

32A 244
1923

IN THE CIRCUIT COURT No. 2 C

BALTIMORE CITY.

.....
Joseph Perare

vs.

Elizabeth Ann Pratt and
Charles W. Mann, Administra-
tors of Sarah Robinson, de-
ceased and William S. Gill

3131 Greenmount Ave

.....
BILL of COMPLAINT.

.....
Mr. Clerk: Please file.

Geo. W. Saunders

Solicitor for Complainant

No 14061 A
(1)

Feb. 12th July, 1923.

Joseph Ferare

vs.

Elizabeth Ann Pratt

and

Charles W. Main, Administrators
of Sarah Robinson, deceased, and
William S. Gill

IN THE

CIRCUIT COURT No. 2

of

BALTIMORE CITY.

To the Honorable, the Judge of said Court:

The Bill of Complaint of Joseph Ferare, of the City of Baltimore, and State of Maryland, respectfully shows to the Court

First: That one Sarah Robinson was in her lifetime possessed of an easement, known as stall No. 764 Belair Market in the City of Baltimore, the said stall being held by her by the lawful charges and fees accruing therefrom to the Mayor and City Council of Baltimore.

Second: That being so possessed the said Sarah Robinson for a good or valuable consideration, conveyed and delivered to her daughter, Josephine Gorsuch, the said stall or easement, in or about the year 1895.

Third: That said Josephine Gorsuch entered into open, adverse, visible, notorious and exclusive possession of said Stall, under claim of title thereto from her said mother, Sarah Robinson, in said year 1895, and assumed and paid all the public dues and charges thereon to the Mayor and City Council of Baltimore, continuously from the year 1895 up to and including the year 1922, when the said Josephine Gorsuch conveyed and delivered the said stall, for a valuable consideration to your Complainant, and your Complainant charges and alleges that the possession of himself and his predecessor in title to said stall, namely said Josephine Gorsuch has been open, visible, notorious, exclusive, hostile and adverse to the said Sarah Robinson and her personal representatives, continuous and uninterrupted for more than twenty years;

Wherefore your Complainant charges and alleges that he is now, by reason of the facts hereinbefore stated, seized and possessed of a good and marketable title to the said market stall, subject only to the public dues and legal charges of the Mayor and City Council of Baltimore.

Fourth: That on the 4th day of January 1923 the Orphans' Court of Baltimore City granted unto the Defendants, Elizabeth Ann Pratt and Charles W. Main, letters of administration upon the Estate of the said Sarah Robinson, and the said administrators on the 23d day of February obtained from the said Court an order authorizing them to sell all the right, title and interest of said deceased in said stall, and subsequently, to wit, on the 30th day of June 1923, said administrators filed an inventory of the estate of said Sarah Robinson in which the said stall was appraised at the value of \$1,000.00

Fifth: That on said 30th day of June 1923, said administrators also filed an account of sale in said Court, purporting to report an alleged sale of said stall by said administrators to the Defendant, William S. Gill for an alleged consideration of one thousand dollars cash, and said sale was by one only, of the judges of said Court, immediately approved, without any consent of any of the next of kin of said deceased or the passage by said Court of any order of ratification nisi therein or the publication of any order of ratification nisi thereon.

Sixth: Your Complainant further alleges that said Sarah Robinson, in her lifetime abandoned all her right, title and interest in said stall to the said Josephine Gorsuch, who has transferred said title to your Complainant.

Seventh: Your Complainant further alleges that by reason of lapse of time and laches on the part of the next of kin of said Sarah Robinson (other than the said Josephine Gorsuch) the personal representatives of said Sarah Robinson are estopped from setting up any alleged title to said stall and are precluded from denying the title of your Complainant thereto.

Eighth: That Your Complainant fears that the said William S. Gill, claiming under said proceedings of the Orphans' Court of Baltimore City may endeavor to set up or prefer a title to said stall and may endeavor to take proceedings in a Court of Law to oust your complainant from his possession thereof or to endeavor to defeat your complainant's title thereto.

Ninth: Your Complainant further alleges that said proceedings of the Orphans' Court of Baltimore City constitute a cloud upon the title of your Complainant to said stall and that it is in the power of and duty of this Court to remove said cloud therefrom.

WHEREFORE Your Complainant prays:

(a) That a decree may be passed by this Court declaring that the title of your Complainant to said market stall is free from all claims and demands of the said Sarah Robinson or anyone claiming by, through or under her.

(b) That the said Defendants and each of them may be perpetually enjoined and restrained from molesting or interfering with the possession of said stall by your Complainant and his personal representatives and assigns and from taking any proceedings at law to oust or dispossess your Complainant from said property.

(c) That Your Complainant may have such other and further relief as he may require in the premises.

May it please the Court to grant unto your Complainant the writ of supboena directed to the said Defendants, Elizabeth Ann Pratt and Charles W. Main, Administrators of the personal Estate of Sarah Robinson deceased, and the said William S. Gill, all residing in Baltimore City, commanding them and each of them to be and appear in this Honorable Court by some certain day to be therein named and answer the premises and show cause if any they may have, why the relief herein prayed for should not be granted.

Joseph Ferraro
Complainant.

Geo. W. Cameron
Solicitor for Complainant.

STATE of MARYLAND

to wit:

CITY of BALTIMORE

I hereby certify that on this 12th day of July in the year 1923, before me the subscriber, a Notary Public of the State of Maryland in and for the City aforesaid, personally appeared Joseph Ferare, the Complainant in the foregoing Bill of Complaint, and made oath in due form of law that the matters and facts are true.

Witness my hand and Notarial Seal.

Paul G. Ballard
Notary Public.

IN THE CIRCUIT COURT NO.2

OF *32A 244*
1922

BALTIMORE CITY

JOSEPH FERARE,
Plaintiff,

vs.

ELIZABETH ANN PRATT and CHAS.
W. MAIN, Administrators of
Sarah Robinson, deceased, and
WILLIAM S. GILL,
Defendants.

ANSWER TO BILL OF COMPLAINT

Mr. Clerk: Please file.

No 14061A
3

Charles W. Main
Solicitor for Defendants.

CHARLES W. MAIN

ATTORNEY AND COUNSELLOR AT LAW

LAW BUILDING

BALTIMORE, MD

FILED

1 - August 1922

JOSEPH FERARE,
Plaintiff,

vs.

ELIZABETH ANN PRATT and CHARLES
W. MAIN, Administrators of Sarah
Robinson, deceased, and WILLIAM,
S. GILL,
Defendants.

:
: IN THE
:
: CIRCUIT COURT NO. 2
:
: OF
: BALTIMORE CITY

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The answer of Elizabeth Ann Pratt and Charles W. Main, Administrators of Sarah Robinson, deceased, and William S. Gill to the Bill of Complaint filed against them in this Court exhibited, these Defendants answering say:-

FIRST: That they admit all and singular the material allegations set forth in the first paragraph of the said Bill of Complaint.

SECOND: That they deny most emphatically all and singular the material allegations stated in the second and third paragraphs of said Bill of Complaint. And further answering the third paragraph of said Bill these Defendants say that on or about the 17 day of November, 1922, the said Josephine Gorsuch attempted to convey the interest of Sarah Robinson, deceased, in and to the said stall No. 764 Belair Market, and that she represented herself as Sarah Robinson, deceased, and made a mark, alleging it to be the mark of Sarah Robinson, to a paper purporting to convey the right, title and interest of Sarah Robinson in and to the said stall No. 764 Belair Market to Joseph Ferare, and that she, the said Josephine Gorsuch, and her daughter, Mary L. Wise, both knew at the time that the said Josephine Gorsuch was not Sarah Robinson, deceased, and that the said Josephine Gorsuch had no right, title and interest in and to the said stall. And further answering said paragraph three of said Bill of Complaint, these Defendants say that on or about the 21st day of December, 1922, the said Joseph Ferare,

the Plaintiff in this cause, sold all of the alleged right, title and interest that he had obtained from the said Josephine Gorsuch, who represented herself as Sarah Robinson, deceased, to Maurice Berman, who was then occupying the stall and who is now in possession of the same, and received for his interest the sum of Twelve Hundred (\$1200.00) Dollars.

THIRD: That these Defendants admit all and singular the material allegations set forth in the fourth paragraph of the said Bill of Complaint.

FOURTH: Answering the fifth paragraph of said Bill of Complaint, these Defendants say that all of the right, title and interest of Sarah Robinson, deceased, in and to the stall known as No. 764 Belair Market was sold to William S. Gill on the 30th day of June, 1923, and an account of said sale was duly filed in the Orphans' Court of Baltimore City and legally ratified, and that all of the heirs at law and next of kin of the said Sarah Robinson, deceased, were well acquainted with and knew all about the said proceedings.

FIFTH: Answering the sixth paragraph of said Bill of Complaint, these Defendants say that the said Sarah Robinson held undisputed possession of and occupied the said stall known as No. 764 Belair Market up to within a week or ten days prior to her death, and that she sold vegetables and dishes on the stall at least ten days prior to her death.

SIXTH: That these Defendants deny most emphatically that Josephine Gorsuch ever obtained any interest whatsoever in said stall, except as one of the heirs at law and next of kin of Sarah Robinson, deceased.

SEVENTH: Answering the eighth and ninth paragraphs of said Bill of Complaint, these Defendants say that all of the right, title and interest in and to said stall is now vested in William

S. Gill, who obtained a clear title to the same through proceedings instituted in the Orphans' Court of Baltimore City for the sale of said stall and approved by the Judges thereof.

EIGHTH: And further answering said Bill of Complaint, these Defendants say that the Plaintiff, the said Joseph Ferare, attempted to obtain a color of title to the said stall on the 17th day of November, 1922, and that he divested himself of whatever color of title he might have obtained by the sale of the same to Maurice Berman on the 21st day of November, 1922, and that the said Maurice Berman is not a party to these proceedings, and he has never tendered or attempted to tender the money he, the said Joseph Ferare, obtained from the said Maurice Berman for his, Joseph Ferare's, color of title to said stall.

And having answered said Bill of Complaint and each paragraph thereof as fully and completely as they are advised it is material so to do, these Defendants pray to be hence dismissed with their reasonable costs.

And as in duty bound, etc.

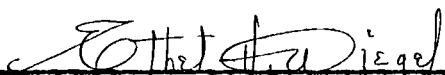
Charles N. Main
Solicitor for Defendants.

Elizabeth Ann Pratt
Charles N. Main
Wm. S. Gill
Defendants.

STATE OF MARYLAND, :
 :
CITY OF BALTIMORE, :
 :

To wit:-

I HEREBY CERTIFY, That on this ^{30th} ~~18~~th day of July, 1923, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, aforesaid, personally appeared Elizabeth Ann Pratt and Charles W. Main, Administrators of Sarah Robinson, deceased, and William S. Gill, Defendants in the above entitled cause, and they made oath in due form of law that the matters and facts set forth in the foregoing answer are true to the best of their knowledge, information and belief.



Notary Public.

Serve on

GEORGE W. CAMERON

214 St. Paul Street

Baltimore, Md.

107
36
Circuit Court No. 2

244
1923 Docket No. 247072

JOSEPH FERARE

vs.

ELIZABETH ANN PRATT and CHARLES
W. MAIN, Administrators of Sara
Robinson, dec. & WM. S. GILL

PETITION AND ORDER TO TAKE
TESTIMONY UNDER 39TH RULE.

No. 14061A

4
Copies copied

Filed

26 November 1923

Copy of the within petition and order of Court
served on George W. Cameron solicitor on the
30th day of November 1923 in presence of Henry B. Ferry

Fees \$ 0.50

Thomas F. M. Maultz
Sheriff

JOSEPH FERARE

VS

ELIZABETH ANN PRATT and CHARLES W. MAIN, Administrators of Sarah Robinson, deceased, and WM. S. GILL

IN THE
Circuit Court No. 2
OF
BALTIMORE CITY

To the Honorable, the Judge of the
Circuit Court No. 2 of Baltimore City:

Defendants

The ~~Plaintiff~~ in this case respectfully shows unto your Honor

That ~~they~~desires to examine orally, in open Court and in the presence of your Honor, certain witnesses
answer to the
who can testify to the facts and matters relevant to the allegations in the/Bill of Complaint filed in this case.

Your Petitionerstherefore prays your Honor to pass an order, according to the Statutes for such cases
made and provided

And as in duty bound will ever pray.

Charles W. Main
Defendants.
Solicitor for ~~Plaintiff~~

Upon the foregoing Petition and Application it is this 26 day of November

A. D. 1923 , Ordered that the PetitionerShave leave to take testimony as prayed and that the testimony to be offered be taken as required by the 30th Rule of this Court. And it is futher Ordered that a copy of this Petition and Order be served on the Plaintiff, Joseph Ferare,

or his Solicitor, on or before the 17 day of December, 192 3.

Duke Bond

IN THE CIRCUIT COURT NO. 2

OF

BALTIMORE CITY. 1923

JOSEPH FEARE

VS.

ELIZABETH ANN PRATT,
CHARLES W. MAIN, Adminis-
trators of the Estate of
Sarah Robinson, deceased
and
WILLIAM S. GILL

appearance

Mr. Clerk:-

Please file

*No. 14612
Davis & Evans*

*att'y for Elizabeth Ann
Pratt*

J. STEWARD DAVIS

ATTORNEY AT LAW

215 SAINT PAUL PLACE

BALTIMORE, MD.

Filed 26th April 1924

14067

JOSEPH FEARE

:

IN THE CIRCUIT COURT NO.2

VS.

:

ELIZABETH ANN PRATT,
CHARLES W. MAIN, Adminis-
trators of the Estate of
SARAH ROBINSON, deceased
and
WILLIAM S. GILL

OF

:

BALTIMORE CITY.

Mr. Clerk:-

Please enter our appearance for Elizabeth Ann Pratt,
one of the above named defendants.

Davis & Evans
atty for s^r Defendant

244 Ct. Ct. No. 2
19 23 No. 32 Docket 9

Tennant

vs.

Pratt

Summons for Witness

No. 14061a
6

Filed *5th* day of *May* 19 *24*

SUMMONS FOR WITNESS.

DOCKET 329 FOLIO 244

In the Circuit Court No. 2 of Baltimore City

March Term, 1924

The Sheriff will please summon the following witnesses,

returnable on _____ the _____ day of _____
19 _____ at _____ 10 o'clock _____ M.

to testify for _____

in the case of _____

vs.

John Pleasants
Clerk of Circuit Court No. 2 of Baltimore City.


FERRARE : In the Circuit Court #2
VS. : of Baltimore City.
PRATT, ET AD. : Baltimore, Md. To Wit:

~~Mr.~~ Clerk:

Please cause summons to be issued in the above entitled case directing the hereinafter named witnesses to appear before his Honor, Judge Stein, on Wednesday, May 7, 1924 at 10 A.M. in the room of the Circuit Court of Baltimore City:

3 William J. G. Jackson, 1233 Mulligan St.,
3 Mary Elizabeth Wise, 506 N. Spring Street,
3 Mr. Wise (Husband); 506 N. Spring Street,
3 Harry M. Wilkinson, 412 N. Caroline Street,
3 Leo Cortesi, 609 S. Port Street,
3 Samuel Leviton, 428 N. Asquith Street,
3 Catherine Butler, 1516 E. Monument Street,
20 Joseph Ferrare, 2040 E. North Avenue,

and oblige


Attorney for Plaintiff.

FERRARE : In the Circuit Court #2
VS. : of Baltimore City
PRATT, ET AL. : Baltimore, Md. TO WIT:

~~Mr. Clerk:~~

3
Please cause a summons ordinary to be issued and at the same time cause to be issued the writ of Subpoena Duces Tecum directed against Henry A. Honiss, Superintendent of Markets, City Hall, commanding him to be and appear and to have with him then and there all records of ownership and all transfer of ownership of Stall #764, Belair Market, before his Honor, Judge Stein, in the Circuit Court of Baltimore City, on Wednesday, May 7, 1924, at 10 A.M., and oblige

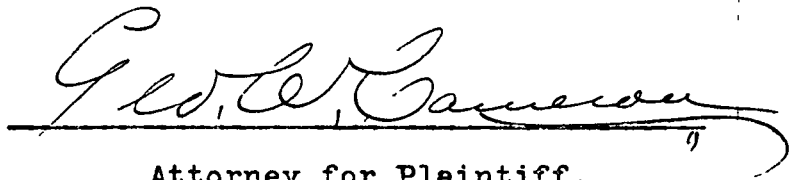


Attorney for Plaintiff.

