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TO
December 31, 1954

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to

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Cimino, Peter J.	Sub-curia 9-15-53	72, 73
	Denied 10-3-53	79
Cooper, Charles	Denied 12-22-53	111
Corridi, Armand	Denied 2-6-54	135
Davis, William	Denied 2-6-54	135
Dean, William	Denied 12-5-53	108
Dobbins, James R.	Denied 12-4-54	226
Dozier, Coolidge	Granted 3-6-54	144
Duren, Levy	Denied 4-24-53	57
Ellis, Heber	Denied 12-4-54	226
Ewell, William P.	Denied 10-2-54	197
Ferguson, Willie Harold	Denied 4-11-53	54
Fertitta, Vincent C.	Denied 1st & 2nd Counts	
	Granted 3rd Count	
Ford, Alton C.	Postponed 12-5-53	108
	Denied 12-22-53	111
Gainey, Willie S.	Denied 12-5-53	108
Gattus, William J., Jr.	Denied 11-7-53	87
Genco, Joseph, Jr.	Denied 12-4-54	226
Geppi, Joseph	Granted 11-6-54	208
Gillette, Ulysses T., Jr.	Denied 9-15-53	72, 73
Giordano, Salvatore	Denied 1-30-53	15
Givner, Charles	Denied 11-6-54	208
	Motion for Reargument	
	Denied 11-18-54	209
Grammer, George Edward	Sub-curia 3-7-53	37
	Denied 3-13-53	39-43
Grove, Melvin S.	Sub-curia 2-6-54	135
	Granted 2-11-54	137

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Haar, Albert	Denied 11-6-54	207-208
Hamilton, Jesse Lee	Denied 12-4-54	2 26
Harmon, Charles E.	Denied 11-6-54	208
Harris, Ida	Denied 2-7-53	23
Henninger, Robert J.	Sub-curia 9-15-53	72
	Denied 10-3-53	79
	Granted 4th Count 10-3-53	79
Henson, Earl	Denied 11-7-53	87
Hepp, Robert Kane	Sub-curia 3-13-53	39
	Denied 3-19-53	45
Howard, Eugene	Granted 5-29-53	65, 66
Johnson, Virgie	Denied 9-14-53	71
Jones, C. Edward	To be reargued	207-208
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Jones, Ezekiel	Granted 4-26-54	152
	Denied 12-4-54	226
Jones, Wesley	Denied 9-14-53	71
Kelch, Carl W.	Denied 9-14-53	71
Kellar, Kenneth C.	Denied 6-21-54	170
Kirkley, Earl L.	Denied 11-6-54	208
Kosmicki, Jack Leroy	Denied 10-2-54	197
Kosmicki, Walter Wesley	Denied 10-2-54	187
Krug, William L.	Denied 12-22-53	111
Lapin, Albert M.	Withdrawn	73
Lissau, Herman R.	Granted 4-11-53	54
Lissau, Richard G.	Granted 4-11-53	54
Londeman, William	Denied 10-2-54	197
Martin, Raymond	Granted 2-7-53	23
Mattucci, Anthony	Granted 12-5-53	108
Mattucci, Lillian	Granted 12-5-53	108
Mirabile, Carl M.	Denied 3-6-54	144
Mobley, Samuel	Denied 2-6-54	135
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Pegram, John	Denied 4-24-53	57
Piracci, Dominic	Denied 11-6-54	207-208
Piracci, Construction Co.	Denied 11-6-54	207-208
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	Denied 10-3-53	79
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Sheubrook, John A.	Sub-curia 9-15-53	72-73
	Denied 10-3-53	79
	Granted 4th Count 10-3-53	79
Shultz, Benjamin F.	Denied 1-30-53	15
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Thrower, James	Denied 12-4-54	226
Tischler, Frank Joseph	Withdrawn 6-21-54	170
Whyte, Harry P.	Denied 12-5-53	108
Wilkins, Lewis James	Denied 10-2-54	197
Wilkes, Cornelia	Denied 2-7-53	23
Williams, Clarence	Denied 3-13-53	39
Williams, Ellen	Granted 5-29-53	65-66
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M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Wednesday, January 14, 1953, at 2:00 P. M. in the courtroom of the Superior Court, Room 400, for the purpose of holding memorial services for members of the Baltimore Bar who died during the past year. All of the Judges were present. Chief Judge W. Conwell Smith presided.

Reuben Oppenheimer, president of the Bar Association of Baltimore City opened the meeting and introduced the speakers to the Supreme Bench. The Memorial Minutes and biographical sketches of the deceased attorneys were presented by Ernest F. Fadum, chairman of the Memorial Committee, after which seconding addresses were delivered by Jacob A. Gross and Paul Beall.

Judge Warnken responded on behalf of the Supreme Bench.

There being no further business, the meeting was adjourned.

Memorial Services For Deceased Attorneys Held Yesterday

1-14-53

Memorial services for members of the Baltimore Bar, who died during the past year, were held yesterday afternoon in the Court House before a special meeting of the Supreme Bench of Baltimore.

Arrangements for the ceremony were made by the Memorial Committee of the Bar Association of Baltimore City and the exercises were opened by Reuben Oppenheimer, president of the Association, who introduced the speakers to the Court. The Memorial Minutes and biographical sketches of the deceased attorneys were presented by Ernest F. Fadum, chairman of the Memorial Committee, after which seconding addresses were delivered by Jacob A. Gross and Paul Beall.

Judge S. Ralph Warnken responded on behalf of the Supreme Bench and Chief Judge W. Conwell Smith presided.

The services were attended by a large gathering which included relatives and friends of the deceased lawyers, members of the Bar, Court attaches and many prominent Federal, State and Municipal officials.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

Memorial Services Held At Special Supreme Bench Meeting In Honor Of Deceased Members Of Bar

Memorial services in honor of members of the Baltimore Bar, who died during the past year, were held at a special meeting of the Supreme Bench of Baltimore in the Court House on Wednesday afternoon, January 14th.

Arrangements for the ceremony were made by the Memorial Committee of the Bar Association of Baltimore City and the speakers were introduced to the Court by Reuben Oppenheimer, President of the Association. The Memorial Minute and biographical sketches of the deceased lawyers were presented by Ernest H. Fadum, Chairman of the Memorial Committee, who requested that they be received by the Supreme Bench and preserved among its permanent records. Seconding addresses were delivered by Jacob A. Gross and Paul Beall.

The response on behalf of the Supreme Bench was made by Judge Ralph Warnken and Chief Judge W. Conwell Smith presided.

Attending the exercises were relatives and friends of the deceased attorneys, members of the Bar, Court attaches and many prominent Federal, State and Municipal officials.

Following is a complete report of the proceedings:

REMARKS OF REUBEN OPPENHEIMER

President of the Bar Association of Baltimore City

My It Please Your Honors:

This is a day of remembrance and honor. We of the bench and the bar meet with the relatives of those lawyers whom the last year took from us. No words of ours can assuage the personal loss; there is no one for whom we meet today we do not mourn as friends. But in sadness which death must always mean, we recall those qualities of valor and self-giving to which death is not an end.

The men for whom this memorial is held were of the very varied stuff of our profession. Each one of them, in his own way, served the law. So serving, integrity was the keynote of them all. Each serving, each has shown, to clients and the community in which he lived, that our profession looks beyond the short rewards of personal gain. The lawyer, if he serves the law as these men did, gives of himself in every cause; in court room, office or at home, he takes on the problems of his fellow-men, to help them and to strive for justice; the life of each of these was larger than his own.

In honoring them, we honor our profession. Law is a living thing, whose roots are nourished by such lives. In this profession, decisions, books, statutes are but the outer shell. Law means to all our people the lawyer who expounds and practices it and we are proud of them, in whose memory we meet, exemplified that living law. We create ourselves anew to those traditions they so well upheld.

I present Mr. Ernest F. Fadum, Chairman of the Memorial Committee, who will offer the appropriate Minutes, with seconding addresses Messrs. Jacob A. Gross and Paul Beall, associate members of the committee.

THE BAR ASSOCIATION OF BALTIMORE CITY

The Report of the 1932 Memorial Committee.

The Honorable, the Judges of the Supreme Bench of Baltimore City:

My It Please Your Honors:

The Memorial Committee of the Bar Association of Baltimore reports that, to its knowledge, twenty-three members of the Bench and Bar of the City of Baltimore departed this life during the year 1932.

Their names (arranged alphabetically) and the dates of their deaths are recorded as follows:

Name	Date of Death
PAUL E. BENJAMIN	September 15, 1932
ROBERT FRANCE	November 27, 1932
WILLIS R. JONES	March 17, 1932
SAUL L. JOSEPH	August 9, 1932
HERBERT LEVY	May 14, 1932
HARRY B. MAGERS	June 8, 1932
JOHN E. MAGERS	August 31, 1932
TINO J. MILIO	March 13, 1932
EDWARD L. PARLIETT	April 19, 1932
JOHN W. PRINZ	February 13, 1932
T. WARREN RICE	February 19, 1932
R. CONTEE ROSE	December 28, 1932
CHARLES RUZICKA	November 17, 1932
JERE J. SANTRY	February 16, 1932
FRANK J. SCHAP	May 7, 1932
LEO A. SCHNEIDER	May 1, 1932
WILLIAM R. SEMANS	August 8, 1932
RAPHAEL SEMMES	November 18, 1932
CLARENCE W. SHARP	January 17, 1932
LOUIS H. SHERRY	June 28, 1932
BORIS M. SPECTOR	February 7, 1932
ALBERT G. TOWERS	March 1, 1932
GEORGE M. WHITE	February 24, 1932

Our Heavenly Father, in his infinite wisdom, has called, these our brethren, to their eternal rest—some in the fullness of years, some in the prime of life, and some relatively youthful. While some gained unusual prominence and honors in their chosen profession—others who may have labored equally well did not attain such eminence. In this report none are singled out for special mentioning, lest in so doing it detract from the honor due the others. All have given of their time and talents for the furtherance of civic and charitable affairs. They have borne the trials and tribulations of clients, in addition to their own cares and burdens. So, it is only meet and right that we should assemble here today to do honor to those whose labors are ended and who have gone on before us. It is our prayer that when they appear before the final and omniscient Judge they may hear the words "Well done, thou good and faithful servant."

To the families of those whom we honor this day, there is little we can say that will assuage their grief, and we know that human sympathy is of little avail when the Almighty calls a loved one to his eternal home, yet we wish to assure these bereaved families of our sincere and deep sympathy in the irreparable loss they have sustained in the death of their loved one, and to commend them to Him, while "He moveth in a mysterious way" doeth all things well, and that He will sustain them in this their bereavement now and always, until that blessed day of re-union in eternity, when there will be no more parting and no more sorrow.

Appended hereto are biographical sketches of all those members of our profession in whose memory we are gathered together, and whom, we believe, carried out the best traditions of the profession. It is hoped that their lives will be an inspiration to all, especially the younger lawyers, to take pride in their profession, to maintain its high ideals, to serve justice and mankind, not for material gain, but

satisfaction of serving humanity, and safeguarding human rights, promoting the general welfare of all people.

The 1952 Memorial Committee of the Bar Association of Baltimore respectfully moves that these proceedings be adopted by your assembly and recorded as a part of the permanent records of your honorable Court.

Respectfully submitted,

MORRIS A. BAKER,
PAUL BEALL,
HARVEY C. BICKEL,
BERNARD M. GOLDSTEIN,
EYMAN GINSBERG,
JACOB A. GROSS,
JOHN E. MAERS, JR.,
CHARLES F. STEIN, JR.,
ERNEST F. FADUM, Chairman,

Memorial Committee,
Bar Association of Baltimore City,
January 14, 1952.

**SECONDING ADDRESS BY
JACOB A. GROSS**

Please Your Honors:

This day has been set aside by the Bench and Bar of Baltimore to honor our departed fellow members of the Bar who have gone to their eternal rest during the past year.

We wish to express our deepest sympathy to the families and relatives of our brother members of the Bar who have gone to that "Great Beyond." We wish to express our deepest sympathy to the families and relatives of our brother members of the Bar who have gone to that "Great Beyond." We wish to express our deepest sympathy to the families and relatives of our brother members of the Bar who have gone to that "Great Beyond."

**SECONDING ADDRESS BY
PAUL BEALL**

Please Your Honors:

From the mandate of a Supreme Bench Resolution, it is right proper that we should meet each other and pay our respects to the members of our profession who during the past year have passed away to the sobering thought that, sooner or later, if we continue in the right and narrow path, our own lives will be in the list.

Some of the men whom we think of today are of varied age; some were well established in the practice of the law when we came to the bench, and some were just starting out. Some of the men whom we think of today are of varied age; some were well established in the practice of the law when we came to the bench, and some were just starting out.

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**RESPONSE OF
JUDGE S. RALPH WARREN
For The Supreme Bench of
Baltimore City**

This special meeting of the Supreme Bench is held each year to permanently record the fact and to pay tribute to the memory of those lawyers who died during the preceding year. As a short biographical sketch of each has been submitted by the memorial committee of the Bar Association, it is not necessary, or feasible in this brief response, to refer to them individually.

It has become customary on these occasions to pause momentarily to reflect about world conditions, particularly whether we are doing our part toward maintaining the freedoms which were essential to the life of our departed brethren. We know and enjoyed. This occasion reminds us to put forth greater effort toward that end, I feel sure they would have regarded it as an adequate and fitting tribute to their memory.

While it is very difficult, during the present so-called peace time, to create enthusiasm for the induction of personnel for training and the manufacture of armaments as a defense effort to discourage physical attacks, it is almost impossible to make the public believe or treat seriously, as an undeclared, silent war, without the use of bombs or guns, is now being waged against us and all other democracies (some have already succumbed) which can be more deadly and destructive than all previous wars. The frequent reference to the insidious nature of the attack, and the admonition to re-

alist it has almost become boring or, at least, is received with indifference. It is in such state of mind that lies the enemy's greatest strength.

In order to meet or protect ourselves against this unusual form of war, it is necessary to understand its nature or the method by which the ultimate objective is expected to be achieved. Very broadly stated, the method is to reduce us to a state of weakness by inducing changes in our laws, in our beliefs and in our economy which have the superficial appearance of strength or being more democratic. As the enemy's agents operate on many fronts, the matters sought to be changed in the weakening process are so diverse to be discussed in detail on this occasion. One of the most important and fundamental is the freedoms that we have enjoyed in the past and which have been the foundation of our democracy and the cause of our development into a principal world power.

The agents of our enemy do not strive for quick and major changes. Such efforts would attract attention and develop opposition. They proceed on the basis of "a little at a time." By such method the foundations ultimately can be so affected they will be unable to support the democratic structure in a storm. One of the principal steps toward the ultimate goal is to bring about centralization of power. If accomplished, it is then only necessary, in order to take over, to corrupt or control one group rather than many groups. And yet we have seen the great strides which centralization has made in recent years as state and local communities have surrendered their freedom and independence by giving control to the central government for what appeared to be an attractive reward. It is not suggested that all or any particular part of such centralization was necessarily brought about by our enemy; it is sufficient to realize that, however accomplished, it is playing into the hands of our enemy.

It should also be mentioned that at the present time we are quite vulnerable because, since the first World War, we have done much to weaken ourselves in other respects. In that comparatively short period world conditions and philosophies have greatly changed and some of the changes, through ignorance or lack of watchfulness on our part, have taken root and are being nurtured and exploited by our enemy.

Since the formation of our government there has been a gradual encroachment on our basic freedoms. Such restrictions, although honestly conceived under the belief they were for the general welfare, can, in the course of time, have the same effect as a small hole in a dike, i. e., destroy the entire supporting structure. This result is now part of the planned attack against us. It is carried on under the false cloak of bettering conditions for the greatest number, and is conducted in such insidious manner that the average person does not detect the potential danger involved.

This is where our profession, by assuming the leadership, can guide the people through the many pitfalls that are confronting them and at the same time preserve our fundamental rights. The important part of the lawyer in the formation of our government, and since then in all matters affecting our freedoms, is traditional, and our duty is no less. The problems of government have been getting more complex. Until comparatively recently most of the problems did not concern beyond the confines of our country. Now the closeness of distant points in travel time and the interdependence that exists between most of our free nations, makes many of our problems world problems. There is a delicate balance that must be maintained in the solution of such matters so as not to unduly affect our freedoms. To properly perform this important task the lawyer must by study and learning, keep fully informed as to world matters. The traditions of the past are an assurance that the lawyer will accept the challenge and defend our system of government against all efforts that prejudicially affect it.

The memorial of the committed biographical sketches and remarks of members of the Bar Association will be received and preserved among the permanent records of this Court.

