

us.

Stevenson vs.

(TRUE BILL.)

E. J. Leach Foreman

Filed 29 April 1890

Witnesses.

Benj. N. Wright

Jno. W. Middendorf

Edwin H. [unclear]

Detective Pumphrey

EMBEZZLEMENT

PUBLIC GENERAL LAWS.

Art. 27. Sec. 80.

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, yeoman, 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 par 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 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 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 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 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 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 par 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 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, 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 seventeen 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 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 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.

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 Edwin 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 thou-

sand, 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 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 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 Edwin H. Brown, the Treasurer of this State, to wit, of 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.

570 - 1890

State
vs.

Stevenson Archer

Pardon

Filed 9 May 1894



By the State of Maryland.

Whereas, a certain Heverson Archer was convicted on indictment in the Criminal Court of Baltimore at January term, in the year One Thousand Eight Hundred and Ninety of Embezzlement and sentenced to Confinement in the Maryland Penitentiary for five years from July 7th. 1890.

And Whereas, the said Heverson Archer, has been recommended to the clemency of the Governor by a very large number of prominent citizens of the State including the members of the General Assembly of Maryland, and to save citizenship.

Now Therefore, I, Frank Brown Governor of Maryland, have thought proper to pardon the said Heverson Archer and do hereby direct that he be immediately released from imprisonment on account of said offence, and grant him pardon therefor.

Given under my hand and the Great Seal of the State of Maryland, at Annapolis, this Ninth day of May in the year of our Lord One Thousand Eight Hundred and Eighty Nine ~~four~~.

Frank Brown

By the Governor:

Am J Beauty
Secretary of State.



715

570

State of Maryland

vs
Stevenson Archer

Charge - Embezzlement

Witnesses

- ✓ J. W. Middenclorf
of
Middenclorf, Oliver & Co
Hon Edward ^H Brown
Treasurer of State of Maryland
- ✓ B. A. Wright
Annapolis
- ✓ Deet Pumphrey
City Hall

Filed 18 aprie 1890

Know all men by these presents, that we, Stevenson Archer, Edwin H. Webster, Stevenson A. Williams, J. Thomas C. Hopkins, James Lee, George E. Silver, Benjamin Silver, Junior, John S. Richardson, John G. Rouse, Edward Perry, all of Harford County, in the State of Maryland, and James A. McCabe of Baltimore County, in said State, are held and firmly bound unto the said State of Maryland in the full and just sum of Twenty five thousand dollars (\$25,000) to be paid to the State of Maryland aforesaid, to the payment whereof well and truly to be made and done we hereby bind ourselves, our and each of our heirs, personal representatives and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dated this fourteenth day of April in the year Eighteen hundred and ninety.

The condition of the above obligation is such that if the above bounden Stevenson Archer shall well and truly make his personal appearance before the Criminal Court of Baltimore City on the 15th day of April in the year 1890, and thereafter from day to day as he may be required by said Court, to answer the charge of the embezzlement or appropriation to his own use of Nine thousand eight hundred and thirty one dollars and twenty five cents (\$9831.25) of the money and one hundred and eighteen dollars (\$118.) of the bonds of the Sinking Funds belonging to the State of Maryland, the charge being the same as that shown by a copy of the Bench Warrant hereto attached, then the above obligation

to be void, else to be, remain and be in full force and virtue in law.

Test:

The above interlineation
made before the signing
of the Bond

J. Edwin Webster

Stevenson Archer

Edwin H. Webster

Stevenson C. Williams

J. Thos. C. Hopkins

James Lee

George E. Silver

Benjamin Silver &

John S. Richardson

John G. Rouse

Edward Ferry

James A. McCabe

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

Seal

This Bond approved April 14th. 1890.

Jas D. Matters

State of Maryland, Stafford County. Set;

I hereby certify that the foregoing
is a true copy of the Bond given in the Habeas Corpus
proceedings of Stevenson Archer and now on
file in this office.

In Testimony Whereof I hereto
subscribe my name and
affix the seal of the Circuit
Court for Stafford County this
16th day of April 1890.

A. Luigaw Sanett

Clerk



State of Maryland,

Executive Department,

Annapolis, April 10th 1890

Hon Chas. G. Kerr

State's Attorney for Baltimore City

Sir

I beg to call your attention to the Embezzlement by the Treasurer of the State of the sum of \$9,836.25 of money, received by him from Middendorf & Overend Co for the sales of Bonds of the West Virginia Central & Pittsburgh Railway Company, belonging to the Sinking Fund of the State: also, Bonds, belonging to the said Sinking Fund of the State, to the extent of \$118,000 of their face value, of which Bonds a list is herewith furnished.

You are hereby directed to take such proceedings to bring the said

Treasurer, Stevenson Archer,
to answer for this embezzlement
in the Criminal Court of Baltimore.

Very respectfully yours

Elihu E. Jackson

Governor of Maryland

By the Governor:

E. W. Stearns

Secretary of State -

Bond of

Stevenson Archer

Filed May 1st 1890

KNOW ALL MEN BY THESE PRESENTS:

That we, Stevenson Archer, Murray Kauderer,
Stevenson A. Williams, Edward Perry,
Edwin H. Webster, James Lee, George
C. Silver, Benjamin Silver Jr., J. Thomas
C. Hopkins and John G. Rouse, of Harford
County in the State of Maryland

are held and firmly bound unto the State of Maryland, in
the full and just sum of Twenty five thousand dollars,
to be paid to the State of Maryland aforesaid, to the pay-
ment whereof well and truly to be made and done, we here-
by bind ourselves, our and each of our heirs, personal
representatives and assigns, jointly and severally, firm-
ly by these presents, sealed with our seals and dated
this *first* day of *May* 1890.

