

No. 119. Office ²⁴ Docket.
April Term 1865.

John Lee Chapman
Mayor

¹⁷
John Morrow
& Others,

~~John Morrow~~

J. B. C. W.

opinion

Barth J.

Recorded in Liber J. C. W. 1
folio 24th Record Book
marked "Opinions unreported".

Not to be reported
Filed June 9th 1865.

John Lee Chapman
 Mayor vs
 John Morrow
 Edmond Wolf and
 Samuel Wheeler



The object of this proceeding, instituted by the appellant, was to obtain a writ of mandamus to prevent the appellees from any longer attempting to exercise the duties of Trustees of the poor of Baltimore City, an office to which they had been appointed, and from which they had been removed, as alleged, by the Mayor of the City.

The writ was refused by the Superior Court, and the petition ~~was~~ dismissed on the ground, as it appears from the proceedings, that the appellees having been duly appointed and qualified to fill the office for one year under the Code they were not subject to be removed at the pleasure of the Mayor.

And this question of the power of the Mayor has been argued by counsel on this appeal. But in disposing of the case it is quite unnecessary for this court to express any opinion upon it. In any view that may be taken of that question, the judgment of the Superior Court must be affirmed.

The appellees entered upon the discharge of the duties of the office on the first day of March 1863, the petition was filed on the 16th day of July, and the case decided by the Superior Court on the 19th day of October in the same year.

The term of office of the appellees, in any event, being for one year only expired on the 1st day of ~~March~~ 1864, and unless they have been reappointed, they have been long since out of office by the limitation of their tenure - the question of the power of the Mayor to remove them during the term, has therefore ceased to be a practical question in

— This case.

The only question before us on this appeal is whether the writ of Mandamus ought to be issued.

"The writ will always be refused, if it is manifest that it must be vain and fruitless, or cannot have a beneficial effect." (Tapping on Mandamus 67.)

see Elliott vs The Levy Court 1 N. J. 360,
 " Board of Com^{rs} of Public Schools of
 Allegany Co. vs The County Com^{rs}
 of Allegany Co. - decided at Dec. Term
 1863, —

Order ~~not~~ affirmed

119
Office Docket.
April Term 1865.

John Lee Chap-
man, Mayor,

v
John Monow, Ed-
mund Wolf and
Samuel Wheeler
Trustees of the Poor
in Baltimore City.

Decree

Filed June 9. 1865.

John Lee Chapman & County Appeals
Mayor vs. of Maryland

vs.

April Term

John Morrow Edmunds
Wolf & Samuel Wheeler

1865.

The appeal in this cause standing ready for hearing was argued by the Counsel of the appellee, a brief or written argument having been filed by the Appellants Counsel, and the proceedings have since been read & considered by the Court: It is thereupon this 9th day of June 1865 by the Court of Appeals of Maryland & by the authority thereof adjudged ordered & decreed that the order of the Superior Court of Baltimore City, from which the appeal in this cause was taken, passed on the 19th day of October 1863, be & the same is hereby affirmed, with Costs to the appellees.

Rich^d. J. Bowie

Jas. S. Bartol

S. Morris Cochran

D. Weed

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