbish, has been removed, and a cement floor has been laid.

Q. A cement floor has been laid since the 16th of September ?

A. I think so; yes, sir.

Q. But up stairs, of course, you don't know ?

A. I don't know ; no, sir. I know that by sound ; I heard the noise of hammering and constructing the floor previously to that.

Q. Now you say that there are openings in the west wall and in the east wall of the structure ?

A. Yes, sir.

Q. In all of the stories properly ?





A. In the second story.

Q. Are there openings in the third story too, or did you observe them ?

A. Yes, sir, there are openings in the third story.

Q. Now, I want to ask you ; you have been living there on Eutaw Street a great many years ?

A. Yes, sir.

Q. Of course you remember the building before the fire of last July. Now were there any openings both in the west wall and the east wall before last July, and as many as there are now, or more ?

A. I don't have any knowledge of that ; I didn't observe it before.

Q. I understand you had no occasion to look at it ?

A. No, sir.

Q. Now, did you ever go in the stable before the fire of last July ; have you had occasion to go in through the stable ?

A. I have been in the stable, yes, sir.

Q. How far back from the front ; I mean how far have you gone towards the alley ; have you gone through it ?

A. I don't know that I have gone through it.

Q. I only want to see whether you can answer this question. Isn't it a fact that before the fire that both



buildings were used in common as a stable ?

A. I am aware that the first building was completed in itself with a closed wall, and after the other building was put up that wall was opened, openings were made in it, and there is this characteristic of the two buildings plainly on my mind ; the original building, the west building on the school house property, had the stalls on the ground floor and the carriages on the second floor ; but the new building had the carriage room on the ground floor and the stalls for horses on the second floor.

Q. Now you mean the present building, or do you mean the new building that was built in 1889 ?

A. The new building that was built in 1889 had the stalls on the second floor.

Q. So that so far as the stalls are concerned, the only change has been that the stalls have also been put on the second floor in the school house building, as we will call it; that is right, ain't it ?

A Yes, sir.

Q. The 1889 building, as we will call it, towards Preston Street, with the 54 feet front, when it was constructed, it had stalls put up stairs ?

A. Yes, sir.

Q. And the school house building has been made now to



correspond with that ?

A. Yes, sir.

Q. Now will you be kind enough to try and recollect whether when the school house building was put up, the first new building put there, that would be west of the Coolehan building. Did you live there when Coolehan lived there ?

A. Yes, sir.

Q. Now you know the Coolehan building ; it has been described as an 18 foot front building ?

A. Yes, sir.

Q. Now the next building which was put up by these gentlemen was the school house building. Can you state whether when that west building was put up, there was not an opening made in its east wall to communicate with the Coolehan building, ?

A. I have no knowledge of that.

RE-DIRECT EXAMINATION.

Q. (Mr. WHYTE.) You said in answer to a question of Mr. Carter that that building which they built on that 45 foot lot was the building built, and it had a wall on the side towards Preston Street ?

A. Yes, sir.

Q. Then after that, in 1889, ~~when~~ they built this new





building nearer to Preston street adjoining it ?

A. Yes, sir.

Q. Now I ask you, whether that wall which was a part of the old building, of the 45 foot lot, whether that wall has not entirely disappeared, gone ?

A. It is all removed, yes, sir.

RE-CROSS EXAMINATION.

Q. (Mr. CARTER.) The only question I asked him was whether he knew how many openings were in it before the fire. Isn't the only difference between this building before the fire and the building now, in the removal of that wall that was between the two buildings running from Eutaw Street to the Alley, and the transfer of the stalls into the second floor of the school house building ? Now isn't that the only material change ; also in addition to that the putting up on the rear of the school house lot an additional story on the alley ?

A. These are changes that are made, yes, sir. There are other changes, whether you call them material or not, as in the grade of the floor of what was the school house building and the arrangements of the stalls. When the new building was put up in 1889 it had the cornice of its own, and was not in correspondence either in height or architectural structure with the old building, with the



school house lot. Now, in rebuilding, both cornices have been modified and rebuilt, and are made to very nearly correspond in height and in extent.

Q. Now then, the only change with reference to the ornamentation, so to speak, on the front is that the new building, the building of 1889, had what Mr. Forbes called a parapet on the top, and the school house had none ?

A. Yes, sir.

Q. And now the school house has one ?

A. Yes, sir.

Q. (Mr. WHYTE.) Isn't it practically a change from two houses into one ?

Mr. CARTER : We object to that.

A. I think it has no division wall, and it has two parts in its front, in the parapet wall ; it is still one building, and has one semblance to the two buildings ; this parapet will produce that in the minds of spectators. ~~It~~

~~ix~~

Q. It is all under one roof ?

A. Yes, sir, all under one roof.

Q. With no division wall ?

A. No, sir.

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JOHN C. THOMPSON, a witness called on behalf of the State, testified as follows :

DIRECT EXAMINATION.

Q. (Mr. WHYTE.) Do you live in the neighborhood of Griffin & Manion's stable on N. Eutaw Street ?

A. I live at 1035 N. Eutaw street ; I suppose, probably eight or ten houses from the stable.

Q. On the same side of the street ?

A. Yes, sir.

Q. Do you know when Mr. Coolehan lived there ?

A. I do.

Q. Was that stable on the front or the back of the lot on Eutaw Street ?

A. Well, my impression is that his dwelling was on the front part of Eutaw Street, and his stable, that is my recollection, back of the dwelling, extending in the direction of, and perhaps, to the alley ; his stable was back there ; that is my recollection.

Q. After the purchase by Griffin & Manion do you know of their purchase of the school house lot ? Do you remember that time ?

A. The precise time, no, sir.

Q. Well, do you recollect the fact ?

A. Yes, sir ; I know---at least I heard that there was





a purchase on their part of the old school house lot there and afterwards it was converted into a stable. The old school house was torn down and some stable was erected.

Q. Now, did that stable have four walls to it on the 45 foot lot, on the school house lot ?

A. Well, there was a partition or division wall ; how far up or how far below that partition or division wall was, I am not able to state, but I know that from Eutaw Street down to the alley a division wall existed and was there at the time this fire occurred in July.

Q. Now have you seen the stable since it has been rebuilt ?

A. Well, I have looked in, passing down, and that wall, that partition wall, has been totally removed ; there is none of it at all now there, so that the present stable has a front on Eutaw Street and a back on Jordan Alley and two side walls ; in fact it is only one building now where formerly before the fire, it was two, that is so far as this partition wall could make it so, to my recollection.

Q. Have you been up stairs in the stable at all ?

A. I have not ; I was never up stairs in either the old or the present stable that has been erected.

CROSS EXAMINATION.

Q. (Mr. CARTER.) You don't know how many openings there



were in this wall which you described as a partition wall, that ran from Eutaw Street back to the Alley, between the building that was built in 1889, and the building that was built back on the school house lot ; you don't know how many openings there were ?

A. I was never inside, Mr. Carter, I think, but two or three times since the old building was erected, and I happened to go in and did not make any examination, except simply a cursory one ; I went in to get a hack or something of the kind, and never examined it at all.

Q. You know that the two buildings that were there before the fire were used in common and all as a part of one establishment, don't you ?

A. Well, I couldn't state that positively.

Mr. CARTER : Well, I will not ask you.

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BAILEY, a witness called on behalf of the State, testified as follows :

DIRECT EXAMINATION.