FERRARE : In the Circuit Court #2
VS. : of Baltimore City
PRATT ET AL. : Baltimore, Md., TO WIT:

~~Mr. Clerk~~

3
Please cause a summons ordinary to be issued and at the same time the writ of Subpoena Duces Tecum directed against C. Hampson Jones ^{M.D.}, Commissioner of Health, Health Department, Courtland Street, to appear before his Honor Judge Stein in the Circuit Court of Baltimore City on Wednesday, May 7, 1924, at 10 A.M., and to have with him then and there the death record of Sarah Robinson, deceased, date of death April 12, 1896, registered No. 86045, and oblige



Attorney for Plaintiff.

FERRARE : In the Circuit Court #2
VS. : of Baltimore City
PRATT ET AL. : Baltimore, Md. TO WIT:

~~Mr. Clerk:~~

3
Please cause a summons ordinary to be issued and at the same time the writ of Subpoena Duces Tecum directed against Edwin R. ^{Ad}Dowds, Register of Wills of Baltimore City, commanding him to be and appear before his Honor Judge Stein in the Circuit Court of Baltimore City on Wednesday, May 7, 1924, at 10 A.M., and to have with him then and there all papers and records in the matter of the estate of Sarah Robinson, deceased, of which estate Elizabeth Ann Pratt and Charles W. Main are Administrators, and oblige

Charles Cameron
Attorney for Plaintiff. "

FERRARE : In the Circuit Court #2
VS. : of Baltimore City
PRATT ET AL. : Baltimore, Md. TO WIT:

~~Mr. Clerk:~~

3
Please cause a summons ordinary to be issued and at the same time the writ of Subpoena Duces Tecum directed against Edwin R. ^{MD}Downs, Register of Wills of Baltimore City, commanding him to be and appear before his Honor Judge Stein in the Circuit Court of Baltimore City on Wednesday, May 7, 1924, at 10 A.M., and to have with him then and there all papers and records in the matter of the estate of Sarah Robinson, deceased, of which estate Elizabeth Ann Pratt and Charles W. Main are Administrators, and oblige

Gold Cameron
Attorney for Plaintiff. "

FERRARE : In the Circuit Court #2
VS. : of Baltimore City
PRATT ET AL. : Baltimore, Md. TO WIT:

~~Mr. Clerk.~~

20
Please cause a summons ordinary to be issued and at the same time the writ of Subpoena Duces Tecum directed against ^{sd} Joseph Giles, Keeper of Laurel Cemetery, Gay Street, City, commanding him to be and appear before his Honor Judge Stein in the Circuit Court of Baltimore City, on Wednesday, May 7, 1924, at 10 A.M., and to have with him then and there the records of Laurel Cemetery having to do with the burial of said Sarah Robinson in Lot 89 D on the 14th of April, 1896, and oblige



Attorney for Plaintiff.

Ct. Ct. No. 2

244
19 23 A No 32 Docket 32

Terare

vs

Spatt et al

Summons for Witness

No. 14061 A.
L8

filed

day of

19

In the Circuit Court No. 2 of Baltimore City

July

Term, 1924

returnable Mr. Clerk:- *issue* the Sheriff will please summon the following witnesses the _____ day of _____

3
180

Please summon ordinary and at the same time subpoena Duces Tecum to The Superintendent of Markets requiring him to be and appear before His Honor, Judge Stein Monday August 4, 1924 at 10 A.M. and bring with him all books, records and papers of ownership and transfer of ownership of stall No. 764 of Belair Market.

to testify for Defendant
in the case of Ferare vs. Pratt, et al

John Pleasant
Clerk of Circuit Court No. 2 of Baltimore City.

244 Ct. Ct. No. 2
19 23 No. 32 Docket A

Jenare

vs.

Pratt et al.

S.

Summons for Witness

No. 1461 A
9

Filed 14th day of October 1924

David Evans - Sols

In the Circuit Court No. 2 of Baltimore City

September Term, 1924

The Sheriff will please summon the following witnesses,

returnable on _____ the _____ day of _____
19____ at _____ 10 o'clock A. M.

Multiple horizontal dotted lines for listing witnesses.

to testify for _____

in the case of _____

vs.

John Pleasant
Clerk of Circuit Court No. 2 of Baltimore City.

~~JOSEPH TERARE~~ :

IN THE CIRCUIT COURT NO. 2

VS. :

OF

ELIZABETH ANN PRATT and
CHARLES W. MAIN, Adminis-
trators of SARAH ROBINSON,
deceased and WILLIAM S.
GILL.

BALTIMORE CITY.

:

~~Mr. Clerk:~~

Please summon the following witnesses making same re-
turnable on the ^{14th} ~~11th~~ day of October, 1924 at 10 A.M. (*Tuesday*)

- 4* Mary Ann Pratt.....I636 E. Madison St.,
- 4* Elize Pulley.....I408 E. Madison St.
- 4* Agnes Parker.....I636 E. Madison St.

ATTORNEYS FOR DEFENDANT,

In The Circuit Court
No 2

Balto City

Joseph Ferrar

vs

Elizabeth Ann Pradell et

—
Sulphurum Buses Team
—

W. C. H. P. L. C. file

Spies Evans

JOSEPH TERARE

IN THE CIRCUIT COURT NO.2

VS.

OF

ELIZABETH ANN PRATT and
CHARLES W. MAIN, Administrators
of SARAH ROBINSON, deceased
and WILLIAM S. GILL

BALTIMORE CITY.

~~Mr. Clerk:-~~

Please issue Subpoena Duces Tecum to the Superintendent
of Markets of Baltimore City, commanding him to appear in this
Court ~~Thursday~~ ^{Tuesday, 14th} Oct. 1924 at 10 A.M. and bring with him all
records concerning the transfer of stall No. 764 Belair Market.

ATTORNEYS FOR DEFENDANT.

In The Circuit Court
Nov. -
Baltimore

Joseph Evans

vs.
Elizabeth Ann Pratt et al

Summons

and Clerk of the Court

David Evans

244

Ct. Ct. No. 2

19 23 No. 320 Docket 244

Terari

vs.

Pratt & Co

Summons for Witness

No. *1 Hab 1 Q*

Filed.....day of.....19

FERRARE

In the Circuit

VS.

No.2 of Baltimore City

PRATT ET AL

~~Mr. Clerk.~~

Please cause an immediate personal summons to issue for the following witnesses to appear before His Honor Judge Dawkins in the above entitled Court.

- 3 William J.G. Jackson ^{Wife} 1233 Mulliken St.
- 3 Mary Elizabeth ^{Wife} Wise, 506 N. Spring St.
- 3 Mr. Wise ^{Wife} (husband) 506 N. Spring St.
- 3 Samuel Leviton, ^{Wife} 428 N. Aiscuith St.

And oblige

George C. Cameron
" "
Attorney for Plaintiff.

Let the immediate personal summons issue

Ferrare

vs.

Pratt et al

576 N Spring St
Circuit Court No. 2 of Baltimore City

Mr. Wise
Sept Term, 1927
Husband

You are hereby summoned to attend this Court
on Wednesday the 22 day of Oct 1927, at 10 o'clock
A. M., to testify for Plaintiff

Baltimore, Oct 22 1927

By order of the Court,

JOHN E. POTE, Sheriff of Baltimore City

Be punctual in attendance or you will be attached.
FLOOR 2, ROOM 241, COURT HOUSE

Immediate
at Once

Deputy No. 3

Wm Est

Deach

Ferrare

vs.

Cratt et al

1233. Mulliken #
Circuit Court No. 2 of Baltimore City

Sept Term, 1924

Mr. William J. Jackson.

You are hereby summoned to attend this Court

on Wednesday the 22 day of Oct 1924, at 10 o'clock

A. M., to testify for

Plaintiff

Baltimore, Oct 22 1924

By order of the Court,

JOHN E. POTE, Sheriff of Baltimore City

Be punctual in attendance or you will be attached.
FLOOR 2, ROOM 241, COURT HOUSE

Immediate

Deputy No. 5

Non Est
Not at this address

PROOF OF SERVICE
211 CAPITAL BUILDING

in accordance to you will be attached

105

Branch of the Court

JOHN E. POITTE Sheriff of Baltimore City

Deputy No. 2

the _____ day of _____

1923 at _____

As per process returned to attend this Court

Mr. _____

Circuit Court No. 5 of Baltimore City

Term 1923

244
192 *3* Ct. Ct. No. 2
No. *32* Docket *A*

JOSEPH FERARE

vs.
ELIZABETH ANN PRATT and CHAS.
W. MAIN, Administrators of
Sarah Robinson, deceased, and
WILLIAM S. GILL.

Summons for Witness

No. *14067 A*

~~XX~~
11
Filed *22nd* day of *October* 192*4*
Chas. W. Main - Sol.

In the Circuit Court No. 2 of Baltimore City

September Term, 19 24
~~January Term~~

The Sheriff will please summon the following witnesses,

returnable on ~~Monday~~ *Wednesday* the ~~eighteenth~~ *22nd* day of ~~February~~ *October* 1924 at 10 o'clock A. M.

- William S. Gill, 3131 Greenmount Avenue.
- ~~Elizabeth Ann Pratt, 1536 E. Monument Street,~~
- ~~Mary A. Parker, 1636 E. Madison Street,~~
- Henry E. Hoenes, Superintendent of Markets, duces tecum, to bring into Court all of the records showing the transfers made of Stall No. 764, Belair Market, from 1896 to 1924
- Harrison M. Wilkinson, 412 N. Caroline Street,

29
3
3

to testify for **Defendants**
in the case of **Joseph Ferare**
vs. **Elizabeth Ann Pratt and Charles W. Main, Administrators of Sarah Robinson, Deceased, and William S. Gill.**

John Pleasant
Clerk of Circuit Court No. 2 of Baltimore City.

244 Ct. Ct. No. 2
19 23 No. 32 Docket 9

Feran

vs.

*Pratt
et al.*

Summons for Witness

No. 1406 & A
12

Filed ... 22nd day of October 19 24

SUMMONS FOR WITNESS.

DOCKET 329 FOLIO 244

In the Circuit Court No. 2 of Baltimore City

September Term, 1924.

The Sheriff will please summon the following witnesses,

returnable on _____ the _____ day of

19 _____ at _____ 10 o'clock A. M.

to testify for _____

in the case of _____

vs. _____

John Pleasant
Clerk of Circuit Court No. 2 of Baltimore City.

IN THE CIRCUIT COURT #2
OF
BALTIMORE CITY

FERRARE VS.
PRATT, ET AL.

ORDER FOR WITNESSES

Mr. Clerk:
Please file,

and oblige



GEORGE W. CAMERON
ATTORNEY AT LAW
BALTIMORE, MD.

FILED

FERRARE : In the Circuit Court #2
VS : of Baltimore City
PRATT ET AL. : Baltimore, Md. TO WIT:

Mr. Clerk:

3
Please cause a summons ordinary to be issued and at the same time the writ of Subpoena Duces Tecum directed against Edwin R. Downs, Register of Wills of Baltimore City, commanding him to be and appear before his Honor Judge Dawkins in the Circuit Court of Baltimore City on Wednesday, ^{October 23} ~~May~~, 1924, at 10 A.M. and to have with him then and there all papers and records in the matter of the estate of Sarah Robinson, deceased, of which estate Elizabeth Ann Pratt and Charles W. Main are Administrators, and oblige,

George W. Cameron

Attorney for Plaintiff.

FERRARE : In the Circuit Court #2
VS : of Baltimore City
PRATT ET AL : Baltimore, Md. TO WIT:

~~Mr. Clerk:~~

80
Please cause a summons ordinary to be issued and at the same time the writ of Subpoena Duces Tecum directed against Joseph Giles, Keeper of Laurel Cemetery, Gay Street, City, commanding him to be and appear before his Honor, Judge Dawkins in the Circuit Court of Baltimore City, on Wednesday, October 22, 1924, at 10 A.M. and to have with him then and there the records of Laurel Cemetery having to do with the burial of said Sarah Robinson in Lot 89 D on the 14th of April, 1896, and oblige,

Gold, Cameron

Attorney for Plaintiff.

FERRARE : In the Circuit Court #2.
VS : of Baltimore City.
PRATT, ET AL. : Baltimore, Md. To Wit:

~~Mr. Clerk:~~

Please cause sommons to be issued in the above entitled case directing the hereinafter named witnesses to appear before his Honor, Judge Dawkins, on Wednesday, October 22, 1924, at 10 A.M. in the room of the Circuit Court of Baltimore City:

2 William J. G. Jackson, 1233 Mulligan St.,
3 Mary Elizabeth Wise, 506 N. Spring Street,
3 Mr. Wise (Husband), 506 N. Spring Street,
3 Harry M. Wilkinson, 412 N. Caroline Street,
5 Leo Cortesi, 609 S. Port Street,
3 Samuel Leviton, 428 N. Asquith Street,
3 Catherine Butler, 1516 E. Monument Street,
20 Joseph Ferrare, 2040 E. North Avenue.

and oblige

Geo W Cameron
Attorney for Plaintiff. "

FERRARE : In the Circuit Court #2
VS :: of Baltimore City
PRATT ET AL : Baltimore, Md., TO WIT:

~~Mr. Clerk:~~

3
Please cause a summons ordinary to be issued and at the same time the writ of Subpoena Duces Tecum directed against C. Hampson Jones, M.D., Commissioner of Health, Health Department, Courtland Street, to appear before His Honor Judge Dawkins in the Circuit Court of Baltimore City on Wednesday, October 22, 1924, at 10 A.M., and to have with him then and there the death record of Sarah Robinson, deceased, date of death April 12, 1896, registered No. 86045, and oblige,

Geo. W. Cameron

Attorney for Plaintiff. 4)

FERRARE : In the Circuit Court #2
VS. : of Baltimore City
PRATT, ET AL. : Baltimore, Md. TO WIT

~~Mr. Clerk:~~

3
Please cause a summons ordinary to be issued and at the same time cause to be issued the writ of Subpoena Duces Tecum directed against Henry F. Hoenes, Superintendent of Markets, City Hall, commanding him to be and appear and to have with him then and there all records of ownership and all transfer of ownership of Stall #764, Belair Market, before his Honor, Judge Dawkins, in the Circuit Court of Baltimore City, on Wednesday, October 22, 1924, at 10 A.M., and oblige

Geo. W. Lawrence
" "

Attorney for Plaintiff.

FERRARE : In the Circuit Court #2
VS :: of Baltimore City
PRATT ET AL : Baltimore, Md., TO WIT:

~~Mr. Clerk:~~

3
Please cause a summons ordinary to be issued and at the same time the writ of Subpoena Duces Tecum directed against C. Hampson Jones, M.D., Commissioner of Health, Health Department, Courtland Street, to appear before His Honor Judge Dawkins in the Circuit Court of Baltimore City on Wednesday, October 22, 1924, at 10 A.M., and to have with him then and there the death record of Sarah Robinson, deceased, date of death April 12, 1896, registered No. 86045, and oblige,

Geoff. Cameron

Attorney for Plaintiff. 4)

FERRARE

VS.

PRATT ET AL

In the Circuit

No.2 of Baltimore City

Mr.Clerk:-

Please cause an immediate personal summons to issue for the following witnesses to appear before His Honor Judge Dawkins in the above entitled Court.

William J.G.Jackson,1233 Mulliken St.

Mary Elizabeth Wise,506 N.Spring St.

Mr.Wise(husband)506 N.Spring St.

Samuel Leviton,428 N.Aisquith St.

And oblige

Geo. W. Cameron,

Attorney for Plaintiff.

Let the immediate personal summons issue

John Pleasant Clerk

6244

1923

Ch. of No. 2

Tracy

vs.

Pratt
et al.

Order to
Seize

into

No. 1496

13

At 2nd October 1924

Handwritten notes on the right side of the page, including the word "Copy" and some illegible scribbles.

244 Ct. Ct. No. 2
19 23 No. 32 Docket A

Terace

vs.

