

Official for Appellees

Clerk for Appellants

13. Agreed Exhibit No. 6, letter of June 30, 1955 from Henry W. Barnes to Baltimore City Council, et al.

12. Transcribed testimony of Ernest W. Bunting and Henry A.

11. Order of the Court.

10. Memorandum of the Court.

No. 180 be declared invalid.

9. Petition of Plaintiff praying that Paragraph 8 of Ordinance published by the Maryland State Roads Commission.

8. Plaintiffs' Exhibit No. 1, which is the highway map the Baltimore City Code.

7. Agreed Exhibit No. 4, which is section 87 of Article 38 of the Baltimore City Code.

6. Agreed Exhibit No. 3, which is section 89 of Article 38 of

5. Agreed Exhibit No. 2, which is Administrative Regulation No. 1.

4. Agreed Exhibit No. 1, which is Ordinance No. 188.

3. Stipulation in lower court.

2. Answer to Bill of Declaratory Decree.

1. Bill of Complaint, with the affidavit deleted.

the Appellants, brief.

shall be included in the printed record extract as an appendix to

It is hereby stipulated that the following parts of the record

STIPULATION

* * * * * Defendant's

* * * * * a municipal corporation,

* * * * * Mayor and City Council of Baltimore,

* * * * * Director of Traffic, and

* * * * * Henry W. Barnes,

* * * * * as Appellants,

* * * * * Hylan A. Kressman, et al.,

Filed: Dec. 5 1955

No. 140 October Term, 1955

OF MARYLAND

COURT OF APPEALS

IN THE

HYMAN A. PRESSMAN, et al.,
Appellants,

vs.

HENRY A. BARNES,
Director of Traffic, and
MAYOR AND CITY COUNCIL OF BALTIMORE,
a municipal corporation,
Defendants.

* IN THE
* COURT OF APPEALS
* OF MARYLAND
* No. 140 October Term, 1955

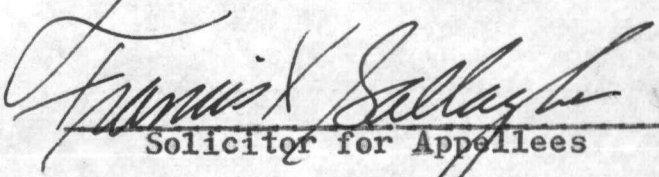
* * * * *

STIPULATION

It is hereby stipulated that the following parts of the record shall be included in the printed record extract as an appendix to the Appellants' brief.

1. Bill of Complaint, with the affidavit deleted.
2. Answer to Bill for Declaratory Decree.
3. Stipulation in lower court.
4. Agreed Exhibit No. 1, which is Ordinance No. 786.
5. Agreed Exhibit No. 2, which is Administrative Regulation No. 7.
6. Agreed Exhibit No. 3, which is Section 89 of Article 38 of the Baltimore City Code.
7. Agreed Exhibit No. 4, which is Section 87 of Article 38 of the Baltimore City Code.
8. Plaintiffs' Exhibit No. 5, which is the highway map published by the Maryland State Roads Commission.
9. Petition of Plaintiff praying that Paragraph 8 of Ordinance No. 786 be declared invalid.
10. Memorandum of the Court.
11. Order of the Court.
12. Transcribed testimony of Ernest W. Bunting and Henry A. Barnes.
13. Agreed Exhibit No. 6, letter of June 30, 1955 from Henry A. Barnes to George N. Lewis, Jr.


Solicitor for Appellants


Solicitor for Appellees

May 2, 1956

Hyman A. Pressman, Esq.
Attorney at Law
337 St. Paul Place
Baltimore 2, Maryland

Dear Mr. Pressman:

The Court has considered your petition for reargument in the case of Pressman, et al. vs. Henry A. Barnes, etc. et al., No. 140, October Term, 1955, and said petition was denied this date.

The mandate will be forwarded to the Circuit Court of Baltimore City in the near future.

Very truly yours,

Chief Deputy

JLY/ojr

cc: Office of the City Solicitor,
Att'n: Mr. Ricciuti
Office of the Attorney General

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100% RAG U.S.A.

April 24, 1956

Hyman A. Pressman, Esq.
Attorney at Law
337 St. Paul Place
Baltimore 2, Maryland

Dear Mr. Pressman:

This will acknowledge receipt of your petition for re-argument, together with the \$5.00 fee required, in the case of Pressman, et al. vs. Henry A. Barnes, etc. et al., No. 140, October Term, 1955.

Copies of this petition have been distributed to the Judges and you will be notified when action is taken thereon.

