

SEPTEMBER TERM, 1928

FIRST PANEL

8

Docket.....

Page.....

Page..... No.

Trial Calendar

Superior Court of Baltimore City

Jesse Rowntree trading as
National Piano Co.

vs.

John Kellum & Mary Kellum

Jury Sworn 15 Sept, 1928

John H. Blatter - Foreman

CHRISTIAN LAUCHT, Jr. 3044 Edmondson Ave.
Manager Stationery Department, Lucas Bros., Inc.,
221 E. Baltimore St.

HAROLD S. BENNETT 907 N. Charles St.
Bond Salesman, J. A. W. Iglehart & Co., 102 St. Paul St.

JOSEPH FINKEL 829 Chauncey Ave.
Lorraine Manufacturing Co., Ladies' Wear,
605 S. Broadway.

2 ✓ MARTIN B. HEALY 4701 1/2 Homer Ave.
Clerk, John L. Alcock & Co., 1528 Munsey Bldg.

3 ✓ JAMES S. GORSUCH 3304 Auchentoroly Ter.
Clerk, Unemployed.

HERMAN I. STERMER 3142 Virginia Ave.
Stermer Paper Co. (Wholesale Paper), 100 W. Lombard St.

JAMES I. BROWN, Retired 1133 Brentwood Ave.

EDWARD C. WINTERS 1828 W. North Ave.
Bookkeeper, E. B. DuVal & Co., Inc., 7 St. Paul St.

WM. H. LEWIS 4406 Vesta Ave.
Bookkeeper, Maryland Tobacco Co., 320 W. Redwood St.

GEORGE D. BOLTON 342 E. 20th St.
Sea Food Business, 629 E. Fayette St.

MARTIN L. HOOVER 3506 Marmon Ave., Howard Park.
Stock Clerk, International Harvester Company of
America, 81 Mosher St.

HARRY W. RETTBERG 1811 N. Washington St.
Pork Packer, John A. Gebelein, 731 Castle St.

HARRY HARMAN 2419 Guilford Ave.
Manager, Enterprise Fuel Co., Bath and Front Sts.

A. EDWARD HOLL 405 Edwards Ave.
Credit Manager, Lawrence Ellerbrock, Inc.,
29 S. Frederick St.

CLARENCE E. McFREDERICK Rogers and Winton Aves.
Florist, Self, 1807 Longwood St.

4 ✓ JOSEPH E. CANBY 1305 Homewood Ave.
Clerk, Baltimore Fidelity Warehouse Co.,
Hillen and High Sts.

HENRY COHEN 4735 Reisterstown Rd.
Bookkeeper, Loewy Drug Co., Inc., 108 S. Hanover St.

LEWIS KAUFMAN, Sr. 4317 Mainfield Ave.
Supt., Sanford E. Brooks Co., South and Water Sts.

WM. P. LESTER Astor Court Apts.
Cashier and Secretary, Griffith & Turner Co.,
205 N. Paca St.

5 ✓ G. ASHTON SUTHERLAND 700 Winston Ave.
Teller, Merchants National Bank, South and Water Sts.

6 ✓ JAMES C. GREEN, Grocer, 56 E. 26th St. 2922 Wyman Pky.

7 ✓ WM. J. MORRIS 1306 John St.
Auditor, Walter W. Abell, 422 Equitable Building.

8 ✓ WM. M. BUEL, Builder 2418 Barclay St.

G. CHRISTOPHER SCHINDELE 519 N. Charles St.
Photographer, Self, 519 N. Charles St.

JOHN H. BLATTER 3403 Elgin Ave
Commission Merchant, 119 W. Pratt St.

9 DAVID ABRAMS, President, 2418 Linden Ave.
Abrams & Hornstein, Inc., 8 S. Howard St.

RAYMOND K. JOHNSON, Salesman, 3605 Kemble Rd.
J. H. Saumenig & Co., 229 Park Ave.

H. IRVIN ROGERS, Manager, 316 E. 25th St.
West End L. & S. Co., Recreation Pier.

JOHN G. GOHLINGHORST, Clerk, 2021 E. 31st St.
Retired.

10 JOHN A. ASHCOM, Salesman, 1607 N. Caroline St.

JAMES W. SHEA, Hardwood Business, 302 E. 24th St.
Self.

MILTON H. CRAWFORD, Clerk, 2031 Hollins St.
B. & O. R. R. Co.

WM. A. GISSEL, Estimator & Salesman, 1132 Longwood St.
H. Gamse & Bro., 419 E. Lombard St.