WHEREAS the above bounden Stevenson Archer stands
duly presented by the Grand Jury for Baltimore City, with
fraudulently embezzling or appropriating to his own use
monies and funds which he was bound to pay over, account
for and deliver to the Treasurer of the State, consisting
of Nine thousand eight hundred and thirty one dollars
and twenty five cents (\$9,831.25) in cash, received from
nine bonds of the West Virginia Central and Pittsburg
Railway Company, Four thousand five hundred and seventy
dollars interest upon coupons taken from the bonds of the
State for the use of the Sinking Fund, and One hundred
and eighteen (118) bonds of One thousand dollars (\$1,000.)

each, as follows: Frederick City Bonds, \$17,000.; Baltimore & Ohio Car Trust Bonds, \$37,000.; Piedmont & Cumberland Railway Bonds, \$3,000.; Treasury Relief Bonds, \$61,000, making \$118,000, on or about the 15th day of April, 1890.

NOW THE CONDITION OF THE ABOVE OBLIGATION is such that if the above bounden Stevenson Archer shall well and truly make his personal appearance before the Criminal Court of Baltimore City on May the first, 1890, and thereafter from day to day (as he may be required by said Court) to answer the charge of which he has been duly presented as aforesaid, then the above obligation to be void, otherwise to be and remain in full force and virtue

as to Stevenson Archer & Murray Vandiver

Signed, sealed and delivered in the presence of:

Wm L. Van Rithen

Stevenson Archer

SEAL

Murray Vandiver

SEAL

Stevenson A. Williams

SEAL

as to George E. Linn
Annis J. Silver

Edward Ferry

SEAL

as to Benj. Silver Jr.

Mary W. Silver

Edwin W. Webster

SEAL

Just. as to

Stevenson A. Williams

James Lee

SEAL

Edward Ferry

Edwin W. Webster

James Lee

George E. Linn

SEAL

Charles W. Kenick

Benjamin Silver Jr.

SEAL

DeWitt J. Hopkins

John E. Rouse

John C. Hopkins

Seal

St A Williams

John E. Rouse

Seal

State of Maryland
Harford County Set

I A Lingan Janett Clerk
of the Circuit Court for Harford County, hereby
certify that the securities on the within Bond are
in my opinion ample sufficient to make good
the penalty thereof and that the same would
be approved if offered in this Court

Witness my hand and official Seal
This 1st day May 1890

A Lingan Janett
Clerk

No. 510 A

State of Maryland

vs

Stevenson Archer

Plea of guilty entered
by prisoner

read in open Court by
Bernard Carter of
Counsel for deft

Filed 2 July 1890

Honorable William A. Stewart;

Judge of the Criminal Court of Baltimore City.

I hereby plead guilty to the Indictment which has just been read - In doing so, I respectfully ask leave to say that when the Indictment was found I was advised by my Counsel that they had examined the Statute, upon which the Indictment was based, and that they were clearly of opinion that the Statute was never intended to embrace within its provisions the Treasurer of the State, and that therefore, my offense, grievous as it is, was not punishable under that Statute; but now that the highest Court in the State has decided that if I am guilty of the offenses charged I am punishable under this Statute, I desire here, in the presence of this Court, fully to acknowledge that I am guilty of the offenses charged against me in the Indictment; and also to Confess that I have

been guilty of a great sin against Almighty
God; that I have proved ~~myself~~ false to the
great trust committed to me by my native
State; that I have deeply and cruelly wronged,
not only those friends who because of their
great and undoubting confidence in my
integrity became the Sureties on my official
Bonds, but others also ^{who} have suffered pecuniary
loss because of that same confidence.

For this my conduct, I can offer no excuse
or palliation; Now that I have, so to speak,
come to myself, I realize its enormity,
and am deeply sorry for, and I sincerely trust
truly penitent of, all I have done.

The sorrow and misery which have been
caused by my conduct is shared by many, but
no blame for any part of it attaches to any
one but myself; it is all mine, and mine
alone. ~~My name is the only name to be~~

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No part of the State's money or securities
was ever used by me in gambling,
stock speculation, or for political
purposes. nor have I at this time
one dollar of it left. I therefore
submit myself to the just judgment
and mercy of the Court
Stevenson Archer

LIST OF SECURITIES EMBEZZLED.

\$17,000. of Frederick City four per cent bonds,
37,000. of Baltimore and Ohio Car trust bonds,
3,000. of Bonds of the Piedmont & Cumberland Railroad
Company,
61,000. of Maryland Treasury Loan bonds.
\$118,000. Total.


State

by

Stephenson Archer

W. Bullock

Clerk &c

Please file in 510 

W. Stephen
State Atty

Ed Mch 31/91

CHARLES G. KERR,
State's Attorney.

WM. F. CAMPBELL,
Deputy State's Attorney.



OFFICES OF THE
STATE'S ATTORNEY,
JOHNSON BUILDING,
MONUMENT SQUARE,
BALTIMORE, MD.

April 10th, 1890:

His Excellency,

The Governor of Maryland,

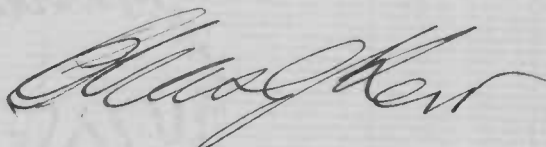
Sir,

I have the honor to acknowledge the receipt of your official communication of this date, referring to the alleged defalcation by State Treasurer Stevenson Archer, and directing me "to take such proceedings to bring the said Treasurer Stevenson Archer to answer for this embezzlement in the Criminal Court of Baltimore."

