

*Ind. May 1919 Recd. Mailed and Delivered to
George Carvel Dick for Transmission to the
Court of Appeals, Annapolis Maryland*

and City Council of Baltimore, a municipal corporation,

vs.

Moses L. Himmel.

~~Superior~~

DEFINITION AND ORDER.

*Box
2361*

Mr. Clerk:

Please file.

Field
City Solicitor,
Attorney for the Mayor and
City Council of Baltimore.

*Box
2361*

*2284
Oct. 1917*

MAYOR AND CITY COUNCIL OF BALTIMORE,
A MUNICIPAL CORPORATION,

vs.

Moses L. Himmel.

and

any other person or persons having
or claiming any interest in the
hereinafter described property.

In the

BALTIMORE CITY COURT

State of Maryland,

City of Baltimore, To Wit:

TO THE HONORABLE, THE JUDGE OF SAID COURT:—

The Petition of the Mayor and City Council of Baltimore, a municipal corporation, respectfully represents:—

(1) That the Mayor and City Council of Baltimore, a municipal corporation, is duly authorized by law and by Ordinance No. 267 of the Mayor and City Council of Baltimore, approved June 13, 1917, to acquire, in fee simple, the property herein described for the purpose of a Civic Centre or public reservation, as mentioned and referred to in said Ordinance.

(2) That for the purpose hereinabove referred to and mentioned, it is necessary for the Mayor and City Council of Baltimore to acquire, in fee simple, the following described property, located in the City of Baltimore, State of Maryland, that is to say:

BEGINNING for the first lot on the west side of Harrison street at the southeast corner of a brick dwelling on the lot now being described 183 feet 5 inches north from the northwest corner of Harrison and Fayette streets and running thence west on the south line of Lot No. 182 on Plat of "Harrison's Marsh" 115 feet 9 inches, more or less, to the southwest corner of said lot, thence north on the west line of said lot 15 feet, more or less, to the division line there situate, thence east on said line or fence, 4 feet 2 inches, to the west side of double brick privies, thence south on the west side of said privies 2 feet 2 inches to the center of the partition between said privies, thence east along the center of said partition 5 feet 4 inches to the east side of said privies, thence south along the east side of said privies 11 inches to a fence, thence east on said fence 44 feet to the west side of the back building on the lot now being described, thence north on the west side of said building 2 feet 3/4 inches to the center of the partition wall between the house on this lot and the house adjoining on the north and thence east through the center of said partition wall 62 feet 3 inches to Harrison street, thence south on the west side of Harrison street 13 feet 4 inches to the beginning.

BEING known as No. 128 Harrison street.

BEGINNING for the second lot on the west side of Harrison street at the center of the partition wall of the house on this lot and the house adjoining on the south, being 196 feet 9 inches north from the northwest corner of Harrison and Fayette streets and running thence north on the west side of Harrison street 14 feet 1 inch to the northeast corner of the brick house on this lot, thence west along the north side of said house and along the fence there situate, being also the south side of a four foot alley under the house adjoining on the north with the right to use said alley for drainage, egress and ingress 63 feet 1 1/2 inches to an angle in said fence, thence southwest on said fence 6 feet 10 1/2 inches to another angle in said fence, thence west on said fence 38 feet 11 inches to another angle in said fence, thence southwest on said fence 4 feet 2 inches and thence south on said fence on the west side of double brick privies there situate 8 feet 10 1/2 inches to the center of a partition wall between said privies, thence east along the center of said partition wall 5 feet 4 inches to the east side of said privies, thence south on the east side of said privies 11 feet to a

fence there situate, thence east on said fence 44 feet to the west side of a back building on said lot adjoining on the south, thence north on the west side of said back building 2 feet 3/4 inches to the center of the partition wall aforesaid and thence east through the center of said partition wall 62 feet 3 inches to the beginning.

BEING known as No. 130 Harrison street.

TOGETHER with the improvements thereupon, and all the rights, ways, waters, easements, privileges, advantages and appurtenances thereto belonging or in any wise appertaining, and also all the right, title, interest and estate of the parties defendant hereto, and each of them, in and to the bed of any and every highway, street, lane and alley binding on, adjoining or running through the said property.

(3) That the right, title, interest and estate of the parties hereto, in and to the property hereinbefore more particularly described, mentioned and hereby sought to be condemned, is as follows, that is to say:

All the right, title and interest of Moses L. Himmel in the fee simple interest in the property herein described.

And any and every other right, title, interest and estate of the parties hereto, and each of them, in and to the property hereinbefore more particularly described and referred to, or any part or portion thereof, to the end and intent that the Mayor and City Council of Baltimore may be seized and possessed of said property in fee simple.

(4) That the Mayor and City Council of Baltimore and its proper municipal officers are unable to agree with the owner or owners of said above-described property upon a price to be paid therefor, and it is therefore necessary that said property, with all improvements thereon and the rights and appurtenances aforesaid and the interest of the owner or owners therein, shall be acquired by condemnation, and your petitioner accordingly desires to acquire the same by condemnation. Wherefore this proceeding is brought.


(5) That your Petitioner is advised that some person or persons or bodies corporate other than those herein specifically named as parties defendant are or may claim to be entitled, seized and possessed of some right, title, interest or estate in and to the land and premises herein described, mentioned and sought to be condemned by the Mayor and City Council of Baltimore, and if any there be, it is the desire and intention of your Petitioner to have all such interest, rights, claims and estates condemned, to the end that the Mayor and City Council of Baltimore may be seized and possessed of said property in fee simple, free and discharged of all right, title, interest and estate of any and every person whatsoever, and to the end and for that purpose your Petitioner prays this Honorable Court to pass an order of publication warning all persons or bodies corporate having or claiming any right, title, interest or estate in and to the property herein described, mentioned and referred to, and herein sought to be condemned, to be and appear in this Honorable Court, in person or by solicitor, on a day certain to be named therein, to answer the premises and show cause, if any they have, why the property mentioned in the Petition should not be condemned as prayed in said petition, and to abide by and perform such order, verdict, judgment or determination as may be rendered in the premises.

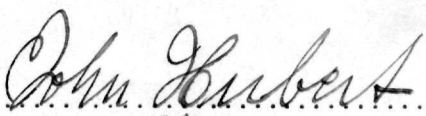
Your Petitioner therefore prays that this Honorable Court will have said parcel of land particularly described in the foregoing petition, with all improvements thereon and all rights and appurtenances in any wise appertaining thereto as described and mentioned in said petition, and every interest therein, condemned in fee simple for the use and purposes of the Mayor and City Council of Baltimore, in accordance with the requisites of the law in such cases made and provided.

And as in duty bound, etc.


.....
City Solicitor.

Attorney for Mayor and City Council of Baltimore.

I hereby approve the institution of the above suit. 


.....
Ex-Officio Mayor.

