

Judgments, No. 64, Apr. 1890, 2.  
State of Md. vs. Stevenson Archer.

1/63/6/31

In the Criminal Court of Baltimore

May Term 1890

No. 510 (A) Docket of 1890

State of Maryland

vs  
Stevenson Archer

} Embezzlement

Indictment

(Endorsed "True Bill, E. J. Codd foreman" duly presented to the Court, by the Grand Jury, and filed among its records 29<sup>th</sup> April 1890 -)

State of Maryland

City of Baltimore to-wit: The jurors of the State of Maryland for the body of the City of Baltimore, do on their oath present that Stevenson Archer, late of said City, groom, late Treasurer of the State of Maryland on the second day of January, in the year of our Lord One thousand eight hundred and ninety, was then and there holding office in this State, to-wit, the State of Maryland, to-wit: the office of Treasurer of said State, duly elected and qualified; and afterwards, to-wit, on the day and year aforesaid, at the City aforesaid, by virtue of his office as such Treasurer, as aforesaid, was then and there in possession of certain evidences of debt, to-wit, ~~seventeen~~ Frederick City in the State of Maryland four per cent bonds, each of the <sup>par</sup> value of one thousand dollars, current money, thirty seven Baltimore and Ohio Railroad Car Trust four and a half per cent bonds, each of the par value of one thousand dollars, current money, three Piedmont and Cumberland Railway five per cent bonds each of the par value of one thousand dollars current money, and sixty one Treasury Relief Bonds <sup>of the State of Maryland issued under the Act of Assembly</sup> of the State of Maryland of the year Eighteen hundred and seventy eight, Chapter two hundred and thirty eight, authorizing a loan to relieve the Treasury of said State, which said last mentioned evidences of debt were then and there the property of the said State, and unlawfully and fraudulently did embezzle the same, which said Evidences of debt, to-wit, the said seventeen Frederick City in the State of Maryland four per cent bonds each of the value of one thousand dollars current money, and the said thirty seven Baltimore and Ohio Railroad Car Trust four and a half per cent bonds, each of the par value of one thousand dollars current money, the said three Piedmont and Cumberland Railway five per cent bonds, each of the par value of one thousand dollars current money, and the said sixty one Treasury Relief bonds, of the State of Maryland issued under the Act of Assembly of the State of Maryland, of the year Eighteen hundred and seventy eight Chapter two hundred and thirty eight, authorizing a loan to relieve the Treasury of the said State; he, the said Stevenson Archer, was bound to account for and deliver to Edwin H. Brown, Treasurer of this State, to-wit, the State of Maryland, duly appointed and qualified, his successor in office: Contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government, and dignity of the State.

— second Count —

And the jurors aforesaid, upon their oath aforesaid, do further present that the said Stevenson Archer, on the said second day of January, in the year of our Lord Eighteen hundred and ninety, was then and there

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holding office in this State, to-wit, the State of Maryland, to-wit, the office of Treasurer of said State, duly elected and qualified, and afterwards to-wit, on the day and year aforesaid, at the City aforesaid, by virtue of his office as such Treasurer, as aforesaid, was then and there in possession of certain evidences of debt, to-wit, seven and seven tenths Frederick City in the State of Maryland four per cent bonds, each of the <sup>par</sup> value of one thousand dollars, current money, thirty seven Baltimore and Ohio Railroad Car Trust four and a half per cent bonds, each of the par value of one thousand dollars, current money, three Piedmont and Cumberland Railway five per cent bond, each of the par value of one thousand dollars current money - and sixty one Treasury Relief Bonds of the State of Maryland, issued under the act of Assembly of the State of Maryland of the year Eighteen hundred and twenty eight, chapter two hundred and thirty eight authorizing a loan to relieve the Treasury of the said State, which said last mentioned evidences of debt were then and there the property of the said State, and unlawfully and fraudulently did appropriate the same to his own use, which said last mentioned evidences of debt, to-wit, the said seven and seven tenths Frederick City in the State of Maryland four per cent bonds, each of the par value of one thousand dollars, current money, the said thirty seven Baltimore and Ohio Railroad Car Trust four and a half per cent bonds, each of the par value of one thousand dollars current money, the said three Piedmont and Cumberland Railway five per cent bonds, each of the par value of one thousand dollar current money, and the said sixty one Treasury Relief bonds of the State of Maryland issued under the Act of Assembly of the State of Maryland of the year Eighteen hundred and twenty eight, chapter two hundred and thirty eight, authorizing a loan to relieve the Treasury of said State, he, the said Stevenson Archer, was bound to account for and deliver to Edw. H. Brown, Treasurer of this State, to-wit, the State of Maryland, duly appointed and qualified, his successor in office: Contrary to the form of the Act of Assembly in such case made and provided, and against the peace government and dignity of the State

