

249

Leonhard F. Finckmann

vs

William H. Weber

Henry D. Mayer &

Attors

Petition

Mr. Mace Please file  
this Petition

G. G. Kilbourn

vs B. Bond

Attys for Petitioner

Ed 8 March 1864

To The Honble

Robert N. Martin Judge of  
The Superior Court for the City of Baltimore  
The Petition of The Rev Leonhard  
Frederick Zimmermann of the City of Baltimore  
respectfully shews to your Honour that the  
Evangelical Lutheran St Stephens Church  
of the City of Baltimore is a branch of the Christian  
Church holding the Doctrines of Luther according  
to the "Augsburg Confession."— That the said  
congregation, <sup>and church</sup> are by a constitution of the same gover-  
-ned by a Pastor, four Elders and eight Deacons  
elected by the said congregation, <sup>and church</sup> according to the  
constitution or Articles of Association adopted by them  
as will appear by reference to a copy of said constitution  
herewith exhibited marked, Exhibit **A**

Your Petitioner further shews to your Honour, that  
on or about the month of November in the year  
Eighteen Hundred and Sixty one being a duly qualified  
Minister, <sup>he</sup> was duly vocated and elected Pastor of the  
said congregation, <sup>and church</sup> that he was in virtue of said vocation  
and election duly installed in the office of Pastor  
of the said, <sup>church and</sup> congregation and entered into a contract  
with the said congregation for the payment to him  
of the sum of Five Hundred Dollars per annum  
with other perquisites and advantages, in consideration  
of the services of your Petitioner as Pastor of the said  
Church and congregation which contract is still in  
full force and operation all which will appear by  
reference to the paper filed herewith marked, Exhibit **B**.

and to the constitution of said church and congregation

Your Petitioner further shews to your Honour that he entered upon his duties as such Pastor and continued in full exercise of his Pastoral and Official duties with entire satisfaction to a large majority of the church and said congregation until about the Seventh day of February Eighteen Hundred and Sixty four at which time he was unlawfully prevented from the occupation of the House of Worship and of the Pulpit of the said church and congregation and expelled from the same by a certain William H. Weber, Henry D. Mayer, John Wittler, John Fritzbacher, William Markolf, John Lipp, Christopher Berigtold Henry Ruppel, Louis Kolcher, Conrad Dochterman, Frederick Staudle, John Gebhart, John Thomas, August Becker, William Ebert and Henry Otter, ~~members of the~~ <sup>church and</sup> ~~said congregation~~ without any lawful authority so to do and against the wishes and consent of a large majority of the said church and congregation, and ~~that~~ notwithstanding that your Petitioner was willing and offered to perform all his functions as Pastor as aforesaid as he had ever faithfully done. And that he is still by force and violence of the said persons prevented from occupying the said House of Worship and Pulpit as he was used and accustomed to do and as he still has the right to do.

Wherefore your Petitioner prays your Honour to grant him the States writ of Mandamus to be directed to the said William H. Weber, Henry D. Mayer,

John Wittler, John Wurtzbacher, William Markolf,  
John Lipp, Christopher Reigtold, Henry Ruppel  
Louis Kolcher, Conrad Dochteoman, Frederick  
Staudle, John Gebhart, John Thomas, August  
Becker, William Ebert and Henry Otter,  
commanding them and each and all of them to  
restore or cause to be restored the said Leonhard  
Frederick Zimmermann into the place and function  
of Pastor of the Evangelical Lutheran St Stephens  
Church and congregation in the City of Baltimore  
and to the use of the House of Worship and Pulpit  
of the same with all the liberties privileges and  
advantages belonging to the place and function of  
Pastor or Minister of the said Church

Leonhard Frederick Zimmermann

E. G. Kelbourne

Wm B Bond  
Attorney for Petitioner

State of Maryland City of Baltimore. Set

On this 7<sup>th</sup> day of March Eighteen hundred  
and Sixty four personally appeared before the sub-  
scriber a Justice of the Peace of the State of  
Maryland in and for the City of Baltimore  
Leonhard Frederick Zimmermann and made oath on  
the Holy Evangelry of Almighty God that the  
matters and facts stated in the foregoing Petition  
are true as stated to the best of his knowledge and  
belief



Wm E. Forrester, J.P.

Zimmerman

vs

Wm Weber, My & Mayer  
& others,

Exhibit A

Copied

Ed 8 March 1864

Leonhard Frederick Zimmermann

vs

William H. Weber

Henry D. Mayer & others

Petitioner's

"

Exhibit "A"

Mr. Hall

Please file

E. G. Hillman

Com. B Bond

Letter for Petitioner





Translation  
of the  
Church Discipline  
adopted in 1857.

of the  
Ev. Luth. St. Stephens Congregation  
in  
Baltimore, Md.

(Printed in 1857.)



## Introduction

We whose names are here signed, viz, the Pastor, Elders and Deacons of the Old Lutheran St. Stephens Church of the city of Baltimore, do believe, that the object for which the Christian Church was founded by Jesus Christ, its divine head, can be reached only then, if joined strength and activity work together towards it; (this object) and we have for this reason, organized ourselves into a Christian congregation. In order now, that the affairs of our congregation may be kept in proper order, and every thing straight, the following church disciplin and appendix has been adopted, at a regularly called meeting of those members of the above congregation, who are entitled to vote, and we (those whose names are here signed, see first line!) bind ourselves hereby firmly, both toward God and toward one another, to be ruled by it in every thing! At the same time we receive the scriptures of the Old and New Testament as the infallible word of God, and we also acknowledge (receive) the "Hugsburg Confession" as, in its contents, fully harmonizing with the word of God, and hereby make it a standing rule; that in all matters of doctrine, the word of God, as it is explained in the Symbolical books of our evangelical Lutheran church, shall decide! In things of external ceremonies the congregation itself shall have the right of decision. We also hereby make it a fixed point, that in our church, so long as one member of the congregation wishes it, the divine services shall be held only in the German Language.

## Chapter I.

Sec. 1. This congregation shall be known under the name: "Ev. Luth. St. Stephens Congregation."

Sec. 2. The officers of this congregation are: a. four Elders; b. eight Deacons.

Sec. 3. The above officers shall be known under the name of: "the church council of the Ev. Luth. St. Stephens congregation."

Sec. 4. Every member of the church council, as also the Pastor (of the congregation) shall have the qualification of a Trustee (of the congregation)

Sec. 5. At all elections for a Pastor, as well as all other officers a simple majority of the members (of the congregation) who are present, shall decide.

Sec. 6. The yearly elections of the officers shall take place on the Sunday before Christmas, and the newly elected officers shall be installed, openly, before the congregation, into their offices on the morning of the first day of Christmas.

Sec. 7. The time of service of the Elders and Deacons is two years, and every year two of the former and four of the latter shall vacate their offices and they shall not be eligible again, before the next twelve months have elapsed.

Sec 8. Members of the same family, as: brothers, father and son, Grand-father and Grand-son never dare, (shall) be members of the church-council at the same time.

Sec 9. Two thirds of the members of the church-council, the President included, are a quorum for doing business.

Sec 10. The church council nominates, from the members of the congregation, the candidates for the offices of Elders and Deacons, and takes care that their names on two consecutive Sundays shall be announced to the congregation. Should a majority of those members, who have a right to vote, declare itself against the admission of any one of the nominated candidates, then another one shall be nominated in its place.

Sec 11. The church-council elects, out of its own midst: a President, a Secretary and a Treasurer. The latter may, under certain circumstances, be elected out of the members of the congregation, but shall then have no seat in the Church-council!

Sec 12. The church-council has the superintendency of all secular affairs of the congregation; but if some extraordinary expenses, overreaching the sum of one hundred dollars should seem necessary to be made, then the congregation itself, at an extra meeting of the same shall decide about it.

Sec 13. The school-teachers of the congregation

dare (shall) not have seat or vote in the church council

Sec 14. Every meeting of the church-council shall, by the President, be opened and closed with prayer. x

18<sup>th</sup> omitted  
to be

## Chapter II. Of the Pastor.

Sec. 1. The pastor of this congregation shall, before his election and convocation be able to lay before the congregation and the church-council honorable certificates respecting his moral character, and authorization for the office of a Pastor, which certificates must be verified by an Ev. Luth. ecclesiastical body.

Sec. 2. He shall be an ordained member of a right believing Ev. Luth. Ministerium which holds fast (or acknowledges) the unaltered "Augsburg Confession" and "Luthers small catechism" as its doctrinal foundation (basis). But ("moreover") the congregation remains at full privilege (liberty) to connect itself with a Synod or not.

Sec. 3. He shall have the duty to take care, that there may be preaching twice every Sunday in the church of the congregation, also, that at least four times yearly (every year) the Lords Supper be distributed to the congregation. He shall visit the sick members of the congregation, and, if wished, hold private communion with them. He shall superintend the congregational school, and prepare those children, who are of proper age, for the con

firmation, and he shall finally be, in duty bound, to use "Luthers small catechism" as the foundation of his religious instructions.

Sec 4. The pastor shall have the right to call together the church-council, through (or by) the President of it. He also shall attend the meetings of the church-council, if invited to it, by the President, and if not detained by having (at such) time to fulfill such official duties which cannot well be delayed. The Pastor is not entitled to a vote in the church-council.

Sec 5. Moreover the church-council shall have the right, at any time, to meet for business, without the Pastor.

Sec 6. The Pastor shall have the duty to see to it, \* that every member of the congregation shall fulfill (perform) its christian duties by diligent visits of the public worship, as well as by due attention to every thing that is good, and if he (the Pastor) should find (in any member) laziness in (that, which, is) good, or perseverance in wickedness, then he shall earnestly use his official power of admonishing, and of binding (expelling, excommunicating, see the 28<sup>th</sup> article of the Augsburg Confession) according to the Gospel of St Matthew, Chapt 18. verses 15-18, and according to Chapt III, Sect 2, of this church disciplin.

Sec 7. The Pastor shall, in agreement (good understanding) with the church council watch over this point, that in the church no public meetings of any kind shall take place, which are not by himself or by another Pastor who is connected with an

Ev. Lutheran Synod, and who is authorized by the regular Pastor for such object, opened with singing and Prayer. Only in the most urgent cases, or in having present Pastors for preaching sermons of trial (viz. if the office of the Pastor of the congregation should be vacant) an exception of this rule dare be made, but only so, that never any other, except a Lutheran Pastor, dare (may) preach such sermons of trial of any kind.

Sect 8. Meetings (for business?) of the congregation dare never be convoked by the Pastor, without the knowledge or consent of the Elders.

Sect. 9. Should the Pastor in doctrine or life (behaviour) have given offence, then the Elders shall give him, in writing, notices of the charges brought against him, and after consultation with the Deacons, as well as in connection with two Ev. Luth. Ministers (Pastors) they shall institute (commence) the necessary examination of the matter. Should it be found that the Pastor had erred (or committed a fault) then he shall be, in a meek spirit, admonished through one of his colleagues, who has been designated for it (by whom?) or in the case that, where circumstances should require it, a committee, which is designated for such purpose (by whom?) may report the case to the President of the Synod (which?)

Sect 10. During the Summer months the Pastor shall be permitted to have two weeks vacation-time; but at no other time shall he be allowed to leave the congregation for a longer time than

one whole Sunday, except in the most urgent cases and with the knowledge and consent of the Elders.

Sect. 11. If the Pastor wishes to resign, then he shall give three months before notice of such purpose, first to the church council, and after this to the congregation. The same term of notice must be observed, if the congregation wants (wishes) to dismiss its Pastor!—

### Chapter III.

Sect. 1. The Elders of this congregation must have passed the thirtieth year of age ("life") and must be married men of well known Christian character.

Sect. 2. They (the Elders) shall, in brotherly harmony with the Pastor, take care, that each member of the church-council and of the congregation shall do its duty, and that pure biblical (scriptural) doctrine and real Christian discipline shall be kept up and propagated in the congregation.

Sect. 3. They (the Elders) shall according to time and circumstances assist in the Sunday school, as well as in visiting the sick, and they shall take especially, with advice and deed, take care of the widows and orphans of the congregation.

Sect. 4. So often (whenever) the office of the Pastor should be vacant, they (the Elders) shall carry on the church-register, and take care (or try) that there will be preaching every Sunday at least once, (one time) they also have the duty upon themselves to propose to the church council, and by it (the

church council) to the congregation some worthy men as candidates for election, and to take care, that the vacant place (of the office of the Pastor) may be filled again as soon as possible.

Sect 5. One of the Elders undertakes (takes on himself the duty) to procure for celebrating the "Lords Supper" the necessary elements (bread and wine) as well as taking care of the communion vessels.

## Chapter IV. Of the Deacons.

Sect 1. The Deacons (Wardens) must have passed the twenty-fifth year (when?! ) and must be men, who, with a christian character and an honorable mode of life be patterns (examples) of the congregation.

Sect 2. They (the Deacons) have the Duty at every public meeting (for worship) of the congregation to take up the usual collections, as well as to collect the quarterly dues of the members, and to hand it over to the Secretary against a receipt.

Sect 3. They (the Deacons) have to take care, that at all divine services, as well as at any other meetings of the congregation, proper order and discipline shall be kept up; and if ever they should observe disorder, dissension, or scandal, they shall try with the assistance of the Elders, that to this matter <sup>+</sup> a timely stop shall be put.

Sect 4. They (the Deacons) have especially to take care, that the house of God, as also the schoolhouse



and other property of the congregation are kept in proper state, and they shall, for such purpose, give notice in proper time, to the church-council if any repairs should be deemed necessary.

## Chapter V. Of the Secretary.

Sect 1. The secretary has the duty to preserve all papers and documents belonging to the congregation, and keep a register of them.

Sect 2. He shall receive all moneys, which are paid in for the benefit of the congregation, as well as all collections, and then hand them (the moneys) over to the treasurer, and take a receipt for it (from the treasurer)

Sect 3. He has to write down a record of all the transactions of the church council, and of the congregation, and, if wished, he shall read it (the record) loud and distinctly before the congregation, and then, if approved, write it down in the regular Protocoll-book. For the purpose that all such records may receive validity, he shall, at the next meeting (of the church-council or of the congregation), read them (the records of transactions &c &c) again (to those assembled) and then get the name of the President signed under it.

Sect 4. He has to draw up all convocations, invitations and receipts (attestations, certificates) in the name of the church council as also in the name (for) of the congregation (which have been resolved

upon by the church-council or congregation) which must be signed by him and by the President, and in particular cases by all the members of the church-council, for the purpose of preventing suspicion.

Sect 5. Four weeks after collecting the quarterly contributions from the church-members he shall lay an accurate list of the names of all those church-members who are entitled to a vote before the church council.

Sect 6. On quitting his office he shall give over to his successor all books and papers belonging to the congregation, and take a receipt for it.

## Chapter VI. Of the Treasurer.

Sect 1. The Treasurer has to give proper security for all things (moneys &c &c) which may at any time be given into his hands for (the benefit of) the congregation.

Sect 2. He pays, in quarterly installments, to the Pastor his salary, taking a receipt for it, as well as all other moneys, which have been conceded to him (the Pastor) by the congregation.

Sect 3. He pays all claims (bills) from the treasury of the congregation, as soon as the accounts have been found (acknowledged) as being correct by the President and Secretary of the congregation, and signed (by the President and Secretary)

Sect 4. He shall be in duty bound to render an account quarterly to the church-council, as also every year once to the congregation, which accounts must, at every time, be examined by a committee which has been designated for such purpose, and such accounts dare not be put (written) into the Protocol book of the congregation, before they are found correct.

Sect 5. If at any time, the balance of cash in the treasury should be more than one hundred dollars, it shall be his duty to make known such fact, as early as possible to the church council.

Sect 6. On quitting his office he has to hand over to his successor all moneys, books and papers, taking a receipt for them.

## Chapter VII

### Of the Members and Meetings of the Congregation.

Sect 1. All (persons) who want to be members of this congregation, must be baptized, confirmed (or confirmedist) and participants of the Lords Supper.

Sect 2. They dare not live in those open works of the flesh which are mentioned in the Epistle of St Paul to the Galatians, chapter 5 verse 15 & c. They dare not be in any such a business, where dishonesty is practised, but must, on the contrary, lead a christian life (deport themselves worthy of the name of a christian) according to the 22<sup>d</sup> verse of the 5<sup>th</sup> chapter of the letter (Epistle) of St Paul to the Galatians.

Sect 3. They (the members) must conform themselves to the discipline of the congregation, and, in case they should commit an error, they must thankfully receive every brotherly admonishing from the Pastor, or from a member of the church council, and must try earnestly to do better for the future.

Sect 4. Charges of members against one another must be brought before the Pastor, either verbally or in writing and shall be decided by him, according to Matthew Chapter 18 verses 15 to 18.

Sect 5. The members (of the church) must pay the fixed contribution regularly every quarter (of a year quarterly).

<sup>Poor</sup>  
<sup>Members</sup> Sect 6. This contribution is in the lowest case: Four dollars a year; but each member shall have full privilege to pay a larger sum. However the church-council shall have the right, under particular circumstances, to permit a portion, or even the whole of such contribution.

Sect 7. Newly admitted members have to pay the sum of at least Fifty cents as an entrance fee.

Sect 8. Whenever any member neglects to pay up his dues into the church-treasury, for more than six months, then his name shall be cancelled from the list of the church-members, and if, at any time such a member wishes to be acknowledged again as a regular member of the congregation he shall first pay all back-standings (all dues of the time past); but the church-

Council shall have the power to make an exception of this rule under particular circumstances. (per example: if the member is too poor)

Sect 9. Parents of children, who are among the class of confirmands, dare not be in arrears with their regular contributions, or other moneys, which they owe to the church treasury, at the time of the confirmation (of their children)

Sect 10. Children, whose parents are not members of our congregation, can (may) be prepared for confirmation, and may be admitted to membership of the congregation, provided, they pay, in advance, the sum of four dollars, to the Pastor.

Deed of  
cession  
of member  
Sect 11. Entitled to vote are only those male members (of the congregation) who have passed the twenty first year of age, and who have paid their contributions, according to the rules of the Church discipline, and who do not owe any other debt towards the church treasury, and who have, at least once partaken of the Lords Supper during the last twelve months.

10 days  
noted  
Sect 12. All meetings (for business) of the congregation (of those members who are entitled to vote) must be announced publicly in the church (before the congregation) at least ten (10) days previously (before it takes place) with the distinct declaration of the object (purpose, design, aim) of the same (meeting.)