Upon the foregoing petition, it is this

8th

day of October

191 7, by the Baltimore City Court ordered that summons issue for Moses L. Himmel,

the defendants named in said petition returnable on the

24th

day of

October

191 7

AND IT IS FURTHER ORDERED, That said Defendants be notified by service upon them of a copy of this ORDER that they will be required to answer the Petition within ten (10) days after their appearance or the return day to which they are summoned, whichever shall first occur, and show cause, if any they have, why the property mentioned in the Petition should not be condemned as prayed in said Petition.

Carroll T. Bond

MAYOR AND CITY COUNCIL OF BALTIMORE

vs.

IN THE BALTIMORE CITY COURT.

3
Moses L. Himmel.

(Petition Docket No. , folio).

or public reservation

The object of this suit is to condemn in fee simple, for the purpose of a Civic Center, and for the use of the Mayor and City Council of Baltimore, property described as follows:

BEGINNING for the first lot on the west side of Harrison street at the southeast corner of a brick dwelling on the lot now being described 183 feet 5 inches north from the northwest corner of Harrison and Fayette streets and running thence west on the south line of lot No. 182 on Plat of "Harrison's Marsh" 115 feet 9 inches, more or less, to the southwest corner of said lot, thence north on the west line of said lot 15 feet, more or less, to the division line there situate, thence east on said line or fence 4 feet 2 inches to the west side of double brick privies, thence south on the west side of said privies 2 feet 2 inches to the center of the partition between said privies, thence east along the center of said partition 5 feet 4 inches to the east side of said privies, thence south along the east side of said privies 11 inches to a fence, thence east on said fence 44 feet to the west side of the back building on the lot now being described, thence north on the west side of said building 2 feet 3/4 inches to the center of the partition wall between the house on this lot and the house adjoining on the north and thence east through the center of said partition wall 62 feet 3 inches, to Harrison street and thence south on the west side of Harrison street 13 feet 4 inches to the beginning.

BEING known as No. 128 Harrison street.

BEGINNING for the second thereof on the west side of Harrison street at the center of the partition wall of the house on this lot and the house adjoining on the south, being 196 feet 9 inches north from the northwest corner of Harrison and Fayette streets, and running thence north on the west side of Harrison street 14 feet 1 inch to the northeast corner of the brick house on this lot, thence west along the north side of the said house and along the fence there situate, being also the south side of a four foot alley under the house adjoining on the north with the right to use said alley for drainage, egress and ingress 63 feet 1 1/2 inches to an angle in said fence, thence southwest on said fence 6 feet 10 1/2 inches to another angle in said fence, thence west on said fence 38 feet 11 inches to another angle in said fence, thence southwest on said fence 4 feet 2 inches and thence south on said fence on the west side of double brick privies there situate 8 feet 10 1/2 inches to the center of a partition wall between said privies, thence east along the center of said partition wall 5 feet 4 inches to the east side of said privies, thence south on the east side of said privies 11 feet to the fence there situate, thence east on said fence 44 feet to the westside of the back building on the lot adjoining on the south, thence north on the west side of said back building 2 feet 3/4 inches to the center of the partition wall aforesaid and thence east through the center of said partition wall 62 feet 3 inches to the beginning.

BEING known as No. 130 Harrison street.

That the Mayor and City Council of Baltimore is unable to agree with the owner or owners of said property upon the price to be paid therefor, and it is necessary that said property, with all improvements thereon and the rights and appurtenances aforesaid and the interest of the owner or owners therein shall be acquired by condemnation and that the Petitioner desires to so acquire said property.

4 IT IS THEREUPON ORDERED BY THE BALTIMORE CITY COURT, this *8th* day of _____, 1917, That the Mayor and City Council of Baltimore cause a copy of this ORDER to be inserted in some daily newspaper, published in the City of Baltimore, once a week for three (3) successive weeks, giving notice to all persons having or claiming any right, title, interest or estate, in and to the above-mentioned property, of the object and substance of this Petition, and warning them and each of them to be and appear in this Court, in person or by solicitor, on or before the *31st* day of *Oct.*, 1917, to show cause why said property and their interests therein should not be condemned, in fee simple, as prayed in the Petition.

Carroll T. Bond
.....

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22
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IN THE

BALTIMORE CITY COURT

Docket No. 8 Folio 22

MAYOR AND CITY COUNCIL OF
BALTIMORE, A MUNICIPAL
CORPORATION

VS.

MOSES L. HIMMEL ET AL.

ANSWER OF SOLOMON HIMMEL, LEON
W. HIMMEL, ISIDOR HIMMEL AND
JEANNETTE HIMMEL AND PRAYER
FOR JURY TRIAL

Service of copy admitted this
9 day of Nov. 1917.

J. S. Aldred
Solicitor for Plaintiff.

Mr. Clerk:-

Please file.

Knapp, Ullman & Tucker
Solicitors for above
answering Defendants,

Filed *9th* November 1917.

KNAPP, ULMAN & TUCKER,
ATTORNEYS AT LAW,
FIDELITY BUILDING,
BALTIMORE, MD

MAYOR AND CITY COUNCIL OF
BALTIMORE, A MUNICIPAL
CORPORATION
VS.

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IN THE
BALTIMORE CITY COURT

MOSES L. HIMMEL ET AL.

* Docket No. 8 Folio 22

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

An order of publication having been made in the above case, giving notice to all persons having or claiming any right, title, interest or estate in and to the property mentioned in the petition filed herein, and warning them to show cause why said property and their interests therein should not be condemned in fee simple, as prayed in said petition, the joint and several answer of Solomon Himmel, Leon W. Himmel, Isidor Himmel and Jeannette Himmel to said petition ^{filed by leave of Court} is as follows:-

FIRST - Answering the first paragraph of said petition, these Defendants say the only information they have of the ordinance therein mentioned is contained in the said petition. These Defendants neither admit nor deny the existence of such ordinance, but these Defendants deny the right of the Mayor and City Council of Baltimore to condemn the property mentioned in said petition for the purpose therein stated, and these Defendants reserve all rights that they may have to raise and maintain defences based upon the lack of power or authority in said Mayor and City Council of Baltimore to condemn and take the property aforesaid, whether the said defences be upon constitutional grounds or otherwise, and especially any defence upon the unconstitutionality of any ordinance or ordinances of the Mayor and City Council of Baltimore purporting to give the said

municipal corporation the right to institute and maintain the proceeding brought herein.

SECOND - These Defendants, answering the second paragraph of said petition, deny that it is necessary for the Mayor and City Council of Baltimore to acquire in fee simple the property located in Baltimore City and described in said paragraph two of said petition, together with the improvements thereon, and all the rights, ways, easements and privileges belonging or in anywise appertaining, and all the right, title and interest of the parties defendant thereto in and to the bed of any and every highway, street, alley or lane binding, adjoining or running through said property.

