

Baltimore February 10th 1839

Dear Sir,

Immediately after I had the pleasure of receiving my
commission as Notary Public, I took the oaths necessary on the oc-
-casion, and made public notice of the fact of being duly qualified
in all the Newspapers, and at the same time made application in
writing to several Banks to perform the duties of Notary for their
respective Institutions - They have all declined employing me
and continue the Ex Notaries in their service.

The Ex Notaries hold
the opinion, backed by some of their Lawyer friends, that as the new
Commission did not designate the Individual who should be par-
-ticularly displaced, they have each the right to act until that
designation takes place, or until a mandate issues to deprive
them of their office.

It is the opinion of our friend Gwynn, as well
as that of some of our most eminent Counsel that the Notaries
had no legal right to hold their offices one moment after the new
Notaries qualified, and that the business ought to be transacted
alone by the law properly in Commission until the regular suc-
-cessors are filled.

In the Case of the State vs. Fryman in 2^d Hill and Sha-
-ron, page 278 the case I think is fully made out and the con-
--sistence sustained of the illegality of persons holding over annual
-appointments, and it appears to me that Banks who continue to
employ the Ex Notaries, do an act of rank injustice to their Stock-
-holders, who may be seriously affected in relation to inland and
foreign bills of Exchange, should the Enforcers take the ground
of their having been illegally or improperly protested.

Thinking your
-excellency may not have heard of the very novel position taken by
the Ex Notaries and feeling somewhat aggrieved in the premises
I have taken the liberty most respectfully to call your attention to
the subject.

With sentiments of respect
Your most obt
-servant
Wm. Eichelberger Jr.

Feb 19th 1839.

Dear Sir,

I have received your letter informing me that the
old Notaries were still employed by the Banks upon the ground