Q. (Mr. WHYTE.) Do you live near Griffin & Manion's ?

A. Yes, sir, I do.

Q. How far are you away from their stable ?

A. The south wall of their stable joins my yard.



Q. The wall nearest to what street ?

A. To Preston street.

Q. What you call the south wall is next to your property ?

A. Yes, sir, overlooking the back of my house.

Q. Do you remember the character of the wall of that building, that same wall of that building, as it was erected in 1889, and if so will you tell the Court whether that wall is the same as the wall of the building of 1889 in regard to windows ; has it as many windows now as it had then, or more ?

A. The same ; that is the last building that was built has the same number of windows ; they are intact as they were when the fire took place.

Q. Now in regard to the wall nearest to Hoffman Street, are there as many windows there or more in that wall ?

A. There are more.

Q. These windows, as I understand, are windows opening in to the second story ?

A. Well, that building, the old building that was before the fire was only two stories ; there was a third story put on it additional, and some eight or ten new windows put in.

Q. Now by this new building, you mean the 1890 building ?





A. No ; on the old building ; the building facing Hoffman street.

Q. You mean the building nearest Hoffman Street ?

A. That was the old building, and that was the building that another story was put on, and there were more windows put in there ; some eight or ten buildings more.

Q. When was that story put on and these eight or ten more windows put in ; since the fire ?

A. Yes, sir.

Q. The building then that was on the 45 foot lot, the old school house lot, has been raised since the fire from a two story building to a three story building ?

A. Yes, sir.

Q. And more windows put in that wall towards Hoffman Street ?

A. Yes, sir, and on Jordan Alley, on the back ; that has been raised to three stories to make it all level, all three stories, in other words, and there has been five new windows and doors altogether put in there, new ones additional to what there was before the fire.

Q. Do you know whether or not there was any division wall between the old school house lot and the property they built up in 1889 ?

A. Yes, sir.



Q. Was the division wall between ?

A. Yes, sir, from bottom to top/

Q. You know how thick that wall was ?

A. I do not, no, sir.

Q. Do you know whether it was a nine or fo rteen inch wall ?

A. I do not.

Q. But it was a dividing wall ?

A. It was a dividing wall. I never measured it, but I know it was a 9 inch wall, and may have been more than that.

COURT : Well, it might have been a 4 inch wall.

A. No, sir, it was not a 4 inch wall ; that would not have held the girders.

Q. That wall went clear to the roof ?

A. Yes, sir.

Q. I want to ask you whether since this new building has been erected there is any division wall ?

A. No, sir. Any man in this court or any place else for that matter, ~~was~~ if he would go there and see the building before it was burnt, and see it now, would think he was in a different latitude.

Q. It is entirely different from what it was before ?

A. Oh, my, yes, sir.

Q. Can you tell how many windows there are in the wall



towards Hoffman Street ?

A. Well, I cannot exactly, but if there are as many windows there, and I judge there are near as many---

Mr. CARTER (Interposing) : If you don't know, don't state it. We don't want what you judge.

WITNESS : Well, there is not less than 15, little and big. Before the fire we had some hopes, but since the fire we have a terrible draft there, east, west, north and south. I nearly lost my wife and my house there, and your Honor, I have rights that I am contending for. I have been living there for 28 years and I have been kept in suspense for the last ten years, and especially for the last two years. Now I think I have a right to contend for what is my own. Your Honor will excuse me for talking this way.

Q. What do you mean by being kept in suspense ?

A. For the last two years since the stable has been built I was afraid of occurring just what did occur, and when the fire took place, my wife was sick in bed for three weeks, and I had to close the shutters three times---

Mr. CARTER (Interposing.) We don't want to go into what took place at the fire.

Q. When the fire took place, I want to know how many horses were there.





A. A good many horses.

Q. Can you tell how many ?

A. No, sir.

Q. Is it in the same condition now as to danger as it was before the fire, or is it worse ?

A. I think it is worse.

CROSS EXAMINATION.

Q. (Mr. CARTER.) Now you say there has been a third story put up on the old school house building lot ?

A. Yes, sir.

Q. What you mean is there has been a third story put up on the rear Preston Street wall ?

A. On Jordan Alley, of the old building.

Q. You didn't mean to tell the Court that there had been an entire new story to the whole building ; I say you didn't mean that ?

A. A third story on Jordan Alley and a third story on the North wall facing Hoffman Street, where these extra windows are put in.

Q. Just let us take it a little quietly now. There was a third story put on the rear wall, which is the wall on Jordan Alley ?

A. Yes, sir.

Q. Now there was also the west wall, as we will call it,



the wall towards Hoffman Street, had been raised also to correspond with the additional wall on Jordan Alley ; that's true, isn't it ?

A. Yes, sir.

Q. How much back from Jordan Alley of that west or north wall towards Hoffman Street was raised ?

A. There was a part of it taken down ; I suppose the bricklayers took it down probably. You are speaking of the wall on the alley ?

Q. No, I have quit the alley now, but you say there was a part of the wall towards Hoffman Street before the fire that also was a part of that two-story wall ?

A. That was only two stories.

Q. How far back from the alley was it only two stories ; not all the way out to Eutaw Street ?

A. I don't know that.

Q. Now let me ask you another question ; the only new windows put in the wall towards Hoffman Street were the windows for the part that has been elevated ; isn't that right ?

A. Yes, sir, the third story.

Q. So the part on Jordan Alley, the only new openings on that would be on the part which has been elevated ?

A. The openings would be to throw light into the third



story.

Q. These are the new openings in this elevation of it in the third story part, and they are the only new openings that have been put in there ?

A. Yes, sir.

Q. Now all the openings that were in the wall towards Hoffman Street to the extent of the height it ran before, are there now, aren't they, and no more ?

A. There are other new ones put in.

Q. Well, only in the additional stories?

A. Yes, sir. Now I am speaking of the old and new openings ; I said from 10 to 15, I think, as near as my memory can serve me.

Q. But you haven't counted them ?

A. No, sir.

Q. And whatever openings there were in the school house lot built up there since the fire have been in this additional story that were put in the rear of the building.

A. Yes, sir, in the rear and on the Hoffman Street side, on the North.

Q. Now but the wall, what you call the division wall between the school house building and the new building, that was put up in 1889, has since the fire been taken down, didn't you say ?

A. Yes, sir.





Q. Do you know how many openings were in that wall before the fire ?

A. No, sir.

Q. Did you ever go in the stable ?

A. No, sir.

Mr. CARTER : I don't want to ask you anything more.

Mr. WHYTE : The State will rest here.

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JOSEPH LAMB, called on behalf of the Traversers, testified as follows :

DIRECT EXAMINATION.

Q. (Mr. CARTER.) You are a builder in Baltimore, are you not ?

A. Yes, sir.

Q. And have been for a number of years ?

A. Yes, sir, about ten years.

Q. Now you are the gentleman that built all the buildings that have been put up on Eutaw Street by Griffin & Manion, aren't you ?

A. Yes, sir.

Q. Now will you begin at the first building that you erected, that has been described here, and I want to get it as short and to the point as I can, that has been de-



scribed here as a building that has been erected on what had been a school house that belonged to the Mayor and City Council ?

A. Yes, sir.

Q. That is the first building that was erected there at all ?

A. Yes, sir.

Q. You had charge of that building as their builder ?

A. Yes, sir.

Q. You built it for them ?

A. Yes, sir.

Q. You took down the school building ?

A. Yes, sir.

Q. You took it down entirely ?

A. I took it down entirely.

Q. When you had gotten it down what was on the east of that building ? Now we assume that you had cleaned out all of that building. Now what building stood on the east of the lot on which the school house building had stood ?

