

File No. 20252

Baltimore, March 2, 1916.

Isaac L. Newman, Esq.,

Deputy City Register.

Dear Sir:

12098 Replying to your verbal inquiry, as to the pension which has been paid for some years, by the City, to William H. War, I beg leave to say that in the early part of the year 1891 while the said William H. War was employed as a laborer, in the construction of the Cross Street Sewer he was seriously injured as the result of the dropping to the bottom of the shaft of the cage or elevator, in which the workmen descended to the tunnel in which they were working. The dropping of this cage or elevator was alleged to be due to the negligence of a man named Burns, who was the Engineer in charge of the engine which raised or lowered this cage or elevator. War brought suit against the Mayor and City Council of Baltimore, in the Court of Common Pleas of this City, and after a trial, a verdict of \$12,000.00 was rendered against the City, in War's favor. The City appealed this case to the Court of Appeals of Maryland, and that Court decided that War and Burns were fellow servants, that the City was not responsible for Burns' negligence, and therefore, reversed the verdict of the lower court, without awarding a new trial to the plaintiff (See 77 Md. p. 593.)

After the decision of the Court of Appeals, which was rendered on June 2, 1893, the City passed Ordinance No. 17, approved March 5, 1894, granting War a pension of \$5.00 per week, or \$260.00 per annum "for the term of his natural life."

By Section 2 of this Ordinance, it was provided that the Ordinance should not take effect until after the ratification thereof by an Act of the Legislature of Maryland.

By Chapter 571 of the Acts of 1894, approved April 6, 1894, the above mentioned Ordinance was ratified and confirmed and from the date of the ratification of said Ordinance, until within the last few weeks, when War died, the City has paid him the said pension.

From the terms of the above mentioned Ordinance you will