136/1863.

John Lee Chapman
Mayor &c

v

John Morrow
Edmund Wolf &
Samuel Wheeler
Trustees of
the Poor of Balto City

"Box "H" 37"

Record Made to Dec
Term 1863.

And Your Petitioner files here with this Petition a Copy of the Commission given to each of said Trustees when they were appointed as aforesaid and prays that the same may be taken as a part of this Petition.

And Your Petitioner will ever pray &c.

Wm Lee Chapman
Mayor

Filed 30 Oct 1863

Ordered this 15th day of Nov 1863 on the within Petition that the within named Jno Monroe Conrad Wolf & Lewis Wheeler show cause by the 19th inst. why a mandamus should not issue as prayed. Printed a copy of this Order be served on the Respondents on or before the 17th inst

G. N. Martin

To the Hon Robt. N. Martin
Judge of the Superior Court
for Baltimore City

The Petition of John Lee Chapman Mayor of Baltimore Most Respectfully represents,

That Your Petitioner is the regularly elected and duly qualified Mayor of the City of Baltimore elected by the people of Baltimore according to the Constitution and the Laws of the State of Maryland.

Your Petitioner further represents that as the Mayor of said City he has the power and authority vested in him by the Laws of said State and of the ordinances of said City to appoint all persons to office under said City, except as excepted by Law and by and with the consent of a Convention of both Branches of the City Councils of Baltimore to commission all persons so appointed to office,

Art 4 Sec 25 & 26 Pub Local Law

Your Petitioner further represents that by art. 4 sec. 26 of the Local Code the power is vested in him as such Mayor to remove at his pleasure all persons holding office under the Corporation unless otherwise provided by Law

or ordinance,

Your Petitioner further represents that by the act of 1862 ch 279 the power is given to the Mayor and City Council of Balto. to appoint annually five Trustees of the Poor of Balto. City as other City officers are appointed to be known and designated as The Trustees for the Poor of Balto. City—

Your Petitioner further shows that on the day of February 1863 he did in accordance with the Law and ordinances appoint the five following as Trustees of said Poor of Balto. City — viz John Morrow Edmund Wolf and Saml. Wheeler — Saml M Evans & J Edmunds —— That said Trustees so appointed as aforesaid entered upon the discharge of their duties on the first day of March 1863 and continued in the discharge of the same until the 29th day of April — last past when three of them viz John Morrow Edd. Wolf and Saml. Wheeler were dismissed by Your Petitioner as such Trustees and notified by Your Petitioner no longer to exercise or perform the duties of Trustees of said Alms House,

That said Trustees received said notices when in

attendance at a regular session of the Board of Trustees and immediately upon the reception of said notices by them ceased to act as such trustees until the next regular, session, at which time the three aforesaid Trustees presented themselves and claimed that Your Petitioner had not the power to remove them from the exercise of the duties of said Trustees.

Your Petitioner avers that said Three Trustees have not been recognized as such from the day of their removal and that they are still endeavoring and do yet endeavor and claim to exercise the duties of the same. to the great injury of the Institution over which they had been appointed and from which they had been removed as aforesaid.

Your Petitioner therefore asks that you may pass an order directed to said John Morrow Ed Wolf and Saml. Wheeler, causing them to show cause by a day to be therein named why a writ of Mandamus should not issue to compel them from further interfering with the rights of Your Petitioner and to ~~oblige~~ prevent them from any longer attempting to exercise the duties of Trustees as aforesaid.

Petitioners Exh
D & C No 1

Filed 30 Sept 1863

The Mayor of the City of Baltimore,

To

.....

Greeting:

Be it Known, that, reposing especial trust and confidence in your integrity, prudence and ability, you are hereby appointed and commissioned as

.....

.....

.....

.....

to serve until the first day of March next, unless sooner removed, and to execute the duties of said Office with fidelity, and without affection or partiality, according to the Laws and Ordinances of the Mayor and City Council of Baltimore, and of the State of Maryland.

