

IN THE CIRCUIT COURT No. 2  
of BALTIMORE CITY.

*1312*  
*1906*

THE MINISTER AND TRUSTEES  
OF STARR METHODIST PROTES-  
CHURCH, A CORPORATION,

VS.

THE MAYOR AND CITY COUNCIL  
OF BALTIMORE, ET AL.

*No. 7237 A.*

*(145)*

BILL OF COMPLAINT.

*Order 7<sup>th</sup> December 1906.*

Mr. Clerk:

Please file.

*Alfred L. Miles*  
*Solicitor*  
Attorney for Plaintiffs.

MILES & MORRIS,  
ATTORNEYS AT LAW,  
709-719 CALVERT BUILDING,  
BALTIMORE, MD.

FILED

*7<sup>th</sup> December 1906*

The Minister and Trustees of  
Starr Methodist Protestant Church,  
a corporation,

Vs.

The Mayor and City Council of Bal-  
timore; Conway W. Sams, Oscar Leser  
and Solomon H. Freeburger, Judges of the  
Appeal Tax Court of Baltimore City and  
Henry Williams, City Collector.

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In the

CIRCUIT COURT, NO. 2.

of Baltimore City.

-----:-----  
To the Honorable, the Judge of said Court, :-

The Bill of Complaint of "The Minister and Trustees of  
Starr Methodist Protestant Church," respectfully shows:

First:- That the Plaintiff is a religious body duly incorporated  
under and by virtue of the General Incorporation Laws of the State of Mary-  
land, owning a Church at the Corner of Poppleton and Lemon Streets  
in the City of Baltimore, where it regularly conducts services of  
public religious worship, and is a co-ordinate branch of "The Trustees  
of the Maryland Annual Conference of the Methodist Protestant Church,"  
a religious denomination having its churches, and conducting public  
religious worship throughout the State of Maryland and duly incorporated  
by the Acts of the General Assembly of Maryland of 1890, Chapter 181.

Second:- That one Wesley Starr, of Baltimore City, deceased,  
by the Third Item of his Last Will and Testament, dated the *20th*  
day of *May*, A. D., *1865*, and duly recorded among the  
Will Records of Baltimore City, in Liber                      folio                      , gave and  
devised "unto the Minister and Trustees of the Starr Methodist  
Protestant Church of Baltimore City, as a kind of endowment, the  
rents, profits and yearly income of the wharf opposite the land  
on Light Street in said City, " purchased by him on the first day of

July, 1842, of John H. B. Latrobe, Trustee, et al.,  
which said lot is described as follows: beginning on the West side  
of Light Street at the distance of 74 feet, 11 inches S. from the Corner  
formed by the intersection of S. side of Pratt and W. side of Light Street;  
and running thence S. bounding on the West side of Light Street 31 ft.  
one in. (inclusive of an alley 5 ft., 5 in. wide); then W. parallel with  
Pratt Street 60 ft. and 1 inch to an alley 20 feet wide; then N.  
bounding on the East side of said alley and parallel with Light Street  
31 ft. and 1 inch; and thence E. by a straight line to the place of  
beginning," to be held and enjoyed by the said Church for a term of such  
time as may elapse before the corporate authorities, official members  
or membership of said Church shall admit any musical instrument as  
distinguished from the human voice into the Sabbath school, singing  
choir or singing rehearsal or singing schools of said Church held  
there on the Church premises or elsewhere; or shall attempt- I trust  
they never will- to raise money by the holding, now somewhat fashion-  
able, either in the Church or Sabbath school room or elsewhere of  
any fair, festival or concert of instrumental music, or by the  
delivery of any irreligious or political lecture, or the still more  
demoralizing, sinful mode,-should Christians ever so far degenerate,-  
of balls, parties, lotteries, theatrical performances, raffles, or  
the voting for distinguished individuals, when and upon the happening  
of any one of these contingencies, the said wharf property and ground  
rent shall fall into the residuum of my estate, and be subject to  
the disposal hereinafter made thereof;" a certified copy of the  
third item of the said will is herewith filed as a part hereof,  
marked "Plaintiffs' Exhibit A."