Sect 13. If twenty members of the congregation request

it from (of) the church council to convoke (call together) the congregation for a business meeting, then the same, (the church council) shall be in duty bound to do so, according to the rules laid down for the calling (convocation) of such meeting (of the congregation)

Sect 14. The congregation meets (comes together for doing business) at least once a year, at a time which may be fixed by the church council.

Sect 15. The speaking of more than one person, at the same time, at meetings of the congregation, can not be tolerated.

Sect 16. The President of the church council is also President (chairman) at all meetings of the congregation. He (the President) opens and closes the same (the meetings) with prayer, and lays before the congregation all business (all matters) on which the congregation has to act, and watches over it (takes care) that, at such meetings, peace and order is kept up. Should any member, in speaking, act against these rules and discipline, or behave disorderly in any manner, then the President shall call him to order, and, should he disregard such call of the President, then he (the disobeying member) shall be turned out of such meeting.

Sect 17. No member shall have privilege (permission) to speak longer than ten (10) minutes over (about) the same subject (object) Also (at such meetings) there shall be no talking about private affairs of separate members of the congregation.

## Conclusion.

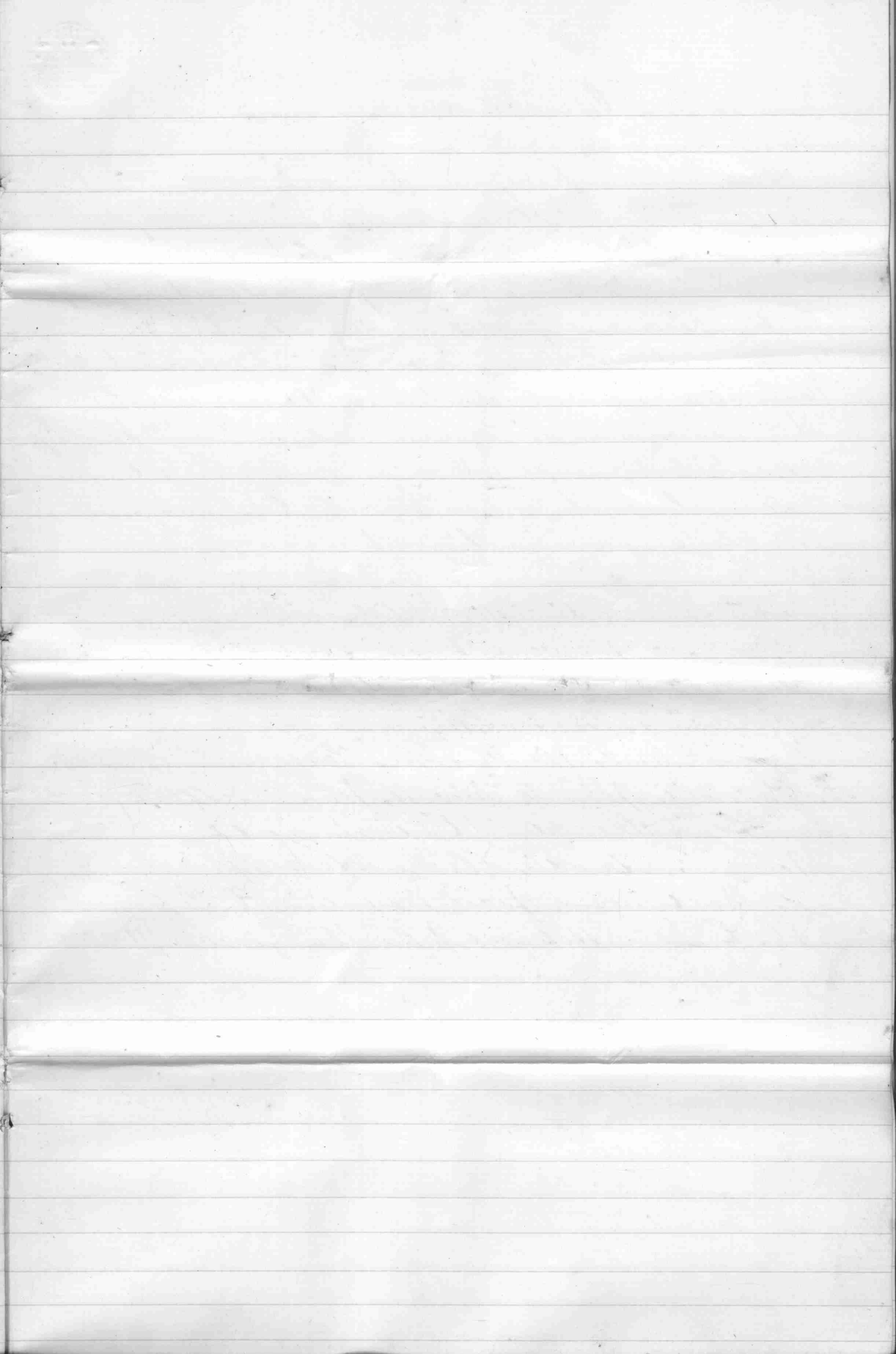
This church discipline dare not (or shall not) be altered in any other manner (wise) except: if at a meeting of the congregation, which was convoked for such a purpose, Two-thirds ( $\frac{2}{3}$ ) of the members present at such meeting shall wish and conclude such alteration. But the Confession (see Introduction) of this congregation dare (shall) never be changed by any such alteration (change) On the contrary: this congregation shall remain an Ev. Luth. congregation for all times! —

This church-discipline (together with an appendix, which speaks of the school teachers and sexton, and the duties of the school-committee) is signed by the following persons, viz:

C. F. W. Hoppe, Pastor.

F. Herold, John M. Reichel, John Wistler, and Louis Schroeder (Elders). — and:

John F. Staendle, Henry Stange, John Ganz, J. Bredemeyer, Jacob Machlein, H. Pape, H. L. Dannettel and John Warzbacher (deacons.)





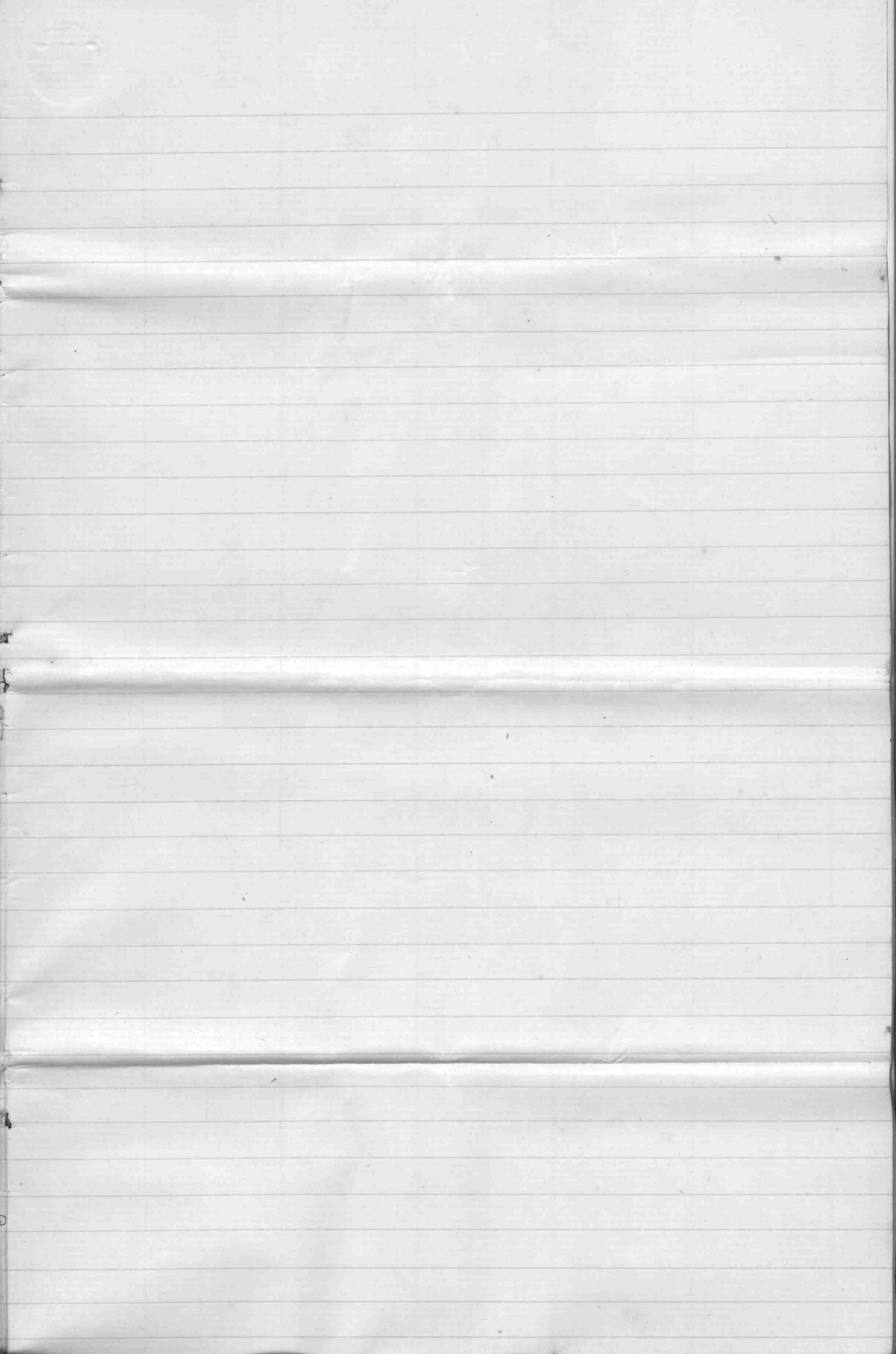
Conclusions

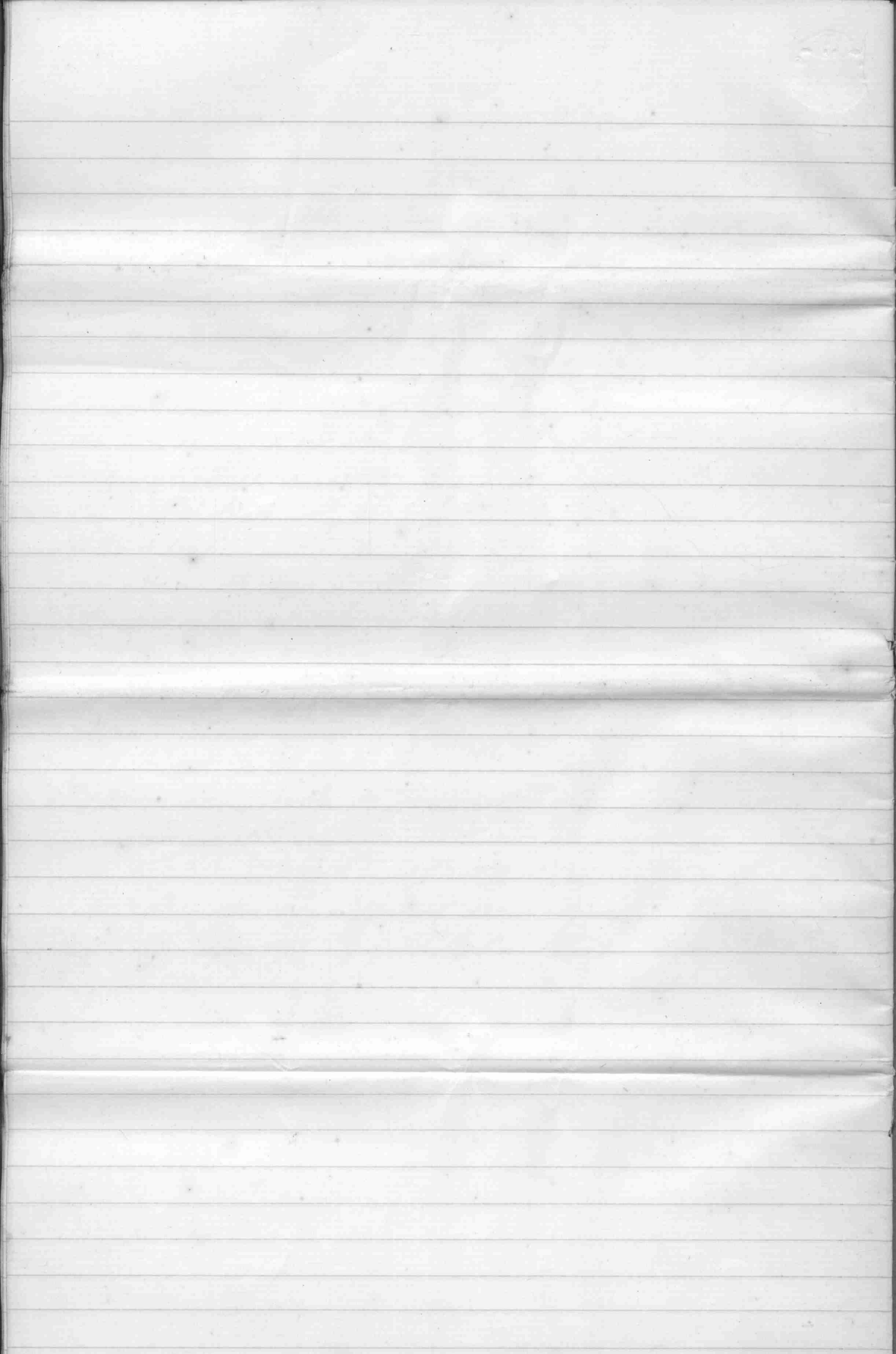
Some church members do not (or shall not)
M... (shall) never be...
alterations (changes)
congregation with...

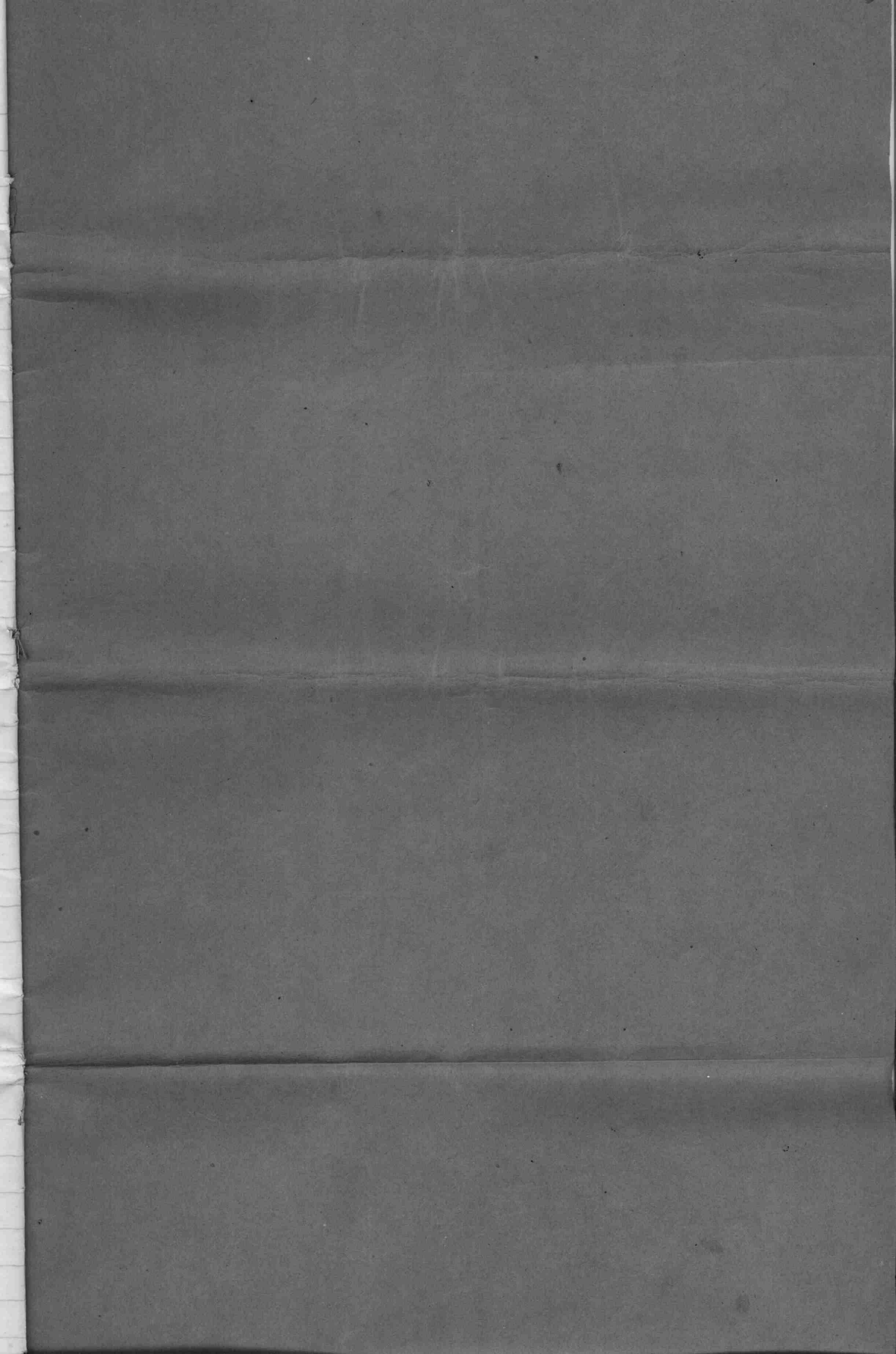
This church discipline committee will appear...
to report the substance and words...

Following persons viz:

- C. F. M. W. Apple...
- F. H. ... John M. ... John ...
- Louis ...
- John ...
- ... ..
- ... ..







L F Zimmerman

by  
Wm H Weber  
Henry D Mayer &  
Others

Petitioners

Exhibit B

Mr Mass Please file  
this Exhibit

E G Kilbourn  
Com B Board  
Atty for Petition

7d 8 March 1864

*[Faint handwritten notes on the left margin]*

*[Extensive handwritten notes and signatures on the right side of the page, including a circular stamp]*

[Translation,] Call.

Honored and beloved Mr. Pastor Zimmerman!

Being commissioned by the church-council and by the congregation [of the Ev. luth. St. Stephens<sup>Church</sup>] we have the pleasure to inform You, that - at the meeting of our congregation, which took place yesterday evening - for the purpose of electing a Pastor for our church - You have been unanimously elected as our Pastor, which election, as we hope and pray, You will sanction by Your consent.

