

Memorial Services Held At Towson For The Late David G. McIntosh, Jr.

Memorial services for David G. McIntosh, Jr., prominent member of the Bar, were held in the Court House at Towson, Md., on June 24th last. Among those who attended the ceremony were members of Mr. McIntosh's family, members of the Bar, many of his friends and Court attaches.

Arrangements for the services were made by a committee appointed by the Court, consisting of James C. L. Anderson, chairman; W. Gill Smith, Laban Sparks, Congressman William P. Cole, Jr., and H. Courtenay Jenifer. The Memorial Minute was presented by Mr. Anderson and seconding addresses were made by Congressman Cole, Messrs. Sparks and Jenifer, James P. Kelley, Carlyle Barton, State Senator James J. Lindsay and Judge Frank I. Duncan, retired member of the Bench.

Chief Judge T. Scott Offutt, who with Associate Judges C. Gus Grason and William H. Lawrence, presided at the exercises, responded on behalf of the Bench.

Following is a complete report of the proceedings:

MEMORIAL MINUTE READ BY JAMES C. L. ANDERSON

May it please the Court, the shocking news of the sudden death of David Gregg McIntosh, Jr., on Thursday, May 9, 1940, was received by the Bench, the Bar and his many friends with profound sorrow and regret. Upon being officially informed of his passing, this Court adjourned on May 10th, 1940, out of respect to his memory, and appointed a committee to draft an appropriate Minute to be submitted on this occasion.

In the death of David McIntosh, Baltimore County and its people have suffered a distinct and tremendous loss. All of his useful life was spent in this county, where he was most highly esteemed and respected by its citizens, and where he was always regarded by the Bench and Bar as one of its finest characters.

He was born in Towson, just across the street from the Court House, on July 1st, 1877, being the only son of the late Colonel David Gregg McIntosh and Virginia Pegram McIntosh. His parents settled in Baltimore County shortly after the close of the Civil War, and Colonel McIntosh resided in Towson until his death in 1916, after a long and successful practice of his profession.

David McIntosh received his early education in the schools of Towson, at Major Hall's School in Baltimore, and Marston's School for Boys. Graduating from the latter in 1895, he entered the Johns Hopkins University, and three years later received his A. B. degree. He entered the University of Maryland Law School after his graduation from Johns Hopkins, and during his law school days was in the office of Messrs. Brown and Brune in Baltimore City. In 1900 he was admitted to the Bar, and continued actively in the practice of law from that time until his death. He was associated with his father, and in 1906 formed a partnership with Mr. James F. Thrift of the Baltimore City Bar, where they engaged in the practice of law under the firm name of McIntosh and Thrift. He was a member of the Maryland State Bar Association, and frequently served on the Executive Council, and as chairman of important committees. From the time of its organization he was a member of the Baltimore County Bar Association, and served as its president in 1928. He was vitally interested in its success, and was always ready to give untriflingly of his time and efforts for the furtherance of its work and progress.

As might be expected from one of his heritage and character, he upheld to the highest degree the traditions of his profession, and in his relation with the Bench, the Bar and his clients, he exemplified a code of ethics and a standard of honor, dignity, courtesy and fairness which were as dear to him as life itself.

Though quiet and dignified, he possessed a forcefulness, coupled with a persuasive eloquence and personality, which made him a formidable advocate in the trial of his cases, and at the same time his judicious temperament and sound judgment enabled him to wisely advise his clients in the matters which they entrusted to his care. He was the soul of honor, and throughout his life in his dealings with his fellowmen, he practiced those principles which were so firmly imbedded in him as a part of his real character.

He entered into politics for the first time in 1913 when he was elected by the people of Baltimore County as a member of the House of Delegates, serving continuously in that body until the fall of 1919, during part of which period he served as Speaker of the House. In the fall of 1919 he was elected to the Senate of Maryland, re-elected in 1923, 1926 and 1930. The members of the Senate held him in such high esteem and so well regarded his leadership and ability, that he was chosen by them as President of the Senate during the Sessions of 1924, 1927 and 1929, over which body he presided with dignity and fairness, and with honor both to himself and the State. It was through his efforts, his counsel and his advice that much of the legislation which has proven so beneficial to the State and this county, was enacted into law.

Baltimore County never had a more faithful, conscientious and efficient representative, and during every session while he was a member of both the House and the Senate, David McIntosh could always be found in Annapolis, where his entire efforts were wholeheartedly exerted for the good of the State and the county which he so honorably and ably represented. It can be truly said that no personal ambition or prejudice influenced him in any manner in his votes or actions, but he followed the dictates of his conscience in the best interest of the county he loved and the people he served. This service never was productive of financial gain and was always rendered at a personal sacrifice.

