

ORANGE COUNTY COURT RECORD.

Booklet 2 Page 245

Plaintiff Thomas William Green

Defendant

Filed July 18-1921

2/24/21

IN THE  
ORPHAN'S COURT  
FOR  
BALTIMORE CITY.

IN THE MATTER  
OF  
ESTATE OF  
THOMAS WILLIAM GREEN.

PETITION OF JOSEPH GREEN.

MR. CLERK:-

Please file, issue, etc.

*W. Leslie Prout*  
SOLICITOR for PETITIONER.

W. LESLIE PROUT  
ATTORNEY-AT-LAW  
411-13 GAITHER BUILDING  
BALTIMORE, MD.

FILED

*Feb 18 - 1921*

*Issue citation to answer the within  
petition, make same return the day  
28th 1921-  
Holog*

IN THE MATTER  
OF  
ESTATE OF  
THOMAS WILLIAM GREEN

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IN THE  
ORPHAN'S COURT  
FOR  
BALTIMORE CITY.

TO THE HONORABLE, THE JUDGES OF SAID COURT:-

The Petition of JOSEPH GREEN respectfully shows  
unto your Honors:-

1. That he is a son, by the first marriage, of Thomas William Green, deceased.
2. That at the time of the death of the said Thomas William Green, he was seized and possessed of certain valuable leasehold property, known as 112 N. Vincent Street, Baltimore, Maryland; and in addition thereto, the said Thomas William Green owned valuable furniture, bric-a-brac, etc. located in said house, and had large sums of money on deposit in one or more of the banks of Baltimore City; to wit: over Five Thousand Dollars.
3. That Martha L. Green and Daniel B. Mack were appointed by this Court to administer the estate of the said Thomas William Green, and have duly qualified as such administrators.
4. That the Inventory filed in said estate shows as property belonging to said estate, the leasehold interest of the said Thomas William Green in 112 N. Vincent Street, only, and the total value of said estate as being Seven Hundred Dollars.
5. That no account has been rendered in the Inventory, or elsewhere in the proceedings of this Court, of any furniture belonging to said estate, or of any cash in banks belonging to said estate, although the said Martha L. Green and Daniel B. Mack have stated their final account as administrators of said estate.
6. That the final administration account, as aforesaid, shows that the said Martha L. Green, in her capacity as widow of Thomas William Green, deceased, received one-third of the

estate shown by said account as remaining for distribution; and by said account also received the sum of Seventy-Five Dollars, stated to be "allowance to widow under Code", which Seventy-Five Dollars your Petitioner is informed and believes should have been in lieu of any furniture or household effects; there being at the time of the death of the said Thomas William Green no infant children as a result of his intermarriage with the said Martha L. Green.

7. That the Account of Sales filed in said estate shows the property 112 N. Vincent Street to have been sold to one Charles Leggens - this Seven Hundred Dollars constituting the total assets of said estate as shown by the Inventory filed therein - that your Petitioner is informed that the said Charles Leggens is a brother of the said Martha L. Green, one of the administrators of said estate; and your Petitioner is further informed, verily believes, and therefore charges and avers, that the money used by the said Charles Leggens in purchasing said property was given him by the said Martha L. Green, and that said money is a portion of the assets of the estate of the said Thomas William Green, deceased, which your Petitioner charges the said Martha L. Green and Daniel B. Mack, Administrators, with concealing and withholding from the knowledge of this Court.

8. That the said Thomas William Green, deceased, expended considerable money in keeping the property - 112 N. Vincent Street - in repair and in improving same, and your Petitioner alleges that the sum of Seven Hundred Dollars is not a fair value for said property nor the highest price that could be obtained therefor.

9. That Martha L. Green is the second wife of the said Thomas William Green, deceased; that at the time of her intermarriage with him, the said Thomas William Green was then Ninety-One Years of age, and the said Martha L. Green was then about Forty-Five years of age.

10. That at or about the time of her intermarriage with the said Thomas William Green, he, the said Thomas William Green, was seized and possessed of certain valuable, leasehold property on Gilmore Street, near Montrose Street, in the City and State, aforesaid, which your Petitioner is informed he sold for the sum of Sixteen Hundred Dollars; that shortly after said sale, he stated to various and sundry persons, that he had given to his wife, the said Martha L. Green, from the proceeds of said sale, the sum of Four Hundred Dollars to put away for herself, and that the rest of said money he was going to put with his other savings for his children.

11. That the said Thomas William Green, deceased, was for a number of years before his death, engaged in the oyster business at 112 N. Vincent Street, during the oyster seasons; and during other portions of the year, was engaged in the occupation of whitewashing, painting, carpet cleaning, etc. That the said Thomas William Green, deceased, was well known throughout the western portion of Baltimore City, had a well established trade from which he derived large sums of money, and was self-supporting up until a short time before his death.