What our congregation wants or expects in regard to his [the Pastor's] administration, [that] is contained in the church-discipline of our congregation.

Our congregation ensures You a yearly salary of \$500. <sup>00</sup>/<sub>100</sub> in quarterly payments. The church-council also grants You Your traveling expenses, as well, as \$2500 additional toward [the costs of] Your removal to this place. - In the confident hope, that You will accept this call and may act ~~as~~ for a very long time as our Pastor.

Most respectfully we sign, in the name of the St. Stephens-~~Church~~ congregation and its church-council

J. John Engel, Secretary  
J. John Matthias Kochlin,  
President.

Baltimore,  
November the  
27<sup>th</sup> 1861.

(No 1)

~~Order for sum~~

order of Court

7d 8 March 1864

Leonhard F. Zimmermann } In the Superior Court  
vs } for Baltimore City  
William H. Weber  
Henry D. Mayer &  
Others,

On the Petition and affidavit filed in  
this cause - It is ordered this 8<sup>th</sup> day of ~~February~~<sup>March</sup>  
1864 by P. M. Martin Judge of this Court  
that the defendants named in said petition  
show cause on or before the 22<sup>d</sup> day of ~~February~~<sup>March</sup>  
1864 why a writ of Mandamus should not  
issue as prayed provided a copy of this order  
be served on said defendants on or before  
the 15<sup>th</sup> day of ~~February~~<sup>March</sup> instant

P. M. Martin



249  
Zimmerman

Weber

Copy of order of  
Court to be served on

- Wm H. Weber
- Henry & Mayer
- John Wittler
- John Wurtzbacher
- Wm Markolf
- John Lipp
- Christopher Dreytold
- Henry Ruppel
- Louis Kolcher
- Conrad Dochterman
- Fredrick Maude
- John Gebhard

John Thomas  
August Beck  
Wm Ebert  
Henry Otter

Copy of the Return Order  
Served on each of the  
defendants on the 14<sup>th</sup>  
day of March 1864 in  
presence of John Lloyd

John J. Danczer  
Sheriff

15 March 1864

Leonhard F. Zimmerman

Wm H. Weber

Henry D. Mayer  
& others

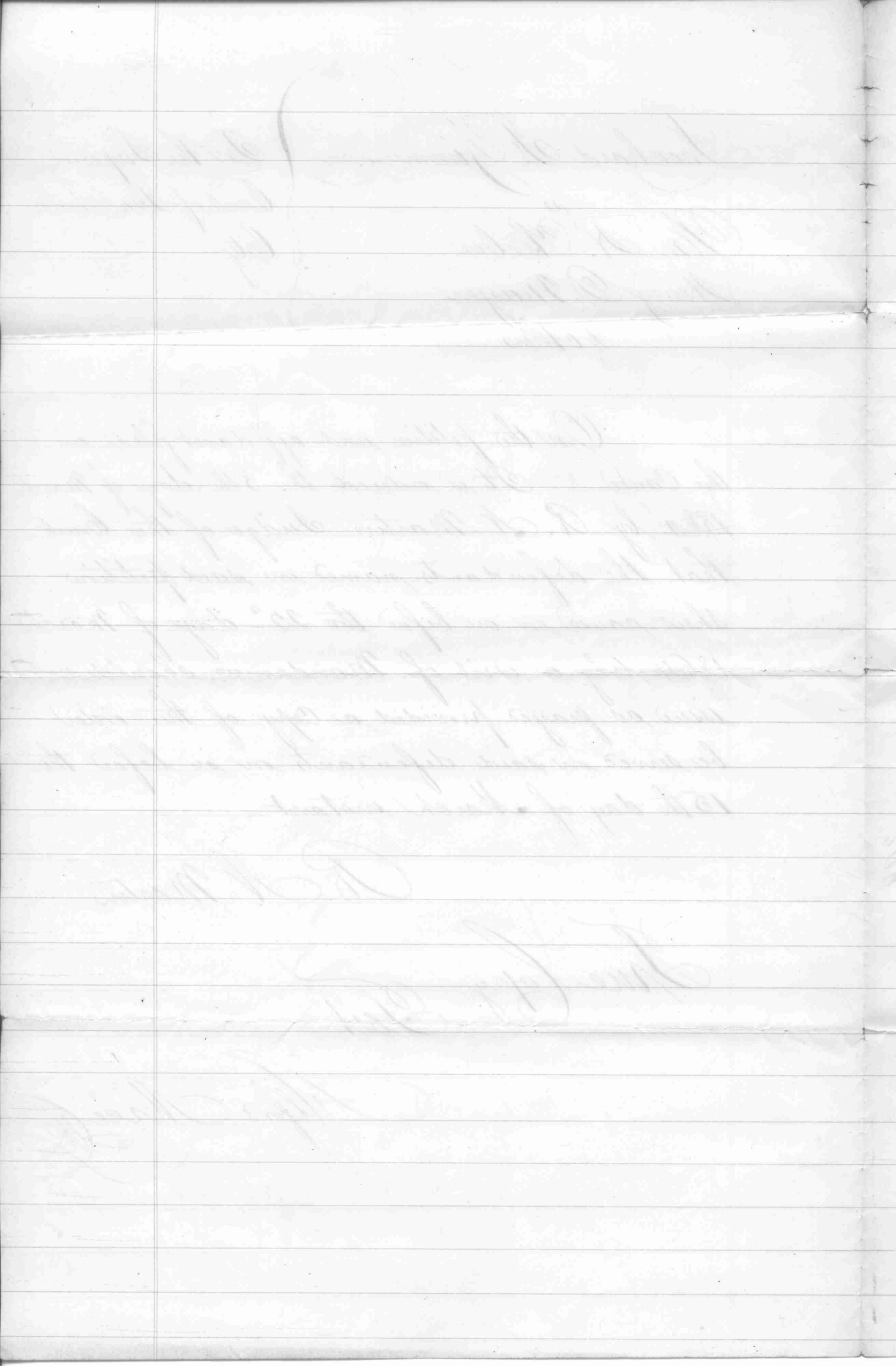
In the Superior  
Court of Baltimore  
City

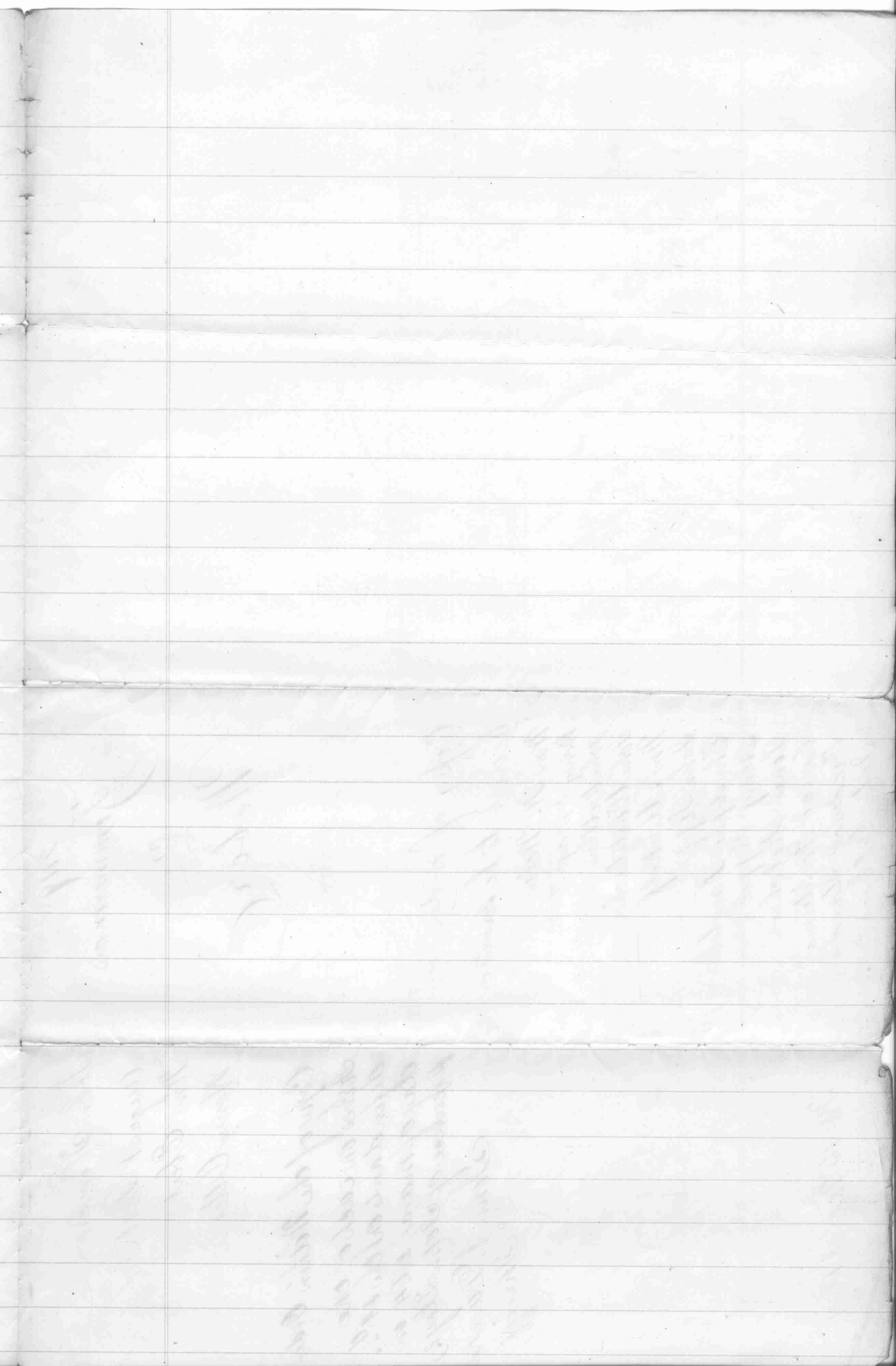
On the petition and affidavit filed in  
this cause. It is ordered the 8th day of March  
1864 by R. S. Martin Judge of this Court  
that the defendants named in said petition  
shew cause on or before the 22<sup>d</sup> day of March  
1864 why a writ of Mandamus should not  
issue as prayed provided a copy of this order  
be served on said defendants on or before the  
15th day of March instant.

R. S. Martin

True Copy Test

Alford Mace





79  
1864

(K 2)

W. Weaver et al

vs

L. J. Zimmerman

Answer to the  
petition for mandamus  
with 5 Exhibits

"Boy 'R' 41"

Wm. Mace  
Petitioner  
G. Williams  
Solicitor.

Filed 19 March 1864

Handwritten notes on the right side of the page, including the name "G. Williams" and other illegible text.

The German Evangelical Lutheran Saint Stephens Church, and also William H. Weaver its President and Conrad Lochterman its Secretary, in answer to the petition of Leonard F. Zimmerman for a mandamus, and as cause against the granting thereof.

First that they are a duly incorporated society under the provisions of the Act of Assembly of this State passed at the November session A.D. 1802 Chapter one hundred and eleven; and they herewith file as part of their answer a duly authenticated copy of their articles of incorporation marked Exhibit to the Writ, and that the same is in full force and efficacy, and hath never been altered or repealed.

Second that by said charter no person is entitled to vote in the affairs of said Church who is not a member of the congregation conformably to the requirements for membership established by the Constitution of the Congregation for the time being.

Thirdly that said Congregation by its charter belongs and is to continue to belong to the Evangelical Lutheran Synod of Maryland and is under the control of said Synod; and subject as to its Minister, Congregation and members to the jurisdiction and authority of said Synod.

Fourthly. That by the provisions of said Charter and Constitution, and by legal Elections held in pursuance thereof by the members qualified

to vote, the present Officers of said Congregation  
are as follows viz: William H. Prader; Frederick  
Staudle, John Wurtzbacher, and John Gebhart  
Elders; and Christopher Bergboldt, Conrad  
Dochterman, John Thomas, August Becker, William  
Ebert, Henry Otter, and John Bauersmick deacons  
with one vacancy. - and that the Pastor is at no time an Officer  
of said Congregation.

Fifthly. They deny that the Constitution, or Articles  
of Association filed with said petition ~~was~~ the  
Constitution, or articles of Association of this  
Respondent; but on the contrary they aver that the  
same were formerly such, but that the same being  
in some respects not conformable to the Charter,  
the said Congregation at a valid and legal meeting  
altered the same in the manner prescribed, and  
in or about the month of November last adopted  
in lieu thereof, and as a substitute the Constitution  
and Articles herewith filed as a part of this answer,  
marked Exhibit B & C no 2; and that the same are  
now the only valid Constitution and articles, and  
that the same were adopted unanimously at a  
legal meeting of the members convened upon due

notice, and for that purpose, the said Exhibit being a  
translation of the original thereof.

Sixthly. That in pursuance of the power contained  
as well in the old as in the new constitution and  
articles, by direction of the Congregation, and at a  
legal meeting thereof the President of said Expo-  
sition gave said Petitioner the three months  
notice of his dismission as Pastor as prescribed,  
and which they had a valid and legal right

to do; a copy of which said notice is herewith filed  
as a part of the answers marked Exhibit 141003

Knoweth that said petitioner flatly disregarding  
the provisions of the Charter, and the Constitution  
and Articles passed in pursuance thereof, and  
openly proclaiming that he would not be bound  
by them nor any of them; and that he would  
not regard the authority of the officers of  
said Congregation such despicable was  
and became a matter of inevitable necessity.

Knoweth that said petitioner acting upon  
said determination, and intending to  
defy the provisions of said Charter, said  
Constitution and Articles, and the officers  
of said Congregation abused his position as  
Pastor by calling an illegal meeting from  
the pulpit, <sup>within the three months prescribed in said notice</sup> of certain disaffected members  
of the Congregation, and with a view, as  
openly expressed by him to oust the duly  
constituted officers of the Congregation from  
their offices and duties; and did also  
call from said pulpit for illegal meetings  
elsewhere, and did so hold them, and  
held a sham Election of officers whom  
he brought into the Church on a following  
Sunday, and in defiance of the protest  
of the President of said Congregation he  
used the said Church for the purpose



of performing a pretended ceremony  
of installation.

And that the said petitioners having  
been employed by said Congregation to  
preach the Gospel, and to perform the  
functions of a Clergyman, and not having  
under either the old or new Constitution  
a right <sup>even</sup> to be present at the meetings of  
the Congregation, without the permission  
of the President, and having so abused  
his position, and used said pulpit, and  
having defied those in authority over  
him, these respondents as they had a  
right to do, and for the protection of  
their pulpit, and to prevent a repetition  
of such acts gave him the notice of denoucement  
of which a copy is herewith filed marked  
Exhibit W & W no. 4.

And that the said Petitioners, said  
Congregation and all its members being  
as aforesaid by its Charter subject to the  
jurisdiction of the Evangelical Lutheran Synod  
of Maryland, certain charges were proposed  
before said Synod against said petitioners,  
and that the same were properly investigated,  
the said Petitioners being then and there

present before the Committee of said Synod,  
the proper tribunal appointed by the laws thereof  
for the trial of said charges, and the said Committee  
vacated the pulpit of said Congregation,  
and terminated the pastorate of the  
said Petitioner over said Congregation; and  
advised and recommended the selection  
of another, as will appear by a copy of  
the decision of said Synod Committee  
herewith filed as part of this answer  
marked Exhibit W.W.W. 1005. -

Eleventhly. That the said Committee having  
power to adjudicate such matters, and  
said Petitioner having submitted himself  
thereto the same is ~~an~~ adjudication,  
and this Court has no power to enquire  
further in regard thereto, nor to supervise  
nor reverse the action of said Committee.

Further answering they deny that the Petitioner  
discharged his duties as Pastor of said Con-  
gregation to the satisfaction of a majority  
thereof, or that he is now supported in his  
said conduct by a majority of the members  
thereof, and that there was no other provision  
of his occupancy of said pulpit, other than  
is herein set forth; and that since the said 7<sup>th</sup>  
day of February the said Synod hath assumed the  
control of said pulpit, and supplied ministers

therefor, and that this Honorable Court hath  
no power to divest said Syoud of the authority  
and jurisdiction given in the Charter aforesaid,  
nor to reverse its decision by restoring the  
said Petitioner in the manner and to the  
Extent required by said Petition, and  
they submit that as well upon the merits  
of the case as the entire want of jurisdiction  
in such matters that the said petition should  
be dismissed :-

And these Respondents further avowing  
the truth of the foregoing will maintain and  
prove the same as the Court may direct, and  
the said petitioner against law and right  
detaining its Corporate Seal this answer  
is signed by its President and Secretary  
and also by its Solicitor, and they pray  
to be hence dismissed with costs in  
the behalf most wrong fully sustained  
and as in duty lie.

W. H. Weaver, President

Conrad Doehlermann Secretary

Gross Williams  
Solicitor.

State of Maryland

City of Baltimore

I hereby certify that on the 18<sup>th</sup> day of March 1854 before me the subscriber a Justice of the Peace of the said State in and for said City came William H Weaver, and Conrad Lochterman and made oath in due form of law that the matters contained in the foregoing answer are true as therein set forth to the best of their knowledge and belief.