Pratt

Summons for Witness

No. 14061A

10.

Filed *20th* day of *October* 19 *24*
Davis & Evans
Sols

SUMMONS FOR WITNESS.

DOCKET 32A FOLIO 244

In the Circuit Court No. 2 of Baltimore City

September Term, 1924

The Sheriff will please summon the following witnesses,

returnable on..... the..... day of
..... 19..... at..... 10 o'clock A. M.....

[Large area of horizontal dotted lines for listing witnesses]

to testify for.....

in the case of.....

..... VS.....

John Pleasant

Clerk of Circuit Court No. 2 of Baltimore City.

JOSEPH TERARE

:

IN THE CIRCUIT COURT NO.2

VS.

:

OF

ELIZABETH ANN PRATT and
CHARLES WILKIN, Adminis-
trators of SARAH ROBINSON
deceased and WILLIAM S.
GILL

:

BALTIMORE CITY.

Mr. Clerk:-

Please summon the following witnesses making same re-
turnable on the 20th day of October, 1924 at 10 A.M.

- 4 ^{sd} Mary Ann Pratt,I636 E. Madison St.,
- 4 ^{sd} Agnes Parker, , , ,I636 E. Madison St.
- 3 William Gill. ^{sd}Belair Market.

Davis Evans

ATTORNEYS FOR DEFENDANT.

JOSEPH TERARE

:

IN THE CIRCUIT COURT NO.2

VS.

:

OF

ELIZABETH ANN PRATT and
CHARLES W. MAIN, Adminis-
trators of SARAH ROBINSON,
deceased and WILLIAM S.
GILL.

:

BALTIMORE CITY.

Mr. Clerk:-

3
Please issue Subpoena Duces Tecum to the Superintendent
of Markets of Baltimore City, commanding him to appear in this
Court on the 20th day of October, 1924 at 10 A.M. and bring with
him all records concerning the transfer of Stall No. 764 Delair
Market.

Davis J. Evans

ATTORNEYS FOR DEFENDANT.

D. J. Shuff
Back

Cir. Ct. No. 2.

W A
1923 *A* D. No. *32*

Ferari

vs

Pratt et al

Attachment in Equity.

ORDER = *22nd Oct. 24*

No. *14961a*
15

Filed *23rd* day of *October* 19*24*
Geo. W. Camard - Sec.
3

Dawkins - George
Thos G. Carter
Sheriff

Quashed on costs
Sheriff's Costs \$2.00
Clerk's Costs \$1.00
Fines \$3.00

10/23/1924
E.O.

Claim upon
Payment of Costs
Walter S. Dancy
23rd Oct. 1924

(ATTACHMENT IN EQUITY.)

MARYLAND, Sc.

The State of Maryland.

To the Sheriff of Baltimore City, Greeting:

YOU ARE HEREBY COMMANDED, that you attach the body of

Mary Elizabeth Wise
506 N. Spring St

if she shall be found in your bailiwick, and her safe keep, so that you have her before the Judge of the Circuit Court No. 2 of Baltimore City, at the Court House in the same city, on the 23rd day in October 1924, to answer as well touching a certain contempt by her committed in not

Obeying the summons of this Court

as well as to such other matters and things as shall be then and there alleged against her

Hereof fail not, as you will answer the contrary at your peril.

WITNESS, The Honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Balti-

more City, the

8th

day of

September 1924

19

Issued the

22nd

day of

October 1924

19

John Peasants Clerk.

Ret the attachment Issue
Walter J. Dawkins
Oct 22 - 1924

Baltimore, Maryland
July 24th 1923.

Received of Joseph Ferrare the sum of (1259.⁷²/₁₀₀) Twelve
Hundred Fifty Nine Dollars Seventy Two Cents, in consideration of which I hereby re-
assign to the said Joseph Ferrare all right, title and interest
in and to Stall No. 764, Belair Market, Baltimore City, Maryland.

Maurice Bernan

Test:
J. J. Schaefer
G. W. C. Cameron

- Ct. Ct. No. 2 -

Pl Exp # 7 u 244
1923
Ferris.

vs
Pratt, et al.

Plaintiffs Exhs 1, 2, 3, 4, 5, 6, 7
No. 14961 a
16

Jd. 23rd October, 1924.

Baltimore Nov 15th 1922

Received of Mr Joseph Forreth for
one stall in the Belair Market
the sum of nine hundred dollars
(\$900⁰⁰/₁₀₀) in full

Recd Payment

Josephine ^{the} Gorsuch
mark

witness Mr J. G. Jackson

#7233 Mullikin St

Pl. Ey # 4

Balt. Apr 13th 1922

Received of Mr Joseph Ferrare the
Sum of Three Hundred dollars for one
Stall in Bellare Market By cash
on the account one hundred dollars
Balance to be paid in cash

Total	\$ 300 ⁰⁰
By cash on account	100 ⁰⁰
Balance due	<u>\$ 200⁰⁰</u>

Received Payment

Mr Joseph ^{du} Garsnet

Witness

Catharin Bittler

Mary G Wier

Daniel Leitch
Mr J. G. Jackson

Laurel Cemetery Company,

Bel-air Road,

(North of North Avenue.)

Baltimore, Md. Oct 22 1924

Dear Sir

I have on record in Laurel Cemetery
Sarah Robinson, buried in lot of Richard
Robinson 89. D. April 14. 1896

John B. Giles Superintendent
of Laurel Cemetery
Balto Md.

N^o 19892

TRANSCRIPT OF DEATH RECORD

HEALTH DEPARTMENT—CITY OF BALTIMORE

JUL 11 1923

1-PLACE OF DEATH

CITY OF BALTIMORE: (No. 606 N Spring St.; _____ Ward)REGISTERED NO 86045

(If death occurred in a hospital or institution, give its NAME instead of street and number.)

2-FULL NAME Sarah Robinson(a) RESIDENCE. No. 606 N Spring St., _____ Ward.

(Usual place of abode)

(If nonresident give city or town and State)

Length of residence in city or town where death occurred 3 yrs. _____ mos. _____ ds. How long in U. S., if of foreign birth? yrs. _____ mos. _____ ds.

PERSONAL AND STATISTICAL PARTICULARS

3 SEX F 4 COLOR OR RACE B 5 Single, Married, Widowed, or Divorced (write the word) Widow

5a If married, widowed, or divorced HUSBAND of _____ (or) WIFE of _____

6 DATE OF BIRTH (month, day, and year) Not Stated7 AGE Years 70 Months _____ Days _____ IF LESS than 1 day, _____ hrs., or _____ min.

8 OCCUPATION OF DECEASED

(a) Trade, profession or particular kind of work None

(b) General nature of industry, business, or establishment in which employed (or employer) _____

(c) Name of employer _____

9 BIRTHPLACE (city or town) _____ (State or country) Maryland10 NAME OF FATHER Not Stated11 BIRTHPLACE OF FATHER (city or town) _____ (State or country) Not Stated12 MAIDEN NAME OF MOTHER Not Stated13 BIRTHPLACE OF MOTHER (city or town) _____ (State or country) Not Stated14 Informant _____ (Address) Not Stated15 Filed Apr. 14, 1896 _____ Registrar

MEDICAL CERTIFICATE OF DEATH

16 DATE OF DEATH (month, day and year) April 12 1896

17

I HEREBY CERTIFY, That I attended deceased from _____, 19____, to _____, 19____.

that I last saw him alive on _____, 19____.

and that death occurred on the date stated above, at _____ m.

The CAUSE OF DEATH was as follows:

Acute Pneumonia_____ (duration) _____ yrs. 2 Weeks _____ mos. _____ ds.

CONTRIBUTORY _____ (Secondary)

_____ (duration) _____ yrs. _____ mos. _____ ds.

18 Where was disease contracted

if not at place of death? _____

Did an operation precede death? _____ Date of _____

Was there an autopsy? _____

What test confirmed diagnosis? _____

(Signed) W. E. Harris, M. D., 19 _____ (Address) 1416 Jefferson St

19 PLACE OF BURIAL, CREMATION OR REMOVAL DATE OF BURIAL

Lanier Cemetery Apr 14 1896

20 UNDERTAKER ADDRESS

W. W. Maddox 132 Rodgers Ave

Alaya

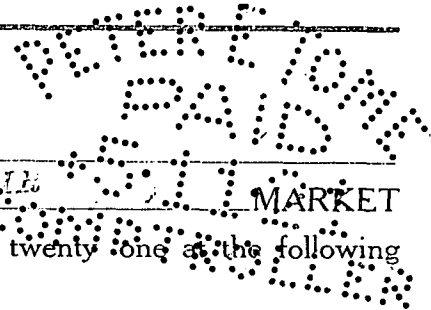
0320

Gen. H. Gross
Piquette Falls



1 * 23 Feb

MARKET LICENSE 1921



This License to be Presented on Renewal

CITY OF BALTIMORE, ss:
 LICENSE IS HEREBY GRANTED TO

SARAH ROBINSON

to occupy STREET STALL No. 764 in W. 11th St. MARKET
 for one year from the first day of May, 1921 nineteen hundred and twenty one at the following
 annual charges.

1921

Given under the Corporate Seal of the City of Baltimore this 11 day of May
 nineteen hundred and twenty one.

Annual Charges	Amount Received this day by City Comptroller
License, \$10.00	\$10.00
Rent	
Per Diem 12.	<u>12</u>
Total \$ 22.00	\$ <u>22</u>

Peter E. Lowe

Comptroller of the City of Baltimore

By *CMW*

The Holder of This License is Entitled to Occupy the Stall Herein Named

This License must be exhibited on demand of Assistant Market Master

Ex 6

Baltimore, _____ 1921

For value received _____ hereby transfer

all _____ right, title and interest in Stall No. _____

Market to _____

Signed _____

Witness:

I recommend the above transfer and have this day recorded same in my market book.

Signed _____

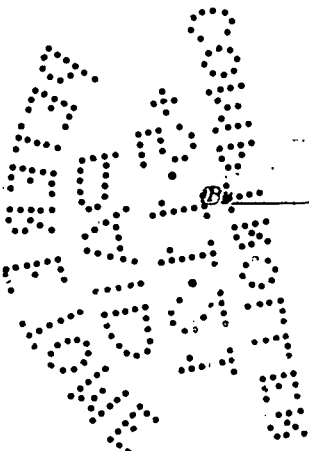
Asst. Market Master

Transferred _____

19 _____

Peter E. Lowe

Comptroller of the City of Baltimore.



MARKET LICENSE, 1919

This License to be Presented on Renewal

CITY OF BALTIMORE, ss.
 LICENSE IS HEREBY GRANTED TO
Sarah Robinson

to occupy Street STALL No. 764 in BELAIR MARKET
 for one year from the first day of May, nineteen hundred and nineteen at the
 following annual charges.

Annual Charges	Amount Received this day by City Comptroller
License, \$10.00	\$10.00
Rent	
Per Diem / 2 ⁰⁰	/ 2 ⁰⁰
Total \$ 22 ⁰⁰	\$ 22 ⁰⁰

1919

Given under the Corporate Seal of the City of Baltimore this June day of June nineteen hundred and nineteen.

W. J. G. *W. J. G.*
 Comptroller of the City of Baltimore

The Holder of This License is Entitled to Occupy the Stall Herein Named.

This License must be exhibited on demand of Assistant Market Master

Baltimore, _____ 1919

For value received _____ hereby transfer
all _____ right, title and interest in Stall No. _____

_____ Market to _____

Signed _____

Witness :

I recommend the above transfer and have this day
recorded same in my market book.

Signed _____

Ass't Market Master

Transferred _____ 191

James P. Knigg

Comptroller of the City of Baltimore

By _____

MARKET LICENSE, 1918

This License to be Presented on Renewal

CITY OF BALTIMORE, ss.
 LICENSE IS HEREBY GRANTED TO
 Sarah Robinson

to occupy Street STALL No. 764 in ~~BELAIR~~ MARKET
 for one year from the first day of May, nineteen hundred and eighteen at the
 following annual charges.

Annual Charges	Amount Received this day by City Comptroller
License, \$10.00	\$10.00
Rent -----	
Per Diem 12 ⁰⁰	12 ⁰⁰
Total - \$22 ⁰⁰	\$22 ⁰⁰

1918

Given under the Corporate Seal of the City of Baltimore this 11 day of May
 nineteen hundred and eighteen.

ONLY ON MARKET

Jam. P. High
 Comptroller of the City of Baltimore

By *[Signature]*

The Holder of This License is Entitled to Occupy the Stall Herein Named.

This License must be exhibited on demand of Assistant Market Master

Baltimore, Md., _____ 1918

For value received _____ hereby transfer
an _____ right, title and interest in Stall No. _____
_____ Market to _____

Signed _____

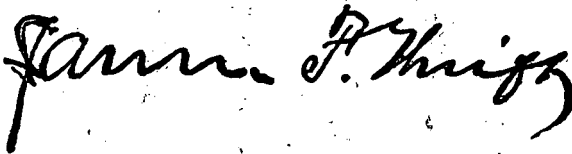
Witness:

I recommend the above transfer and have this day
recorded same in my market book.

Signed _____

Ass't Market Master

Transferred _____ 191



Comptroller of the City of Baltimore

By _____

MARKET LICENSE 1917

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.
 LICENSE IS HEREBY GRANTED TO
Sarah Robinson

to occupy Street STALL NO. 764 in BELAIR MARKET
 for one year from the first day of May, nineteen hundred and seventeen at the
 following annual charges.

Annual Charges	Amount Received this day by City Comptroller
License, \$10.00	\$10.00
Rent <u>—</u>	<u>—</u>
Per Diem <u>12</u>	<u>12⁰⁰</u>
Total \$ <u>22⁰⁰</u>	\$ <u>22⁰⁰</u>

Given under the Corporate Seal of the City of Baltimore this 18 day of May nineteen hundred and seventeen.

ONLY ON MARKET DAYS

Jamm. F. High
 Comptroller of the City of Baltimore

By [Signature]

The Holder of This License is Entitled to Occupy the Stall Herein Named.

This License must be exhibited on demand of Assistant Market Master

Baltimore, Md., 1917

For value received hereby transfer
all right, title and interest in Stall No.
..... Market to

Signed

Witness:

I recommend the above transfer and have this day
recorded same in my market book.

Signed

Ass't Market Master

Transferred 191

Jamm. P. Whigg
Comptroller of the City of Baltimore.

By

MARKET LICENSE 1916

This License to be Presented on Renewal

CITY OF BALTIMORE, ss.
 LICENSE IS HEREBY GRANTED TO
 Sarah Robinson,

to occupy Street STALL No. 764 in BELAIR MARKET
 for one year from the first day of May, nineteen hundred and sixteen at the
 following annual charges:

Annual Charges	Amount Received this day by City Comptroller
License, \$10.00	\$10.00
Rent <u> </u>	<u> </u>
Per Diem <u>12</u>	<u>12</u>
Total \$ <u>22⁰⁰</u>	\$ <u>22⁰⁰</u>

Given under the Corporate Seal of the City of Baltimore
 this 1916 day of June
 nineteen hundred and sixteen.

James P. Thigp
 Comptroller of the City of Baltimore.

By

The Holder of This License is Entitled to Occupy the Stall Herein Named

This License must be exhibited on demand of Assistant Market Master

Baltimore, Md., 1916

For value received hereby transfer
all right, title and interest in Stall No.

..... Market to

..... Signed

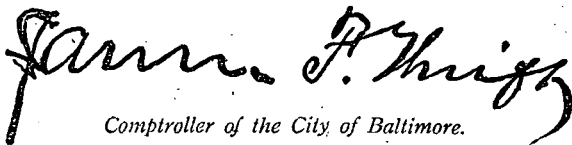
Witness:

.....
I recommend the above transfer and have this day recorded
same in my market book.

Signed

Ass't Market Master

Transferred 191


Comptroller of the City of Baltimore.

By

MARKET LICENSE, 1915

This License to be Presented on Renewal

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO

Sara Robinson

to occupy STREET STALL No. 764 in BELAIR MARKET

for one year from the first day of May, nineteen hundred and fifteen, at the following annual charges:

Annual Charges	Amount Received this day by City Comptroller
License, \$10.00	\$10.00
Rent	
Per Diem <u>12.00</u>	<u>12.00</u>
Total <u>\$22.00</u>	<u>\$22.00</u>

Given under the Corporate Seal of the City of Baltimore
 this 14 day of March
~~nineteen hundred and fifteen.~~ 1916

Jamieson F. Wright
 Comptroller of the City of Baltimore.