11 JOSHUA T. COCKEY, Dancing Teacher, 3426 Piedmont Ave.
2900 W. North Ave.

RICHARD M. BALMERT, Chemist, 1605 W. Lombard St.
Balto. Copper Smelting & Rolling Co., Canton.

SIGMUND GOMPRECHT, Buyer, Rogers & Key Aves.
Isaac Benesch & Sons, 569 N. Gay St.

12 LAWRENCE S. CLARKE, Salesman, 2204 Arden Rd.
Whitaker Paper Co., Guilford Av. & Saratoga St.

PLAINTIFFS'

PRAYER.

The Jury are instructed that by the true construction of the written agreement offered in evidence that ^{the} property in chattels mentioned in said agreement, remaining in the Plaintiffs until said chattels should be fully paid for, and that in event of a default by the Defendants in the payment of any of the instalments to be made by ~~her~~ ^{them} under said agreement in writing, the Plaintiffs ~~were~~ entitled to repossess said chattels and if they find from the evidence that the Defendant~~s~~ at the time the Writ of Replevin ~~was~~ ^{were} issued in this case ~~was~~ ^{were} in default in the payment of any of said instalments, then they will find their verdict for the Plaintiffs.

Paul

(Pleas Non Cepit and Property.)

John Kellum and Mary Kellum, his wife

IN THE
SUPERIOR COURT

OF BALTIMORE CITY

At the Suit of

Jesse Rosenstein, trading as the

September Term, 1927

National Piano Company

And the said John Kellum and Mary Kellum,

Defendant s in this action, by Davis & Evans
their Attorney s come and defend the wrong and injury, when, &c., and say they did not
take the said Cattle piano Goods and Chattels, in the said declaration mentioned, or
any or either of them, or any part thereof, in manner and form as the said Jesse Rosenstein,
trading as the National Piano Company.

..... Plaintiff in this action, has above thereof
complained against him: And of this the said defendant s put them selves upon the country, &c.

And for a further Plea in this behalf, the said defendant s, by leave of the Court here, for this
purpose first had and obtained, according to the form of the Statute in such case, made and provided,
say that the said Plaintiff ought not to have or maintain the aforesaid action thereof against
them because they say that the property of the said piano

goods and chattels in the said declaration mentioned, at the said time when, &c., was in them
to wit, at the city aforesaid; without this
that the property of the said piano

goods and chattels, or any part thereof, at the said time when, &c., was in the said Plaintiff, as by
the said declaration is above surpassed: And this the defendant s are ready to verify; wherefore
they pray judgment, and a return of the said piano
goods and chattels to be adjudged to the said defendant, &c.

And for a further Plea in this behalf, the said defendant s, by leave of the Court here, for this
purpose first had and obtained, according to the form of the Statute in such case, made and provided,
say that the said Plaintiff ought not to have or maintain the aforesaid action thereof against
them because they say that the property of the said goods and chattels piano etc. in the
declarations mentioned, at the said time when, &c., was in them

to wit, at the city aforesaid; without this, that the property of the
said piano goods and chattels, or any part thereof, at the said
time when, &c., was in the said Plaintiff as by the said declaration is above supposed: And this the
defendant s are ready to verify; wherefore they pray judgment, and a return
of the said piano goods and chattels to be adjudged to the said
defendant s, &c.

Davis & Evans Defendant's Attorney.

To Edwin T. Dickerson, Esq., Attorney for the Plaintiff.

SIR:—You will please take notice that a Rule hath been entered at the office of the Clerk of the
Superior Court of Baltimore City, requiring you to reply to the above pleas, within fifteen days after
the service of a copy thereof and notice of said rule.

Davis & Evans Defendant's Attorney.

1177

141

IN THE
Superior Court of Baltimore City

Jesse Rosenstein trading as
National Piano Co.

vs.

John Kellum
and
Mary Kellum

MR. CLERK:

File the within pleas and notice and
lay rule to reply.

Davis & Evans
Attorneys for Defendant.

Service admitted this 24th day

of Dec 27 1927

E. D. Druehl

Plaintiff's Attorney.

Dec 24 1927

In the Superior Court of Baltimore City,

.....Term, 192

JESSE ROSENSTEIN, trading as

NATIONAL PIANO COMPANY

vs.

JOHN KELLUM and MARY KELLUM,

his wife.

And the said Jesse Rosenstein, trading


as National Piano Company.

