this 9th Octo.r 1845.- Geo. R. Richardson, for Deft.s

And thereupon come into Court here the said Jacob Erb, Daniel Zerwig Jacob Schwartz Samuel Sommers Adam Daub Frederick Kraft Michael Frey Jacob Dressle, and Frederick Faulk, the respondents, by J. V. L. McMahon, G. R. Richardson and J. Meredith, Esquires their Attorneys.- Whereupon the Court passed the following order to wit:

In Baltimore County Court - September Term 1845 - ordered that an alternative Mandamus issue according to the within application no cause having been shewn to the contrary thereof, although notice was given of said application by service of a copy of said application and of the order of this Court of the 9th October last agreeably to the exigency of said order. Said Mandamus to be made returnable on the first day of the next term of this Court.-

John Purviance,

18th Dec.r 1845 - Jno. G. LeGrand,

And thereupon in pursuance of said order an alternative writ of Mandamus issued in form following to wit:

Maryland, Set: The State of Maryland to Jacob Erb, Daniel Zerwig Seal Jacob Schwartz Samuel Sommers, Adam Daub, Frederick Kraft, Michael Frey, Jacob Dressle and Frederick Faulk of the City of Baltimore Greeting: Whereas Jacob Smith John Matthias John George Schleich, John M. Keyser, Abraham Sitler John Neibergall Senior John Seppell, John Schmidt, Senior Lewis Weis, and Frederick Ahlleger, by their petition to the Honorable the Judges of Baltimore County Court have set forth,- That in the year Seventeen hundred and Seventy a congregation for Religious Worship to be conducted in the German language was formed in the Town now the city of Baltimore and that under its chosen discipline and regulations (all of which in the year Seventeen hundred and eighty five were embodied in a constitution) the said congregation continued to carry out its religious purposes, until finally it was incorporated by the General Assembly of Maryland by the name of "The Elders Trustees and members of the German Evangelical Reformed Church in the City of Baltimore," by act of the November Session of the year Seventeen hundred and ninety Seven Chapter fifty two.- The petitioners shew that by said act persons are to be appointed Elders and Trustees of said congregation four Elders and four Trustees being by the provisions of said act required to be elected at stated periods and after nomination to be made by the Elders and Trustees in authority a certain period before the election to be made; all which will particularly appear by said act which in respect of all that in the petition shall have been alleged, it is prayed may be taken as part thereof.- And the petitioners further shew, that by said act, the said Elders and Trustees are combined as a collective authority or vestry of which the minister of said congregation for the time being is by said act constituted the President. And that by said act agreeably to what was before ordained by the Constitution of the congregation, the said Elders and Trustees, and their President are created the managers and Guardians of all the concerns of said corporation and congregation in its temporal affairs and interests as well as in reference to its good order and government.-

And the petitioners state that said corporation was governed

accordingly by said Elders and Trustees, as a vestry as aforesaid, and their President from the passing and acceptance of said act of Incorporation (the said act having been immediately accepted by said congregation) until January in the year eighteen hundred and forty two, when one Jacob Erb, was elected the Minister of said Congregation, and the following persons were duly elected Elders and Trustees respectively thereof to wit; Frederick Ahlleger Lewis Weis, and George Kraft, and John Schmidt, Senior, Elders and William Raine, Frederick Kraft Jacob Dressle and John Schmidt, Junior Trustees; all which Elders and Trustees and the said Minister accepted their respective appointments and exercised their offices which in the cases of the Elders and Trustees were to continue for one year and until successors to them should be duly elected.- And the petitioners state that said corporation owns for accommodation of the Congregation in Religious Worship and for a School House and a Burial Ground, and as a source of income, a large Real Estate all which by the constitution, and the charter aforesaid of the congregation is exclusively under the care and controul and management and within the trust of said Elders and Trustees and Minister instituted by said charter, and was accordingly devolved upon and taken under the care and controul of the Elders and Trustees as Minister actually elected as aforesaid. And the petitioners show that said Elders and Trustees being thus elected and serving in their trust as aforesaid went on superintending the temporal interests and guarding the good order of said congregation, and so would have continued to fill the solemn requirements of their stations; but the petitioners state that in this peaceable and useful course of duty, certain of said Elders and Trustees became obnoxious to the said minister, and to others who instigated factious disturbance in the congregation to involve and thwart and over-throw the said Elders and Trustees.

And the petitioners state that pursuing this hostility to said obnoxious Elders and Trustees who were the said William Raine and John Schmidt Senior, and Lewis Weis, Frederick Ahlleger and George Kraft, the said minister confederating with others of like vindictive temper preferred or procured to be preferred, against said Elders and Trustees just named, various charges in most instances frivolous, and had the parties illegally, and without regard to the forms and privileges of fair trial and deliberate discussion arraigned before the congregation or a small portion of it, constituting far less than a majority of the congregation, and irregularly assembled; and so in the midst of excitement and tumult, and upon the assumed authority of that small body (a large proportion of them refusing to vote on the occasion) the said Elders and the said Trustees were declared to be removed and expelled from their respective offices aforesaid, and from membership of said congregation. And the petitioners state that this attempted deprivation and disfranchisement was accomplished by successive procedures of the character and tenor just described, William Raine being first charged and deposed, and after him John Schmidt, Senior, being charged, and