Biographical Sketches

PAUL E. BENJAMIN
Mr. Paul E. Benjamin was born in Baltimore on February 1, 1915. He was educated in the Baltimore Public Schools and thereafter received his Bachelor of Arts and Bachelor of Laws degrees from the University of Maryland.
After his admission to the Bar in Baltimore he actively engaged in the practice of law. He entered the United States Army in 1942 and received an assignment as a special agent in the Center Intelligence Corps. Upon receiving an Honorable Discharge after 3 1/2 years' service he resumed his law practice

In a comparatively brief career at the Bar, Mr. Benjamin earned the respect and confidence of his colleagues and an ever increasing number of clients. His sincerity and conscientiousness in fulfilling the obligations of both his profession and of the community are evident to all who came in contact with him. He served as commander of the Jacob Feinstein Post, Jewish War Veterans; vice commander of the Department of Maryland, J. W. V.; charter member and secretary of the Military Intelligence Association. He was a member of Tau Epsilon Phi Fraternity, the Masonic Post, American Legion, the Phoenix Club, and the Bar Associations.
Mr. Benjamin's promising career at the Bar and in the community were untimely ended by his death after a short illness on September 16, 1952.

He is survived by his wife, the former Miss Jessie Pughatch; 7-year old son, Robert; and two daughters, Lee and Susan Fran Benjamin; parents, Mr. and Mrs. Harry E. Benjamin; a brother, Albert N. Benjamin, and a sister, Mrs. Herbert A. Robinson.
By Bernard M. Goldstein.

ROBERT FRANCE

On Thanksgiving night, Thursday, November 27th, 1952, Judge Robert France died in his sleep. Although bothered by an extremely sore throat for some weeks, he was active until the very end, having presided over Superior Court Part I until the end of the court day of Wednesday, November 26th.

Born in Baltimore fifty-six years ago, the son of an attorney, Mr. France became a member of the American Field Service and served with the troops of the Republic of France as an ammunition truck driver. He later was chosen to attend an Officers' School conducted by the French, and was commissioned a Lieutenant in the French Army, and was made the Commander of a French Ammunition Train. After the United States entered the conflict, he was transferred to the United States Army where he became a Captain. The war ended, he resumed his studies, and was soon admitted to the Maryland Bar.

As an attorney, Judge France became associated with the firm of Janney, Ober, Singuloff and Williams, and later, formed a partnership for the practice of law with Walter V. Harrison.

Robert France was always active in the activities of the Bar Association of Baltimore City, and served as its elected Secretary for many years. In 1938 he was elected its President and served as such through 1939.

While President of the Bar Association, he was prevailed upon by Governor O'Connor to become Chief Magistrate of the Traffic Court of Baltimore City. There had been rumors of irregularities in the conduct of that Court, and Judge France was selected to revamp its practices and put an end to corrupt practices and the usual cries of distress from certain politicians. Judge France's efforts met with popular approval and he was reappointed for another term.

His devotion to his public duty as a magistrate was rewarded by his appointment, in 1943, to the post of Chairman of the State Tax Commission, a position he held until 1945, when he succeeded to resign and become General Counsel of the Public Service Commission of Maryland.

In December, 1946, he was appointed as a Judge of the Supreme Bench of Baltimore City. At the next general election, he was elected for the full term of fifteen years by the electorate of Baltimore City. He carefully performed his duties as such until the day of his untimely death. During his service on the Bench, Judge France officiated in some most important trials, both civil and criminal. He was a member of the Court in the first Edward murder trial, and also in the trials growing out of the Thames Street bombing.

As a Judge he brought dignity to the court while at the same time creating litigants, witnesses and counsel with the greatest respect. His knowledge of human behavior, perhaps exceeded his legal learning, for he was always ready to help develop facts, put the witness at his ease, and gently but firmly put the questioner at his ease. He was a manner calculated not to prejudice the lawyer's case, or in the eyes of his client.

Always interested in civic affairs, Judge France somehow found time to devote for the betterment of his community. Among other activities, he served as a member of the Sherwood Commission, which made a thorough study of the financial structure of the State and the recommendations of which have greatly improved the State's affairs. During World War II he served as Executive Chairman of the Maryland Council for Civic Defense, and was at the same time a leader in emergency Red Cross appeals.

While held in high esteem as a just and wise associate on the Supreme Bench and by the Bar, Robert France will be longer remembered as a kind scholarly gentleman and as a friend. Above all, he was human. Always in good humor, well mannered, well educated, and with a charming personality, he was a most delightful companion and a true friend. He was interested in life, and in people; attributes retained after becoming a Judge. He continued to be the same old Bobby, to his old friends, as well as to those knowing him later. Always ready to assist and counsel the young attorney, always ready to share the confidences of his older friends. A bachelor until he was 52, Judge France married the former Mrs. MacKenzie Roberts on December 31,

1948. She, with a sister, Mrs. Margaret Caulfield of Hartford, Connecticut, a brother, Joseph France of the Baltimore Bar, and a brother, Dr. Richard France, of Nashville, Tennessee, survive.

As was said in an editorial in the Baltimore Sun of December 29th, "More of a few of his generation will find life duller than that."
By Walter V. Harrison.

WILLIS R. JONES

Willis R. Jones, Sr., was born in Bethel, North Carolina on March 9, 1892, and died at Meriden, Connecticut, on March 17, 1952, after a short illness, leaving surviving him his widow and three sons.

Mr. Jones first came to Baltimore in 1907 after graduating from the Bethel High School to enter business college. After studying book-keeping and accountancy for a year he went to the University of Maryland and Dohme. In 1911 he started night law school at the University of Maryland and left the drug firm in 1914 after graduating from the University of Maryland School of Law.

Early in his career, Mr. Jones was an outspoken opponent of the women's suffrage amendment and some of his rallies when he was running for House of Delegates in 1919 were picketed by angry women. In 1935, however, he stated in a campaign document that "women possess equal rights with men to participate in public affairs and equitable recognition should be accorded to them by the Democratic Party and by public officials and agencies vested with authority to act."

In the 1920 Legislature Mr. Jones had championed a State Wide Merit System Law, and in 1935 as counsel for the Maryland Classified Employees Association, he charged that the Merit System Law was being violated in the State Roads Commission. His principal target was Harry L. Jones, State Employment Commission and the affair finally became known as "Jones vs. Jones."

Mr. Jones first entered politics during the Ritchie administration when he was elected as a member of the House of Delegates in the year 1919 where he served one term. Mr. Jones was appointed Assistant Attorney General in 1923 and served in that capacity until 1931 when he was made a member of the State Bar.

After his unsuccessful run for the Democratic nomination for Attorney General in 1935, Mr. Jones was appointed Chairman of the Maryland Board of Correction by Governor Herbert R. O'Connor. In that position he took a firm stand in favor of using prison labor on State projects, and was instrumental in getting the State Law amended so that prison made goods could be sold to the State and Federal Government. Mr. Jones in 1941 also took a leading part in the extension of supervised parole for prisoners.

In 1935 Mr. Jones was appointed by Senator O'Connor to serve on a Commission to Seek a More Economical Set Up For the State, and in 1940 he was named a member of the Commission on Prison Control, Probation and Parole under Governor Lane.

Mr. Jones was a member of the Baltimore City Bar Association, Maryland State Bar Association, Trial Table Law Club, Lawyers Civic Association and The University Club.

Mr. Jones is buried in the family cemetery lot a few miles outside of Bethel, North Carolina.

By James E. Jones.

SAUL L. JOSEPH

Mr. Saul L. Joseph was born in Baltimore, Maryland, on January 16, 1897. He was educated in the Public Schools of Baltimore City and graduated from the University of Maryland Law School with the degree of Bachelor of Laws.

Upon passing the Bar Examinations in 1922, Mr. Joseph immediately began the practice of law in Maryland, where his colleagues succeeded to the date of his death on August 9, 1952.

In July, 1928, he was married to Ann Seldner (Joseph) who together with a son, Jay Robert Joseph, a student at the University of Maryland, survive him. Mr. Joseph was recognized at the Bar as a specialist and authority on real estate law and was one of his colleagues at the Bar were accustomed to avail themselves of his expert knowledge and judgment in that field. His sincerity and devotion to the highest ideals of the profession were exemplified in the course of his career at the Bar and his high-minded and selfless character endeared him to his many friends and acquaintances and his clients.

By Bernard M. Goldstein.

HERBERT LEVY

Herbert Levy, whose death occurred on May 14, 1952, was a lawyer of exceptional abilities and strong personality who will long be remembered by the Bar of this City. He was born in Baltimore on July 22, 1890, the only son of the late Jacob and Lily Levy. He was graduated with honors from City College of Baltimore in 1913. While attending the University of Maryland Law School, he also went to business college, and before receiving his law degree, he served in the office of Clarence W. Perkins. In 1916, Herbert Levy earned his LL.B. degree and received the prize annually awarded to the graduating student with the highest scholastic standing. He became an associate of the law firm of Congressman Condy and Senator Perkins, where he remained until his enlistment in the U. S. Naval Reserve in 1917. He was appointed an assistant Attorney General in 1922, and served as such with great distinction during the regime of Attorney General Thomas Robinson, until the latter's death in 1930. Thereafter he practiced law in partnership with Senator Tydings and the late Major Robert H. Archer, before undergoing various changes and being admitted at the time of his withdrawal from it in

Tydings, Sauerwein, Levy Archer. Herbert Levy was known and respected for his ordinary legal ability, integrity and outspoken courage. He was distinguished as counsel for receiver of the Chesapeake and participated in many causes celebres, such as the Will cases and The Seven of Moses case. At the time of the war, he was a member of the War Commission to investigate the Baltimore Transit Commission. His indefatigable work on Commission attracted wide attention and praise. He ran from a fight and during rear often took a leading but able part in public controversy. Notwithstanding an intensely and highly successful legal career, he always found time for intellectual and cultural pursuits and public service. He was a resident of the Baltimore City Association and served on many committees. He also was a member of the American and Maryland State Bar Associations. He is survived by his wife Ethel and his daughters Jane and Sally.

By David P. Gordon.

HARRY B. MAGERS

Harry B. Magers, son of John M. Magers and Hannah White Magers, was born in Baltimore on June 21, 1892. After graduating from the University of Maryland Law School, he was admitted to the Bar in 1914. He specialized in real estate work and was associated with his brother, John E. Magers, Sr., in the firm of Magers and Magers. He died on June 8, 1962, after a prolonged illness. His keen sense of humor earned him many friends not only among his professional associates but also throughout the city in his younger days. He was an athlete and a rower. He was a member of the Masonic Order; of Sharon Lodge, of Druid Lodge, of Beauseant Commandery, and also of the Elks Club of Lebanon.

Mr. Magers is survived by a wife, Nellie M. Magers.

By John E. Magers, Jr.

JOHN E. MAGERS

John E. Magers was born in Baltimore on March 8, 1882, the son of John M. Magers and Hannah White Magers. He was educated in public schools and attended the University of Maryland Law School, graduating in 1914. He was admitted to the Bar in 1914 and engaged actively in the practice of law until his last illness in 1962. During his career he gained a reputation as a trial lawyer and was known for his spirit and sense of humor. He enjoyed wide popularity among his fellow lawyers and his friends among them. He died on August 31, 1962, was a member of the Bar.

Interested in alumni affairs of the University of Maryland, John Magers served many years as President of the Law School Alumni Association. He also was the prime mover in keeping together this law school class of 1914, organizing annual banquets for the members until 1951. He was active in Masonry, being a member of Sharon Lodge, Druid Chapter, Monumental Commandery and Bount Temple, and also of the Tall Cedars of Lebanon.

He is survived by his widow, the former Helen Small of Baltimore, a son, John E. Magers, Jr., also a member of the Bar and associated with his father until his death, and a sister, Nellie M. Magers.

By John E. Magers, Jr.

TINO J. MILLO

Tino J. Millo was born in Patti, Italy, on September 8, 1900. He came to the United States as a child, and after completing his elementary education in the Parochial Schools, he continued his high school education at Loyola High School, Baltimore, Maryland. After successful completion of his preliminary education, Mr. Millo studied law at the University of Maryland, School of Law.

During the World War I, he enlisted as a cadet officer and continued advanced study of Law at Chestertown, Maryland, specializing in military law. He emerged as a First Lieutenant. In 1920, Mr. Millo passed the State Board of Law Examiners and began his practice of law. After several years in Maryland, he was also admitted to the Pennsylvania Bar at York. For many years he was in private practice there until he was appointed head counsel for the State Compensation Board of Pennsylvania. Because of prolonged illness, he was forced to suspend his practice and shortly thereafter returned to Maryland where he remained until his death on March 13, 1962. He was buried at the National Cemetery with full military honors.

A nephew, Louis R. Millo, now succeeds him as a member of the legal profession.

By Louis R. Millo.

EDWARD L. PARLETT

Edward L. Parlett was born in Baltimore, Maryland, on the 7th day of September, 1898, the only child of William Marcellus Parlett and Katie Lambert Parlett. He attended the public grade schools and the Baltimore City College, from which he was graduated in the year 1918; and, subsequently was a student at St. John's College and the University of Pennsylvania. In the year 1925, he received his Bachelor of Law Degree from the University of Maryland, and thereafter practiced in this City until the date of his death, April 10, 1962. On the 28th of September, 1929, he was married to Miss M. Evelyn Earp at the First Baptist Church of this City. Mr. Parlett, as he was familiarly known, devoted the best of his ability and conscientiously applied himself to any task committed to him. An example of the ardor he ex-

hibited in the performance of tasks assigned to him are found in the services rendered by him as Counsel for the Appellate Rating Board during World War II, to which he devoted many hours of his time and attention; a thankless but necessary work which had been assigned to him, and which he felt it was his patriotic duty to perform. Further illustrations of his willingness to serve when called upon are shown by his serving on Committees of the Bar Association, including the Memorial Committee, of which he was, at one time, Chairman.

Edward L. Parlett was characterized by a warm heart, a ready wit, and a willingness to help others. These characteristics endeared him to those who knew him, albeit toward the end they were somewhat dimmed by his sadness at the gradual loss of his eyesight. He died at the age of fifty-four—all too soon a victim of the Grim Reaper. His friends of long standing will truly say, "He is gone, but not forgotten."

By Guy B. Brown.

JOHN W. PRINZ

John W. Prinz was a member of the local Bar and former Associate Judge of the People's Court of Baltimore City.

Mr. Prinz died at the age of 64 years on February 13, 1962, following an illness of several months.

He was born in Baltimore and received his early education in the local public schools and at Baltimore City College. He was graduated from the University of Maryland Law School in 1900 and was associated in the practice of law for more than forty years with the late William Curran.

He was elected to the Legislature in 1916 and again in 1917 and was appointed an Associate Judge of the People's Court in 1924 by the late Gov. Albert C. Ritchie, in which capacity he served for eleven years.

He was survived by his wife, Mrs. Marie Heller Prinz; a daughter, Miss Celeste Prinz, and four sisters, Mrs. Lillian Hilsley, Mrs. Adair Berau, Mrs. Harvey Refo and Mrs. Elmer West, all of this city.

—By the Memorial Committee.

T. WARREN RICE

T. Warren Rice died February 19, 1962. He had been a member of the Legislature from the Sixth District and Chairman of the City Delegation. He had been Assistant United States District Attorney and served the United States Government well for many years. All lawyers who came into contact with him found him a very likeable and good natured person.

He left no known survivors.

—By the Memorial Committee.

B. CONTEE ROSE

R. Contee Rose, an able lawyer, respected by both Bench and Bar, passed away December 28, 1962 at the age of 86.

Born at Wye Mills on the Eastern Shore, he came to Baltimore as a youth when his parents removed to this city. He studied at the City College and after graduating there, took his law degree at the University of Maryland in 1907.

To one who knew him well and practiced with him, he appeared as the kind of trial lawyer who could win with but little preparation, engage successfully in the trial of a law case. In this respect, he resembled the English Barristers and this type of trial lawyer is rare in Baltimore today.

He learned to practice law the hard way, which is the best way, that is by being constantly in the courts. And in the course of his work he developed, to a high degree, the art of cross-examination; a much neglected art today. He got his important legal training during the administration of Mayor Preston when great public improvements were being carried out in Baltimore requiring condemnations, public contracts, and the mass of litigation against contractors and their sureties for alleged failure to comply with their contractual obligations.

In 1910 he was appointed Assistant City Solicitor by the late City Solicitor, S. S. Field, an extremely able lawyer who was successful before both court and jury.

When the administration of Mayor Preston was over, Mr. Rose became a member of the firm of Preston and Field and later practiced successfully alone.

He rendered too, important service before the Interstate Commerce Commission in connection with the purported control of the Western Maryland Railway by the B & O Railroad and became impressed with the importance of the Interstate Commerce Commission and of its methods of determining controversies.

He is survived by his wife, formerly Nina Pinckney Didier; two sons, Charles Bowie Rose of this city and Richard Contee Rose, Jr. of Alexandria, Va., and six daughters, Mrs. Henry G. Smith of Fairfax, Va., Mrs. J. Worthington Weatherly, Mrs. Saunders Lee Maulsby, Mrs. Paul J. Patterson, Mrs. Richard N. DeVilbiss and Miss Claudia B. Rose, all of this city. There are fourteen grandchildren.

In religion, he was a devoted member of the Roman Catholic Church and received the degree of Doctor of Laws from Loyola College in 1940. He was too a member of the Lay Council of Loyola College.

Four years prior to his death, Mr. Rose suffered a severe heart attack, but nevertheless, courageously carried on his work until the end.