.....Plaintiff in this action

as to the plea of the said Defendant s,
first above pleaded, and whereof t he y ha ve put t hem sell ves upon the country, doth
the like.

And the said Plaintiff , as to the plea of the said Defendant s, by t h e m secondly above pleaded
say s that he , by reason of anything in the second plea alleged, for having and maintaining h i s
action aforesaid, to be precluded ought not, because he say s that the property of the said.....
pianogoods and chattels at the time of taking the same was in the said
plaintiffin manner and form as he by h i s declaration aforesaid
above thereof hath alleged, and this the said Plaintiff pray may be enquired of by the country.

And the said Plaintiff , as to the plea of the said Defendant s, by ~~him~~ ^{them} thirdly above pleaded, say s that
he by reason of any thing in the third plea alleged, from having and maintaining h i s action
aforesaid to be precluded ought not because he say s, that the the property of the said.....
pianogoods and chattels, at the time of taking the same, was in h i m the said
plaintiffin manner and form as the said Plalntiff , by his declaration aforesaid,
above thereof hath alleged; and this the said Plaintiff , pray s may be enquired of by the country.



.....
Attorney for the Plaintiff

Docket.....

Folio..... 1127

IN THE

Superior Court.

JESSE ROSENSTEIN, trading as

NATIONAL PIANO COMPANY.

vs.

JOHN KELLUM and MARY KELLUM,

his wife.

Replication

TO PLEAS NON CEPIT AND PROPERTY.

Filed..... 29 day of Dec 1927

BALTIMORE CITY, to wit:

THE STATE OF MARYLAND,

To the Sheriff of Baltimore City, Greeting:

Whereas Jesse Rosenstein, trading as the National Piano Co. Plaintiff

of Baltimore City, has come into the Superior Court of Baltimore City, and found sufficient sureties, as well as for their clamor to prosecute, as for the following property, viz:

- 1 Used Bus Player Piano No. 126994
- 1 Bench
- 12 Rolls Music

the property of the said Plaintiff

which John Kellum and Mary Kellum Defendants

of Baltimore City, has taken and unjustly detain s in the City of Baltimore, State of Maryland, against sureties and pledges, as it is said, to be returned, if the return thereof shall be required. We therefore command you that the Property aforesaid to the said Plaintiff

to be replevied and delivered you cause; and that you summon the said Defendants

that he be and appear before the Superior Court of Baltimore City, at the Court House in the same City, on the second Monday of December next, to answer unto the said Plaintiffs

of a plea of taking and unjustly detaining the Property aforesaid; and how you shall execute this writ, that you make known to the Superior Court of Baltimore City aforesaid; at the place aforesaid, and have you then and there this writ.

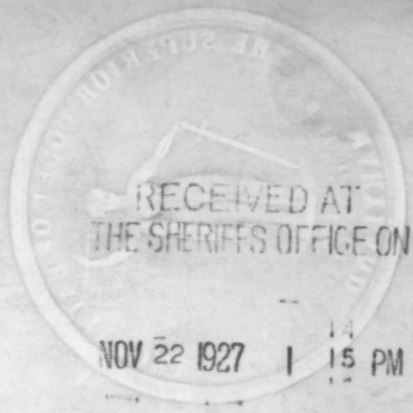
WITNESS, the Honorable JAMES P. GORTER, Chief Judge of the Supreme Bench of Baltimore

City, the 12th day of Sept., 1927.

ISSUED 22nd day of Nov., 1927.

Stephen C. Little

CLERK.



429 P. 247
IN THE SUPERIOR COURT OF
BALTIMORE CITY.

No. 141 1177/1927

Jesse Rosenstein &c

\$9.40

vs.

Mary Kellum ^{SP} 11/26/27
John Kellum &c ^{Bockman}

SP 11/28 Ruggin
7 2/20

WRIT OF REPLEVIN.

Edwin ^T Dickerson
Attorney for Pltff

13

Filed ^{11/25/27} Sheriff's Costs \$9.40
Paid 11/25/1927

Non Est
(Rayford)

replevied and delivered as per schedule herewith returned. Replevied as to the remainder of the property mentioned in the within writ. Summoned Mary Kellum, defendant, and copy left to John Kellum, defendant.

John H. Potter
Sheriff

DEC 12 1927 RENEWED TO JAN R.D. P for service only

Summoned John Kellum, defendant and copy of Mar left with said defendant

Fees \$8.95

John H. Potter
Sheriff

REPLEVIN BOND.