— Third Count —

And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Stevenson Archer, on the said second day of January in the year of our Lord Eighteen hundred and ninety, was then and there holding office in this State, to-wit, the said State of Maryland, to-wit, the office of Treasurer of said State, duly elected and qualified, and afterwards, to-wit, on the day and year aforesaid, at the City aforesaid, by virtue of his office as such Treasurer as aforesaid, was then and there in possession of a large sum of money, to-wit, the sum of nine thousand, eight hundred and thirty one dollars and twenty five cents current money, a further description of which money is to the jurors aforesaid unknown, which said money was then and there the property of the said State of Maryland, and unlawfully and fraudulently did embezzle the same: which said money, to-wit, the said sum of nine thousand, eight hundred and thirty one dollars and twenty five cents current money, a further description of which is to the jurors aforesaid unknown, he, the said Stevenson Archer was bound to pay over, account for and deliver to Edw. H. Brown, the Treasurer of this State, to-wit, the said State of Maryland, duly appointed and qualified, his successor in office: Contrary to the form of the Act of Assembly in such case made and provided and against the peace, government and dignity of the State.

— Fourth Count —

And the jurors aforesaid, upon their oath aforesaid, do further present that the said Stevenson Archer, on the said second day of January in the year of our Lord Eighteen hundred and ninety, was then and there holding office in this State, to-wit, the office of Treasurer of the State of Maryland, duly elected and qualified, and afterwards to-wit, on the day and year aforesaid, at the City aforesaid,



by virtue of his office as such Treasurer as aforesaid, was then and there in possession of a large sum of money, to wit, the sum of nine thousand eight hundred and thirty one dollars and twenty five cents current money, a further description of which money is to the jurors aforesaid unknown, which last mentioned sum of money was then and there the property of the State of Maryland, and unlawfully and fraudulently did appropriate to his own use the same, which said ~~sum of~~ money, to wit, the said sum of nine thousand eight hundred and thirty one dollars and twenty five cents current money, a further description of which is to the jurors aforesaid unknown, he, the said Stevenson Archer, was bound to pay over, account for and deliver to Edw. H. Brown, the Treasurer of this State, to wit, the said State of Maryland, duly appointed and qualified, his successor in office; Contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government, and dignity of the State.

Charles G. Kerr  
The State's Attorney for the City of Baltimore.

Demurrer (filed 13 May 1890)

In the Criminal Court of Baltimore  
State vs Archer }  
W. Clerk: Please enter demurrer short to  
indictment 510 A., and to each count thereof -

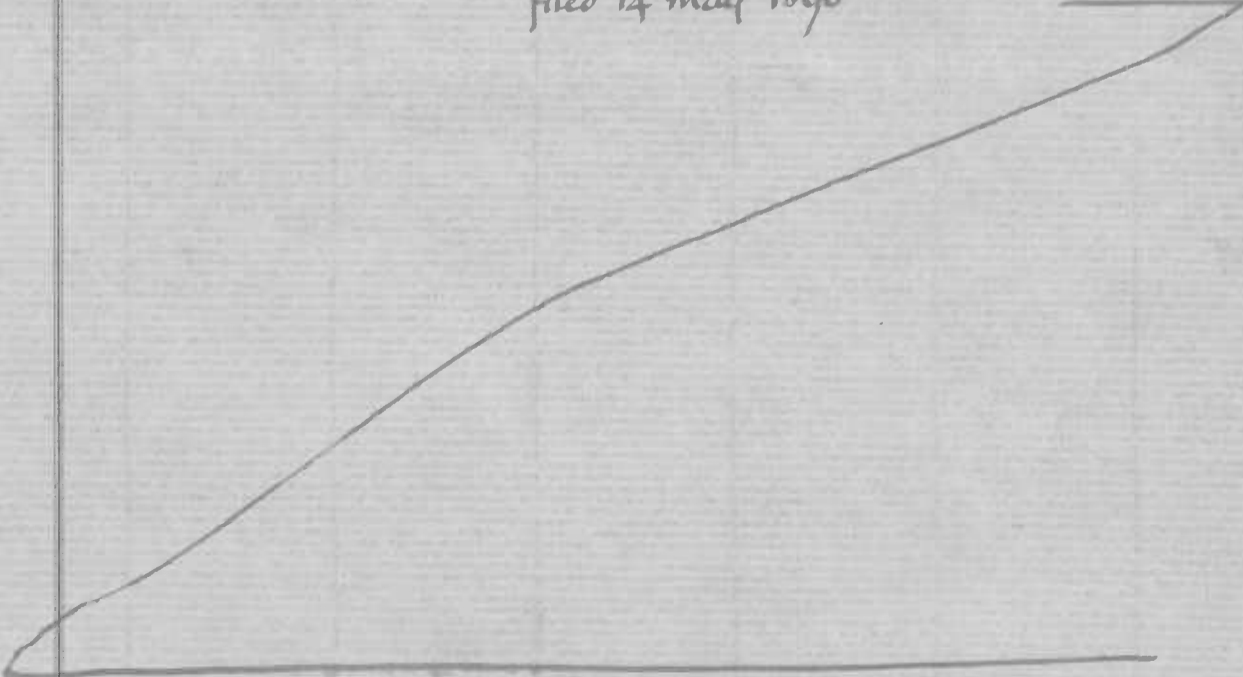
Bernard Carter  
Law & Staman  
Attorneys for defendant