Third:- That the General Assembly of Maryland by Chapter  
263 of the Acts of 1904, after reciting the restrictions and conditions  
thrown around said devise and bequest, and that they were such as  
that the said "Minister and Trustees of the Starr Methodist Protestant

Church are deprived of the full enjoyment thereof without seriously affecting their proper mode of worship," in consideration thereof and for other reasons and upon other considerations, in said Act stated, exempted said wharf property so as aforesaid devised by the said Wesley Starr to "The Minister and Trustees of Starr Methodist Protestant Church," from municipal taxation, so long as the said property or the income therefrom shall be owned and enjoyed by "The Minister and Trustees of Starr Methodist Protestant Church" to which said act reference is hereby made as a part hereof.

Fourth:- That notwithstanding the passage of the aforesaid Act of 1904, exempting the income, rents and profits from the aforesaid wharf property from taxation, the Defendant Judges of the Appeal Tax Court have refused and still refuse to strike said property from their tax books, and the Defendant Henry Williams, City Collector, on the 19th day of November, 1906, advertised said property for sale at public auction on the 17th day of December, 1906 for the payment of State and City taxes on said property for the years 1904 and 1905, and City taxes for the year 1906, as will appear by reference to the advertisement in the Baltimore Sun of November 19th, 1906, a copy of which is herewith filed as a part hereof, marked "Plaintiffs' Exhibit B."

Fifth:- That Your Orator has from time to time tendered itself ready and offered to pay the State taxes due upon said property, if there are any such taxes due, but the Defendants, the Judges of the Appeal Tax Court have refused to accept the same, and Your Orator now tenders itself ready, as it has always been, to pay any taxes which may be found to be due and owing by it to the State of Maryland against said property or the income therefrom.

Sixth:- That Your Orator does not own any of the improvements on the said wharf property, but is entitled only to "the rents, profits and yearly income of the wharf;" and that all the improvements and buildings on said wharf property were erected and are owned and occupied by the Philadelphia and Baltimore Steamboat Company.



To the end therefor:

(1) That the defendants, Conway W. Sams, Oscar Leser and Solomon H. Freeburger, Judges of the Appeal Tax Court of Baltimore City, may be required to strike from the tax books of the City of Baltimore the said property in so far as the same is assessed to Your Orator.

(2) That the Defendant, Henry Williams, City Collector, may be enjoined from selling the aforesaid wharf property, so as aforesaid advertised by him for sale on the 17th day of December, 1906, for the payment of State and City taxes.

(3) That Your Orator may have such other and further relief as its case may require.

MAY it please Your Honor to grant unto Your Orator the Writ of Subpoena directed to the Mayor and City Council of Baltimore, Conway W. Sams, Oscar Leser and Solomon H. Freeburger, Judges of the Appeal Tax Court of Baltimore City and Henry Williams, City Collector, all residing in the City of Baltimore, commanding them to be and appear in this Court at some certain day to be therein named to answer the premises and abide by and perform such decree as may be passed therein; and also the writ of injunction enjoining and restraining the Defendant, Henry Williams, City collector from selling the Property above described so as aforesaid advertised by him for sale.

And as in duty bound etc.

*Alonzo L. Miles*  
Solicitor for Plaintiff.

State of Maryland :  
Baltimore City, :

to wit:

I HEREBY CERTIFY that on this *30th* day of November, A. D. 1906, before the subscriber, a Justice of the Peace of the

State of Maryland, in and for the City aforesaid, personally appeared George W. Haddaway, President of "The Minister and Trustees of Starr Methodist Protestant Church," the Plaintiff, and made oath in due form of law that the matters and facts stated in the foregoing Bill of Complaint are true to the best of his knowledge and belief.

Oscar C. Martens

Justice of the Peace.

On the foregoing bill of complaint and exhibits, it is, this <sup>6<sup>th</sup></sup> day of December A. D., 1906 by the Circuit Court No. 2 of Baltimore City, ordered that a writ of injunction be issued as is prayed in said bill, upon the filing of a bond by the Plaintiff in the penalty of *Five hundred dollars*, with security to be approved by the Clerk of this Court; but liberty is hereby reserved to the Defendant to move for the rescinding of this order, and for a dissolution of the injunction to be issued as aforesaid, at any time after filing his answer to said bill, on giving the Plaintiff five days previous notice of such motion. And the Clerk is hereby directed to annex a copy of this order to the writ of injunction.