12. That the said Thomas William Green, deceased, was thrifty and saving and frequently stated that he was saving all he could for his children.

13. That your Petitioner received as his distributive share of said estate the sum of \$39.56 and an additional sum of \$39.87, which your petitioner was advised was a present or gift to him from the said Martha L. Green; that your Petitioner believed that the money so received by him as aforesaid was a part of the

Four Hundred Dollars, hereinbefore referred to as having been given the said Martha L. Green by Thomas William Green, deceased, and did not know that the said Administrators were then stating their final account.

14. Your Petitioner is informed, verily believes and therefore charges and avers that at the time of the death of the said Thomas William Green, he, the said Thomas William Green, had on deposit in one of the Savings Banks of Baltimore over Five Thousand Dollars. Your Petitioner is informed that the said Martha L. Green claims that said account was in her name and that of the said Thomas William Green, deceased, and that by reason of this fact she is entitled to the money. Your Petitioner charges that the said Martha L. Green by the use of artifice, deception and the exertion of undue influence and duress upon the said Thomas William Green, deceased, influenced and procured the said Thomas William Green to change his bank account to their joint names at or about the time he gave her the Four Hundred Dollars, as aforesaid, and that she used such artifice, deception and exerted such undue influence and duress upon the said Thomas William Green, for the purpose and with the intent of defrauding your Petitioner out of money, which your Petitioner is informed, verily believes and therefore charges and avers the said Thomas William Green, deceased, always intended him to have, and at the time of his death, believed your Petitioner would get; and your Petitioner further alleges that the said Martha L. Green and Daniel B. Mack, Administrators, as aforesaid, are withholding from the knowledge of this Court information concerning this money - an asset of said estate - which this Court should have; and that they have concealed said assets for the purpose and with the intent of defrauding your Petitioner of his distributive share of same.

THEREFORE, -Your Petitioner prays this Honorable Court



to pass an order directing and commanding the said Martha L. Green and Daniel B. Mack, Administrators, as aforesaid, to make return to this Honorable Court a true and correct inventory of the estate of the said Thomas William Green, deceased.

AND for such other and further relief as the nature of your Petitioner's case may require.

AND as in duty bound, etc.

W. Leslie Prout  
SOLICITOR FOR PETITIONER.

STATE OF MARYLAND, CITY OF BALTIMORE, to wit:-

I HEREBY CERTIFY, That on this 15<sup>th</sup> day of February, 1921, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City, aforesaid, personally appeared Joseph Green and made oath in due form of law that the matters and facts set forth in the foregoing petition are true to the best of his information, knowledge and belief.

AS WITNESS my hand and Notarial Seal.

W. Leslie Prout

ORDERED BY THE ORPHAN'S COURT for Baltimore City  
this \_\_\_\_\_ day of February, 1921, upon the foregoing pe-  
tition and affidavit, that MARTHA L. GREEN and DANIEL B. MACK,  
ADMINISTRATORS, of the Estate of THOMAS WILLIAM GREEN, DECEASED,  
be and they are hereby ordered and directed to file an Inventory  
in the said estate in accordance with the foregoing petition  
unless cause to the contrary be shown on or before the \_\_\_\_\_  
day of \_\_\_\_\_, 1921.



In The <sup>7/24E</sup>  
Orphan's Court  
for  
Baltimore City

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In Re. Estate  
of  
Thos. William Green,  
deceased

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Mr. Clerk:-

Please issue, etc.

W. H. Eschmont  
Atty. for Joseph Green

In Re. Estate  
of  
Thos. William Green

In The  
Orphan's Court  
of Baltimore City

Mr. Clerk:-

Please summon the following  
witness:

Mary Lee, 112 N. Vincent St

Charles Hiffens, 112 N. Vincent St. duces tecum  
Bank or deposit book showing withdrawal of \$700.00  
for purchase of 112 N. Vincent St.

Savings Bank of Baltimore, Charles and Baltimore St.  
duces tecum account of Thos. William Green.

to testify for Joseph Green, Petitioner, and make  
same returnable ten a. m. March 9<sup>th</sup>, 1921

W. Leslie Prout  
atly for Petitioner

Filed March 8/1921  
Issued March 8/1921

ORPHANS COURT RECORD.

Probate 2 245

Marriage of Joseph Green  
Decensed.