13 May 1890 - joinder of issue by State - demurrer argued & same day sustained  
By Court and order to quash filed -

In the Criminal Court of Baltimore  
State of Maryland vs Stevenson Archer }  
No. 510 A. Docket of 1890

Ordered this thirteenth day of May 1890 that the demurrer filed  
in this case be sustained, and that said indictment be and the same hereby is quashed.  
William A Stewart

Petition for Removal as upon Writ of Error  
filed 14 May 1890



No. 64

State of Maryland

vs.

Stevenson Archer

21,  
1437  
6.15  
85

Record of Proceedings  
removed from  
Criminal Court of Baltimore  
as upon  
Writ of Error.

Attorney General White,  
Charles S. Kerr, for State

Bernard Carter, for Archer.  
Gaus & Haman,

No. 64 Judgment,  
April Term, 1890

Appellants Costs \$56.40

Appellees Costs \$38.35

Filed May, 15. 1890.

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State of Maryland	(	In the
	)	
vs.	(	Criminal Court of Baltimore,
	)	
Stevenson Archer	(	May Term, 1890.
	)	
	(	No. 510 A. Docket 1890.
	)	

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To the Honorable William A. Stewart Judge,  
of the Criminal Court of Baltimore.

The petition of the State of Maryland respectfully shows, that on the 15th day of May 1890 a general demurrer to the indictment in this case was entered on the docket on the part of the defendant, and that on the same day this Court adjudged the demurrer to be good and quashed the indictment.

Your petitioner alleges that it is aggrieved by the judgment sustaining the said demurrer and quashing the said indictment, and alleges that such decision by this Court was erroneous on the following points, namely:

1. The Court ought not to have sustained the demurrer and quashed the indictment.
2. The Court ought not to have decided that Section 80 of Article 27 of the Code of Public General Laws did not apply to the Treasurer of the State of Maryland.
3. The Court ought not to have decided that the Treasurer of Maryland was not one of the "Officers" included in Section 80 of Article 27 of the Code of Public General Laws.
4. That the Court ought not to have decided that the words "which he is bound by law to pay over, account for or deliver to the Treasurer of this State," were not descriptive of the Trust, impressed

on the "money funds or evidences of debt," which it is a misdemeanor to embezzle; but that they had reference to the "Officer," who could not embezzle, under the act unless at the time of his appropriating them to his own use, he was bound to pay over, account for or deliver them to the Treasurer.

5. That the Court ought not to have decided that the Treasurer could not embezzle the funds of the State while in office, because he was not bound to account for, pay over or deliver them until after he had ceased to be Treasurer of the State.

Wherefore the State of Maryland prays that an Order may be passed removing the record in this case as upon Writ of Error to the Court of Appeals for review.

And as &c.

Wm. PINKNEY WHITE,

Attorney General of the State of Md.

CHAS. G. KERR,

State's Attorney for Baltimore City.

It is hereby ordered that the record be removed as prayed..

William A. Stewart.

State of Maryland  
City of Baltimore Court:

I hereby certify that the foregoing is truly taken and copied from the Record of Proceedings in the Criminal Court of Baltimore in the Case of State vs. Isaacson Archer N<sup>o</sup> 510 A. -

In testimony whereof I hereunto set my hand and affix the seal of said Court this fourteenth day of May A.D. 1890.

John S. Bullock  
Clerk of Criminal Court of Baltimore