Given under the Corporate Seal of the City of Baltimore,

the ..... day of .....

in the year one thousand eight hundred and sixty=

.....

..... Mayor

Of the City of Baltimore.

Mr. Hunter
Lexington
Ky.

Geo. W. Jeffers

(2)

John Lee Chapman

vs

John Morrow & others.

Petition

for a Mandamus

Answer of Respondents

Filed 30. Sept 1863

Hoope

(No 1)

To the Honorable Robert Martin Judge of the Superior Court of Baltimore City,

The answer of John Morrow, Edmond Wolf and Samuel Wheeler to the Petition of John Lee Chapman Mayor of the City of Baltimore, filed in said Court, to show cause why a writ of Mandamus should not issue as prayed for in said petition:

These respondents saving all exceptions to the substance or form of said petition, to so much thereof as they are advised it is material for them to reply to, answer and say:-

They admit that the Petitioner is the regularly elected Mayor of the City of Baltimore, but they deny that he has a general authority vested in him by law to appoint all persons to office under said city; &c. for from this being the case, the Mayor has only the power to nominate, and by and with the advise and consent of a convention of the two branches of the city Council, to appoint all officers under the Corporation, except the Register of the city and Clerks employed by the City or under their authority.

These respondents further answering admit that by virtue of Article 4, Section 26th of the Public Local Laws, the Mayor has the right to remove at his pleasure, all persons holding offices under the Corporation of the City, "unless otherwise provided by law or ordinance"; but these respondents deny that they are persons holding offices under the Corporation of the City, in the sense of that section, if indeed they are in any sense; but even if they were city officers, which they utterly deny, they would still not hold their offices at the pleasure of the Mayor, because, in the language of the said 26th Section "it has been otherwise provided by law".-

it has been provided by an Act of the Legislature, that the Trustees of the Poor of Baltimore City and their Successors, as soon as they are elected and take and subscribe the necessary oath of office, become a body politic and Corporate, by the name style and title of the "Trustees of the Poor of Baltimore City", and by that name they have perpetual succession, and are capable in law to sue and be sued, and to purchase, hold or sell, convey and deliver all kinds of lands, tenements, estates, property and effects, real personal and mixed :=

These respondents further admit that the Mayor and City Council of Baltimore are authorized to appoint five Trustees of the Poor of Baltimore city; but they deny that in February 1863, or at any other time, the Mayor appointed these respondents and Samuel M Evans and J Edmonds, said trustees; but these respondents aver that in February 1863, the said Evans and Edmonds and the respondents were duly and legally appointed by the Mayor and City Council of Baltimore, trustees of said Poor of Baltimore City, and that they all qualified and entered upon the discharge of their duties on the first day of March 1863; and they aver that all of said trustees are still in office, and that these respondents have been faithfully discharging the duties of their office as said trustees ever since the said first of March 1863, and are now discharging those duties and have never been removed from office, although they admit that the Mayor has attempted their removal. —

As to the allegation that these respondents have not been recognized as said trustees since the day of their alleged removal, the charge is so utterly

vague, not specifying by whom they have not been recog-
-nized, that these respondents are at a loss how to answer it;
but if the Petitioner means that the city Council have not
recognized them, they positively deny the charge, and
aver that the city Council do recognize them and
explicitly deny the right of the Petitioner to remove them. —
— All which will more fully appear by reference to a Report
and accompanying Resolutions of a joint special Com-
= mittee of the City Council hereunto annexed marked
(A) and made part of this answer: —

And these respondents further aver, that although
the Petitioner claims to have dismissed them on the
29th day of April last, yet the City Council, two months
thereafter, to wit, on the 30th day of June 1863, recognized
them and the said Edmonds and Evans, as the trustees
of the Alms House by passing ~~by passing~~ at the last men-
tioned date, the following Resolution. —

"Resolved by both Branches of the City Council of Balti-
-more — That the Comptroller be and he is hereby directed
to honor the Drafts and requisitions of Samuel M Evans
Samuel Edmonds, Edmond Wolf, Samuel C Wheler,
John Morrow, or any three of them, as the Trustees of
the Alms House of Baltimore City."