W H Hayward



Copy -  
German Evangelical  
Lutheran St.  
Stephens Church

Eckert & Widdowson  
nos

Copied for Kilbourn  
12 1/2 sides  
Feb 19 March 1864

Cost  
\$ 1.50  
Stamps 105  
\$ 1.55

Incorporation of German } State of Maryland  
Evangelical Lutheran } City of Baltimore to wit.  
St. Stephens Church } On the eighth day of Febr.  
uary in the year Eighteen

hundred and fifty two After due notice to all members of the Congregation and at the Church of the German Evangelical Lutheran St. Stephens Congregation was held & it hereby certified a meeting of the male persons above twenty one years of age belonging to and they being members of the said Congregation said meeting being called and held for the purpose of securing for the benefit of said Congregation the privileges of incorporation provided in behalf of Christian Congregations in the State of Maryland by Act of the General Assembly of Maryland passed at the November Session of the year Eighteen hundred and two Chapter One hundred and eleven entitled "An act to incorporate certain persons" in every Christian Church or Congregation "in this State"; the said Congregation of whose male members a meeting as aforesaid was held being a Christian Society of the Lutheran denomination formed for religious worship and practicing and engaged in that object. And that at said meeting the said male persons and no others voting and acting it was by and among them agreed determined resolved and proceeded as follows to wit first that conformably to the said Act of Assembly and to the end thereby said Congregation should enjoy the benefits as aforesaid of incorporation Seven Trustees in behalf of said Congregation be elected to serve as such Trustees until

the first sabbath of the month of January in the year  
Eighteen hundred and fifty four and until successors of them  
shall be appointed and that (a vote for either of them having  
been duly had) the following persons be declared the Trustees  
as aforesaid duly elected for the purpose aforesaid and  
with the powers and for the objects assigned and attached  
to such Trustees of Incorporation by said Acts of Assembly  
and to serve for the period aforesaid namely. Johann b. N  
Eberd. Gerhart H<sup>c</sup> Marsback. John Wrede Frederick Stein-  
brink Phillip Fornoff. Willhelm Schuler. Philipp Kummert  
Secondly that in the exercise of all, or any of the said powers  
of the Trustees they shall be governed and regulated by  
the constitution, as it may at any time exist of said Congre-  
gation and by any rules or ordinances, or by laws presented  
or past by said Congregation conformably to its Constitu-  
tion. Thirdly that as said Congregation may in manner afore-  
said enact the number of said Trustees may at any time or  
times hereafter and from time to time be varied so as howev-  
er never to be less than five nor more than thirteen Fourthly  
that the Trustees of said Congregation shall leave perpetual  
succession to maintain as required by said Act of Assembly  
the said Incorporation now claimed and adjudged by  
said Congregation through said male members assembled as  
aforesaid And that in order to such succession the Trustees  
shall after ten days notice to the Congregation be elected  
by the male members of the Congregation above Twenty one  
years of age and from members of said Congregation and  
none other and above said age on the first sabbath in Jan-

Trustees  
to be governed  
by the consti-  
tution -

vary every two years. Trustees holding however until their successors shall be chosen and the rules or ByLaws of the Congregation making provision for the case of a failure for want of due notice or for any other cause to hold or make an election at any period as above indicated and all vacancies in the body of Trustees occurring from death resignation or other causes whatsoever being to be filled by the remaining Trustees and any of said Trustees being at any time removable by said Congregation for causes and in manner as may be established by the said Constitution or ByLaws and in such cases and in any case of vacancy among the trustees it being competent by said Constitution or by ByLaws to provide for filling the same in manner otherwise than is above in that behalf declared. Fifthly that said Trustees now elected and appointed and their said successors it is hereby declared shall have and bear the Corporate name of The German Evangelical Lutheran St Stephens Church. Sixthly that no one shall be entitled to vote in election of trustees or be eligible as a trustee who shall not be a member of said Congregation under and conformably to the requirements for membership established by the Constitution of the Congregation for the time being. Seventhly that in description and designation of said Congregation and its faith and as connected with said Incorporation it by and hereby is declared that said Congregation belongs and is to continue <sup>to belong</sup> to the Evangelical Lutheran Synod of Maryland and to be under the control of said Synod and subject as to the

To vote  
for trustees



ministers of the Congregation and as to said Congregation and its members to the Jurisdiction and authority of said Synod and furthermore as a provision and invariable rule associated essentially with said Incorporation and with the Identity of said Congregation that the ministers of said Congregation must when elected minister be an acknowledged member of an Evangelical Lutheran Synod in connection with the General Lutheran Synod of the United States and must immediately after his election and taking charge as minister of the said Congregation become a member of the Evangelical Lutheran Synod of Maryland In Testimony whereof the said Trustees so elected and incorporated Johann C W Eberd Gerhart H. Marstack John Wrede. Frederick Steimbriek, Phillip Ponnoff Wilhelm Schuler Philipp Kummert and also the ministers of said Congregation Arthur Otto Brickman have signed and sealed these presents this Eighth day of January in the year of our Lord Eighteen hundred and fifty two,

Johann Christian Eberd (Seal)

Gerhart H. Marstack (Seal)

John Wrede (Seal)

Arthur O. Brickman (Seal) Frederick Steimbriek (Seal)

Phillip Ponnoff (Seal)

Wilhelm Schuler (Seal)

Philipp Kummert (Seal)

State of Maryland City of Baltimore Now it is hereby certified that on this seventeenth day of January A. D. 1852 before us the subscribers Two Justices of the

peace of said state in and for said City appears Johann  
C. H. Eberd Gerhardt H. Marsloer John Weeder Frederick  
Steinbrick Philip Fornoff Wilhelm Schuler and Philipp  
Kummert Trustees named in the foregoing Plan or Agree-  
ment for the Congregation therein mentioned or instrument  
of writing and acknowledge the same as their act as true  
and genuine, we being well assured by said trustees  
that the proceedings of ~~set forth~~ mentioned in said writing  
have been legally and duly acknowledged } Edu. G. Starr  
Chas. A. Leloup

Received to be recorded the 17<sup>th</sup> day of January 1852 at  
4.0 o'clock P.M. Same day recorded and Examined per  
Edward Dowling

In Testimony that the foregoing is a true Copy ta-  
ken from Lib. E. D. No 1. folio 197<sup>th</sup> One of the  
Chattel Records of Baltimore City - which records are  
now in my keeping -

I hereto set my hand and affix  
the seal of The Superior Court of  
Baltimore City, this 12<sup>th</sup> day of  
March A.D. 1864.

A. Mace



Exhibit A 1110

No 2

Copied for Mr Kilbuck

65 sides

Feb 19 March 1864





Church - Rules

of the

Evang - Lutheran

St. Stephen - Congregation

in

Baltimore, Md.



We the undersigned, Pastor, Elders and  
Deacons of the Ev. Luth. St. Stephens Con-  
gregation of the City of Baltimore, State of  
Maryland, being of opinion that the result  
for which the Christian Church of Jesus Christ,  
her godly Lord, was founded, can only be  
reached by mutual power and activity, have  
for this reason associated together to form a Christian  
congregation, and in<sup>a</sup> regularly called meeting of  
all the male members of above mentioned congrega-  
tion entitled to vote, after due deliberation have  
adopted the hereafter following Rules and regu-  
lations for the transaction of all business and as  
guide in all matter connected with the manage-  
ment of this congregation, which we bind ourselves  
and promise before God and ourselves to obey, as  
well as the supplement thereto, hereafter annexed.

At the same time we believe in the Old and  
New Testament, as the real, undecieving Word of  
God, and in the <sup>Confession</sup> Concordat of Augsburg, as  
agreeing in every respect with the bible, and provide  
that the Word of God, as given in the Textbooks of  
the Evang. Luth. Church, shall decide in all cases of  
spiritual teaching; but in all cases of ceremony the  
Congregation

And be it further agreed, that the service  
in our Church shall be held in the German lan-  
guage as long as one member of the congregation  
shall make this demand.



# Chapter I

## Section I, Name and Officers of the Congregation

This Congregation shall be known ~~under~~ <sup>by</sup> the name  
Ev. Lutheran St. Stephens Congregation

### Article II

The Officers of this Congregation are four Elders and eight  
Deacons which constitute the Church Council of  
the above said congregation.

This Church Council elect ~~among~~ from its own mem-  
bers the following Officers; One President, One Vice-  
President, One Secretary, one Treasurer, and three  
Finance Commissioners.

Every member of this Church Council has the  
character of Curator or Trustee

### Art 3

The election of this Church Council takes place yearly on  
the Sunday before Christmas, after the Service is concluded,  
and the newly elected members publicly installed by the  
Pastor on ~~the~~ Christmas morning.

The congregation elects the Church Council as well as  
the Pastor. All the other Officers are under the control  
of the said Church Council, and the Congregation will  
be notified of changes by the President or the Pastor  
on one of the following Sundays. Plurality of votes is  
decisive

### Art 4. Time of Service

The time of service of the Elders and Deacons  
is 2 years, and every year 2 Elders and four Deacons  
shall go ~~out~~ vacate, which can not be elected again  
inside 12 month following

### Art 5

Members of the same family, viz. Brother, Father, Son  
Grandfather and Grandchild, can not be members of  
the Church Council at the same time

Arts 6

Two thirds of the Church Council, including the President, shall form a Quorum for transaction of business

Art 7

The Church Council elects from the members of the Congregation the Candidates for Elders and Deacons and have their names published on 2 consecutive Sundays prior to the election, if Two thirds of the members of the congregation, ~~entitled~~ entitled to vote, should object to a Candidate, another has to be elected in his place.

Art 8

The Church Council has the privilege to select the Treasurer from the Congregation, but only in rare instances and such elected Treasurer shall have no seat in the Church Council

Art 9

The Church Council ~~transacts~~ has the supervision of all the worldly business of the Congregation, but extraordinary transactions, which amount to over \$100- have to be decided by the Congregation in special meeting

Art 10

The School teacher of the Congregation have no voice or vote in the Church Council nor meetings of the Congregation.

Art 11

Every meeting of the Church Council and the Congregation shall be opened and closed with prayer by the President, when the Pastor should be absent.

Art 12

The Church Council has the right to expel any of his own members for the following reasons, viz Drunkenness, Dishonesty, immoral conduct or willful transgression against the Rules of the Congregation

Art 13

The Church Council has the right to fill all vacant <sup>or vacancies</sup> places by Death, Resignation or Expelling

Chapter Second

Art I The Pastor,

The Pastor of this Congregation, prior to his election and call, shall furnish the Church Council and the Congregation with recommendations from an Ev Luth Church authority in regard to his moral character and his ability as Preacher

Art 2

He must be an ordained member of the Ev Luth orthodox ministry, who believes in the Augsburg <sup>Confession</sup> Concordat and has the small lutheran Catechism as foundation for teaching

Art 3

It is his duty to preach every Sunday twice in the Church of the Congregation, excepting the hot summer days and during Lent at least once evening in the week, and to officiate at the Lord's Supper at least four times in the year. In case of his being sick or absent from the City it is his duty to provide a substitute, in conjunction with the Elders. He shall visit sick members of the Congregation, and if it should be demanded, serve the Sacraments. He shall, in conjunction with the School Committee visit the Schools of the Congregation, and see that the teachers use the prescribed Books, the Bible and the small Catechism of Doctor Luther; he shall supervise the Examinations, and see if the teachers have practised all the branches. He shall prepare the Youth yearly for the Confirmation, and lastly is compelled to use Luthers small Catechism for the groundwork of this teachings. He shall visit the Sunday school and in conjunction with the Officers see that order and regulations prevail.

Art 4

The Pastor has the right to convene the Church Council through the President, and give his reason for it; at the same time, it is his duty to be present at their deliberations, if ~~the~~ invited by the President; the same at meetings of the Congregation, but in either case he is not entitled to vote.

Art 5

The Church Council as well as the Congregation has the right to meet at any time without the Pastor.

Art 6

It is the duty of the Pastor to see that every member of the Congregation not only attend regular the Service but fulfill his mission here on earth by activity and perseverance in doing good, and in case he shall observe the contrary disposition, it is his duty to warn and admonish the delinquent as expressed in Matthew 18 Vers 15-18. +

Art 7

It is the duty of the Pastor and the Church Council to see that the Church building is not used for any kind of public Worship, not conducted by him or any other Preacher of the Ev Luth Synod, and opened with Singing and prayer; only in the most <sup>urgent</sup> ~~straggent~~ cases or by Trial-preaching, an exception of this rule can be made, and only so, that only an Luth Pastor can hold a Trial preaching

Art 8

Meetings of the Congregation can not be called by the Pastor, and extraordinary Notices can not be brought by him before the same without the consent of the Elders, except in a regular meeting of the <sup>+</sup> congregation.

If the Church Council adopts resolutions, or if there

is any important business, which the Council wishes to have brought to the knowledge of the Congregation, it is the duty of the Pastor, to communicate the same to the Congregation after the concluded morning service, if so instructed by the President or Elders.

#### Art 9

If the Pastor either by his Teaching or Course of life gives any reason for complaint, it is the duty of the Elders to acquaint him with such complaint and to invite him to investigate the matter.

In case of this complaint being proved true he is to be reprimanded by the President.

Should these complaints prove to be of such a grave nature, that they will not admit of an amicable adjustment, or if he should refuse to appear for investigation, the President shall bring the matter before the Congregation to decide.

#### Art 10

During the Summer months the Pastor is entitled to 2 weeks <sup>or vacation</sup> Holidays, if he desires it; but it is his duty to provide for one service on Sunday during this time; at no other time can he leave his Congregation for more than one Sunday, except in <sup>the most</sup> very urgent cases, and with the knowledge and consent of the Elders. He keeps the Church Register, and it is his duty to deliver the same to the Secretary before the yearly settlement. If he resigns his position or leaves the Congregation it is his duty to deliver the same with all other documents of the Congregation in his possession to the Church Council.

#### Art 11

If the Pastor wishes to relinquish his Office, it is his duty to notify, 3 months previous, first the Church Council, and afterwards the the Congregation, and the

time must be observed, if the Congregation chooses to dismiss their Pastor

### Chapter Third

#### Art 1 The Elders

The Elders of this Congregation must be men above 30 years of age and possess a known christian Character

#### Art 2

It is their duty, with the brotherly cooperation of the Pastor to watch that every member of the Church Council as well as the Congregation does his duty, and that the orthodox Bible Teachings and pure christian behaviour in the Congregation is promoted

#### Art 3

According to time and circumstances it is their duty to assist in the Sunday School as well as the visits to patients, and to assist the Widows and Orphans of the Congregation with Advice and means. One of them, selected by the President, has the duty to procure every thing necessary for the Lords Supper and to take charge of the Communion Service vessels

#### Art 4

If the Office of Pastor is vacant, it is their duty to see that there is at least once service during Sunday and to propose to the Church Council, and through these the Congregation, several worthy Pastors for Candidates, and to see that the Office of Pastor is filled as soon as possible.

### Chapter Fourth

#### Art 1 The Deacons

The Deacons of this Congregation must be over 25 years of age, and men, who are known as christians and moral.

#### Art 2

It is their duty to attend to the usual Collections to collect of the members their quarterly dues, and pay over to the Secretary, taking his receipt for same.

### Art 3

It is their duty to see that the Church, the School and all other property of the Congregation is kept in good order, and to remind the Church Council and point out to them all necessary repairs.

### Art 4

It is furthermore their duty to preserve order and decorum at all religious and other meetings of the Congregations, and if they perceive any disposition to the contrary, ~~they~~ the suppression of it with the assistance of the Elders.

## Chapter Fifth

### Art 1 Duties of President and Vice President

It is the duty of the President to preside at all meetings of the Church Council, the School Committee and the Congregation, and appoint all Committees which consists of the Congregation or the Church-Council; to open and close with prayers all meetings, except in presence of the Pastor; to examine all deliberations of the Church Council and of the Congregation, as all Bills and accounts of the latter, and if found correct to subscribe and attest the same, which are valueless without it; to visit the School, with the School Committee, and to see that every thing is conducted properly. He has the right to convene the Church Council at any time for an Extra meeting, and assemble the Congregation with the knowledge and consent of the Elders, giving them 10 days previous Notice, and the reasons for the same, to transact or finish of business. He collects the monies for the Poor, and pays the same to destitute members of the Congregation, if asked for, provided he is satisfied of their worthiness. He has to keep an account of the same, and hand the same with the balance of Cash on hand to the Secretary at the yearly settlement.

Art 2

If the President should die, resign or be absent the Vice President has to fill the place of the President

Chapter Sixth

Art 1 Duties of the Secretary.

It is the duty of the Secretary to take charge of all documents and Papers and the Church Seal of the Congregation, and keep an account of the same

Art 2

He has to receive all monies of the Congregation and the Church Collections, keep an account of the same in a book provided expressly for this purpose, and to pay over the same, against receipt, to the Treasurer

Art 3

He has to keep a record of all the Transactions of the Church Council and the Congregation, then if demanded, to read them out loud in the next meeting and when found correct to copy the same in the Protocol book, and to give these copies legal value they shall again be read at the next meeting, and then signed by the President

Art 4

He has to sign all Papers and Notices of the Congregation, and gives the same to the President, and in some extra ordinary cases to the Finary Committee and the Curators for their signatures, to be of binding value

Art 5

In the meeting following the collection of the quarterly dues, the Secretary has to submit to the Church Council a true list of all members of the Congregation entitled to vote.

Art 6

At the expiration of his time it is his duty to turn



over to his successor against receipt, all the Books papers and the Church seal belonging to the Congregation.

## Chapter Seventh

### Art I Duties of the Treasurer

The Treasurer has to furnish a reasonable security for the monies which he may receive at any time for the Congregation.

### Art 2

He pays the Orders for the monthly salaries of the Pastor and Teachers, signed by the Secretary and President, and takes their receipts.

### Art 3

He pays from the General Fund all claims against the Congregation, if such are certified and subscribed by the Secretary and President.

### Art 4

It is his duty to furnish to the Church Council quarterly, and the Congregation yearly a Statement, which, after having been examined by a committee appointed for that purpose, and by them pronounced as satisfactory, will be <sup>before</sup> copied and put on record.

### Art 5

It is his duty to acquaint the Church Council of the fact, as soon as the Cash amounts to over \$ 100.—

### Art 6

If he relinquishes his position he transfers all monies, Books and papers, entrusted to his care to his successor against receipt.

## Chapter Eight

### Art I Duties of Finance Committee

It is the duty of the Finance Committee to invest all monies in the hands of the Treasurer over \$ 100.—

profitably and secure, and to follow the directions of the Church Council

### Art 2

It is their duty, in conjunction with the President and Secretary, to issue all Mortgages and obligations in the name of the Congregation, and submit the same for attestation to the Church Council, and to affix the Seal of the Congregation to the same

### Art 3

Without the resolution of the Congregation in a legal meeting, there can be no money either borrowed nor lent in the name of the same.

### Art 4

It is furthermore their duty, to pay the interest on all borrowed Capital, Ground Rent or Fire Insurance, and take receipt for same, to receive the money for this purpose from the Treasurer and deliver above said receipts immediately to the Secretary

## Chapter Nine

Art I Members of Congregation and their meetings; Meeting of the Church Council.

All, who wish to be members of this Congregation must be baptized, confirmed, and partake of the Lord's Supper. They dare not live in Gal 5 Vers 19, 20 mentioned Works of the Flesh, nor follow any disreputable mode of life, but must be of good christian living, as Gal 5. Vers 22. They must follow the rules of the Congregation, and in case of Transgressions receive the brotherly reprimand of the Pastor, or a member of the Church Council grateful and try to change for the better

### Art 2

Complaints between the members, must be brought

before the Church Council either verbal or in writing, who in conjunction with the Pastor decides the case according Matthew 18 Vers 15-18.