THIRD - Answering the third paragraph of said petition, these Defendants admit and aver that they are the owners in fee simple of the property and premises described in said petition.

FOURTH - Answering the fourth paragraph of said petition, these Defendants deny that the Mayor and City Council of Baltimore and its proper officers are unable to agree with these Defendants, the legal owners of said fee simple estate in said property and improvements thereon, upon a price to be paid for the same, and these Defendants aver that the said Mayor and City Council of Baltimore have made no real and bona fide attempt to come to any such agreement with these Defendants, and have offered no price proper to be paid to these Defendants as a fair and reasonable price for said property, improvements and premises; and these Defendants further deny that it is necessary that said property, with all of its improvements, shall be acquired by condemnation, and they also deny the right of the petitioner to acquire the same by condemnation.

Further answering said fourth paragraph, these Defen-

dants say that said premises are occupied as a factory for the manufacture of trade fixtures and office furniture, and have installed thereon valuable and ponderous machinery, which cannot be moved without inflicting upon these Defendants heavy losses and that for these Defendants to be compelled to move the said machinery from said building would inflict upon these Defendants serious financial burdens and losses.

FIFTH - Answering the fifth paragraph of said petition, these Defendants deny that any person or persons or bodies corporate other than these Defendants own or claim to be entitled, seized and possessed of any right, title and interest to the property and premises mentioned and sought to be condemned, but, on the contrary, these Defendants aver and charge that they are the sole owners of said property, improvements and premises.

SIXTH - Further answering said petition and each and every paragraph thereof, these Defendants say that the said property and improvements are of great value and a source of substantial revenue and income to them, and same are particularly well located and adapted to the business which is conducted thereon, and it will be a great hardship to these Defendants if the Mayor and City Council of Baltimore should be allowed to condemn and take over this property, and these Defendants further say that this Court has no jurisdiction in the premises.

WHEREFORE having fully answered said petition, these Defendants pray:-

1. That the said petition of the Mayor and City Council may be dismissed and these Defendants allowed their reasonable costs in the premises.
2. That if it be determined this Honorable Court has jurisdiction in the premises and the said petition retained, these

Defendants pray that they may be awarded such damages as will fully compensate them for all the losses which they will sustain in the premises.

And as in duty bound, etc.

Knapp, Alwan & Tucker
Solicitors for the above answering
Defendants.

MAYOR AND CITY COUNCIL OF
BALTIMORE, A MUNICIPAL
CORPORATION
VS.
MOSES L. HIMMEL ET AL.

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IN THE

BALTIMORE CITY COURT

Docket No. 8 Folio 22

The Defendants, Solomon Himmel, Leon W. Himmel,
Isidor Himmel and Jeannette Himmel elect to have this case
tried before a Jury and therefore pray that same may be so
tried.

Knapp, Alunan & Tucker
Solicitors for above answering
Defendants.

7.

No. 75

Filed 24th February 1900

MAYOR & CITY COUNCIL OF BALTIMORE
VS.
SOLOMON HIMMEL, LEON HIMMEL and
ISIDOR HIMMEL, co-partners,
trading as
M. L. HIMMEL & SON, ET AL.

IN THE
BALTIMORE CITY COURT

Civic Center Cases
Nos. 31 to ~~32~~⁴⁰, inclusive. *amdt*
No. 42

IT IS AGREED between counsel for the respective parties
in the above entitled causes as follows:

1. That the equitable title to all of the several
properties which are the subject matter of the said respective
condemnation proceedings ^(except certain ground rents on some of them) is vested in Solomon Himmel, Leon Himmel
and Isidor Himmel, co-partners, trading as M. L. Himmel & Son;
and that the several legal owners of said properties held the same
for the benefit of said co-partnership.

2. That said cases shall be consolidated and tried
together and that a single award shall be made covering the in-
terest ~~and~~ⁱⁿ fee of said co-partnership in such of said properties
as are owned by it in fee as aforesaid, and the leasehold inter-
est of such of said properties as are owned by it as to the
leasehold thereof as aforesaid.

J. J. Field, City Solicitor
By George Arnold, Esq., of Seat,
Attorneys for Plaintiff.
Krafft, Wilson & Tucker
Edgar Allen Poe
Attorneys for Defendants.

13

Filed Both April
1919.

MAYOR & CITY COUNCIL OF BALTIMORE	:	IN THE BALTIMORE CITY COURT
	:	
VS.	:	CIVIC CENTER CASES NOS.
	:	31 to 42 inclusive,
SOLOMON HIMMEL, LEON HIMMEL and	:	CONSOLIDATED.
ISIDOR HIMMEL, co-partners trading	:	
as M. L. HIMMEL & SON, et al.	:	
	:	

IT IS HEREBY AGREED that in making up the record for the Court of Appeals in the matter of the appeal of the Mayor & City Council of Baltimore in the above consolidated cases, the clerk shall only set forth therein the pleadings in one case and that the appeal and bills of exception shall be treated as applicable to all of said cases, and that the decision of the Court of Appeals upon said appeal shall cover all of said cases.

Knapp Ulman Tucke
Barter, P. & Coopers
Attorneys for Property Owners

S. A. Guild
Carroll Arnold Guild
Attorneys for Mayor & City Council.

$\frac{22}{8}$ to $\frac{31}{8}$ ind. and $\frac{33}{8}$

Nos. 31 to 40 ind and No 42

Defendants Jury

Wish

$\frac{22-23-24}{8} \cdot \frac{25-26-27}{8} \cdot \frac{28-29-30}{8} \cdot \frac{31 \text{ and } 33}{8}$

D. Nos. 31-32-33-34-35-36-37-38-39-40 and 42

BEFORE THE JUDGE-AT-LARGE NO. 3.
3rd-3 Weeks January Term 1919

(BEGINNING MONDAY, FEBRUARY 24TH, 1919)

BALTIMORE CITY COURT.