And these respondents further answering say, that
the Petitioner himself recognized them as the trustees
of the Alms House, on the 15th of August 1863; — that
on that day these respondents drew two Drafts in
favor of George H Baine, the overseer of the Alms House,
one for the sum of $333.33. and the other for
$343.75, — that checks for the amounts were ~~drawn~~ given
by the Register of the city, which were counter-
-signed by the Petitioner, and the money paid on
them, and that without the signature of the
Petitioner the money could not and would
not have been paid on the checks thus drawn.

vague, not specifying by whom they have not been recog-
nized, that these respondents are at a loss how to answer it;
but if the Petitioner means that the city Council have not
recognized them, they positively deny the charge, and
aver that the city Council do recognize them and
explicitly deny the right of the Petitioner to remove them. —
— All which will more fully appear by reference to a Report
and accompanying Resolutions of a joint Special Com-
= mittee of the City Council hereunto annexed marked
(A) and made part of this answer: —

And these respondents further aver, that although
the Petitioner claims to have dismissed them on the
29th day of April last, yet the City Council, two months

these gentlemen answering these respondents say, that
the prayer of the Petitioner is anomalous, unprecedent-
= ted and not sanctioned by law; — that he prays
for a mandamus, and yet asks that that writ
should have the effect of an Injunction — "to
Compel them (these Respondents) from further
interfering with the rights of the Petitioner, and to
prevent them from any longer attempting to exercise

(4)

the duties of said trustees". These Respondents deny that they have in any way interfered with the rights of the Petitioner, and they further deny that after the Trustees of the Poor of Baltimore city become a "Corporation" that the Petitioner has any right to remove one of the Corporators, or any Control over them whatever.

— And Respectfully submit that they have fully answered the said Petition of the Mayor, these Respondents pray to be hence dismissed with their reasonable costs in this behalf unjustly sustained.

D. W. Hoopes &
Wm. P. Hoopes
Attorneys for Respondents.

On motion of Mr. Moody, the vote by which this Branch non-concurred in the proposition of the First Branch to adjourn until Monday, 29th inst., was reconsidered.

The question recurring on the motion to concur, it was adopted.

On motion of Mr. Barron, the Branch adjourned until Monday afternoon next, 29th inst., at five o'clock.

By order,

GEO. A. CUNNINGHAM,
Clerk pro tem.

(14)

JOURNAL.

THURSDAY, MAY 14, 1863.

FIRST BRANCH.

The Branch met pursuant to adjournment.

Present—JAMES YOUNG, Esq., President, and all the members except Messrs. McClymont and Evans.

Mr. Dennis, from the joint standing committee on the Fire Department, submitted the following report and resolution:

The joint standing committee on the Fire Department, to whom was referred the petition of James Bunday, to erect a frame shed on Corner's wharf, to be used for the storage of tobacco, &c. preparatory to shipment, have had the same under consideration, and in view of the fact that the proposed shed will be isolated from any other building, are of opinion that the prayer of the petitioner should be granted. With these views, the following resolution is respectfully submitted.

OLIVER DENNIS,
JOHN DUKEHART,
First Branch.

JOHN G. WILMOT,
V. FOREMAN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby granted to James Bunday to erect a frame shed on Corner's wharf; said shed to be forty-two feet long, twenty feet wide, and eighteen feet high, and to be covered with a gravel or metallic roof, the same to be removed, however, after six months' notice to that effect by the Mayor.

Mr. Towner, from the joint standing committee on City Property, submitted the following report and resolution:

The joint standing committee on City Property, to whom was referred the resolution providing for the preservation of the trees in Eastern Spring lot, have had the same under consideration, and believing it necessary that the work should be done, respectfully submit the following resolution.