For thirty-eight years he was a member of the Vestry of Trinity Church, Towson, and throughout this period he gave unstintingly of his time and efforts in the progress and development of the church, and the principles for which it stands.

He was a thorough sportsman, fond of all forms of outdoor sport, but perhaps his greatest love was fox hunting, and for many years he was the president of the Elkridge Hunt Club, which

organization fostered the sport he so greatly enjoyed, and in which he so actively participated.

On February 15th, 1905, he married Miss Charlotte Lowe Riemann, who, with three children, Joseph Riemann McIntosh, Mrs. Charles Turner Williams and David Gregg McIntosh 3rd, one granddaughter, Ann Lowe McIntosh, and one sister, Mrs. Williams Waller Morton, of Richmond, Virginia, survive him.

There never was a more devoted husband, parent or brother, and the great affection he had for all members of his family, which was so fully returned, was the source of deepest gratification to him and undoubtedly the greatest pleasure he derived from life.

As a host his hospitality was unbounded, his home was always open to his friends and associates, and the delightful occasions when he and Mrs. McIntosh entertained the Bench and Bar, were always a source of the greatest pleasure and enjoyment to all those who attended.

To do honor to the memory of a man like David McIntosh is a privilege, and while we thus imperfectly recall his virtues and talents, we realize that words are futile to truly paint the picture. Kind and considerate, honest and sincere at all times throughout a life full of labor and success in his profession, of splendid work as a citizen, and with the highest sense of duty as a lawyer, full of gallantry as a sportsman, and with an abiding faith in his religion and his God, perhaps the crowning glory of it all was his fidelity to duty, his loyalty to his friends, his devotion to his family and a life of domestic peace.

Finally, we feel that he would want it said of him, using the words of the immortal Tennyson:

"Sunset and evening Star,
And one clear call for me,
And may there be no meaning in the Bar,
When I put out to Sea."

We respectfully request your Honors therefore to spread this imperfect memorial upon the records of this Court, that posterity may have handed down to it still another testimonial to his sterling worth.

JAMES C. L. ANDERSON,
W. GILL SMITH,
LABAN SPARKS,
WILLIAM P. COLE, JR.,
H. COURTENAY JENIFER,
Committee.

This resolution has been signed by the members of this committee who were appointed by the Court, and I have been asked by one of these members, Mr. W. Gill Smith, to express his sorrow at his absence, but that he is at home in bed and could not be here through illness.

In presenting this resolution as chairman of the committee, I also want to add a short personal word. I first became associated with David McIntosh upon entering the law office of his father, in the fall of 1908, and since that time my relations with him grew to such an extent that for many years I have regarded him as one of my closest and dearest friends. Sharing offices at Towson practically during the whole period since 1908, and being closely and intimately associated with him since 1921, I knew him perhaps better than any other member of this Bar. To know him and to be associated with him was to love him—no man could ever have had a finer, truer friend, one in whom you felt the utmost confidence, and for whom you always had the highest respect. No words of mind can express my sorrow and regret at his passing.

I can only add that his death has resulted in the severance of that kind of a friendship which few men have the privilege of enjoying, and through the passage of time there shall remain with me a cherished memory that will never fade.

REMARKS OF JAMES P. KELLEY

May it please the Court, I do not want this occasion to pass without contributing a few words in the way of seconding the committee's resolution which Mr. Anderson has just read.

Senator McIntosh and his distinguished father have jointly and individually constituted very important elements in the standing of this Bar and the public affairs of our county, since before I can remember.

During Senator McIntosh's long and continuous career in the State Legislature, which the resolution specifically records in detail, he, as the representative of Baltimore County and the servant of the State, distinguished himself as one of Maryland's ablest and outstanding legislators, and during that time he established a lasting and unblemished reputation for sterling sincerity of purpose, and a conscientious single devotion to the interests of his county and State. During Senator McIntosh's official years, Baltimore County and the State had their most trying and anxious legislative days; we recall he was there during the World War, the various annexation attempts and during the county's reconstruction after annexation had been accomplished. David McIntosh's work at Annapolis, and in the Courts, shall ever stand as a monument to him in Baltimore County and throughout the State.

As a final tribute of respect and

cherished memory, on behalf of the Baltimore County Bar Association, as its president and personally, I second the adoption of the committee's resolution and the motion to adjourn this honorable Court.

REMARKS OF H. COURTENAY JENIFER

Yours Honors—Permit me to pay tribute to the memory of David McIntosh in a very few words, but sincere.