A. A stable belonging to Mr. Coolehan in the rear, and a dwelling house on the front, with a driveway underneath, with a space between the two of about 30 feet, I should judge, between the two buildings.



Q. Between the school house building ?

A. Yes, sir, and the dwelling house of Coolehan.

Q. Was that 30 feet a part of the school house lot ?

A. No, sir.

Q. Whose was that ?

A. That was Coolehan's. There was a space between the two buildings back and front ; they didnot join.

Q. You mean the two Coolehan buildings did not join ?

A. No, sir.

Q. Now the Coolehan improvement, as we will call it, on Eutaw Street, was a dwelling house partly ?

A. Yes, sir.

Q. But with a driveway ?

A. Underneath.

Q. Underneath the whole front ?

A. No, sir, allowing for a stairway to go upstairs ; they occupied the whole portion for a dwelling house.

Q. But there was not a front stel out on the pavement ?

A. No, sir.

Q. The whole front way was a driveway ?

A. Yes, sir.

Q. And you went in it from the street, and there was a stairway to the dwelling ?

A. There was, but there was a private door entering in





from the street, with one step, just a door sill.

Q. That was on the 18 foot front ?

AA Yes, sir.

Q. And all the balance was a driveway to get back to the stable ?

A. Yes, sir.

Q. And the stable was on the Jordan Alley end of the lot ?

A. Yes, sir.

Q. And there was about 30 feet between the dwelling house and the stable ; is that right ?

A. Yes, sir.

Q. You knew it when Coolehan occupied it as a stable ?

A. I knew it before either Coolehan or the school house or Mr. Forbes, or any of them, and we are somewhat interested in it ourselves, because we own the property directly opposite to the stable, and are interested in it ourselves.

Q. How many houses do you own ?

A. Four houses, sir.

Q. Right immediately opposite the stable ?

A. Yes, sir.

Q. Now Coolehan kept a livery stable there ?

A. Yes, sir.



Q. And a hack stable ?

A. Yes, sir, he kept hacks.

Q. And hired buggies and things of that kind ?

A. Yes, sir.

Q. He did a business in hiring hacks, &c., and also kept a livery stable ?

A. Yes, sir.

Q. Now, the Messrs. Griffin & Manion, were they in possession, I don't care about their buying it, but were they in possession of the Coolehan stable, when you took down the school house building ?

A. Yes, sir.

Q. They were occupying it when you took down the school house building ?

A. Yes, sir.

Q. Now will you please tell the court what stable you erected on the school house building ?

A. I tore the school house down and piled the material in the centre of the lot, and I used the frames and ~~xxxx~~ joists and all the bricks and the iron lintels from the window frames and the sills, and built a stable 45 feet in front, running back 150 feet to Jordan Alley, and it was built three stories in front running back to within about 40 feet of the rear of the lot, and then I put a partition



across and filled it up with frames and sash. I hadn't any way to carry the wall, and I had to make it of glass, in order to keep, within the law.

Q. Now the front on Eutaw Street was three story ?

A. Full.

Q. Did the Northwest wall, towards Hoffman Street run back a three-story wall until you got within 40 feet of Jordan Alley ?

A. Yes, sir, about that.

Q. And then it became a two-story wall ?

A. And then it became a two-story wall ; and I left it run up to within about seven feet of the main building.

Q. Then on Jordan Alley the wall was a two-story wall ?

A. Oh, yes, sir.

Q. Now that gives us three walls of the building. Now was there a fourth wall on the East side, so to speak, next to Coolehan's lot ; did you put up a new wall there ?

A. Yes, sir, another one there.

Q. Which would be parallel with the Coolehan wall ?

A. Yes, sir.

Q. You left that building standing ?

A. Yes, sir.

Q. Now that was a three-story wall ?

A. Yes, sir.





Q. Now will you please tell the Judge what openings, if any, were made in that wall, that East wall; now, of that building, to connect with the Coolehan stable that they were then occupying ?

A. When I first built the stable on the school house lot there was one doorway there, I judge about three feet six wide, by seven feet high on the first floor ; then there were four large frames, openings on the second floor.

Q. Openings for light and air ?

A. Yes, sir. There were large frames that we took out of the school house ; they were very large frames and we used these in the side walls, of both side walls, that is, the East and West and the rear wall.

Q. Well, the purpose of these frames in the second story were for light and air ?

A. Yes, sir.

Q. They were windows ?

A. Yes, sir.

Q. Now, was there any opening in ~~xxxxxxx~~ the third story of the east wall of the school house building, towards Coolehan's ?

A. Oh, there was one opening there.

Q. What was that put in for ?

A. To connect from the third story into the dwelling



house that they lived in.

Q. That was the Coolehan lot ?

A. Yes, sir.

Q. To connect between their dwelling house and the stable ?

A. Yes, sir, the third story of the dwelling house and the third story of the stable, that they could have a way into their dwelling house from the stable---

Q. (Interposing) That was the door ?

A. Yes, sir, there was a window in the dwelling house and I left a through passage.

Q. So that they could go from the third story of their house into the stable through that door ?

A. Yes, sir.

Q. Now the opening that you have described on the first story of that east wall of the school house lot was an ordinary doorway, wasn't it ?

A. It was a large doorway for pedestrians.

Q. But not for horses ?

A. You could take a horse through it, but it was not as large as what we would term a horse door.

Q. Now that is the time when you constructed the school house building ?

A. Yes, sir.



Q. Now at that time did you make any opening in the Coolehan wall, which would be of course the west wall of the Coolehan building, and next to the east wall of the school house building ?

A. We took down a space that there was there, a thin wall and put up a wall on the east side of the Coolehan building, to fill up this vacancy of 30 feet, put a floor of joist in there and filled that space up and covered it over from the dwelling house to the stable that was in the rear.

Q. When you built the school house stable, you have told the Judge that on the Coolehan lot between the rear of the dwelling house and the front of the stable there was an open space of about 30 feet ?

A. There was not quite 30 feet there ; there was a little water closet there.

Q. But somewhere in the neighborhood of 30 feet ?

A. Yes, sir.

Q. When you built the stable on the school house lot, you put a wall on the east side of the Coolehan lot, to connect the stable with the dwelling house ?

A. Yes, sir.

Q. Then did you put any wall, any corresponding wall on the west side of the Coolehan lot ?





A. No, sir.

Q. You left that an open space ?

A. Yes, sir, we just put the joist in that wall.

Q. Was there any communication from the Coolehan lot on the first floor into the new stable on the school house lot by this door that you had made ?

A. Just where that doorway came, right through that space.

Q. So that there was that connection in this east wall of the stable on the school house lot with the Coolehan premises by means of this wide doorway on the first floor ?

A. Yes, sir.

Q. Now you have described the exterior of that building. The interior was made up on the first floor, for instance, was used for stalls and stables, was it ?

A. That was the rear portion, back about near 60 feet from the front ; the stalls were about that distance from the front to the rear.