By *ERS*

The Holder of This License is Entitled to Occupy the Stall Herein Named

ONLY ON MARKET DAYS.

This License must be exhibited on demand of Assistant Market Master

Baltimore, Md., 1915

For value received hereby transfer
all right, title and interest in Stall No.

..... Market to

Signed

Witness:
.....

I recommend the above transfer and have this day
recorded same in my market book.

Signed

Ass't Market Master

Transferred 191

Jam. F. High
Comptroller of the City of Baltimore.

By

MARKET LICENSE 1914

This License to be Presented on Renewal

CITY OF BALTIMORE, ss.
 LICENSE IS HEREBY GRANTED TO

Sarah Robinson

to occupy STREET STALL No. 764 in BELAIR MARKET
 for one year from the first day of May nineteen hundred and fourteen at the following
 annual charges:

Annual Charges:	Amount Received this day by City Comptroller
License, \$10.00	\$10.00
Rent	
Per Diem <u>12-</u>	<u>9-</u>
Total <u>\$22-</u>	<u>\$19-</u>

Given under the Corporate Seal of the City of Baltimore
 this 27 day of Apr.
 nineteen hundred and ~~fourteen~~ fifteen.

Jam. F. High
 Comptroller of the City of Baltimore.

By J.K.D.

ONLY ON MARKET DAYS.

THE HOLDER OF THIS LICENSE IS ENTITLED TO OCCUPY THE STALL HEREIN NAMED

This License must be exhibited on demand of Assistant Market Master

Baltimore, Md., 1914

For value received hereby transfer
all right, title and interest in Stall No.

Market to

Signed

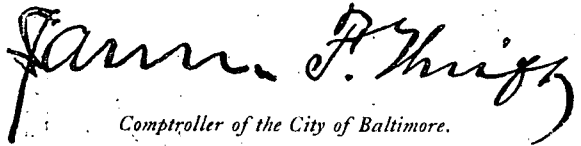
Witness:
.....

I recommend the above transfer and have this day
recorded same in my market book.

Signed

Ass't Market Master

Transferred 191


Comptroller of the City of Baltimore.

By

MARKET LICENSE, 1913.

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO

Sarah Robinson

to occupy *Street* STALL No. *764* in *BELAIR* MARKET
for one year from the first day of May, nineteen hundred and thirteen, at the following annual charges :

Annual Charges:	Amount Received this day by City Comptroller
License, \$10.00	\$10.00
Rent	
Per Diem <i>12-</i>	<i>9-</i>
Total \$ <i>72-</i>	\$ <i>19-</i>

Given under the Corporate Seal of the City of Baltimore,
this *26* day of *June*
nineteen hundred and *thirteen*.

James P. Whigg
Comptroller of the City of Baltimore.

By *S.K.D.*

THE HOLDER OF THIS LICENSE IS ENTITLED TO OCCUPY THE STALL HEREIN NAMED

ONLY ON MARKET DAYS.

This License must be exhibited on demand of Assistant Market Master.

Baltimore, Md., 1913.

For value received hereby transfer
all right, title and interest in Stall No.

..... Market to

Signed

Witness:
.....

I recommend the above transfer and have this day
recorded same in my market book.

Signed

Ass't. Market Master

Transferred 191

Jam. F. Whigg
Comptroller of the City of Baltimore.

By

LICENSE, 1912.

This License to be Presented on Renewal

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO

to occupy Street STALL No. 704 in Belair MARKET

for one year from the first day of May, nineteen hundred and twelve, at the yearly rent of

..... Dollars, to be paid
exclusive of the License.

Amount Received: 3.00
License, \$
Rent
Total 3.00

Given under the Corporate seal of the City of Baltimore,
this 21 day of May
nineteen hundred and twelve.

James F. Whigg
Comptroller of the City of Baltimore.
By J. S. G.

Baltimore, Md., 1912.

For value received hereby transfer
all right, title and interest in Stall No.
..... Market to

Signed

Witness :
.....

I hereby approve of the above transfer.

Signed
Ass't. Market Master.

Transferred 191

James F. Migg
Comptroller of the City of Baltimore.

By

COUNTERSIGNED,
MARKET MASTER

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO

Sarah Robinson

to occupy *Three* STALL No. *764* at the *Belair* MARKET

HOUSE, for one year from the first day of May, nineteen hundred and eight, at the yearly rent of _____ Dollars, to be paid exclusive of the License.

Given under the Corporate Seal of the City of Baltimore, this _____ day of _____ nineteen hundred and eight.

Amount Received:
License, \$ *5.00*
Rent _____
Total *5.00*

Harry J. Hooper

Comptroller of the City of Baltimore.

MAY 19 1908

Baltimore, 1908.

For value received.....hereby transfer
all.....right, title and interest in Stall No.....

Market to.....

Signed.....

Witness :

I hereby approve of the above transfer.

Signed.....

Ass't Market Master.

LICENSE 1908

[Faint handwritten signatures and text, including "WITNESSES" and "ASS'T MARKET MASTER"]

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO *Laura Roberson*
 to occupy *Case* STALL No. *70st* at the *Delair* MARKET
 HOUSE, for one year from the first day of May, nineteen hundred and seven at the yearly rent
 of _____ Dollars, to be paid
Exclusive of the License.

Amount Received
 License \$ *5*
 Rent _____
 Total _____

Given under the Corporate Seal of the City of
 Baltimore, this *MAY 14 1907* day of _____
 nineteen hundred and seven.

Geo. R. Heffner
 Comptroller of the City of Baltimore.

LICENSE 1906.

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO *Luca Robinson*
 to occupy *St. Carol* STALL No. *704* at the *Belair* MARKET
 HOUSE, for one year from the first day of *May*, nineteen hundred and six at the yearly rent
 of _____ Dollars, to be paid
Exclusive of the License.

Given under the Corporate Seal of the City of
 Baltimore, this *15* day of _____
 nineteen hundred and six. *1906*

Amount Received _____
 License \$ *5* _____
 Rent _____
 Total _____

Geo. R. Heffner
 Comptroller of the City of Baltimore.

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO

to occupy

STALL No.

at the

MARKET

HOUSE, for one year from the first day of May, nineteen hundred and five at the yearly rent

of

Dollars, to be paid

Exclusive of the License.

Given under the Corporate Seal of the City of

Baltimore, this

day of

nineteen hundred and five

Amount Received

License \$

Rent

Total

Geo. R. Heffner

Comptroller of the City of Baltimore.

MAY 19 1905

LICENSE 1902.

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO

Jarah Robinson
to occupy *McCarry* Stall No. *704* at the *Belair* Market

House, for one year from the first day of *May*, nineteen hundred and two at the yearly rent of _____ Dollars, to be


paid Exclusive of the License.

Amount Received.

License *5*

Rent _____

Total _____

Given  order the Corporate Seal of the City of Baltimore, this _____ day of _____ 1902
MAY 14 1902
nineteen hundred and two

Jas. H. Smith,

Comptroller of the City of Baltimore.

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO

Laura Roberson

to occupy *Stall No 704* at the *Belair* Market

House, for one year from the first day of *May*, nineteen hundred and

one at the yearly rent of _____ Dollars, to be

paid Exclusive of the License.

Amount Received.

License *5*

Rent _____

Total _____

Given under the Corporate Seal of the City of
Baltimore, this *10* day of _____
nineteen hundred and one.

Jas. W. Smith,

Comptroller of the City of Baltimore.

LICENSE 1900.

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.

LICENSE IS HEREBY GRANTED TO

to occupy *Car* Stall No. *704* at the *Belair* Market

House, for one year from the first day of *May*, nineteen hundred at

the yearly rent of _____ Dollars, to be paid

Exclusive of the License.

Amount Received.

License: *5*

Rent _____

Total _____

Given under the Corporate Seal of the City of
Baltimore, this _____ day of *MAY 9*
nineteen hundred. *1900*

Jas. N. Smith,

Comptroller of the City of Baltimore.

CITY OF BALTIMORE, SS.

License is hereby granted to *Arak Roberson*
to occupy ~~one~~ Stall No. *257* at the *Blair* Market
House, for one year from the first day of May, eighteen hundred and ninety-
eight, at the yearly rent of _____ Dollars, to be paid
Exclusive of the License. _____

Rent \$ _____
License _____

Given under the Corporate Seal of the City of
Baltimore, this *2nd* day of *May* eighteen
hundred and ninety-eight

Chas. D. Penhagen

Comptroller of the City of Baltimore.

LICENSE.

1898

This License to be Presented on Renewal.

Old Number 257-259

CITY OF BALTIMORE, SS

This License to be Presented on Renewal.

License is hereby granted to Asa B. Brown
to occupy Candy Stall No. 104 at the Belair Market
House for one year from the first day of May, eighteen hundred and ninety-nine,
at the yearly rent of _____ Dollars to be paid
Exclusive of the license.

Rent \$ _____
License _____

Given under the Corporate Seal of the City of
Baltimore, this 11 day of May eighteen
hundred and ninety Mr. Jas. H. Smith
Chas. D. Senhagen

LICENSE
1899

Comptroller of the City of Baltimore.

This License to be Presented on Renewal.

CITY OF BALTIMORE, ss.

License is hereby granted to *Sarah Robinson*
to occupy *Back Car Stall No. 257/1257* at the *Belair* Market
HOUSE, for one year from the first day of *May*, eighteen hundred and ninety-
seven at the yearly rent of *five* Dollars, to be paid
Exclusive of the License.

500

Given under the Corporate Seal of the City of
Baltimore, this *1st* day of *May*
eighteen hundred and ninety-seven.

Chas. D. Penhagen

Comptroller of the City of Baltimore.

Subject to the Acts of Assembly relating to Baltimore Markets, and Ordinances of the Mayor and City Council of Baltimore, of *ten cents* per diem rent for each and every number of the Stall occupied on each and every market or part of market day.

THIS IS TO CERTIFY,

That I HAVE LET

Back Cove STALL in the *Beltair*

Market No.

257-259 to *Sarah Robinson*

For ONE YEAR from the

First day of *May* 189*3*

at the Rent of

Five Dollars, including the License.

\$5⁰⁰/₁₀₀

Jos. H. Wright Clerk.

Back Lane 257-259

pp. Excursions

pp. 1/6

Subject to the Acts of Assembly relating to Baltimore Markets, and the Ordinances of the Mayor and City Council of Baltimore, of *ten cents* per diem rent for each and every number of the Stall occupied on each and every market or part of market day.

THIS IS TO CERTIFY,

That I HAVE LET *4 Back Cove* STALLS in the *Below*
 Market, No. *257-259* to *Sarah Robinson*
 For ONE YEAR from the *First* day of *May* 1896
 at the Rent of *Five* Dollars, including the License,

100

Geo H. Wray

Clerk.

Back Curve 257-259

IN THE CIRCUIT COURT #2

OF

BALTIMORE CITY

A244
1923

JOSEPH FERRARE

VS.

ELIZABETH ANN PRATT AND
CHARLES W. MAIN, Administrators
and WILLIAM S. GILL

DECREE OF COURT

23rd Oct. 24

WITNESSES:

No. 14061-a

o l i e

17

Copied - copied

GEORGE W. CAMERON

ATTORNEY AT LAW

BALTIMORE, MD.

FILED

23rd October 1924

THE DAILY RECORD COMPANY
Baltimore, Md.

JOSEPH FERRARE

VS.

ELIZABETH ANN PRATT AND

CHARLES W. MAIN, Administrators

and WILLIAM S. GILL

)
) IN THE CIRCUIT COURT #2

)
) OF

)
) BALTIMORE CITY

The above-entitled case having been at issue and the testimony having been taken in open court, the bill, answers, testimony and all other proceedings in said case having been read, and the argument of counsel having been heard and considered, and the Court being of the opinion that the Complainant is entitled to the relief prayed for in the Bill of Complaint filed in said case;

IT IS THEREUPON BY THE CIRCUIT COURT #2 OF BALTIMORE CITY ADJUDGED, ORDERED AND DECREED, THIS 23RD DAY OF OCTOBER 1924 that the Complainant be entitled to the relief therein prayed and it is hereby declared by the said Court that the title of the Complainant to stall No. 764 in Belair Market, mentioned in the said Bill, is now held by the said Joseph Ferrare free, clear, and discharged from all right, title, claim, interest or demand of the said Defendants or any of them, and particularly free, clear and discharged from all right, title or interest of any kind of Sarah Robinson, deceased, late of the said City, or any person claiming by, through or under her or her estate, except the said Complainant Joseph Ferrare;

AND IT IS FURTHER ADJUDGED, ORDERED AND DECREED that the said Defendants and each of them be and they are hereby perpetually enjoined and restrained from molesting or interfering with the possession of the said stall by the said Complainant Joseph Ferrare and his personal representatives and assigns;

AND IT IS FURTHER ADJUDGED, ORDERED AND DECREED That the Defendant, William S. Gill, be and is hereby required to account to and pay to the said Complainant, Joseph Ferrare, the net rents and profits derived from the said stall by the said William S. Gill

or any one claiming by, through or under him, during the period in which the said William S. Gill has had possession of the said stall;

AND IT IS FURTHER ADJUDGED, ORDERED AND DECREED That the costs of this proceeding be paid by the said Defendants.

Walter J. Dawkins

9244
1924.

3/24/21:5

IN THE CIRCUIT COURT, NO. 2, OF BALTIMORE CITY.

October 23, 1924.

Joseph Ferare,	:
	:
Plaintiff,	:
	:
vs.	:
	:
Elizabeth Ann Pratt and	:
	:
Charles W. Main, Administrators,	:
	:
of Sarah Robinson, Deceased,	:
	:
and William S. Gill,	:
	:
Defendants.	:
<i>No. 14061a</i>	:

18

Ad. 2 October, 1924.

IN THE CIRCUIT COURT, NO. 2, OF BALTIMORE CITY.

October 23, 1924.

-----: :
Joseph Ferare, : :
Plaintiff, : :
vs. : :
Elizabeth Ann Pratt and : :
Charles W. Main, Administrators, : :
of Sarah Robinson, Deceased, : :
and William S. Gill, : :
Defendants. : :
-----: :

I N D E X .

	<u>Direct</u>	<u>Cross.</u>
Elizabeth Ann Pratt	1	
Mary Elizabeth Wise	10	21
Dorothy Williamson	28	30
Joseph Ferare	32	35
Harry M. Wilkinson	45	52
Leo P. Cortese	53	56
Maurice Berman	58	61
Samuel Leviton	69	72
Casper A. Homan	76	
William S. Gill	78	80

IN THE CIRCUIT COURT, NO. 2, OF BALTIMORE CITY.

Joseph Ferare,

Plaintiff,

vs.

Elizabeth Ann Pratt and

Charles W. Main, Administrators

of Sarah Robinson, Deceased,

and William S. Gill,

Defendants.

Case No. 29.

Baltimore, Maryland,

October 23, 1924.

The above-entitled case came for trial before
Honorable Walter I. Dawkins.

Present on behalf of the Plaintiff: Mr. George W. Cameron.

Present on behalf of the Defendants: Mr. Charles W.

Main and J. Steward Davis.

(Bill/ / Complaint was read by Mr. Cameron).

(Ans. to Bill of Complaint was read by Mr. Davis).

ELIZABETH ANN PRATT

after being first duly sworn, testified as follows:

Direct Examination

By Mr. Cameron:

Q. How old are you?

A. I am 56 now.

Q. Do you know when you were born?

No, sir. I do not know the year I was born.