Know all Men by these Presents,

THAT WE

Jesse Rosenstein, Acting as the National Piano Co. Milton Dickerson and A. A. Syring
all of Baltimore City, in the State of Maryland, are held and firmly bound unto the State of Maryland, in the full and just sum of *Three hundred* Dollars, current money, to be paid to the said State, its certain Attorneys or Assigns to the payment whereof well and truly to be made and done, we bind ourselves, and each or us, our and every of our Heirs, Executors, and Administrators, jointly and severally, firmly by these presents, sealed with our seals and dated this *22nd* day of *Nov* in the year of our Lord one thousand nine hundred and *Twenty Seven*.

WHEREAS, the above bound

Jesse Rosenstein, Acting as the National Piano Co. is

about to issue out of the Superior Court of Baltimore City, a Writ of Replevin, to the Sheriff of Baltimore City, commanding him to replevy

- 1 Used Bus Player Piano No 12699X*
- 1 Buret*
- 12 Rolls Music*

the property of the said

Jesse Rosenstein, Acting as the National Piano Co.

which

*John & Mary Kellum
932 N. Silverside St*

have taken and unjustly detained, &c.

NOW THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

Jesse Rosenstein, Acting as the National Piano Co.

do and shall well and truly prosecute the said Writ of Replevin with effect, and also shall and will return the *Goods, wares & Merchandise* aforesaid, if the same be adjudged, and in all things stand to, abide by, perform and fulfill the Judgment of the Court in the Premises, then the above obligation to be void, else to be and remain in full force and virtue in law.

Signed, sealed and delivered in the presence of

J Frank Fox

Jesse Rosenstein,
President of the National Piano Co. [Sealed]
By A. A. Syring, Agt. [Sealed]
Milton Dickerson [Sealed]
3 Wood Avenue Hamilton
A. A. Syring [Sealed]
511 N. Kenwood Ave

State of Maryland, Baltimore City, Sct.

I Hereby Certify, that on this day of 192 .. personally appeared before me, the subscriber, a Deputy Clerk of the Superior Court of Baltimore City, the sureties in the within Bond, and made oath in due form of law, that they are severally residents of the City of Baltimore, in the State of Maryland, and are each respectively worth \$ over and above all debts, dues, demands and incumbrances whatever, against them besides property exempt by law from execution.

Deputy Clerk.

1177
1927
Su. Ct.

No. 141

Joseph Kasenstein
acting as the
National Piano
Company.

TO THE
STATE OF MARYLAND

Bond for Replevin

The within Bond and Securities approved
by me this *22nd* day
of *November*, 1927
Stephen C Little
Clerk of the Superior Court for Baltimore City
Filed *22* day of *Nov* 1927

Sub

RECEIVED FOR RECORD
NOV 22 1927 AT 12 O'CLOCK,
M. SAME DAY RECORDED IN LIBER
S. C. L. No. *6* FOLIO *115*, &c
ONE OF THE *Bond* RECORDS OF
BALTIMORE CITY AND EXAMINED.
Stephen C Little CLERK

(Not In Replevin)

In the Superior Court of Baltimore City

BALTIMORE CITY, TO WIT:

Jesse Rosenstein, trading as the National Piano Co.

By Edwin T. Dickerson his attorney sue
John Kellum and Mary Kellum

for that the said Defendant in the City of Baltimore, State of Maryland, seized and took the goods and chattels of the said Plaintiff, to wit:

- 1 Used Bus Player Piano No. 126994
- 1 Bench
- 12 Rolls Music

all of which are located in the City of Baltimore, State of Maryland, of the value of **one hundred and fifty**

dollars current money, there then found and being; and unjustly detained the same in the City and State aforesaid against sureties and pledges, until &c., whereupon the said **Jesse Rosenstein, trading as the National Piano Company**

is say he injured, and has sustained damage to the value of **one hundred and fifty** dollars lawful money, and thereupon he brings suit, &c.

Edwin T. Dickerson
Attorney for Plaintiff.

To **John Kellum & Mary Kellum** the Defendant named in the within declarations.

TAKE NOTICE—That on the day of your appearance to this action a rule will be entered requiring you to plead to said declaration in accordance with the Statute, or judgment by default will be entered against you.

Edwin T. Dickerson
Attorney for Plaintiff.

~~vs.~~ ~~IN THE SUPERIOR COURT OF BALTIMORE CITY~~
~~The Plaintiff elect~~ ~~to have this case tried before~~
~~a jury.~~
~~Plaintiff Attorney.~~