*R. S. Wickes*

312  
1906.

A. Ct. Ct. No. 2.

Docket No. 15.

Ministers and Trustees of  
Stann<sup>16.</sup> Protestant Church &c.

Mayor & City Council of  
Balt<sup>12.</sup>. & c.

Subpœna to Answer Bill of Complaint.

no copy

No.

7237A

(H)

Filed

10<sup>th</sup> December 1906.

George L. Meigs Esq.

SOLICITOR.

Summoned The Mayor and City Council of  
Baltimore, by Service on E. Clay Trueman, Mayor,  
Also Summoned Conway W. Davis, Oscar Keen,  
(and Solomon A. Treuburger Judges of the Appeal  
Tax Court of Baltimore City, also summoned  
Henry Williams, City Collector  
George W. Badger  
James  
Fee \$2.00 (Sheriff)

213

EQUITY SUBPOENA

The State of Maryland.

To

The Mayor and City Council of Baltimore  
✓ Conway W. Lane, Oscar Riser, A.P. and  
✓ Solomon H. Freedburger, Judges of the  
Municipal Tax Court of Baltimore City. and  
✓ Henry Williams, City Collector A.P.

Of Baltimore City, Greeting:

WE COMMAND AND ENJOIN YOU, that all excuses set aside, you be in your person before the  
Circuit Court No. 2, of Baltimore City, at the Court House in said city, on the second Monday of  
December 1906 to answer the complaint of The Ministers and Trustees  
of Stars Methodist Protestant Church, a corporation.  
against you in said Court exhibited.

HEREOF fail not, as you will answer the contrary at your peril:

WITNESS the Honorable HENRY D. HARLAN, Chief Judge of the Supreme Bench of Baltimore  
City, the 12<sup>th</sup> day of November 1906.  
issued the 7<sup>th</sup> day of December in the year 1906.

Thomas A. Robinson

Clerk.

-1865-

Extract from A <sup>312</sup>/<sub>1906</sub>.

Last Will & Testament of  
Wesley Starr.

In the Circuit Court No. 2,  
of Baltimore City.

The Minister and Trustees of  
Starr Methodist Protestant  
Church, a corporation,  
vs.

The Mayor and City Council  
of Baltimore, et al.

Plaintiffs' Exhibit "a."  
No. 7237. A.

Mr. Clerk: (2)

Please file.

Alonso L. Miles,  
Solicitor  
Attorney for Plaintiffs

Copy -  
St. 70 December 1906.



Extract from  
Last Will & Testament  
of Wesley Starr.

In the Name of God, Amen!

I, Wesley Starr, of Baltimore City, being infirm  
of body, but of sound, disposing mind, memory  
and understanding, do make and publish this  
my last will and testament,


\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*

This I give and devise at my death unto  
the Minister and Trustees of the Starr Methodist  
Protestant Church in Baltimore City as a kind  
of endowment; the rents, profits and yearly income  
of the wharf opposite the lot on Light Street in said  
City, purchased by me on the 1st day of January,  
1842 of John H. B. Latrobe, trustee and others, and  
at the death or marriage of my daughter in law  
Mrs. Laura Starr, whichever shall first occur, the  
yearly rent of Two hundred and forty dollars re-  
served in the said lease from me to them of May last,  
to be held and enjoyed by the said Church for and  
during all such time as may elapse before the  
corporate authorities, official members or mem-  
bership of the said Church shall admit any mu-  
sical instrument as distinguished from the  
human voice, into the Sabbath School singing,  
choir, or choir rehearsals, or singing schools of

said Church, held either on the Church premises  
or elsewhere, or shall attempt - I trust they never  
will, - to raise money by the holding - now  
somewhat fashionable - either in the church  
or Sabbath School room or elsewhere, of any  
fair, festival or concert of instrumental music,  
or by the delivery of any irreligious or political  
lecture, - or the still more demoralizing and sin-  
ful mode, - should the churches ever so far degene-  
rate as to adopt it, - of balls, parties, lotteries,  
theatrical performances, raffles, or the voting  
for distinguished individuals, - when, and  
upon the happening of any of these contingencies,  
the said wharf property and ground rent shall  
fall into the residuum of my estate, and be sub-  
ject to the disposal hereinafter made thereof. -  
And I give and release unto said Church all  
ground rent in areas under my lease to them  
and the accruing rent, computed to the day of  
my decease.