Q. You are married?

A. Yes. Husband dead.

Q. Have you any children?

A. No, sir. None.

Q. Who did you marry?

A. John Pratt.

Q. What was your maiden name?

A. Elizabeth Robinson.

Q. What was your mother's maiden name?

A. Cecilia Robinson.

Q. What was your father's name?

A. Richard Robinson.

Q. Was your mother's name Cecilia or Sarah Robinson?

A. Cecilia Robinson.

Q. And what was your father's name?

A. Richard Robinson.

Q. Is your father dead?

A. Yes.

Q. Do you know when he died?

A. No, sir, I do not.

Q. Is your mother dead?

A. Yes, sir.

Q. Do you know when she died?

A. She has been dead twenty-eight years.

Q. Did your father or mother die first?

A. Father.

Q. Where was your mother living at the time of
her death?

A. On Spring Street.

Q. Do you know the number?

A. 606 North Spring Street.

Q. Did your mother ever go by the name of Sarah
Robinson?

A. No, sir. My mother's name was Cecilia Robinson.

Q. Did she have any other name than Cecilia Robinson?

A. No, sir.

Q. Did you know her as Cecilia Robinson **and** not as Sarah Robinson?

A. Yes.

Q. Where was your mother buried?

A. Laurel Cemetery.

Q. Do you know the name of the undertaker?

A. Giles was the grave digger's name.

Q. I asked what was the undertaker's name?

A. I don't know his name.

Q. You were at the funeral?

A. I was but I don't know the name exactly.

Q. At the time of your mother's death were you married?

A. Yes, sir.

Q. Where were you living at the time of your mother's death?

A. On Bond Street, 530.

Q. About how far is that from 606 North Spring St.?

A. About three squares.

Q. And how long did you continue to live at 530 North Bond St. after your mother's death?

A. I don't know.

Q. Where do you live now?

A. Corner of Bond and Monument now.

Q. How near is that to 606 North Spring Street?

A. About three squares down.

Q. Have you lived in that neighborhood all of your life?

No, sir.

Q. Have you lived in that neighborhood ever since your mother's death?

A. Yes, sir.

Q. Within two or three squares of where she lived at the time of her death?

A. Yes, sir.

Q. At the time of your mother's death, did she leave surviving her any other children?

A. No, she died without a will.

Q. You don't understand me. Did she leave any other children surviving her besides you?

A. Oh, yes. There were three or four of us. They have died since.

Q. How many were living when your mother died?

A. Four.

Q. What were their names?

A. One was named Richard, one Katherine.

Q. Is Richard living or dead?

A. Dead.

Q. Did Richard leave any children?

A. Yes, but they are all dead.

Q. Richard died after your mother died and left children, but they are all dead?

A. Yes.

Q. Who else besides Richard?

A. Katherine.

Q. Is she living or dead?

A. She is dead.

Q. Did she ever marry?

A. Yes, but her husband died long before she did.

Q. Did she leave any children?

A. No, sir.

Q. How long did she live after your mother died?

A. I don't know.

Q. How long do you think?

A. I cannot think for a moment because we never kept a record of it.

Q. Can you give His Honor some idea of how long she

lived after your mother died?

A. No, sir, I cannot.

Q. How long did Richard live after your mother died?

A. About three or four years.

Q. Where did your sister Katherine live at the time of her death?

A. On Monument Street.

Q. Near what?

A. Between Caroline and Eden.

Q. Then she lived near where your mother lived?

A. Yes, but my mother was dead long before that.

Q. Where did Richard live?

A. He lived home with his mother.

Q. And he lived in the same house with your mother at the time of her death?

A. Yes, sir.

Q. How long did he live after your mother died?

A. I cannot tell you that.

Q. How long do you suppose?

A. It might be about two or three years.

Q. Did Katherine or Richard die first?

A. Richard first, and Katherine second.

Q. What other children were there?

Laura. Josephine was the last one.

Q. Did Laura ever marry?

A. Yes.

Q. Where did she live at the time of your mother's death?

A. Laura lived home with my mother.

Q. How long did she continue to live at 606 North Spring Street after your mother died?

A. I don't know, but I know she has been dead five years.

Q. Laura has been dead five years?

A. Yes, sir.

Q. Where did Laura live at the time of her death?

A. On Madison Street.

The Court: What is the purpose of this?

Mr. Cameron: The purpose is to show the children of Cecilia Robinson. I want to show that they all lived in the vicinity of where this Robinson woman lived and died, and how long they survived their mother.

Q. Was Isaac Robinson a child of your mother?

A. Yes, sir.

Q. Is

A. Yes, he died a child.

Q. Then he died before his mother?

A. Yes, sir.

Q. Josephine Robinson, was she a child of your mother?

A. Yes, sir.

Q. When did she die?

A. She has been dead one year in January. She died last January.

Q. Was she ever married?

A. Yes, sir.

Q. What was her married name?

A. Gorsuch.

Q. Did she leave any children?

A. One, Mary Elizabeth Wise.

Q. Did Laura Robinson leave any children?

A. One.

Q. Is that one now living?

A. Yes. She is sitting over there.

Q. I believe you said that Richard Robinson left no children?

A. He left children but they are all dead.

Q. He hasn't a daughter living?

A. No, sir.

Q. You are a sister of Isaac Robinson and Katherine Robinson, are you not?

A. Yes, sir.

Q. Then you are a daughter of Richard and Cecilia Robinson?

A. Yes, sir.

Q. You said your mother died 28 years ago?

A. Yes, sir.

(A certificate of death record, issued by the Health Department of Baltimore City, showing that one Sarah Robinson lived at 606 N. Spring Street, dated April 12, 1896, and was buried in Laurel Cemetery April 14, 1896, was introduced, and offered as Plaintiff's Exhibit #1.)

(Certificate of Superintendent of Laurel Cemetery, which says that on the 14th day of April, 1896, Sarah Robinson was buried in the lot of Richard Robinson in Laurel Cemetery, was introduced and offered as Plaintiff's Exhibit #2.)

MARY ELIZABETH WISE

being duly sworn, testified as follows:

Direct Examination: By Mr. Cameron:

Q. Where do you live?

A. 506 North Spring Street.

Q. You are a married woman?

A. Yes, sir. A widow.

Q. What was your maiden name?

A. Mary Elizabeth Gorsuch.

Q. What was the name of your mother?

A. Josephine Gorsuch.

Q. She was a daughter of whom?

A. Sarah Robinson.

Q. What was her father's name?

A. Richard Robinson.

Q. Did your mother have any other children other than yourself?

A. No, sir. Only me.

Q. When did your mother die?

A. January 1, 1923. One year and eight months ago.

Q. Can you read and write?

A. I can but I have no glasses on and cannot see good.

Q. Do you or did you know a Mr. William J. G.
Jackson?

A. Yes, sir.

Q. Is he living or dead?

A. Dead.

Q. Did he die before or after your mother?

A. Before, I think.

Q. You know that he is dead now, at all events?

A. Oh, yes.

(A pair of glasses was borrowed from Mr. Main for
the use of the witness.)

Q. Is that your signature on this paper?

A. I can't just remember.

Q. Have you ever seen this paper?

A. Yes, sir.

Q. By whom was this written?

A. By Mr. Jackson.

Q. Can you read this paper to the Court?

(Paper read by witness.)

Q. Were you present when that mark was signed?

A. Yes, sir.

(Two papers were introduced in evidence: one a receipt of Joseph Ferare for \$100, and another receipt for \$900, for a stall in Belair Market, as Plaintiff's Exhibits #3 and #4.)

The Court: Are those of the same date?

Mr. Cameron: Yes, November 15, 1922.

Q. There was first the payment of \$100, and then a payment of \$800 balance?

A. Yes.

Q. On the same date?

A. I think so.

Q. Is Katherine Butler living or dead?

A. Living.

Q. Where does she live?

A. On Monument Street next to a powder factory. I can't give you the number.

Q. You were present, were you, when all of these transactions took place with regard to the payment of this money?

A. Yes.

Q. And on the first of January following your mother died?

A. Yes, sir.

Q. How old a lady was your mother at the time of her death?

A. I really couldn't tell you.

(Witness asked to identify papers.)

Q. Have you ever seen that before?

A. Yes, I gave them to you.

Q. Where did you get this piece of paper and all of these papers?

A. These papers I got in a box where my mother kept them, in her drawer. Whenever she went to pay her licenses she would keep them in a box.

Q. When did you get them, after or before your mother's death?

A. My mother always kept them home in a drawer.

Q. You testified that you turned them over to me. Did you do that before or after your mother's death?

A. After.

Mr. Main: She has spoken of Josephine Gorsuch though the receipts were in the name of Sarah Robinson.

The Court: They cover what time?

Mr. Cameron: From 1895 to and including 1921. I will also have another one to offer for the year 1922.

(Paper was offered in evidence as Plaintiff's Exhibit #5, a certification that 257-259 Belair Market has been let at the rent of \$5.00* Signed Joseph S. Wright, Clerk.)

The Court: As far as you know, they were all paid by your mother?

A. Yes, sir.

Mr. Cameron: Did you ever pay any of them for your mother?

A. Yes, sir.

Q. How often do you suppose?

A. Quite often.

Q. Where did you go to pay them?

A. Up to the City Hall. Sometimes she would go to the market master and give them to him.

Q. This last one, 1922- can you tell me to whom you turned that over? That was the last one.

A. I paid the last one.

Q. To whom did you give that?

A. To that gentleman. He was the assistant market master.

(Above paper offered as Plaintiff's Exhibit #6.)

The Court: You haven't offered anything but the Gorsuch holdings?

Mr. Cameron: They began in 1895.

The Court: They show payment by Gorsuch.

Mr. Cameron. Yes.

The Court: I am saying the stall is in the name of Robinson but the payments were made by Gorsuch?

Mr. Cameron: Yes, that is right. To make that plain, your mother or yourself took all of those bills to the City Hall or to the market master, from 1895?

A. Yes, sir.

Q. Down to the time the stall was sold? in 1922?

A. Yes, sir.

Q. Did you know your grandmother, Sarah Robinson?

A. Yes.

Q. About how old a girl were you when she died? Were you grown?

A. Yes, I was grown. I think I was about 17 or 18 years old.

Q. You were at her funeral?

A. Yes.

The Court: When did she die?

Mr. Cameron: April 12, 1896.

Q. At the time of your grandmother's death, were you living at home with your mother, Josephine Gorsuch?

A. I don't remember. I don't know. I think I lived on Eden Street.

Q. And your grandmother lived where?

A. On Spring Street.

Q. Can you tell His Honor how your mother came to get hold of that stall, if you know?

(Objected to.) (Objection overruled).

A. I cannot say direct. Mrs Pratt--

The Court: Do you know?

A. Yes, my mother told me.

(Objected to.) (Objection sustained).

Mr. Cameron: From 1895 to 1922 what was done with this stall? Do you know where the stall is?

A. Yes.

Q. Have you ever been to it?

A. Yes.

Q. From 1895 to 1922 what did your mother do with the stall?

A. She rented it to my knowing.

Q. Did she ever use it herself sometimes?

A. I couldn't really say.

Q. But you do know that she rented it?

A. Yes.

Q. To whom?

A. To that gentleman sitting there. I can't think of his name.

Q. To whom else did she rent it?

A. He is the only one that I know of. Before that though I believe she rented it to another Italian.

Q. You knew that she rented it to at least two people?

A. Yes.

Q. Did you ever collect the rent for her?

A. Only from this gentleman here.

The Court: That, of course, was after your grandmother died?

A. Yes, my mother was keeping the licenses up on the stall.

The Court: How many children did she say Sarah Robinson left?

Mr. Cameron: She said that she had six children. One died before she did.

The Court: Do you happen to know how many children

your grandmother had at the time of her death, besides your mother?

A. Laura Robinson Freeman, Mrs. Pratt, and I think my uncle, Richard Robinson.

Mr. Cameron: How about Katherine?

A. She was dead when grandmother died, I think.

Q. You say you were present when your mother sold this stall to Mr. Ferare. To whom was the money paid?

A. To my mother.

Q. And you turned over to him this license receipt and subsequently you turned over to me all these others?

A. Yes, sir.

Q. Where did you get them from?

A. In my mother's bureau drawer where she always kept them, in a little box. She told me where they were at always.

Q. Did you ever talk to your grandmother, Sarah Robinson, about this stall?

A. No, sir, I never did.

Q. Did you ever talk to your mother as to how she had come by that stall?

(Question objected to.) (Objection sustained).

(Exception noted).

Q. Did your mother ever tell you how she had gotten that stall from her mother?

(Objected to). (Objection sustained).

Q. You knew that all the time your mother was paying these bills at the City Hall she was renting the stall and collecting rents from it?

A. Yes.

(Objected to on the ground that witness has testified to that). (Objection sustained).

Q. Did you have anything to do with the sale of this stall to Mr. Ferare?

A. Only through my mother.

Q. Did your mother direct you to sell it?

A. My mother sold it herself. She got me to go after the market master.

Q. Did the market master go to see your mother?

A. Yes, sir.

Q. And then your mother sold the stall to Mr. Ferare?

A. Yes.

Q. At that time where was your mother living?

A. 506 North Spring Street.

Q. Did your mother own that property?

A. No.

Q. But she lived there, and you lived there too?

A. Yes.

Q. You have always lived there?

A. No, not always. I lived by myself and my mother lived by herself.

Q. During your mother's life and after your grandmother's death, did you see your Aunt, Mrs. Pratt?

A. Yes, she came to see my mother sometimes.

Q. How about Mrs. Freeman?

A. She came quite frequently.

Q. How about Richard?

A. He would come sometimes. He stayed there at one time, went around to each of them.

Q. In other words, the brother and sisters were friendly?

A. Yes, supposed to be.

Q. They came to your mother's house and she went to their house?

A. Yes.

Q. And that ran along until the time your mother died?

A. Yes.

The Court: Did they ever come to see her in the market?

A. Yes. Mrs. Pratt used to go. I don't remember my mother standing on the stall.

The Court: Did your mother have another stall?

A. My father stood up by Ensor Street.

Q. You say that your mother at no time occupied this stall?

A. She rented it out to my knowing. If she occupied it, I never knew it.

Q. She had another stall besides this?

A. Yes, my father and mother stodd in market together. Mrs. Pratt used to come and visit my mother there.

Mr. Cameron: Then your mother rented this stall that was sold to Mr. Ferare, and they occupied another stall in the market from which they sold goods?

A. Yes.

The Court: Do you know what your mother did with the rent that she got?

A. She paid her rent where she lived.

The Court: Did she give any part of the rent to anybody else

A. No, sir, not that I know of. But my mother was a woman who attended to her own business.

Mr. Cameron: She never gave any to you?

A. No, sir.

Q. Did she ever give any to anybody else?

A. Not that I know of.

Q. Do you know what your mother did with the money she derived from the sale of this stall?

A. I really don't. I don't know anything about that at all.

CROSS EXAMINATION:

By Mr. Davis:

Q. Didn't your mother hold herself out as Sarah Robinson?

A. Yes, because the licenses were always in that name.

Q. And she held herself out as that?

A. No, as Josephine Gorsuch.

Q. Why did she represent herself as--

(Objected to). (Objection sustained).

Q. Didn't your mother tell the gentleman, the market master that she was Sarah Robinson?

A. No, not that I know of.

Q. Isn't Mr. Wilkinson the gentleman she got and brought up there?

A. Yes.

Q. He was not present when those receipts were signed to show that the money was turned over by Mr. Ferare?

A. I think so. I don't remember.

Q. You remember when they were signed. As a matter of fact, were those receipts signed?

A. I say I think the market master was there.

Q. Was the money paid over when Mr. Wilkinson was there?

A. Yes.

Q. Then when the money was paid, the receipts were passed right over?

A. Mr. Jackson gave him the receipt.

Q. And Mr. Wilkinson was there? Positive of that?

A. I won't say positively, but I think so.

Q. Was the money paid at one time?

A. No.

Q. The receipts are dated on the same date? How much time elapsed between the two payments?

A. I couldn't say.

Q. An hour or fifteen minutes?

A. I couldn't say.

Q. Where was the first hundred dollars paid you?

A. In my mother's kitchen.

Q. Your mother was not sick in bed?

A. Yes, she was.

Q. Where was the bed room?

A. Up stairs.

Q. Your mother was not in the kitchen?

A. She was the first time.

Q. Did she become more ill so that when the second payment had to be made--

A. She was taken quite sick.

Q. How many days between the first and second payments?

A. I can't remember.

Q. Think it was a week between?

A. I can't say.

Q. Was it more than a week?

A. It was not a week, I think.

Q. Was it about two or three days?

A. I think so.

Q. Why are these dated on the same day then?

A. I can't tell you that.

Q. You signed both of them?

A. Sometime elapsed between the two payments. I can't just remember now.

Q. Your mother made that mark, didn't she? This is the license you turned over to Mr. Ferare.

A. Yes.

Q. That is Sarah Robinson's name?

A. Yes.

Q. But that is not your mother's real name, is it?

A. I think so.

Q. Was it the same day the money was turned over?

It is dated November 17, 1922.