### Art 3

All members must pay their quarterly dues regular. The lowest amount is \$4. - yearly, but any member can pay any higher amount if he chooses. The Church Council has the power, to remit a part or even the whole amount of the yearly contribution of a member, under peculiar circumstances.

### Art 4

All persons, who apply to the Pastor or a member of the Church Council for membership, must pay 50 Cents Entrance fee; their names will be publicly announced from the pulpit by the Pastor on the two consecutive Sundays, and should a member protest against his admission, it is the duty of the Church Council with the Pastor combined to investigate such protest, and after decision, when the application is rejected, to pay back the 50 Cents. Personal hate, jealousy or any other personal dispute between members and Candidates are no admissible reasons for the rejection of a Candidate.

### Art 5

Any member being in arrear more than 6 month either on account of dues or other monies due to the Congregation will be stricken from the list, and can not be reinstated unless he has settled in full of all such arrears; but the Church Council is empowered to deviate herefrom in some extra ordinary cases.

### Art 6

The parents of children to be confirmed are not to be allowed to be in arrears of any kind at that particular period.

Art 7

Any child of parents who are not member of this Congregation is allowed to enter the course of teaching preparatory to Confirmation, provided the parents of said child or children pay the sum of \$ 4. — per child to the Pastor praecumerando, half of which money goes in the treasury of the Congregation and has to be paid over by the Pastor to the Secretary

Art 8

Every member of the Congregation, who is over 21 years old and have regularly paid their quarterly dues, and are not in arrears of any kind and have partaken during the 12 months preceding of an election or deliberation of the Lord's Supper, are entitled to vote.

Art 9

Every meeting of the Congregation, with the reason for calling the same, must be announced 10 days previous, publicly from the pulpit.

Art 10

It shall be the duty of the President to call a meeting of the Congregation, if 20 member of the same entitled to vote shall by letter request him to do so; otherwise will the Congregation assemble at least once a year for the examination of the yearly accounts of the Officers, on a period to be designated by the Church Council.

Conclusion

These Rules can only be altered by the resolution to do so of Two Thirds of the <sup>then</sup> present members of the Congregation entitled to vote, called together for such purpose, provided however that the the Creed of this Congregation shall not be effected by said alteration, which shall be for evermore Ev Lutheran. German Evang Lutheran

# Rules of Order for the meetings of the Congregation and Church Council

- 1.) All Business shall be taken up according to the "Order of Business" hereafter mentioned.
- 2.) During the reading of the minutes and other Report, or when a member is addressing the President, general quiet must prevail.
- 3.) It is the duty of the President to preserve order and unity, and decide all questions of order without debate.
- 4.) Every member, who wishes to speak or make a proposition must rise and address the President.
- 5.) If two or more members rise at the same time the President shall determine who shall speak first.
- 6.) No member is allowed to speak more than twice on the same subject, before all the other members who wish to speak shall have done so.
- 7.) No member shall interrupt another, to explain some misunderstandings, nor call him to order.
- 8.) If a member speaking should be called to order by the President, the same has to discontinue at once and sit down till the question of order is settled, when he may continue, if allowed so to do.
- 9.) No proposition shall be considered, if not previously seconded, and repeated in proper form by the President.
- 10.) If there is one question up for consideration, a second proposition can not be brought before the Congregation, till the first is either tabled, postponed for some future time, or passed.
- 11.) If there is a question before the meeting, no member shall be allowed to leave his seat, or carry on secret conversation.

- 12) No member is allowed to vote on a subject in which it is directly and personally interested
- 13) Any member can propose the reconsideration of a previous decided question, if he voted with the majority, provided the same is not postponed for future action.
- 14) The majority of votes is decisive, if not otherwise ~~for~~ determined by the law
- 15) Any proposition for reconsideration or canceling of a resolution is passed, when two thirds of the then present members vote in the Affirmative.
- 16) Any member of the Congregation, who shall be first appointed to act as Committee, shall be the Foreman thereof, and no Committee shall be dismissed, before the liabilities of the same are discharged.
- 17) A motion to adjourn shall always be in order without debate, provided the business before the meeting is finished.
- 18) A meeting of the Congregation can only take place on a Sunday after service, the notice thereof having been announced at least 10 days previous.
- 19) No member shall have the privilege to speak more than 10 Minutes on the same subject.
- 20) The meeting shall begin at 8 o'clock P.M. from 1 April til 1 Sept, and at 7 1/2 o'clock P.M. from 1 Sept til 1 April.

### Order of Business

for the Congregation and Church Council.

- 1) Opening of the Meeting with prayer.
- 2) Calling the names of Officers and members of the Church Council, and the Officers of the Congregation.

- 3) Reading of the minutes of last meeting
- 4) Reports of Commite
- 5) Reports of Special Commite
- 6) Reports of Standing Commite
- 7) Reading of Papers and Accounts
- 8) Business for benefit of Congregation
- 9) Motions and elections of Officers
- 10) Installation of Officers
- 11) Election of Finance Commite, and appoint-  
ment of all Standing Commite for the year
- 12) Closing with Prayer

## Supplement

### Chapter One

The Salaries of the Pastor and Teachers

- § The salaries, the increase or reduction of the same of the Preacher and the Teachers shall be determined by the Congregation

### Chapter Two

The School of the Congregation

- § 1) The School of this Congregation shall be under the direct supervision of the School Commite, which shall consist of the Pastor, the President and 4 members of the Church Council, appointed for this purpose. The President conducts their delib-  
eration, and it is the duty of the Teachers to attend these meeting if invited by the School Commite. The term of service of the School Commite is 1 year but 2 will be appointed every 6 months, to fill the places of two, who vacate every 6 months. Two Thirds of the School Commite, including the President form a Quorum for the trans-  
action of Business

§ 2) This School shall be conducted according to an arrangement for the division of the hours for Teaching prepared by the Teacher and to the satisfaction of the School Committee, but including the following Rules:

- § 3) a) The School is to be opened and closed with singing and prayer.
- b) The first hour in the morning of 4 days in the week will be set apart for instructions in religion, of which Luther's small Catechism is the foundation.
- c) The bible and the Bibel history shall be used for Reading.
- d) The other objects of Teaching in the English and German languages are: Reading, Writing, Arithmetik, Singing, Grammar, Geography and History.
- e) The days and School hours are determined by the School Committee.
- f) The School tax is as follows: For every child 50 cents per month, payable in advance; and has the School Committee the power either to reduce or remit the Tax in cases of poverty.
- g) The School tax is to be paid every first or second <sup>Monday</sup> morning of the month, and any scholar, who joins School, has to pay for the balance of the month, in which he enters.
- h) The members of the School Committee are enjoined to visit the School at least once a week, and 2 of them shall be present on the first and second Monday morning of each month to receive the monthly School tax, and deliver the same immediately to the Secretary.



- i) The Schoolvacations will be fixed by the School Commite
- k) All the necessary Books for the School shall be procured by the School Commite as soon as notified by the Teacher which kind are wanting, and the money for such purchase shall be drawn on a legal order of the Secretary from the Treasury. They must deliver all receipts for the Payment of these books as well as all other articles bought for the use of said School to the Treasurer of this Congregation.
- l) The School Comite has the power to alter any of Rules marked a b c d etc if it should appear necessary or desirable

### Chapter Third

#### Teacher and Organist.

- § 1) The Teachers of this Congregation have the following duties to perform: To attend to the teaching of the children entrusted to their care in conformity of the Rules laid down in Chapter 2 to the best of their ability, and to gain the love, confidence and honor of children and their parents by their kind treatment.
- § 2) To keep a list of all children who enter said School, and to note down their presence or absence, and to hand a list of the latter every month to the teacher, appointed by the School Comite for that purpose, who keeps the School Register, to enable him to make out the monthly School bills and credit the money received in his List of all Scholars.

- § 3) It is the duty of the Organist or Organists appointed thereto by the Church Council to be present during the Church Service, and to play the Organ at the order of the Pastor or the Elders during the service, or at other occasions.
- § 4) To try to improve the Singing in Church, and to create a Church Choir for this purpose.
- § 5) To assist in the Sunday School under the direction of the President of Schoolcomite.
- § 6) To submit in all cases to the Regulations of the Congregation, like any other member.
- § 7) The election of Teachers is decided by Majority of votes in the Church Council.
- § 8) Before the election of Teachers, it is the duty of the Pastor and the School Comite under direction of the President to examine all Candidates for the position of Teacher, and to recommend all who they deem worthy on account of knowledge and Character for the selection to the Church Council.
- § 9) All Candidates for Teachers have to apply to the President of the Congregation.
- § 10) After the election of the German teachers the Pastor shall install the same on one of the following Sundays publicly before the Congregation after service.
- § 11) The Salary of the Teachers shall be paid monthly by the Treasurer upon an order of the Secretary.
- § 12) The Teacher who keeps the School list must issue the book entrusted to his care, after the disposition of the School Comite to the children who are in want of the same, and charge them in their monthly School bill.

- It is his duty to keep a list of books so distributed, and deliver the same to the Secretary, if such should be demanded.
- § 13) All complaints in regard to the School and the Teachers, must be communicated to the School Comite, who shall try to remedy the same, but if they find themselves unable to do so, they must refer the matter to the Church Council, who after due investigation shall decide the same.
- § 14) Complaints against one or more Teachers which after investigation before the School Comite have proved true, and call for a dismissal of the Teacher, shall be brought before the Church Council, accompanied with the reasons, and the said dismissal by them acted on.
- § 15) If the Church Council determines the dismissal of the Teacher, the Secretary has to notify him by letter of this result, without giving any reasons therefore.
- § 16) The Church Council has the power to dismiss the Teachers at any time.
- § 17) For the english Language will be ~~for~~ separate Teachers appointed, if such should appear necessary.

## Chapter Fourth Of the Sexton

- § 1) The appointment as well as the Salary of the Sexton is left to the determination of the Church Council.
- § 2) It is the duty of the Sexton to clean the Church and Schoolbuilding, and to warm and light the same, if necessary; to keep the sidewalks of the Church and Schoolbuilding clean

and free of Ice; put away Wood and  
Coal in their proper places, and opens  
Church- or Schoolbuilding by directions  
of Church Council

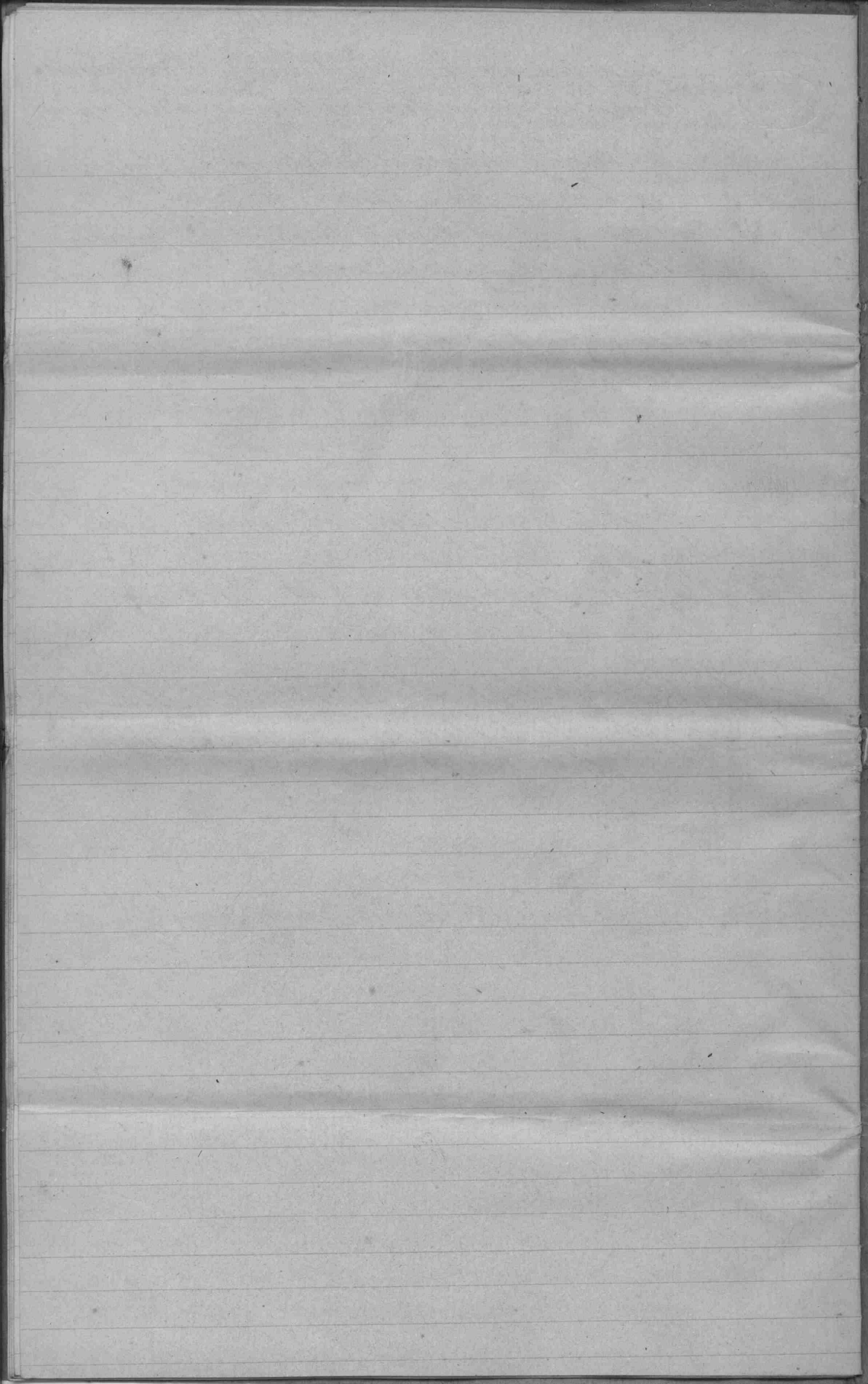
- § 3) If the Sexton desires to leave his position  
it is his duty to give notice thereof one  
month previous, and the same time is  
agreed on, if the Council wishes him  
to leave.
- 

L. F. Zimmermann, Pastor  
Elders

W. H. Weber, H. D. Mayer, J. Wuttler  
J. Würzbacher

W. Markloff, J. Lipp, C. Berigtold, A. Albrecht,  
H. Ruppel, L. Kolscher, J. Bauernschmidt  
C. Dochtermann

---





send this

W.W.  
No 3.

No 3

Copied for Mr Milbourn  
2 sides

Fd 19 March 1864

Copy

To the

Rev. L. F. Zimmerman

Pastor of the St. Stephen's Church.

Balto January 22. 1864

Rev. Sir: It appears by the Constitution of our Society that the Pastor of the Church is subject to dismissal upon three months notice, and upon reflection it would seem that where the Pastor is paid by the month it is proper that the notice should include three full months, accounting from the time when the monthly salary commences. — At a meeting held on the 13<sup>th</sup> of this month by a lawful vote of the Congregation in the exercise of their legal rights they determined to sever the connection existing between you and them, and by vote ordered your dismissal as Pastor, and notice thereof has been given to you. This therefore is written to you to say that the three months required by the Constitution will begin on the 1<sup>st</sup> February next and on (or before if you choose) the first of May next all connection between you and the Congregation will be at an end.

Signed

W. H. Weaver

Presd. of St. Stephen's  
Congregation.

Conrad Doehlsman

Secy of St. Stephen's  
Congregation



*[Faint, illegible handwriting, likely bleed-through from the reverse side of the page.]*

*[Faint, illegible handwriting, possibly a signature or name.]*

1870

1870

1870

1870

1870

again as pastor, nor enter our school room for any  
purpose.

Yrs respectfully

Wm. W. Beech

Conrad Rockswold

Barbury

Orangeville N. H. 1864

Wells, Feb 24<sup>th</sup> 1864

Wm. W. Beech

Copied for Mr. Kilburn  
2 sides  
Feb 19 March 1864

To Mr L. F. Zimmerman,  
Sir,

Having been employed by this congregation to preach the gospel, and to hold divine service in our Church building on Sundays you went out of your way on Sunday last to do an unauthorized and an illegal act wilfully and knowingly, and contrary to the protest of the undersigned as President of the Congregation. made use of our building for other and different purposes than those you were employed to fulfil. The Trustees of the Congregation, by me, their President, direct me to notify you that you are prohibited from entering their pulpit again, and they, instructed by Counsel, also say that if you attempt so to do it will be at your peril, and you will be treated as a trespasser. — All further connection between you and them is hereby dissolved. — We will pay you your salary up to the day of your misbehaviour; but we will not pay you a cent further. You will not therefore enter the Church

ms in view of graph  
Inserted in view of copy

WAWWOB

Copied for Mr Killbuck  
4 sides  
Feb 19 March 1864

The Committee appointed by the President of the Synod of Maryland to investigate certain charges preferred against the Rev W. Zimmerman, Pastor of St. Stephens Lutheran Church in Baltimore, and a Member of said Synod, by certain members of said Church, having carefully examined witnesses in the presence of the congregation, have come, unanimously to the following conclusion.

- 1 That W. Zimmerman's conduct has been unministerial and unchristian.
  - (a) In the use of language from the pulpit and elsewhere which was violent, defamatory, and libellous.
  - (b) In allowing his practice of medicine to interfere with the faithful discharge of pastoral duty.
  - (c) In publicly charging some of the officers of his church with dishonesty and other grievous offences.
  - (d) In having in several instances, violated the Constitution of his Church by calling and holding irregular and unconstitutional meetings of his adherents; in sanctioning the election of a Council when there was one already in existence; in refusing to install the regularly elected Council, which the constitution requires him to do.
  - (e) In excommunicating certain members of his church, constituting the council, without trial

or semblance of law or authority, and against the universal practice of the Church.

II That in view of the disturbance and ill feeling engendered in that church, the necessity of Mr. Zimmerman's separation from it, is painfully manifest.

III That we advise the church council, now having possession of the property, Keys, and books, to give Mr. Zimmerman Constitutional Notice, that his services are no longer desired and to proceed to the election of another minister as soon as expedient, and in the mean time, to have the pulpit supplied, under the advice of the President of Synod and this Committee.

IV That as Mr. Z. has not been charged with offences specified in the Constitution of the Synod, authorizing a suspension if convicted, we refer the whole matter to the Synod agreeably to Sect. 4 chap IV.