Q. Now coming from Eutaw Street to Jordan Alley, it is 150 feet ?

A. Yes, sir.

Q. Now were the stalls on the Eutaw Street front or the Jordan Alley front ?

A. On the Jordan Alley front.



Q. Back about 60 feet ?

A. No, sir, about 120.

Q. You mean there was about 60 feet from Eutaw Street before you got to the stalls ?

A. Yes, sir.

Q. Now what was this 60 feet used for ?

A. For the carriages to come in, for the horses to come in with the carriages, and to get the horses unhitched and get them over to the elevator to take them up in the third story ; that was paved with asphalt blocks.

Q. Did you have horses on the second story ?

A. No, sir.

Q. What did you mean then by saying, "Get them over to the elevator" ?

A. The carriages were hoisted up.

Q. The second story then was used for carriages ?

A. For storage for carriages, and for hay in the rear.

Q. And horse feed ?

A. Yes, sir.

Q. What was the third story used for ?

A. For carriage storage ; we kept carriages up there.

Q. That is the way that school house stable, we will call it, was used ?

A. Yes, sir.

Q. Did that condition of things remain, so far as you



have described, up to the time that they built the building which you built for them in 1889, or did you make, before you put the building up in 1889, any openings in the east wall of the school house lot ?

A. No, sir, I did not.

Q. And none were made ?

A. Not that I know of.

Q. So that the condition of things in which you left the school house building and the school house lot remained until you built the building in 1889 ?

A. Yes, sir.

Q. Now before I ask you another question there, we offer in evidence at this point the resolution of the Mayor and City Council of Baltimore, No. 91, approved May 23rd, 1889, and I will just read it, with your Honor's permission.

(Reading) :


No. 91.

Resolution granting to Michael Griffin and Bernard Manion  
(trading as Griffin & Manion), to erect a stable.

Resolved by the Mayor and City Council of Baltimore,  
That permission be and the same is hereby granted to Michael Griffin and Bernard Manion, trading as Griffin and Manion, to tear down and remove the old building fronting eighteen feet on the northeast side of Eutaw Street, with







a depth of one hundred and fifty feet, between Preston and Hoffman streets, and now occupied by them as a livery stable, and to erect in place thereof on said lot and upon the lot adjoining thereto on the southeast, having a front of thirty-six feet on Eutaw Street, a building to be used as a livery, hiring and sale stable, in accordance with the plat of the premises and the plan of the structure filed in the office of the Inspector of Buildings, notice of the same having been given as required by the ordinance of the Mayor and City Council for such case made and provided.

Approved May 23rd, 1889.

FERDINAND C. LATROBE, Mayor."

Now, you know of the passage of that resolution, do you ?

A. Yes, sir.

Q. After that was passed, what did you do ?

A. I entered into a contract with Griffin and Manion to tear down the buildings that were on that lot and rebuild the building according to the plan that was submitted to me by Mr. Stack .

Q. Which Mr. Stack ?

A. Mr. John Stack.

Q. He is a builder ?

A. And Architect, yes, sir. He also bid on the stable.

I tore down the buildings and piled the material that was

in them on the lot there, had foundations dug, and built the stable according to the plans and specifications, according to my contract.

Q. That structure, the dimensions of which you say were given you, was 54 feet on Eutaw Street, and you built on that whole lot, 54 feet ?

A. Yes, sir, 54 feet front.

Q. How many stories high ?

A. Three stories.

Q. Was there anything on top of it ?

A. Yes, sir, there were two additions on the front ; some people would call them parapet walls ; there was a brick cornice with a galvanized crown moulding, and there was another projection above that and in the centre of the main building, which raises it about two feet higher than the rest of the building ; a sort of wing wall.

Q. Does that represent the building that you erected, the building that you are now describing, as it stood just before the fire ?

A. Yes, sir, exactly as it stood.

Q. And these are the parapets that you have been describing ?

A. Yes, sir ;

Q. That represented the condition of things, we will say,



on the 30th of June last ; in other words before the fire after everything had been erected ?

A. As it was before the fire, yes, sir.

Q. Now the building was a third story building with this open archway here (producing photograph and indicating) as we have seen, to drive in, and with the top on the third story as you have described ?

A. Yes, sir.

Q. Now that of course had a wall on the east, which is towards Preston Street, which is the nearest to Preston Street ?

A. Yes, sir.

Q. That was a third story wall running back to the alley ?

A. Yes, sir.

Q. Then it had a wall on Jordan Alley, which was a three-story wall as well ?

A. Yes, sir.

Q. Now, when you erected this new building in 1889, did you erect any new wall for west wall for it ?

A. No, sir.

Q. You rested your timbers where ?

A. I put the girders in that wall. Mr. Griffin consulted me about it, and I told him---





Q. In what wall ?

A. On the east wall of the school house.

Q. Because you had torn down the Coolehan building entirely ?

A. Yes, sir, torn it down entirely.

Q. And that of course left standing up there the east wall---

A. (Interposing) The east wall of the school house, which they asked me if I thought was sufficient to carry the ~~xxxx~~ girders for the two stables, and I told him I thought it was.

Q. So without erecting any new wall you just used that ?

A. We just used that wall.

Q. Now, the interior of the first floor after that, after 1889, that was used for what purpose ?

A. For carriages entirely.

Q. The horses were on what floor ?

A. They were on the second floor.

Q. Did they take up all the second floor ?

A. Yes, sir, they occupied the whole of the second floor.

Q. Now the third floor ?

A. That was used for hay and feed and storage for carriages.

Q. Well then did you at that time when you put up this



new building in 1889, as we will call it, make any more openings in the east wall of the building on the school house lot, than you did at the time you built it ?

A. Yes, sir.

Q. Tell the judge what you did there ?

A. I made two openings, one on the first story for a driveway for horses and carriages to pass from one stable to the other, and also on the third story I had to make one through which to get carriages into the third story of the new building from the elevator, which was in the old building.

Q. There was a driveway something like this (indicating) with a circular top.

A. No, sir, it was square top.

Q. What was the width of it ?

A. It was about 9 feet wide by 12 feet high.

Q. And that was made for the express purpose of driving from one stable to the other ?

A. Yes, sir.

Q. For easier communication on the first floor between the school house stable and this new stable that you have erected ?

A. Yes, sir.

Q. Now in the second story, was there any communication



there ?

A. There was the old communication, the windows for light and ventilation, and I boarded them over temporarily to close up the spaces between the horses and the hay loft in the second story of the old building ; I just merely boarded them up.

Q. Now will you be kind enough to tell the Judge what the condition of things left after the fire was ? I ought to ask you first, whatever has been done by Griffin & Manion since the fire, has been done by you as their builder ?

A. Yes, sir.

Q. Now tell the Court what condition of things you found there. I am not talking about rubbish and **all that**, but as to the effect of the fire on the building, when you began your work of restoration there since the fire ?

A. I found the front and east wall next to Preston Street and the wall on Jordan Alley about as they were before the fire, with the exception of being smoked a little by the fire, but the wall on the west side towards Hoffman Street---

Q. (Interposing) That is, the west wall of the school house building ?

A. That was warped some by the heat, and we decided---





that is, Mr. Bennett and the umpire and myself decided to take down there 60 feet , between two girders.

Q. To take it down to what story ?

A. To the window sills on the second story, not down to the floor, but to the window sills of the second story which would be about three feet from the floor ; that was from the top of the wall down that far, which I think we made it about 22 feet.

Q. But what length of that wall was taken down ?

A. Between two girders, and the girders are 20 feet from one to the other, which is about 40 feet, and the wall was taken down to the window sills on the second floor.