A. I can't say.

Q. You were present when that mark was made?

A. Yes.

Q. And that is Sarah Robinson, and you told Mr. Wilkinson that she was Sarah Robinson?

A. I don't know. Her mother's name was Sarah Robinson.

Q. Didn't your mother say that she was Sarah Robinson?

A. I didn't hear her say that.

Q. When you went and got Mr. Wilkinson, didn't you take him in your mother's room and say "Here is my

mother, Sarah Robinson?

A. No, I don't call her Sarah.

Q. I am asking what you told Mr. Wilkinson?

A. I don't remember telling him that.

Q. If you had told him, would you have told him that?

(Objected to.) (Objection sustained).

Q. Did you tell Mr. Wilkinson that your mother's name was Sarah Robinson?

A. No.

Q. You deny that?

A. I certainly do. I don't remember telling him that.

(The Court) Did you see anybody write that?

A. I can't recollect. I really don't remember.

The Court: The Market Master was there, and somebody wrote Sarah Robinson. Do you know who did that?

A. I don't remember. I know the market master was there.

The Court: You saw Sarah Robinson written there?

A. The licenses are all Sarah Robinson.

The Court: Who wrote that Sarah Robinson?

A. Judge, Your Honor, I really don't remember who wrote it. I know I didn't write it.

The Court: Didn't the Market Master ask for Sarah Robinson?

A. I told the Market Master my mother's name was Josephine Gorsuch.

The Court: Didn't he say he wanted to see Sarah Robinson?

A. She always went by the name of Josephine Gorsuch.

The Court: Did he say he went there to see Josephine Gorsuch or Sarah Robinson? You feel sure that Sarah Robinson's name was not mentioned?

A. I really don't know.

Mr. Davis: I will show you the license for 1920. There is Sarah Robinson's mark, where the stall was sold to Joseph Ferare.

A. I see that but I don't remember who called my mother's name Sarah Robinson.

Q. Mr. Wilkinson came first with one dated 1920. He returned it and dated it 1922. We want both in evidence. We want to show that Sarah Robinson was Josephine Gorsuch. Did Mr. Wilkinson come through and knock on the door and say "Does Sarah Robinson live here?"

A. I don't remember that.

Q. You came to the door. And didn't he say, "Doesn't

Sarah Robinson live here?" And didn't you take him upstairs because she was sick?

A. I told him my mother was upstairs sick. I don't remember him asking for any Sarah Robinson.

Q. She sent word to Mr. Wilkinson to come up?

A. Yes, sure.

Q. Didn't you send word that it was Sarah Robinson who wanted to see him?

A. No, I sent word that my mother wanted to see him.

Q. Didn't he ask for Sarah Robinson?

A. I don't remember him doing it.

Q. Didn't you tell him that Sarah Robinson was upstairs sick?

A. I don't remember that.

Q. Did you go upstairs with him?

A. I think I did. I don't remember.

Q. Didn't he when he walked in say to your mother, "Are you Sarah Robinson?" And didn't she say "Yes"?

A. I don't know.

Q. Will you say that she did not?

A. I don't know.

(License for 1920 was offered in evidence, as Defendant's

Exhibit #1.)

Mr. Cameron: Could your mother read or write?

A. No, sir.

DOROTHY WILLIAMSON

after being duly sworn, testified as follows:

Direct Examination, By Mr. Cameron:

Q. Miss Williamson, where are you employed?

A. In the Market Department. I am with the Superintendent of Markets.

Q. In the office?

A. Yes, at the City Hall.

Q. You are the clerk there?

A. Yes.

Q. You have been the clerk there for how long?

A. For five years.

Q. Were you there in January, 1920?

A. Yes.

Q. In whose writing is that, Sarah Robinson?

A. That is my writing.

Q. Would you be kind enough to tell His Honor whose writing that is?(exhibiting another paper)?

A. That I cannot say. I don't know anything about that.

Q. When did you write that Sarah Robinson?

A. When the Market Assistant brought this up to me I asked him about the cross mark and he said that the woman could not write her name at all. I said, "Why didn't you sign Sarah Robinson there?" And he said "I neglected to do it". And I signed it there.

Q. What is this paper?

A. That is a transfer of the license.

Q. What is the front portion of it?

A. It is in the name of Sarah Robinson.

Q. What is this paper called?

A. It is called the license for the stall No. 764.

Q. For what year?

A. 1922.

Q. And this shows that a certain amount of money was paid to the City of Baltimore in 1922. How much?

A. Twenty dollars.

Q. Under what date is the transfer?

A. November 17th.

Q. Transferred to whom?

A. To Joseph Ferare.

Q. When this came to your office, was this writing in red?

A. Yes.

Q. Everything the same except the words Sarah Robinson, and that you put there? The mark was there but not the word?

A. Yes. The mark was there.

Q. And accordingly you transferred the stall to the name of Mr. Joseph Ferare?

A. Yes.

Cross Examination

By Mr. Davis:

Q. You didn't make this paper?

A. No, I didn't see this paper at all.

Q. New papers for the transfer were made to Mr. Main and the administrators?

A. Yes, I have them over there.

(Objected to.) (Objection sustained).

The Court: If you want to offer evidence of transfers made to Mr. Main, you will have to make her your witness.

Mr. Main: All right. Produce the paper for the transfer of the stall to the administrators.

(Mr. Cameron objected to the introduction of the paper at this time). (Objection over ruled). (Exception noted).

The Court: Of course, that is taken subject to the defendant showing they had a right to do it.

Mr. Main: You have the paper, haven't you?

A. No, that is all I have.

(Mr. Main offered in evidence a copy of the paper showing transfer of the stall to the administrators, as Defendant's Exhibit No. 3).

Mr. Main: This is taken from the Orphans' Court -- a transfer or assignment executed by the administrators. Haven't you the original of this?

The Court: What is the date of that?

Mr. Main: I think it was about the 3rd or 5th of July that we sent it down there. I am not sure.

Witness: That is the only paper I have on file with the transfer.

Mr. Main: What is the Market Master's name?

A. Leo Cortese.

Mr. Main: Have you his address?

A. I think he lives on Port Street.

Mr. Davis: He told you to write the name Sarah Robinson on there?

A. He told me that the woman had represented herself as Sarah Robinson.

(Objected to as not being the best evidence.)

(Objection sustained.)

JOSEPH FERARE

after first being duly sworn, testified as follows:

Direct Examination, by Mr. Cameron:

Q. Where do you live?

A. 2040 East North Avenue.

Q. I want to show you these two receipts which have been offered in evidence, and which set forth that you paid the sum of Nine hundred dollars for market stall No. 764 in Belair Market. Are those your receipts for the payment of that money?

A. No, that is Mrs. Wise's receipt for the money I paid her.

Q. Did you get those two papers when you paid the money?

A. Yes, these licenses.

Q. From whom did you get those papers?

A. From Mrs. Wise. Her mother was present.

Q. Do you mean to say that they were handed to you directly by Mrs. Wise, or that Mrs. Wise and her mother were both there?

A. Mr. Jackson wrote the papers, the witness signed them and I gave the money to Mrs. Josephine Gorsuch; because she was

nervous and couldn't count it, she handed it to her daughter, Mrs. Wise. Mrs. Wise says, "Mr. Wilkinson, if you don't mind, you count it." He did and she said it was all right.

Q. How much money was that?

A. Nine hundred dollars.

Q. So, then this piece of paper for the year 1922 was turned over to you?

A. It was turned over to the Assistant Market Master. I think the other one was turned over first for 1920, but the next day they got this. The Assistant Market Master called me up and says, "The other paper is not good. You will have to sign this." I signed it. They gave it to me from the City Hall this way.

Q. How did you come to enter into this transaction?

A. Through the Market Master.

Q. Which one?

A. I think it was Mr. Cortese.

Q. What did he do?

A. He said there was a good stall for sale and it was rather cheap if I wanted to buy it. He told me the location and I says, "It is a nice location". He says, "Let's go up and see the people."

Q. Where did you go?

A. To 506 North Spring Street. When we got there we found Mrs. Mary Wise, Mr. Jackson and a few more colored people. I said, "Have you got a stall for sale?" And she says "Yes".

Q. Who were you talking to?

A. Mrs. Wise. I said, "What do you want for it?" She says "One thousand dollars". Her mother was upstairs sick. I says, "Will you take Nine hundred dollars for it?" So she says, "Well, I will go upstairs and see my mother". Her mother said it was all right, so we made out the first receipt for One hundred dollars deposit. We sent to Mr. Wilkinson to see if the stall really belonged to the lady. He said he knew her for a long time, that she had been paying taxes on it and she was Sarah Robinson. Her name was written on the stall ticket.

The Court: You made a deposit of \$100 and before you paid the balance you sent for Mr. Wilkinson?

A. Yes, Mr. Wilkinson was present at every transactio when we went there.

The Court: What did he say about knowing the owner?

A. He said he had known her a long time and it was all right.

Mr. Davis: Did he say she was Sarah Robinson?

A. He said he knew she owned the stall.

Mr. Cameron: He knew what you were there for?

A. Oh, yes. He went there to transfer the license.

Q. Then after you had that stall, what did you do with it?

A. I sold it.

Q. What did you do? What happened?

A. I had to give the party the money back because the lady died and the other sister claimed the stall. Mr. Berman sued me for the money and I paid him \$1250 that I had sold the stall for.

Q. At the present time is the title in your name?

A. That is what I think. I don't know.

'Cross Examination

By. Mr. Davis:

Q. How much did you pay for the stall?

A. Nine hundred dollars.

Q. And sold it for Twelve hundred and fifty dollars?

A. Twelve hundred dollars.

Q. When did you sell it?

A. A week later.

Q. You saw Mr. Wilkinson count over the money?

A. Yes, Mr. Wilkinson counted the money. I had it and I gave it to the old lady. She got nervous like and gave it to her daughter and her daughter said, "You count it, Mr. Wilkinson." Mr. Wilkinson counted it and said "It is nine hundred dollars".

Q. Why, did you turn over nine hundred dollars? The receipts indicate eight hundred dollars.

A. The sale was made all in one night.

Q. But you said you paid \$100 and Mr. Wilkinson was sent for and then you paid \$800?

A. It was altogether nine hundred dollars.

Q. Mary Wise said the first hundred dollars was paid to her mother in cash?

A. I remember her saying that but her mother was not there the first time.

Q. Who was there?

A. Mary Wise and three or four more colored people.

Q. Who signed that receipt?

A. Mrs. Wise went upstairs with Mr. Wilkinson and the receipt was signed.

Q. You didn't go upstairs?

A. Yes.

Q. So, you didn't pay the nine hundred dollars then?

A. There was nine hundred dollars altogether.

Q. But your testimony is that you paid \$900 over when the balance was paid?

A. It was nine hundred dollars altogether.

Q. There was only eight hundred dollars due?

A. Eight hundred dollars, I guess, is right.

Q. You want to change that now to eight hundred dollars you paid to Mr. Wilkinson?

A. Yes.

The Court: Do I understand you to say that Mr. Wilkinson said that was the woman who had been paying the license?

A. Yes, sir.

The Court: For how long?

A. For a very long time.

Mr. Davis: Didn't Mr. Wilkinson say "That is Sarah Robinson?"

The Court: Did Mr. Wilkinson say it was Sarah Robinson?

A. No, he said it was all right to pay it. I don't

remember asking the name.

Mr. Davis: You thought it was Sarah Robinson?

A. I thought so. I didn't know Sarah Robinson was dead.

Q. Why did you take two receipts from Josephine Gorsuch?

A. I thought Gorsuch was her maiden name and when she had married it was Sarah Robinson.

Q. So, the reason you accepted that receipt as Josephine Gorsuch's was because you thought Josephine Gorsuch was Sarah Robinson's maiden name?

A. I guess so.

Q. Did anybody tell you so?

A. No. The Market Master was there and he knew all about the market stall and who owned it and everything.

Q. You thought you were dealing with Sarah Robinson?

A. I didn't know.

Q. You knew the stall was in the name of Sarah Robinson?

A. It said so. I got a good title from the City Hall Market Master.

Q. You paid this money to the woman you met on Spring Street, and you would not have paid it unless you thought she owned the stall?

A. I thought the Market Master wouldn't sell it if it wasn't right?

Q. Did you ask anybody whether that was her married name?

A. I did not. She had twenty-five years' certificates there and I thought she owned it. She showed me all the licenses and the Market Master said "I have known her for a long while", and I thought she was the owner of it.

Q. You got these licenses, 1920 and 1922. You noticed that it was signed Sarah Robinson?

(Mr. Cameron objected, as the young lady had testified that the Sarah Robinson was put on by her at the City Hall after it was brought to her, so that witness never saw the name, Sarah Robinson, written on there).

The Court: The witness said he saw one of them.

Witness: I saw that but I didn't get it in my hands because the Market Master says, "I will take it and transfer your name, take the Sarah Robinson off and put your name on and give it back tomorrow."

The Court: You didn't see it?

A. No, I did not.

The Court: It is your signature, isn't it?

A. Yes, but I didn't notice the name.

Mr. Davis: Samuel Leverton was there as a witness and friend of yours, and the Market Master took the name, Sarah Robinson, off and transferred the license to your name?

A. Yes.

Q. Were Mary Wise and Josephine Gorsuch there?

A. Yes.

Q. Did they say "That is Sarah Robinson"?

A. No, no one said that.

Q. It was signed Sarah Robinson's name, but you didn't take notice of it being signed Sarah Robinson?

A. No, I wasn't close to her.

Q. You thought you were dealing with Sarah Robinson?

A. I didn't know who I was dealing with, but I thought it was all right.

The Court: Whom did you see make the cross mark?

A. I seen the old lady herself come down from upstairs and sit down there and Mr. Jackson read what was written in the paper, and she put her mark underneath one of the names.

Mr. Davis: This made this cross mark too?

A. I didn't take notice of it.

Q. Didn't she make it?

A. She must have made it. It was not forged.

Q. And that Sarah Robinson was written there?

A. I don't know.

Q. You signed that? And that is your friend,

Samuel Leverton?

A. Yes.

Q. Was Mr. Wilkinson there when the first receipt was given?

A. He was there during the last payment.

Q. Was he there at the first payment?

A. I don't remember. It has been two years ago.

Q. Didn't you testify that Mr. Wilkinson was there when the first receipt was given?

A. I don't remember.

Q. Didn't you say that?

A. I didn't say the first payment.

(The Court): I think he said Mr. Wilkinson was there when the big paper was signed.

Mr. Main: He said that Mr. Wilkinson went up there

and talked to Mrs. Wise before he put up the rest of the money.

The Court: I think the hundred dollar deposit was made before Mr. Wilkinson went up there.

(The Court recessed at 12:30 P.M. for one hour).

(The case was resumed at 1:30 P.M.)

Cross Examination continued.

Mr. Davis: You sold the stall when?

Mr. Ferare: A week later.

Q. Has Mr. Berman ever transferred the stall back to you?

A. No, sir, I sold it to Mr. Berman through his attorney, Simon Silverberg.

Q. Has any one ever transferred it back to you?

A. No.

Q. And Mr. Berman filed suit against you for the amount of money that he paid you for the stall. Did you defend that suit?

A. Yes, I did.

Q. You filed an answer?

A. My attorney did not, no.

Q. Then it was not defended. Mr. Berman got judgment by default?

A. Yes.

Q. You paid the judgment?

A. Yes.

The Court: For how much?

A. Twelve hundred and fifty dollars.

The Court: Why should Mr. Berman sue him?

Mr. Davis: After Mr. Berman found title was being claimed by the administrators, he went back to Mr. Ferare and said he didn't get a clear title to it.

(Counsel for plaintiff objected to this line of testimony.)

The Court: I would have sustained the objection but now that it is in I would like to know about it.