\* \* \* \* \*

In testimony whereof, and patiently awaiting the  
hour, when saved by grace, I shall appear in the  
presence of my Redeemer, and enter upon the in-  
heritance of the Saints in light, I hereto set my  
hand and seal this twentieth day of February,  
eighteen hundred and sixty five.

Wesley Starr. 

\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*

Codicil.

After mature reflection, I, Wesley Starr, have determined to change and modify in manner following, my foregoing will.

First: I revoke the devise in the Second Article of my will to my daughter in law, Mrs. Laura Starr, during life or widowhood, of the yearly rent of Two hundred and forty dollars reserved in the lease of the Church Lot. And it is my will, that the said yearly rent shall vest at once on my decease in the Minister and Trustees of the Starr Methodist Protestant Church in Baltimore City, instead of at the death or marriage of Mrs. Laura Starr, as provided for in the Third Article of my will; the tenure of the property or conditions of the gift to remain unchanged as prescribed in the will.

\* \* \* \* \*  
\* \* \* \* \*  
\* \* \* \* \*

And hereby ratifying and confirming my said and foregoing last will and testament as modified by this Codicil, I hereto set my hand and seal, this twentieth day of May, eighteen hundred and sixty five.

Wesley Starr. 



# State of Maryland,

BALTIMORE CITY, ss.

I, BART. E. SMITH, Register of Wills, and by law, keeper of the Seal and of the Records, and of the Original Papers of the Orphans' Court of Baltimore City, DO HEREBY CERTIFY that the foregoing is a true and full copy of the

*Extract from the Last Will Testament  
& codicil of  
Wesley Starr,* late of said City, deceased,

taken from *"Wills," Liber J.P.C.  
No. 33, folio 23b &c. being one of the Records*  
kept in the Office of Register of Wills for Baltimore City.

In Testimony Whereof, I hereunto subscribe my name and affix  
the Seal of said Court and office, this *27<sup>th</sup>*  
day of *November* in the year of our Lord  
nineteen hundred and *six*.

*Bart. E. Smith.*  
Register of Wills for Baltimore City.

A 312  
1906

In the Circuit Court No. 2,  
of Baltimore City.

The Minister and Trustees  
of Starr Memorial Methodist  
Protestant Church, a cor-  
poration,

Vs.

The Mayor and City Council  
of Baltimore; Conway W.  
Sams, Oscar Leser and Sol-  
omon H. Freeburger, Judges  
of the Appeal Tax Court of  
Baltimore City and Henry  
Williams, City Collector.

Plaintiffs' Exhibit B.

No. 7237 A.  
(3)

Mr. Clerk:-

Please file.

Alvyn L. Miles  
Solicitor for  
Plaintiff.

Ed. 7 - Dec 1906



## TAX DEPARTMENT.

TAX DEPARTMENT,  
CITY COLLECTOR'S OFFICE,  
CITY HALL,

BALTIMORE, November, 19, 1906.

NOTICE IS HEREBY GIVEN TO THE OWNER OR OWNERS OF THE SEVERAL LOTS OF GROUND IN THE CITY OF BALTIMORE, which are hereinafter described, that unless the State and City Taxes due thereon, respectively, as hereinafter mentioned, shall be paid on or before 12 o'clock MONDAY, the 17th day of December, 1906, each of said lots on which the taxes remain unpaid as aforesaid, or so much thereof as may be necessary to raise the sum due thereon, with all costs and charges, will be sold according to the Acts of the General Assembly of the State of Maryland and the ordinances of the Mayor and City Council of Baltimore, to the highest bidder for the payment of the same, on the said 17TH DAY OF DECEMBER, 1906, at 1 o'clock P. M., at the REAL ESTATE EXCHANGE SALESROOMS, NO. 225 ST. PAUL STREET, in the city of Baltimore.

