In the Matter of

Thomas B. Mackal

and

Henry Stockbridge, Jr.

Jan 17, 1896

In the

SUPREME BENCH OF BALTO. CITY.

In the matter of

THOMAS B. MACKALL

and

HENRY STOCKBRIDGE, JR.

Answer of Thomas B. Mackall.

Mr. Clerk

Please file this with Exhibit T. B. M. No. 1.

Joseph Packard, Jr.

Wm Reynolds

Fred'k J. Brown (pers)

for Respondent

Thomas B. Mackall

filed Jan. 22, 1896

MAY IT PLEASE YOUR HONOR:

Before the Court proceeds with the consideration of the public aspect of the unfortunate incident now before it I respectfully ask permission to present the following statement.

At the request of a number of the members of the Bar Mr. Jacob I. Cohen and myself, as mutual friends of Mr. Mackall and Mr. Stockbridge, assumed the duty of investigating the matter, without presuming to anticipate any independent investigation which the Court might think proper to make, but with special reference to an honorable adjustment of the personal relations of the parties.

We first received the statements of Mr. Mackall and Mr. Stockbridge, and afterwards that of Mr. William Shepard Bryan, Jr., who was present and a witness to the event.

It appears that Mr. Stockbridge and Mr. Mackall represented antagonistic interests in a street case and were around the trial table in this Court, engaged in an effort, in conjunction with the City Solicitor, to bring about a settlement between their respective clients and the City. They were not engaged in the trial of the case and the Court was occupied with other business. Mr. Bryan presented to Mr. Stockbridge a proposed settlement which had been agreed to by Mr. Mackall, and Mr. Stockbridge then made a statement which Mr. Bryan says was in the following language: "Mr. Bryan, I "will not agree to that settlement because it is an attempt "on the part of certain parties to take money out of my cli-"ents' pockets and put it into theirs". The recollection of

neither Mr. Mackall nor Mr. Stockbridge agrees with Mr. Bryan as to the exact language used, the former thinking that the words "deliberate scheme" were used, and the latter thinking that he used some such expression as that "it would amount to taking money, etc.". Mr. Mackall assuming that the language was intended to reflect upon his professional conduct retorted with the language "That is a lie". The statement and retort were both made in a moderate tone and were not overheard by the Court. In response to Mr. Mackall's retort Mr. Stockbridge struck Mr. Mackall, who rose to his feet and seized Mr. Stockbridge, when Mr. Bryan interfered and the incident was closed.

After a full review of all the circumstances the following adjustment was agreed to and consummated to the full satisfaction of both parties so far as the personal relations were concerned. Mr. Stockbridge assured Mr. Mackall that his language was not intended to reflect in any way upon the honor or integrity of either Mr. Mackall or the clients under his control. Mr. Mackall, thereupon, withdrew his language and expressed his regret that he had made use of it and Mr. Stockbridge then expressed his regret that he had on his part made use of language which was capable of being misunderstood.

Without seeking for a moment to palliate the offense so far as the Court is concerned, and without presuming in any way to express an opinion as to the treatment of the matter by the Court we take the liberty of saying that we can ourselves only account for such conduct on the part of two members of the Bar who have contributed so much to the honor

of the profession and who have always so punctiliously upheld its dignity, by supposing, that because they were not engaged in the trial of the case they forgot their presence in the Court room. The other features of the case are somewhat unusual, and both parties seem to have had brought to bear upon them, at least in their own judgment, the utmost temptation which high spirited men are called upon to face. While this fact cannot excuse, it at least explains behavior so inconsistent with their dignified and useful professional careers.

Mr. Mackall and Mr. Stockbridge will, of course, personally present their public apologies to the Court. It can then only be determined by your Honor whether the public mortification to which they have been subject and which is accentuated by the exceptionally formal character of this occasion is a sufficient punishment and sufficiently vindicates the dignity of the Court or whether further action should be taken.

J. I. COHEN.

FRANCIS K. CAREY.

In the

SUPREME BENCH OF BALTO. CITY.

In the matter of

THOMAS B. MACKALL

and

HENRY STOCKBRIDGE, Jr.

Exhibit T. B. M. No. 1.

Filed Jan. 22, 1896

In the Matter
of
Thos. B. Macall
and Henry Stockbridge Jr.

In the Supreme
Bench of
Baltimore
City

The Serval answers of Thos. B. Macall and Henry Stockbridge Jr. to the order of this Court passed on the 17th day of January 1896, having been read and considered by the Court, and the Court being of opinion that the occurrences in the Baltimore City Court on the 14th day of January 1896, therein referred to, constitute a case that can be fully dealt with by the Baltimore City Court and that does not require the further intervention of this Court it is therefore this 28th day of January 1896 ordered by the Supreme Bench of Baltimore City that ~~[illegible]~~ the aforesaid matter be remitted to the Baltimore City Court for such action as it may see proper to take in the premises.

