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Catharine Enright a Witness of lawful age produced on behalf of the Defendant being by me first duly sworn on the Holy Gospels of Almighty God makes oath deposeth and saith as follows that is to say "I occupy the House of Mr Cabe in question I have paid my rent ever since I occupied the House which has been more than a year, except one Month which Mr Cabe forgave me on account of the death of my husband, this includes the time that the improvements of the Hess lot have been going on.

Cross Examined for Complainant,

The fence which has been removed and clean up to the roof of the shed was low and completely closed the side next to the Hess lot. My yard is not now safe there lost a Hash been there and a side out of the yard since the fence was low down,

Again Examined for Defendant

If the brick Wall were raised there for higher my yard would be safe,

In Witness whereof I have hereunto set my hand and seal on the day and year aforesaid at the City of Baltimore in the State of Maryland

Valeria R Perkins Comr.

And afterwards to Wit on the 16 day of July in the year aforesaid the said defendant by his Solicitor filed in said cause the following Supplemental Answer to Wit,

The supplemental Answer of Charles D Hess to the Bill of Complaint filed against him by Solomon McCabe a Mulatto of the City of Baltimore in the Circuit Court for Baltimore City filed with the leave of the Court this respondent says by way of Supplement to his answer, That the said Complainant is a Mulatto whether free or not he knows not but the respondent states that by the law of Maryland his Color proves his status and he is presumed by law to be a slave and as such is not entitled to be heard in this Court in this proceeding until his freedom is fully established, This respondent does not admit that said McCabe is the owner of the lot of ground as alleged in the Bill of Complaint situated on the South side of Walsin Street in the City of Baltimore between Lloyd and Eutaw Streets. And this respondent states that the Exhibit filed by the said Mulatto in proof of his pretended Ownership shows the same to be a legal fraud in this that the said Mulatto claims title under and by virtue of a Conveyance from one James H Davis by Deed dated 11 August 1862 of record in Liber J.E.S. No 29 folio 440 &c and of the Land Records of Baltimore City and the said Exhibit Complained of shows that the said lot so conveyed to the said McCabe by said Davis is the same lot and property which by Deed dated the day of the date of said Deed was assigned by Solomon McCabe Executor to said James H Davis, Thus this respondent avers and charges as the same Solomon McCabe who is Executor as aforesaid and is also the identical person who is the Complainant to this proceeding) And by reference to said Deed from such Solomon McCabe Executor to said James H Davis a copy whereof is filed herewith amongst the proceedings of this cause it will be seen that the said Solomon McCabe Executor of Alexander Murray Conveyed or pretended to convey in a most blundering manner as will be seen by comparing the Courses and distances of the two Conveyances the lot of ground on Walsin Street as aforesaid for the sum of Twenty five dollars and that he pretends on the same day which he attempts to convey said lot on Walsin Street for twenty five dollars to said Davis to have acquired titlely a reconveyance thereof by the pretended transaction

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[redacted]

Respondent Charges and avers that Complainant is a Mulatto and that he has obtained the process of the Court by a fraud, in as much as he failed to aver his Color and to prove in advance that he was a freeman and this is in itself