Q. This is where the wall was three stories high ?

A. Yes, sir.

Q. The part that was originally two stories high, the rear part towards Jordan Alley of that west wall, did you take any of that down ?

A. He would not condemn that, but I considered it was not safe and I took it down afterwards to the floor of joists.

Q. The first floor ?

A. There is no first floor ; the second floor of joists represents the first floor.

Q. You took that a little more than you took down the 40 feet ?



A. About three feet more, yes, sir.

Q. The difference between the window sill and the floor  
The wall on Jordan Alley, did you take that down ?

A. Yes, sir. The reason I took that down, the joists ran into that wall, and in working them out, they being so tight they cracked the wall, and I had to take them down to the level of these joists in order to make it secure.

Q. Now I will take Eutaw Street. The whole of the Eutaw street front, the 99 feet of it, which is the two buildings contiguous, no part of that front wall was so affected as to require it to be taken down ?

A. Not any of it at all. I took out a little piece of the cornice in the centre of the school house building, in order to make it conform in appearance with the last building built, as much as possible, to improve the appearance of the building ; that is what it was done for. It was left to me, and I wanted to make it correspond with the other building as near as possible, and in place of running along straight here (indicating), I carried the galvanized mats along here and raised it in the centre.

Q. But that was done to make a pretty front, to make it uniform ?

A. Yes, sir.

Q. But that was not occasioned by the fire ?



A. No, sir, none of that was done by the fire.

Q. Was there any of this projection in the new building that was not touched at all ?

A. No, sir ; there was a brick put in in one or two places, but that was all.

Q. But that remained intact, and you could have left the cornice of the school house building intact, and you need not have touched it except for the purpose of making this uniformity ?

A. Yes, sir, that is all.

Q. Now the east wall towards Preston Street, was that all right ?

A. There was not any brick put on that wall with the exception of one place ; there is where there was a girder-- where that girder went down, it knocked a few brick down ; there was no brick through it and the girder breaking and tumbling down knocked a few brick out. That wall is in the same condition as it was before the fire.

Q. Now on Jordan Alley, I will take first the third story wall of this 1889 building ; was anything done to that ?

A. Nothing at all ; that wall is just as it was the day after the fire.

Q. Now going along on Jordan Alley to the two story wall on the school house lot. I understood you to state that





you took down to the first floor of joists ?

A. Yes, sir, about 12 feet from the ground.

Q. And then you erected thereon a wall, which made it a three story wall back there, whereas before it had been a two story wall ?

A. Yes, sir.

Q. Now, coming around to the Hoffman Street wall, which is the only wall remaining, and there you re-erected that 40 feet of the wall where it was a three-story wall in place of what you took down ?

A. Yes, sir, when we took it down to where it was damaged we carried it up to the height of three stories.

Q. And you carried up what had been a two story wall to the third story ?

A: Yes, sir.

Q. Now tell the Court was there any woodwork left?

A. There was, as Mr. Bennett said, two stands of joists and three rows of girders and some of the posts.

Q. In the 1889 building ?

A. Yes, sir ; in the school house building there was none of the timbers fit to use any more, I consider it, and I took them out and gave them to parties to haul away.

Q. So that all the timbers in the 1889 building were in the same condition, except these two sections that have



been described ?

A. Yes, sir.

Q. And the roof was destroyed, so that you could not use that ?

A. Yes, sir.

Q. So that the roof had to be new ?

A. Yes, sir.

Q. And the window frames and sash and glass that had all to be renewed ?

A. Yes, sir.

Q. And of course all the interior wood work was destroyed

A. Yes, sir. All the interior wood work was destroyed and had to be replaced.

Q. You have already stated in the 1889 building, that as it was originally constructed, in the second story was the place set apart for horses. Now as to the school house building, the place for horses was on the first floor

A. Yes, sir.

Q. As you have now reconstructed it, as it is today, the horses are now on the second floor of the school house building, as they had been on the second floor in the other building ?

A. Yes, sir, they were all on the second floor.

Q. Now are there any other changes ?



A. We made some few changes in the way of frames in the west wall of the school house, towards Hoffman Street. There were some very large window frames in there, the window frames that we got out of the old school house, we used all these frames and all the material we could, and we put large frames on the second story, but this time we done away with them in order to avoid any moré expense, and we put a small frame with four lights of glass to it and raised them up high ; the others came down low.

Q. You are speaking of the west wall ?

A. I am speaking of the west wall ; we put in some few small frames where the large ones were, and bricked up from the bottom.

Q. Of course in this part that you erected new at the rear end of the school house lot, you put some openings, did you not, onthe alley ?

WITNESS : On the third story ?

Mr. CARTER : Yes, sir.

A. Yes, sir, and we closed up some large window frames that were on the second and put smaller frames in, and there was a large double doorway on the second floor too ; we closed that up.

Q. And then the openings in the building that you put up in 1889 have not been interfered with ?





A. No, sir.

Q. So far as the openings in the school house lot are concerned, is there more or less width of opening now than there was before the fire ?

A. Well, the area of surface is much less today that that before the fire. The school house frames were 24-light windows, they were 10 by 12 24-light windows ; those we put in there now are four-light 10 by 14, and we put in on the second story nine frames of those four-light sash and we took out five of the larger size, so you can see the area is much less than it was before.

Q. In the west wall ?

A. In the west wall on the second story. We didn't put any on the third story.

Q. But I am taking the second story now. You put in nine small frames as against five big ones ?

A. Yes, sir.

Q. And they were 24-light frames, and those that you put in were four-lights ?

A. Yes, sir.

Q. Well, we can easily make the calculation. Now in the third story of the west wall towards Hoffman Street you say you have not put any openings in there ?

A. No, sir, none. We closed up one of these large



frames ; there is not a window on the west wall.

Q. Now on Jordan alley, are there any openings in the third story ?

A. Yes, sir, we put four small frames there and a double door.

Q. In the third story ?

A. Yes, sir.

Q. On the alley ?

A. Yes, sir.

Q. Are there any more on the second story on the alley than there were ?

A. No, sir, there is the same number, but not so large.

Q. Now, this wall that separated, as far as it did separate, the school house lot from the building that you built in 1889, running from Eutaw street to the alley in the way in which you have already described to the Judge, since the fire, it has been testified has been taken down entirely.

A. It has been taken down with the exception of one small space, of about twenty feet by the height of the stable, about twelve feet ; I left it there to protect the opening that was there, and that portion of the wall I left remaining.

Q. So with that exception the whole wall has been taken down.



A. Yes, sir, I didn't consider it safe, and I had quite an argument when we were taking it down, Mr. Bennett and myself had quite an argument, and we had to call in an umpire. I contended it all ought to be taken down, and Mr. Bennett contended that not so much ought to be taken down.

Q. And you called in an umpire ?

A. Yes, sir, and he didn't allow as much as I thought.

Q. He condemned more than Mr. Bennett thought was proper but not so much as you ?

A. Yes, sir.

Q. But your own judgment from the beginning was that that partition wall ought to come down, and you took it down.

A. Yes, sir.

Q. And you did not restore it ?

A. No, sir.

Q. What did you put in there in lieu of it ?

A. We put wooded columns in there 10 x 10, set on stone piers.

Q. How many running back from Eutaw street ?

A. We put seven in there.

Q. At what distance apart ; what space apart ?

A. We put seven in the 150 feet ; some 20 and some 18 feet.

Q. So instead of a solid brick wall, the supports which





you depended on, there are now seven columns of the dimensions you gave, running back from Eutaw street to the alley ; a line of columns ?