Signed

Doth Morn's  
G W Brandau  
H Bishop  
J. Stok  
Joel Swartz

Committee

Baltimore Feb 25. 1864

Number in list of  
1813 - see 4 notes

1813-1814

1813-1814  
1815-1816  
1817-1818  
1819-1820



Whereupon it was resolved, that  
it should be determined by  
ballot whether his services as Minister  
of the Congregation  
should be retained or not, the  
President announcing, that white  
ballots should be cast for his retention  
and black ones for his dismissal.

Resolved that  
Congregation should  
decide in favor of  
ballot,  
where the services  
of Pastor should  
be retained.

— 122 —

Jan'y. 11. 1864

Resolved- That at the next meeting of the Congregation, the vote shall be by ballot.

Decem Jan'y. 13. 1864

P. The President, Mr. Am H. Weber, made the Congregation acquainted with the object of the meeting, which was as follows:- That the Secretary be ordered to furnish the Minister, Mr. L. F. Zimmerman, with a copy of a resolution of the Congregation passed at a meeting held December 16<sup>th</sup> 1863, which resolution was as follows- Resolved: That the Rev L. F. Zimmerman, by a written notice from the Congregation, be requested to state in writing, on or before the 30<sup>th</sup> of December 1863, whether he is willing to abide by the New Constitution of the Congregation or not. Of which resolution the Rev. L. F. Zimmerman took no notice either by written or verbal answer to the Church Council.

(104)

Zimmerman  
etal

or

Weaver etal

---

London in  
issue.

Wm Mac

Please for  
this G.W.

6<sup>o</sup> 25 April 1864.

Wm H Weaver  
vs

vs

Zimmerman  
vs

In the Superior Court  
for Balto City  
Petition for mandamus

And the said Defendants  
join issue upon each and all of  
the said twelve pretended traverses  
filed to their answer in the above  
cause.

Gross William  
Att'y for Defd<sup>s</sup>

(103)  
Zimmerman

as

Measures to others

Transfers to  
Depts. and over

Mr. Mace will  
Please file duplicate  
C. S. J. G.  
10315

filed 25 April 1864

filed 25 April 1864

Leonhard F. Zimmerman } Petition for a writ of  
as } Mandamus  
William H. Mason & others } In the Superior Court  
for Baltimore City

The Petitioner in the above case by his Attornies comes into Court and traverses the allegations set forth in the Answer of the Defendants in manner following, that is to say,

First, He denies that the said William H. Mason is President of the Council of the German & Evangelical Lutheran St. Stephens Church, and also denies that the said Conrad Dochtermann is Secretary as alleged in said Answer.

Second, He denies that the paper filed with said answer and marked Exhibit W. H. M., No 2 is the genuine Constitution of the said Church or congregation, but asserts that the true Constitution of said congregation is contained in Petitioners Exhibit **A**.

Third, He denies that the President of the Evangelical Lutheran Synod of Maryland or any Committee appointed by him has any authority to investigate the charges made against him, and denies that said Committee (partial unjust and illegal as its proceedings were) has vacated the Pulpit and removed said Petitioner from the exercise of his functions as Pastor of said Congregation.

Fourth. He denies that William H. Weaver, Frederick Staudle, John Wirtzbacher and John Gebhart are the Elders, or that Christopher Brigtold, Conrad Dochterman, John Thomas, August Becker, William Ebert and Henry Otter are Deacons of the said Church.

Fifth. He denies that the paper filed by Petitioner as the constitution of said Church Association, marked Exhibit A, has ever been abrogated or set aside by any lawful meeting of the said Congregation but alleges that the same is in full force and virtue.

Sixth. He denies that any legal or valid notice was ever given to him of his dismissal as Pastor of the said Church or Congregation.

Seventh & Eighth. He admits that he disregarded the proceedings of the said pretended President and Council, and alleges that the true officers of the said Church and Congregation at the time were and now are: Leonard F. Gummertman Pastor, John Ganz President, John Schmiedemann Secretary, Henry Pope, Treasurer and Matthias Kochlein are the Elders, and John Bauersmith, August Albrecht, Jacob Beyerlein, Henry Stephan, John Bohlmann, Adam Feltner, Henry Koertig and August Sommerlatt are the Deacons, that they were regularly elected and installed.

Ninth. He denies that the said pretended Council had any authority to give him the notice of his

dismissal as Pastor of the said Congregation

Tenth. The Petitioner admits that charges were presented to the President of the said Synod by the said Weaver and some few of his adherents. That a Committee was appointed to investigate the same, at which he attended for the sole purpose of defending his personal character as a Minister and not by any means intending to recognize the authority of said Committee to decide on the question of his dismissal from the Pastorate of the said Church, and he denies that said Committee or the said Synod has any rightful authority to admit or remove any Pastor of said Church from his Pastorate, but asserts that such power resides only in the majority of the Congregation, and he further avers that the Investigation by said Committee was partial unjust and incomplete, and the said Petitioner denies that the Committee vacated the Pulpit of the said Congregation.

Eleventh. The said Petitioner avers that he did discharge his duties as Pastor of the said Church and Congregation to the satisfaction of a large majority of the same and is now supported by a majority of the said Congregation, and he avers that he was prevented from the occupation of the said Church and Pulpit by force and violence of said Weaver and his adherents.

Twelfth. In conclusion the said Petitioner asserts and maintains the jurisdiction of the Honourable Court in the premises.

E. G. Kilbourn &

Wm Bond  
Attorney for Petitioner



Gimmermann  
vs  
Weaver & others

In the Superior Court

Mandamus

The Clerk will please issue subpoenas for  
Rev. L. D. Meiser and John Bauernschmidt to testify  
for Petitioner and for Conrad Dochtermann to  
bring with him the Church Discipline or  
Constitution of The German Evangelical Lutheran  
St Stephens Church of Baltimore adopted by the  
congregation in the year 1857 to be offered in evidence  
for the Petitioner returnable on Tuesday the 17<sup>th</sup>  
day of May inst.

E. G. Killbourn  
atty for Petner.

May 14<sup>th</sup> 1864.

To the Superior Court

of the County of ...

James ...  
vs  
James ...

The Clerk will please give judgment for  
the ...  
for ...  
being ...  
...  
The ...  
...  
for the ...

J. D. Williams

Attorney for ...

May 14th 1854

L. J. Zimmerman  
vs

vs  
Wm. A. Brewer vs

} Superior Court  
Petition for Mandamus

Mr. Mace

Summon for Tuesday

morning next, to testify for Respondents,

Rev. D. Morris no 106 north Green Street

Rev. D. Brandau no 155 north Pava

Rev. D. Bishop no 183 E Monument Street,

Lewis Reese 338 South Charles Street.

John Rea 350 " Eutaw "

John Dickel 126. William Street

Lewis Schroeder S. E Corner Hamburg of Johnson St.

Charles Blitt 246 South Charles Street.

John Filling 194. Croft Street.

Peter Hinkel 145 Anniella Street

Fredrick Straup 258 Montgomery Street.

John A. Baer. 614 Light Street.

John Leupoldt. 43. Leadenhall Street.

G. A. Williams  
Att'y for Defd.

John Williams  
 20/1/1848

John Campbell 43. 20/1/1848

John & John 6/11. 20/1/1848

John & John 2/28. 20/1/1848

John & John 1/24. 20/1/1848

John & John 1/20. 20/1/1848

John & John 3/20. 20/1/1848

John & John 2/18. 20/1/1848

John & John 2/10. 20/1/1848

John & John 2/10. 20/1/1848

John & John 2/10. 20/1/1848

John & John 2/10. 20/1/1848

Zimmerman & others } In the Superior Court  
vs }  
Weaver & others } for Baltimore City

Mr. Mace, Greedsummers for Conrad  
Doekterman to bring into court and produce  
at the trial of the above case the Church  
Discipline or constitution which was submitted  
to the German Lutheran St Stephen's Church  
in November 1863. Returnable May 17, 1864

E. G. Kilbourn

Atty for Petitioner

Dear Sir  
I have the honor to acknowledge the receipt of your letter of the 11th inst. in relation to the above case. I have the honor to inform you that the same has been referred to the proper authorities for their consideration.

Very respectfully,  
Wm. H. Johnson  
Secretary  
The Board of Trustees  
of the American Baptist  
Church  
New York  
1853

In the Superior Court of  
Baltimore City  
To the Sheriff of Baltimore City

Summoned <sup>145 G. Fayette st</sup> <sup>281 W. Pratt st</sup> <sup>8d</sup>  
Rev<sup>d</sup> L. D. Mauer and John Bauernschmidt  
to testify for Zimmerman agst Weaver

(And) <sup>203 Light st</sup> <sup>5d</sup>  
Conrad Dochtermann to bring with him the  
Church Discipline or Constitution of the German  
Evangelical Lutheran St Stephens Church  
of Baltimore adopted by the congregation in  
the year 1857 to be offered in evidence

Returnable Tuesday 17th May 1864

and Summon <sup>203 Light st</sup> <sup>5d</sup>  
Conrad Dochtermann to  
bring with him into Court and produced at the  
trial of the above case the Church Discipline  
or Constitution which was submitted to the  
German Lutheran St Stephens Church in  
November 1863

Returnable 17 May 1864

Afford Macey  
Jr

Mr. J. D. Moore  
The Rev. Mr. Moore  
The Rev. Mr. Moore

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Superior Court  
May term 1864

Summon for Tuesday morning 17th May  
1864 to testify for William A Weaver &c at  
Zimmerman

Mr Rev<sup>d</sup> D<sup>r</sup> Morris <sup>sd</sup> 106 North Green St

Mr Rev<sup>d</sup> D<sup>r</sup> Brandau <sup>sd</sup> 155 North Paca St

Amos<sup>d</sup> Rev<sup>d</sup> D<sup>r</sup> Bishop <sup>sd</sup> 183 E. Monument St

<sup>sum</sup> L. Lewis Reese <sup>sd</sup> 338 S. Charles St

L. John Ripie <sup>sd</sup> 350 Cutaw St

<sup>sum</sup> L. John Dickel <sup>sd</sup> 156 William St

L. Lewis Schroeder <sup>sd</sup> S. E. Corner of Hamburg & Johnson St

L. Charles Blitt <sup>sd</sup> 246 S. Charles St

L. John Filling <sup>sd</sup> 194 Cross Street


L. Peter Henkel <sup>sd</sup> 145 Henrietta St

L. Frederick Straus <sup>sd</sup> 258 Montgomery Street

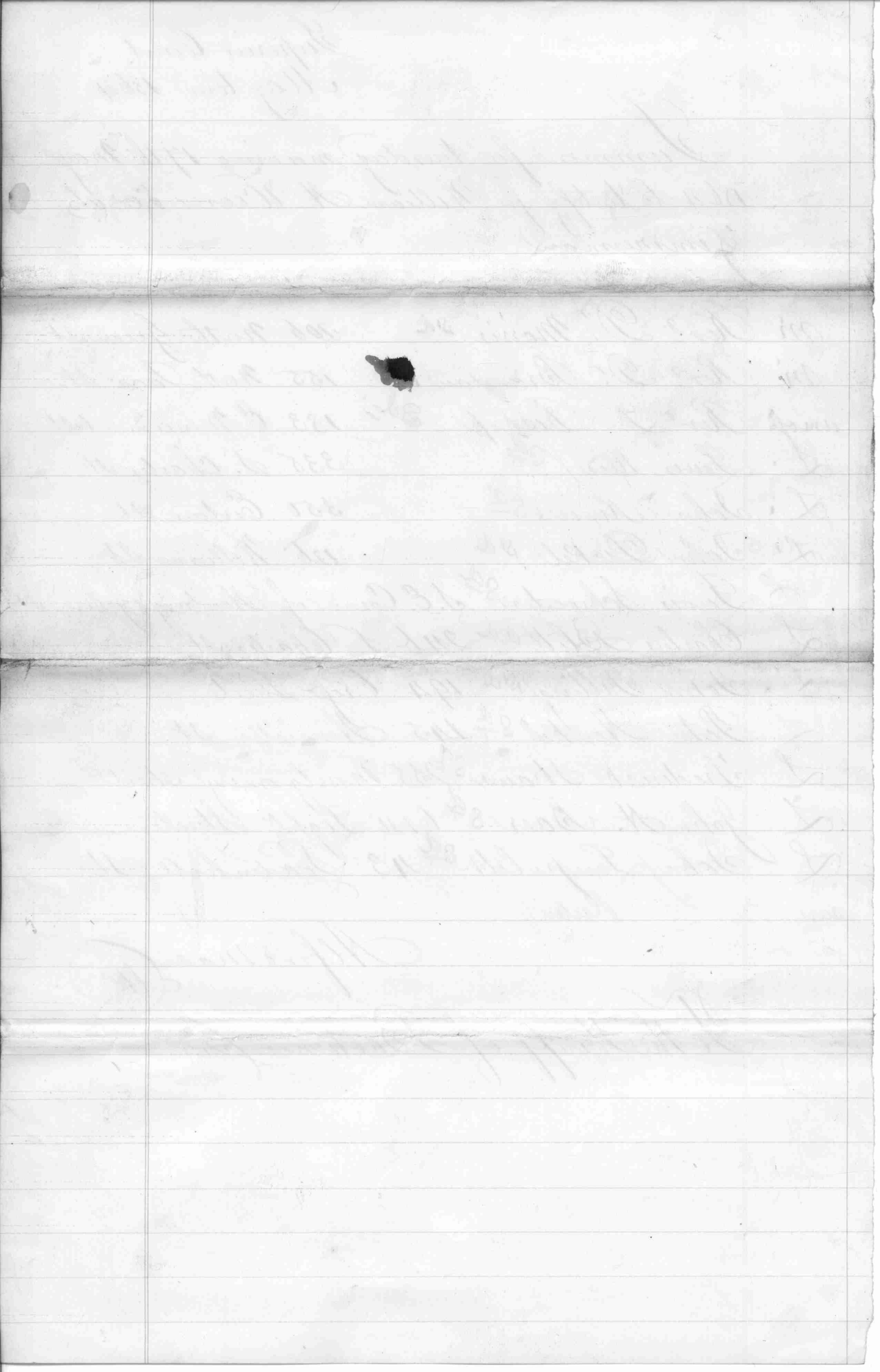
L. John H. Baer <sup>sd</sup> 614 Light Street

L. John Leupoldt <sup>sd</sup> 413 Leadenhall St

<sup>sum</sup> Rector

Alfred Mace 

To the Sheriff of Baltimore City



Adam Klemeschmidt  
George Schelhaas  
Jacob Schreiber  
John Schweimmer  
John Stahl  
Frederick Viehweiser

to testify for Petitioner, to be returnable on  
Tuesday the 17<sup>th</sup> day of May

N<sup>o</sup> 297 Sharp St  
52 Portland St  
Washington Road  
123 West St  
172 Green St  
69 James Alley

Wm B. Bond  
Atty for Petitioner

Zimmermann  
vs  
Weaver & others

Order for Subpoenas

Gummerman } Mandamus  
 vs } Superior Court for  
 Weaver & others } Baltimore City

Two Mace Cells Superior Court;

You will

please issue subpoenas for the following persons

Wolfgang Stoeker	N <sup>o</sup> 57 Ladenhall St
Nikolaus Dumlind	N <sup>o</sup> 23 Perry St
Jacob Bayrelein	" 106 West St
August Albrecht	Homestead, Newford Road
Henry Erbe	N <sup>o</sup> 35 Brown St
Frederick Thoenen	" 109 Ladenhall St
Matthias Kachulein	" 141 Newietta St
Henry Biederwald	" 253 West St
C. Louis Paul	" 124 Howard St
John Phillips	" 204 S. Howard St
Henry Pfau	" 129 Light St
Edward Bremmeller	" 75 1/2 Light St
Leonhard Gundel	" 90 York St
William Hegase	York St
Charles Fisher	" <del>240</del> 253 Sharp St
Frederick Schmidt	" 40 Ladenhall St
Henry Schanmburg	Ladenhall St
Michael Lohmann	" 239 Sharp St
Christian Lebert	" 279 Sharp St

Jobst Voh	No 33 Peach Alley
John Bohlmann	" 465 W Baltimore St
Peter Schaub	" 258 Sharp St
William Kussel	" 281 Hanover St
Charles Brund	" 47 Plum Alley
Leonard Meacher	" 30 Cross St
August Sommerlatt	" 77 Grindall St
Henry Stephan	" 397 S. Charles, St
Henry Pope	" 244 Sharp St
Adam Ulrich	" 141 Johnson St
John Krill	" 117 West St
William Klein	361 Sharp St
John Scheining	321 S Charles St
Frederick Schlipper	409 Light St
John Dreg	46 Henrietta St
Frederick Beck	Fort Road,
Louis Simhauser	328 Sharp St
John Hein	113 Spadenhall St
John Ganz	243 Sharp St
Leonard Woelk	218 Sharp St
John Pratter	275 Hanover St
Frederick Koehnlein	Washington Road
Leaspar Nicklas	257 Hanover St
Charles Michaelis	33 Peach Alley
Adam Feldner	63 James Alley
Christopher Rinhardt	242 Sharp St
Andreas Meonad	120 Johnson St
Frederick Koehnlein	Washington Road

Henry Koerting  
Frederick Lebert  
Henry Doefler  
John Mc Weiss  
Balthasar Vogel  
George Plack  
Daniel Plack  
Jacob Glaeser  
Leonard Otterbein  
Peter Kraft  
Henry Koppke  
Charles Hammerbacher  
John Kropf  
John Koehler  
John Hammerbacher  
William Reiter  
Charles Schumacher  
Frederick Kuhl  
Christian Metz  
John Koch  
Jacob F. Rauch  
Charles Berner  
Peter Keappf.  
John Schmiermund  
Henry Fischer  
Joseph Fischer  
Leonard Strauss  
Paul Wedel  
Christian Lindauer

Fort Road  
Cross St near Johnson St  
No. 79 Kendall St  
31 Lee St  
188 William St  
376 Light St  
413 Light St  
638 Light St  
49 James Alley  
158 Henrietta St  
174 Green St  
28 Beaver St  
78 Henrietta St  
44 Lee St  
82 Leadenhall St  
170 Green St  
3 Goulds Lane  
652 Light St  
Cor of Centaw & Henrietta Sts  
221 Washington St  
134 Burgundy Alley  
155 Burgundy Alley  
19 Halls Alley  
310 William St  
43 Brown St  
172 Lee St  
393 S. Charles St  
354 Centaw St  
25 Brown St