Filed Feb 28/1921

2/28/21

Petition

112, N. Vincent

**FILED**

FEB 28 1921

EDWARD W. JACKSON  
CLERK

13

Martha F Green copy of the Petition served on  
summoned and served copy of the Petition served on  
the respondent on the 25th day of February 1921  
in the presence of Harry J Briggs

Book #110

Thomas F. McQuill  
Clerk

The State of Maryland,

**To the Sheriff of Baltimore City, Greeting:**

You are hereby commanded to cite and summon Martha L. Green,

1127 Vincent St. City

that laying all other matters aside, and notwithstanding any excuse, he personally be and appear before the Orphans' Court of Baltimore City—to be held in the Court House in the City of Baltimore on Monday the 28th. day of February 1921 at 11 A. M. to answer the petition of Joseph Green filed in the matter of the Estate of Thomas William Green, deceased.

Copy of petition attached to be served on said Respondent.

Whereof, he dare not fail at his peril. AND HEREOF, fail not at your peril,—and have you then and there this writ.

Witness, the Honorable MYER J. BLOCK, Chief Judge of the said Court.

ISSUED this 18th. day of Feb'y 1921.

TEST:

Howard W. Jackson  
Register of Wills for Baltimore City.

ORCHARD COURT RECORD.

Book 2 Folio 245

Estate of Joseph Green  
Deceased.

Filed Per Term 25/1921

**FILED**

FEB 25 1921

HOWARD W. JACKSON  
REGISTER.

11  
Summonsed Daniel B. Mack and a copy of the Petition for  
will the defendant on the 23rd day of February 1921 in the presence  
of Charles P. Keefe -  
Dated 1/16 Thos. A. McQuitty  
Clerk.

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2/21/21  
shank

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The State of Maryland,

**To the Sheriff of Baltimore City, Greeting:**

You are hereby commanded to cite and summon Daniel B. Mack,

2133 Druce Hill Ave, City

that laying all other matters aside, and notwithstanding any excuse, he personally be and appear before the Orphans' Court of Baltimore City—to be held in the Court House in the City of Baltimore on Monday the 28th. day of February 1921. at 11 A. M. to answer the petition of Joseph Green filed in the matter of the Estate of Thomas William Green, deceased.

Copy of petition attached to be served on said Respondent.

Whereof, he dare not fail at his peril.  
AND HEREOF, fail not at your peril,—and have you then  
and there this writ.

Witness, the Honorable MYER J. BLOCK, Chief Judge  
of the said Court.

ISSUED this 18th. day of Feb'y 1921.

TEST:

Howard W. Jackson  
Register of Wills for Baltimore City.

on plea Court of  
Baltimore

Petition of ~~the~~ <sup>the</sup> ~~same~~ <sup>same</sup> ~~for~~ <sup>for</sup> ~~an~~ <sup>an</sup> ~~account~~ <sup>account</sup> of  
Admrs Martha Jones  
& Geo Mack in estate  
of  
William Jones

Apparance Record

Mr. [unclear]

[Signature]

FILED

MAR 5 1921

DAVIS & BISHOP  
ATTORNEYS AT LAW  
BANNEKER BUILDING  
14 E. PLEASANT STREET  
BALTIMORE, MD.




Estate of William Green.

In The matter of petition  
of  
Joseph Green  
vs.  
Martha Green & Rev. Mack.

In The Orphan Court  
of  
Baltimore City.

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Mr Clerk please file my appearance in the above case. <sup>for the defendant</sup>  
A

  
Solicitor For Complainant.

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2/245

In the Orphans Court  
of Baltimore

In the Matter of  
The Estate of  
Thos William Green,  
dec.

Answer

Mr Clerk,  
Chas. Pitt.

Philip M. Golden  
Att'y for defendant  
W. H. Whitehouse  
Att'y for Plaintiff

PHILIP M. GOLDEN  
ATTORNEY AT LAW  
401 GAITHER BUILDING  
BALTIMORE, MD.

**FILED**

FEB 28 1921

**EDWARD W. JACKSON**  
REGISTER

In the matter of the Estate

of Thomas William Green, deceased,  
Late of Baltimore City.

\*  
\*In the Orphans Court  
\*  
\* of  
\*Baltimore City.

\*\*\*\*\*

To the Honorable the Judges of said Court.