After consultation with Attorney General Whyte, and upon his advice and instruction, I have already secured, as I believe, the arrest of Mr. Archer upon the charge thus brought to my official notice, pending its investigation by the Grand Jury, to whom I will at once refer the matter.

I have the honor to be

Your Obedient Servant,



State's Attorney.

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STATE OF MARYLAND

vs.

Stevenson Archer
Bench Warrant

CADRE

Rec'd
G. W. H. H. H.
4/15

Cepi Bail
A J Pumphrey
City Detective
April 14/90

Id 15 Apr 1890

This is to certify that Stevenson
Archer who has been held in custody
by officers Pennington & Gault under
& by virtue of a warrant from
the Criminal Court of Baltimore
City to answer a charge of embezzlement
and appropriation to his own use of
\$9831.25 of the money & \$118.00 of the
bonds of the sinking fund belonging to the
State of Maryland, has this 14th day
of April 1890 been discharged from the
custody of the said officers, the
said Archer having given security
approved by me in the penal sum
of \$25,000, for his appearance on the
15th day of April 1890 & from day to
day thereafter, in the said Criminal
Court of Baltimore City to answer
said charge

Geo D Miller

ling
Officer)

rank
or
ing letter

THE STATE OF MARYLAND

To the Sheriff of ~~Baltimore City~~, Greeting:

And J. Upshur Dennis
JANUARY TERM, 1890.

Harford County or A. J. Cumphrey Detective Office

We command you that you take the body of

Stevenson Archer

This Bench Warrant

issued on the Oath of Jacob Frey charging him, the said Stevenson Archer to answer ~~presentment for~~ appropriation to his own use \$9831.25 of the money \$118.00 of the Bonds of the sinking funds of the State of Maryland

WITNESS the HON. HENRY D. HARLAN, Chief Judge of the Supreme Bench of Baltimore City, the 13th day of Jan., 1890.

Issued the

10th

day

April

1890.

JOHN S. BULLOCK,

Clerk Criminal Court of Baltimore.

No. 570 A 1890

State of Acker

Petition for removal
as upon

Writ of Error

Filed 14 May 1890

MRS. N. R. BARNES,
TYPE WRITING OFFICE
No. 9 E. LEXINGTON ST.
BALTIMORE, MD.

In the

State of Maryland reasged)
) Criminal Court of Baltimore,
 debt' vs.)
) May Term, 1890.
 Stevenson Archer the "Officer", who could not embezzle, under
) No. 510 A Docket 1890.
 the act unless at the time of his appropriating them to his

 own use, he was bound to pay over, account for or deliver

To the Honorable, William A. Stewart Judge,

That the Court of the Criminal Court of Baltimore. 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. The Petition of the State of Maryland respectfully shows,
 that on the 13th 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

Wherefore the State of Maryland prays that an Order may
 be passed removing the record in this case as upon Writ of
 the demurrer to be good and quashed the indictment.

Your petitioner alleges that it is aggrieved by the
 Error to the Court of Appeals for review.
 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 Treasur-
 er 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.
Mary Kent
State Attorney for
Baltimore City

It is hereby ordered that the record be removed as prayed
William A Stewart

510 (A)

STATE OF MARYLAND

vs.

Stevenson Archer

CAPIAS.

Stevenson Archer,
the accused, being sick
and unable to appear in
person, take Stevenson
A. Williams in the sum
of Twenty five thousand
dollars, as Bail for the
appearance of the
said Archer to answer
the charge

Stevenson
State Attorney

7/3 \$25000

Stevenson A. Williams
Belan Star Co.

Real Est. in Star Co

Value \$25000

above all members

CRIMINAL COURT OF BALTIMORE,
MAY TERM, 1890.

THE STATE OF MARYLAND,

or any officer
To the Sheriff of Baltimore City, [^]Greeting:

We command you that you take the body of

Stevenson Archer

and *him* immediately have before the Court here to answer *an indictment for*
Embezzlement

WITNESS the HON. HENRY D. HARLAN, Chief Judge of the Supreme Bench of Baltimore City, the 12th day of May, 1890.

Issued the *3^d* day *July* 1890.

JOHN S. BULLOCK,

Clerk Criminal Court of Baltimore.

570

Steuca Archer

Filed 3^d July 1890

Court of Appeals of Maryland,

APRIL TERM 1890.

The State of Maryland

vs.

Stevenson Archer,

Writ of Error to the Criminal Court
of Baltimore.

Judgment Reversed with costs,
and cause remanded by the Court on the
1st day of July 1890.

~~Appellants'~~ ^{States'} Costs in the Court of Appeals of Maryland, including \$10.00,

Appearance Fee,

\$ 56.40

~~Archer's~~ ^{Archer's} Costs in the Court of Appeals of Maryland, including \$10.00,

Appearance Fee,

\$ 38.35

STATE OF MARYLAND, Sct:

I, Spencer C. Jones, Clerk of the Court of Appeals of Maryland, do hereby certify, that
the foregoing is truly taken from the record of proceedings of the said Court of Appeals.

In Testimony whereof, I have hereunto set my hand as Clerk, and
affixed the seal of the said Court of Appeals, this Second day of

July _____, A. D. 1890.

Spencer C. Jones,

Clerk

Court of Appeals of Maryland.