In the Superior Court of  
Baltimore City  
May Term 1864

Summon

&	1	Wolfgang Stocker	$\$ \frac{d}{n}$	1057 Leadenhall Street
&		Nikolaus Dumbing	sd	" 23 Perry Street
L		Jacob Bayerlein	$\$ \frac{d}{n}$	" 106 West Street
Amos		August Albrecht	N $\frac{e}{n}$	" Homestead Harford road
L		Henry Erbe	sd	" 35 Brown Street
L		Frederick Thoenes	sd	" 109 Leadenhall St
L		Matthias Koehlein	sd	" 141 Henrietta St
L		Henry Bindewald	sd	" 253 West St
L		C. Louis Paul	N $\frac{e}{n}$	" 124 Howard St
L		John Phillips	N $\frac{e}{n}$	" 204 S. Howard St
sd	L	Henry Pfau	sd	" 129 Light St
L		Edward Bismuller	sd	" 757 Light St
L		Leonhard Gundel	sd	" 90 York St
sd	L	William Haase	sd	York St.
sd	L	Cha. Fisher	$\$ \frac{d}{n}$	253 Sharp St
L		Frederick Schmidt	$\$ \frac{d}{n}$	40 Leadenhall St
L		Henry Schaumburg	$\$ \frac{d}{n}$	Leadenhall St
L		Michael Schman	sd	239 Sharp St
sd	L	Christian Ebert	$\$ \frac{d}{n}$	279 Sharp St
L		Jobst Voh	N $\frac{e}{n}$	33 Beach Alley
sd	L	John Bohlman	$\$ \frac{d}{n}$	465 W. Balto St
L		Peter Schaub	$\$ \frac{d}{n}$	258 Sharp St
L		William Gufel	$\$ \frac{d}{n}$	281 Hanover St
L		Cha. Bruns	$\$ \frac{d}{n}$	47 Plum Alley
L		Conrad Macher	sd	30 Croft St
L		August Sommerlatt	$\$ \frac{d}{n}$	77 Gindall St

sd  
sd  
Rev. Conrad Dochterman  
Mr Mayer

	Ernest Fischer		
sun	L Henry Stephan <u>sd</u>	397	S Charles St
sun	L Henry Pope <u>sd</u>	244	Sharp St
	L Adam Ulrich <u>sa</u>	141	Johnson St
	L John Kull <u>sd</u>	117	West St 111
	L Wm Klein <u>sd</u>	361	Sharp St
	L John Scheimig <u>sa</u>	321	S. Charles St
	L Frederick Schlapp <u>sd</u>	409	Light St
sun	L John Deeg <u>sd</u>	46	Henrietta St
	L Frederick Beck <u>sa</u>		Fort road
	L Louis Sinschaeuser <u>sd</u>	328	Sharp St
	L John Heim <u>sd</u>	113	Leadenhall St
scout	L John Ganz <u>sd</u>	243	Sharp St
	L Conrad Woelk <u>sa</u>	218	Sharp St
	L John Butler <u>NE</u>	275	Hanover St
	L Frederick Koehlein <u>NE</u>		Washington road
sun	L Caspar Nicklas <u>sa</u>	257	Hanover street
	L Charles Michaelis <u>NE</u>	33	Beach alley
sun	L Adam Feldner <u>sa</u>	63	James alley
	L Christopher Rinehart <u>sd</u>	242	Sharp St
	L Andreas Moras <u>sa</u>	120	Johnson St
town	L Frederick Koehlein <u>NE</u>		Washington Road
	L Henry Koerting <u>sa</u>		Fort road
	L Frederick Ebert <u>NE</u>		Cross St near Johnson
	L Henry Doefler <u>NE</u>	79	Grindall St
	L John M. Weip <u>sd</u>	31	Lee Street
	L Balthasar Vogel <u>sd</u>	188	William Street
	L George Plack <u>sa</u>	376	Light Street
	L Daniel Plack <u>sa</u>	413	Light Street



L Jacob Glaeser  $\frac{S^d}{\#}$  638 Light Street  
 sun L Conrad Otterbein  $\frac{S^d}{\#}$  49 James alley  
 L Peter Kraft  $\frac{S^d}{\#}$  158 Henrietta St  
 sun M Henry Hoppe  $\frac{S^d}{\#}$  174 Green Street  
 L Charles Hammerbacher  $\frac{S^d}{\#}$  20 Bevan Street  
 L John Kropf  $\frac{S^d}{\#}$  78 Henrietta Street  
 L John Koehler  $\frac{S^d}{\#}$  114 Lee Street  
 L John Hammerbacher  $\frac{S^d}{\#}$  82 Leadenhall St  
 M William Reiter  $\frac{S^d}{\#}$  170 Green Street  
 L Charles Schumacher  $\frac{S^d}{\#}$  3 Goulds Lane  
 sun L Frederick Kuhl  $\frac{S^d}{\#}$  652 Light Street  
 L Christian Getz  $\frac{S^d}{\#}$  Cor Cutaw + Henrietta St  
 L John Koch  $\frac{S^d}{\#}$  221 Washington St  
 L Jacob F. Rauch  $\frac{S^d}{\#}$  134 Burgundy alley  
 sun L Charles Berner  $\frac{S^d}{\#}$  155 Burgundy alley  
 L Peter Kapp  $\frac{S^d}{\#}$  19 Halls alley  
 sun L John Schmiermaund  $\frac{S^d}{\#}$  310 William Street  
 L Henry Fischer  $\frac{S^d}{\#}$  43 Brown Street  
 sun L Joseph Fischer  $\frac{S^d}{\#}$  172 Lee Street  
 sun L Leonhard Straus  $\frac{S^d}{\#}$  393 S. Charles St  
 L Paul Wedel  $\frac{N^d}{\#}$  354 Cutaw St  
 sun L Charles Lindauer  $\frac{S^d}{\#}$  25 Brown St  
 L Adam Klemschmidt  $\frac{S^d}{\#}$  297 Sharp St  
 M George Schelkase  $\frac{S^d}{\#}$  52 Portland St  
 L John Schreiber  $\frac{N^d}{\#}$  Washington road  
 L John Schwemmer  $\frac{S^d}{\#}$  123 West Street  
 M John Fahl  $\frac{S^d}{\#}$  172 Green Street

schoetter  
 Bauerschmidt

(ans)

sun  
 sun

L Frederick Viehmeier<sup>sd</sup> by James Alley  
to testify for  
Zimmerman  
agst  
Weaver & others

Returnable Tuesday 17 May 1864

Alford Wallace

W. B. Bond

1 A. A. NACK ✓

2 A. J. George ✓

Geo W. Tinges

3 Jas R Nimmo ✓

~~Geo J. Mitchell~~

4 Jas. Ospear ✓

5 Enoch Miller ✓

~~John H. Neale~~

6 J Harris Blanchard ✓

x ~~A. A. NACK~~ ~~Harman~~

7 James M. Lewis ✓

Christophus Hinrichs

~~William R. Mitchell~~

8 Wm Graham ✓

9 Geo Harman ✓

~~Edw. Spedden~~

~~Wm L. Wilson~~

~~Wesley Ricketts~~

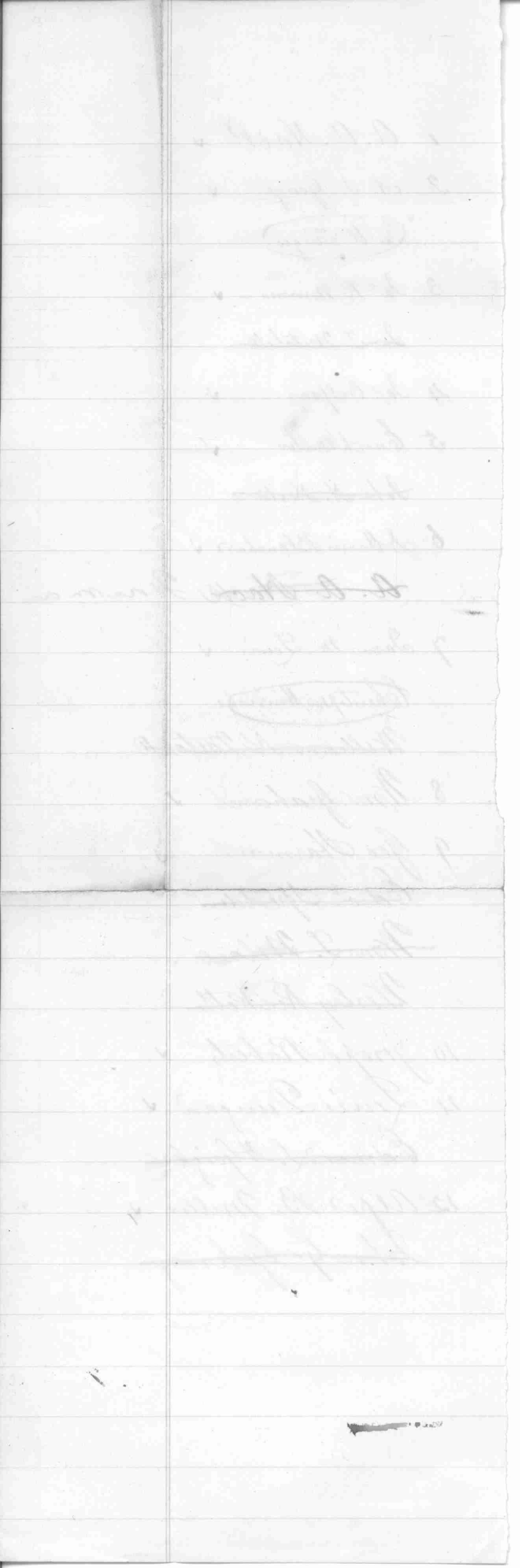
10 Joseph Roberts ✓

11 Lewis Dungan ✓

~~Edmund S. Heigler~~

12 Alfred B. Miller ✓

~~John G. Gehring~~



*Defts prayers*

First prayer      Report. Ex. 10 on notice =  
17 to the Jury

The defendants pray the Court to instruct  
the jury that if they find that notice  
was given to the congregation of Defendants  
by the publication by the reading of the  
paper given in evidence, and <sup>shall, also,</sup> ~~that~~ they  
find that the resolution of the 16<sup>th</sup> Dec 1863 offered  
~~and notice was given in pursuance of~~  
is evidenced <sup>was passed as of that date by the said</sup>  
~~the resolution of said congregation as set~~  
Congregation & that the notice also offered in evidence  
forth in the record thereof ~~also given~~  
was served on the pastor  
~~in evidence~~, and shall find that a  
meeting was held in pursuance thereof  
then the same was a valid and legal  
meeting according to the Constitution  
of said congregation as given in evidence.

22

*[Faint, mirrored handwriting, likely bleed-through from the reverse side of the page. The text is illegible due to fading and mirroring.]*

Head prayer. Rejected

The defendants pray the Court  
to instruct the Jury that upon all the  
evidence offered in this case, they  
must find a verdict for the defendants

Defendants



agreeably to a resolution <sup>of</sup> ~~of~~ the congregation  
passed yesterday evening, the undersigned is  
authorized in the name of the congregation, to  
communicate in writing to the Rev<sup>d</sup> Pastor,  
Zimmerman, the following congregational resolution.

Resolved, That the Rev. Pastor F. L. Zimmerman  
shall inform the kind council of  
the Evangelical Lutheran St Stephen's church,  
<sup>in writing,</sup>  
within 14 days, that is, by the 30<sup>th</sup> Dec. 1863,  
whether he is willing to abide by the  
congregational discipline and laws, or not.

Ball. Dec. 17. 1863

Conrad Doekerman Secretary.



*Plaintiff prayer*

Repealed with instructions to the  
Jury.

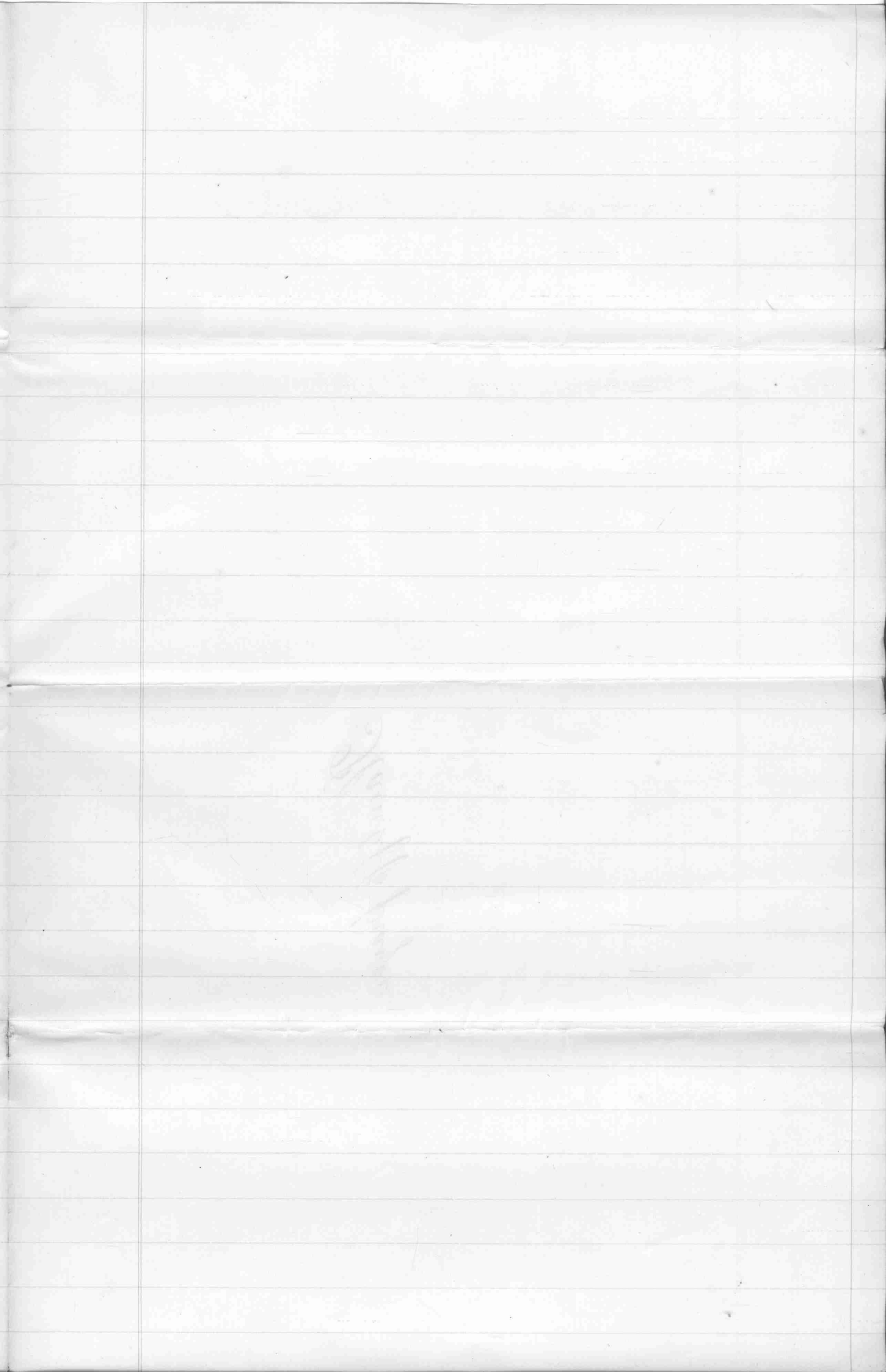
The Plaintiff by his counsel prays the  
court to instruct the Jury that unless  
they shall find from the Evidence  
that notice of the meeting of the con-  
gregation of the German Lutheran St  
Stephens Church <sup>which</sup> was had on the 13<sup>th</sup>  
of January, was given from the pul-  
-pit with a distinct statement  
made at the time of giving said  
notice, of the object and purpose  
of said meeting - that the said  
meeting and its proceedings was and  
were illegal and void and that  
no act of said meeting is binding  
on said congregation nor on the Pastor  
or officers thereof.

Repealed with instructions to the Jury

2 and the plaintiff further prays  
the court to instruct the Jury  
no such notice with a statement  
of the object & purpose of said  
meeting has been proved in this  
cause.

The Plaintiff's complaint against the  
court is limited to the fact that  
the state has failed to provide  
the notice of the meeting of the  
organization of the American  
People, et al. in the state of  
Illinois, and that the state  
has failed to provide the notice  
of said meeting - that the state  
meeting and its proceedings were  
unlawful and void and that  
the act of said meeting of holding  
an said organization was  
or officers thereof.

It is respectfully  
prayed that the Plaintiff be  
admitted to judgment and that  
the court do judgment with the  
Plaintiff in the premises  
of the object of the above prayer  
and that the Plaintiff be  
admitted to judgment in the  
premises.