I had for him a warm affection, an ardent admiration, and I am proud to believe that the affection was reciprocated.

He had hosts of warm, true friends, who now confess their great loss and pay tribute to his memory and rejoice in the life he lived so well, so usefully and so honorably.

In every step of his professional and political career, there predominated his unyielding spirit of honor and integrity, which, with the great moral power that pervaded his life, enabled him to resist every possible temptation at any time to swerve from the path of duty. He was honest to such a point of delicacy and refinement in his professional intercourse with his clients that he hardly ever placed a proper estimate upon the valuable services that he performed for them. And in his public life no one would ever have dared by any form of allurement even in the remotest degree to attempt to influence him in the discharge of his public function.

To this end he followed with unflinching footsteps the cardinal principles of his faith and his church.

And so today as I pay my tribute of love and reverence to the memory of my fine friend, it is not as one who sorrows utterly, but as one who looks forward with a faith that is absolute to the time when he and all of us, beyond the trials and tribulations of mere mortality, shall be still employed in working out the ultimate purposes of the Divine Intelligence that created everything.

REMARKS OF LABAN SPARKS

May it please your Honors, and members of the Bar, on these occasions it seems hard to know what to say. David G. McIntosh was my friend for many years. Looking back over the years, the eternal process continues, men live and they die. What we live for and what we accomplish seemingly goes out of memory in a very short time. The only thing we leave is reputation. Our brother was an able lawyer, fair and honorable in all his dealings.

In his public life his standard was always of the highest type of service to his fellowman.

His honor and integrity admits no questioning.

His high character and spotless reputation gives us courage to go on with the battle of life until our time comes to depart. I second the resolution.

REMARKS OF CARLYLE BARTON

May it please the Court: I appreciate the sad privilege extended to me today to second the resolutions offered by Mr. Anderson's committee. This meeting is untimely because of the comparatively early age at which David McIntosh died; he was just arriving at those ripe years when members of our profession can be most useful because of the accumulation of experience which they can bring to the service of their clients.

Baltimore County has suffered other losses like this; we associate the names of Redmond Stewart and Stuart Janney with that of David McIntosh, men still in their prime like him, Redmond Stewart some years earlier, and Stuart Janney but a few weeks ago: I visited David McIntosh in his room at the hospital the afternoon of Stuart Janney's funeral. These men also were members of this Bar, although their practice was more closely identified with Baltimore City.

I had many things in common with David McIntosh. He was about eight years older than I am; close enough to develop an intimacy, yet far enough ahead to furnish an example which a younger man would like to emulate and copy. My father, like his, came to this State from the South, out of the Confederate Army, and like Colonel McIntosh, established himself in the practice of the law here.

I followed David McIntosh as a student at Johns Hopkins and the memory of his class was still very much alive when I entered the university as a freshman five years after he graduated.

I was taken into his college fraternity and I recall his group as active and interested alumni while I was an undergraduate.

I followed him through our Law School at Lombard and Greene streets, and I remember so well after coming to the Bar the help that he gave me when I would come over here from Pikesville thirty years ago to examine a title; he and his father were familiar figures around the Court House in those days, and he was always glad to help me to find the numerous indexes and dockets in the Clerk's office and in the Orphans' Court which had to be seen in order to determine whether there were liens upon the property and whether an estate through which it had passed had been properly administered.

I was a frequent visitor at his home in my courting days, and our contact became closer when I was fortunate enough to marry into his wife's family.

Many of us here have enjoyed his cordial hospitality and are familiar with his attractive life with his family where he reflected those fine traits which he had inherited from his father and which he has passed on to his own children.

Others have referred to his high part in the life of this community; he was a Vestryman of Trinity Church for more than half his life—others have touched upon his fine interest in politics and in the public affairs of the County. All of us knew David McIntosh as a leader in whatever he undertook, a vigorous and fearless fighter in behalf of any cause which he espoused but at the same time an honorable and delightful adversary who it was always a pleasure to find representing the other side.

May it please the Court, it is a real

privilege to second these resolutions; and I heartily do so.

REMARKS OF HON. WILLIAM P. COLE, JR.

With your Honor's permission I desire, as a member of the Committee, to second the adoption of the Resolutions as offered and to add a brief word in supplement thereto.

The members of the Bar of this great County have always been a happy group, steadfastly maintaining the dignity of their profession and through their active participation in public affairs assuring clear, wholesome and honest government therein. Most of the leadership in these two fields of incalculable usefulness has come from our brothers whose ancestors, as well as they, were born and reared within our County and who therefore embraced and protected at all times—more easily than some others, the rich heritage of tradition and accomplishment which has made our home section great. Senator McIntosh, like his distinguished father, was one of our most sincere and affective leaders. I attribute much of the high quality of citizenship and conception of duty so nobly displayed by our people at home in these difficult and trying times, to the example which his presence and his useful life have always furnished. Would that America had more men like David McIntosh at this hour.