State of
Tennessee

Witnesses

Ed July 20 1840

State
v
Stevenson Archer

In the Criminal
Court of Baltimore City.
Indictment for
Embezzlement

Mr. Clerk

- ✓ Philip D. Laird, ^{Rockville Md} Justice Summons for \$5 1/2
 - ✓ Edwin H. Brown, ^{Treas. Centerville, Md} Justice Summons for \$5 1/2
 - ✓ Benjn N. Wright, ^{Clerk & Comptroller Annapolis} Justice Summons for \$5 1/2
 - ✓ A. J. Shaw, ^{Westminister Carroll Co} Justice Summons for \$5 1/2
 - ✓ A. J. Humphrey, Detective, Balto.
 - ✓ D. H. Thomas, Nat. Merchs Bk
 - ✓ Geo. M. Mendenhall, German St.
 - ✓ Geo. A. Hambleton, South St. Balto.
 - ✓ E. J. Pennington - 1st Nat Bk, Bay St.
 - ✓ V. Emory Gardner - Franklin Bk. Balt
 - ✓ John P. Pre - Balto. City -
 - ✓ W. C. Starden "
 - ✓ John Walter South, Snow Hill, Md. \$5 1/2
 - ✓ Mifflin Coulter - Bank Balto St Paul & Balt
 - ✓ Geo B Ramsey - Mechanics Bk
 - ✓ James Best
 - ✓ Elise Compt, Secy "State Annapolis -
 - ✓ John H. Bosley, (S. S. Eitner, & Co) South St
- to testify for the State before July 8th 1890. 10am.
Wm. Pinkney Hyde, Atty Genl.

Case closed July 21 1890

July 2

In the Circuit Court for S. S. Co.,

No.

May Term, 1880

State

Subpœna to Sheriff of Anne Arundel County,

vs.
Stevenson Archer

for Benj. N. Wright
Annapolis

to testify for State vs. Stevenson Archer

Returnable 8th day of July 1880

Issued 25th July 1880

TEST:

..... Clerk.

State of Maryland,

Anne Arundel County, Set:

I HEREBY CERTIFY, That process as above described was this day received under cover from the Clerk of the Criminal Court Balt., City County, and forthwith delivered to the Sheriff of Anne Arundel County.

In testimony whereof, I hereto set my hand and affix the Seal of the Circuit Court for Anne Arundel County, this 3rd day of July

A. D., 1880

Spigg Harwood
Clerk Circuit Court for Anne Arundel Co.

570 A SUMMON

Criminal Court of Baltimore.

" B

" C

~~Bail~~

(2)

John W Middendorf

sd

John A Hambleton

sd

E. J Penniman

SP

V Emory Gardner

SP

John P Poe

SP

W C Harder

AP

8

German St

North^{and} Balt St

1st Nat Bank

Franklin "

E Lexington St

Balto City 746 DrexelSt

or see State attorney Kerr.

Returnable

to testify for

Jury
State vs Stevenson Archer

TO THE SHERIFF OF BALTIMORE CITY.

JOHN S. BULLOCK, Clerk.

510 A SUMMON

Criminal Court of Baltimore.

" B
" C

Bail

(3)

91
24
31

39

John Walter Smith

ed

Mufflin Coulter

SP

pro B Parway

SP

James Scott

SP

E W Le Compte

ed

pro H Bosley

SP

8

Know Hill MD

Bank of Balto

Mechanics Bank

" "

Annapolis MD

with pro Sitting

Returnable

July

to testify for

State vs Stevenson Archer

TO THE SHERIFF OF BALTIMORE CITY.

JOHN S. BULLOCK, Clerk.

In the ^{Criminal} Circuit Court for Baltimore County.

State of Maryland

vs.
Stephenson Archer

No. _____ Term 188 .
Subpoena to the Sheriff of Montgomery County for

Philip D. Laird

Returnable ~~the~~ Tuesday the 5th day of
Issued this 2^d day of

to testify State vs Stephenson Archer
July 1880

July 1880
John S. Bullard, Clerk.

State of Maryland, Montgomery County, Ct.

I hereby certify that on the 3^d day of July 1880, I received
under cover from the Clerk of the ^{Criminal} ~~Circuit~~ Court for Baltimore ~~County~~, process as above
described, and forthwith delivered the same to the Sheriff of Montgomery County.

In testimony whereof, I have hereunto subscribed my name and affixed
the Seal of the Circuit Court for Montgomery County, this 3^d
day of July 1880

James Anderson Clerk
of the Circuit Court for Montgomery County.

510-A
" B
" C

SUMMON

Criminal Court of Baltimore.

Bail

(1)

Philip D Laird

Edwin H. Brown

Bery A. Wright

Dr's F. Shaw

D A J. Pumphrey

94 D J Thomas

sd					
sd					
sd					
sd					
sd					
SP					
8					

Rockville Md

Centreville Md

Annapolis Md

Westminster Md

City Hall

Merchant Bank

Returnable

July

to testify for

State vs Stevenson Archer

TO THE SHERIFF OF BALTIMORE CITY.

JOHN S. BULLOCK, Clerk.

510 (A)

State of Maryland

by
Stevenson Archer

Opinion of Ct. of Appeals

Filed 3^d. July 1890

Court of Appeals
of
Maryland.

April Term, 1890.

State of Maryland
vs.
Stevenson Archer.

Judge Robinson delivered the opinion of the Court.

The defendant in error, was indicted under Sect. 80 Article 27 of the Code, which provides: "that any person holding office in this State, whether elected, or appointed by the Governor, Corporate Authorities of Baltimore, or by any other authority, legally authorized to make such appointment, who shall fraudulently embezzle, or appropriate to his own use, money funds, or evidences of debt, which he is by law bound to pay over, account for, or deliver to the Treasurer of this State, or to any other person, by law authorized to receive the same, shall be guilty of a misdemeanor;" &c.