JOHN F. TOWNER,
D. H. HOOPES,
THOMAS W. CROMER,
First Branch.

C. SIDNEY NORRIS,
ANDREW SCHWARTZ,
V. FOREMAN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be and he is hereby authorized and directed to have the walks in the Eastern Spring lot put in good condition, and the trees whitewashed and tobacco-juiced, and that he draw upon the Comptroller for the sum of fifty dollars, or so much thereof as may be necessary to pay for the same, the amount to be taken out of any money in the treasury not otherwise appropriated.

On motion of Mr. Lamdin, the resolution was read a second time, by special order, and adopted.

Mr. Towner asked and obtained leave to submit an ordinance, entitled "An ordinanue relating to the salaries of officers and employees of the corporation, and prohibiting extra compensation to contractors after the contracts have been made."

The ordinances was read, laid on the table, and ordered to be printed.

A report from the joint standing committee on Health, with a resolution directing the Commissioner of Health to cause the carts used for the conveying the dead animals from the streets and station houses, to be made air-tight, was received from the Second Branch and read.

On motion of Mr. Meyer, the resolution was read a second time, by special order, and concurred in.

Mr. Streeter moved that a message be sent to the Second Branch proposing, with its concurrence, the appointment of a joint select committee to consider and report upon the present condition of the Washington Monument, and all matters connected with the care, custody, and preservation of the same, which was determined in the affirmative.

Mr. Bishop moved that the communication received from John W. Randolph, Esq., in relation to his late visit to New Orleans, presented to the Branch on the 5th of May, instant, be referred to the joint standing committee on the McDonogh Bequest, which was determined in the affirmative.

The Second Branch returned the ordinance, entitled "An additional supplement to the ordinance, entitled 'An ordinance to provide for the Defense of the City, by furnishing drill-rooms, armories and furniture to the First Light Division Maryland Volunteers, and furnishing the privates and non-commissioned officers with uniforms,'" approved August 11, 1862, endorsed, "passed."

The Second Branch returned the resolution attached to the report of the joint standing committee on the Harbor, directing the City Commissioner to have the platform on West Falls Avenue properly repaired, and appropriating four thousand dollars therefor, endorsed "concurred in."

Mr. Dukehart called up printed bill No. 51, being the ordinance entitled "An ordinance making Appropriations for the year eighteen hundred and sixty-three."

Pending the further consideration of the ordinance, it was,

On motion of Mr. Dukehart, laid on the table.

On motion of Mr. Gill, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

ANDREW J. BANDEL, *Clerk.*

The following ordinance was presented to the Mayor April 14:

An ordinance relating to the Commissioners heretofore appointed for the Opening of Streets."

IN CONVENTION.

The following report and opinions, submitted to the Council in Convention on the 12th instant, were, by a resolution of the Convention, directed to be entered upon the Journal:

The joint special committee to whom was referred the message of the Mayor, informing the Council that he had nominated certain persons as trustees of the Alms-House, in the place of others whom he had dismissed, and the communication from the trustees themselves, have had the same under consideration, and have given the subject all the attention their various engagements would permit.

In the performance of their duty the committee have thought it necessary to consider only the question of the *right* of the Mayor to dismiss these trustees. Into private grievances, if any exist, the committee have not deemed it their province to enquire, and on this subject they have no opinion to express. In the second volume of the code, page 156, section 26, under the head of the city of Baltimore, there is this provision: "All persons holding offices under the corporation of the city, shall, *unless otherwise provided by law or ordinance*, hold such offices during the pleasure of the Mayor." In the supplement to the code, it is enacted,

that "there shall be annually appointed five trustees of the poor of Baltimore city, by the Mayor and City Council of Baltimore, as other city officers are appointed, who shall be residents of the city of Baltimore; and all vacancies that may occur shall be filled by appointment to be made in the same manner."