Mayer and City Council of Baltimore

Municipal Corporation

Moses L

*Simuel Solomon Simuel Scott M. Simuel Isidor Simuel
and Ignace H. Simuel, Helen A. Smithicuro, Annie G. Ridgely, Henry C.
Ridgely Hugh E. Foster Barbara and Lydia G. Foster Barbara C. Allcutt
Manning, John Clark Manning, Marshall C. Davis, Humboldt
Realty Company and any other person or persons having or
claiming any interest in the herein after described
property.*

Jury Sworn 24th February 1919

Fred H. Gottlieb

Foreman

2	Gilbert H Allen	3711 Park Heights Ave	Asst Supt, Stewart & Co
3	Isaiah T Justis	1943 W Mulberry St	Produce
4	Charles Siegmund	405 N Broadway	Grocer
	Edward H Breuning	1055 Harford Ave	Foreman
	Henry P Smith	242 Wilson St	Retired
	Herman Knollenberg	112 S Patterson Pk Ave	Insurance
	George W Aires	3105 E Baltimore St	Foreman, H D Dreyer & Co
	George P King	2826 Parkwood Ave	Collector
5	Robert L Thornton	530 E 21st St	Retail Liquor Dealer
6	Louis C Wilds	101 Jackson Square	Clerk, Balto Transfer Co
7	Lester E Green	3636 Beech Ave	Machine Adjuster, Sharp & Dohme
	Richard T Franck	321 E Biddle St	Clerk, U S F & G Co
8	Sol M Brenner	937 Brooks Lane	Salesman, M S Levy & Sons
	Richard A J Magill	2426 N Calvert St	Tailor
	John W Mullineaux	124 W 22nd St	Real Estate
9	Charles E Wingate	141 N Luzerne Ave	Painter
	<u>Fred H Gottlieb</u>	2404 Eutaw Place	Treas, American Finance Co
	Casper O Bittorf	912 N Patterson Pk Ave	Baker, City Baking Co
	Wm H Schmidtman	527 E 20th St	Teller, Continental Trust Co
	Richard G Bradyhouse	22 N Kenwood Ave	Retired
10	Herman H A Meiser	1914 W Baltimore St	Propr of Iron Works
11	Frek B Herman	2307 Edmondson Ave	None
	Charles Birkenstock	2211 E Baltimore St	Agent, Balto Am Fire Ins Co
12	Charles W Johnson	1018 N Arlington Ave	Feed
	Thomas E DeBaufre	45 Wheeler Ave	Cigar Maker, H C Pfaff

11 22

8
IN THE BALTIMORE CITY COURT.

Mayor and City Council of Bal-
timore,

vs.

Himmel, et al.

PETITION AND ORDER EXTENDING
TIME FOR FILING BILLS OF EX-
CEPTION.

Mr. Clerk:

Please file.

Special Assistant City Solicitor.

Mayor and City Council of Baltimore :

vs. :

Himmel, et al. :

In the

Baltimore City Court.

-----oOo-----

TO THE HONORABLE JAMES M. AMBLER, JUDGE OF THE BALTIMORE CITY COURT:

The appellant, the Mayor and City Council of Baltimore, respectfully shows to the Court that final judgment was entered in the above entitled cause on the 3rd day of April, 1919; that the appellant filed with the Clerk of this Court a notice of an appeal, on the part of appellant, to the Court of Appeals of Maryland, on the 4th day of April, 1919; that on the 9th day of April, 1919 the appellant, by its counsel, presented to the counsel for the appellees its bills of exception in the above entitled cause, but that the counsel for the appellees have, up to this time, failed to return to the counsel for the appellant any objections or exceptions to the said bills of exceptions; that the said bills of exception are lengthy and complicated and the appellant fears that unless the time for filing the said bills of exception be extended it will be unable to have the said bills signed within the time allowed by law. It, therefore, prays that the time for filing said bills of exception be extended by the Court until and including the 28th day of April, A.D., 1919.

MAYOR AND CITY COUNCIL OF BALTIMORE

By

George Arnold Fink
Special Assistant City Solicitor,
its attorney.

STATE OF MARYLAND,

TO WIT:

CITY OF BALTIMORE,

I HEREBY CERTIFY That on this 21st day of April, in the year nineteen hundred and nineteen, before me, the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore aforesaid, personally appeared George Arnold Frick, who being duly sworn, made oath in due form of law that the matters and things set forth in the above petition are true as therein stated.

WITNESS my hand and Notarial Seal.


George Arnold

Notary Public.

On the foregoing petition, the time for filing the bills of exception in the above entitled cause be and the same is hereby extended until and including the 28th day of April, A.D., 1919.

James M. Decker

221031 and 33

8 8 8
IN THE BALTIMORE CITY COURT.

10

Mayor and City Council of Baltimore,

vs.

M. L. Himmel, et al.

ORDER OF APPEAL.

Mr. Clerk:

Please file

J. S. Gault, City Solicitor
by George Arnold Gault, Jr. Secy.
Atty for the M.C.C. of
Baltimore.

Mayor and City Council of Balti- :
more, :
vs. : In the
M. L. Himmel, et al. : Baltimore City Court.
:

Mr. Clerk:

Please enter an appeal to the Court of Appeals of Maryland
for the appellant in the above entitled consolidated causes.

S. S. FIELD
City Solicitor,

George Arnold Greig
Special Assistant,
Attorney for the petitioner appellant.

I hereby approve the taking of the ^{appeal} ~~case~~ in the above
entitled case.

James O. Christy
MAYOR.

pages 22 to 31 in D. and
page 33 Booklet #8.

Refused
Prayers

Wm. L. Mayer
of Baltimore

Wm. L. Mayer
of Baltimore

Petitioner's 6th Prayer.

The Court instructs the jury that under the law and ordinance, under which this proceeding is brought, the city is *not* authorized to acquire and is not seeking to acquire any personal property which may be located in the improvements upon the land involved in these proceedings, but all that the city seeks to acquire or is authorized to acquire in these proceedings is real estate as distinguished from personal property; that the term "real estate" includes the land and the buildings thereon and such machinery, if any, as the jury may find is a part of the improvements on the land and not merely a part of the equipment of the furniture manufacturing business conducted by some of the defendants thereon. That the jury should consider as a part of the improvements all such machinery or appliances, if any, as are so annexed to the land or the buildings that they could not be removed therefrom without tearing or substantial injury to the land or buildings, and also all such machinery or equipment, if any, as the jury may find could not be removed from the buildings without impairing the usefulness of the buildings for general purposes. The jury are not to find any separate value on any of the machinery, but they are to consider such machinery as they may find to be a part of the improvements as defined in this instruction, so far, and only so far as the jury may find that such machinery affects the market value of the real estate, and the inquiry of the jury should be for such sum as they may find from the evidence to be the market value of the land and the improvements, considered as a whole.

Refused

Petitioner's 7th Prayer.

The Court instructs the jury that they must not take into consideration the value of any machinery which they may find to be merely a part of the equipment for conducting the furniture manufacturing business and may be removed from the premises without tearing or substantial injury to the premises and without impairing the usefulness of the land and improvements for general purposes, and may be used elsewhere for the purposes for which such machinery is adapted.

Refused

Nos. 31 to 40 ind. and Nos. 2
Pages 22 to 31 ind. and page 33
of Petition Docket No. 8.

"Granted Prayers"

Mayor and City Council
of Baltimore

No. -
Moses L. Finney
et al.

to a seller willing but not compelled to sell; and that in
having said present fair market value they ~~xxxxxxxx~~ may
consideration as reflecting upon the market value
the present structural value of the buildings
with a due allowance for depreciation; pro-
the buildings are well adapted
and the surroundings and that the existence of
the buildings on the land evidence the value of the
and amount fairly proportionate to the present
structural value of the buildings with a due allowance for

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MOSES L. HIMMEL, ET AL,

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IN THE

VS.

