

In the Matter of  
John H. Handy

June 16, 1890

In the Court of Common Pleas of  
Baltimore City.

Baltimore City, Md.

The State of Maryland for the  
use of Elizabeth H. Miller by  
Robert H. Smith its attorney, versus  
John H. Handy, William S. Taylor Jr  
and J. Kell Bradford.

For that whereas heretofore to wit:  
on or about the 12<sup>th</sup> day of Sept-  
ember in the year one thousand  
eight hundred and eighty five,  
Oliver W. Miller and Albert B. Carter  
copartners in trade, trading under  
the name and style of O. W. Miller  
and Co, conveyed all their estate  
and property to the above named  
John H. Handy, in trust to sell  
and convert the same into money  
and the proceeds therefrom arising  
to distribute ratably among the  
creditors of the said grantors as  
will more fully appear from  
said Deed of record, filed in  
the Clerks Office of the Superior  
Court of Baltimore City in Liber  
J. B. No. 1064 folio 27 etc.

That the said defendant Hardy accepted the trust by said Deed created and on the same 12<sup>th</sup> day of September 1885 he and the said Taylor and Bradford by their certain writing obligatory commonly known as a Trustees bond, signed with their proper signatures and sealed with their seals, a duly certified copy whereof is here shown to the Court, and filed herewith as parts hereof, acknowledged themselves to be held and firmly bound to the said State of Maryland in the full and just sum of Thirty thousand dollars to be paid by them to the said State or its certain attorney, when afterwards they should be thereunto lawfully required, with a condition to the said writing obligatory annexed; "That if the above bound John H. Hardy do and shall well and faithfully perform the trust reposed in him in and by the above Deed of trust mentioned:

and declared and also do and shall well and faithfully perform the trust reposed in him by said Deed and observe the provisions of the Maryland Code of Public General Laws relating to trustees and receivers then the above obligation to be void, otherwise to be and remain in full force and virtue in law" and the plaintiff further says, that the said Handy submitted the administration of said Trust Estate to the Circuit Court of Baltimore City, which duly assumed jurisdiction thereof and that by an Auditor's account of said trust estate of said O. W. Miller and Co by the Circuit Court of Baltimore City finally ratified and confirmed on the 24<sup>th</sup> day of June 1889, there was distributed to the said Elizabeth H. Miller the sum of Three thousand nine hundred and fifty nine dollars and twenty eight cents (\$3959.28) and the said Handy was by the order of the said Circuit

Court of Baltimore City directed and required to pay the same over to the said Elizabeth H. Miller with a due proportion of interest as will appear from an inspection of said Auditor's account, a duly certified copy whereof is here shown to the Court and herewith filed as part hereof, that the said John H. Handy Trustee had notice of said Auditor's account and said Order of Court ratifying said account and directing said Trustee to pay said sum of money to the plaintiff, and the said Handy having failed to pay the same over as by said order of the Circuit Court of Baltimore City required, thereby the said writing obligatory became and is forfeited, and by reason whereof an action hath accrued to the plaintiff herein to have and demand from the said John H. Handy, William S. Taylor Junior and Thomas Kell Bradford the sum of money so as aforesaid

audited and awarded by the Circuit Court of Baltimore City to the said Elizabeth H. Miller as aforesaid, to wit: the sum of Three thousand nine hundred and fifty nine dollars and twenty eight cents (\$3959.28) with a due proportion of ~~rate~~ interest thereon, yet nevertheless the said defendants although requested, have not paid to the said plaintiff or to the said Elizabeth H. Miller, for whose use this suit is instituted, the said sum of Three thousand nine hundred and fifty nine dollars and twenty eight cents (\$3959.28) herein demanded, but the contrary thereof have wholly refused so to do to the plaintiff great damage, wherefore the plaintiff brings this suit and claims thirty thousand dollar damages.

Robert H. Smith  
Plaintiff Attorney

True Copy Test: Henry A. Schultz Clerk

In the matter  
of  
John H. Handy  
State of Maryland  
use of  
Elizabeth H. Miller

copy of  
Proceedings in Court of Common Pleas

Filed July 2<sup>d</sup> 1890

IN THE SUPREME BENCH OF BALTIMORE CITY.