Henry D. Harlan

Wm Pinkney

J. Upshur Dennis

Dan Ingram Wright

Ben L. Wickes

Albert Ritchie

John J. Dobbin

Order of Supreme Bench, filed Jan. 28/96 -

In re
Henry Stockbridge, Jr
Thomas B. Mackall

Filed Jan. 28/96

In the Supreme Bench

Upon representation and motion of the Judge assigned to the Baltimore City Court it is this 17th day of January 1896 ruled and ordered by the Supreme Bench of Baltimore City that Henry Stockbridge, Jr., Attorney at Law, and Thomas B. Mackall, Attorney at Law, severally show cause ~~[illegible]~~ ~~by~~ on or before the 27th day of January 1896 why ~~they~~ and each of them should not be suspended or otherwise disciplined from practice for alleged public misbehavior disorderly conduct, and breach of the peace in open Court, to-wit the said Baltimore City Court, on the 14th day of January 1896; provided a copy of this order be served upon each of the said Attorneys on or before the 20th day of January 1896

Henry D. Wallace

O. Miles

J. Upshur Dennis

David Maurice Wright

Peter L. Wickes

John J. Dobler

Service of copy
admitted
this 17 day of
January 1896
A. Stoughridge Jr

Thos. B. Mackall

Filed Jan. 17/96

May it please your Honor :

Before the Court proceeds with the consideration of the public aspect of the unfortunate incident now before it I respectfully ask permission to present the following statement.

At the request of a number of the members of the Bar Mr. Jacob I Cohen and myself, as mutual friends of Mr. Mackall and Mr. Stockbridge, assumed the duty of investigating the matter, without presuming to anticipate any independent investigation which the Court might think proper to make, but with special reference to an honorable adjustment of the personal relations of the parties.

We first received the statements of Mr. Mackall and Mr. Stockbridge and afterwards that of Mr. William Sheppard Bryan, Jr., who was present and a witness to the ~~entire~~ event.

It appears that Mr. Stockbridge and Mr. Mackall represented antagonistic interests, in a street case and were ~~seated at~~ around the trial table in this Court, engaged in an effort, in conjunction with the City Solicitor, to bring about a settlement between their respective clients and the City. They were not engaged in the trial of the case and the Court was occupied with other business. Mr. Bryan presented to Mr. Stockbridge a proposed settlement which had been agreed to by Mr. Mackall, and Mr. Stockbridge ~~than~~ made a statement which Mr. Bryan says was in the following language : "Mr. Bryan, I will not agree to that settlement because it is an attempt on the part of certain parties to take money out of my clients pockets and put it into theirs". The recollection of neither Mr. Mackall nor Mr. Stockbridge agrees with Mr. Bryan as to the exact language used, the former thinking that the words "deliberate scheme" were used and the latter thinking that he used some such expression as that "it would <u>amount</u> to taking money, etc."

Mr. Mackall assuming that the language was intended to reflect upon his professional conduct retorted with the language "That is a lie". The statement and retort were both made in a moderate tone and were not overheard by the Court. In response to Mr. Mackall's retort Mr. Stockbridge struck Mr. Mackall, who rose to his feet ~~to retaliate~~ and seized Mr. Stockbridge, when Mr. Bryan interfered and the incident was closed.

After a full review of all the circumstances the following adjustment was agreed to and consummated to the full satisfaction of both parties so far as the personal relations were concerned. Mr. Stockbridge assured Mr. Mackall that his language was not intended to reflect in any way upon the honor or integrity of either Mr. Mackall or the clients under his control. Mr. Mackall, thereupon, withdrew his language and expressed his regret that he had made use of it and Mr. Stockbridge then expressed his regret that he had on his part made use of language which was capable of being misunderstood.

Without seeking for a moment to palliate the offense so far as the Court is concerned, and without presuming in any way to express an opinion as to the treatment of the matter by the Court we take the liberty of saying that we can ourselves only account for such conduct on the part of two members of the Bar who have contributed so much to the honor of the profession and who have always so punctiliously upheld its dignity, by supposing, that because they were not engaged in the trial of the case they forgot their presence in the Court room. The other features of the case are somewhat unusual, and both parties seem to have had brought to bear upon them, at least in their own judgment, the utmost temptation which high spirited men are called upon to face. While this fact cannot excuse it, it at least explains behavior so inconsistent with their dignified and useful professional careers.