BALTIMORE CITY COURT.

MAYOR AND CITY COUNCIL
OF BALTIMORE.

PETITIONER'S FIRST PRAYER.

The Jury are instructed that the only issue in this case is the market value of the property taken by the City of Baltimore in these proceedings, said value to be considered as at the time of this trial, but without reference to any effect upon the value of the said property that may have been caused, or may hereafter be caused by the improvements contemplated by the Ordinance of the Mayor and City Council of Baltimore under which this property is taken, that is to say, the value of this property is to be considered as though the Civic Center had not been thought of. They are further instructed that the market value of real estate is the price which a purchaser willing but not compelled to buy the property would pay for it, and which an owner willing but not compelled to sell the property would take for it. They are further instructed that it is their duty in this case to ascertain the value of the property, considered as a whole, and to state this value in their inquisition, and that they are then to determine the amount of the just compensation to be awarded to each party in interest in the property, for his interest therein.

Grated

Petitioner's 2nd Prayer.

The jury are instructed that the evidence of the present cost of reconstructing the buildings on the land involved in these proceedings was admitted in evidence only for the purpose of throwing light upon the market value, as defined in the petitioner's first prayer, of the property as it stands consisting of the land and improvements thereon. The jury may consider the evidence of such cost so far and only so far as the jury may find that such evidence throws light upon the market value of the property, but the inquiry of the jury should be for such sum as they may find from the evidence is the market value of the property, including the improvements, considered as a whole.

Granted

Moses L. Himmel, et al.

:

vs.

:

Mayor and City Council of Baltimore.

:

In the
Baltimore City Court.

Petitioner's *3d* Prayer.

The Jury are instructed that they are not to consider the fact that the premises have been specially adapted to any particular business, unless such special adaptation affects the market value of the property. In such case the Jury shall consider the effect of such adaptation upon the market value, whether the effect be to increase or decrease such market value.

Granted

Moses L. Himmel, et al.

vs.

Mayor and City Council of
Baltimore.

:
:
:
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In the
Baltimore City Court.

Petitioner's Wth Prayer.

The Jury are instructed that inasmuch as the business of the owners of the property is not taken, the law does not permit them to make any allowance for the good will of the business, prospective profits or inconvenience or loss arising from interruption to the business or for moving the business or machinery and appliances to any other place.

Granted

Petitioner's 5th Prayer.

The jury are instructed that they are not to find the value of the property involved in this case to the owner thereof or to the City of Baltimore or to any other specific person or for any specific use. All the uses to which it may be put may be considered, but the issue is not what is the value for any one use or to any specific person but the value of the property on the market, which is the price that a purchaser willing but not compelled to buy would pay for it and an owner willing but not compelled to sell would take for it.

Granted

Property' Owner's First Prayer

The jury are instructed that they must award to the property owner the present fair market value of the property being condemned in this proceeding by the Mayor and City Council of Baltimore, which is the price which would be paid for such property by a buyer willing but not compelled to buy to a seller willing but not compelled to sell; and that in arriving at said present fair market value they ~~make that~~ may take into consideration as reflecting upon the market value of the property the present structural value of the buildings upon the land, with a due allowance for depreciation; provided the jury shall find that the buildings are well adapted to the land and its surroundings and that the existence of the buildings on the land enhances the market value of the land in an amount fairly proportionate to the present structural value of the buildings with a due allowance for depreciation as aforesaid. And if the jury shall further find that the land and buildings which are being condemned in this proceeding constitute a manufacturing plant, then they are further instructed that so much of the machinery, shafting, belting, engines, boilers, sprinklers, elevators, heating plant, heating and water pipes, plumbing, dust and shaving collectors and conveyors, fumixers and electric wiring as the jury shall find to be (1) actually annexed to the buildings or land that are being condemned, and (2) to have been so annexed with the intention of their remaining permanently for use in connection with the said buildings and land, and (3) to be essential to the purposes for which the buildings and land are being used, are fixtures and constitute a part of the buildings and land that are being condemned by the Mayor & City Council of Baltimore in this proceeding; and may be considered as part of said land and buildings by the jury in estimating the damages to which the owners are entitled.

Granted

MAYOR AND CITY COUNCIL OF BALTIMORE,
A MUNICIPAL CORPORATION,

vs.

Koses L. Himmel.

and any other person or persons having or claiming any interest in the hereinafter described property.

In the

BALTIMORE CITY COURT

State of Maryland,

City of Baltimore, To Wit:

TO THE HONORABLE, THE JUDGE OF SAID COURT:—

The Petition of the Mayor and City Council of Baltimore, a municipal corporation, respectfully represents:—

(1) That the Mayor and City Council of Baltimore, a municipal corporation, is duly authorized by law and by Ordinance No. 267 of the Mayor and City Council of Baltimore, approved June 13, 1917, to acquire, in fee simple, the property herein described for the purpose of a Civic Centre or public reservation, as mentioned and referred to in said Ordinance.

(2) That for the purpose hereinabove referred to and mentioned, it is necessary for the Mayor and City Council of Baltimore to acquire, in fee simple, the following described property, located in the City of Baltimore, State of Maryland, that is to say:

BEGINNING for the first lot on the west side of Harrison street at the southeast corner of a brick dwelling on the lot now being described 183 feet 5 inches north from the northwest corner of Harrison and Fayette streets and running thence west on the south line of Lot No. 182 on Plat of "Harrison's Marsh" 115 feet 9 inches, more or less, to the southwest corner of said lot, thence north on the west line of said lot 15 feet, more or less, to the division line there situate, thence east on said line or fence 4 feet 2 inches, to the west side of double brick privies, thence south on the west side of said privies 2 feet 2 inches to the center of the partition between said privies, thence east along the center of said partition 5 feet 4 inches to the east side of said privies, thence south along the east side of said privies 11 inches to a fence, thence east on said fence 44 feet to the west side of the back building on the lot now being described, thence north on the west side of said building 2 feet 3/4 inches to the center of the partition wall between the house on this lot and the house adjoining on the north and thence east through the center of said partition wall 62 feet 3 inches to Harrison street, thence south on the west side of Harrison street 13 feet 4 inches to the beginning.

BEING known as No. 128 Harrison street.