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The Answer of John H. Handy to the rule laid on him by this Court to show cause on or before the 25th day of June, 1890, why his name should not be stricken from the roll of Attornies of this Court shows:-

1st: That the matters and things alleged in said Order to be the ground for said rule, were not done in his capacity or office of Attorney of this Court, but in the execution of a conventional trust, under a Deed of Assignment made to him by O. W. Miller and Co. for the benefit of the creditors of said assignors, and that the legal title to the property so assigned passed to and was vested in him, and that the duties assumed to be discharged were in nowise incident to his office as an Attorney at Law, but such as could be and are frequently assumed and discharged by others than Attornies at law. That the administration thereof, under direction of the Court of Equity was, likewise disconnected from his office of Attorney or Solicitor and that he was not acting in such matter as Attorney any more than he would be if acting as administrator, executor, or guardian, and should be treated only in the same manner that a layman would be in reference to any breach of trust he might commit. And he submits that it has never been thought to be a cause for depriving an Attorney of his franchise to practice law in this State that he has failed to account promptly and pay over trust funds for which he has given bond.



2nd: That his inability to meet his obligations has given him inexpressible pain and mortification, and that he has been already severely punished by the humiliation he has suffered from the fact itself, and the publicity given the occurrence. That the settlement of said estate was delayed a long time by litigation and then he had expected to be ready and able to meet his obligations, but as he kept no separate account he found that when the time came to pay his claims he had incautiously rendered, ~~he became~~ <sup>himself</sup> unable to do so at that time. And he says that he never contemplated doing any one interested in said trust a wrong, and if permitted to devote his efforts to his profession, hopes to save harmless his bondsmen and creditors of said trust. But he respectfully submits that if prevented from earning anything by the practice of his profession and cast out at the age of sixty years to make a living as best he may, he will not be able to earn enough to pay the sums due the persons interested in said trust estate, and so repair the injury he has caused, <sup>and</sup> <sub>1</sub> he respectfully calls on the Court not to render him incapable of redeeming his errors.

proportion of the punishment proposed to be inflicted on him to the result of his delinquency on others. To him and his family it is utter and absolute destruction and ruin. <sup>Whilst</sup> he is sensible that he is highly censurable and feels the rebuke conveyed by the passage of the Order to show cause itself, he submits that his offence has not been so heinous

as to call for so severe a punishment; so destructive to those to whom he is indebted and ruinous to him and those dependent on him.

And he respectfully prays the Court to dismiss the rule.

Albert Ritchie  
John F. Williams  
Isidor Rayner  
attys for Ryndl.

W. H. Hardy

Gettle Supreme  
Branch of Baltimore  
City.

Gettle matter of the  
Rule laid on

John H. Handy

Mr. Clerk

Aloufile.

Albert Ritchie

J. Rayner

John F. Williams

40¢ for expell.


Filed June 25<sup>th</sup> 1890

In the Matter  
of  
John H. Handy

In the Supreme Bench

Ordered by the Court this 26<sup>th</sup> day of June 1890 that  
the above matter be and the same is hereby  
set for hearing on Saturday the 20<sup>th</sup> day of  
September next at 10 o'clock A.M.

Henry D. Starbuck,

  
Carrington  
San Francisco

1890

In the matter of  
John H. Handy

Order of Supreme Bench  
fixing Sept 20<sup>th</sup> 1890 for hearing

Filed 26<sup>th</sup> June 1890

THE BAR ASSOCIATION  
OF BALTIMORE CITY.

June 25th. 1890.

Hon. Henry D. Harlan,

Chief Judge of Supreme Bench  
of Balto' City.

Dear Sir,

I have the honor to report to you, that at a meeting of this Association held yesterday the Hon. George William Brown presented a communication from the Supreme Bench of Baltimore City in the matter of the rule laid by your honors upon John H. Handy, Esq., to show cause why his name should not be stricken from the roll of Attorneys. The association thereupon unanimously adopted the resolution of which the enclosed is a copy.

The Executive Committee in compliance with this resolution have appointed Randolph Barton, Esq., and Thomas W. Hall, Esq., to represent this Association in its capacity of amicus curiae in connection with the further proceedings in this matter.

I have the honor to be,

Very respectfully yours,

Lamarion Phipps  
secretary

In the matter  
of  
John H. Hardy

Communication from  
The Bar Association  
relative to the appointment  
of Randolph Barton and  
Thomas W. Hall in its  
capacity of amicus curiae

Filed July 2<sup>nd</sup> 1890

Whereas the Supreme Bench of Baltimore City on the 16th day of June 1840 passed an order that John H. Handy, Esq., should show cause on or before the 25th day of June next why his name should not be stricken from the roll of Attorneys of said Court, provided a copy of said order be served upon him on or before the 18th day of June next.

And whereas it was further ordered that the Bar Association of Baltimore City be requested to act as Amicus Curiae in connection with the further proceedings in this matter.