Mr. Mackall and Mr. Stockbridge will, of course, personally present their public apologies to the Court. It can then only be determined by your Honor whether the public mortification to which they have been subject and which is accentuated by the exceptionally formal character of this occasion is a sufficient punishment and sufficiently vindicates the dignity of the Court or whether further action should be taken.

R. I. Cohen,

Francis K. Carey.

Before the Supreme
Bench of Baltimore City

In the Matter of
Thomas B. Mackall &
Henry Shreeve Bridge, Jr

Filed Jan. 17/96

TO THE HONORABLE THE JUDGES OF THE SUPREME BENCH :

We the undersigned, who have acted as Counsel for Messrs. Mackall and Stockbridge in filing their answers in the matter before your Honors, beg leave to make the following suggestions :

Those answers have set forth what followed in the City Court after the action of the Supreme Bench,—

1st, the reading to the Court of the statement of facts prepared by members of the bar acting as amici curiae,

2nd the frank and full apologies made by Messrs. Mackall and Stockbridge,

3d the severe reprimand delivered by the Court.

But there is another circumstance attending this matter which is not set forth in the answers and which we feel at liberty to call to your Honors' notice. And that is the unusual and painful degree of publicity which has been given to this unfortunate affair through frequent and sometimes highly exaggerated publications in the daily papers of this City, and in fact, through briefer notices in the papers of other cities. To sensitive and honorable gentlemen like those whose case is now before your Honors such publicity and notoriety are of themselves a most trying and painful consequence of the offense committed. Your Honors will doubtless bear in mind how severe a penalty has thus already been suffered, and we respectfully urge that if possible such a disposition of the case

be made as to prevent further mortification of the same nature being inflicted upon the gentlemen before you.

Respectfully submitted by

W. Reynolds

Fred'k J. Brown

Daniel L. Brinton

Joseph Packard Jr.

In the Matter of
Thomas B. Mackall
and
Henry Stockbridge

Filed Jan. 22/96

F. Y. JOHNSTON & CO., 23 MURRAY ST., N. Y.

~~BEFORE~~ In THE SUPREME BENCH OF BALTIMORE CITY.

IN THE MATTER

of

THOMAS B. MACKALL and
HENRY STOCKBRIDGE, Jr.

------oOo------

TO THE HONORABLE THE JUDGES OF THE SUPREME BENCH
OF BALTIMORE CITY : -

The separate Answer of HENRY STOCKBRIDGE, Jr., to the rule of the Supreme Bench of Baltimore City, passed on the seventeenth day of January, in the year eighteen hundred and ninety-six, requiring him to show cause why he "should not be suspended from practice or otherwise disciplined for alleged public misbehavior, disorderly conduct and breach of the peace in open Court, to wit, the said Baltimore City Court, on the fourteenth day of January, in the year eighteen hundred and ninety-six," respectfully shows :

I.

That on the seventeenth day of January, in the year eighteen hundred and ninety-six, in obedience to a notification of his Honor, Judge Phelps, the Judge assigned to said Baltimore City Court, this respondent presented himself at the bar of said Baltimore City Court, and that in answer to the statement made by Judge Phelps that he had referred the matter to this Honorable ~~Body~~ Court, but that before presenting the order passed thereby he would receive any personal statements or explanations which either of the parties concerned desiredto make, Mr. Francis K. Carey rose and presented to the Court aon behalf of himself and Mr. Jacob I. Cohen a written statement prepared after conference with this respondent, Mr. Thom-

as B. Mackall and Mr. William Sheppard Bryan, Jr.,, which of which statement is herewith filed as part of this Answer marked "H.S.Jr., Exhibit No. 1".

II.

That this respondent, in answer to a rule to show cause so far as the same relates to the "alleged public misbehavior, disorderly conduct and breach of the peace in open Court" by this respondent respectfully refers to the statement of facts contained in said Exhibit No. 1 and respectfully prays that so much of said statement as refers to what took place in said Baltimore City Court on said fourteenth day of January, eighteen hundred and ninety-six, may be taken as the answer of this respondent with reference thereto.

III.

That after said statement had been read by Mr. Carey and Mr. Mackall had offered his apology to the Baltimore City Court this respondent rose and in the presence of the presiding Judge and the assembled audience publicly made in substance the following statement :

"May it please your Honor,

No one can or has occasion to regret more deeply than myself the unfortunate occurrence of Tuesday morning last. Since I have enjoyed the honor of being a member of the bar it has been my constant aim to so demean myself as to merit the respect of the bench and the confidence of my fellow members of the bar. Nothing could have been farther from my purpose than the violation of the decorum of this Court, and still less would I have been guilty of anything like a deliberate contempt of the Court or disregard of its dignity and good order. I can only say that I regret most sincerely the untoward affair and beg to present my most humble apology to the Court."