BEGINNING for the second lot on the west side of Harrison street at the center of the partition wall of the house on this lot and the house adjoining on the south, being 196 feet 9 inches north from the northwest corner of Harrison and Fayette streets and running thence north on the west side of Harrison street 14 feet 1 inch to the northeast corner of the brick house on this lot, thence west along the north side of said house and along the fence there situate, being also the south side of a four foot alley under the house adjoining on the north with the right to use said alley for drainage, egress and ingress 63 feet 1 1/2 inches to an angle in said fence, thence southwest on said fence 6 feet 10 1/2 inches to another angle in said fence, thence west on said fence 38 feet 11 inches to another angle in said fence, thence southwest on said fence 4 feet 2 inches and thence south on said fence on the west side of double brick privies there situate 8 feet 10 1/2 inches to the center of a partition wall between said privies, thence east along the center of said partition wall 5 feet 4 inches to the east side of said privies, thence south on the east side of said privies 11 feet to a

fence there situate, thence east on said fence 44 feet to the west side of a back building on said lot adjoining on the south, thence north on the west side of said back building 2 feet 3/4 inches to the center of the partition wall aforesaid and thence east through the center of said partition wall 62 feet 3 inches to the beginning.

BEING known as No. 130 Harrison street.

TOGETHER with the improvements thereupon, and all the rights, ways, waters, easements, privileges, advantages and appurtenances thereto belonging or in any wise appertaining, and also all the right, title, interest and estate of the parties defendant hereto, and each of them, in and to the bed of any and every highway, street, lane and alley binding on, adjoining or running through the said property.

(3) That the right, title, interest and estate of the parties hereto, in and to the property hereinbefore more particularly described, mentioned and hereby sought to be condemned, is as follows, that is to say:

All the right, title and interest of Moses L. Himmel in the fee simple interest in the property herein described.

And any and every other right, title, interest and estate of the parties hereto, and each of them, in and to the property hereinbefore more particularly described and referred to, or any part or portion thereof, to the end and intent that the Mayor and City Council of Baltimore may be seized and possessed of said property in fee simple.

(4) That the Mayor and City Council of Baltimore and its proper municipal officers are unable to agree with the owner or owners of said above-described property upon a price to be paid therefor, and it is therefore necessary that said property, with all improvements thereon and the rights and appurtenances aforesaid and the interest of the owner or owners therein, shall be acquired by condemnation, and your petitioner accordingly desires to acquire the same by condemnation. Wherefore this proceeding is brought.

(5) That your Petitioner is advised that some person or persons or bodies corporate other than those herein specifically named as parties defendant are or may claim to be entitled, seized and possessed of some right, title, interest or estate in and to the land and premises herein described, mentioned and sought to be condemned by the Mayor and City Council of Baltimore, and if any there be, it is the desire and intention of your Petitioner to have all such interest, rights, claims and estates condemned, to the end that the Mayor and City Council of Baltimore may be seized and possessed of said property in fee simple, free and discharged of all right, title, interest and estate of any and every person whatsoever, and to the end and for that purpose your Petitioner prays this Honorable Court to pass an order of publication warning all persons or bodies corporate having or claiming any right, title, interest or estate in and to the property herein described, mentioned and referred to, and herein sought to be condemned, to be and appear in this Honorable Court, in person or by solicitor, on a day certain to be named therein, to answer the premises and show cause, if any they have, why the property mentioned in the Petition should not be condemned as prayed in said petition, and to abide by and perform such order, verdict, judgment or determination as may be rendered in the premises.

Your Petitioner therefore prays that this Honorable Court will have said parcel of land particularly described in the foregoing petition, with all improvements thereon and all rights and appurtenances in any wise appertaining thereto as described and mentioned in said petition, and every interest therein, condemned in fee simple for the use and purposes of the Mayor and City Council of Baltimore, in accordance with the requisites of the law in such cases made and provided.

And as in duty bound, etc.

.....*S. S. Field*.....
City Solicitor.

Attorney for Mayor and City Council of Baltimore.

I hereby approve the institution of the above suit.

.....*John Hubert*.....
Pro-officio Mayor.

Upon the foregoing petition, it is this 8th day of Oct, 1917, by the Baltimore City Court ordered that summons issue for Moses L. Himmel.

the defendants named in said petition returnable on the 24th day of Oct. 1917

AND IT IS FURTHER ORDERED, That said Defendants be notified by service upon them of a copy of this ORDER that they will be required to answer the Petition within ten (10) days after their appearance or the return day to which they are summoned, whichever shall first occur, and show cause, if any they have, why the property mentioned in the Petition should not be condemned as prayed in said Petition.

Carroll J. Bond.

MAYOR AND CITY COUNCIL OF BALTIMORE

vs.

IN THE BALTIMORE CITY COURT.

Moses L. Himmel.

(Petition Docket No. , folio).

The object of this suit is to condemn in fee simple, for the purpose of a ^{or public reservation} ~~Civic Center~~ and for the use of the Mayor and City Council of Baltimore, property described as follows:

That the Mayor and City Council of Baltimore is unable to agree with the owner or owners of said property upon the price to be paid therefor, and it is necessary that said property, with all improvements thereon and the rights and appurtenances aforesaid and the interest of the owner or owners therein shall be acquired by condemnation and that the Petitioner desires to so acquire said property.

IT IS THEREUPON ORDERED BY THE BALTIMORE CITY COURT, this 8th day of Oct., 1917, That the Mayor and City Council of Baltimore cause a copy of this ORDER to be inserted in some daily newspaper, published in the City of Baltimore, once a week for three (3) successive weeks, giving notice to all persons having or claiming any right, title, interest or estate, in and to the above-mentioned property, of the object and substance of this Petition, and warning them and each of them to be and appear in this Court, in person or by solicitor, on or before the 31st day of Oct., 1917, to show cause why said property and their interests therein should not be condemned, in fee simple, as prayed in the Petition.

Carroll Bond

TRUE COPY. TEST:
GEO. CAREY LINDSAY,
CLERK.

MAYOR AND CITY COUNCIL OF BALTIMORE

vs.

IN THE BALTIMORE CITY COURT.

Moses L. Himmel.

(Petition Docket No. , folio).

The object of this suit is to condemn in fee simple, for the purpose of a ^{or public reservation} Civic Center and for the use of the Mayor and City Council of Baltimore, property described as follows:

BEGINNING for the first lot on the west side of Harrison street at the southeast corner of a brick dwelling on the lot now being described 183 feet 5 inches north from the northwest corner of Harrison and Fayette streets and running thence west on the south line of lot No. 182 on Plat of "Harrison's Marsh" 115 feet 9 inches, more or less, to the southwest corner of said lot, thence north on the west line of said lot 15 feet, more or less, to the division line there situate, thence east on said line or fence 4 feet 2 inches to the west side of double brick privies, thence south on the west side of said privies 2 feet 2 inches to the center of the partition between said privies, thence east along the center of said partition 5 feet 4 inches to the east side of said privies, thence south along the east side of said privies 11 inches to a fence, thence east on said fence 44 feet to the west side of the back building on the lot now being described, thence north on the west side of said building 2 feet 3/4 inches to the center of the partition wall between the house on this lot and the house adjoining on the north and thence east through the center of said partition wall 62 feet 3 inches, to Harrison street and thence south on the west side of Harrison street 13 feet 4 inches to the beginning.

BEING known as No. 128 Harrison street.