Now the said Bar Association in meeting assembled and in conformity <sup>with</sup> the request of the Supreme Bench hereby on the 24th of June 1840 directs the Executive Committee to appoint two members of this Association to act as Amici Curiae in this matter, & to fix their fees as Counsel.



In the matter  
of  
John H. Hardy

Authority of the Bar Association  
for their Executive Committee  
to appoint two members to  
act as amicus curiae &

Filed July 2<sup>n</sup> 1890

In the Supreme Bench of Baltimore City.

In the matter of the Rule upon John H. Handy to show cause &c.

To the Honorable the Judges of the Supreme Bench of Baltimore City.

The respondent respectfully submits his case upon the answer heretofore filed by him.

If the Court should be of opinion that he is amenable to the rule laid, he trusts that sufficient reason may be found in the circumstances and considerations set forth in his said answer, to warrant the Court in modifying what otherwise might be its view on the matter involved, and in this connection he respectfully asks the attention of the Bench to the following language from the opinion of the Supreme Court in the case of Bradley vs. Fisher 13 Wall. 355, as showing the general view of that Court upon cases of this kind, viz: "Admission as an attorney is not obtained without years of labor and study-The office which the party thus acquires is one of value, and often becomes a source of great honor and emolument to its possessor-To most persons who enter the profession, it is the means of support to themselves and their families. To deprive one of an office of this character would often be to decree poverty to himself and destitution to his family. A removal from the Bar should therefore never be decreed where any punishment less severe-such as reprimand, temporary suspension, or fine-would accomplish the end desired."

Albert Ritchie  
Sidney Raymond  
John F. Williams  
Attorneys for Respondent

*Copy to  
H. H. Handy  
H. H. Handy*

*Given per 10. 1880*

In re

John H. Handy Esq.

Submission by his atty.

poverty to himself and destitution to his family. A re-  
give one of an office of this character would often be to de-  
of support to themselves and their families. To de-  
cessor--To most persons who enter the profession, it is the  
becomes a source of great honor and emolument to it pos-  
office which the party thus acquires is one of value, and of-  
attorney is not obtained without years of labor and study--The  
of that Court upon cases of this kind, viz: "Admission as an

Filed Sept 19 1890

In the Supreme Bench of  
Baltimore City.

Whereas it appears to the Court from an  
examination of the papers on file in the Baltimore  
City Court in the case of State, use of Miller v.  
John H. Standy et al. and from the docket entries  
therein, that a breach of trust has been committed  
by John H. Standy, Esq., a member of the bar of  
Baltimore City in the administration of the Trust-  
Estate of O. W. Miller & Co., which trust is being  
administered under the supervision of the Circuit  
Court for Baltimore City, Therefore it is ordered  
this 16<sup>th</sup> day of June 1890 that the said John  
H. Standy, Esq., show cause on or before the 25<sup>th</sup>  
day of June next why his name should not  
be stricken from the roll of attorneys of ~~XXXX~~  
This Court provided a copy of this order be served  
upon him on or before the 18<sup>th</sup> day of June  
next, and the Clerk of this Court is directed to  
make said service.

And it is further ordered that the Bar Association  
of Baltimore City be and it is hereby requested  
to act as Amicus curiae in connection with the  
further proceedings in this matter and that a copy  
of this request and order be sent to the Hon. Geo. Wm  
Brown the President of said Association by the Clerk of  
this Court.

Henry D. Harlan.

William A. Stewart

Edw. D. [unclear]

C. S. McCoy  
J. up to the Dennis  
Dan [unclear]

In re

John H. Hardy

Remission of Copy  
submitted. June 17

1890

John H. Hardy

Filed June 16<sup>th</sup> 1890

In the matter of  
John H. Standley

In the Supreme Bench  
of Baltimore City -

This case having been submitted by the attorneys  
for the respondent without argument on the  
answer to the rule heretofore filed by him on  
the 25<sup>th</sup> day of June 1890, and the same having been  
read and considered, it is by the Court this 10<sup>th</sup>  
day of September 1890 adjudged and ordered that  
the name of the said John H. Standley be and it  
is hereby stricken from the roll of attorneys of this  
Court

Henry D. Karlan.

William A. Stewart

Edw. Duffy

C. E. Miles

J. Upshur Dennis

Sam'l Green Wright

In The Supreme Bench  
of Baltimore City  
— " —

In the matter of the Rules  
laid on John H. Hardy

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Order of Court Disbarring  
Respondent

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Filed Sept 20<sup>th</sup> 1890