The second section of the same act in the supplement, is in these words: "The trustees so appointed and successors, are hereby declared to be a *body politic and corporate*, by the name, style, and title of the Trustees of the Poor of Baltimore city, and by that name shall have perpetual succession, and be capable, in law, to sue and be sued, and to purchase, hold or sell, convey and deliver all kinds of lands, tenements, estates, property and effects, real, personal and mixed."

The Trustees of the poor of Baltimore city are then, confessedly, *a body politic and corporate*, with large and various powers. Among these powers, as enumerated in the second volume of the code, commencing on page 157, is the right "to appoint all such officers, clerks, agents and servants as they may think necessary, and at their pleasure to remove and discharge the same—to appoint a purveyor of provisions to such Alms-House—to require the said purveyor to give bond and security to be approved by them in such penalty as they shall direct;" and by the law, "the Trustees are entitled to receive the sum of two dollars per day for each day they shall meet together in the discharge of their duties." It is unnecessary to enumerate all the various powers conferred on the corporation.

If the Mayor then possesses the legal right to dismiss the Trustees of the Alms-House, it must be under the 26th section of the Code already cited, for it will hardly be pretended that there is any other law under which this right could be claimed. But in the opinion of the committee, these Trustees are not "persons holding offices under the corporation of the city," in the sense of that section. True, the Trustees are to be annually appointed by the Mayor and City Council, and all vacancies that occur are to be filled by appointments made in the same manner. But there the power of the Mayor and City Council ceases, they are then *functus officio*.

Again, even if these Trustees were, in one sense, persons holding offices under the corporation of the city, they would still not hold their offices at the pleasure of the Mayor, because it has been "otherwise provided by law." It has been provided and declared, that these "Trustees so appointed, and their successors, are a *body politic and corporate*,"

and the very moment they become clothed with corporate powers, they possess, like every other corporation, all those powers that are expressly conferred on them, and all such incidental powers as are necessary for the purpose of carrying into effect the powers expressly granted.

Here let us enquire, what is a corporation, and how are corporators to be removed? "A corporation," says Chief Justice Kent, "is a franchise possessed by one or more individuals, who subsist as a body politic, under a special denomination, and are vested, by the policy of the law, with the capacity of perpetual succession and of acting, in several respects, however numerous the association may be, as a single individual." Blackstone defines a corporation to be a *franchise*, and such individual of the corporation, he says, "is also said to have a *franchise*, or freedom." In American law, by a *franchise*, we understand a particular privilege conferred by grant from government, and vested in individuals. The great objects of all corporations, is to enable the members to act by one united will, and to continue their joint powers and property in the same body, undisturbed by the change of members, and without the necessity of perpetual conveyances, as the rights of members pass from one individual to another. It was principally for the purpose of clothing bodies of men in succession, with the qualities and capacities of one single, artificial being, that corporations were originally invented, and they are still continued for the same purpose.

We have seen that by an act of the Legislature, these Trustees of the poor have been created a body politic and corporate; in other words, they have been erected into a *corporation*. Each Trustee, therefore, for the time he was elected, has a franchise, of which he cannot legally be deprived, as the law now stands, except for good cause, on charges preferred against him and after an opportunity afforded for making his defence. This is the common law of the land. The conviction of a corporator by a jury of an infamous crime, would probably form an exception.

Having shown, as the committee think, that the power to dismiss these Trustees has not been conferred on the Mayor, the question may be asked—if there be good cause to remove a member of this corporation, by whom is the power to be exercised? We answer, by the corporation itself, for it is one of its *incidental* powers.× "The power of a motion, or disfranchisement of a member for a reasonable cause," says Chief Justice Kent, "is a power necessarily incident to every

× or by the Legislature.—

corporation." This has been the law, both in this country and in England, ever since the days of Lord Chief Justice Hale. It is presumed there is no intention on the part of the City Council, to sanction its violation. It would, indeed, be extraordinary legislation to create a corporation, clothe it with large powers and confide to it important duties; and yet, whilst perhaps it was in the performance of those very duties, without any charge being preferred or cause shown, authorise some third person to dismiss at any moment, every member of it, and at his mere will and pleasure! We think there has been no such unwise legislation.