IV.

That after Mr. Mackall and this respondent had thus present-

ed their public apologies to the Baltimore City Court his Honor, Judge Phelps, proceeded to administer to Mr. Mackall and this respondent a severe ~~[illegible]~~ public reprimand, in which his Honor discussed at length the conduct of Mr. Mackall and this respondent, and in language of the gravest and most formal kind characterized this conduct in such a manner as to subject Mr. Mackall and this respondent to the utmost public humiliation which it is possible for this or any other judicial tribunal to inflict upon members of the bar for such conduct.

V.

That after his Honor, Judge Phelps, had thus ~~humiliated~~ reprimanded this respondent and Mr. Mackall ~~for their behavior~~ he read to this respondent and Mr. Mackall the order of this Honorable ~~body~~ Court and ~~as~~ thereupon ~~his response~~ this respondent and Mr. Mackall admitted service thereof in open Court.

And having thus answered the said rule this respondent submits himself to the Supreme Bench of Baltimore City for such action as it may seem proper to be taken in the premises, expressly waiving any ~~question~~ exception to the jurisdiction thereof.

N. Stockbridge Jr.

Dan'l L. Brunton
atty.

In the Supreme Bench.

In the matter of
Thomas B. Mackall
&
Henry Stockbridge, Jr.

Answer of
Henry Stockbridge, Jr

Mr. Clerk,
Please file.
Daniel L. Brinton
atty

filed Jan. 21/96

MAY IT PLEASE YOUR HONOR:

Before the Court proceeds with the consideration of the public aspect of the unfortunate incident now before it, I respectfully ask permission to present the following statement.

At the request of a number of the members of the Bar Mr. Jacob I.Cohen and myself, as mutual friends of Mr.Mackall and Mr.Stockbridge, assumed the duty of investigating the matter, without presuming to anticipate any independent investigation which the Court might think proper to make, but with special reference to an honorable adjustment of the personal relations of the parties.

We first received the statement of Mr.Mackall and Mr. Stockbridge, and afterwards that of Mr.William Sheppard Bryan Jr. who was present and a witness to the event.

It appears that Mr.Stockbridge and Mr.Mackall represented antagonistic interests in a street case and were around the trial table in this Court, engaged in an effort, in conjunction with the City Solicitor, to bring about a settlement between their respective clients and the City. They were not engaged in the trial of the case and the Court was occupied with other business. Mr Bryan presented to Mr.Stockbridge a proposed settlement which had been agreed to by Mr. Mackall, and Mr.Stockbridge then made a statement which Mr. Bryan says was in the following language; "Mr.Bryan, I will not agree to that settlement because it is an attempt on the part of certain parties to take money out of my clients'pockets and put it into theirs". The recollection of neither Mr.Mackall nor Mr.Stockbridge agrees with Mr.Bryan as to the

exact language used, the former thinking that the words "deliberate scheme" were used, and the latter thinking that he used some such expression as that "it would amount to taking money etc." Mr.Mackall assuming that the language was intended to reflect upon his professional conduct retorted with the language "That is a lie". The statement and retort were both made in a moderate tone and were not overheard by the Court. In response to Mr.Mackall's retort Mr.Stockbridge struck Mr.Mackall, who rose to his feet and seized Mr. Stockbridge, when Mr.Bryan interfered and the incident was closed.

After a full review of all the circumstances the following adjustment was agreed to and consummated to the full satisfaction of both parties so far as the personal relations were concerned. Mr.Stockbridge assured Mr.Mackall that his language was not intended to reflect in any way upon the honor or integrity of either Mr.Mackall or the clients under his control. Mr.Mackall, thereupon, withdrew his language and expressed his regret that he had made use of it, and Mr.Stockbridge then expressed his regret that he had on his part made use of language which was capable of being misunderstood.

Without seeking for a moment to palliate the offense so far as the Court is concerned, and without presuming in any way to express an opinion as to the treatment of the matter by the Court we take the liberty of saying that we can ourselves only account for such conduct on the part of two members of the Bar who have contributed so much to the honor of the profession and who have always so punctiliously upheld its dignity, by supposing, that because they were not engaged in the trial of the case they forgot their presence in the

Court Room. The other features of the case are somewhat unusual, and both parties seem to have had brought to bear upon them, at least in their own judgment, the utmost temptation which high spirited men are called upon to face. While this fact can not excuse, it at least explains behavoir so inconsistent with their dignified and useful professional careers.