A. Yes, sir.

Q. On which your timbers rest ?

A. Yes, sir.

Q. Now you have described, have you all the difference--- I am not speaking about the little niceties or something here and there---but all the material difference in the buildings as they were the day before the fire and as they are now being constructed.

A. That is the only difference ; putting the horses in the second story on the school house lot and extending the rear portion of that building up three stories and taking this wall out. We made a little change in the front more for ornamentation than anything else.

Q. Now, will you tell the Judge about how many stalls there were in the two buildings before the fire, if you remember ?

A. I think there was about 150.

Q. More or less ?

A. Yes, sir.

Q. How many are there in the building as you are now constructing it ?



A. 143.

Q. So that that is the only difference, in the number of stalls ?

A. Yes, sir.

Q. Now, I want to ask you this. What proportion of the building, as it stood the day before the fire, was in value destroyed by the fire ? Do I make myself understood ?

A. Yes, sir. In what proportion the building was destroyed ? About the only way I can get at that is in the cost of restoring it to its present condition.

Q. Give us that then ?

A. And what it cost when I first built the two buildings.

Q. Yes that is one way of getting at it, unless there is a difference in labor ?

A. No, sir, I am paying the same price for labor ; I used a great deal of the material that was in the building. The first school house building cost \$7,800 outside of the material I had ; I had all the frames, sash, girders and joists and the stone sills and iron lintels over the frames and I used the flooring for sheathing, and it cost \$7,800. outside of the old material, which I considered worth \$2,500.

Q. So that if you would have had to get the old material, that would have made the building cost \$10,300.



A. Yes, sir.

Q. What did the 1889 building cost ?

A. My contract for the building in 1889 was \$14,800., and it cost something extra afterwards, the cost of caulking and the cement floor ; that was not in my contract.

Q. That was done ?

A. Yes, sir, that cost about \$500., and the cement flooring was outside of my contract and I think that cost about \$800. ; it was not in my contract, the cement floor nor the caulking. I was to put down felt with coal tar in between the two layers of board, and some one advised us to have it caulked.

Q. That left \$16,100. for the cost of the second building ; that is, the building that you built in 1889 ?

A. Yes, sir.

Q. And the other building was \$10,300., and that makes \$26,400. as the actual cost of these two buildings ?

A. I think I told Mr. Bennett that the actual cost of the two buildings was about \$27,000.

Q. Now please tell the Judge what your contract is for the restoration that you have made ?

A. Well, as near as I can sum it up, my contract only called for the labor, and as near as I can get the bills now, it will amount to about \$12,500.





Q. That includes everything that you have done ?

A. Yes, sir.

Q. I mean as far as you can get at it.

A. Yes, sir.

Q. That would leave then \$13,900 of the original \$26,400. standing ?

A. Well, the greatest cost, I believe, is generally in the brick and walls and the labor and stonework and iron work, and of course that makes that part that they left stand cost that much less to repair . The most expensive part was left standing.

Q. The buildings as they originally stood, cost \$26,400. and the restorations that have been made, what additions you have made would cost \$12,500., and that leaves what was standing there to be valued at \$13,900., and this \$12,500. includes that additional raising of that story on the rear part of that building on the school house lot ?

A. Yes, sir.

Q. And this additional ornamentation of the front also ?

A. Yes, sir. We had the bricks there that we took out of this wall, and we got some few new bricks to extend that up.

Q. Only one other question. I think you have described the openings that you made in the school house, to the wall, when you built the building in 1889 ?



A. Yes, sir.

Q. And you have stated the object for which they are made ?

A. Yes, sir.

Q. On the first floor for the driving of horses, and carriages, &c., &c., from stable to stable, and in the third story for the carrying of carriages from the one story to the other ?

A. That we had to do on account of the elevator being in the school house building.

Q. And therefore to get the carriages into the third story, you were obliged to cut this opening in the third story wall in order to get them through ?

A. Yes, sir.

Q. Now I will ask you this, having given the objects for which it was done, after you built the 1889 building, <sup>with</sup> ~~XXXX~~ these two buildings was it necessary for the carrying on of business by Griffin & Manion ?

A. Yes, sir, at least I think so. I have been there frequently to look after repairs.

Q. You say they transferred from one to the other ?

A. Yes, sir ; the one was for driving horses and carriages and the other for running the carriages through after they had been taken up on the elevator .



Q. Where was their business office ?

A. In the building built in 1889, on the east side nearest to Preston Street ; the other office they abandoned, and turned it over to the men to keep their coats in.

Q. So that all the business of the stable for both buildings was carried on in the one office, in the new building.

A. The stable itself has nearly all of the inside open, hasn't it ?

A. Yes, sir.

Q. Except the stalls ?

A. That is all.

Q. And a place for storing the feed ?

A. Yes, sir.

Q. It is all open-work inside ?

A. Yes, sir, the second story is all open above the horses' heads, which is about seven feet.

Q. Now I have been speaking about the structure as it is today. Now have you completed the structure today ? It is now the 10th of October ; have you done all the work there that is to be done ?

A. No, sir, not quite.

Q. What remains to be done ?

A. Some new gratings to be put up on the stalls and some





linings to go around the elevator and some floors to be laid in the old building.

Q. Will you be kind enough to tell the Judge what was the condition of the building on the 16th of September of this present year ?

A. Well, as near as I can recollect, I had the second story girders on and some of the joists on ; that is for the third story floor.

Q. When you say that, you mean for the whole building ?

A. Yes, sir, I think we had on some of the joist.

Q. So that on the 16th of September you had only got as far as the top of the second floor, we will call it ? You had done the brick work ?

A. The brickwork was there ; I had nothing to do but put in the girders.

Q. And this additional brickwork had been done ?

A. No, sir, that had not. We left that towards the last ; I was putting on the other girders, and that was put up afterwards.

Q. On the 16th of September, how far had the brick work on the rear building of the school house lot gone ?

A. That was up for the third floor joist ; we hadn't put on the third story then ; it was to go eight feet higher for the roof.



Q. Was that the same condition of things on the second story part of the west side, towards Hoffman Street ?

A. Yes, sir, it was the same height ; we had to run it to a uniform height in order to set the joist.

Q. I remember you said you took down about 40 feet of the third story part of the west wall ?

A. yes, sir.

Q. How far had you got that wall up ?

A. That was built up on the level with the other.

Q. Up to the top of the third floor ?

A. To the girders .

Q. All the balance of the brick work in the rear has been done since the 16th of September ?

A. Yes, sir.

Q. The main part ?

A. That had been fixed up. We put the girders on the front portion before we did the rear.

Q. Of course the roof has been put on since ?

A. Yes, sir.

Q. Front and back ?

A. We put the roof on the building next to Preston St. first, and we couldn't extend it across there on account of this wall being down ; we couldn't get the rafters right across.



Q. Had the roof towards the Preston Street end of the building been finished ?

A. No, sir, the tin was not on.

Q. But the rafters on the west end of the building had not been put on ?

A. No, sir, not on the school house building ; there was one span of rafters on in the front ; I put them on in order to support the front wall.

Q. But with the exception of that one span, the rafters on the school house part of the building, so to speak, had not been put on ?