The conclusion then, to which the committee has arrived, is this—that these Trustees of the poor, the moment they become a *body politic and corporate*, are entirely separate and distinct from the corporation of the city of Baltimore, and that each corporation is independent of the other. Entertaining this opinion, the committee believe that the Mayor has no right to dismiss Trustees of the Alms-House, and nominate others in their place.

The committee submit the following resolutions for adoption.

D. H. HOOPES,
THOS. W. CROMER,
First Branch.

C. SIDNEY NORRIS,
ANDREW SCHWARTZ,
WM. MOODY.
Second Branch.

Resolved by the two Branches of the City Council of Baltimore, in convention, assembled, That the report of the special committee, appointed to investigate the legal right of the Mayor, to remove or dismiss at pleasure, any or all of the "Trustees of the Poor of Baltimore city," be and the same is hereby adopted.

Resolved, That in accordance with the principles laid down in said report and adopted in the foregoing resolution, no vacancies exist in the Board of said Trustees, and therefore, it is inexpedient to take further action on the nominations sent in by the Mayor, intended to fill supposd vacancies as aforesaid.

Resolved, That in order His Honor the Mayor, may be put in possession of the reasons that have controlled this

convention in its decision, the Clerk be and he is hereby directed to furnish him with a copy of the report of the committee and of these resolutions in full.

Resolved, That the committee be discharged from the further consideration of the subject.

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be taken out of the four hundred thousand dollars appropriated in ordinance No. 50, approved June 18th, 1863, to which this is a further supplement, and all ordinances or parts of ordinances that are in conflict with the provisions of this ordinance be and the same are hereby repealed.

On motion of Mr. Wilmot, the rules were suspended to give the ordinance a second reading.

The question being on the passage of the ordinance, it was passed by the following vote, the yeas and nays being required by Mr. Barron:

Yeas—Messrs. President, Schwartz, Wilmot, Kennard, Brooks, Markland, Norris, Barron, Moody, Foreman—10.

Nays—None.

On motion of Mr. Moody, the vote by which this Branch non-concurred in the proposition of the First Branch to adjourn until Monday, 29th inst., was reconsidered.

The question recurring on the motion to concur, it was adopted.

On motion of Mr. Barron, the Branch adjourned until Monday afternoon next, 29th inst., at five o'clock.

By order,

GEO. A. CUNNINGHAM,

Clerk pro tem.

Statement
of James Young
of his interview
with Mr. Hopman
in relation to his
signing a check
presented by Mr.
Geo W. Bain in
favor of himself
and a number
of the employees
of the Atlas Mine

Filed 20 Sept 1863

116

Statement of James Young

Mr. Thompson came into my office, and, after a few minutes conversation, said that he had "called to consult me in relation to the Alms House difficulty — that Mr. Geo W. Bain was at the office with an order to pay the employees of that Institution and asked me what I thought of it."

My reply was that I would ~~sign~~ sign the check, with the understanding that the act should not affect the general issue — that the parties employed were poor and could not do without the money due ~~and~~ them ~~as~~ that they would be seriously inconvenienced by not receiving it — that it was a pity that those poor persons should suffer for the acts of others.

Mr. Thompson just before taking his leave stated that he would sign the check with that understanding — that it was not to affect the pending suit if I thought it best.

I also said to him I thought if it would not affect the issue that I would sign the other check as it would prevent persons from censuring him who did not properly understand the matter at issue —

that I believed he was right – that he had the power to remove the parties – that I had talked to a number of persons on the subject and I believed that I convinced them that he was right.