REMARKS OF HON. JAMES J. LINDSAY

May it please the Court: It is a sorrowful privilege, but one which I deeply appreciate, to be permitted this opportunity to render tribute to the worth and character of our departed friend, David McIntosh, who I esteemed and loved.

On an occasion such as this, it is difficult indeed to submit remarks that are in every particular suitable and adequate because in an effort to avoid fulsome eulogy we sometimes fall short of paying just homage to the memory of a distinguished citizen.

Someone has said that the darkness of death is like the evening twilight; and just as at the close of day the events of the hours preceding pass in retrospect before us, so this gathering today rekindles in my memory my long acquaintanceship with David McIntosh, which, with the passing years, developed into a firm and lasting friendship throughout the all too short period of his life.

I first began to know David McIntosh intimately in the Legislative Session of 1924, and it was then that I had an opportunity to recognize his worth not only as a lawyer but as a citizen interested in his State and his County, as a counselor and advisor, and above all as a loyal friend.

He was interested in politics but not, I have always sincerely believed, so much in what might be the rewards of political endeavor but in the many opportunities politics presented to be of service to his fellow man and in the companionships and friendships which politics create.

He was candid, frank, fearless and honest; of strong principles and tenacious in his opinions; but transcending all these virtues, he was fair and just, and all things being equal, the natural inclinations of his mind were towards the side of the weak whom he was always eager to defend and protect. These qualities were the fundamentals of his character throughout his public service.

I will not, however, speak of his career as a lawyer, or a distinguished figure in the public life of his State, for others have spoken, and will speak here today, of his outstanding service in these fields of endeavor. I prefer to speak of him as I prefer to remember him: for his outstanding loyalty, for his sincerity, for his fearlessness and honesty of purpose, for his love of justice and his insistence on fair play. All these things David McIntosh stood for, and he never deviated from these standards for the sake of popularity or expediency. They are the virtues which will make him be remembered long after his other attainments are forgotten.

While it can be said that by comparison the life of David McIntosh was short, nevertheless I can say that his life was full of the happiness which comes from the ordinary and normal associations and contracts of life to one who is fond of life and his fellowman. It was a dignified life and it was made useful by his faithful and efficient discharge of high public duties and hallowed by the exercise of those private virtues which were so familiar to all of us.

In words particularly applicable to Senator McIntosh, it has been said: "That when a great and good man dies the skies of this world are luminous long after he is out of sight. Such a man cannot die out of this world. When he goes he leaves behind much of himself. Being dead, he speaks."

The friends of David McIntosh, and there were many in all walks of life, will affectionately cherish his memory, for he was a good friend, loyal, warm-hearted, congenial and sympathetic. May he rest in peace.

REMARKS OF HON. FRANK I. DUNCAN

May it please the Court, may I add just one little forget-me-not to this tribute? I think the outstanding characteristic of Senator McIntosh was that he never forgot he was a gentleman. In the forum, the legislative halls and the Court, among his friends, he was always the courteous gentleman. I had the honor to preside in this Court when he came to the Bar and I watched his progress as he grew in his profession. I shall never forget his courteous manners—always the same. It was sad that he was stricken in an almost youthful period of his life. But it isn't the length of life that counts; it is what you crowd into the life you live.

REMARKS OF THOMAS M. JENIFER

If the Court please, I cannot let this occasion pass without adding my humble tribute to the memory of Senator McIntosh, in whose honor we are gathered.

It was my privilege and pleasure to

have known him since boyhood and to have had extended business and social relations with him in recent years. He was most considerate to me as a young lawyer when I first came to the Bar, but I soon learned that personal friendship meant little to him when the interests of his clients were at stake. He had a high ideal of the duty of a lawyer to his client and no consideration of fear, favor or personal gain could swerve him in this belief.

Enough has been said regarding his ability and attainments as a lawyer, as a statesman and as an untiring public official. I should like to refer briefly to him as a man and to his personal life. It is difficult in this day and time, with our ever changing standards of values, to properly appraise the merits and qualities of a man such as Senator McIntosh. Apart from his wide influence in this County and State through his public service, he exercised an even greater influence because of his qualities of mind and character. He had a profound sense and high ideal of his individual civic and social duties and he assumed his obligations and responsibilities with steadfast purpose. He had a deep religious conviction.

