

Case No. 5,723. GRAY ET AL. V. MECHANICS' BANK OF ALEXANDRIA.
[2 Cranch, C. C. 51.]¹

Circuit Court, District of Columbia.

July Term, 1812.

BANK CHARTER—CONSTRUCTION—DIRECTORS—MANDAMUS.

Under the charter of the Mechanics' Bank of Alexandria, it is not necessary that the eight directors who are to be practical mechanics, should be in actual practice at the time of the election.

Rule to show cause why a mandamus should not issue to the directors of the Mechanics' Bank of Alexandria, to admit the complainants as directors, in the place of Mr. Langdon, Mr. McGuire, and Mr. Weightman, who, it was alleged, were not practical mechanics at the time of their election. The 5th section of the charter of the 16th of May, 1812, requires that "there shall be fifteen directors, eight of which at least shall be practical mechanics."

C. Lee, for defendants, objected that this was not a case for a mandamus, although it might perhaps be a case for an information in the nature of a quo warranto.

Mr. Taylor, in support of the authority of the court to issue the mandamus, cited 2 Esp. N. P. 661, 666; Anon., 2 Strange, 696; Rex v. Turkey Co., 2 Burrows, 1000; Rex v. Surgeons in London, Id. 892; Rex. v. Barker, 3 Burrows, 1265; 5 Com. Dig. 22.

THE COURT directed the complainants to suggest their case, and support it by affidavits; and said they would consider it and the question of jurisdiction.

Afterwards, THE COURT (nem. com.) was of opinion that it is not necessary that any of the directors should be in actual practice at the time of the election. They gave no opinion as to the jurisdiction.

¹ [Reported by Hon. William Cranch, Chief Judge.]