Mr. Main: Mr. Berman couldn't tell us, but if Mr. Cameron will give us the name of the Court--

The Court: If he was sued, showing that he didn't give good title, that might be very important.

Mr. Cameron: I propose to exhibit in rebuttal this paper.

The Court: What Court was it in?

Mr. Cameron: Baltimore City Court.

The Court: Mr. Cameron, give the facts.

Mr. Cameron: My position in the matter was if Ferare did not have a good title, Ferare didn't want Berman's money and we felt that the man to bear the brunt and make the fight was Ferare, and for that reason we got this transfer from Mr. Berman under date of July 24, 1923, "Received of Joseph Ferare the sum of \$1259.72 in consideration of which I hereby resign to the said Joseph Ferare all right, title and interest in the stall No. 764, Signed Maurice Berman."

The Court: Did you file bills in that case?

Mr. Cameron: No.

The Court: Mr. Cameron, what did he base his suit on?

Mr. Cameron: They questioned our title. It was brought under the common counts and a special count under the Speedy Judgment Act.

The Court: He didn't allege a breach of contract?

Mr. Cameron: No.

The Court: On that you didn't make any plea?

Mr. Cameron: No, sir, we didn't bring it to an issue there. We felt that if we were wrong we wanted to be the losers.

The Court: At any rate, it is only the suggestion.

You didn't make any concession on failure to plead. I don't think that has any issue in this case.

Mr. Davis: You knew Jackson who witnessed the receipts?

Witness: No, sir.

Q. Didn't he live right there?

A. I don't know. Mrs. Wise got him. He was a perfect stranger to me.

Q. Was Mr. Cortese present at any of these transactions?

A. Yes, both of them.

Q. First and second?

A. I think so. I am not sure about the first, but he was present at the second.

Q. He saw this woman make her mark?

A. I guess so. I don't know. There were seven or eight of us in the room, four or five colored people in a little kitchen.

HARRY M. WILKINSON

was next called, and after being duly sworn, testified as follows:

Direct Examination

By Mr. Cameron:

Q. Where do you live, Mr. Wilkinson?

A. 412 North Caroline Street.

Q. What is your business at the present time?

A. Proprietor of the Maryland Fish and Oyster Company. Prior to that I was Market Master of Belair Market and salesman for the Maryland Fish and Oyster Co.

Q. How long were you Market Master?

A. I was appointed under the Republican Administration in 1920 and continued until 1924. In 1924 I handed in my resignation because my business got larger and I could not attend to the market.

Q. It has been testified that you were at this house, 506 North Spring Street, when this transaction was going on, involving the sale of this stall. Will you be kind enough to tell His Honor whether this is a fact or not?

A. On about May 10th we got our certificates out, with the licenses.

Q. Suppose you answer my question. Were you present at any of those transactions?

A. I was present when the license was transferred in Mrs. Robinson's house.

Q. What house were you in?

A. Mrs. Robinson's, 506 North Spring Street.

Q. At the time you were there, how much money was paid?

A. At the time I was there Mr. Ferare counted eight hundred dollars to the old lady, Mrs. Robinson.

Q. That is, the mother of this woman who was on the stand here this morning?

A. I don't know whether it was her mother or not.

Q. But it was given to the old lady? Delivered into her hands?

A. Yes. She was sick and couldn't count it and passed it over to her daughter. Her daughter was nervous and asked me to count it for her. I counted it and gave it to this young lady, and she handed it over to the old lady, Mrs. Robinson.

Q. In what part of the house did that take place?

A. In the kitchen.

Q. Who else besides this woman back here, Mary Wise, was present, and Mr. Ferare and yourself?

A. Mr. Cortese, Assistant Market Master, Sam Leverson, Mr. Jackson, this woman's husband, and I guess four

or five more.

Q. Did you see Mr. Jackson write that receipt?

A. No, sir. Mr. Ferare -- they was making out a receipt on the table, and I was fixing up the license.

Q. But you were conscious that it was going on?

A. Oh, yes.

Q. And was it down in that room that all the people signed this paper?

A. It was all done in the kitchen, outside of the time we went up there and got Mrs. Robinson to sign her name to the 1920 license.

Q. Have you ever seen this paper before?

A. No, sir.

Q. Although it has been testified that this paper was prepared there that night, you didn't see it?

A. No, Mr. Ferare didn't show it to me.

Q. I am referring to Plaintiff's Exhibit No. 6.

Can you tell His Honor who made this mark on the license?

A. No. It was a very narrow stairway there, and the old lady, Mrs. Sarah Robinson, was upstairs sick. She was very nervous and couldn't get around so good, so my assistant Market Master takes it up to her and she signs her cross mark.

Q. This was not done the night the \$800 was paid?

A. Oh, yes it was.

(Counsel for Defendant objected because witness did not take the paper to Mrs. Robinson at all).

Q. Did you take that paper to her?

A. In the afternoon I got this license, about two weeks before Mrs. Robinson sold the stall. She showed me a whole cigar box full of licenses.

The Court: Do you mean the old lady?

A. Yes, sir.

The Court: The one who got the money?

A. Yes, sir.

The Court: You got that license from the old lady?

A. Mrs. Robinson's daughter came to my house and I wasn't home but she saw my wife. When I came home my wife said "Go to 506 Spring Street, Mrs. Robinson has a stall in Belair Market and wants to see you." I went around there about 5:30 or 6:00 o'clock and went upstairs and says "How are you feeling?" She says, "Pretty bad. I don't think I will live very long. I will have to sell my stall, I need money for medicine." I said, "Oh, you are going to get better. Have you your license here?" She went in the bureau drawer

and got the license for 1922. I said "Mr. Berman rents the stall, don't he?" I said "You give him the first chance to buy it. The man has built his business up there and is entitled to the stall." She says "All right, I will call Mr. Berman up." That went along about a week or two. The lady came around to my house again. She said she had called up Mr. Berman and he only offered her \$700. She said, "What is that stall valued at?" I said, "I don't know. As much as you can get as far as that is concerned." I said, "You had better call up Mr. Berman". Mr. Jackson went out and called Mr. Berman up. His wife was home and later he called up. Jackson come back and says "Mr. Berman won't give no more than what he said". I went home, and I guess about a week afterwards she got hold of my assistant Market Master and told him that the stall was for sale, and he got in touch with Mr. Ferare. Mr. Ferare and Mr. Leverton went up there and I understand bought the stall and left the \$100 deposit on it. I was down to the market. They came down in a Ford car for me and me and my assistant Market Master, Mr. Ferare and Mr. Leverton and six or seven other people were in the house, and Mr. Ferare paid the money and I was fixing the license up. The first license I got hold of was 1920, to make sure her name was Sarah Robinson.

Mr. Cameron: This is in response to a question that Your Honor was asking.

The Court: I think it is an answer to all the questions I asked.

Mr. Cameron: How long had you been collecting rent for that stall?

Witness: I collect no rent from any stall.

Q. Do you call this paper a certificate?

A. No, that is a license.

Q. You never had anything to do with the money paid on that?

A. No, they got that at the City Hall.

The Court: A renewal every year?

A. Yes, sir.

Mr. Cameron: The old lady had a drawer full you say?

A. No, a cigar box full.

Q. Did you examine them at that time?

A. I looked at the whole lot of them.

Q. Did you see how far back they ran?

A. A good while back before I became Market Master, and before Mr. Dean, the former Market Master.

Q. Then I understand you to say that you did not see

that mark put on this certificate?

A. No.

Q. And, although this receipt was made out by Mr. Jackson, you have not seen it until you see it in the Court Room today?

A. That is the only time I have seen it.

Cross Examination

By Mr. Main:

Q. Mr. Cameron showed you one of these receipts. Have you ever seen the other one?

A. I think the first receipt Mr. Ferare got when he first paid the money.

Q. Mr. Ferare testified on direct examination that you were not with him at this house when he paid the \$100. Did you go with him?

A. No, Mr. Leverson was.

Q. You knew nothing about these receipts until you came in the Court Room today?

A. Never seen them.

Q. You were not present when this cross mark was made on this receipt?

A. I was down stairs and my assistant Market Master

took it upstairs to Mrs. Robinson as she was sick.

Q. Who is that sitting there?

A. Mr. Cortese.

Q. Were you present when this other cross mark was made?

A. Yes, I seen her make it.

Q. Who wrote Sarah Robinson there?

A. I think my assistant Market Master done that, on the second floor of her room, in the presence of myself, her daughter and herself.

Q. Was Mary Wise there?

A. Yes, that is how I found her name was Sarah Robinson.

Q. What did she say her name was?

A. Sarah Robinson.

Q. And she directed him to write her name there?

A. Yes, and she made her cross mark there.

The Court: She called herself Sarah Robinson?

A. Yes, sir. She said it when she made the mark.

LEO P. CORTESE

was then called to the stand, and after being first duly sworn, testified as follows:

Direct Examination

By Mr. Cameron:

Q. Were you around at 506 North Spring Street the night this \$800 was paid?

A. Yes, I was.

Q. It has been testified to here that you handled this certificate. Did you?

A. Yes. I held the old lady's hand while she made the cross mark.

Q. Where did she do that?

A. This cross mark was made in the basement, the other one in the upstairs room.

Q. When all the people were there?

A. Yes, Mary Wise--

The Court: Did you write the name?

A. I did on that one paper, but the stenographer at the City Hall wrote it on the other one.

The Court: Who wrote the name?

A. I wrote the name on the 1920 license.

The Court: Where did you get that name from?

A. From a previous license.

The Court: You put it there because you saw it on the previous licenses?

A. No sir. Because Mary Wise told me that her mother was Sarah Robinson.

Mr. Cameron: What did you mean to say about the previous licenses?

A. All that I can remember during the three years I have been there were made to Sarah Robinson.

Q. How long have you been assistant Market Master?

A. This coming January it will be three years.

The Court: Were you there with Mr. Wilkinson?

A. Yes, sir.

Mr. Cameron: How long have you been engaged around the markets? Before you were Assistant Market Master, what did you do?

A. I worked at Sheppard's stove place.

Q. Then you have only been there at the markets for the last three years?

A. Oh, no. I have worked around the markets all my life. My father kept a stall there and I have worked there all my life off and on.

Q. And you know this stall, No. 764?

A. Yes.

Q. Who owned it in 1922, at the time of this sale?

A. Mollie Berman.

Q. How long have you known him to keep this stall?

A. Ever since I have been there.

Q. How long before that?

A. I can't tell you exactly but it was before I became assistant Market Master.

Q. Do you know who occupied it before Mollie Berman?

A. I don't know.

Q. You don't know that a Mr. Restori occupied it?

A. No, I do not.

Cross Examination

By Mr. Main:

Q. You call him Mollie Berman. His name is Maurice, isn't it?

A. Yes, it is.

Q. Did you see the mark made on this paper?

A. Yes.

Q. Who made this mark?

A. Sarah Robinson, up in her bed room.

Q. What did she say before the mark was made on there?

Who did she say she was?

A. Sarah Robinson.

Q. Did any one ask her her name?

A. Mr. Wilkinson, and I.

Q. What did she say?

A. She said it was Sarah Robinson.

Q. Had any one else told you she was Sarah Robinson?

A. Mrs. Wise.

Q. When this woman, Mrs. Wise, told you that that was Sarah Robinson, where did that take place? Where were you and Mrs. Wise?

A. After she had seen Mr. Wilkinson, about a week or so afterwards, I was standing down at the fish stall, because I work there too, and I was standing at my stall on Tuesday or Friday. Mary Wise came up and asked if I knew anybody who wanted to buy a stall. She said it was near McElderry Street. She said "My mother owns the stall, Sarah Robinson." I said, "Why don't you sell it to Mollie Berman?" She said, "He don't want to give me what I want for it. My mother sick and I need money for the Doctor and medicine."

Q. When you asked the woman who was in bed what her name was, where was Mary Wise?

A. Up in the bed room too.

Q. Did she say her name was Sarah Robinson?

A. Yes.

Q. Have you ever seen the receipts?

A. No, because I was in the front room.

Q. Who wrote the receipts? Do you know?

A. No, sir. I don't know.

Q. Do you know this man, Jackson?

A. Yes.

Q. How long have you known him?

A. I knew him for seventeen years. When he was an undertaker.

Q. He went out of the undertaking business, didn't he?

A. I don't know.

Q. Is that the man who had just gotten out of the penitentiary in 1922?

A. I don't know.

Q. Do you know where he worked after he quit the undertaking business?

A. No.

MAURICE BERMAN

after being first duly sworn, testified as follows?

Direct Examination

By Mr. Cameron:

Q. What is your business?

A. Produce.

Q. Where do you carry on your business?

A. Belair Market.

Q. On any particular numbered stall?

A. Yes, sir.

Q. What is the number of it?

A. I occupy No. 764. I occupy 752 and 754, 620 and 622.

The Court: Are they all connected?

A. No, sir. I have different men working for me.

Mr. Cameron: How long have you occupied 764?

A. I could not tell the exact amount of years but, as far as I can recollect, six or seven years.

Q. From whom did you originally rent that stall?

A. I rented from a colored lady by the name I have always known as Sarah Robinson.

Q. Did she always collect the rent?

A. Either she did or her daughter, Mrs. Mary Wise.

Q. You mean the woman who testified today?

A. Yes.

Q. Do you mean that for a certain length of time the old lady collected it, and then the younger woman did?

A. Sometimes one would collect it, and then the other.

Q. You bought this stall from Mr. Ferare, didn't you?

A. Yes.

(Counsel for Plaintiff offered reassignment of stall as Plaintiff's Exhibit #7.)

Q. Whose signature is that?

A. My attorney's.

Q. And this?

A. Yours.

Q. Did you see those being signed?

A. Yes.

Q. You signed that on July 24, 1923?

A. Yes.

Q. This woman who testified here this morning, how long have you known her name?

A. I have only known her name probably two years.

Q. And that has been since the old lady died?

A. Yes.

Q. Before that you didn't know it?

A. I knew it was Mrs. Robinson's daughter, because Mrs. Robinson told me that any time she could not collect the rent she would send her daughter.

Q. Would she give you a receipt for it?

A. No, sir, never did. It was a transaction amongst ourselves.

Cross Examination

By Mr. Main:

Q. Did you talk with the woman to whom you paid the rent of the stall when she would come to collect the rent?

A. Yes.

Q. What name did she give?

A. Sarah Robinson.

Q. Did you know her by any other name?

A. No, sir.

Q. When she wanted to sell the stall, who did she say she was then?

A. She told me she wanted to sell the stall and thought that I should have preference. I asked her whether she owned it or not. I said, "What is your name?" and she said "Sarah Robinson." I went to the City Hall to see if the stall was in the name of Sarah Robinson. I found out it was and I had known her to be Sarah Robinson so many years, so I asked her what she would take for it and she said one thousand dollars. I said seven hundred dollars would be plenty for it. She told me she would not take seven hundred, so I told her I was not interested. I think it was probably three weeks after that my wife got a telephone call saying she wanted to see me. The telephone call said was I interested

in the stall. I said I would give Six hundred dollars but that that was all I would give. They said the stall is sold and I said, "Good luck to you".

Q. When did you first learn it was sold to Ferare?

A. I think sometime about the 15th day of November.

Q. How soon after that did you know that Ferare had paid nine hundred dollars to these people?

A. About a week afterward.

Q. Then, when did you buy it from Ferare?

A. About a week after that. I was told they wanted to sell it, so I seen where I had made a mistake and I thought I would let them make a little profit on it and Mr. Ferare sold it to me for Twelve hundred dollars.

Q. Did you pay it?

A. I did.

Q. When did you learn that the title wasnot good?

(Counsel for Plaintiff objected to the question.)

(Objection sustained).

Mr. Main: Did you file suit against Mr. Ferare?

A. I did.

Q. In March, 1923?

A. Yes.

(Objected to).

The Court: Unless there is something in those papers that tends to commit Mr. Ferare, I don't think we should have it.

(Taken subject to exception).

Mr. Main: It is filed under the Speedy Judgment Act. There are five or six counts. The seventh count, on a promissory note, is stricken out and a special count No. 7 is in the papers.

The Court: Is the affidavit to that?

Mr. Main: Yes, sir.

The Court: Was there no appeal filed?