—By Walter H. Buck.

CHARLES RUZICKA

Charles Ruzicka was born in Baltimore, Maryland, June 1st, 1896, of Czechoslovakian parents. He lived all his life in the city and received his education at Polytechnic Institute, the Johns Hopkins University, Charles University at Prague, and his legal education at the University of Maryland, receiving his degree of

of Laws in 1917. He was elected to the Maryland Bar in 1918, and practiced for the remainder of his life in Maryland, finally in Baltimore City.

October, 1923, Mr. Ruzicka and Miss Phyllis Tutcin of Cambridge, Massachusetts, who survives, there were no children. A few months' illness, Mr. Ruzicka died at the Johns Hopkins Hospital on November 17, 1952, at the age of 66.

He served as an intelligence officer in the Navy during World War I, the termination of that war was a member of the law firm Smith & Smith where he remained until approximately 1928. In Mr. Ruzicka joined the then of Brune, Parker, Carey & the name of which firm became Cook, Ruzicka, Yeazey & of which he remained member until his death. Ruzicka was extremely interested in affairs of the various bar associations, holding appointments in American Bar Association, American Law Institute, American Jurisprudence Society and the International Bar Association. He was a member of the House of Delegates of the American Bar Association for terms from 1937 until 1951, served as a member of the House of Delegates of that Association from 1946 until 1950. Ruzicka was known as an advocate of any cause in which he became interested. Although never having held office, he was a lifelong Republican and participated in many of the councils of the party in Maryland. He was a frequent traveler and in 1935 was one of the few passengers who accompanied Dr. Hugo Eckener on the Graf Zeppelin to Germany. His friends were legion and his untimely death brought widespread

By Joseph T. Bronnen, Jr.

JERE J. SANTRY

J. Santry, a member of the Bar, died on February 10th, after a lengthy illness. He was born in Baltimore and received his education at Calvert Hall High School, Washington College and at the University of Maryland Law School in 1911. His position was Secretary to Judge John Peckel of the Appellate Court. He practiced law until three years ago, when he became ill.

He was a member of the Knights of Columbus. Surviving him are his wife, Alma Marchant Santry, a sister, Mrs. William J. Snelau, a grandchild, Jere J. Santry, Jr., and two grandchildren. Also, two sons, John D. Santry and Joseph Santry, also a lawyer, and a daughter, Mrs. Marie A. Robinson.

By Alma A. Santry.

FRANK J. SCHAP

Frank J. Schap, who died on May 1st at the age of 48 was one of the most able and promising young attorneys practicing at the Bar.

He began his early education at St. Stanislaus Parochial School and was graduated at Baltimore City College in 1924. He received his A. B. degree at Loyola College in 1928 and then completed his legal education at the University of Maryland in 1932.

During his school years, Mr. Schap took a very active part in athletics and became one of the outstanding scholastic players in basketball and basketball. His interest in athletics continued and he was instrumental in organizing neighborhood and lot baseball and basketball teams as an answer to the juvenile delinquency problem in congested areas.

During the years that Mr. Schap studied law and for a short while after he was admitted to the Bar, he was associated with the firm of Coady & Farley. In 1939 he was elected as a member of the Maryland State Legislature and served from 1939 to 1939. He gained the respect of his fellow members for his quick perception of the problems presented and the manner in which he served his constituents. At the expiration of his term he was appointed as a member of the Board of Police Examiners and earned many friends in the Department for his fairness in the administration of his duties. In about 1943 he was appointed to the staff of the Office of Price Administration and spent the following three years touring the state and explaining the purpose of his agency and because of his administrative ability was able to solve many of the intricate problems that arose. In 1946 he was appointed as the Magistrate of the Eastern District Police Station where he served until 1950. He decided to resume the practice of law and then became associated with the law firm of George Hofferbert, where he continued until the time of his demise.

He died at St. Josephs Hospital after a brief illness and the burial service was held at St. Elizabeths Catholic Church. He was buried at the Holy Rosary Cemetery.

He is survived by his wife, Jenn A. Schap (nee Novak) and three children, Barbara, Frank J., Jr., and Alice Schap.

He will be remembered by his many friends as a capable and hard working lawyer and was a "jolly good fellow" at any social gathering.

By The Memorial Committee.

LEO A. SCHNEIDER

Leo A. Schneider was born in Baltimore City, on September 9, 1902, the son of John C. Schneider and Theresa B. Schneider. His early education was afforded through St. James parochial school, which was later supplemented by courses in the public evening schools of Baltimore City.

Having chosen the field of law as a profession, he entered the Law School of the University of Maryland and while remaining his studies there, he served in the Third Department of the old Title Guarantee and

Trust Company. He was graduated from the University of Maryland in 1922, with the degree of Bachelor of Laws and the same year, was admitted to the Bar. From the time of his admission to the date of his demise, Mr. Schneider engaged in the regular practice of law, much of his work, however, being in the field of titles.

On June 29, 1933, he married Miss Clara A. Nowakowski of which marriage two children were born. One son, Leo A. Schneider, Jr., presently survives. Mr. Schneider died on May 1, 1952.

By George F. Fientje, Jr.

RAFAEL SEMMES

Raphael Semmes was born in 1890; A.B. 1912 Princeton; LL.B. 1916 Harvard; admitted to Maryland Bar 1917; officer in United States Army during World War I; practiced law as associate in firm Semmes, Bowen & Semmes from 1920 to 1922, inclusive; Ph.D. 1927 Johns Hopkins University; author of Captains and Mariners of Early Maryland 1937, Crime and Punishment in Early Maryland 1938; chairman of Com. Publications Maryland Historical Society 1945-1949.

Mr. Semmes died suddenly on November 18, 1952, survived by a brother, John E. Semmes, and a sister, Miss Frances C. Semmes, both of Baltimore.

By John E. Semmes.

WILLIAM B. SEMANS

William Ritchie Semans, son of the late Thomas Breckenridge Semans and Virginia Belle Smith Semans, was born in Uniontown, Pennsylvania, September 23, 1896.

He received his early education in private schools at Uniontown and at the Lawrenceville School and upon his graduation from Lawrenceville he entered Princeton University. His education at Princeton was interrupted by World War I and in the spring of 1917, he enlisted in the United States Army. He attended Officers' Training Camp at Fort Niagara, New York, and was commissioned a Second Lieutenant in the Infantry on August 15, 1917. In December of the same year he was commissioned First Lieutenant and later was assigned to the 815 Infantry Regiment, 70th Division, at Camp Meade, Maryland. While stationed at Camp Meade, he met his future wife, Ann Elizabeth Thomas, a daughter of the late Judge William H. Thomas of the Court of Appeals of Maryland. They were married April 1, 1918. He served as an officer of the line with the 70th Division in France and was wounded in action. After the war he was honorably discharged in March, 1919.

After leaving the service, he engaged for a short time in the export coal business and in the fall of 1921 entered the Law School of the University of Maryland. He was graduated from the Law School in 1924 and admitted to the Bar in the fall of that year.

Mr. Semans' early career at the Bar was noteworthy for his industry and ability, especially as a trial lawyer, and these qualities combined with his excellent judgment and keen sense of justice made him a distinguished member of his profession and a leader of the Maryland Bar. Soon after his admission to the Bar, he became a member of the law firm of Barlow, Wilmer, Ambler and Barton and at the time of his death was a senior member of that firm, now Barlow, Wilmer Bramble, Addison and Semans. The scope of his practice was varied and extensive requiring his frequent appearance in the State and Federal Courts, and his sound judgment and advice were sought and valued by his professional associates as well as his clients.

He was a past president of the Bar Association of Baltimore City and was very active both in that Association and the Maryland Bar Association. He served on the important judiciary committees and various other committees of both Associations and also was a member of the American Bar Association.

His interest, however, extended beyond his profession and he gave generously of his time and efforts to civic and other public affairs. He at one time was a member of the Board of the American Red Cross Home Service and served in various capacities with the Community Chest. Although not associated with professional politics he took an active interest in public affairs and served as Chairman of the "Maryland Independents for Wilkie" in the presidential campaign of 1940. During World War II he was a member of one of the Appeal Boards under the Selective Service Act and communications officer with the State Liaison Office at Ellersville. He also served until recently as a member of the Fourth Regional Loyalty Board.

Mr. Semans was a Presbyterian and an active and loyal member of Brown Memorial Presbyterian Church. He was a member of the Men's Club of the Church and served as a member of the Board of Trustees at various times.

He was also a member of many clubs, among others the Bachelors' Cottillon, the Merchants Club, Maryland Club, Green Spring Valley Hunt Club, Baltimore Country Club, the Lawyers' Round Table and the Wranglers, and for many years was a member of the Board of Governors of the Baltimore Country Club. He was also very active in the Princeton and Lawrenceville Alumni Associations.

Mr. Semans' genial manner, keen sense of humor and unusual personal magnetism endeared him to all who were so fortunate as to know him. Everyone who knew him loved and admired him.

Esteemed by the members of his profession, admired and revered by a host of friends and loved by a devoted family, his death on August 8, 1952, in his fifty-fifth year after a brief illness, came as a great shock. His untimely death resulted not only in a great loss to his profession but to the community in

which he lived. We are thankful for that heritage.

Surviving him are his wife, Mrs. Ann Elizabeth Thomas Semans, two sons, William Ritchie Semans, Jr., and Truman Thomas Semans; two grandchildren, and a sister and five brothers.

By F. Fulton Bramble.

CLARENCE W. SHARP

Clarence W. Sharp was born in Baltimore, Maryland, on July 28, 1892. He attended Dickinson College where he was graduated in 1914 and entered the practice of law in Baltimore City.

For a long time he was engaged in the legal department of the New Amsterdam Guaranty Company and for about fifteen years engaged in private practice of law.

He died on January 17, 1952 survived by his wife, Sybil Helen Sharp and a son, Clarence Sharp, Jr.

By The Memorial Committee.

LOUIS H. SHERRY

Mr. Louis H. Sherry was born in New York City on October 24, 1899. His family moved to Baltimore, Maryland, in 1900.

Mr. Sherry graduated from Baltimore City College in June, 1916. He attended the University of Maryland Law School and was graduated on June 14, 1919. He was admitted to the Bar on October 24, 1919.

Mr. Sherry is survived by two daughters, Miss Dorothy Sherry and Miss Beverly Sherry. Mr. Sherry practiced law until 1933 when he was stricken with Parkinson's disease, from which he succumbed on June 28, 1952.

Louis H. Sherry was well liked among his associates and friends.

By The Memorial Committee.

BORRIS M. SPECTOR

Borris M. Spector was born in Russia where he received his early education, graduating with the degree of Doctor of Pharmacy. In 1904, he migrated to the United States settling in Baltimore. Here he owned and operated a number of drug stores, the last at Baltimore and Exeter Streets, during the First World War.

During this period and although he then married an American, the father of four children, he resolved to study law. He thereupon enrolled at the University of Maryland, from which he graduated in 1917 with the degree of Doctor of Laws. Shortly thereafter, he was admitted to the Bar, retired from the practice of pharmacy and became an active practitioner engaging many noteworthy and outstanding cases.

He was very active in communal affairs and belonged to many fraternal organizations, retaining his interest until the time of his death. He was also very interested in his colleagues of the 1917 Class of the University of Maryland and served on the Annual Reunion Committee for many years.

During 1945, he established a winter residence in St. Petersburg, Florida, it being his practice, thereafter, to spend most of each winter there. Suddenly, on February 7, 1952, without prior illness, he died of a heart ailment. His body was returned to Baltimore for burial and interment at Hebrew Friendship Cemetery.

He is survived by his widow, Mrs. Zeldin Spector, and four sons, Joseph W. Spector and Symone S. Spector, both members of the Baltimore Bar, Albert M. Spector and Daniel L. Spector. In addition, he is survived by two brothers and a sister; Marcus Spector of Baltimore, Samuel Spector and Mrs. Lillian Greber of Philadelphia, and seven grandchildren.

By Messrs. Joseph W. & Symone S. Spector.

ALBERT G. TOWERS

Albert G. Towers, a member of the local Bar and former Chairman of the Public Service Commission died on March 3, 1952 at the age of 79.

Mr. Towers was the head of the Board of Supervisors of the City Charities during the 1920's and in 1913 he was appointed to the Public Service Commission. The following year he became Chairman of the Commission and served in that capacity for six years. Mr. Towers was also President of the Title Guarantee and Trust Company and the Mortgage Guarantee Company and for the past ten years had been a member of the Federal Deposit Insurance Corporation. He was a Thirty-second Degree Mason and a member of the Shriners.

He was born in Carroll County in 1873 and was a graduate of the University of Maryland Law School.

He is survived by his wife, Mrs. Mary B. Towers; three daughters, Mrs. William D. Williams of New York, Mrs. Charles Symington of Detroit, and Miss Priscilla Towers; and a son, Albert G. Towers, Jr.

By The Memorial Committee.

GEORGE M. WHITE

On February 24, 1952, George Matthew White while in the prime of his life, died from a heart attack while at his country home in Anne Arundel County. He was buried at Woodlawn Cemetery.

Mr. White was born on December 1, 1891, the son of John Alexander and Amelia Virginia White, of Baltimore. He attended Baltimore City College and, upon his graduation from there, obtained a law degree from the University of Maryland. He was admitted to the Bar in 1912. While he was studying law, he became associated with the Safe Deposit and Trust Company of Baltimore where he made many friends, who continued throughout his life to come to him for counsel and advice.

He held a commission as First Lieutenant in the Air Force in the First World War, and became an accomplished aviator and instructor. Upon his return from the service, he started practice as a lawyer, with offices at the Central Savings Bank Building. In his early days of practice, he and his father organ-

ized the Builders and Mechanics Permanent Building Association, Inc. and he remained counsel for that organization until his death. In 1934 he opened offices in the Central Savings Bank Building with Charles G. Page, with whom he later formed a partnership, White & Page. He remained a member of that firm until his death.

Mr. White retained his interest in trust, probate and property law, from the time of his first association with the Safe Deposit and Trust Company of Baltimore, and he became a recognized authority in that field. Often called upon for advice and assistance by other lawyers, he was always ready to help, and would on occasion spend hours verifying his opinion on a problem for which he would ask no fee. He combined a wide fund of practical experience with a sure knowledge of the law in which he specialized. However, the most outstanding characteristic of his many written legal opinions was his fund of common sense. His suggestions were always practical, and his advice was sought regarding many problems quite unrelated to his specialty.

He served on a number of important committees of the Bar Association, and was often relied upon by legislators and others, to draft legislation. One of his proudest associations was his membership in the People's Court Committee which, under the leadership of our present president, Reuben H. Oppenheimer, rendered a report leading to the reorganization of the People's Court of Baltimore City. He was also for a number of years counselor and intimate advisor of the Girls Latin School, to which he generously devoted a large amount of his time.

Shortly before his death he was recommended by the Judiciary Committee of this Association as qualified to fill a vacancy in the Supreme Bench of Baltimore City. Modest, generous, unassuming, he was respected by all who knew him, and the better they knew him the more they liked and loved him. He departed this life unexpectedly, and at the height of his capacity as a lawyer. He will be remembered with affection by his many friends and the Bar; and he will be profoundly missed by the many who sought his counsel and help.

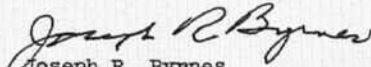
By Charles G. Page.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, January 15, 1953, at 12:30 P. M. All of the Judges were present. Chief Judge W. Conwell Smith presided.

Senate Bill No. 1, introduced at the current meeting of the General Assembly, which would have the Probation Department of the Supreme Bench collect fines imposed by magistrates in Baltimore City, a function heretofore performed by the State Probation Department, was discussed by the Judges. It was the consensus of opinion that such duties should not be taken over by the local Probation Department, and unless additional information is received showing the need for such change, the Supreme Bench is opposed to the Bill.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, January 22, 1953, at 12:30 P. M. All of the Judges were present. Chief Judge W. Conwell Smith presided.


Chief Judge Smith read a letter from Mr. Anselm Sodaro requesting appointment of an Assistant State's Attorney. Mr. Sodaro recited that additional work had been imposed upon his staff, such as the assignment of an Assistant State's Attorney to Traffic Court during the hearing of drunken driving cases, and also an increased number of cases set for trial. Upon motion duly made, Mr. Sodaro's request was approved.

Chief Judge Smith also read a lengthy letter from Mr. A. Earl Shipley, Parole Director, in which Mr. Shipley stated that he was not the sponsor of Senate Bill No. 1, but was of the opinion that the State Parole Department should not continue to collect fines, etc., imposed by Baltimore City Police Magistrates. Unless the City reimbursed the Department, Mr. Shipley was of the opinion that the City agency should make these collections.

A letter sent to the Chief Judge by the Court Stenographers, requesting support of a proposed bill to be introduced during the present session of the General Assembly granting the stenographers an increase in salary, was then discussed. It was

- 2 -

suggested that before the Supreme Bench could act intelligently in this matter, the Judges should first be informed of the earnings of the stenographers. It was agreed that the Chief Judge would confer with the stenographers' committee and tell them of the Judges' position.