The terms of sale are that the purchaser or purchasers shall pay to the undersigned on the day of sale, or the day next succeeding, the amount of taxes due on the property sold, together with all costs and charges; otherwise the Collector may resell at the risk and cost of the first purchaser, and that the residue or balance of the purchase money shall remain on a credit for one year and a day from the date of sale.

The right of redemption extends to one year and a day from date of sale by paying to the purchaser or purchasers the amount paid by him, or them, at date of sale, and all taxes assessed on said property and paid by said purchaser or purchasers since said sale prior to such redemption, and all costs and expenses properly incurred in procuring the ratification of said sale by the honorable the Judge of the Circuit Court of Baltimore City having jurisdiction in the premises, together with interest on all said sums at the rate of 6 per cent. per annum from the date of their payment to the date of redemption.

Payment of the bills for advertising and auctioneer's fees will positively be required at the time of sale.

The following-described property will be sold in fee simple unless the Collector is notified in writing before the day of sale by parties holding the reversionary interest in the same of the existence of a leasehold interest (the books of the Tax Department not disclosing such a fact), in which event the leasehold interest will be offered for sale; but if such leasehold interest should fail to produce the amount charged against the property, then the fee simple will be offered for sale.

Holders of reversionary interests are requested to be present at the sale in person or by representative to protect their interests by purchasing the leasehold interest should there be no other bidders therefor.

HENRY WILLIAMS,  
City Collector.  
PATTISON & GAHAN,  
Auctioneers.

LOT No. 296—(WHARF PROPERTY, LIGHT STREET). \$49.78

Beginning on the east side of Light street, 75 feet southerly from Pratt street and at the south outline of a lot unknown; thence easterly along said outline 37 6-12 feet to bulkhead; thence southeasterly on bulkhead 37 6-12 feet to a lot unknown; thence westerly along said lot 58 feet to Light street, and thence northerly on Light street 31 4-12 feet to the beginning. Part of Philadelphia and Baltimore Steamboat Company's wharf. Assessed to Starr M. P. Church for State and city taxes 1904, 1905 and 1906. \$831.58

Ct. Ct. No. 2.

a 313  
1906.

A.

DOCKET No.

155

minister and Trustees of  
Starr Methodist Protestant  
Church vs

Mayor and City Council  
of Baltimore, et al.

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**ORDER FOR APPEARANCE.**

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No. 7237.A.  
8

Filed 19<sup>th</sup> day of Dec. 1906,

The ministers and Trustees  
of Starr Methodist Protestant  
Church vs  
The Mayor and City  
Council of Baltimore  
et al.

IN THE CIRCUIT COURT No. 2.  
OF BALTIMORE CITY.

.....TERM, 1.....

MR. CLERK:

PLEASE ENTER MY APPEARANCE FOR DEFENDANT *J*

.....  
.....

*J. Cabell Bruce*  
city SOLICITOR.

Oct. Ct #2.

A 313  
1906.

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Ministers & Masters of  
Star M. P. C. &c.

R.

Mayor & City Council  
of Baltimore Et al

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Decree of Court of Appeals

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No. 7237. A.

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(13)

Ed. 25<sup>th</sup> July 1907

The Mayor and City Council  
of Baltimore et al.  
vs.  
The Minister and Trustees of  
the Starr Methodist Protestant  
Church

# Court of Appeals

OF

## Maryland.

APRIL TERM, 1907.

The Appeal in this case standing ready for hearing, was argued by Counsel for the respective parties, and the proceedings have since been considered by the Court.

It is thereupon, this twenty sixth day of June A. D. 1907, by the *Court of Appeals of Maryland*, and by the authority thereof adjudged, ordered and decreed that the decree of the Circuit Court Number Two of Baltimore City made in this cause on the seventh day of February in the year nineteen hundred and seven be and the same is hereby reversed, the injunction dissolved and the bill of complaint dismissed; the appellees to pay the costs above and below.

