procure to be Executed to the said Hurst his representatives or assigns a good and sufficient Deed of Assignment of the entire property above mentioned and described according to the present occupancy free of all taxes incumbrances & up to this day of sale, excepting the annual ground rent thereon.

Baltimore April 20th 1854 C. R. Fite

Witness L. F. Barry.

I hereby for value received assign and transfer to Messrs Meyer Stein, Samuel Stein, Daniel Stein, and Solomon Stein, (trading as Stein Bros) all my right and title in the above purchase and do request and authorize Mr Fite to treat with them as the purchasers of said property on the payment by them of the purchase money aforesaid to him.

(C. R. Fite)

Balt April 1854 Jno Hurst.

Witness L. F. Barry.

This is to certify, that I have this first day of May 1854 received of from Messrs Stein & Bro. the assignees of Mr Hurst $6683.33 cash and their two promissory notes in favor of John Hurst and by him Endorsed dated this day, the one for $6683.33 payable six months after date and the other for $6683.34 payable twelve months after date with interest from date, and in payment of said notes I will comply within agreement on my part for a conveyance of the property mentioned.

C. R. Fite

Received 17 May 1854 of Grantee and Dollar in lieu of Stamp under the Act 1846 chap 61. Edwd Dorsing Clk

And on the same fifteenth day of September in the year aforesaid the said Defendants by their Solicitor aforesaid applies to and directs the Clerk of the Court here to Enter upon the Docket a motion to dissolve the Injunction issued in said Cause which is according by law; and thereupon on motion of the said Defendants by their Solicitor aforesaid the Court passed and filed in said Cause the following order to wit;

Talmadge F. Cherry vs Stein & others } In Circuit Court for Baltimore City

The answer of the Defendants in this cause having been filed and a motion Entered to to dissolve the Injunction, Ordered this 15th day of Sept 1854 that said motion stand for hearing on Wednesday next 20th inst; provided a copy of this order be served on the Complts Solr or left at their Office a that of Either of them in the cause of this day.

Wm Geo Krebs

A Copy of which said order was made and delivered to the Solicitor for the Defendants to be served. And afterwards to wit, on the sixteenth day of September in the year aforesaid on motion of the Complainant by his Solicitor aforesaid the Court passed & filed in said Cause the following order to wit;

Talmadge F. Cherry vs Stein and others } In the Circuit Court for Baltimore City

Ordered by the Court this 16th day of September 1854 that permission be granted

to the Complainant to take testimony in reference to the allegations in his Bill in this case on Tuesday the 19th of September before William N. Price a Justice of the Peace of the State of Maryland in and for the City of Baltimore provided the said testimony shall be returned to this Court on or before the day of the hearing of the motion to dissolve the Injunction in this case and provided also a Copy of this order be served on Solicitor of Defendants this day or left at his office.

Wm Geo. Krebs.

A Copy of which said order was made and delivered to the Solicitor of the Complainant to be served; and afterwards to wit on the twenty seventh day of September in the year aforesaid Wm N. Price Esquire a Justice of the Peace of the State of Maryland in and for the City of Baltimore Commissioned and duly qualified brings into Court here and files in said cause the depositions taken by him in pursuance of an order of said Court, and certifies the same under his hand in form following to wit;

Depositions taken in a cause pending in the Circuit Court of Baltimore City, wherein T. F. Cherry is Plaintiff and Stein and others are Defendants.

Dryden. Samuel S. Dryden a Witness of lawful age personally appears who being by me duly sworn according to law deposes and says.

That he is acquainted with the premises occupied by Schwartz & Dix that is the lower floors occupied by them and that the premises fronting on Baltimore Street is occupied by Schwartz & Dix; and at the time of the Sale of the property by Fite, the property in the rear of Schwartz & Dix was improved by a frame One Story Building containing a Dining room a Kitchen and a loft, and the dining room was situated immediately in the rear of Schwartz & Dix and there was two windows in the Dining room one on the East and one on the West side of the room. The East Window looking into a vacant lot used as a yard to the adjoining property and that the West Window looks into a Wall leading into Liberty St there is no Window leading from the Hall to Liberty Street. I am 24 years of age was born on the premises and the dining room has received light and air from the window in the East side thereof. Since I first recollect and from that time to the time of the sale there has been no obstructions to the air or light passing through said Window to Dining room, and said Window and the light and air passing through it was necessary to the enjoyment of the dining room. The door on Liberty Street which he speaks of is an outer door and when shut no light can enter through the West Window of said Dining Room with the outer door shut and the East Window blocked there could be no light. There was a Cellar under the Kitchen which has a Cellar door on the West side and a Window on the East looking into said vacant Lot which has been there the same length of time as the window before spoken of in the dining room. The roof on said Building pitches East and West and on the East side extends over the vacant Lot same distance and from the time I can recollect the water has been accustomed to run into said vacant Lot or yard.

Dryden. Samuel Dryden also appears and by me duly sworn according to Law deposes and says.