A. No, sir.

Q. What was the condition of the stalls on the 16th of September ?

A. I hadn't started to put them ; the floors were not laid at all ; I had to lay the floors and have them caulked.

Q. Was the first floor laid ?

A. No, sir.

Q. What is that ; cement ?

A. Yes, sir, cement.

Q. Had that been put down ?

A. No, sir, that is always done last.

Q. That has not been done yet ?

A. No, sir ; a portion of it and a portion not.





Q. Had the second floor been laid ?

A. No, sir.

Q. So that none of the wood floors had been laid ?

A. No, sir, I would not lay the floors until the roof was on.

CROSS EXAMINATION.

Q. (Mr. WHYTE.) Are the floors laid now ?

A. Yes, sir.

Q. And the stalls put in now ?

A. Yes, sir.

Q. And the roof on at the present time ?

A. Yes, sir. There are a few irons to put on.

Q. Then it was not stopped when this indictment was found by the Grand Jury ; you went right on ?

A. No, sir ; I was not ordered to stop.

Q. You are doing the work under Griffin & Manion's directions ?

A. They left this altogether to myself this time ; I contract for the labor and built it according to my own judgment.

Q. But they are there in possession of the property ?

A. Yes, sir.

Q. When you erected the first stable on the school house lot, how many stalls was that arranged for ?



A. I think for fifty odd stalls.

Q. Well, then, the other building that was put up on the Coolehan lot, the adjoining lot, for how many horses was that put up ?

A. Well, I think that was, box stalls and all, about 120.

Q. In addition to the 50 ?

A. No, sir ; about 60, I think.

Q. So that there was about 110 or 120 in both houses ?

A. Yes, sir.

Q. Then this wall which was on the east side of the school house lot, was a regular wall, a division wall ?

A. They used it as such.

Q. But wasn't it a regular division wall ?

A. Yes, sir.

Q. Didn't it go out the roof ?

A. No, sir.

Q. You didn't carry it out over the roof ?

A. No, sir.

Q. How thick was it ?

A. A 14 inch wall for two stories.

Q. And what was it above that ?

A. A nine inch wall.

Q. Two stories of 14 inch wall and the third story a 9 inch wall ?



A. Yes, sir.

Q. Now that wall you have taken away entirely ?

A. Yes, sir.

Q. So that the two buildings which were divided by this 14 inch wall is now built as one building without the 14 inch wall between ; is that so ?

A. Yes, sir.

At this point, 2.30 P. M., the examination of the witness was suspended to Monday, October 13th.

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STATE OF MARYLAND : IN THE  
 vs. : CRIMINAL COURT  
 GRIFFIN & MANION. : OF BALTIMORE CITY.

Baltimore, October 15th, 1890.

SECOND DAY.

BERNARD MANION, one of the traversers called and sworn in his own behalf, testified as follows :

NOTE : Mr. Manion's direct examination had been concluded at the beginning of this report.

CROSS EXAMINATION.

Q. (Mr. WHYTE.) You were indicted for erecting a livery stable on the school house lot, were you not?

A. I was, and indicted for erecting one on the Coolehan lot.

Q. When were you indicted for that ?

A. Some six or seven years before I was indicted for erecting one on the school house lot. Mr. Forbes had me indicted for that, and I think it was tried before this Honorable Court.

Mr. WHYTE : For the school house lot ?

Mr. CARTER : No ; that was the Coolehan lot.

Q. Did you call that a livery stable ?



A. No, sir, it was a club stable.

Q. How long did you use it for a club stable ?

Mr. CARTER : Now if the Court please we object ; that is not a point in this case.

Mr. WHYTE : But we want to get at the fact that they did use it as a club stable---

Mr. CARTER (Interposing) : That is not in issue here in the pleadings. The question is whether they did not erect a stable in violation of the City Ordinance.

Mr. WHYTE : I want to show, if your Honor please, that the trial before was for the erection of an entirely different stable.

COURT : I have understood that from the evidence ; that it was for a stable that was on a portion of the ground which this stable covers.

Mr. CARTER : That's right.

Mr. WHYTE : That's right, but I want to get that out.

COURT : But as I understand it, Mr. Manion now says he has been indicted for both stables.

Mr. WHYTE : He may have been, but I don't want that now. Upon what ground were you acquitted ?

A. I cannot give you that ; I don't know. I was tried before the Court, before his Honor Judge Stewart and a jury



and was acquitted, and then he got me indicted for carrying on what I call a club stable.

Q. Weren't you acquitted upon the ground that you had not altered the Coolehan stable at all ?

Mr. CARTER : If your Honor please we object to that.

Q. Now I want to ask him if it ever was kept for a day as a club stable ?

Mr. CARTER : That is not evidence ; we object to it.

COURT : The objection is sustained.

Mr. WHYTE : The witness is asked how long the stable was used as a club stable, and the question was objected to and the objection sustained ; to which we note an exception.

Q. Then, as I understand you, you were indicted at the instance, you say, of Mr. Forbes for putting up this stable covering the 45 foot lot, otherwise known as the school house lot ?

A. Yes, sir.

Q. Then subsequently you got an ordinance or a resolution of the Council authorizing you to put up a stable on the 54 foot lot ; is that so ?

A. Yes, sir.





Q. That ordinance says that you are to build that stable in accordance with the plat of the premises and the plan of the structure filed in the office of the Inspector of buildings. Did you file a description of that building in the office of the Inspector of Buildings ?

A. I diaremember whether I did or not ; I did not understand enough about the law for that.

COURT : When was that ordinance passed ?  
Mr. WHYTE :

May 23rd, 1889 ; last year

COURT : Is that in reference to the stable now erected ?

A. No, sir.

COURT : I thought it was in reference to the stable destroyed ?

Mr. CARTER : That is the one, I think.

Mr. WHYTE : If your Honor will allow me to show the point I desire, I think you will probably be a little more lenient with the view that I take of the case. They depend here upon the ground that they have been acquitted, of the offence now charged in this indictment---

Mr. CARTER (interposing) : As to one part, Governor.

Mr. WHYTE : I don't think you can be acquitted for



one part of an offence, and guilty of another part of an offence, and leave it open.


Mr. CARTER : I say this, the plea distinguishes between the buildings.

Mr. WHYTE : I want to see whether there can be any such patching up of two buildings to get rid of the requirements of the law. I don't understand it and don't recognize it as law until I get it from a higher tribunal, a tribunal that binds me. The upper part of this stable now erected, that is the single stable, if your Honor please, and I want the Court to understand it was built without the authority of the Mayor and City Council.

COURT : That is the predecessor of the present stable ?

Mr. WHYTE : Yes, sir ; the upper one, the one nearest Hoffman Street. I want to show the Court that there has never been a permit of the Mayor and City Council to build that stable for the purpose of using it as a livery stable, but on the contrary when that stable was built, and they were indicted for ~~xxxxxxx~~ building it for the purpose of a livery stable, they escaped upon the ground that it was erected for the purposes of a club stable, and the instant they were acquitted, it was changed from a club stable to a livery stable, and it has been held





from that day to this as a livery stable without the slightest permit of the Mayor and City Council, that is the upper stable. They got the permit to build the stable nearest to Preston Street covering 54 feet of ground, under certain specified terms, which they have never complied with. It was that they were to file in the office of the Inspector of Buildings the plat of their stable, and the stable was to be built in accordance with that plat.

COURT : You have a right to show that under the pleadings in this case.

Mr. CARTER : We haven't objected to that.

COURT : The Council did not object. I asked the question when the Ordinance was passed and you said some time anterior to the time the building was destroyed. I asked the question because I wanted to ascertain whether that was the authority they had gotten to erect the present stable.