He lived his entire life in Baltimore County and knew its every section, its diversified interests, its conflicting problems.

He was a great lover of horses and of the out-of-doors. He had hunted since boyhood and knew every wooded path and secluded road of the beautiful hills and dales surrounding Towson. He knew the course each fox would probably run and from which knoll the hounds could best be heard or viewed. He loved each field and wooded grove, each ravine and winding stream and the ever-changing beauty of nature through the seasons was the source of great pleasure to him.

As that long caravan of devoted friends left the Church he so long attended and wended its way through the Valley he knew so well, a sudden, silence of sorrow seemed to fall over the countryside.

He took interest in his beautiful home, its lawn, its trees, its garden, its flowers. The spirit of congeniality with his family and hospitality to his friends that prevailed was ideal.

He was a devoted husband, a loving and beloved parent, a "truest friend and noblest foe," admired by his colleagues and respected by his opponents. What more can life bring to any man?

RESPONSE OF JUDGE OFFUTT

In receiving these Resolutions the Court is moved by the long friendship between its members and Senator McIntosh to add a word of its own to what has been so justly said. And while the expression may be personal in form the thought is common to us all.

The Court here learned with unaffected sorrow and a deep sense of personal loss of the death of our brother. He was for so long such an intimate part of our daily lives that it is and for a time will be hard to realize that we will not see again his debonaire figure, nor hear again his cheery voice nor feel again his bright and wholesome presence.

David McIntosh was in many respects an unusual personality. There is about men an aura which sets each apart and gives to each a place in the hearts and minds of those who know him which cannot be filled by another. Others may do the work which he did, and perhaps as well, but the lights and shadows of mind and heart which set apart each individual from his fellows are too subtle and evanescent to be ever united again, and once he has passed his place will remain vacant.

He was singularly fortunate in living his life at a time when the gracious dignity of a world which now seems old was blending with the hard utility of the present. He knew the grace and

the beauty of a day that has gone and will not come back, and also the severe pragmatism of our time. And so he united throughout his life the gracious manner and the endearing charm of those more spacious days with the severe practical efficiency which the life of this day demands.

He was for many years a part and an important part of the history of this County and this State. His public service was long, arduous and highly productive. He served as President of the Maryland Senate, and as Speaker of the House of Delegates. He was mainly responsible for the establishment of a Juvenile Court in this County, under an Act which I think the first in the State to confer special jurisdiction in such cases upon superior courts, and he sponsored and promoted many other Acts which advanced the social and economic interests of his State, his County and their people. His long legislative service was marked by unremitting industry and the highest sense of public duty, and throughout his honorable, distinguished and useful career as a legislator he merited and received the unqualified approval of his people, and enjoyed in full measure the confidence and the respect of his fellow legislators.

He was a capable and successful lawyer. He prepared his cases carefully and thoroughly, he put them on directly and honestly, and he presented them clearly. His high sense of personal and professional honor won for him the full confidence of the court and his fellow lawyers, and throughout his professional life he was true to the best traditions of the American Bar.

Like most American lawyers his activities went beyond his profession, his services were generously given to any charitable or patriotic movement in aid of the general welfare and although immersed in politics and partisan in his loyalty to his party, his partisanship was without rancor or bitterness, and he never subordinated his duty to the public to his loyalty to his party. He gave to his church a life time of devoted and helpful service. He was interested too in the management of private enterprises. In short he was a restless, ever moving and vibrant part of the life of his place and his time.

When all is said and done, when the book is closed, and we have finally laid aside our life-lasting toys, our success and our worth is measured by the place we held in the hearts of those who knew us best and loved us most in the home.

I know of no finer instance of domestic harmony and happiness than the home life of David McIntosh. His wife shared with him all his interests, and contributed generously to the public service which his sense of duty and his natural inclination imposed upon him. Their tastes were congenial, his admiration for her was artless, natural and wholly delightful, and his enjoyment of her affection made the happiness which he enjoyed throughout their union. All of us have enjoyed his generous hospitality and none has been unaffected by its simple and gracious charm. His relation to his children had none of the conventional austerity which so often makes strangers of parents and children. He was to them not only a father but an understanding and loving friend and companion.

Those who knew him will often think of his loyalty, his unconscious courage, and his sincerity, and will long remember the sprightly wit, the ready sympathy, and the cheeriness which endeared him to so many friends.

I feel that this is a better place because he lived in it, I feel that I am better because I knew him.

In token of our respect for his memory, these Resolutions will be entered on the minutes of the Court, a copy thereof sent to his family, and the Court will now adjourn.

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