case will appear. — Your petitioner further states, that a copy of said order and said exceptions was duly served according to the exigency of the said order, as by the admission of service filed in said case, will appear. — Your petitioner further suggests, that the said exceptions are yet pending and undecided and that your petitioner has given notice of his intention to take evidence in support of the same commencing on Thursday morning next. Your petitioner further states, that on the evening of Monday, the 7th day of September Inst, according to previous announcement by hand bills and by advertisement in the Baltimore Newspapers, the Theatre in the said proceedings mentioned was opened, and a Theatrical performance was had under the authority and management of a certain E. A. Marshall, as professed lessee thereof, and your petitioner herewith exhibits as a part of this petition, marked Exhibit No. I. 6, a copy of the advertisement of said performance. Your petitioner further states that upon diligent enquiry he is satisfied that said Marshall claims to be lessee in virtue of a contract and agreement, made by or on behalf of James V Wagner, who is reported as the purchaser of said Theatre in the aforesaid report of said Trustee, and to the ratification of which said sale objection was made by the aforesaid exceptions filed by your now petitioner. Your petitioner, therefore, alleges and charges that said Wagner (or some agent of his assuming to act on his behalf and whose act he has adopted) has taken upon himself pending the said exceptions, and without any application to your Honorable Court for its sanction thereof, to put said property, as if the said reported sale were ratified and confirmed, and as if he were the owner and actual proprietor of said property, thereby wholly disregarding the said exceptions which your Honor was pleased, as aforesaid to set down for hearing on the 22d day of September instant. — Your petitioner further states, that he is the owner of thirty six shares of the stock, and, as such, largely interested in the proceeds of the sale of said property, that said contract with said Marshall was made without any conference, as far as he knows, with any of the stockholders and certainly without conference with any number of the stockholders and with no one, as he verily believes, in the capacity of a stockholder and he is advised and respectfully insists, that pending said exceptions and until it shall be decided whether or not the said reported sale shall stand, the said property is under the control of this Honorable Court, and cannot, lawfully, be leased by any one, without the previous sanction of your Honorable Court. — Your petitioner, on the foundation of his interest as aforesaid respectfully objects to the leasing of said property, by or to any one unless under the sanction of your said Honorable Court and on such terms as to your Honorable Court may seem meet, and he exhibits this petition in behalf of himself and of all other stockholders and of other persons interested in the proceeds of the final sale who shall come in and contribute to the expense of this suit. — And he respectfully prays your Honor to issue the writ of the State of Maryland of injunction to the said James V Wagner and to said E. A. Marshall, commanding them and each



of them to abstain from using said Theatre for theatrical performances or otherwise, by themselves or others, pending the questions which arise on said exceptions and until the further order of your said Honorable Court and may it also please your Honors to direct the manner in which notice shall be given to the said James V Wagner and said E. A. Marshall both of the City of Baltimore, of the nature and object of this petition. And as in duty bound &c. — Wm Selby Sol for petitioner. —

State of Maryland City of Baltimore Sct. — On this 8th day of September 1846, before the subscriber, one of the Justices of the peace of the State of Maryland in and for said city personally appeared Mendez I Cohen and on the five books of Moses) the said affiant being in faith and profession an Israelite), made oath (being covered at the time of being sworn) that the facts set forth in the foregoing petition, are true, as therein stated, to the best of his knowledge information and belief. —

Sworn to before. — J Hanson Bett. —

— Exhibit No. I. 6. —

— Holliday St. Theatre. —

Mr. E. A. Marshall. — Lessee. —

(Aud alas of Walnut St Theatre, Philadelphia)

☞ The public is respectfully informed that this popular Theatre will open for the regular Season on Monday evening Sept. 7th 1846. — The general arrangements will be such as to merit the consideration of the friends of well regulated places Drama a succession of the most refined and intellectual productions which it is possible to bring forward in guarantee whereof arrangements have also been positively entered into with the following. —

Galaxy of Auxiliary Talent. —

And will appear in succession. —

Mr. and Mrs. Charles Kean. —

Mrs. Mowatt. —

Mr. Edwin Forrest. —

Mr. Jas Wallack Jr. —

Mr. Anderson. —

Mr. Collins. —

Mr. Murdoch. —

And the Popular Operatic Corps. —

Mrs. Seguin Mr. Frazer Mr. Seguin &c. —

Whose efforts will be supported by an efficient stock company embracing the names of many favorite and established performers who have recently had the Honor of appearing here. —

The Orchestra will be excellent, Leader and composer Mr. Gunnington, The direction of the Stage under W. C. Forbes of the Charleston and Savannah Theatre. —

☞ Price of admission, Boxes 50 cents Pit 25, Orchestra seats 75 Private Boxes may also be obtained, Box office open daily from 10 till 4 Oclock, No money received at the doors. —

☞ Doors open at ¼ to 7; to begin at ½ past 7 oclock. —

The Lessee has much pleasure in being able to present, to them on the opening night. —