Mr. Main: No, the judgment by default was taken in March.

The Court: If Ferare was summoned and made no answer, letting it go by default, on that statement of the case it would be relevant.

Mr. Cameron: Our desire was never to appeal in a Court of Law but to bring it in where we thought it properly belonged, in a Court of Equity. That is the reason we allowed that to go.

The Court: People do not allow judgments to go by default.

Mr. Cameron: We felt that we wanted this question to be decided, tested out and so far as we were concerned we would return the \$1200 and not appear, but we wanted to come into this Court to get all the advantages of a Court of Equity.

The Court: Do you say anything in your bill about the transaction in the City Court?

Mr. Cameron: I don't think we do, sir. But we have in this suit a reassignment to us by Mr. Berman. Mr. Berman must have felt that there was some equity there before he would give us that.

The Court: No, Mr. Berman has explained why he did that. It is a circumstance showing his attitude at the time; it is not conclusive at all.

(Exception noted).

(Declaration offered as Defendant's Exhibit No. 4.)
(in the matter of Berman vs. Ferare, City Couty).

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Mr. Main: Do you remember when the administrators transferred the stall to Mr. Gill?

(Objected to.) (Objection sustained).

Q. Are you on the stall at the present time?

A. Yes.

Q. Whose tenant are you, and to whom do you pay rent?

A. I have since that time purchased it from Mr. Gill. I rented it from Mr. Gill previously.

Q. What time was that, before or since Mr. Ferare paid you the \$1200?

A. That was after Mr. Ferare paid the \$1200. I didn't pay any rent until he gave me my money back.

Q. When was that?

A. After we had filed suit and won by default.

Q. He said he gave you the money back in August?

A. The day that was signed is the day I got my money back.

Q. This is dated July 24th. Didn't you become the tenant of Mr. Gill on July 9, 1923?

(Objected to). (Objection overruled).

The Court: You paid the rent first to Mrs. Robinson?

A. Yes.

The Court: Then you thought Ferare had bought it. Did

you pay him any rent?

A. No.

The Court: You didn't pay anybody rent while the suit was pending?

A. No, sir. That is right.

The Court: Did you pay Ferare anything after that?

A. No, sir, because I found out that the license was in Mr. Gill's name.

The Court: So you didn't pay Ferare any rent at all?

(Motion to strike out the above questioning was granted).

The Court: You never did pay Ferare any rent? You were paying to Robinson or Wise for five, six or seven years, and then after that old lady died and Mr. Ferare got hold of it you bought it from him and held it for a while and didn't pay anybody; then when you got into this difficulty you got judgment and didn't pay anybody until you got judgment; then in a little while Mr. Ferare paid you back, and after that you commenced paying to Gill?

A. That is right.

The Court: So there is no time that you paid any rent to Ferare?

A. No, sir.

Mr. Cameron: Who occupied that stall prior to your occupancy of it?

(Objected to by Counsel for Defendant).

(Objection overruled).

A. Prior to my occupancy there was an Italian named Restori, I think, who occupied it.

Mr. Main: That transfer or assignment is certainly in the Market Master's office and that is not available. The young lady says she has made a diligent search and cannot find it. The administrators made the assignment to Mr. Gill, and Mr. Berman signed it.

The Court: What is the contention of that assignment?

Mr. Main: We have a copy here.

Mr. Cameron: We expect to show that what was done was improperly done.

The Court: Suppose you can show that - is there any reason why a record of that office cannot be shown even though the proceeding is wrong?

Mr. Cameron: Yes, if it may please Your Honor, I don't think it is proper to be introduced at this time.

The Court: The paper should be in evidence if it is dealing with this transaction. If the transactions have not

been properly carried on, you will have an opportunity to show that.

Mr. Cameron: But how can I successfully attack something that we haven't here before us?

The Court: He wants to give you part of that now. Even if the paper is improperly recorded, that doesn't establish anything. Mr. Main is only trying to prove that that paper was in the City Hall, signed by Mr. Berman. I see no reason why the paper should not be offered now. I understand that the paper has been hunted for and cannot be found.

Suppose we take it subject to all its infirmities both as to its potentialities and materialities. Why shouldn't Mr. Berman sign it?

Mr. Cameron: Because if he had any right to the title, we do not know it.

The Court: Will he say whether he signed it? This is taken subject to exceptions).

Witness: I think this is a paper he asked me to make up before he would transfer the stall.

The Court: You did sign it?

A. Yes, sir.

The Court: On the 9th of July?

A. Yes.

The Court: And you were paid your money back on the 24th of July?

A. Yes.

SAMUEL LEVITON

after first being duly sworn, testified as follows:

Direct Examination

By Mr. Cameron:

Q. Can you tell His Honor where you live?

A. 428 Aisquith Street.

Q. What is your business?

A. Buying up old newspapers.

Q. Where is your place of business?

A. 428 Aisquith Street.

Q. This is Exhibit No. 3. Is that your signature?

A. Yes.

Q. Were you present, when the paper was prepared and signed?

A. Yes.

Q. Where was it prepared and signed?

A. In the basement or kitchen of 506 Spring Street.

Q. You were down there in company with whom?

A. Mr. Ferare, Mr. Wilkinson, Mr. Cortese and four
or five others.

Q. Did you see this paper prepared?

A. Yes.

Q. Who prepared it?

A. Mr. Jackson.

Q. Do you know whether he is living or dead?

A. I have heard that he was dead.

Q. Did you see the woman, Josephine Gorsuch, make her
mark there?

A. I won't say for sure.

Q. You were listed as one of the witnesses. Did you
see her there?

A. Yes. She was there.

Q. Well, you saw her make that mark?

A. Yes.

Q. Was there any money paid her?

A. Eight hundred dollars.

Q. Who paid it?

A. Mr. Ferare.

Q. And after Mr. Ferare had paid her this eight hundred

dollars, was there anything else that happened there?

A. She was nervous and gave it to that woman to count, and she got nervous seeing so much money and gave it to Mr. Wilkinson to count.

Q. But at that time this paper was prepared by Mr. Jackson?

A. Yes.

Q. And Miss Josephine Gorsuch was written there, and she made this mark?

A. Yes.

Q. Did you ever work around the market?

A. Yes.

Q. For how many years?

A. I have been around there all my life.

Q. Did you know who that stall belonged to?

A. Mr. Ferare asked where it was and he was told it was Mr. Berman who worked there.

Q. Mr. Ferare didn't know anything about it at that time?

A. No, he thought it belonged to Mr. Berman. After that Mr. Cortese, Mr. Ferare and myself went up there and the woman came down and asked the Market Master to come up there.

Cross Examination

By Mr. Main:

Q. Where was this woman when she made this mark?

A. I didn't see her then.

Q. What time did you go with this one?

A. That was the first time. I went in the morning.

Q. What time?

A. It was two years ago. I don't remember.

Q. Why did you hesitate a while ago?

A. I thought it was the other paper.

Q. How about this one?

A. She signed it but I didn't see her sign it.

Q. Did you hear this woman's name mentioned by any one there?

A. I don't recollect if I did or not.

Q. When this paper was signed, did you hear her name mentioned?

A. No, sir.

Q. As a matter of fact, Mr. Jackson took this in the other room and wrote it up, didn't he?

A. In the same room where the woman was.

Q. What did he put the paper on?

A. On a table.

Q. Where was Mr. Wilkinson?

A. He was there.

Q. Was Mr. Wilkinson filling out this paper here when that paper was prepared?

A. I don't remember what he was doing.

Q. Did you hear Mr. Wilkinson's testimony?

A. I heard it, yes.

Q. Did you hear him say he never saw that paper?

A. He was in the room when the paper was made out.

Q. Are you willing to swear that Mr. Wilkinson had seen this paper before he came in Court today?

A. I say the paper was in there when Mr. Wilkinson was in the room.

Q. You don't say whether he saw the paper or not, do you?

A. I won't say yes, and I won't say no.

Q. This was witnessed by you, wasn't it?

A. I guess so. I see my signature.

Q. What other name is there?

A. Joseph Ferare.

Q. And whose help?

A. Sarah Robinson.

Q. Is it her mark?

A. I don't know. The Market Master did that.

Q. Who wrote Sarah Robinson there?

A. I guess he did.

Q. Why did you sign your name there as a witness?

A. When he came down from upstairs he asked me to sign it.

Q. Wasn't this signed at the same time?

A. No, I don't think it was.

Q. This paper was signed at the time the Eight hundred dollars was turned over. Everybody has testified to that here.

A. I don't think that one was signed at that time.

Q. When did you go there and sign as a witness?

A. I went there twice.

Q. You said you were not there when this was signed?

Was it signed at the same time?

A. Maybe a few minutes later, ora half hour later.

Q. Do you remember this occurrence?

A. I remember signing my name on it.

Q. Do you tell His Honor this paper transferring the title was signed when the One hundred dollars was paid?

A. The Market Master took it upstairs and got it signed and brought it down to me.

Q. The Market Master and Mr. Cortese and all the other witnesses saw that this was signed when the money was turned over?

A. I think the other one was signed, not that one.

Q. Didn't you witness this?

A. Sure I did.

Q. And ^{how} did you know that this was signed upstairs?

A. The Market Master was upstairs. The Market Master brought it down when he turned over the money.

Q. You signed here as a witness and did not see the woman make the mark?

A. I didn't see her make the mark.

Q. Did you see her make the mark on this one?

A. Yes.

Q. How did you know she did?

A. Because she was down stairs, and couldn't count the money.

Q. This paper is dated the 16th day of November, this is dated the 7th of November and this one is dated the 15th. How many times were you there?

A. I was there a dozen times.

Q. Your memory is not quite clear on these transactions,
is it?

A. It sure is.

Q. Were you present when this mark was made on here?

A. If my name is on there I was present.

Q. That is the only way you know it?

A. That is the only way I know it.

? CASPER A. HOMAN

was the next witness called, and after being first duly sworn,
testified as follows:

Direct Examination

By Mr. Cameron:

Q. What is your position, Mr. Homan?

A. Deputy Register of Wills.

Q. Under Edwin R. Downs?

A. Yes.

Q. I am now showing you a paper and asking you to tell
His Honor what that paper is?

A. That is an account of sales, your Honor.

Q. Where does this paper come from?

A. From the vault in the Register of Wills' office, in Baltimore City.

The Court: An account of sales in what estate?

A. The estate of Sarah Robinson.

(Paper in the matter of estate of Sarah Robinson, filed in Orphans' Court).

Mr. Cameron: Is that in your hand writing, or is it in the hand writing of Mr. Gaither, and the initials are H.R.G.?

A. That is right. It is one of the Judges. It looks like Judge Gaither's.

Q. Has there ever been a final account filed in this estate?

A. Not that I know of.

Q. You would know if there were?

A. Yes.

The Court: I take it for granted you have the money?

Mr. Main: We have but we have not settled the estate

while this case was pending.

Mr. Cameron: What is that paper?

(Witness): The bond filed by the administrators.

Q. In this bond is there any reference as to the date of the death of the deceased?

A. It is dated in 1899.

Q. Who was that?

A. Sarah Robinson.

The Court: Dated in 1899? She died in 1896, I thought.

Mr. Cameron: She died in 1896, but in these papers it is stated as 1899.

Mr. Main: Did Mr. Cameron make the point that we were not the administrators of Sarah Robinson?

Mr. Cameron: No, I am not making that point.

WILLIAM S. GILL

was next called and after being duly sworn, testified as follows:

Direct Examination

By Mr. Main:

Q. Where do you live, Mr. Gill?

A. At 3130 Greenmount Avenue.

Q. What is your business?

A. I have a stand in Belair Market.

Q. Do you know stall No. 764 there?

A. Yes, I think I do.

Q. Who occupies it now?

A. Mr. Berman.

Q. Did you purchase that stall?

A. Yes, from the Sarah Robinson estate, through you and Mrs. Pratt.

Q. When did you take possession of it?

A. I think it was July 9, 1923.

Q. Did you rent the stall then?

A. Yes, to Maurice Berman.

Q. Has he paid you rent for the stall since that time?

A. Yes.

Q. Have you now sold it to him?

A. Yes.

Q. Do you remember when the assignment was made to you?

A. The 9th of July, I think is correct.

Q. Do you remember whether or not Mr. Berman signed that paper?

A. Yes, Mr. Berman signed one paper. That I am positive of.

Q. And that was put on record at the City Hall?

A. Yes. At first when I went to the City Hall they would not transfer the license to me. They came to you and got the whole ratification and then transferred it to me and gave me the license for it.

Cross Examination

By Mr. Cameron:

Q. Do I understand you to say that you knew this paper had been filed in the City Hall?

A. I was there the day the license was transferred to me.

Q. And that is all you know about it?

A. That is all.

(Argument by Mr. Cameron).

The Court: How have you shown that Sarah Robinson or her representatives were divested of the title except by some one else using that name?

Mr. Cameron: We must realize who the people are who are

setting up this claim. It is the own daughter of Sarah Robinson and the own sister of Josephine Gorsuch. Whatever title Ferare got he got from Josephine Gorsuch.

The Court: It seems it was an acquired title by some sort of a conveyance. Is there anything else in the estate except the stall?

Mr. Main: Nothing but the stall.

(Argument was heard by Mr. Main for the Defendant).

The Court: It seems to me that this is an unfortunate situation, and some one must suffer. I don't see how we can get away, though, from determining the matter by neglect to assert rights or latches on the part of the persons who might be entitled to receive benefit from this estate. We have no right to assume the gift or the purchase, but we have the right to determine the question by the visible, outward, undisputed possession. Now the possession evidently, under all the testimony, is in Sarah Robinson, who is alleged to have been represented by Gorsuch. I think it is quite immaterial in reaching what seem to be the merits of the case whether Robinson is Gorsuch, or Gorsuch is Robinson, for there is no doubt about it that the Gorsuch people did have possess-

ion for more than twenty years, complete possession without any purchase or claim. It might be immaterial whether Gorsuch called herself Robinson, or the fact that it was in the name of Robinson and Gorsuch paid the charges. I think you gentlemen have all had the experience of paying tax bills that have remained in some one's name instead of having them transferred; you have just let them go on in the same name, allowing them to remain in the case of death and after death as recorded.

The jury has changed its mind twice. At first the difficulty I had was how Sarah Robinson had ever been apparently divested of her title or right. But whether it was given to the daughter Gorsuch or not, or whether the daughter Gorsuch bought it or not, it is clearly established that Robinson died in 1896, which would be about twenty-eight years ago; or, if she died in 1899 that would be twenty-five years ago. So unquestionably more than twenty years this quasi-personal property has been in the possession of the ancestor of the plaintiff here, and for the purpose of the transfer - whether she called herself Robinson, whether she actually said that or not, or whether the Market Master finding her name still on the books considered it belonged to Sarah Robinson - I

cannot see anything in that now that would indicate a misrepresentation or intentiona; fraud. The Market Master said it had to go along as Sarah Robinson perhaps, and I don't see that anybody has done anything very wrong in saying that she was Sarah Robinson because everybody knew her as Sarah Robinson without anybody of this generation knowing whether she was still Sarah Robinson or not. That is the situation.

The Market Master had the right to assume that she was still the owner of the stall. Certainly the daughter had the right to go along as she had been doing, collecting the rent. The fundamental thing, it seems to me, is as suggested by Counsel, that the brothers and sisters right here in this community made no claim apparently for a holding. There was no suggestion of any rent being demanded or any rent being divided either by the witness who testified or by her mother at any time. I have heard no evidence of that at all. We do know that a market stall is not something that you can hand down unless you keep the charges up and it is regarded so delicately by the City that they can sell it to somebody else if you default, or even if they object to the persons who occupy it. So the person who paid the licenses, got the rent,

after a lapse of twenty years and more had a right to dispose of it.

The case in the City Court made some impression on me, as to how a person would allow himself to be sued and allow it to go by default to relieve the other party from difficulty, but I see how that could be done. It is, however, only a side light. I cannot see that the administrator has established, twenty years or more after the death of Sarah Robinson, such a change as would oust a person dealing with the descendants who have exercised all the acts of ownership. It looks to me as if it never occurred to anybody until after Sarah Robinson died to assert any sort of change at all adverse to this woman who has testified for her mother. I feel that the relief asked for should be granted.