Mr. Thompson left me saying that he would sign the check in favor of Geo W Bain and the other employees as he believed, under the circumstances that it would not affect the suit then pending.

In the foregoing statement I do not pretend to give the exact language of Mr. Thompson but I give the substance of what he said. (I am positive however that he only consented to sign the check with the understanding I agreed from the district understanding that it was not to affect the main issue) the right of the Mayor to remove the Trustees of the Alms House now pending before Judge Martin

James Young

Balto Sept. 24, 1863

Filed 30. Sept 1863

Statement of R. N. Pitts

~~John L. Thomas Jr. Esq~~
~~City Counsellor.~~
~~Dear Sir~~

I do not remember to have had any conversation with the Mayor in reference to his signing checks drawn to meet the requisitions of the Trustees of the Almshouse, or to have been present when any thing was said by or to him upon the subject.

Having been informed, (I do not remember by whom,) that he had declined to sign a check drawn in favor of M. M. Ege as agent, and that the ground of his objection was, not so much ~~that~~ the requisition was signed by the Trustees whom he ~~had~~ claimed to have displaced, as that it was in favor of Mr Ege & the money to be received & appropriated by him, I suggested to Mr Wolf, one of the Trustees, that the requisitions should be drawn in favor of the parties to whom the money was due, as the best mode of removing this objection. He seemed to think the suggestion a good one, and that the Board at its next meeting would act upon it.

I also had a conversation

with Mr Macconbin, the Comptroller of the City, in which I recommended the same course.

My own impression in regard to the intention of the Mayor always was that he did not intend to recognize ~~Mr Mo~~ Messrs Morrow, Wolf & Wheeler as trustees, but that in signing checks he, as well as the Comptroller & Register, deferred to the Councils, who had passed a Resolution directing the Comptroller to pay the requisitions of those gentlemen with Messrs Evans & Edmonds, or a majority of the five – they all being expressly mentioned by name – and that he was influenced also by a desire to provide for the necessities of the Almshouse.

Truly Yours
Robt M. Pond

Sept. 24th 1863

Filed 30 Sept 1863

Statement of ~~[illegible]~~ of Mr Macculloch

All that I know in reference to the signing of the checks drawn in favour of George W. Bain is that in an interview with the Mayor he would not sign them until he had seen Mr James Young the President of the Joint Branch City Council and understood what arrangements he had made with the parties representing Messrs Edmunds Wolf John Morrow and Samuel Wheeler ~~from my own knowledge and from all the information I have I am satisfied that~~ he would not have signed the check if it was in any way to interfere with the question at issue between himself and the above named parties

Sam Macculloch

Filed 30. Sept 1863

6 9

We the undersigned do hereby agree that the Petition & answer shall be taken without oath. ~~[illegible]~~ ~~shall be joined or proved~~, & no exception will be taken as to time.

John L Thomas Jr
C C
D M Thompson
for Respondents

Filed 20 Sept 1863

In Re Trustees of the
Almshouse.

Ordered by consent that either party be allowed to take testimony before Allen A Forester, a Justice of the Peace, by giving two days notice of the time of taking of the same.

N. N. Marks

Filed 19 October 1869

John L Chapman
Mayor &c
vs
John Morrow & others
Trustees &c

In the Superior Court
of Baltimore City
19th October 1863

The matter of this Petition standing ready for hearing and being fully argued by counsel for the respective parties

It is thereupon adjudged and ordered that the said Petition be and the same is hereby dismissed with costs to the respondents to be taxed by the clerk of this court

R. N. Martin

Filed 19. October 1863

The Mayor of Baltimore
vs
John Thomas
Edmund Wolf
and others
Trustees of the Almshouse,

In the Superior Court.

Mr. Langston

Enter an appeal from the decree in the above & have the record made out without delay.

John S. Thomas
Atty. Pltff
for Pltffs

Oct. 19. 1863.