The indictment charges that the Defendant in Error, being the duly elected and qualified Treasurer of the State, fraudulently embezzled and appropriated to his own use money and evidences of debt belonging to the State, and which he was bound to account for, and deliver to Edwin H.

Brown, his successor in office. - The sole question is whether the offence thus charged comes within the provisions of the Code, or in other words, whether the Code provides for the punishment of the State Treasurer who embezzles the State Funds?

The question is a narrow one, and turns entirely upon the construction of the Statute. A good deal was said about the general rules by which Courts are governed in the construction of Statutes, but these are too well settled to admit of much discussion. All agree, that the intention of the Legislature must govern in the construction of all Statutes. This rule lies at the bottom of all Statutory construction. The law it is true, in its tenderness for life and liberty, requires that penal Statutes shall be strictly construed by which is meant that Courts will not extend the punishment to cases not plainly within the language used. At the same time, such Statutes are to be fairly and reasonably construed, and Courts will not by a narrow and strained construction exclude from their operation cases plainly within their scope and meaning. As stated by Sedgwick on Statutory Law p. 287, and quoted with approval by Bramwell B. in *Foley vs Fletcher*, 27 L.R., Ex. 106: "the more correct version of the doctrine appears to be, that Statutes of this class are to be fairly construed and faithfully applied, ac-

according to the intent of the Legislature, without unwarrantable severity on the one hand, or unjustifiable lenity on the other, in cases of doubt the courts inclining to mercy". After all then, it is the legislative intent that must govern in the construction of penal, as in all other Statutes.

Lyons Case Bells C. C. 45

Nicholson vs Fields 31 L. J. Ex. 235.

The Gauntlet L. R. 4 P. C. 191

United States vs Lacher 134 U. S. Rep 624

This intention is to be, ascertained primarily of course, from the language of the Statute itself, and if the language used is plain and unambiguous, the Legislature must be understood as meaning what they have expressly declared. Now what is the language of the Statute under consideration? "Every person holding office in this State x x who shall fraudulently embezzle, or appropriate to his own use, money, funds, or evidences of debt, which he is by law bound to pay over, account for or deliver to the Treasurer of the State etc."

Provision is thus made for the punishment of all officers who shall embezzle funds of the State which they are bound to pay over or deliver to the Treasurer, but this, it is argued, does not include the Treasurer because he cannot be said to be bound to pay over, or deliver such funds to himself. If the Statute stopped here there might be some ground for this contention. But it does not stop here, having made provision for the

punishment of such officers, that is to say, of officers whose duty it is to pay over, and account ^{for} to the Treasurer, it further provides for the punishment of all officers who shall embezzle money funds, or evidences of debt belonging to the State, which they are bound to pay over, account for, or deliver "to any other person by law authorized to receive the same." Such is the plain and unambiguous language of the latter part of the enacting clause, and it would be difficult to employ language broader and more comprehensive. Thus the body of the act not only provides for the punishment of such officers who shall embezzle State funds, which they are bound to pay or deliver to the Treasurer, but also for the punishment of all officers who shall embezzle money or funds of the State, which they are bound to pay, or deliver to any person lawfully authorized to receive the same. So the question comes to this, did the defendant in error, embezzle, or appropriate to his own use money, funds, or evidences of debt belonging to the State, which he was bound to pay or deliver "to any person by law authorized to receive the same." If he did, then the offence charged in the indictment is one with in the very letter of the Statute. The embezzlement being admitted by the demurrer, the only question is whether the funds embezzled, were funds, which he was bound to pay over, account for, or deliver to any per-

son lawfully authorized to receive the same. And as to this there cannot be it seems any question. He is the most important financial officer of the State. The entire revenue of the State, amounting to millions of dollars is paid to him, and by him to be disbursed in the mode and manner provided by law. Besides this, the Sinking Fund, the ^{and unproductive} productive assets, are entrusted to his care and custody, and the surplus revenue remaining in the Treasury, he is directed to invest from time to time, in State, or other securities, all of which are committed to his keeping. These funds belong to the State, and are held by him, as Treasurer, and when he ceases to be Treasurer, whether by removal or otherwise, he is bound to pay over account for and deliver such funds to his successor in office, who is the person lawfully authorized to receive the same. Upon his failure to do so, his official bond would be liable in a civil action, and for the embezzlement of such funds by him while in office, the defendant in error would be criminally responsible. Now, against this plain and obvious construction of the Statute, what is the contention on the other side? There must be, it was argued, a point of time when the crime was committed, and it could not be said to have been committed before the defendant was dismissed from office, because there were no funds which he was obliged to pay over or deliver to the Treasurer of the State, he being then the Treasurer, him.

self. Nor could the crime be said to have been committed after he was discharged from office, because he was not then a person holding office. So according to this contention, there was no point of time when the defendant could have committed the crime. The bare statement of such an argument is an answer to the argument itself. There must have been it is true, a point of time when the crime was committed, and that point of time was when the defendant embezzled the funds of the State in his possession, as its Treasurer, and which he was bound to pay over, account for, or deliver to any person lawfully authorized to receive the same. He was bound as we have said to pay over, or deliver such funds to his successor in office, and the crime was complete when he embezzled or appropriated the same to his own use. The crime being complete, his subsequent removal in no manner affected his criminal responsibility. He is indicted as Stevenson Archer, and as such he is answerable for a crime committed by him while holding the office of Treasurer. And although his official character is gone, his personal responsibility for the crime thus committed remains. So looking to the face of the Statute itself and construing the language used in its natural, ordinary and common sense meaning, we all agree that the offence charged in the indictment is one

strictly within the terms of the Statute.

