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November 25th, 1932

R. E. Lee Marshall, Esq.,  
City Solicitor.

Dear Mr. Marshall:

The Committee of the Grand Jury on Nuisances and Sanitation calls attention to the difference between the amount annually charged and collected by the City as a license fee for the use of certain stalls in the Lexington Market under Ordinance No. 160, approved April 22nd, 1924, and the amount which it is alleged the owners of these same stalls receive therefor in the way of annual rent. The Committee inquires, orally, whether the rent charged and collected by said owners for said stalls cannot legally be obtained for the City.

The situation to which the Committee calls attention grows out of a practice obtaining many years since, of the City selling stalls in some, if not in all, of its markets to the highest bidder at public auction after due advertisement.

An illustration of this practice is found in the case of Wollman, et al. vs. Mayor and City Council of Baltimore, 123 Md. 310. Testimony in that case was taken in October, 1913. A witness for the plaintiff, Nimrod H. Crooks, testified that he bought a stall in the Lexington Market from the City in 1871 at public auction "under the hammer" for \$4000.00, "one-third cash, the balance two-thirds in six and twelve months;" and that the City Comptroller issued to him the following receipt:

"Baltimore, July 28th, 1871. Received of Nimrod Crooks the sum of \$1,333.33 and his notes dated the 25th of July, 1871, for six and twelve months for \$1,333.34 each, being for the purchase of stall Letter A in the Lexington Market, which notes, when paid, will be in full for said stall, subject to the ordinances of the Mayor and City Council of Baltimore regulating markets. Sam McCubbin, Comptroller."

( R.36-37 )

Mr. Crooks further testified that the City at the same time sold other stalls ranging in price from \$3850.00 to \$4400.00 a piece; that the auctioneer stated that the stalls were sold subject to an annual rent of \$20.00 and an annual license fee of \$5.00 (R.39). He further stated that he gave \$4000.00 for the stall without a customer and that now (1913) he could not get \$1500.00 for it.

Another witness at the same trial, John G. Schwartz, testified that he had been in the Lexington Market since 1871; that he bought his stall from