BEGINNING for the second thereof on the west side of Harrison street at the center of the partition wall of the house on this lot and the house adjoining on the south, being 196 feet 9 inches north from the northwest corner of Harrison and Fayette streets, and running thence north on the west side of Harrison street 14 feet 1 inch to the northeast corner of the brick house on this lot, thence west along the north side of the said house and along the fence there situate, being also the south side of a four foot alley under the house adjoining on the north with the right to use said alley for drainage, egress and ingress 63 feet 1 1/2 inches to an angle in said fence, thence southwest on said fence 6 feet 10 1/2 inches to another angle in said fence, thence west on said fence 38 feet 11 inches to another angle in said fence, thence southwest on said fence 4 feet 2 inches and thence south on said fence on the west side of double brick privies there situate 8 feet 10 1/2 inches to the center of a partition wall between said privies, thence east along the center of said partition wall 5 feet 4 inches to the east side of said privies, thence south on the east side of said privies 11 feet to the fence there situate, thence east on said fence 44 feet to the westside of the back building on the lot adjoining on the south, thence north on the west side of said back building 2 feet 3/4 inches to the center of the partition wall aforesaid and thence east through the center of said partition wall 62 feet 3 inches to the beginning.

BEING known as No. 130 Harrison street.

No. Page 592 $\frac{22}{8}$
③ R. D. 191

Baltimore City Court.

Mayer and City Council
of Baltimore

vs.

Moses L. Leonard

WRIT OF SUMMONS

Petition and Order Court
one Copy of Nar and Notice to plead
within to be served on defendant.

S.S. Field

Attorney for Plaintiff

Filed 2 day of 4-8 191

(Indirection)
Mortimer Est.
Thomas J. McNeilly
Sheriff

STATE OF MARYLAND

BALTIMORE CITY, To wit:

To the Sheriff of Baltimore City, Greeting:

You are commanded to summon *Moses L. Himmel Deach*

113 N. Gay Street

Note: Serve on Wolman, Knapp and Tucker, 1418 Fidelity Bldg. If they will not accept serve on Moses L. Himmel at the above address.

of Baltimore City, to appear before the Baltimore City Court, to be held at the Court House in the same city, on the ~~second Monday~~ of *24th* October 1917 next, to answer an action at the suit of *Mayor and City Council of Baltimore*

and have you then and there this writ.

Witness the Honorable MORRIS A. SOPER, Chief Judge of the Supreme Bench of Baltimore City, the *10th* day of *September* 1917

Issued the *9th* day of *October* in the year 1917

Geo. Carey Lindsay Clerk.

8

In the Baltimore City Court.

Mayor and City Council of Baltimore,

vs.

M. L. Himmel, et al.

MOTION FOR NEW TRIAL

Mr. Clerk:-

Please file.

D. S. Field for Petitioner

City Solicitor, attorney for
Petitioner.

Filed 8th March 1919

Mayor and City Council
of Baltimore,

vs.

M. L. Himmel, et al.

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:
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In the

Baltimore City Court.


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The petitioner moves for a new trial in the above entitled cause for the following reasons.

1. Because the verdict is against the evidence.
2. Because the verdict is against the weight of the evidence.
3. Because of errors of the Court.
4. Because of improper influence upon the jury.
5. And for other reasons to be assigned at the hearing.

S. S. Field,
City Solicitor.

By


Assistant City Solicitor,
Attorneys for Petitioner.

31

22

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8

IN THE

BAITIMORE CITY COURT
Docket No. 8 Folio 22

MAYOR AND CITY COUNCIL OF
BALTIMORE, A MUNICIPAL
CORPORATION

VS.

MOSES L. HIMMEL ET AL.

PETITION, AFFIDAVIT AND ORDER
OF COURT THEREON

Mr. Clerk:-

Please file.

Knapp Ullman & Tucker
Solic. for Petitioners.

Filed 9th November 1911

KNAPP, ULMAN & TUCKER,
ATTORNEYS AT LAW,
FIDELITY BUILDING,
BALTIMORE, MD

MAYOR AND CITY COUNCIL OF
BALTIMORE, A MUNICIPAL
CORPORATION
VS.
MOSES L. HIMMEL ET AL.

*
* IN THE
* BALTIMORE CITY COURT
*
* Docket No. 8 Folio 22
*

TO THE HONORABLE, THE JUDGE OF SAID COURT:-

The petition of Solomon Himmel, Leon W. Himmel, Isidor Himmel and Jeannette Himmel respectfully shows unto your Honor:-

FIRST - That suit was instituted in the above entitled proceeding on October 8th, 1917, in which Moses L. Himmel, deceased, was the only defendant specifically named, and that the summons was duly returned mortuus est.

SECOND - That on said 8th day of October, 1917 an order of court was signed herein, requiring the publication of notice to the real owners of the property mentioned in these proceedings, and further requiring them to appear and answer the same on or before the 31st of October, 1917.

THIRD - That your Petitioners are the real owners of the said property and accordingly pray leave of this Court to intervene in said proceedings and file an answer to said petition.

And they will ever pray etc.

Knapp, Bluman & Tucker
Solicitors for Petitioners.

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:-

I HEREBY CERTIFY that on this 9th day of November, 1917, before me, the subscriber, a Notary Public of the State of Maryland, *and duly authorized to take oaths therein*, ~~in and for Baltimore City aforesaid~~, personally appeared

JOSEPH N. ULMAN, Solicitor for the above named Petitioners,
and made oath in due form of law that the matters and facts
stated in the foregoing petition are true, to the best of his
knowledge and belief.

WITNESS my hand and Notarial Seal.


John M. Cullough
Notary Public.

Upon the foregoing petition and affidavit, it is
by the Baltimore City Court this 9th day of November, 1917,
ADJUDGED AND ORDERED that Solomon Himmel, Leon W. Himmel, Isidor
Himmel and Jeannette Himmel be and they are hereby authorized to
intervene in said proceedings and to answer the said petition.

Charles H. Hensler,

Mayor and City Council
of Baltimore

& vs.

M. L. Hummel et al.

Special Caption.

Mr. Clerk:

Please file.

J. J. Field, City Solicitor

by W. H. H.

Filed 6 March 1919.

Mayor and City Council
Baltimore

M. L. Hummel et al.

The petitioners excepts specially to the prayer offered by the property owners.

First: Because there is no evidence on which to base it.

Second. Because it submits to the jury a legal proposition.

The petitioners also excepts generally to the said prayer.

A. S. Field, City Solicitor
by George Frank George, Special Agent
Attorney for Plaintiff.

Overruled -

James M. Cribber

$\frac{22}{8} \frac{10}{8} \frac{31}{8}$ and $\frac{33}{8}$

Nos. 31 to 40 ind. and 42

Plaintiff vs Jury List

$\frac{22}{8} - \frac{23}{8} - \frac{24}{8} - \frac{25}{8} - \frac{26}{8} - \frac{27}{8} - \frac{28}{8} - \frac{29}{8} - \frac{30}{8} - \frac{31}{8}$ and $\frac{33}{8}$
 P- Nos. 31-32-33-34-35-36-37-38-39-40 and 42.