But if there could be any question as to the construction of the words of the Statute, the Title to the Statute shows beyond doubt that the Legislature meant to provide for the punishment of every officer, who shall embezzle or appropriate to his own use, money or funds belonging to the State. Sec. 80 Art. 27 of the Code is a codification of the act of 1854, Chapt 198, and the title to the act reads as follows. "An Act to punish the fraudulent embezzlement or appropriation of money, funds evidences of debt by persons elected to any office, or holding office under the Governor of this State, or under the corporate authorities of Baltimore, or under any other authority legally authorized to appoint to said office."

This language the counsel for the defendant in error admit is broad enough to include the Treasurer of the State; and although the title will not be permitted to control the express language of the act yet if the language is somewhat obscure or doubtful, it may be considered to aid in the interpretation of the Act, and thereby give to the enacting clause a meaning consistent rather than at variance with the clear title of the act.

Canal Compy. 4 G. & J. 90.

Clark vs Mayor & City Council Balto. 29 Md. 285

Shaw vs Rudden 9 Jr. C.C. Rep 214

Belt vs Belt 3 Addams 211.

Hardcastle's Statutory Law 94.

Meyer vs Western Compy. 102 U.S. 1.

So if there be any doubt as to the precise meaning of the language used in the body of the Act now before us, which we by no means concede, yet, when construed in connection with its title, we are forced to the conclusion that the Legislature meant to provide for the punishment of every officer who shall embezzle funds belonging to the State, and which he was bound to pay over account for, or deliver to any person lawfully authorized to receive the same. Any other construction would, it seems to us, do violence not only to the plain and unambiguous language of the Statute itself, but would in a measure defeat the wise and salutary purposes for which it was passed.

The object of the Statute was to protect the State against loss from embezzlement of the State Funds by State Officers, and it would be strange indeed that the Legislature should provide for the punishment of all officers except the Treasurer, who is the most important financial officer of the State, and by the official misconduct of whom the State might suffer the greater loss and injury. To such a strained and narrow construction as this we cannot agree.

Judgment reversed
and cause remanded.

Maryland, Sct:

I, Spencer C. Jones, Clerk, of
the Court of Appeals of Maryland, do
hereby certify that the foregoing is truly
taken from the Record of Proceedings of
the Court of Appeals of Maryland.

In testimony whereof I have here-
unto set my hand as Clerk, and
affixed the seal of the said
Court of Appeals, this 2nd day
of July, A. D., 1890.

Spencer C. Jones, Clerk
Court of Appeals
of Maryland.

570 B 5510 C

STATE OF MARYLAND,

vs.

Stenerson Lecher

NOLLE PROSEQUI.

MR. CLERK,

Please File.

Charles H. Cox
State's Attorney for Baltimore City.

Filed 7 day of July 1890

570 B & 570 c

STATE OF MARYLAND,

vs.

IN THE
CRIMINAL COURT
OF BALTIMORE.

Stevenson Archer } Charge

Embezzlement

And hereupon CHARLES G. KERR, State's Attorney for Baltimore City, here in Court confesses that he will not further prosecute the Indictment against the said Stevenson Archer. Therefore let the said Stevenson Archer go thereof without day, &c.

Charles G. Kerr
State's Attorney for Baltimore City.

REMARKS:

Plead guilty & sentenced in 570 a

ARCHER TO BE TRIED.

HIS BONDSMEN LIABLE.

Judge Stewart Reversed by the Court of Appeals.

THE STATUTE CONSTRUED

ACCORDING TO THE INTENT OF THE LEGISLATURE.

It is Held Ample to Cover the Case—Remarks Upon the Hair Splitting of the Defendant's Counsel—The Opinion Unanimous.

(Special Dispatch to The Daily News.)

ANNAPOLIS, Md., July 1.—Ex-State Treasurer Stevenson Archer must be tried upon the charge of embezzlement.

The Court of Appeals to-day delivered its opinion in the case of the State vs Archer, reversing the judgment of Judge Stewart, of Baltimore, and remanding the case for trial in that city.

Judge Robinson wrote the opinion, which was as follows:

The defendant in error was indicted under section 80 article 27 of the code, which provides that "any person holding office in this State, whether elected or appointed by the Governor, corporate authorities of Baltimore or by any other authority legally authorized to make such appointment who shall fraudulently embezzle or appropriate to his own use money, funds, or evidences of debt which he is by law bound to pay over, account for or deliver to the treasurer of this State, or to any other person by law authorized to receive the same, shall be guilty of a misdemeanor, etc."

The indictment charges that the defendant in error, being the duly-elected and qualified treasurer of the State, fraudulently embezzled and appropriated to his own use money and evidences of debt belonging to the State, and which he was bound to account for and deliver to Edwin H. Brown, his successor in office.

The sole question is whether the offense thus charged comes within the provisions of the code, or whether the code provides for the punishment of the State treasurer who embezzled the State fund. The question is a narrow one, and turns entirely upon the construction of the statute. A good deal was said about general rules by which courts are governed in the construction of statutes, but these are too well settled to admit of much discussion.

All agree that the intention of the Legislature must govern in the construction of all statutes. This rule lies at the bottom of all statutory construction. The law, it is true, in its tenderness for life and liberty, requires that penal statutes shall be strictly construed, by which is meant that courts will not extend the punishment to cases not plainly within the language used; at the same time such statutes are to be fairly and reasonably construed and courts will not by a narrow and strained construction exclude from their operation cases plainly within their scope and meaning as stated by Sedgwick on statutory laws, page 287, and quoted with approval by Bromwell B, in *Foley vs Fletcher*, 270 R. Ex. 106.