John P. Briscoe  
A. Hunter Boyd  
James A. Pearce  
Saml. D. Schmucker  
N. Charles Burke  
Jno G. Rogers.



# COURT OF APPEALS OF MARYLAND.

April Term, 1907.

The Mayor and City Council of Baltimore et al.

vs.

The Minister and Trustees of the Starr Methodist Protestant Church

Appeal from the Circuit Court Number Two of Baltimore City.

For the reasons assigned above the decree of the Circuit Court No. 2 of Baltimore City, passed in this case making the injunction perpetual must be reversed & the bill dismissed and the injunction dissolved. The Appellees to pay the costs above and below, by the Court on the 26<sup>th</sup> day of June A. D. 1907  
Ch. Rogers, Jr.

Appellant's Costs in the Court of Appeals of Maryland, including

\$10.00 Appearance Fee,

Record, 27.00  
Brief, 50.00  
Docket Entries, 6.00  
Appearance Fee, 10.00

\$ 93.00

Appellee's Costs in the Court of Appeals of Maryland, including

\$10.00, Appearance Fee

to be added.  
Brief, 1.75  
Docket Entries, —  
Appearance Fee, 10.00

\$ 10.75

STATE OF MARYLAND, Sct.,

I, Thomas Parran, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is truly taken from the record of proceedings of the said Court of Appeals.

In testimony whereof, I have hereunto set my hand as Clerk, and affixed the

seal of the said Court of Appeals, this twenty-fourth

day of July A. D., 1907 .

Thomas Parran

Clerk Court of Appeals of Maryland.

312  
1906,

IN THE CIRCUIT COURT NO. 2  
OF BALTIMORE CITY

The MINISTER AND TRUSTEES  
OF STARR METHODIST PROTES-  
TANT CHURCH, A CORPORATION,  
VS.

THE MAYOR AND CITY COUNCIL  
OF BALTIMORE, ET AL.

FINAL ORDER OF THE COURT.

*Feb 7 February 1907*  
Mr. Clerk:-

Please file.

*No. 7237-A.*  
(11)

*Miles & Morris*

MILES & MORRIS,  
ATTORNEYS AT LAW,  
709-719 CALVERT BUILDING,  
BALTIMORE, MD.

FILED *7 February 1907*

The Minister and Trustees of  
Starr Methodist Protestant Church,  
a corporation,

VS.

The Mayor and City Council of Bal-  
timore; Conway W. Sams, Oscar Leser  
and Solomon H. Freeburger, Judges of the  
Appeal Tax Court of Baltimore City and  
Henry Williams, City Collector.

IN THE  
CIRCUIT COURT, NO. 2,  
OF BALTIMORE CITY.

-----  
TO THE HONORABLE, THE JUDGE OF SAID COURT,-

This cause standing ready for hearing and being submitted on Bill and Answer, the Counsel for the parties were heard and the proceedings read and considered. It is thereupon this *Seventh* day of February, A. D. 1907, by the Circuit Court, No. 2 of Baltimore City, adjudged, ordered and decreed that the injunction heretofore granted in this case be, and it is hereby, made perpetual; and the Defendants, The Mayor and City Council of Baltimore, Conway W. Sams, Oscar Leser, and Solomon H. Freeburger, Judges of the Appeal Tax Court of Baltimore City, are hereby perpetually enjoined from assessing for the purpose of municipal taxation, the property described in these proceedings, that is to say, the wharf property on Light Street conveyed to Wesley Starr by John H. B. Latrobe and others, Trustees, by a deed dated January 1st, 1842 and recorded among the land records of Baltimore City in Liber T. K. No. 315, page 316, and by said Wesley Starr devised and bequeathed unto the Minister and Trustees of Starr Methodist Protestant Church of the City of Baltimore, said wharf property fronting 31 feet and one inch on Light Street, beginning at the intersection of Pratt and Light Streets.

*And it is further ordered that the Defendants pay the costs of these proceedings.*  
*Wm. M. Mikes*

A 312  
1906.

In the circuit Court Number  
2 of Baltimore City.

