

Baltimore Morning Herald
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Courts Will Take a Hand

Merits of Mayor-Council Contest to Be Decided

Fight to be Friendly

Case Will Reach Court of Appeals Without Delay

Is Levy Ordinance Legal?

Four Main Questions to Be Determined—Plan Proposed by Mayor Venable

From the city hall the mayor-council squabble will journey today to the courthouse. On Saturday it will probably move again, this time to the Court of Appeals at Annapolis.

Mayor Hayes determined upon submitting it to the courts yesterday. Today the city law officers will prepare the papers, and under the Forty-seventh rule of equity practice, the case will go before one of the local courts of equity as a "stated case." A "stated case" is one in which no suit is entered and no injunction or mandamus is asked. The facts are set forth without coloring and to the satisfaction of both parties, the court is merely requested to decide as to the legality of the acts described.

Points at Issue

In the present case the Mayor and a taxpayer will be the plaintiffs and City Collector Gorter the defendant. The points at issue will be as follows:

Did the mayor invalidate his veto of the repaving and school building sections of the ordinance of estimates by sending it to the first branch instead of the second branch?

Did the mayor's veto of the two sections prevail by default through the council's neglect to consider it?

Did the council violate the charter by passing a levy ordinance not reported by the board of estimates?

Did the council violate the charter by considering a levy ordinance not reported by the board of estimates?

Did the council violate the charter by considering a levy ordinance before the ordinance of estimates was passed?

To Court of Appeals

The local court will render a “decree by submission” and the case will go at once to the Court of Appeals. In order that it may be decided at the January term the papers must be in the hands of the clerk of the latter court by Saturday.

In all of its main features the plan is like that suggested a few days ago by Major Venable. It will undoubtedly prove satisfactory to the solons, and in consequence the contest will be an entirely friendly one.

Both Mayor Hayes and Assistant City Solicitor Bryan refused to discuss it yesterday. His honor admitted, however, that a scheme for settling the vexed points was in preparation. Mr. Bryan was in consultation with City Solicitor Whyte for three hours yesterday. During the conference the plan was discussed in detail. To a Herald reporter Mr. Bryan stated that he did not care to reveal what had transpired. When asked about the program outlined above he declined either to affirm or deny that it had been adopted.

Taxes Held Up

Pending the contest in the courts City Collector Gorter will probably make no further preparations for collecting taxes at the \$1.95 rate. He had arranged to have bills printed and expected to begin collections February 1. This plan, however, will be abandoned and all of those taxpayers of Baltimore who hoped to make the 5 percent January discount will be disappointed.

Mayor Hayes’ scheme for securing a legal interpretation of the charter is a good one, in that it does not involve a contest like that engendered by an injunction suit. There will be no rival bill and no charges and countercharges. The facts will be stated simply, as if by a disinterested third party. Whatever decision is rendered will carry with it no sting of defeat to the party declared to be in fault.