The more correct version of the doctrine appears to be that statutes of this class are to be fairly construed and faithfully applied according to the intent of the Legislature without unwarrantable severity on the one hand or unjustifiable lenity on the other, in cases of doubt the courts inclining to mercy. After all then it is the Legislature intent that must govern the construing of penal as in the case of all other statutes. (Then follows references to cases.)

This intention is to be ascertained primarily, of course, from the language of the statute itself and if the language used is plain and unambiguous, the Legislature must be understood as meaning what they have expressly declared. Now what is the language of the statute now under consideration, "Every person holding office in this State, etc., who shall fraudulently embezzle or appropriate to his own use money, or evidences of debt, which he is by law bound to pay over, account for or deliver to the treasurer of the State, &c." Provision is thus made for the punishment of all officers who shall embezzle funds of the State which they are bound to pay over or deliver to the treasurer. But this, it is argued, does not include the treasurer, because he cannot be said to be bound to pay over or deliver such funds to himself.

If the statute stopped here there might be some ground for this contention, but it does not stop here, having made provision for the punishment of such officers, that is to say, officers whose duty it is to pay over and account to the treasurer; it further provides for the punishment of all officers who shall embezzle money, funds or evidences of debt belonging to the State which they are bound to pay over, account for or deliver to any other person, by law authorized to receive the same. Such is the plain and unambiguous language of the latter part of the enacting clause and it would be difficult to employ language broader and more comprehensive. Thus the body of the act not only provides for the punishment of such officers who shall embezzle funds which they are bound to pay or deliver to the treasurer, but also the punishment of all officers who shall embezzle money or funds of the State, which they are bound to pay or deliver to any person lawfully authorized to receive the same.

So the question comes to this; Did the defendant in error embezzle or appropriate to his own use money, funds or evidences of debt belonging to the State which he was bound to pay or deliver "to any person by law authorized to receive the same." If he did, then the offense charged in the indictment is one within the very letter of the statute, the embezzlement being admitted by the defendant. The only question is whether the funds embezzled were funds which he was bound to pay over, account for or deliver to any person lawfully authorized to receive the same, and as to this there cannot be, it seems, any question. He is the most important financial officer of the State. The entire revenue of the State, amounting to millions of dollars, is paid to him, and by him to be disbursed in the mode and manner provided by law. Besides this the sinking fund, the productive and unproductive assets, are entrusted to his care and custody, and the surplus revenue remaining in the treasury he is directed to invest from time to time, in State or other security, all of which are committed to his keeping. These funds belong to the State and held by him as treasurer, and when he ceases to be treasurer, whether by removal or otherwise, he is bound to pay over, account for and deliver such funds to his successor in office, who is the person lawfully authorized to receive the same.

Upon his failure so to do his official bond would be liable in a civil action and for the embezzlement of such funds by him while in office the defendant in error would be criminally responsible.

Now against this plain and obvious construction of the statute what is the contention on the other side? There must be, it was argued, a point of time when the crime was committed and it could not be said to have been committed before the defendant was dismissed from office, because there were no funds which he was obliged to pay over or deliver to the treasurer of the State, he being then the treasurer himself. Nor could the crime be said to have been committed after he was discharged from office, because he was not then a person holding office. So, according to this contention, there was no point of time when the defendant could have committed the crime.

The basis of such an argument and the point of time when the crime was committed is a point of time when the defendant embezzled the funds of the State, his possession as its treasurer. He was bound as we have said to pay over or deliver such funds to his successor in office and the crime was complete when he embezzled or appropriated the same to his own use. The crime being complete, his subsequent removal in no manner affected his criminal responsibility.

He is indicted as Stevenson Archer, and, as such, he is answerable for a crime committed by him while holding the office of treasurer, and, although his official character is gone, his personal responsibility for the crime thus committed remains. So looking to the face of the statute itself and construing the language used in its natural, ordinary and common sense meaning, we all agree that the offense charged is one strictly within the terms of the statute. But, if there could be any question as to the construction of the words of the statute, the title to the statute shows beyond doubt that the Legislature meant to provide for the punishment of every officer who shall embezzle or appropriate to his own use money or funds belonging to the State. (The title of the act is then quoted.)

The counsel for the defendant in error admits that the language of the title is broad enough to include the treasurer, and, although the title will not be permitted to control the express language if somewhat obscure or doubtful, it may be considered to aid in the interpretation of the act and thereby give to the enacting clause a meaning consistent rather than at variance with the clear title of the act. So if there be any doubt as to the precise meaning of the language used in the body of the act now before us, which we by no means concede, yet when construed in connection with its title we are forced to the conclusion that the Legislature meant to provide for the punishment of every officer who shall embezzle funds belonging to the State and which he was bound to pay over or deliver to any person lawfully authorized to receive the same.

Any other construction would, it seems to us, do violence not only to the plain and unambiguous language of the statute itself, but would in a measure defeat the wise and salutary purposes for which it was passed. The object of the statute was to protect the State against loss from embezzlement of State funds by State officers, and it would be strange indeed that the Legislature should provide for the punishment of all officers except the treasurer, who is the most important financial officer of the State and by the official misconduct of whom the State might suffer the greatest loss and injury. To such a strained and narrow construction as this we cannot agree. Judgment reversed and cause remanded.

510 (A)

State of Kansas

vs
Stevenson Archer

Demurrer

5/13 powder of issue by State
" Demur Sustained

Filed 13 May 1890

State of Archer.

In the Common Court

Mr. Clerk -

Please enter Vermon's debt to
indentment 516 A. and to each court
thereof -

Bernard Carter
Guaranteman.

510 A

State of Maryland
Stevenson & Co.