The answer of Martha L. Green and Daniel G. Mack, administrators of said deceased to the petition of Joseph Green, heretofore filed in this Court against them shows:

- (1) That they admit the fact stated in the first paragraph of said petition.
- (2) That they admit that said deceased was seized and possessed of the property known as #112 N. Vincent Street at the time of his death but deny the other matter and facts set forth in said second paragraph in reference to money, furniture and bric-a-brac etc.
- (3) That they admit the matter and facts stated in the third paragraph of said petition.
- (4) That they admit the matter and facts stated in the fourth paragraph of said petition.
- (5) That they admit the matter and facts stated in the fifth paragraph of said petition.
- (6) That they ~~admit~~ do not admit nor deny the matter and facts stated in the sixth paragraph of said petition but say further that the furniture and household effects referred to therein belonged to and was owned by one of your respondents, to wit: Martha L. Green.
- (7) That they admit that the property referred to in the seventh paragraph of said petition was sold to one Charles Leggens, a brother of Martha L. Green, one of the administrators, for the price named, ~~with~~ but deny absolutely that the money was given him to purchase same by said Martha L. Green, but that said property was paid for with his own money and that he had the title to same examined by a lawyer, and paid for same with his own money.
- (8) That they deny the allegations set forth in the eighth paragraph of said petition and further say that said property was in very bad repair when sold and that they got a very good price for same. That said property was appraised by the Orphans Court Appraisers for Four Hundred Dollars.
- (9) That they admit that Martha L. Green was the second wife of said deceased but deny that her said deceased husband was Ninety-one years of age when he married her.
- (10) That they <sup>deny</sup> that the property referred to in the tenth paragraph of said petition was sold for Sixteen Hundred Dollars and they deny all the other matter and facts stated in said paragraph.
- (11) That they admit that the deceased was a very active man progressive and industrious, physically and mentally sound and was self-supporting up until near his death.



(12) That they admit that said deceased was thrifty and saving and frequently stated publicly that he was saving for his wife, whom he left in a sickly condition and not for his children who were all self-supporting and adults.

(13) That they admit that the petitioner received the amounts named in the ~~thirteenth~~<sup>13th</sup> paragraph of said petition which was legally more than he was entitled to, and they deny that he did not know why he was getting these amounts, stated, but that the amount~~s~~, stated to be a present resulted from a dispute as to who should pay the funeral expenses, when she then volunteered to pay same out of her own funds, which sum was then apportioned between the three children and one grand-child of deceased. That petitioner knew well what he was doing and upon receiving his share of said estate with additional amount referred to, he signed a release, under seal, before a Notary Public, releasing your respondents in the premises, which release if filed and Recorded in this Court among the Papers in this matter and which release is made a part hereof and asked to be taken herewith.

(14) That your respondents, answering the matter and facts set forth in the fourteenth paragraph of said petition, say that it is true said deceased jointly with his ~~wife~~<sup>wife</sup> the said Martha L. Green, did have an account in the Savings Bank of Baltimore, which was the usual trust account made payable to the survivor and that upon the death of her husband, this account and the title to same, became her own absolutely and that for a long time prior to the death of her said husband she had equal control over same as her said husband. That this money and account referred to in the fourteenth paragraph of said petition was and is her own money, especially since the death of her said husband. That Martha L. Green, specifically and positively denies using either artifice, deception, undue influence, duress or persuasion of any kind whatsoever upon her said deceased husband to make any change in his bank account to their joint names or to do anything else for that matter, at any time or for any purpose. That her said husband was not a man to be easily influenced by anyone to anything which he did not desire to and think best to do; your respondents further deny that they have at any time intended to or did defraud anyone out of their legal rights, nor are they withholding anything from this Court in form of information or anything else, which the Court should have and further answering the petition of said petitioner, your respondents desire to adopt and make as part of this answer, all the papers and proceedings of this Honorable Court, filed in said Court, without naming them specifically, as a part hereof and to be taken herewith, and especially the release of said petitioner in which he released your respondents as Administrators and individuals from all claims, demands liabilities, etc. on account of said estate, as a bar to any suit or action etc.

Having fully answered said petition and Order thereon, your respondents respectfully pray your Honors to dismiss them with their reasonable costs etc.

Respectfully Submitted.

*Philip M. Green*  
Solicitor for Respondents.

State of Maryland, Baltimore City to wit:

This is to certify that on this 26th day of February, 1921, before me, the subscriber a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid, personally appeared Martha L. Green, one of the administrators named in foregoing answer and also the widow of Thomas William Green, deceased, late of said City and she made oath in due form of Law that the matter and facts stated in the foregoing answer are true.

As witness my hand and Notarial seal.

*Philip W. Golden*

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Notary Public.



(541)

2/24/25  
H.B.  
Thomas M. Stumm  
Dad

Bob

FILED

MAR 9 1925

NOV 15 11 00 AM '24  
RECEIVED

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In the Orphans Court

Baltimore City

Estate of Thomas William Green

In matter of Petition of Joseph Green

After hearing by the Court on March 9th 1921 of the Evidence adduced  
and Statement of Counsel, It is this day ordered and decreed by the said  
Court that the Petition of Joseph Green, be and is hereby dismissed

Costs payable by petitioner,

March 9/21

Myself  
Harry E. Carter  
William M. Dumm