BEFORE THE JUDGE-AT-LARGE NO. 3.

3rd-3 Weeks January Term 1919

(BEGINNING MONDAY, FEBRUARY 24TH, 1919)

BALTIMORE CITY COURT.

Mayor and City Council of Baltimore
 Municipal Corporation

vs-

Moses Solomon, Samuel Solomon, William W. Spindel,
 Sidor and Jeannette Samuel, Helen G. Southam,
 Annie G. Ridgely, Henry C. Ridgely, Hugh E. Foster, Barbara
 Julia G. Foster, Barbara C. Bennett, Manning-John
 Clark Manning, Martha C. Davis, Heinkel Realty
 Company, and any other person or persons having or
 claiming any interest in the hereinafter
 described property.

Jury Sworn 24th February 1919

Fred H. Gottlieb Foreman

2	Gilbert H Allen	3711 Park Heights Ave	Asst Supt, Stewart & Co
3	Isaiah T Justis	1943 W Mulberry St	Produce
4	Charles Siegmund	405 N Broadway	Grocer
e	Edward H Breuning	1055 Harford Ave	Foreman
e	Henry P Smith	242 Wilson St	Retired
e	Herman Knollenberg	112 S Patterson Pk Ave	Insurance
e	George W Aires	3105 E Baltimore St	Foreman, H D Dreyer & Co
e	George P King	2826 Parkwood Ave	Collector
5	Robert L Thornton	530 E 21st St	Retail Liquor Dealer
6	Louis C Wilds	101 Jackson Square	Clerk, Balto Transfer Co
7	Lester E Green	3636 Beech Ave	Machine Adjuster, Sharp & Dohme
e	Richard T Franck	321 E Biddle St	Clerk, U S F & G Co
8	Sol M Brenner	937 Brooks Lane	Salesman, M S Levy & Sons
e	Richard A J Magill	2426 N Calvert St	Tailor
e	John W Mullineaux	124 W 22nd St	Real Estate
9	Charles E Wingate	141 N Luzerne Ave	Painter
	Fred H Gottlieb	2404 Eutaw Place	Treas. American Finance Co
e	Casper O Bittorf	912 N Patterson Pk Ave	Baker, City Baking Co
e	Wm H Schmidtman	527 E 20th St	Teller, Continental Trust Co
e	Richard G Bradyhouse	22 N Kenwood Ave	Retired
10	Herman H A Meiser	1914 W Baltimore St	Propr of Iron Works
11	Frek B Herman	2307 Edmondson Ave	None
e	Charles Birkenstock	2211 E Baltimore St	Agent, Balto Am Fire Ins Co
12	Charles W Johnson	1018 N Arlington Ave	Feed
e	Thomas E DeBaufre	45 Wheeler Ave	Cigar Maker, H C Pfaff

31 to 40: we and to 42.
22 to 31 and 33 pages of
Petition Docket 8-
IN THE BALTIMORE CITY COURT.

9

Mayor and City Council of Baltimore

vs.

Moses L. Himmel, et al.

INQUISITION.

Feb. 6 March 1919.

assessor &

Mayor and City Council of Baltimore,

vs.

Moses L. Himmel, et al.

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:
:

In the
Baltimore City Court.

THIS INQUISITION Made and taken at bar in the Baltimore City Court

in the matter of certain property more particularly described, mentioned and referred to in the proceedings in these consolidated cases Nos. 31, 32, 33, 34, Docket 8, pages 22 to 31, inclusive and 33, 35, 36, 37, 38, 39, 40 and 42 under and by virtue of Ordinance No. 267 of the Mayor and City Council of Baltimore, approved June 13th, 1917, to acquire in fee simple the property herein described for the purpose of a Civic Center.

Form of original
written for
Snapp, Helman & Tucker

WITNESSETH That we, the jurors, whose names are hereunto subscribed

and seals affixed, being duly impaneled, sworn and charged to inquire into, ascertain and assess the damages awarded by reason of the action of the Mayor and City Council of Baltimore, aforesaid, having viewed the premises and having heard the evidence, and duly considered the same, do find and determine the damages to the owners of the said property by the taking, use and occupation thereof in fee,

by the petitioner, to be the sum of *Two hundred and Eighty Three Thousand & five hundred dollars (\$283,500⁰⁰/_x)*

AND we further find the just compensation to be paid to the several owners thereof, to be as follows:

UNTO Moses L. Himmel, Solomon Himmel, Leon W. Himmel, Isador Himmel, Jeanette Himmel, Hannah Himmel and the Himbalt Realty Company, or such other person or persons as may be legally entitled thereto, to be distributed among themselves,

for the fee simple and leasehold interests unto them belonging, as set forth in the several petitions in these consolidated cases, the sum of *Two hundred and Sixty Eight Thousand and two hundred and Seventy dollars (\$268,270⁰⁰/_x)*

UNTO the owners of the several ground rents outstanding upon said property, as set forth in these proceedings, or to such other person or persons as may be legally entitled thereto, as their interests may appear, the said ground

rents to be capitalized at the rate of five per centum (5%), the sum of Fifteen thousand two hundred and thirty dollars (\$15,230.00).

IN TESTIMONY WHEREOF we, the jurors, hereunto subscribe our names and affix our seals this Sixth day of March, A.D., 1919.

Fred. J. Jodick :SEAL:

J. M. Keener :SEAL:

Herman H. Meiser :SEAL:

Wm. E. Thum :SEAL:

Charles R. Johnson :SEAL:

Isaiah J. Justis :SEAL:

R. S. Fields :SEAL:

Gilbert H. Allen :SEAL:

Lester E. Green :SEAL:

Chas E. Kingate :SEAL:

Chas. Higgins :SEAL:

Fredrick B. Herman :SEAL:

It is for the jury to decide under the instructions of the Court what items of power-driven machinery, shafting, etc., if any, are part of the buildings and land; and to include the value of same in the amount of their verdict.

There is ordinarily no way in which the jury can officially indicate what items are so included. But counsel have agreed that the jury may submit to the Court a list of any machinery, etc., which they believe not to be part of the buildings and land; and these articles, if any, shall remain the property of M. L. Himmel & Son.

The jury finds that in addition to the award of ~~243,500~~ ^{283,500⁰⁰/₁₀₀}

that all power driven machines, shafting, beltting and motors etc are not part of the buildings & land and remain the property of L. M. Himmel & Son in accordance with above agreement between Counsel.

The jury further finds that the Boiler house equipment blower system frame mixers dust sheet sprinker system and heating plant are part of the building and land and due allowance ^{has} been made in the verdict