Joseph R. Byrnes
Secretary


M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, January 29, 1953, at 12:30 P. M. All of the Judges were present, with the exception of Judge Moser. Chief Judge W. Conwell Smith presided.

A letter from Mr. Anselm Sodaro requesting approval of the appointments of James W. Murphy and James Robert Brown as Assistant State's Attorneys was read by the Chief Judge, and, after discussion, these appointments were approved.

Mr. Lawrence R. Mooney, Clerk of the Criminal Court, requested approval of the appointment of Mrs. Ethel C. Reese to a position in his office. It was suggested that the usual procedure of checking with the Police Department on Mrs. Reese, and also her husband, John Arthur Reese, be followed before taking any further action. Judge Warnken requested that an inquiry be made regarding the occupation of Mr. Reese.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

COPY

10

SUPREME BENCH OF BALTIMORE CITY

February 2, 1953

Honorable Anselm Sodaro
State's Attorney of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Sodaro:

The Supreme Bench of Baltimore City
on Thursday, January 29, 1953, approved the
appointments of Mr. James W. Murphy and Mr. James
Robert Brown as Assistant State's Attorneys.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEHRING



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

JANUARY
TWENTY NINTH
NINETEEN
FIFTY THREE.

ASSISTANT STATE'S ATTORNEYS
GEORGE D. SOLTER
WILLIAM C. ROGERS, JR.
HENRY D. BLAIR, JR.
JOSEPH G. KOUTZ
HENRY L. ROGERS
JULIUS A. ROMANO
THEODORE C. WATERS, JR.

HON. W. CONWELL SMITH, CHIEF JUDGE
AND HONORABLE MEMBERS OF THE SUPREME
BENCH OF BALTIMORE CITY

Honorable Sirs:

It is with deep regret that I advise you that Mr. William C. Rogers, Jr., has submitted his resignation as Assistant State's Attorney effective Saturday, January 31st, 1953, to resume the private practice of law.

To fill this vacancy, I respectfully submit the name of Mr. James W. Murphy for appointment and confirmation as an Assistant State's Attorney.

Mr. Murphy is twenty-seven years of age, and married. He received his elementary education in Baltimore City and his high school education at Mt. St. Joseph's High School. While attending high school he was employed in the afternoon and evening at the A. S. Abell Company. He graduated from high school in June 1943. Immediately thereafter he matriculated at Loyola College.

His college course was interrupted when, in December of 1943, at the age of 17, he enlisted in the United States Army. While in the service, he saw active combat duty in the European Theatre of Operations, and was assigned with an infantry machine gun unit of the 9th Armored Division. Upon his honorable discharge in April 1946, with the rank of Sergeant, he was awarded two Battle Stars.

He subsequently re-enrolled at Loyola College and completed an accelerated pre-law course in September of 1947. In that same year he matriculated at the University of Maryland School of Law and, before graduation, passed the State of Maryland Bar Examination in March of 1950, with the highest grade of all those taking the examination. He graduated in June of 1950 from the University of Maryland School of Law with the degree of Bachelor of Laws.

In September of the same year he was employed by the Legal Aid Bureau as an Assistant Attorney. Thereafter, he was



WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. DEHRING

ASSISTANT STATE'S ATTORNEYS
GEORGE D. SOLTER
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HENRY D. BLAIR, JR.
JOSEPH D. KOUTZ
HENRY L. ROGERS
JULIUS A. ROMANO
THEODORE C. WATERS, JR.

State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

-2-

1/29/53

HON. W. CDNWELL SMITH
AND MEMBERS OF THE SUPREME BENCH OF
BALTIMORE.

with the Re-Development Commission until December 31st, 1952,
when he severed his relations with this Agency to engage in
the private practice of law.

To fill the position of an additional Assistant State's
Attorney, recently approved by your Honorable Body I am submitting
the name of James Robert Brown. Mr. Brown is 26 years of age and
unmarried. He received his elementary education in Baltimore City,
and graduated with honors from Loyola High School in June 1944.

On August 9th, 1944, he entered the United States Army,
and was commissioned a Second Lieutenant in the Tank Corps. He was
sent overseas to the European Theatre of Operations and saw active
combat duty as a Tank Unit Commander.

Upon his separation from the service in September 1946
with the rank of First Lieutenant, he matriculated at Washington
College, Chestertown, Md., completing the four years curriculum
in three by his attendance of summer sessions at Western Maryland
College. In June 1949 graduated with the degree of Bachelor
of Arts. While at College, he was an honor student, majoring in
history and political science. In addition, he received the
Maryland High School Teachers Certificate.

After graduating from College, he matriculated at the
University of Maryland School of Law. At the conclusion of his
second year at Law School, he passed the Maryland State Bar
Examination and was admitted to practice before the Bar of the
Court of Appeals of Maryland and the Supreme Bench of Baltimore
City in November 1951. In June 1952, he graduated from the Law
School with the degree of Bachelor of Laws. Since that time he
has been engaged in the general practice of law.

I have personally known both of these men for a number
of years, and they come to me highly recommended by numerous members
of the Bar and by many prominent citizens in the community.

Trusting these nominations will meet with the approval
of the Supreme Bench, I am,

Respectfully yours,

Anselm Sodaro

STATE'S ATTORNEY

AS:B



Criminal Court of Baltimore.

Lawrence R. Mooney
~~XXXXXXXXXXXX~~ Clerk

January 28, 1953

Honorable W. Conwell Smith, Chief Judge,
Supreme Bench of Baltimore,
Court House,
Baltimore, Maryland.

Dear Judge Smith:

In order to fill the position of secretary in this office, I would like to appoint Mrs. Ethel C. Reese who resides at 216 Mallow Hill Road with her husband and two children. Mrs. Reese is 34 years old, has held several secretarial positions in the past and has been well recommended.

Should her appointment be approved by the Supreme Bench, she will fill the position left vacant by the recent death of Mrs. Thelma E. Ahmen.

Respectfully submitted,

Lawrence R. Mooney, Clerk.

LRM-GB

cc Judge Joseph R. Byrnes, Secretary.



Criminal Court of Baltimore.

Lawrence R. Mooney
~~XXXXXXXXXXXX~~ ClerkJan.
November-30, 1953MEMORANDUM

To: Judge Joseph R. Byrnes

You asked me to furnish the Supreme Bench with information concerning the present occupation of the husband of Mrs. Ethel C. Reese. I should also mention that his name is John Arthur Reese.

For the past year Mr. Reese has been employed as a rate clerk with the Underwriters Rating Bureau, located in the Garrett Building.

Previously, he was employed for fifteen years in the foundry of the American Hammer & Piston Ring Div. of the Koppers Company.

My investigation of this man also brings to light the fact that he is of good moral character.

Respectfully yours,

Clerk

January 30, 1953

Judge Byrnes:

Confidential Report from George J. Brennan, Secty.

Mrs. Ethel C. Reese-216 Mallow Hill Road No Record
J. Arthur Reese- 216 Mallow Hill Road(Husband) No Record
He is a rate clerk, employed by Fire Underwriters Bureau at
239 E. Redwood St.

Mr. and Mrs. Reese have been living at present address for
past three years. They have two children, a boy 12, and a
girl 9 years old.

George J. Brennan

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Friday, January 30, 1953, at 1:30 P. M. All Judges, with the exception of Judges Manley, Moser and Mason, were present. Chief Judge W. Conwell Smith presided.

Upon motion of E. Arthur Hurd, Harry Wilmer Ferkler was admitted to practice as a member of the Baltimore Bar by the Supreme Bench of Baltimore City.

A motion for new trial was granted in the case of Umberto Pisani, Jr., who was convicted on rape and perverted practice charges.

Motions for new trials were denied in the cases of Morris Chernock and Stephen Brown, who were convicted of lottery, and Benjamin F. Shultz and Salvatore Giordano, convicted of bets on races.

The Secretary reported that the files of the Police Department show no record against Mr. John Arthur Reese or his wife, Mrs. Ethel C. Reese. He then read a letter from Mr. Mooney stating that for the past year Mr. Reese has been employed as a rate clerk with the Fire Underwriters Bureau in the Garrett Building, and that previously he was employed for fifteen years in the foundry of the American Hammer & Piston Ring Division of the Koppers Company. Mr. Mooney also stated that from a personal investigation made by him he learned that

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Mr. Reese is a man of good moral character.

The appointment of Mrs. Ethel C. Reese was then approved.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

JANUARY 31, 1953

**Motions For New Trials
Are Decided By The
Supreme Bench**

The Supreme Bench of Baltimore City yesterday granted the motions for a new trial of Umberto Pisani, Jr., who was convicted on rape and perverted practice charges.

Other new trial motions heard by the Judges and which were denied were those of Morris Chernock and Stephen Brown, who were found guilty of lottery and Benjamin F. Shultz and Salvatore Giordano, convicted of bets on races.

Weldon L. Maddox represented Pisani at the hearing, while Assistant State's Attorneys Theodore C. Waters, Jr., William C. Rogers, Jr., and J. Harold Grady appeared on behalf of the State in the other cases.

January 31, 1953

Hon. Lawrence R. Mooney
Clerk, Criminal Court
of Baltimore
Court House,
Baltimore 2, Maryland

Dear Mr. Mooney:

The Supreme Bench at its meeting yesterday approved your appointment of Mrs. Ethel C. Reese to a position in your office.

Cordially yours,

Joseph R. Byrnes
Secretary

JRB:gjh

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, February 5, 1953, at 12:30 P. M. All of the Judges were present with the exception of Judge Moylan. Chief Judge W. Conwell Smith presided.

Judge Warnken made a motion that a copy of the report of the Rules Committee dated January 26, 1953, ^{relating to the question of Orders to be signed by} be sent to ^{Clerks of} each of the Clerks of the Equity Courts ^{of the} advising them that the report had been approved by the Supreme Bench and informing them that they should sign in the future the following orders unless otherwise directed by the presiding Judge of the respective Courts, viz: Orders of Publication against non-resident defendants; Orders relating to hearings under Rule 560 of the Supreme Bench; Orders taking Bills Pro Confesso and accompanying Orders of reference to examiners to take testimony.

The motion was seconded and unanimously carried.

The Chief Judge read a letter from Messrs. Salzman and Klipper, Committee of the Court Reporters, giving information on transcript incomes for 1952 from the various reporters. A copy of the letter is attached hereto.

After discussion, a motion was made and unanimously adopted that the Supreme Bench approve a bill to be introduced increasing the reporters' salaries to \$7,000.00.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

February 5, 1953

Henry J. Ripperger, Esq.
Clerk of the Circuit Court of Balto. City
Room 214, Court House
Baltimore 2, Maryland

Dear Mr. Ripperger:

I am enclosing herewith for your information copy of report of the Rules Committee of the Supreme Bench dated January 26, 1953, which has been approved by the Bench.

The Supreme Bench also decided that the clerks of the equity courts should be informed of the report of the Committee and directed to sign certain orders mentioned in the report unless they were directed to do otherwise by the presiding judge of the court. In this connection, I am sending you a copy of a motion which was made by Judge Warnken and unanimously adopted. You will note that the orders to be signed by the clerk as aforesaid are the following, viz: Orders of Publication against non-resident defendants; Orders taking Bills Pro Confesso and accompanying Orders of reference to examiners to take testimony; and Orders relating to hearings under rule 560 of the Supreme Bench.

Yours very truly,

John T. Tucker

JTT/1
enc/

February 5, 1953

John S. Clarke, Esq.
Clerk of the Circuit Court No. 2 of Balto. City
Room 241, Court House
Baltimore 2, Maryland

Dear Mr. Clarke:

I am enclosing herewith for your information copy of report of the Rules Committee of the Supreme Bench dated January 26, 1953, which has been approved by the Bench.

The Supreme Bench also decided that the clerks of the equity courts should be informed of the report of the Committee and directed to sign certain orders mentioned in the report unless they were directed to do otherwise by the presiding judge of the court. In this connection, I am sending you a copy of a motion which was made by Judge Warnken and unanimously adopted. You will note that the orders to be signed by the clerk as aforesaid are the following, viz: Orders of Publication against non-resident defendants; Orders taking Bills Pro Confesso and accompanying Orders of reference to examiners to take testimony; and Orders relating to hearings under rule 560 of the Supreme Bench.

Yours very truly,

John T. Tucker

JTT/1
enc/

Re: Official Court Reporters

February 4, 1953

Hon. W. Conwell Smith,
Chief Judge, Supreme Bench of Baltimore City,
Court House, Baltimore, Maryland.

Dear Judge Smith:

In accordance with your request we are submitting below information with respect to transcript income for 1952 from the various reporters:

	Net Income from Court Transcripts
Cavey, Juvenile Court	\$ 000.00
Ely, Superior Court III	227.00
Frank, Superior Court I	998.88
Goetz, Circuit Court II	1,217.00
Klipper, Common Pleas	1,277.03
Koontz, Criminal Court III	1,838.42
Kratz, Circuit Court	2,160.82
Rosenthal, Superior Court II	858.90
Salzman, Criminal Court	4,602.25

Please note that the figures submitted in our letter of January 14th for out-of-State reporters do not include any transcript fees.

Both Kratz and Salzman state that 1952 was an exceptional year. See memorandum of Salzman attached.

We understand the reporters not listed above are sending letters directly to your Honor.

Respectfully submitted,

Committee.

Memorandum by Salzman

1. Before the new era of jail sentences in gambling cases beginning in 1951, my transcript income from Court averaged about the same as the other reporters.
2. Due to length of court hours in 1951 and 1952, all of the work reflected in transcript income was done in evening hours and Saturdays and Sundays. This work is compulsory; there is no free choice in the matter. Conservatively, I put in at least 70 hours per week during the last two years.

M I N U T E S

A regular monthly meeting of the Supreme Bench of Baltimore City was held on Saturday, February 7, 1953, at 10:00 A. M. All of the Judges were present with the exception of Judge Moylan. Chief Judge W. Conwell Smith presided.

A motion for new trial in the case of Raymond Martin, convicted on two burglary charges, was granted. The Supreme Bench denied his motion for new trial in a third case in which he was convicted of being a rogue and vagabond.

The Supreme Bench denied the new trial motions of Ida Harris, convicted of lottery, and John Payne, Austne Scarlett, Ella Mae Scarlett and Cornelia Wilkes, who were convicted on conspiracy charges.

Because of the new rule permitting Clerks of the Equity Courts to sign certain orders, it was suggested that the language used in decrees pro confesso be revised. The Chief Judge referred the suggestion to the Rules Committee.

There being no further business, the meeting was adjourned.

The Supreme Bench of Baltimore on Saturday denied the new trial motions of Ida Harris, convicted of lottery, and John Payne, Austne Scarlett, Ella Mae Scarlett and Cornelia Wilkes, who were found guilty on conspiracy charges. Raymond Martin was awarded a new trial on two burglary charges upon which he was convicted, but the Judges denied his motion for a new trial in a third case in which he was found guilty of being a rogue and vagabond.

William H. Murphy was the attorney for Martin and Assistant State's Attorneys Theodore C. Waters, Jr. and J. Harold Grady appeared on behalf of the State in the other cases.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

M I N U T E S


A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, February 20¹⁹, 1953, at 12:30 P. M. All of the Judges were present, with the exception of Judge Carter. Chief Judge W. Conwell Smith presided.

The Bench approved the rule suggested by the Rules Committee with respect to People's Court procedure, which was duly circulated. No action was taken on the resolution with respect to filing a list of points to be made at the argument of motions for new trial of criminal cases, as Chief Judge Smith wanted further time to consider it with respect to reducing its length.

The matter of clerks signing orders nisi, which was previously presented to the Bench, was not formally taken up, but as the proposed form of Decree Pro Confesso was circulated and no objection was made Judge Tucker was of the opinion that the Bench should proceed to put it into effect.

The Rules Committee is still to get up a report and recommendation with respect to orders nisi in cases involving change of name. This inadvertently was not covered by the previous consideration of orders to be signed by the clerks so for the time being the clerks will not sign nisi orders with respect to change of name.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

February 7, 1953

To The Chief Judge and Associate Judges
of the Supreme Bench of Baltimore City:

In some cases that are transferred from the People's Court to the law courts of the Supreme Bench, one or more defendants have not been served with summons from the People's Court before the papers are sent to the receiving court. The plaintiff should be able to have such a defendant served with process from the receiving court, and in order to provide means for his doing so, the Committee on Rules recommends the amendment of Rule 638 of the Supreme Bench as set forth in the following proposed resolution, viz:

Resolved, that Rule 638 of the Supreme Bench of Baltimore City, be and it is hereby, amended by adding thereto the following paragraph, viz:

(a) If a defendant in any case has not been summoned by process in the People's Court before the papers in the case have been transferred to one of the law courts of Baltimore City, the clerk of the receiving court shall issue summons against such defendant upon request of the plaintiff and a deposit by him of the clerk's and sheriff's costs in connection with such summons within fifteen days after the case has been docketed in the receiving court. The summons shall be issued in the same form and returnable in the same manner as if the suit had been filed originally in such court. Any defendant who shall be served with process from the receiving court, as aforesaid, shall file pleas or other form of pleading within ten days after the Return Day to which he has been summoned.