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The Ministers and Trustees  
of the Starr Methodist  
protestant Church,

vs.

The Mayor and city Council  
of Baltimore.

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M

APPEAL.

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Mr. Clerk:

Please file.

W. Aubell Bunch  
City Solicitor.

No. 7237A.  
(12)

A. G. March 1907.





Surreon  
Adonzo L. Miles  
7th Colored Regt  
Soldier

312  
1906. A. Ct. Ct. No. 2.  
Docket No. 151

Administrators & Trustees of the  
Star Methodist Protestant Church,  
a corp. vs.  
Mayor & City Council of  
Baker, et al

Motion and Order Dissolution.  
17<sup>th</sup> January 1907.

No. 7237.A.  
(10)

Copy - Copied  
Filed 17<sup>th</sup> January 1907.

Copy of the within Motion and Order  
Dissolution, served on Adonzo L. Miles,  
solicitor on the 19<sup>th</sup> day of January, 1907  
in the presence of Alfred M. Maduiges,  
George W. Padgett  
Sheriff.

Fees \$0.00

Administrators & Trustees of  
the Starr Methodist Protestant  
Church, a corporation  
vs.

Mayor & City Council of  
Baltimore et al

IN THE  
CIRCUIT COURT NO. 2  
OF  
BALTIMORE CITY.

January Term, 1907.

TO THE HONORABLE:

THE JUDGE OF SAID COURT.

The Defendants moves the  
Court for the dissolution of the injunction heretofore issued in the above entitled cause.

W. Cabell Bruce

Solicitor.

ORDERED by the Court this 17<sup>th</sup> day of January 1907, that the motion  
for dissolution of the injunction heretofore issued in the above entitled cause stand for hearing ~~on the~~  
~~day of~~ 1907, with leave for either party to take testimony  
before one of the Standing Examiners of this Court to be used at the hearing, on giving to the opposite  
party or ~~its~~ Solicitor ~~one~~ days' notice, provided a copy of the motion and of this order be served  
on the Plaintiff or ~~its~~ Solicitor on or before the 22<sup>nd</sup> day of January 1907.

Paul L. Wicks

True Copy: Test:

Clerk.

<p><i>Revised</i>  The <del>Administrators</del> and  Trustees of the Starr Methodist  Protestant Church, a corporation,</p> <p style="text-align: center;">vs.</p> <p>The Mayor and City Council of  Baltimore, et al.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>In the Circuit</p> <p>Court Number</p> <p>2 of</p> <p>Baltimore City.</p>
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TO THE HONORABLE, THE JUDGE OF SAID COURT:

The joint and several answer of the Mayor and City Council of Baltimore, of Conway W. Sams, Oscar Leser and Solomon H. Freburger, Judges of the Appeal Tax Court of Baltimore City and of Henry Williams, City Collector to the Bill of Complaint against them exhibited in the above entitled cause respectfully shows:

1. Your respondents admit the matters and facts alleged in the first paragraph of said bill, but for the terms and provisions of the Act of 1890, Chapter 181 referred to in said first paragraph, your respondents respectfully refer to the Act itself.

2. Your respondents admit the matters and facts alleged in the second paragraph of said bill, but for the terms of the third item of the Will of Wesley Starr referred to in said second paragraph, your respondents refer to the certified copy thereof filed with the bill.

3. Your respondents admit the passage of the Acts of 1904, Chapter 263 alleged in the third paragraph of the bill, but for the true terms thereof, your respondents refer to the Act itself.

4. Answering the fourth paragraph of the bill, your respondents admit the refusal of the Judges of the Appeal Tax Court to strike the property in question from their tax books, and admit that Henry Williams, City Collector, has advertised said property for sale as shown in Plaintiff's Exhibit B. In support and justification of the said action of the Appeal Tax Court and City Collector, your respondents show that the said Act of 1904, Chapter 263 is unconstitutional, null and void, in that it violates the provisions of Article 15 of the Declaration of the Rights of Maryland, and Section 33 of Article 3 of the Constitution of Maryland and the Fourteenth Amendment to the Constitution of the United States, and your respondents say, that inasmuch as the <sup>wharf</sup> ~~improvements upon the~~ property in question <sup>is,</sup> ~~are,~~ and for a long time <sup>has</sup> ~~have~~ been leased to the Baltimore and Philadelphia Steamboat Company under a lease which yields the plaintiff a large annual rental, it therefore follows that the said property is assessable to the plaintiff for purposes of taxation, and was so assessable for the years 1904-5 and 6.

