

Baltimore Morning Herald
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Mayor Hayes Was Non Est

Mysteriously Disappeared Yesterday Morning

Mr. Gephart Was Mayor

Rumors Regarding His Honor's Whereabouts

Mayor Council Case Today

Court of Appeals Will Hear Arguments of Opposing Counsel—Questions Involved

Mayor Hayes mysteriously disappeared yesterday, and from dawn to dark the city hall knew him not. As a result, though probably without his honor's knowledge, President Gephart of the First Branch, City Council, his arch antagonist in the council fight, discharged the fatiguing duties of his office.

"The mayor is out of town," said Secretary Ryan, "and on private business. Where he went I do not know. President Wilmer, of the First Branch, was notified Saturday that he was to be mayor today, but he is ill, and in consequence Mr. Gephart is here."

Mr. Gephart, mayor pro tem, was similarly ignorant of the real mayor's whereabouts.

"All I know," he said, "is that Mr. Wilmer called me up by phone and asked me to take his place. I wanted to spend the day looking up the law in the mayor-council case, but now I must sit here and be mayor."

Last night, when Mr. Hayes was seen by a Herald reporter, as he was about to begin his regular Monday evening lecture to his law class, he refused to discuss his disappearance.

"Was it due to anything of interest to the public?" he was asked.

"Nothing whatsoever," he answered. And then he indicated that he did not desire to prolong the interview.

But though nothing official was promulgated regarding his honor's absence from his desk, rumors were fleet and many. One of these was to the effect that he spent the day visiting friends in Howard county in company with Mr. Thomas Clendinen. This was soon discounted, however, by the discovery that Mr. Clendinen was in town. Another report hinted that the mayor was in Washington attending an extra session conference at the home of Ex-Senator German. A third was to the effect that the mayor spent the day, as Mr. Gephart vainly intended to spend it, in looking up the law in the case of "Thomas G. Hayes, a taxpayer, vs. James P. Gorter, collector of Baltimore City, and James H. Smith, comptroller."

Today the Court of Appeals will hear the arguments of the opposing counsel in this celebrated action, and in consequence a part of lawyers and councilmen will journey to

Annapolis by the 8.50 train this morning. Mr. Edgar H. Gans, the mayor's attorney, will be one of the party. Others will be Mr. Bernard Carter, counsel for the solons; Mr. H. Arthur Stump, counsel for Messrs. Gorter and Smith; Maj. Richard M. Venable, of the Second Branch Council, and the Councilmen Gephart, Brown, L.H. Miller, Wilson, Hubert and Morgan. City Solicitor Whyte and his first assistant, Mr. Bryan, may also make the rip.

The mayor will be unable to go. The points to be decided by the court are:

Did the City Council have the right to amend the ordinance of estimates?

Did the mayor violate the charter by sending his veto of the amendments to the first branch instead of to the second?

Had the council power to fix a tax rate without waiting for a report from the board of estimates?

The case will begin at 10 o'clock this morning, and the lawyers of each side will be given two hours to present their arguments. A decision, it is thought, will be handed down within two weeks. As a result of the decision the tax rate will be fixed, the collection of taxes will be begun and it will be definitely known whether or not the new schools and improved streets provided for in the ordinance of estimates will be constructed.