Respectfully submitted,

S. Paul Mason

S. Ralph Warnken

John T. Tucker
Committee on Rules

COPY

26

SUPREME BENCH OF BALTIMORE CITY

February 16, 1953

To the Chief Judge and Associate Judges
of the Supreme Bench of Baltimore City:

The Rules Committee of the Supreme Bench recommend the adoption
of the following resolution, viz:

Whereas in the judgment of the members of the
Supreme Bench of Baltimore City it would be helpful
to them in considering motions for new trials in
criminal cases if they knew, prior to reading the
records and hearing arguments, the points that would
be made in behalf of the defendants in support of
such motions;

Be It Resolved, that the Supreme Bench requests
and urges that counsel for any defendant in a criminal
case who has filed a motion for a new trial shall file
with the Clerk of the Supreme Bench a statement, and
two copies thereof, setting forth briefly the points
that he expects to make in his argument in support of
the motion; that such statement and copies should be
filed not later than the time the transcript of testimony
is filed in the office of the Clerk of the Criminal
Court; and that the filing of the statement shall not
bar the defendant, or his counsel, from making other
points that are not mentioned in the statement; and

Further Resolved, that this resolution shall be
published in The Daily Record.

The Committee also recommends that decrees pro confesso in equity
be in substantially the form hereto attached.

Respectfully submitted,

E. Paul Mason

S. Ralph Waraken

John T. Tucker
Committee on Rules

Supreme Bench
of
Baltimore City

S. RALPH WARREN
JUDGE

February 19, 1953

BALTIMORE 2, MARYLAND

Honorable Joseph R. Byrnes,
Court House,
Baltimore-2, Maryland.

Dear Joe:

The Bench approved the rule suggested by the Rules Committee with respect to People's Court procedure, which was duly circulated. No action was taken on the resolution with respect to filing a list of points to be made at the argument of motions for new trial of criminal cases, as Chief Judge Smith wanted further time to consider it with respect to reducing its length.

The matter of clerks signing orders nisi, which was previously presented to the Bench, was not formally taken up, but as the proposed form of Decree Pro Confesso was circulated and no objection was made Judge Tucker thinks we should proceed now to put it into effect. I am so advising John Clarke and he will doubtless take the matter up with Henry Ripperger so that their new forms will be precisely the same.

The Committee is still to get up a report and recommendation with respect to orders nisi in cases involving change of name. This inadvertently was not covered by the previous consideration of orders to be signed by the clerks so for the time being the clerks will not sign nisi orders with respect to change of name.

Sincerely,

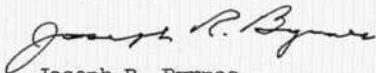
Ralph

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, February 26, 1953, at 12:30 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

The Chief Judge read a letter from Mr. Lawrence R. Mooney, Clerk of the Criminal Court, requesting approval of Mr. John C. McLaughlin, 229 E. 33rd Street, Baltimore, as a deputy clerk of the Criminal Court. This appointment was approved subject to the usual check of the records of the Police Department.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

COPY

SUPREME BENCH OF BALTIMORE CITY

February 27, 1953

Hon. Lawrence R. Mooney
Clerk, Criminal Court of Baltimore
Court House,
Baltimore 2, Maryland

Dear Mr. Mooney:

At a meeting held yesterday, the Supreme Bench approved the appointment of Mr. John C. McLaughlin to fill the vacancy of Deputy Clerk in your office.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh



Criminal Court of Baltimore.

~~W. CONWELL SMITH, Chief Judge~~
Lawrence R. Mooney, Clerk

February 26, 1953

Honorable W. Conwell Smith, Chief Judge
Supreme Bench of Baltimore City
Court House
Baltimore, 2, Maryland

Dear Judge Smith:

To fill the vacancy of Deputy Clerk in this office, I respectfully request the Supreme Bench to approve the appointment of Mr. John C. McLaughlin who resides at 229 East 33rd Street. Mr. McLaughlin is sixty-three years old and was formerly employed for twenty-five years as the Manager of the North Avenue Market.

Enclosed herewith are two letters from persons who have known Mr. McLaughlin for many years which speak for themselves. I might also add that I took the liberty of checking the records of the Police Department in my investigation of this applicant and found no record.

It is my conviction that Mr. McLaughlin is well equipped, both physically and mentally, to handle the clerical duties to which he will be assigned should his appointment be approved.

Respectfully submitted,

L. R. Mooney

Lawrence R. Mooney, Clerk

LRM:ER
Encl. 2

Feb. 26, 1953.

Judge Byrnes
It is reported by George J. Brannan,
Secretary of the Police Board, that there is no
record against John C. McLaughlin.
A. P. Henderson
Deputy Clerk.

JAMES F. THRIFT
ATTORNEY AT LAW
232 EQUITABLE BUILDING
BALTIMORE - 2, MARYLAND

February 25, 1953

Mr. Lawrence Mooney, Clerk
Criminal Court of Baltimore City
Court House
Baltimore 2, Maryland

Dear Mr. Mooney:

I understand that Mr. John McLaughlin is an applicant for a position in your office. From my knowledge of Mr. McLaughlin's character and ability, I can unhesitatingly recommend him to you. He served under me during my entire term as City Comptroller and rendered excellent service, to my entire satisfaction and to that of the City. Subsequently, he was Superintendent of the North Avenue Market, and his record there speaks for itself -- he was a very capable man. I found him always to be honest, truthful, loyal and energetic.

I hope you will be able to find a place for him.

With kindest regards and best wishes, I am,

Yours very truly,


James F. Thrift

JFT:mtv

MARYLAND AND PENNSYLVANIA RAILROAD COMPANY
135 WEST NORTH AVENUE
BALTIMORE 1, MD.

E. J. WEBER
VICE PRESIDENT

February 24, 1953

Mr. Lawrence Mooney,
Clerk, Criminal Court,
Court House,
Baltimore, Maryland.

Dear Mr. Mooney:

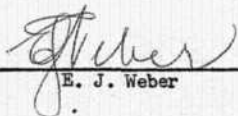
Mr. John C. McLaughlin, of 229 East 33rd Street, Baltimore City, Maryland, has been known to me for the past 25 years.

In my association with him in business, civic and social matters, I have always found him to be of sterling character, honest, and capable in the execution of all undertakings entrusted to him.

It is with pleasure, and without reservation, I recommend him for any position you may have to offer him.

Respectfully yours,

w/k

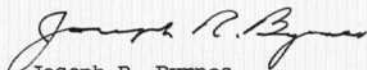

E. J. Weber

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, March 5, 1953, at 12:30 P. M. All of the Judges were present. Chief Judge W. Conwell Smith presided.

Chief Judge Smith announced that there were no matters to be taken up by the Bench.

The meeting was then adjourned.


Joseph R. Byrnes
Secretary

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Friday, March 6, 1953, at 2:00 P. M. in the courtroom of the Superior Court, Room 400, for the purpose of holding a memorial service in honor of Judge Robert France. All of the Judges were present. Chief Judge W. Conwell Smith presided.

Reuben Oppenheimer, president of the Bar Association of Baltimore City opened the ceremony and introduced the speakers to the Bench. Former United States Senator Herbert R. O'Connor presented the Memorial Minute and seconding addresses were delivered by Judge Joseph Sherbow, former member of the Supreme Bench, and by Clarence W. Miles.

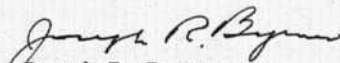
Chief Judge W. Conwell Smith responded on behalf of the Supreme Bench.

There being no further business, the meeting was adjourned.

**Memorial Services For
Judge France Held
Yesterday**

Memorial services in honor of Judge Robert France, member of the Supreme Bench of Baltimore City, who died in November of last year, were held in the Court House yesterday before a special meeting of the Supreme Bench.

The services were arranged by a committee appointed by Reuben Oppenheimer, president of the Bar Association of Baltimore City, who opened the ceremony and introduced the speakers to the Court. Former United States Senator Herbert R. O'Connor presented the Memorial Minute and seconding addresses were delivered by Judge Joseph Sherbow, former member of the Supreme Bench, and by Clarence W. Miles.


Joseph R. Byrnes
Secretary

Chief Judge W. Conwell Smith presided and responded on behalf of the Supreme Bench. The ceremony was witnessed by members of the deceased jurist's family and many prominent government, state and municipal officials as well as members of the Bar and Court attaches.

(the name of TINNAN to be more expensively known by the surname of Tinnan amongst their friends, and for that reason desire their names changed from Leonard Maury Tinnann and Rita Phyllis Tinnann to Leonard Maury Tinnan and Rita Phyllis Tinnan.

It is therefore ordered this 15th day of March, 1963, by the Circuit Court No. 3 of Baltimore City, that the petitioners, by causing a copy of this order to be inserted in the daily newspaper published in the City of Baltimore, once a week for three (3) consecutive weeks before the 15th day of April, 1963, giving notice to whom it may concern to be and appear in this Court, in person or by solicitor on or before the 15th day of April, 1963, to show cause, if any, why decree should not be passed as prayed.

JOHN S. CLARKE, Clerk.

True Copy—Test: JOHN S. CLARKE, Clerk. mh16,23,30

Charles G. Page, Attorney, 300 Title Building. THIS IS TO GIVE NOTICE That the subscriber has obtained from the Orphans' Court of Baltimore City letters testamentary on the estate of

RICHARD S. MENCKER, all late of Miami, Florida, deceased, all persons having claims against said deceased are hereby warned to exhibit the same, with the vouchers thereof legally authenticated, to the subscriber on or before the 17th day of September, 1963; if they may otherwise, by law, be excluded from all benefit of said estate. All persons indebted to said estate are requested to make immediate payment. Given under my hand this 14th day of March, 1963.

WILLIAM P. MENCKER, Executor. mh16,23,30

Richard W. Williams, Attorney, Fidelity Building.

IN THE ORPHANS' COURT OF BALTIMORE CITY—March 14, 1963. Ordered, that the sale of the real estate of LOUISA A. K. OEBRICH, deceased, made by THE FIDELITY TRUST COMPANY (Baltimore, Md.), and STEPHEN N. KRUG, the executors of the last will and testament of the said deceased, in this day reported to this Court, by the said executors be ratified and confirmed, unless cause be shown to the contrary, on or before the 16th day of April, 1963; provided, a copy of this order be inserted in some daily newspaper published in the City of Baltimore, at least once a week, for three successive weeks, before the said 16th day of April, 1963.

The report states the amount of sales to be \$2,151.51.

LEO J. CUMMINGS, SAMUEL LASCHE, DULANY FOSTER, Judges.

True Copy—Test: LEROY C. SHAUGHNESSY, Register of Wills for Baltimore City. mh16,23,30

George Frederick Fleute, Jr., Attorney, 401 Equitable Building.

IN THE ORPHANS' COURT OF BALTIMORE CITY, in the matter of the estate of Mary A. McLernon, deceased.

ORDER. Upon the foregoing petition and affidavit, it is ordered this fourteenth day of March, 1963, by the Orphans' Court of Baltimore City, that GEORGE F. FLEUTE, JR., give NOTICE by publication of a copy of this order, in one of the daily papers in Baltimore City, twice a week for two successive weeks, to the next of kin and MARY A. McLERNON, deceased, to appear in this Court, on or before the first day of March, 1963, by 12 o'clock noon, to show cause, if there be, wherefore the will of the said Mary A. McLernon dated April 19, 1946 should not be probated by this Court.

LEO J. CUMMINGS, SAMUEL LASCHE, DULANY FOSTER, Judges.

True Copy—Test: LEROY C. SHAUGHNESSY, Register of Wills for Baltimore City. mh16,17,23,24

ARTICLES OF DISSOLUTION OF THE BELVEDERE HOTEL CORPORATION were received for record on February 20, 1963, in accordance with the provisions of Sec. 96 of Art. 23 of the Code (1939 Edition).

DEWELEY K. NICE, WILLIAM W. TRAVERS, Commissioners.

The STATE TAX COMMISSION OF MARYLAND hereby gives notice that ARTICLES OF DISSOLUTION OF THE EMPIRE STATE NOVELTY CO., INC., were received for record on February 24, 1963, in accordance with the provisions of Sec. 96 of Art. 23 of the Code (1939 Edition).

DEWELEY K. NICE, WILLIAM W. TRAVERS, Commissioners.

The STATE TAX COMMISSION OF MARYLAND hereby gives notice that ARTICLES OF DISSOLUTION OF THE DORCHESTER CONTRACTORS, INC., were received for record on February 24, 1963, in accordance with the provisions of Sec. 96 of Art. 23 of the Code (1939 Edition).

DEWELEY K. NICE, WILLIAM W. TRAVERS, Commissioners.

The STATE TAX COMMISSION OF MARYLAND hereby gives notice that ARTICLES OF DISSOLUTION OF THE PARK HILL BUILDING COMPANY, INC., were received for record on February 26, 1963, in accordance with the provisions of Sec. 96 of Art. 23 of the Code (1939 Edition).

DEWELEY K. NICE, WILLIAM W. TRAVERS, Commissioners.

The STATE TAX COMMISSION OF MARYLAND hereby gives notice that ARTICLES OF DISSOLUTION OF THE S. J. VAN LILL COMPANY OF BALTIMORE CITY were received for record on February 23, 1963, in accordance with the provisions of Sec. 96 of Art. 23 of the Code (1939 Edition).

DEWELEY K. NICE, WILLIAM W. TRAVERS, Commissioners.

The STATE TAX COMMISSION OF MARYLAND hereby gives notice that ARTICLES OF DISSOLUTION OF THE TOMS J. COMPANY were received for record on February 11, 1963, in accordance with the provisions of Sec. 96 of Art. 23 of the Code (1939 Edition).

DEWELEY K. NICE, WILLIAM W. TRAVERS, Commissioners.

The STATE TAX COMMISSION OF MARYLAND hereby gives notice that ARTICLES OF DISSOLUTION OF THE RECORD REALTY COMPANY were received for record on February 15, 1963, in accordance with the provisions of Sec. 96 of Art. 23 of the Code (1939 Edition).

DEWELEY K. NICE, WILLIAM W. TRAVERS, Commissioners.

Barton, Wilmar, Scramble, Addison & Semans, Attorneys. 906 Mercantile Trust Building. THIS IS TO GIVE NOTICE That the subscriber has obtained from the Orphans' Court of Baltimore City letters of administration of the estate of DANIEL B. GIBSON, deceased. All persons having claims against said deceased are hereby warned to exhibit the same, with the vouchers thereof legally authenticated, to the subscriber on or before the 17th day of September, 1963; if they may otherwise, by law, be excluded from all benefit of said estate. All persons indebted to said estate are requested to make immediate payment. Given under my hand this 14th day of March, 1963.

DEWELEY K. NICE, WILLIAM W. TRAVERS, Commissioners.

AMANDA G. HALL, Administratrix. mh16,23,30

passing on the south side of 27th street 13 feet to the east side of Hunter Alley thence south binding on the east side of Hunter Alley 61 feet to the center of a 10-foot alley thence laid out and thence east binding on the center of said 10-foot alley 13 feet thence north parallel with North Street 63 feet to the place of beginning. Subject to an annual ground rent of \$30 and improved by a TWO-STORY BRICK DWELLING.

Terms of Sale: Cash. A deposit of \$200 will be received at time of sale, balance in cash upon final ratification of sale by the Orphans' Court of Baltimore City; interest to be paid on unpaid purchase money from date of sale to date of settlement. Taxes, water rent, ground rent, and all other public charges, including special paving taxes, if any, to be adjusted to date of sale. All documentary stamps, state and federal, to be paid by purchaser.

JOSEPH A. KING, Administrator.

ALEX COOPER, Auct. mh3,10,17,24,26

PUBLIC AUCTION SALE DESIRABLE FEE-SIMPLE PROPERTIES

Known As 2209-2211 FLEET ST. (Zoned 2nd Commercial) (VACANT)

Sale On Premises TUES., MARCH 17, 1963 AT 2 O'CLOCK P. M.

Improved by a 3-STORY BRICK BUILDING and a 1-STORY FRAMED BUILDING, being fee-simple.

Terms of Sale: Cash deposit of \$600 at time of sale. Balance in cash within 30 days. All adjustments to date of sale interest to be charged at the rate of 6% on the unpaid purchase money from date of sale to date of settlement. All documentary stamps to be paid by purchaser. Bid is reserved to reject any and all bids. Time is of the essence.

Authorized Agents for Owners. A. J. BILLIG & CO., Aucts. mh9,17

DISSOLUTION SALE OF DESIRABLE THREE-STORY BRICK APARTMENT HOUSE PROPERTY

To Be Sold AT PUBLIC AUCTION On The Premises 210 N. BROADWAY WED., MARCH 18, 1963 AT 3.30 O'CLOCK P. M.

Improved by three-story brick building, containing 3 apartments. Oil heat. Ground rent \$48.

Terms of Sale: \$300 deposit at time of sale; balance in 30 days. All adjustments to date of transfer.