5. Answering the fifth paragraph of the bill, your respondents deny that the plaintiff has ever made a legal tender of the State taxes due upon said property.

6. Your respondents admit the matters and facts alleged in the sixth paragraph of the bill, and aver that the ~~improvements upon the~~ wharf property in question <sup>is,</sup> ~~are,~~ and for a long time <sup>has</sup> ~~have~~ been leased to the Baltimore and



Philadelphia Steamboat Company under a lease which yields a large annual revenue to the plaintiff, and your respondents further show that the ~~said~~ <sup>on said wharf property</sup> improvements are not and never have been assessed for purposes of taxation to the plaintiff, but that the same are and for years have been assessed to the said Baltimore and Philadelphia Steamboat Company, and that the property, which, as already stated, the Appeal Tax Court has refused to strike from its books, is not the said improvements, but is the wharf upon which said improvements are situated, and that the assessment in question against the plaintiff stands upon the books of the Appeal Tax Court in the following form:

"Starr M.P. Church, lot opposite 206-208 Light street  
(wharf property)            \$12,533."

7. Further answering your respondents say, that after the passage of the Act of 1904, Chapter 263 aforesaid, which Act was approved April 12, 1904, the plaintiff, through its counsel on September 19, 1904, applied to the Appeal Tax Court for an abatement of assessment against the plaintiff on the wharf property in question for 1904, and on September 23, 1904 the Appeal Tax Court being advised that the said Act of 1904, Chapter 263 was for the reasons aforesaid null and void, refused to make said abatement, and advised the plaintiff through its counsel that, if it was not satisfied with such decision, the plaintiff should appeal to the Baltimore City Court before the expiration of thirty days from the day of such decision, which said appeal the plaintiff failed to take,

and your respondents say that the said Act of 1904, Chapter 263, even if valid, does not purport to relieve the plaintiff from the payment of taxes on the property in question for the year 1904, and that the plaintiff's remedy, if any, for relief from the assessment for the said year 1904 was by appeal to the Baltimore City Court from the said action of the said Appeal Tax Court, in refusing to strike said assessment from the books for said year, and that the plaintiff having, as already stated, failed to take such appeal, this Honorable Court has no power or jurisdiction to review the assessment for said year 1904, or the legality thereof, nor to enjoin the collection of the taxes for such year.

8. That even if the said Act of 1904, Chapter 263 is valid, still your respondents say that the plaintiff's proper ~~forum~~<sup>forum</sup> for relief, from the action of the Appeal Tax Court in assessing the property in question, after the passage of the said Act, or in refusing to abate the said assessment after the passage of the said Act, was by appeal to the Baltimore City Court, and that not having taken any appeal in any of the years covered by the Bill of Complaint, your respondents say that this Honorable Court has no power or jurisdiction to review the said assessment, or the legality thereof for any of said years.

And now having fully answered said bill of complaint, your respondents pray that they be hence dis-



missed with their reasonable costs.

W. Cabell Bruce  
Solicitor for respondents.

STATE OF MARYLAND,        )  
                                  ) To Wit:  
CITY OF BALTIMORE,        )

I hereby certify, that on this 16<sup>th</sup>  
day of January, nineteen hundred and seven, before me,  
the subscriber, a Justice of the Peace of the State of  
Maryland, in and for Baltimore City aforesaid, personally  
appeared ~~George A. Luther~~ <sup>G. B. Layman</sup>, Mayor of the City of Baltimore,  
one of the defendants named in the foregoing answer, and  
on behalf of said city, and on behalf of the other defend-  
ants named, made oath in due form of law that the matters  
and facts in the foregoing answer are true as therein  
set forth.

Harry Peabody  
Justice of the Peace.