Order of Court sustaining
Demurrer

Filed 14 May 1887

570

STATE OF MARYLAND

vs.

Stevenson Archer.

— Embellishment —
Presentment.

Filed 28 April 1890

In the Criminal Court of Baltimore.

January Term, 1890

The Jurors of the State of Maryland, for the body of the City of Baltimore, do on their oath, present Stevenson Archer, late Treasurer of the State of Maryland, for fraudulently embezzling or appropriating to his own use certain moneys and funds, which, by law, he was bound to pay over, account for and deliver, to the Treasurer of this State, which said sums of money amounted to \$9831.25, in cash, received by him for nine Bonds of the West Virginia Central and Pittsburg Railway Company, sold by him, and belonging to the State of Maryland for the use of its Sinking Fund; and \$4570 received by him for interest upon coupons taken from Bonds of the State of Maryland, for the use of the Sinking Fund; and 118 Bonds of \$1000 each, of the following description, viz:

Frederick City 4 per cent. Bonds, Par.	\$ 17000.
Baltimore and Ohio ^{RR} Car Trust 4 1-2 per cent. Bonds	
(Par.	37000.
Piedmont and Cumberland Railway Bonds Par. 5%	3000.
Treasury Relief Bonds, Par.	61000.
Making, in all,	\$118000.

\$9,831.25
4,570.

118,000.00

\$132,401.25

belonging to the State of Maryland, for the use of ~~the State~~ its Sinking Fund.

on or about the fifteenth day of April 1890

E. J. Leach Foreman.

WITNESSES:

Benj N. Wright
Jno. W. Muddendorf
E. N. Brown
Delector Pumphrey

Clk to Comptroller Annapolis Md
of Muddendorf Over & Balt.
Treas of Md Annapolis Md
City Hall.

510-B

3.50

1890/2/3/182

50

State of Maryland

7/7 - N.P.
vs.

Stevenson Archer.

Indictment

(TRUE BILL)

E. J. Hood Foreman

Filed 29 April 1890

Witnesses

Benj. N. Wright

Jno. W. Middendorf

Edwin H. Brown

Detective Pumphrey

Embezzlement
20 cl. Larceny

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, yeoman, 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, at the City aforesaid, being then and there employed in the capacity of agent by the State of Maryland, did then and there receive and take into his possession for and in the name and on the account of his said employer, the said State of Maryland, the sum of four thousand, five hundred and seventy dollars, current money, and then and there fraudulently and feloniously did embezzle the same. And so the Jurors aforesaid, upon their oath aforesaid, do say that the said Stevenson Archer did then and there in manner and form aforesaid, feloniously steal, take and carry away from the said State of Maryland, his said employer, for whose use, ~~on~~ whose account and in whose name the same was then and there delivered as aforesaid, the said sum of four thousand, five hundred and seventy dollars, current money, the property of the said State of Maryland, his said employer; 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 aforesaid, with force and arms, at the City aforesaid, the sum of four thousand, five hundred and seventy dollars, current money, a further description of which sum of money is to the

Jurors aforesaid unknown, of the moneys and property of the State of Maryland, then and there being found, did then and there feloniously steal, take and carry away; 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.

510

3
C

350

57

STATE OF MARYLAND

7/7 R.P.

Stevenson Archer

Indictment

(True bill.)

W. J. Leary Foreman

Filed 10 May 1890

Witnesses

E. H. Brown

Benjamin N. Wright

John W. Mitten of

Deed. Humphrey

Embezzlement

vs. J. S. Sweeney

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, yeoman, late Treasurer of the State of Maryland, on the second day of January, in the year of our Lord eighteen hundred and ninety, at the City of Baltimore aforesaid, being then and there employed in the capacity of agent by the State of Maryland, did then and there receive and take into his possession, for and in the name and on the account of his said employer, the said State of Maryland, the sum of four thousand, five hundred and seventy dollars, current money, of the value of four thousand, five hundred and seventy dollars, current money, and then and there fraudulently and feloniously did embezzle the same;

And so, the Jurors aforesaid, upon their oath aforesaid, do say, that the said Stevenson Archer did then and there, in manner and form aforesaid, feloniously steal, take and carry away from the said State of Maryland, his said employer, for whose use, on whose account and in whose name the same was then and there delivered as aforesaid, the said sum of four thousand, five hundred and seventy dollars, current money, of the value of four thousand, five hundred and seventy dollars current money, the property of the said State of Maryland, his said employer; 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, with force and arms, at the City of Baltimore aforesaid, divers bank notes for the payment of money, divers promissory notes for the payment of money, divers genuine and current treasury notes for the payment of money, issued by the Treasury Department of the United States, divers silver certificates for the payment of money granted by and under the authority of the United States, divers gold certificates for the payment of money, granted by and under the authority of the United States divers gold, silver, nickel and copper coins, struck at the mint of the United States and to be taken as currency in this State, the number and denominations of which said bank notes for the payment of money, promissory notes for the payment of money, genuine and current treasury notes for the payment of money issued by the Treasury Department of the United States, silver certificates for the payment of money granted by and under the authority of the United States, gold certificates for the payment of money granted by and under the authority of the United States, and gold, silver, nickel and copper coins, struck at the mint of the United States and to be taken as currency in this State, are to the Jurors aforesaid unknown, for the payment of divers sums of money in the whole amounting to the sum of four thousand, five hundred and seventy dollars, current money, of the value of four thousand, five hundred and seventy dollars current money, of the bank notes, promissory notes, treasury notes, silver and gold certificates and gold, silver, nickel and copper coins and property of the said State of Maryland, then and there being found, did then and there feloniously steal, take and carry away, 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.