Very truly yours,

Chief Deputy

JLY/ojr

cc: Thomas N. Biddison, Esq.,
City Solicitor
C. Ferdinand Sybert, Esq.,
Attorney General

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HYMAN A. PRESSMAN
ATTORNEY AT LAW
337 ST. PAUL PLACE
BALTIMORE 2, MD.
PLAZA 2-4647

April 23, 1956

Hon. Maurice Ogle
Clerk, Court of Appeals
Annapolis, Maryland

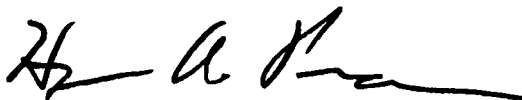
Re: No. 140
Pressman v, Barnes

Dear Sir:

Enclosed is a Petition for Re-argument, together
with five copies and \$5.00 check, in conformity with
the rules.

Please file and oblige.

Very truly yours,



HYMAN A. PRESSMAN

HAP/gap

No. 140 - Oct. 7, 1955

Filed April 24, 1956.

Petition denied.

Frederick W. Aune,
Chief Judge.

May 2, 1956.

Petition for
Reargument.

Handwritten signature and initials, possibly "Hansen".

Handwritten signature and initials, possibly "Hansen".

HYMAN A. PRESSMAN, et al.,
Appellants,

vs.

HENRY A. BARNES,
Director of Traffic, and
MAYOR AND CITY COUNCIL OF BALTIMORE,
a municipal corporation,
Appellees.

FILED APR 24 1956
MAURICE OGLE, CLERK

IN THE
COURT OF APPEALS
OF MARYLAND

*
*
No. 140 October Term, 1955
*

* * * * *

PETITION FOR RE-ARGUMENT

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Appellants respectfully present their petition for re-argument of the above entitled cause, and, in support thereof, respectfully show:

1. That this Honorable Court's opinion, filed on April 10, 1956, did not rule upon the validity of Section 8 of Ordinance No. 786, which reads as follows:

"Any and all laws, ordinances and regulations and any and all parts of any and all laws, ordinances and regulations in force in the City of Baltimore inconsistent with the provisions of this ordinance or with any rule, regulation, order or directive hereafter promulgated by the Director of Traffic of the City of Baltimore, as hereinbefore provided, are hereby repealed to the extent of any such inconsistency, and any and all laws, ordinances and regulations and any and all parts of any and all laws, ordinances and regulations in force in the City of Baltimore not inconsistent, amended or superseded by the provisions of this ordinance or any rule, regulation, order or directive hereafter promulgated by the Director of Traffic of the City of Baltimore shall remain in full force and effect."

2. That said Section 8 gives an administrative official the power to repeal laws and ordinances by issuing a regulation, which is unconstitutional, as argued in the first point of Appellants' Brief, pages 4, 5 and 6.

3. That the Appellants made a formal request to the Lower Court to declare said Section 8 to be invalid by Petition, which is set forth on page 54 of the Appellants' Appendix, but that thereafter, the Lower Court declared the entire Ordinance No. 786

to be constitutional and valid enactments.

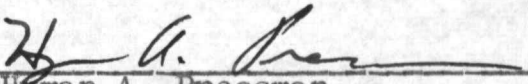
4. That, under the present state of the record, Section 8 is declared by the Lower Court to be valid and said declaration is affirmed by this Honorable Court, so that there is an official judicial stamp of approval on a legislative enactment which gives an administrative official the power to repeal laws and ordinances.

5. That the Appellants represent that such a precedent would be regrettable and should be corrected.

6. That this Honorable Court has determined by its ruling that the Appellants were justified in bringing their action to prevent the Director of Traffic from setting speed limits on certain highways, yet the Appellants were ordered to pay their own costs, which amount to considerably more than the Appellees' costs. That the Appellants took the calculated risk of incurring expensive costs if the final decision determined that their complaints were completely without merit so that their action was unjustified. However, the Appellants represent that if their action is substantially justified, they have performed a public service in bringing the action and should not be required to pay any portion of the court costs.

WHEREFORE the Appellants pray that re-argument be granted, and that, upon further consideration, a Decree be ordered to be passed declaring Section 8 of Ordinance No. 786 to be invalid, in addition to the injunction heretofore ordered by this Honorable Court, and that the Appellees be ordered to pay the costs.

Respectfully submitted,


Hyman A. Pressman
Solicitor for Appellants

I HEREBY CERTIFY that on this 23rd day of April, 1956, a copy of the foregoing Petition for Re-argument was delivered to the office of the Solicitors for the Appellees.


Solicitor for Appellants.