Mr.Mackall and Mr.Stockbridge will,of course, personally present their public apologies to the Court. It can then only be determined by your Honor whether the public mortification to which they have been subject and which is accentuated by the exceptionally formal character of this occasion is a sufficient punishment and sufficiently vindicates the dignity of the Court or whether further action should be taken.

J.I.Cohen

Francis K.Carey.

In the Supreme Bench.

In the matter
of
Thos B. Mackall
+
H. Stockbridge, Jr.

Exhibit H. S. Jr. "No. 1"

Mr. Clerk.
Please file.
H. Stockbridge, Jr.
by his atty
Daniel L. Brunton

filed Jan. 21/96

IN THE SUPREME BENCH OF BALTIMORE CITY.

IN THE MATTER

of

THOMAS B. MACKALL and

HENRY STOCKBRIDGE JR.

TO THE HONORABLE THE JUDGES OF THE SUPREME BENCH

OF BALTIMORE CITY:-

The separate answer of Thomas B. Mackall to the rule of the Supreme Bench of Baltimore City, passed on the seventeenth day of January, in the year eighteen hundred and ninety-six requiring him to show cause why he "should not be suspended from practice or otherwise disciplined for alleged public misbehavior, disorderly conduct and breach of the peace in open court, to wit, the said Baltimore City Court, on the fourteenth day of January, in the year eighteen hundred and ninety-six", respectfully shows;

1.

That on the seventeenth day of January, in the year eighteen hundred and ninety-six, in obedience to a notification of his Honor Judge Phelps, the Judge assigned to said Baltimore City Court, this respondent presented himself at the bar of said Baltimore City Court, and that in answer to the statement made by Judge Phelps that he had referred the matter to this Honorable Court but that before presenting the order passed thereby he would receive any personal statements or explanations wich either of the parties concerned desired to make, Mr. Francis K. Carey rose and presented to the Court on behalf of himself and Mr, Jacob I. Cohen and other members of the

bar a written statement prepared after conference with this respondent, Mr. Henry Stockbridge, Jr., and Mr. William Shepard Bryan, Jr., a copy of which statement is herewith filed as part of this Answer marked "T. B. M. Exhibit No. 1".

II.

That this respondent in answer to the rule to show cause, so far as the same relates to the "alleged public misbehavior, disorderly conduct and breach of the peace in open Court" by this respondent, respectfully refers to the statement of facts contained in said Exhibit No. 1 and respectfully prays that so much of said statement as refers to what took place in said Baltimore City Court on said fourteenth day of January, eighteen hundred and ninety six, may be taken as the answer of this respondent with reference thereto.

III.

That after that statement had been read by Mr. Carey this respondent rose and in the presence of the presiding Judge and the assembled audience publicly made, in substance, the following statement;

"May it please the Court:

I realize the gravity of the offence with which I am charged and desire to make my humble apology. I had supposed that no man recognized more fully than I did the necessity of upholding the dignity and sanctity of a Court of Justice. It will be to me a matter of lifelong regret that I was ever arraigned at this bar for a breach of decorum.

This paper prepared by the kindness of mutual friends states substantially what occurred.

I would again offer my humble apology to the Court."

Immediately afterwards, Mr. Stockbridge also publicly presented his apology to the said Court.

IV.

That after Mr. Stockbridge and this respondent had thus

presented their public apologies to the Baltimore City Court, his Honor, Judge Phelps, proceeded to administer to Mr, Stockbridge and this respondent a severe ~~[illegible]~~ public reprimand, in which his Honor discussed at length the conduct of Mr. Stockbridge ~~[illegible]~~ and this respondent, and in language of the gravest and most formal kind characterized this conduct in such a manner as to subject Mr. Stockbridge and this respondent to the utmost public humiliation which it is possible for this or any other judicial tribunal to inflict upon members of the bar for such conduct.

V.

That after ~~this~~ his Honor, Judge Phelps, had thus reprimanded this respondent and Mr. Stockbridge, the Clerk read in open Court the order of this Honorable Court in this matter and thereupon this respondent and Mr. Stockbridge admitted service thereof.

And having thus answered the said rule this respondent submits himself to the Supreme Bench of Baltimore City for such action as to it may seem proper to be taken in the premises, hereby expressly waiving any exception to the jurisdiction thereof.

Thomas B. Mackall

Joseph Packard, Jr.
Wm. Reynolds
Fred'k J. Brown
Counsel for Respondent