Mr. WHYTE : This is the state of the case ; There is no authority to erect the present stable, unless your Honor finds that the erection of the upper stable as a club stable, and then suddenly transforming it into a livery stable, givesthem a permit to erect other stables there as long as they see fit, as long as the city lasts.



Then the lower one, what they were required to do according to a certain plat filed in the office of the Inspector of Buildings, they have never filed that plat. Now if they build it over both stables---

Mr. CARTER (interposing) : From our keeping silence your Honor will not understand us as admitting any of these statements.

COURT : I understand that ; that Governor Whyte is endeavoring to prove that.

Q. Now I understand you to say that the stable which you built as a club stable covering 45 feet on Eutaw Street, and that was the stable for which you were indicted ; is that so ?

A. Yes, sir.

Q. Now then that stable has been used by you, has it not, from the time it was finished, as a livery stable ?

A. It was used with the exception of three days I think ; either three or four days.

Q. What was it used as then ?

A. It was used as a club stable.

Q. It was used as a club stable for three or four days, and after that it has been used as a livery stable ?

A. I was advised by our counsel that we had a right to carry on the business ; we had 75 or 100 gentlemen who



turned around and signed a paper to keep their horses there as a club stable, and put up the money---

Q. (Interposing) Then you did not get the permission from the Mayor and City Council. A lot of gentlemen agreed to advance you the money to build the stable, and that was first used as a club stable, you paying them rent, for three days, and afterwards you turned it into a livery stable ?

A. And the Governor knows how it is I did not get that permit.

Mr. WHYTE : I do indeed.

Mr. CARTER : Don't put anything in the case that is not testimony.

Q. After that you built on the 54 foot lot the stable described in this resolution of the City Council of May 23rd, 1889 ?

A. Yes, sir.

Q. So that you have covered the 99 feet of ground with two stables, one 45 feet front and the other 54 feet, is not that so ?

A. Yes, sir.

Q. And now you have erected a stable covering the whole 99 feet, have you not, with nothing but pillars dividing the two old stables ?



A. I took that wall out because I did not think it was sufficient to carry the weight of both the buildings, and put in something more substantial to hold them. I put in the pillars.

Q. Then you supposed the pillars were more substantial than a brick wall 14 inches thick ?

A. Yes, sir.

Mr. WHYTE : That's all I want to ask him.

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ALFRED KURTZ, a witness called and sworn on behalf of the traversers, testified as follows :

Q. (Mr. CARTER.) You were a member of the City Council in the year 1889 ?

A. Yes, sir.

Q. Were you a member of the Committee on Police and Jail ?

A. Yes, sir.

Q. Well, we have offered in evidence this resolution, which was approved May 23rd, 1889. (Mr. Carter then read the resolution to the witness.) Was that resolution referred to your Committee ?

A. Yes, sir.

A. And reported by you ?

A. Yes, sir.





Q. Now will you please state whether you visited the premises spoken of there as a member of the Committee ?

A. After the resolution was introduced in the branch and referred to our Committee, as was my custom, at the earliest opportunity I visited the locality, in order that if any contention occurred afterwards, I would be able to pass upon the matter intelligently in the Committee. Some two or three days afterwards I visited that locality and went over the premises with the proprietors of the stable, and asked them to explain to me what was contained in their request for this permit. I understood that they wished to make an addition to the stable which they then occupied, as covered in the paper, and I went all over the ground, even going back into the alley to look into the drainage and all that, in that thorough way, just to be able to act intelligently upon the granting of the permit, and fortunate was it I did so, because I was taken sick and laid up for nearly two months afterwards. The matter was held up in the Committee because myself of the Committee having already visited the premises, I was supposed to understand the matter, and after I returned to the Council I gave the majority report, in favor of the paper.

Q. Now you have already stated that it was explained to you, that this building about which you were asked to give



a permit---

Mr. WHYTE : We object to this.

Mr. CARTER : The only point I want to ask is this, but you will not answer it, Mr. Kurtz, until the Court has passed upon it. You have already stated that it was explained to you that the object of the building that you were asked to give a permit for was to put an addition to the one existing there. Now I want to ask you whether that was explained to the Committee ; whether that was understood by the Committee when they reported the resolution.

Mr. WHYTE : We object because there was an existing building described as the 18 foot front building.

Mr. CARTER : But that was to be torn down.

COURT : Did you report in writing in submitting the resolution ?

A. Yes, sir.

Mr. CARTER : The report does not go into any details at all ; we have it here, but it just reports the recommendation. I want to show that the Committee understood that this building which they authorized, the 54 foot building,, was to be used in connection with the existing building on the school house lot.

Mr. WHYTE : I object to it.



(Objection sustained.)

Mr. CARTER : That closes our case, Your Honor.

It is understood that the proceedings of the Court in the case in 1885 go in.



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J. THEODORE OSTER, recalled in rebuttal and sworn.

Q. (Mr. WHYTE.) The ordinance or resolution of the Council in 1889 is a resolution No. 91 passed granting to Griffin & Manion permission to erect a stable, and it describes the size of the stable and so on. I will not read it, but we come to this part, "having a front of 36 feet on Eutaw Street, a building to be used as a livery, hiring and sale stable, in accordance with the plat of the premises and the plan of the structure filed in the office of the Inspector of Buildings, notice of the same having been given as required by the Ordinance of the Mayor and City Council for such case made and provided." This is approved May 23rd, 1889. Will you tell the Court whether the plat of the premises and plan of the structure of that stable to be used as a livery stable was ever filed in the office of the Inspector of Buildings ?

Mr. CARTER : Trying the case before the Court, I



haven't the slightest objection to its going in subject to exception.

Mr. WHYTE : Your client said he didn't file it.

Mr. CARTER : I don't admit that any testimony can be offered to show that it was not filed, but it can go in subject to exception.

COURT : Let it go in subject to exception.

Mr. WHYTE : Was any such plat ever filed in your office ?

A. Not to my knowledge.

Q. You were Commissioner at that time as well as now ?

A. I was, yes, sir.

Q. If it had been filed you would have known it ?

A. Yes, sir.

Q. Who has charge of papers of that character ?

A. I generally receive them and transfer them over to the clerk.

COURT : And you have no knowledge of any such paper or plat ?

A. No, sir.

Q. Have you any record of any such paper having been filed ?

A. I have not.



Q. Now will you tell the Court what your practice is in a case of that kind. Do you or not grant a permit to a party who has authority under the ordinance or resolution of the City Council? Don't you give a certificate to show that the ordinance has been complied with?

A. When anybody comes there and makes application, and I get that resolution, I give them a permit.

Q. When anybody has an ordinance or resolution in their favor for the erection of a building or anything of that sort, don't they come to you and show you the ordinance and get through you the authority to go ahead with the building?

A. They generally come to me and the ordinance is before me, or a copy of it is sent from the City Register, and I issue a permit.

Q. Did you issue any permit in this case?

A. I did not.

Mr. CARTER : There is no ordinance requiring anything of the kind, and we are not bound by what their custom is. Here is a resolution of the Mayor and City Council, which is superior to Mr. Oster, and there is no ordinance requiring a person who has a permit from the Mayor and City Council to go to him and get it.

Mr. WHYTE : It is an ordinance which may be superi-



or to him, but you must show what kind of a construction you are going to erect by filing the plat with him.

Mr. WHYTE : That closes the State's case.

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