ALEX COOPER, Auct. mh6,18

Memorial Services In Honor Of Judge Robert France Held At Meeting Of Supreme Bench

Memorial Services in honor of Judge Robert France, member of the Supreme Bench of Baltimore City, who died in November of last year, were held on Friday, March 6th, at a special meeting of the Supreme Bench.

The ceremony took place in the large Superior Court Room on the fourth floor of the Court House and was witnessed by members of Judge France's family and many prominent Government, State and Municipal officials as well as members of the Bar and Court attaches.

Arrangements for the exercises were made by a committee appointed by Reuben Oppenheimer, President of the Bar Association of Baltimore City and consisting of former United States Senator Herbert R. O'Connor, Chairman; Judge Joseph Sherbow, former member of the Supreme Bench; Clarence W. Miles, Harrison M. Robertson, Jr., Joseph H. A. Rogan and Walter V. Harrison.

Mr. Oppenheimer opened the services and introduced the speakers to the Court. The Memorial Minute was presented by Senator O'Connor and seconding addresses were delivered by Judge Sherbow and Mr. Miles. Chief Judge W. Conwell Smith presided and responded on behalf of the Supreme Bench.

Following is a complete report of the proceedings:

REMARKS OF MR. OPPENHEIMER

May It Please Your Honors:

We meet today in memory of a man whom the Bar honors in respect and love. We respected Judge Robert France because throughout his life, in the positions of public trust which he held, as lawyer and as Judge, he had integrity. In all his dealings with his fellowmen, in his profession and beyond it, fairness and honor were instinctive with him. He made no show of virtue, for his straight-forwardness was as much part of him as face and form. The law, to him, was in its essence fairness, and being fair, his acts and his decisions could but reflect the course that to him seemed the right. So, all who knew him, lawyers, litigants and friends, perceived, and in his unassuming way he drew forth the best in all in an attempt to meet the good so obvious in him.

We loved him for his love of life, his smile and gaiety, his quick response and generosity. To all he knew, he gave of himself without thought of return, so that return was only pleasure. Through all his days life was adventure. Adversity he shunted off with humor and the shadows were dispelled by faith.

It is fitting that the Minutes to be offered here on behalf of our Bar should be presented by our former Governor and Senator, who appointed Robert France to the Bench before which we appear—Herbert R. O'Connor, Chairman of the Memorial Committee. Seconding addresses will be made by former Judge Joseph Sherbow and Clarence W. Miles, associate members of the Committee.

Reuben Oppenheimer,
President The Bar Association of Baltimore City.

MEMORIAL MINUTE BY SENATOR O'CONNOR

Your Honors, May It Please The Court:

It is a sad occasion which brings together the Judges comprising the Supreme Bench and officers and friends of this Honorable Court. We are met to memorialize the public service and more particularly the judicial service of Judge Robert France. While it is unquestionably a sorrowful session, the assignments enabling us to make public acknowledgment of his life, his attributes and his contribution to our day and generation is a welcomed one.

Robert France was born in the City of Baltimore fifty-six years ago, the son of an acknowledged leader of the Maryland Bar, the late Joseph C. France. He was educated at the Boys' Latin School, at the Johns Hopkins University and at the Law School of the University of Maryland. He volunteered as a member of the American Field Service with the armed forces of France and subsequently offered his services to the United States Army and was commissioned as a Captain.

Upon the resumption of his studies he turned his attention to the study of law and, after his admission to the Bar, he entered upon private practice. He joined the legal staff of the City transit company, subsequently was an associate of the firm of Janney, Ober, Slingluff and Williams and still later formed a partnership with Walter V. Harrison, Esq., of the Baltimore Bar.

His abilities were available generously to his brothers of the legal profession by reason of active participation in the activities of the Bar Association. He was elected and re-elected as Secretary of the organization and in 1938 was signally honored by the general membership by designation as President of the Association.

During his incumbency as head of the Bar Association he was prevailed upon to accept appointment as Chief Magistrate of the Traffic Court. Four years later he was appointed to the Chairmanship of the State Tax Commission and in 1945 he accepted the proffered commission to the Chief Counselship of the Public Service Commission.

A vacancy occurring on the Supreme Bench by reason of the untimely death of Judge J. Craig McLanahan, Mr. France was appointed. When the general electorate was called upon to pass upon his fitness to continue the Judicial service, he was elected for the full term of fifteen years.

Willing always to contribute his energies in his time and abilities whenever needed, he was a sincere participant in community and civic undertakings. During World War II he served as Chairman of the Maryland Council of Civilian Defense and was an ardent worker in Red Cross Fund Drives. He also served in the

most important State-wide survey by the Commission appointed to study proposed revision of the tax structure of Maryland.

He was married to the former Mrs. MacKenzie Robertson and survived by his widow; by a sister, Mrs. Margaret Caulfield and by two brothers, Mr. Joseph France, of the Baltimore Bar, and Dr. Richard France, of Nashville, Tennessee.

Yours Honors, the best traditions of our great, free people are exemplified in this memorial. Judge Robert France, to whose memory we are come to pay respectful tribute, was a sincere public servant. He richly merited the gratitude of his fellow citizens whom he served so well. In like measure, he won the esteem and admiration of all who were privileged to enjoy his friendship or to associate with him in the day-to-day life of our community.

Most regrettable is the fact that Judge France was taken by death at a time when his contemporaries assumed he was at the prime of life. He was stricken while an active member of this Honorable Court when all had reason to look forward to many years of further judicial service and countless opportunities to share his companionship, his friendly association and his congeniality. As the more, therefore, was his passing a great shock. All the more poignant is our sense of loss.

In the current sadly disturbed condition of public affairs he was far more than merely a worthy public servant, for he typified to an exceptional degree the virtues which we like to pride ourselves are indigenous to our land.

In a critical period of national affairs, when loyalty to country and to the God-given individual freedoms oftentimes was suspect, even among some in high positions of trust and responsibility, he was the epitome of the true American spirit. During a tragic phase of world transition, when the administration of Justice, in his own chosen field, had been suspended among once-free peoples populating a third of the world's surface, he was a devoted worshipper at the shrine of Justice, a learned, worthy successor of that great line of distinguished jurists who have graced the high courts of our beloved State and nation.

Thus it is a privilege to participate here in memorializing the high qualities of mind and spirit, and the deep humanity and legal learning of our departed, but well remembered, associate and friend. Others will dwell, and rightly so, upon these qualities with which he was so highly endowed. Let me, if you will, address myself briefly to another facet of his character, namely, his capacity for winning and retaining friendships, for endearing himself to all with whom he came in personal or official contact.

Any individual would be blest to enjoy friendship with such a man as he. But even more fortunate is the public official who, when beset with problems on every hand, finds himself favored with the assistance of true devotion, of assured competence and judgment, and of sterling attributes.

While the recital of his official and professional pursuits is indicative of the active and rounded-out career of our late friend, it does not reveal fully all the extraordinary qualities and desirable traits of the individual. Viewed from the point of an appointing officer of the State, Robert France was an exceptional and a keenly adaptable administrator who, in his unselfishness, was ready to accept a call to duty at various posts, as exigencies required, even though his own desires or ambitions did not always point in that direction.

Whether it be a request to assume the Chief Magistracy of the Traffic Court or the Chairmanship of the State Tax Commission or the counselship of the Public Service Commission, his first consideration was not whether he preferred the particular post rather than another of his own choice. He was willing to shoulder the burden without thought of self. While even this inadequate tribute is paid to his unselfishness, it also underlines the versatility and the resourcefulness of the man. The very fact that he performed the varying duties of these offices with success and to complete satisfaction is proof of the ability, the general competence, and the integrity with which he was endowed.

Judge France brought to the public service not only the knowledge requisite, but, in addition, a deep devotion to the idea of service to his fellow man. As his friends well knew, he long cherished the hope that one day he would attain to a Judgeship on the Supreme Bench of Baltimore City. This worthy aspira-

tion he realized, and he was a truly worthy addition to this distinguished Court.

In the annals of this respected Supreme Bench he will be remembered as Judge Robert France—learned, dignified, the quintessence of judicial competence and integrity. But it is with no disrespect or flattery to observe that in an especial way he will always be to us simply "Bobby" France—our friend, our beloved companion, our unfailing source of advice and assistance, no matter what the occasion, or the time, or the place.

He knew the law, and he applied the statutes with judgment befitting the importance of his duties. But he knew, too, how to temper his administration, when occasion demanded, according to the dictates of that humanity which is above and beyond any cold legal words or phrases. In his judgments, the quality of mercy was never strained.

In pausing briefly in our duties today to honor Judge France let it be emphasized, we are not merely adding lustre to the record of one whom we have been privileged to know, to admire and to appreciate. In him, and through him, we are paying tribute to all the dutiful, loyal officials of our State and nation, whose selfless devotion to duty and to the preservation of basic ideals and freedoms has served to buttress those treasured American freedoms which have made ours the greatest nation in all world history.

In paying deserved honor to such as Judge France we are publicly reaffirming our own devotion to the foundational principles of justice and order under law; we are finding renewed inspiration and vitality to carry on the good work which he and so many before him and with him have accomplished for our Government and our citizenry. Such men as Judge France have so lived that Maryland and the nation have been the better for their having lived. As we strive to emulate their shining example, to realize their ideals, so we, too, can contribute in our humble way to enhance the substance of that unique system of free government bequeathed to us by those who, like Judge France, truly loved and served their nation, striving ever for its advancement and preservation.

I beg to suggest to the Court that former Judge Joseph Sherbow and Clarence W. Miles, Esquire, will request permission to make addresses relating to this memorial.

And, may it please the Court, I now most respectfully move that the Supreme Bench of Baltimore City cause to have an appropriate minute entered upon the records in commemoration of the distinguished Judge Robert France in honor of whose memory we assemble at this time.

REMARKS OF JUDGE SHERBOW

It is difficult to express adequately in words the deep affection in which we all held our late colleague and friend, Judge Robert France. It is eminently fitting that we now assemble before the Supreme Bench of Baltimore and reverently give expression to our esteem for him.

In his lifetime he held various high offices and in each he served the people of Baltimore and of Maryland honorably, faithfully and well.

He was always the dignified, but courteous Judge, with an ever present smile, a light touch and a kind word.

The jurors who served for three weeks in his court would frequently, at the end of their service, express to him in open court their deep appreciation for his manly courtesies to them and his consideration for their well-being. It would come spontaneously from the jurors when Judge France thanked them for their service in his court. He loved this—because he was so human.

In many ways, usually unnoticed, he was helpful to lawyers, witnesses and the general public. He could be informal at times, but he was always the Judge, observing the highest standards of integrity and responsibility for his high office. He was patient, kind and considerate; he had no use for bombast and exaggeration.

His judgment was safe and impartial. He was the man and Judge of common sense, who saw the practical problems involved in the case before him and arrive at a realistic solution that was also legally sound.

He did not want to take the position as Chief Magistrate of the Traffic Court of Baltimore City, but when he was prevailed upon to accept that office, he gave it all he had. He knew that the demands of citizens each year came in contact with no other court. He was determined to bring about reforms and changes, all for the better. He was firm at the Traffic Court but always courteous. Under his administration the fixing of parking tickets ended and many other reforms were instituted.

He served as Chairman of the State Tax Commission, as General Counsel to the Public Service Commission from the latter part of 1945 until the end of 1946, and on numerous boards and commissions. We served together on the Maryland Commission for the Distribution of Tax Revenues and there he was a tower of strength. When conflicting views seemed impossible to resolve, he had the right word at the right time and the end product was a unanimous report.

I knew him well over the years we were together at the Bar but our relationship became so much closer when we were on the Bench. We lunched together frequently and his company was always pleasant and always interesting. He was so happy in his home life—so beloved by his friends—and so respected by everyone.

And now, Bobby France is gone. He bore his fatal illness with great courage and with never a complaint. His departure from our midst at so early an age represents an ir-

reparable loss to our Bench, our Bar and our community.

We meet here today to pay our deep respect to a beloved friend who has finished his earthly career. We mourn his passing, and with sadness of heart I second the memorial minute.

REMARKS OF MR. MILES

It is a privilege to join this Court and my colleagues at the Bar in paying tribute to one whom I knew from childhood, the late Judge Robert France.

Born in this city, the son of one of the State's most distinguished lawyers of all time, it was my happy experience to live for a number of years in my youth but a few doors away from the house on Lanvale Street near Park Avenue that was then occupied by the family of the late Joseph France, "Bobby", as he was then and indeed always thereafter affectionately known to his countless friends, was one of the three boys in the family. It is perhaps fitting to observe in passing that two of these boys attained eminence in our profession and the third as a doctor.

Few men of my acquaintance changed so little between boyhood and middle age. At the time of his tragic and premature passing, "Bobby" France exhibited those same worthy and delightful characteristics that I recall so well that he possessed as a boy. Cheerful to an unusual degree and indeed never seemingly in ill humor or depressed, his gracious charm and high spirits were like a tonic to those whom he encountered in his daily life. He was blessed with a marked sense of humor and the gift for reciting mirthful incidents, particularly those concerning his intimate friends. His social graces were so many and of such a pleasing character that he was much sought after as a guest at intimate affairs or large public gatherings.

Never one inclined to speak unkindly of others—even those with whom he violently disagreed—Judge France was ever ready to encourage one who found the going difficult in the pursuit of a worthy objective. In my many years of intimate social, professional and political association with Judge France, I find it difficult to recall any expression on his part that indicated ill-will toward others but fresh in my memory are his generous references to many with whom he came in contact—his brethren at the Bar, his colleagues on this Bench and others of his ever increasing circle of friends.

But with all of his graciousness, good fellowship and ever present good humor—Judge France was a man of great dignity and inherent good taste to whom the administration of "government by cronies" (if I may be permitted the expression) or justice by fear, favor or partiality were utterly abhorrent. Although never stern of mien, never impatient or irascible as a judge, he was, nevertheless, possessed of a manner and conducted his forum in a fashion that won the immediate respect of all having business with the court. Courteous to all counsel, he was particularly gentle with the younger and less experienced lawyers. Although he sought to dispose of all matters before him with dispatch, he was ever patient and rarely inclined to assume the role of counsel. He was a judge before whom lawyers were more than content to have their causes determined.

In the practice of his profession, his earlier years were devoted primarily to the trial of negligence cases but thereafter—as his career in the public service began to unfold—he devoted much of his time and talents to matters concerned with taxation and public utility regulation. In short, his professional life was that of a busy lawyer engaged in general practice but which was repeatedly interrupted in order to permit him to assume the responsibilities of the various important public offices to which he was appointed or elected. The great ability with which he performed his duties as a true public servant have been eloquently reviewed here today by Senator O'Connor and Judge Sberbow.

There is but one other phase of his activities to which I would like to make a very brief reference. He was for years Secretary of the Maryland State Bar Association, an important post which he filled with his characteristic zeal and efficiency. Present at all of the annual meetings for many years, he not only handled the many committee re-

ports, prepared the minutes and otherwise ably discharged the duties required of him but he devoted much of his time and attention to the task of providing for the comfort and entertainment of the members of the Association and its many distinguished guests. His absence for the first time in many years at the last mid-winter meeting was noted with deep sadness by those who attended and appropriate minutes deploring his passing were recorded among the Association's records.

Judge France possessed a great zest for living and lived his life in a fashion that brought joy to many others. He was married comparatively late in his life to a charming lady whom likewise I have had the great privilege of knowing throughout virtually her entire life. Accordingly I refer with considerable emotion to the great love that Judge and Mrs. France bore for each other and the great happiness they enjoyed during their all too brief marital life.

It is not given to man to understand why a Divine Providence should cut so short the life of one who was at the time rendering such distinguished service to his State and whose entire private and public life had been one that could well be adopted as an example for those who follow. I do know that his family should find a great measure of solace and comfort from the heritage of character, service, devotion and accomplishment which he left them and from their knowledge of the universal respect and affection in which he was held by all of us who were privileged to know him and to enjoy his counsel and friendship.

RESPONSE BY CHIEF JUDGE SMITH

Judge Robert France throughout his life discharged his official duties with such avoidance of ostentation, so quietly and effectively that it was not realized until he died, how much we had relied upon him in how many different ways.

His appointment to the Bench in 1946 to succeed the late Judge J. Craig McLambhan capped a career of public service in which he had been Chief Judge of the Traffic Court, Chairman of the State Tax Commission, and General Counsel to the Public Service Commission.

Lawyers found Judge France to be possessed of the personal qualities which make a good nisi prius judge. He was courteous, interested, patient and upright, as well as diligent. He was not oppressive, overbearing nor wise in his own conceit. And always he took keen pleasure in the incidents of the trial, the personal drama of the court room, among the litigants and the witnesses, as well as the lawyers. He may have counted it more interesting to preside over the first all woman jury, than to decide a case which might serve as an important legal precedent.