Zimmerman  
27

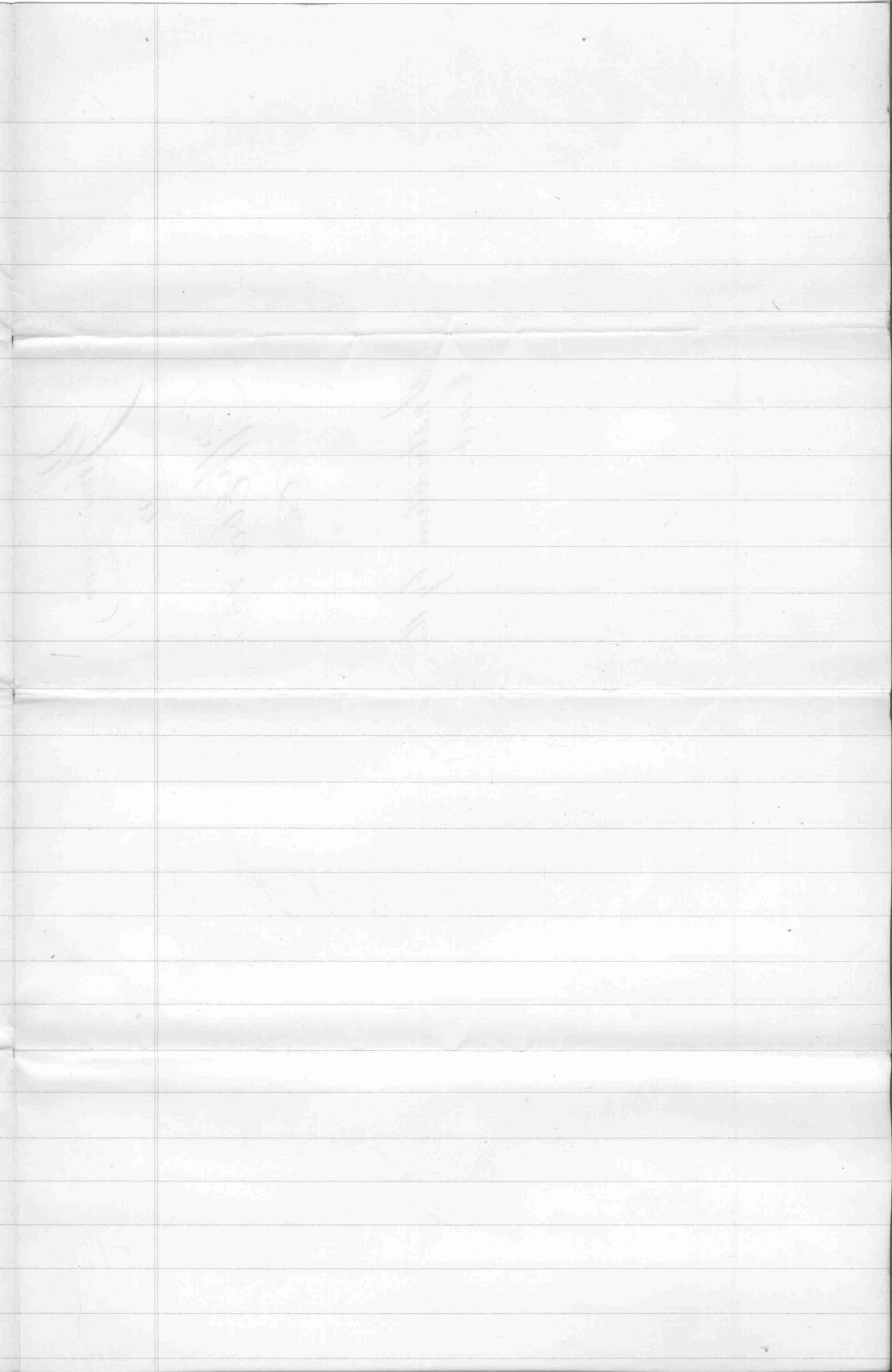
W. Eber & Co  
28

Instruction by the  
Court -

I instruct the jury, that although they find, that the notice which has been offered in evidence, was read by the pastor, the present relator from the pulpit, & shall also find that a meeting of the Congregation was held as stated in the evidence in pursuance of the said notice, yet as the said notice was not such a notice as was required by the Constitution of the said Congregation, the said meeting is to be considered as having been irregularly convened, & is to be treated as invalid, & that its proceedings & votes are not binding upon the Congregation or upon the petitioner, & that the Jury must find a



verdict for the petitioner upon the 9<sup>th</sup>  
issue & also upon the 3<sup>d</sup> issue.



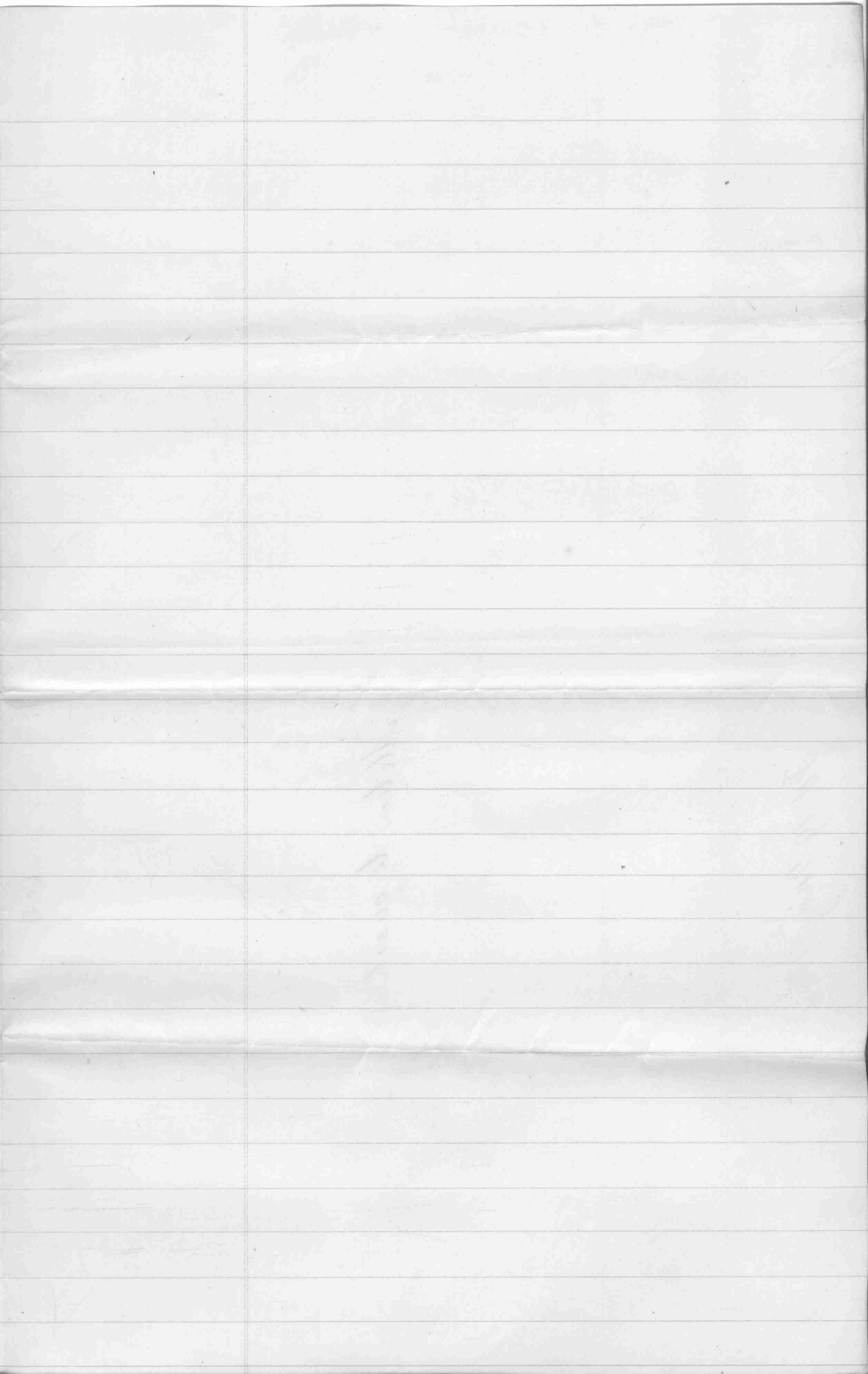
(r 5)

Motion to quash

Feb 19 May 1864

The petitioner having closed  
his case and so announced to  
the Court the defendants  
move the Court to quash  
the proceedings in this cause  
as against ~~all the~~ defendants  
William Lipp Ruppell, Max Wolff  
~~Samuel Williamson & Co. and~~  
~~Kolcher, and Mayer~~  
~~as President and Casar and~~  
~~Secretary~~, upon the  
ground that no evidence  
has been given by the Petitioner  
that any of the remaining  
defendants against whom the  
mandamus is prayed are  
Officers of the said Corporation  
the Sgt. German Lutheran S. Stephen  
Church  
Motion granted.

Report on the progress of the work done during the year 1891. The work has been carried out in accordance with the programme of work approved by the Council at its meeting on the 15th of January 1891. The work has been carried out in accordance with the programme of work approved by the Council at its meeting on the 15th of January 1891. The work has been carried out in accordance with the programme of work approved by the Council at its meeting on the 15th of January 1891.



I refer to the clerk of the Superior Court  
in Bollo City that from my knowledge  
of the parties to the within bond they  
are abundantly acquainted  
Gottschall  
Allen

Leonhard F. Zimmermann

William A. Weber  
et

Appeal bond

I believe the within  
bond sufficient  
As per Mack  
et

20 May 1864  
Bond approved  
J. N. Martin  
Ed 20 May 1864

**KNOW ALL MEN BY THESE PRESENTS,**

THAT WE, *William A. Weber and Frederick Neubert and John Gebhart*

of Baltimore City, in the State of Maryland, are held and firmly bound unto *Leonhardt Frederick Zimmerman*

in the full and just sum of *Four hundred dollars* ~~dollars~~, current money, to be paid to the said *Leonhardt Frederick Zimmerman*

by certain attorney, executors, administrators, and assigns; to the payment whereof, well and truly to be made and done, we bind ourselves, our heirs, executors and administrators, firmly by these presents.

WHEREAS, the said ~~Wm~~ *Leonhardt Frederick Zimmerman*

has recovered a judgment in the Superior Court of Baltimore City, at the *May* term thereof, A. D. 1864 ~~for~~ *granting a writ of mandamus to said Wm A. Weber & others, to restore him to the ministry of the Evangelical Lutheran St. Stephens Church in the City of Baltimore, from which judgment the said* ~~from which judgment the said~~ *City of Baltimore, from which judgment all the defendants*

has prayed an appeal to the next Court of Appeals, to be held for the State of Maryland.

NOW THE CONDITION OF THE ABOVE OBLIGATION IS SUCH,

That if *William A. Weber*

aforesaid shall not cause a transcript of the record and proceedings to be transmitted to the next Court of Appeals, within the time required by law, and prosecute said appeal with effect; and also, satisfy and pay to the said *Leonhardt F. Zimmerman*

his executors, administrators and assigns, in case the said judgment shall be affirmed, as well the damages and costs adjudged in the Superior Court aforesaid; as also, all damages and costs that may be awarded by the Court of Appeals, aforesaid; then the said bond to be in full force and virtue; otherwise, of no effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this *twentieth* day of *May* 18 *64*

Signed, sealed and delivered }  
in the presence of \_ }

*L. J. Brown*

*W. H. Weaver*

*F. Neubert*

*John Gebhart*





Zimmerman

vs

William H. Osburn

Others

The petitioner in this case, in order to maintain the traverses on his side, offered in evidence the appointment & installation of the petitioner as pastor of the congregation of defendants.

on the day of 1863, that he continued in office until

when; that on 27<sup>th</sup>

day of December 1863 a notice (here inserted)

was read from the pulpit by the petitioner that a meeting of the congregation would be convened

on 13<sup>th</sup> January 1864; that on said day

a meeting was held and a ballotting had as to whether the said Zimmerman should continue the result of which was announced, the President to be

George Parker of said congregation, of which the result was announced to be

that 62 votes were in favor of retaining the pastor & 63 votes in favor of dismissing him; that, in pursuance thereof on the 22<sup>nd</sup> day of January

1864 ~~three months~~ notice was served on said

Zimmerman in accordance with the




the Article & Section of the  
Constitution. | Here insert it |

& also offered in evidence the Book of proceedings  
of the said Congregation  
The Defendants Then offered in  
Evidence The resolution of 16<sup>th</sup> December  
1864 referred to in said Article read  
from the paper (Here insert it)

And thereupon the defendants  
prayed the Court to insist to the  
day of forenoon (Here insert the  
prayer of defts)

But the Court refused to grant  
the said prayer ~~but~~ <sup>and</sup> ~~was~~ instructed  
~~to~~ the day of forenoon to which  
refusal & instruction (Here insert it)  
by leave to accept & pay the Court  
to sign & seal this their brief of  
exceptions, which is accordingly  
done this twentieth day of May  
1864

A. N. M. orles 

The plaintiff in this case in order

Reling<sup>t</sup> of  
traverses except  
3 + 9th —

Id 20 May 1864

Zimmerman

vs

Deaver & others

} Petition for Mandamus  
{  
{

The Petitioner in the above case withdrew  
all the traverses filed by him except  
the 3<sup>rd</sup> & 9<sup>th</sup> traverses

Wm. Bond

E. S. Kilbourn

Atty for Petitioner

Defts bills of  
exceptions


Feb 20 May 1864

Zimmerman & the Superior Court of  
Worcester, & Ballou City.

At the trial of the above cause & <sup>therein</sup>  
to support the plea, joined in the above  
cause defendants offered to prove  
that ~~upon~~ <sup>to the said</sup> charges preferred agt.  
the Petitioner before the Lutheran  
Synod of Maryland, <sup>by lodging the same with the said</sup> that the  
President and Committee thereof  
had <sup>upon said charges</sup> decided as follows.

Inert d<sup>s</sup>, W 4 W no 5

to which petitioner objected &  
Court sustained the objection;  
to which defendants excepted  
& prayed the Court to sign & seal  
this its bill of exceptions and  
which is here done accordingly.

A. N. Mark 

In addition to the foregoing offer  
made part thereof.  
Defendants further offered  
to prove that the President  
of said Synod and its Committee  
were in the control of said Con-  
gregation, regularly supplying  
its precept, to which petitioner  
objected, & the Court sustained  
the objection to which defendants  
excepted & prayed the Court  
to sign and seal this



to send bill of Receipts, and  
which is her done accordingly

A. N. Martin. *Tras.*

1947  
10/10/47  
10/11/47  
10/12/47  
10/13/47  
10/14/47

10/15/47  
10/16/47  
10/17/47  
10/18/47  
10/19/47

Kalra 10 days  
for 16 Jay 64

Inserted in Bill of  
Exceptions

no 2

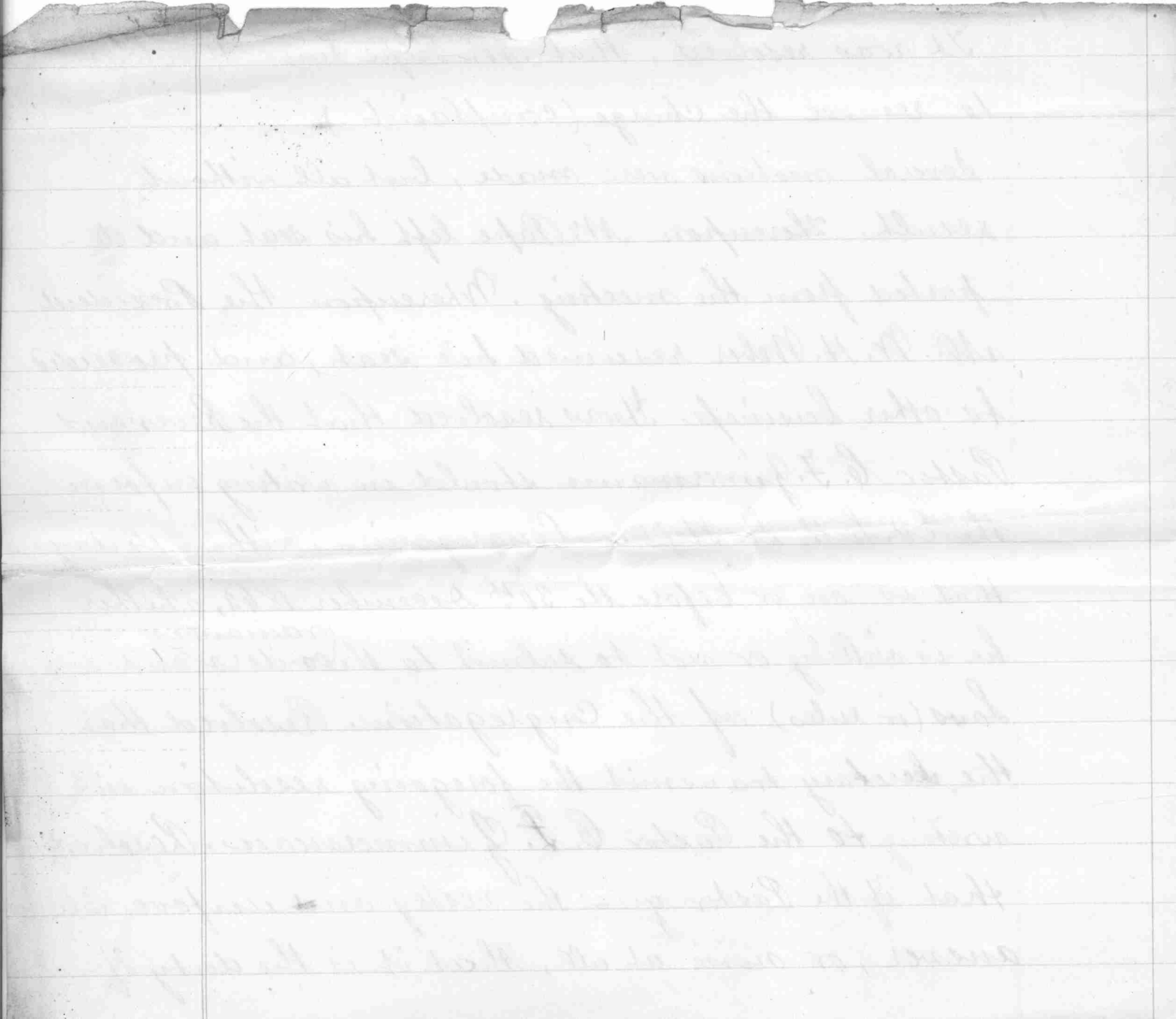
(The Notice)

According to a resolution (passed) by the Congregation on the 16<sup>th</sup> of December 1863, there will take place, on this day ten days (i.e. ten days from this day), that is to say, on Wednesday the 13<sup>th</sup> of January 1864, a congregational meeting of the male members, ~~of~~ entitled to vote, of the Evangelical Lutheran St. Stephens Congregation, at 7½ O'clock, here in our church.

And thereto are invited, <sup>politely</sup> all members of the congregation, entitled to vote, to be present ~~is~~ very numerously. (signed) W. H. Weber Pres.

It was resolved, that Mr. Pape have the chair to remove the charge (complaint.)

Several motions were made, but all without result. Thereupon Mr. Pape left his seat and departed from the meeting. Whereupon the President Mr. W. H. Weber resumed his seat, and proceeded to other business. It was resolved that the Reverend Pastor C. F. Zimmermann should in writing inform the Ev. Luth. St. Stephens Congregation, within 14 days, that is on or before the 30<sup>th</sup> December 1863, whether he is willing or not to submit to the <sup>ordinances</sup> orders and Laws (or rules) of the Congregation. Resolved that the Secretary transmit the foregoing resolution in writing to the Pastor C. F. Zimmermann. Resolved that if the Pastor gives the vestry an unfavorable answer, or none at all, that it is the duty of



the President to call a congregational meeting,  
and lay this (fact) before the congregation.

Translated }  
May 18/64. }

J. B. Meutz  
Interpreter.

