

Continued

The right acquired by a purchaser at these sales of a stall in a City market has been described variously and frequently by our Court of Appeals. It is said to be in the nature of an easement, limited in duration to the existence of the market, and subject to such changes and modifications in the market as the public needs may require. The purchaser acquired the exclusive right to occupy the particular stall for the purposes of the market, and none other. If he is disturbed in his possession of the stall, he may maintain an action against the wrongdoer, but he cannot convert the stall to any other use than that for which it was sold, and in his use of the stall, he is required to conform with the regulations of the market as prescribed by ordinances of the City. The Court of Appeals referred to his right in the stall as analogous to that of a pew holder in a church. It is a valuable right, transferable, may be given and taken in security for debt, and sold under execution. (Rose vs. Baltimore, 51 Md. 256; Border State Savings Institute vs. Wilcox, 63 Md. 530; Green vs. Western National Bank, 86 Md. 287).

This office has held that market stalls thus sold by the City are taxable and should be assessed for taxes at their fair value to the owners thereof. (Opinions of City Solicitor, Vol. 8, page 2253).

From the foregoing, it will be observed, that some market stalls are owned by private parties and some by the City, and yet, under existing ordinances, it seems the City imposes the same annual license fee upon all market stalls in the same class.

Apparently, it was the purpose of the City authorities in 1913, when the Wollman case was tried, to remedy this condition. In the brief filed by the City in that case, it was said that the real purpose of the ordinance over which that suit arose, giving the clerk of the market, with the approval of the Board of Estimates, the power of fixing the rents -

"Was to deal with stalls which belonged to the City, as distinguished from those which in a sense belonged to the butchers. Some stalls have been purchased and are owned by the butchers, others are owned by the City; yet, under the ordinances heretofore existing, the rent of the stall owned by the occupant was the same as that of a stall owned by the City. Manifestly, the man who pays a valuable consideration for a stall