Modesty, a very desirable quality in a judge, was one of Judge France's great characteristics—his readiness to do the necessary work, which someone must do, but for the doing of which no great public credit is to be earned. It was while he was serving as President of the Bar Association of Baltimore City that he was asked to become Chief Judge of the Traffic Court. Many lawyers in like position of prominence might well have declined the invitation. But not Judge France. He saw merely the need for reform,

and without regard for the effect on his own advancement, accepted the appointment, and instituted the needed reforms—incurring, as a result, a great many political enemies.

He was, at one time or another, Secretary of the Baltimore City Bar Association and Secretary of the Maryland State Bar Association. Soon after he came on the Bench he became Secretary to the Supreme Bench, succeeding Judge Edwin T. Dickerson, and shortly thereafter Secretary to the Judicial Conference. He occupied both of the latter posts at the date of his untimely death.

This modesty was perhaps an inherited quality. His father, the late Joseph C. France, though an acknowledged leader of the bar and the recognized authority on Maryland Corporation law, warned against any memorial service in his own honor, long before his death, saying that if one were held, he would come back to haunt the participants. Judge France, then a young bachelor, lived with his father, and was his constant companion. Through that companionship he became acquainted early with the leading lawyers and Judges throughout the State, of the older generation, and that acquaintance seemed to make it easier for Judge France to act as Secretary, to get people together, when necessary, for meetings. He had a charm, a warmth of personal interest about him which made such gatherings pleasant rather than onerous.

For his private life, outside the profession of law, and away from the court room, I can do no better than quote from the editorial in the Baltimore Sun:

"In his private life he was expansive and joyous, a generous host with a full understanding of the traditions of Maryland hospitality and their significance in the general scheme of things. More than a few men of his generation will find life duller without him."

I hope it will be apparent that I was very fond of Judge France. But I cannot pretend that my affection was greater than that of his other associates, by all of whom he was held in high regard. To all of us it has seemed that when he died, a light went out, which will not be rekindled.

MINUTES

A regular monthly meeting of the Supreme Bench of Baltimore City was held on Saturday, March 7, 1953, at 10:00 A. M. All of the Judges were present with the exception of Judge Moser. Chief Judge W. Conwell Smith presided.

Upon the motion of Mitchell Stevan, Alan M. Resnick and Henry Millner were admitted to practice as members of the Baltimore Bar by the Supreme Bench.

A motion for new trial in the case of George Edward Grammer, who was convicted of murder in the first degree, was heard. The Supreme Bench then held the motion sub curia.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

**Supreme Bench Reserves
Decision On Grammer
New Trial Motion**

The Supreme Bench of Baltimore City on Saturday reserved its decision on the motion for a new trial of George Edward Grammer, who was convicted of murder in the first degree, after hearing arguments on the motion for nearly four hours.

Anselm Sodaro, State's Attorney for Baltimore City, and J. Harold Grady, Assistant State's Attorney, appeared on behalf of the State while Grammer was represented by Judge Joseph Sherbow, former member of the Supreme Bench. Theodore Sherbow and Edward F. Shea, Jr.

**Two New Attorneys Are
Admitted To Practice
By Supreme Bench**

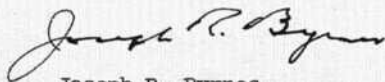
Alan M. Resnick and Henry Millner were admitted to practice as members of the Baltimore Bar by the Supreme Bench of Baltimore on Saturday upon the motion of Mitchell Stevan.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, March 12, 1953, at 12:30 P. M. All of the Judges were present. Chief Judge W. Conwell Smith presided.

Chief Judge Smith reported on the hearing held before the Senate Judiciary Committee on Senate Bill No. 283 relating to consolidation of courts. Judge Smith was of the opinion that the Committee was favorably inclined toward the Bill, but that the Bill might be amended by the Committee.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

M I N U T E S

A special meeting of the Supreme Bench of Baltimore City was held on Friday, March 13, 1953, at 1:30 P. M. All of the Judges were present. Chief Judge W. Conwell Smith presided.

The Supreme Bench denied the motions for new trials of

McConnell Peachie, found guilty of violating the narcotic laws; Clarence Williams, convicted of larceny; and The Television Company of Maryland, found guilty of violating the Sunday Sales law.

The Bench reserved its decision upon the motion for new trial of Robert Kane Hepp, who was convicted of robbery with a deadly weapon and assault charges.

After considerable discussion, the motion for new trial in the case of State vs. George Edward Grammer was denied by a vote of 8 to 2. Chief Judge W. Conwell Smith and Judges Tucker, Moylan, Mason, Manley, Warnken, Carter and Cullen voted in the affirmative. Judges Niles and Byrnes voted in the negative. Judge Moser was not present during this part of the meeting.

It was decided to withhold announcement of the decision until 12:30 P. M., Monday, March 16, 1953, at which time all Judges who cared to do so could file opinions.

There being no further business, the meeting was adjourned.

**Motions For New Trials Are
Decided By Supreme
Bench**

The Supreme Bench of Baltimore yesterday denied the motions for new trials of McConnell Peachie, found guilty of violating the narcotic laws; Clarence Williams, convicted of larceny and The Television Company of Maryland, found guilty of violating the Sunday Sales law. The Bench reserved

its decision upon the motions of Robert Kane Hepp, who was convicted on robbery with a deadly weapon and assault charges.

No decision was announced on the motion of George Edward Grammer, who was found guilty of murder in the first degree, and which was argued before the Bench on March 7th. Chief Judge W. Conwell Smith stated that the Judges will confer again on Monday at 12:30 P. M. and will then make public their decision on the Grammer motion.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

M I N U T E S

A special meeting of the Supreme Bench of Baltimore City was held on Monday, March 16, 1953, at 12:30 P. M. All Judges were present with the exception of Judge Moser. Chief Judge W. Conwell Smith presided.

The purpose of the meeting was to sign the Order denying the motion for a new trial in the case of State vs. George Edward Grammer. The Order denying the motion was signed by

Chief Judge W. Conwell Smith
 Judge John T. Tucker
 Judge Charles E. Moylan
 Judge E. Paul Mason
 Judge Michael J. Manley
 Judge S. Ralph Warnken
 Judge Joseph Carter
 Judge James K. Cullen

Memorandum opinions were filed by Chief Judge Smith, Judge Warnken and Judge Tucker, and a joint opinion dissenting from the majority opinion was filed by Judges Niles and Byrnes.

There being no further business, the meeting was adjourned.

Grammer Loses Appeal To Supreme Bench For New Trial

G. Edward Grammer, convicted of first degree murder in the "near perfect crime" death of his wife last August, has lost his appeal for a new trial.

The Supreme Bench of Baltimore City, in an eight to two vote, turned down his appeal. Judge Emory H. Niles and Joseph Byrnes dissented. Trial Judge Herman Moser did not participate.

The decision followed a week of study on the appeal by the Court. Argument was presented on March 7 by the defense counsel, former Judge Joseph Sherbow, who contended Grammer was denied a fair and impartial trial.

The prosecution contended Grammer killed his wife for what the state called his "hopeless love" of Mathilda Misbrocky, 28, former United Nations employe.

The State said Grammer bludgeoned his wife and then let her automobile run downhill and crash to make her death appear an accident.

Grammer now will be told his fate—death by hanging or life imprisonment, to be decided by Judge Moser.

He may carry his case to the Maryland State Court of Appeals after he is sentenced. (See opinion published in this issue on Pages 2 and 3.)

Joseph R. Byrnes
 Joseph R. Byrnes
 Secretary

Supreme Bench of Baltimore City

Filed March 16, 1953.

Indictment 3544/1952

STATE OF MARYLAND

vs.

GEORGE EDWARD GRAMMER

Anacni Sodaro, States Attorney, and J. Harold Grady, Assistant States Attorney, for State.

Joseph Sherbow, Theodore Sherbow and Edward F. Shea, Jr., for defendant.

OPINION ON MOTION FOR NEW TRIAL

WARNKEN, J.—(MASON, MANLEY, CARTER and CULLEN, JJ., concur in this opinion.)

Defendant's present counsel has argued the following five points in support of his motion for a new trial: (1) Two television broadcasts, on the same evening shortly after defendant signed a confession, another later in which Dr. Fisher appeared, and the information contained in newspaper items and a magazine article were of such nature as to make it impossible for defendant to obtain a fair and impartial trial; (2) The use of such publicity the Court should have postponed the trial to an indefinite date; (3) The use of a fictitious name, with the consent of the trial judge, in taking bail from an important witness who lives in another state to endeavor to assure her appearance at the trial; (4) Admission in evidence of the confession signed by the defendant; (5) The verdict of guilty in the first degree cannot legally be justified from the evidence. These points will be discussed in the above order.

(1) This point involves two parts, viz., (a) defendant, because of said publicity, would have been unable to obtain an impartial jury, and therefore had to elect to have the trial before the judge without a jury; (b) that Judge Moser was similarly affected by the publicity. The latter contention apparently was not shared by Mr. Federico, who tried the case, as he did not request a postponement of the trial or that Judge Moser retire as trial judge. On the contrary he consented to the suggested date of trial and deferred that defendant was rather fortunate to have Judge Moser hear the case as he was sure Judge Moser will give defendant a fair and impartial trial.

As to the first part of the contention, at the arraignment of defendant on September 16, 1952, Mr. Federico elected a trial before the judge after stating that he was mindful of the hysteria that exists in this case and he did not feel any jury anywhere in the country could render his client a fair and impartial trial and for that reason elected a court trial. At that time he said it was agreeable to have the trial on October 14, 1952, which was later postponed to October 14th at the request of the State's Attorney. On the latter date Mr. Federico made a "statement for the record" by proffering as evidence local newspapers, [matter broadcast from] local television and radio stations and Life Magazine issue of September 15th "for the legal reason that" defendant "has been interfered with and deprived of by these publications to a free choice of mind in selecting a fair and impartial trial by a jury, thus depriving him of his constitutional rights of trial by jury." Judge Moser thereupon directed the clerk to arraign defendant. After the pleading not guilty he was asked whether he elected to be tried by a jury or by the judge and he elected to be tried by the judge. Neither before nor after the election of a court trial did defendant move for delay in the actual trial. For that reason and as a jury trial was not requested, there was no need for the judge to examine the proffered publicity data. Mr. Federico made no further reference to it and willingly proceeded with the trial. In this state of the matter there should be nothing for us to consider. But defendant's present counsel says a motion for an indefinite delay should have been made and, in the interest of justice, we should so treat it. To do so would not only create an anomalous and unreal situation, but would be a precedent in the future for discarding all semblance of orderly procedure in criminal trials. In this case change of counsel awards the opportunity to indulge in hindsight, but it also has its limitations.

As there is a total lack of proof in the record that Judge Moser was so affected by said publicity that he could not give a fair and impartial trial, a motion, even if it had been made, for delay would have had no factual support and therefore is not important at the present time. This requires defendant to rely on what is, after all, his main contention, viz., that he elected a court trial because he could not obtain an impartial jury trial. This point assumes Mr. Federico did not act adversely in the action he took or failed to take and that he desired to advise his client to take a jury trial rather than a court trial. This important question must be decided early by counsel in every serious criminal case. While there are various considerations that bear on the decision to be made there is, at least, some element of chance involved. After a choice and a reverse result, one not responsible for the choice is free (as an advocate) to prefer the other method of trial. It is quite possible that very few lawyers, familiar with the facts in this case, would have advised their client to elect a jury trial, but we do not have to resolve that question. In any event as no request for a jury trial was made, whether an impartial jury could be obtained was never presented to or decided by the trial court. Therefore, it cannot be contended that defendant has been prejudiced. Judge Moser specifically commented on the fact that there had been nothing of prospective jurors to find out whether

or such proffered proof, if seen and if read, had such an effect upon their minds that it would be impossible for them to give a fair and impartial trial based only on the evidence heard from the witness stand, which is the test." He also mentioned that with the absolute right of removal from Baltimore City which defendant has, there has been no proof to show that it would not have been possible for defendant to have the benefit of a qualified jury in some other jurisdiction of the state.

Counsel first had to consider, if the confession was admitted in evidence (and this was for the verdict to decide), whether a guilty verdict could possibly be avoided, irrespective of the method of trial, in view of the evidence relating to defendant's identity and the terrible details with respect to the method of causing his wife's death. If it was determined that under such circumstances a verdict of guilty was inevitable, counsel then had to be concerned with the degree, that is, guilty of first or second degree murder. This important question would depend on whether a judge or a jury would be more analytical and detached from the gruesome facts to carefully weigh and consider the elements which constitute the difference between the two degrees of murder. This and other questions involving tactics and strategy have to be determined before the trial. It is far late now to try another course of action. We are unwilling to assume Mr. Federico did not give full consideration to these vital matters and that the action he took or failed to take was not deliberate and believed by him at the time to be in the best interest of his client.

Defendant insists that the matter publicized and the method used was prejudicial to defendant as a matter of law, or, at least, it was of such a character it should be inferred that every prospective juror in Baltimore City had been rendered so partial and prejudiced against defendant that, notwithstanding his consent, he could not give consideration to the evidence which would be produced at the trial. This contention must be rejected because of legal precedents, binding on us, involving similar or worse publicity. It is not feasible or necessary to review all the published or broadcast matter relating to the case. The television broadcast on the evening defendant signed a confession of all the publicity items set forth in defendant's so-called Exhibit 7. Thereafter the newspaper accounts were in substance reiteration in different forms of previously broadcast or published statements with comments, speculations, etc. The statements made during the television broadcast were in brief (omitting embellishments), that after long interrogation of defendant, the State's attorney and police had secured a statement from him, that he visited the scene of the murder with them, the case was concluded, Grammer has been brought to justice and will be charged with murdering his wife. This could only mean to a person of even very average intelligence that defendant had confessed although the word "statement" was used. Other details relating to the crime were published from time to time up to the time of trial.

While this television program was being broadcast the State's Attorneys of Baltimore City and Baltimore County and police officers, who took part in the investigation, were present in the studio and they were separately televised and comments made about their participation in the case. Although these law enforcement officers made no spoken comments during the broadcast, their voluntary presence must have been with knowledge of its purpose and, therefore, they are chargeable with any improprieties involved. We regard such a performance improper, undignified and unnecessary. We take this opportunity to express our disapproval of such practices and hope it will not be repeated in future cases. The courts probably have the traditional power to discipline officials who are a part of the administration of justice.

As above indicated no effort was made by defendant to prove that the published statements were prejudicial. And it is clear from the adjudicated cases they could not be found to be prejudicial merely from reading them. The law with respect to this subject matter was fully reviewed and stated in the recent case of *Baltimore Radio Show, Inc., vs. State*, 193 Md. 90. Although the case involved contempt proceedings against several radio stations, it grew out of the broadcast by radio of information about Eugene James, who was charged with the murder of a child. The latter, an eleven year old girl, was stabbed to death while at play. The information broadcast was furnished by the Police Commissioner of Baltimore City. It was not only stated in the broadcast that James had been arrested and charged with the crime, but he had signed a confession, showed where the carving knife was buried, which was found, had shortly before raped a woman in the vicinity and just recently had been released from a ten year prison

term for stabbing attacks on women. He was found guilty by the court of murder in the first degree and sentenced to be hanged which was affirmed on appeal, after we denied a motion for a new trial. Counsel for James testified in the contempt case that he took a trial by the judge because the facts published about his client made him feel he could not pick a jury which would not be infected by the news of James' confession and his criminal background. This was held to be conclusions of the witness and not statements of fact. The court ruled that prejudice could not be inferred from the broadcasts themselves and there was no direct evidence of prejudice because of the broadcast information. Mr. Federico's statement to Judge Moser as to the reason his client elected a trial by the judge is no different and should be accorded the same characterization as the statement of James' counsel.

Thus the information broadcast about James included other crimes and was more explicit than the publicity data in the present case. It is therefore clear we cannot hold that the defendant was prejudiced in the instant case. Defendant's counsel insists that the ruling on this point in *Baltimore Radio Show, Inc., supra*, is not controlling because that was a contempt case. In its discussion of the legal contentions in *Baltimore Radio Show, Inc., supra*, the Court pointed out and answered one of the questions involved.

"We are asked to hold that disclosure of the fact that the accused had confessed, and had previously been convicted of similar crimes, presented such a clear and present danger as to deprive the accused of his right to a fair trial." (p. 320).

"Assuming that the case at bar was 'pending' as soon as the accused was arrested and charged, but before his indictment, *Berland v. Commonwealth*, 314 Mass. 424, 50 N. E. 2d 210, 216, it seems clear that the mere fact of public statements as to matters that might, or might not, be admissible in evidence against him, would not prevent a trial or vitiate a subsequent verdict. Our decisions so hold." (p. 325).

The Attorney-General in this case made the same point which defendant is now making but the Court's answer was emphatic and left no doubt for the future:

"The State earnestly contends, however, that the question is not whether there is such a showing of prejudice as to vitiate a trial, but whether the statements were reasonably calculated to influence a potential juror. We should have grave difficulty in holding that the same statements that would not be so prejudicial as to require the reversal of a death sentence, could still be so prejudicial as to support convictions for contempt. But even drawing the inference, we think the proof is not made in the present test-laid down by the Supreme Court, which requires more than an inherent or reasonable tendency to prejudice, or even the probability that it will do so." (pp. 330-331).

That the accused in a criminal case must produce proof of prejudice from information published about him is, as the Court said in *Baltimore Radio Show, Inc., supra*, not a new principle of law in Maryland. In that case the Court referred to its previous decisions in *Garitt vs. State*, 71 Md. 208, 900, *Dovins vs. State*, 111 Md. 241, *Newton vs. State*, 147 Md. 71; *Jones vs. State*, 185 Md. 481, in two of which cases statements had been published to the effect that the accused had confessed. See also the recent case of *Laroh vs. State*, 92 At. 2d 463, decided November 14, 1952. In furtherance of its discussion that mere opportunity for prejudice does not raise a presumption that it exists, that it must be proved and that the effect of the publicized information is necessarily of a certain degree, the Court in that case said:

"In a capital case he [defendant] has an unequalled right of removal. Code, Article 75, section 100. These rights are predicated upon the ever-present possibility of public indignation and prejudice against an accused, where a crime of a wanton or shocking character is committed. The mere fact of arrest and indictment implies that the police believe the accused to be guilty, or that the Grand Jury has found a *prima facie* case. Knowledge that the public authorities are active may have a tendency to allay public excitement and fears, so often engendered by word of mouth. Trials cannot be held in a vacuum hermetically sealed against rumor and report. If a mere disclosure of the general nature of the evidence relied on would vitiate a subsequent trial, few verdicts could stand." (p. 330).

This really becomes a discussion of an abstract proposition of law because, as previously mentioned, defendant did not raise the question of inability to obtain an impartial jury, by motion, request for indefinite postponement or in any other way. This discussion, therefore, must be based on an assumption that does not exist. That is, that (a) the point was properly made before the trial started and (b) the Court ruled against the defendant. If that had been the case, in order for the defendant to prevail he would have to establish that there had been a denial of "due process of law" in violation of his rights under the Fourteenth Amendment of the Federal Constitution. The facts in the case at bar do not establish that the defendant was prejudiced from having a fair and impartial trial. Therefore, there has been no denial of "due process of law". As previously mentioned there is no proof of prejudice, and reading of the information broadcast does not of itself establish such prejudice as would have prevented defendant from obtaining a fair and impartial jury.

There is a difference in the Federal courts and in the state courts

respect to the latter question... the Federal court may be... to be unfair even though... is not a lack of "due process... which is the minimal requirement in order to justify the... of a trial in a state... *McNabb vs. U. S.*, 318 U. S. 10.

most recent controlling case... subject in *Struble vs. Callahan*, 345 U. S. 18, decided April 22, 1952. It involved conviction of a man for the first degree murder in the first degree girl six years of age. As stated by the Court the search for and apprehension of the defendant was aided by much newspaper publicity. At the time of the murder and of his arrest newspapers of all circulation in the Los Angeles area featured in banner headlines the manhunt which the police were conducting for defendant. On the day of his arrest these newspapers printed extensive excerpts from his confession in the District Attorney's office, the details of the man's confession had been released to the press by the District Attorney at periodic intervals while the defendant was giving the confession. The following Monday, four days after the confession, the newspapers reprinted the text of that confession as it was into the record at the preliminary hearing. Defendant was described in the headlines and the text of news stories as a "wolf", "a fiend", a "sex-mad" and the like. The District Attorney announced to the press his belief that the defendant was guilty. These facts greatly outdistanced the information which appeared in the public press in the present case. The Court held that the defendant had failed to show that the newspaper accounts set against him such prejudice to the community as to necessitate a fair trial. The following statement of the Court would seem to be most apposite and conclusive on the first point made by the defendant in this case:

Indeed, at no stage of the proceedings has petitioner offered so much as an affidavit to prove that the juror was in fact prejudiced by the newspaper stories. He asks the Court simply to read those stories and then to declare, over the contrary finding of two state courts, that they necessarily denied him of due process. That we cannot do, in this case, where, as in the inflammatory newspaper accounts appeared approximately two weeks before the beginning of petitioner's trial, and there is no affirmative showing that any community prejudice ever existed or in any way affected the deliberations of the jury. It is also significant that in this case the confession which was one of the most prominent features of the newspaper accounts was made voluntarily and was introduced in evidence at the trial itself." (p. 10)

In the latter case the Court held that there was no deprivation of due process of law."

(2) The second point made by the defendant is that because of the extensive newspaper publicity the trial should have been postponed to an indefinite date. This point is largely involved in the first point which has been discussed. It must be founded on the fact that defendant cannot obtain a fair and impartial trial, and that time is needed to erase or cause to fade the proof of the prejudice against defendant created by the information published about him. This point likewise has no legal standing because no request was made by defendant's counsel for a postponement of the trial; indeed he acquiesced in an earlier date of trial than actually occurred. In support of this contention, defendant's present counsel relies heavily on the case of *Delaney vs. United States*, 190 F. 2d 107 (U. S. C. A. 1) Oct. 30, 1952. *Delaney* was Collector of Internal Revenue for the District of Massachusetts. He was indicted for certain improper action in his official capacity relating to the collection of income taxes in violation of a Federal statute. A Committee of Congress which was investigating irregularities in the offices of Collectors of Internal Revenue held extensive hearings in Boston and elsewhere, and the facts developed were given widespread publicity in the newspapers throughout the country. There was considerable testimony with respect to *Delaney's* conduct in office and matters amounting to larceny and embezzlement which occurred prior to his appointment as collector. He was convicted by a jury, and upon appeal the conviction was reversed on the ground that under the circumstances he was not able to obtain a fair and impartial trial. The gist of the decision is that the case should not have been heard at the particular time and not until the effect of the nationwide publicity had had a chance to wear off. There are two principal differences between the case at bar and the *Delaney* case. The latter occurred in a Federal court where it was not necessary, in order for the Court to take the action it did, to find that there had been a violation of the due process clause. Secondly, *Delaney's* counsel not only requested the Congressional Committee to discontinue the hearings and the press releases and publicity flowing therefrom, but several motions were filed before the trial began for a continuance of the trial for a reasonable time, which after hearing were denied. Thus orderly procedure was observed in raising the legal question and in presenting the facts in support thereof. The appellate court seems to have based its action on the belief that the lower court did not recognize any difference between a legislative public hearing prior to indictment and one where trial is impending under an existing indictment. In short that the trial judge did not exercise a sound discretion when seasonably asked to do so. This general ques-

tion of delay of the trial was rejected in the famous Communist trial, *United States vs. Dennis*, 183 F. 2d 201 (C. C. A. 2d), Oct. 1, 1950. In the *Delaney* case the Court found from the data submitted in support of the motion for a continuance that there was prejudice which should require the Court to exercise its discretion by postponing the trial. In the case at bar, applying the principles of law which are controlling on us there is no proof of prejudice and we cannot, from merely reading the publicity data, find that there would be such prejudice as to prevent an impartial trial either by jury or by a judge and, of course, there has also been no violation of defendant's constitutional rights as above mentioned.

(3) Defendant's third point with respect to the fictitious name used by the witness Mathilda Mizbrovsky. It appears that she works in New York and her parents live in Canada. She was required to appear in Baltimore pursuant to the uniform extradition procedure between Maryland, New York and other states. Rather than be confined in jail as a material witness until the trial was had, she gave bail in the amount of \$5,000. In doing so the bail piece showed her name to be Mary Matthews, which was done by the State's Attorney after consultation with Judge Moser. Apparently the purpose was to avoid annoyance by newspaper reporters while the case was awaiting trial. According to a statement made by the State's Attorney at the hearing, the correct name and address of this witness was promptly given to Mr. Federico, and when the facts about the fictitious name and the reason for giving it were mentioned during her interrogation at the trial the explanation for the use of the name Mary Matthews was given in open court by Judge Moser, and Mr. Federico stated he had no objection to it. Present counsel insists that the publication of the witness' true name and address had the possibility of some person unknown to his client voluntarily coming forward and giving helpful testimony. It so happens that an industrious reporter learned the name and address of Miss Mizbrovsky and her true name and her photograph appeared in the *News-Post* on September 26th, together with various facts with respect to her relations with the defendant.

We see no reason for Judge Moser to have disqualified himself merely because he signed the bail piece to assure the appearance of what the State's Attorney regarded as a material witness. We also do not find that the defendant was prejudiced either by that act or by permitting the witness to use a fictitious name in the manner described.

(4) The only real point made against the admission of defendant's signed confession in evidence grew out of some confusion with respect to a statement made to defendant by Captain of Detectives Murphy; that is, whether the statement was made before or after the confession was given. Captain Murphy and other police officers were recalled and stated specifically that the statement made by Captain Murphy was after the confession was given. Judge Moser found that the confession was voluntary on the part of the defendant and admitted it in evidence. We find no basis in the stenographic transcript for a different conclusion.

(5) Defendant also contends that under the evidence the most severe verdict that could have been rendered was murder in the second degree. After carefully considering the whole record, we think there is ample evidence to justify a verdict of murder in the first degree and it would serve no useful purpose to review the facts that would sustain this conclusion.

Finally, defendant's counsel urges that, irrespective of inadequacy of procedure at the trial to raise some or all of the points now presented, we should grant a new trial in the exercise of our so-called unlimited discretion, and *Murphy vs. State*, 184 Md. 79, 74, is cited in support of the suggestion. In that case,

which was a conviction of rape and a death sentence, the Court affirmed the sentence but said in its opinion that because of the gravity of the sentence it would disregard imperfections of the record and examine all rulings of the trial court, which it was claimed were prejudicial to the defendant. We have also considered all rulings of the trial court but none of them was erroneous. We cannot, however, reconstruct the trial, assume the employment of other tactics by counsel, and set up and decide legal questions without knowledge of the context or which may never have had any factual basis for support.

Our discretion is unlimited only in the sense that when we grant a new trial there can be no appeal or review of our action by a higher authority. But it would seem to be implicit that such action should not be taken unless we find that the trial court committed prejudicial errors in its rulings or we feel that injustice has been done.

The motion for a new trial should be denied.

SMITH, C. J. (MOYLAN, J. Concurs)

After a careful reading of the lengthy record in this case, and full consideration of the argument of present defense counsel (about things which are not in the record), I conclude that Judge Moser deserves praise, rather than censure for the conduct of the trial. The rights of the accused were scrupulously accorded him. His statements were properly admitted in evidence. No fair minded person could reasonably doubt that he inflicted the cruel blows which resulted in his wife's death. The circumstantial evidence of premeditation is abundant.

That he was forced to the election of a court trial, rather than a jury trial, by the advance publicity, I believe to be a false conclusion, not based on fact. That he ever wanted a trial by jury, I seriously doubt. It was merely the kind of trial in which his chances of escaping a first degree verdict were better before a Court than a jury. He freely elected a trial by the Court.

For this Court to assume, without proof, that the minds of all persons were so poisoned against him by the keen public interest, and wide public comment in the press, that he could not receive a fair trial, either by the Court or jury, and that the trial should, without any request by the accused, have been postponed indefinitely is simply fantastic.

I might concur in the separate opinion of Judge Warnken, but for his statement that the power of this Court in considering new trial applications, is limited to errors of law, lack of due process, and convictions of clearly innocent persons. Our powers are much broader, and extend to every element and incident of the trial. No artificial narrowing of those powers is necessary for the approval of the verdict in this case, which is fully supported by competent evidence in the record.

TUCKER, J.—

It is my opinion that Judge Moser was not disqualified by any pre-trial action on his part, or otherwise, from sitting as court and jury in the case, that the court did not err in admitting the defendant's signed confession into the evidence, that there was ample evidence to justify a verdict of first degree murder, and that under the law, as applied to the facts that were proffered at the trial and presented at the hearing on the motion for new trial, the defendant was not deprived of any right under the

due process provisions of 420-stitution.

I concur in Judge Warnken's opinion as to the result.

NILES and BYRNES, JJ. (Dissent)

In our opinion a new trial should be granted in this case, because the most fundamental right of a citizen of Maryland has been violated. This is the right to a trial by a fair and impartial jury.

The Constitution of Maryland has provided for more than 175 years, and now provides, that

"That in all prosecutions every man hath a right * * * to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty."

Declaration of Rights, 1776, Article 19; 1867, Article 21.

The 6th Amendment to the Constitution of the United States is in substantially the same terms.

This view is in no way an expression of opinion on whether the Defendant is guilty or innocent of the crime of which he is charged. Still less is it an approval of criminal or any other misconduct by anyone accused of such crime. It is simply an affirmation of the most basic principle of criminal law, namely, that a citizen charged with a crime has the right to be tried by a fair and impartial jury, upon the evidence brought into court against him. He should not be denied the right to a jury trial by publicity which poisons or prejudices the minds of his fellow citizens in advance, so that his right to obtain an impartial jury is impaired, either wholly or in part. This is especially true when the publicity has been inspired or participated in by officers of the State itself.

Nor is this case one involving a clash between the principles of fair trial and freedom of the press. No question of freedom of the press or of contempt of court by publication is involved; nor is this a question of restricting the newspapers or other organs of publicity, as was the case in *Baltimore Radio Show, Inc. vs. State*, 193 Md. 800.

It should be expressly stated that this opinion implies no criticism of Judge Moser, who presided over the trial with dignity, ability and fairness, in difficult circumstances which were not of his making. Nor is there any criticism of the motives of the prosecuting attorney, the police, or other persons engaged in the case.

A reading of the testimony shows that the criminal question in this case is the degree of the crime, for on this point depends the difference between the possibility of a sentence to prison and a sentence to death. No graver question is possible. This question is essentially and traditionally a question for the jury, and it seems to us to be beyond any reasonable doubt that the publicity given the case prior to the trial effectively prevented the Defendant from having an impartial jury.

In the circumstances in which this motion is now presented, there is indeed a conflict between fundamental principles and technicalities. As was freely admitted by counsel for the Defendant at the argument for a new trial, motions and other measures might have been taken with more strict formality in order to effect a change of venue, to post-

(Continued from preceding Page)

pose the trial, or to examine individual jurors as to their prejudices or beliefs as a result of public utterances. These are procedural matters, not matters of substance. It is obvious that rules of procedure are important and also that there is need for maintaining such rules to effect orderly judicial administration. But in a conflict between technicalities of procedure and substantive rights in a capital case, it can hardly be contended that technicalities should govern.

At the very beginning of the trial, counsel for Defendant made the point that he had been forced to waive a jury trial because of the public feeling engendered by the publicity over the case, and he proffered copies of newspapers, magazines, and radio scripts. The Court gave him leave to introduce them thereafter. These have now been offered as Exhibit 7, and this Bench has received them. But they add nothing to what every judge and every citizen knew already.

Everyone in Baltimore who read the newspapers, listened to the radio, or watched television knew of the hill down which the car was sent, the stone under the accelerator, the packet of letters, and the "mystery woman." All had been disclosed in articles referring to "the perfect crime," slanted to indicate the guilt of the defendant, who was then in the custody of the law. The implication of the Defendant's guilt became unmistakable with the announcement that the Defendant had made a "statement" which was but a transparent disguise for the only kind of statement which would have any importance, namely, a confession.

This flood of publicity culminated in the television shows of August 31 and September 2, 1952, in which the State's Attorney for Baltimore City, the State's Attorney for Baltimore County, the Chief Medical Examiner for the State of Maryland, and various police officers appeared in person, and received congratulations for having brought the case "to a conclusion" and "finally written an end to the story."

To suggest that such publicity was not prejudicial to the Defendant's right to an impartial jury seems to us to disregard common sense.

There are differences between a trial by a judge and a trial by jury. These differences are recognized in the Constitution, and insofar as the Defendant desires to take advantage of them, the Constitution guarantees his right to do so. We do not suggest that this Defendant did not have a fair trial by judge. But his right was to a fair trial by jury. He asserted at the beginning of his trial that that right had been made impossible for him, and stated that that was the reason for his election of a trial by the judge. Technical imperfections in the proceedings may exist, but the broad fact cannot be denied that by every indication, substantially the entire population of the city and State from which a jury might be drawn had been made to believe, in advance of the trial, that the defendant was guilty.

That there was "an avalanche of unfavorable publicity," to use Judge Magruder's words in the *Delaney* case cited below, is not even denied by the State. The State's position is merely that in other cases at other times, publicity by other persons has been worse than in the present case. The State cannot contest the conclusion that the result of the publicity was to raise a widespread, if not universal, belief in Baltimore:

(1) That the defendant had killed his wife; (2) That he had pre-meditated "the perfect crime," and (3) That he had confessed to that crime.

It may be suggested that the damage is now done, and that there is no cure for it. The United States Court of Appeals at Boston did not find it so. In *Delaney vs. U. S.*, 199 F. 2d 107, that Court was confronted by a situation in which adverse publicity had far more justification than there existed in the present case. A Committee of Congress, acting within its undoubted powers, had released statements which had wide circulation indicating that the Defendant had been guilty of improper conduct in his position as Collector of Internal Revenue, and imputing a bad character to him generally. The U. S. Court of Appeals, speaking through Judge Calvert Magruder, held that the Defendant's right to a fair jury trial had been violated. The remedy, it said, was to delay the trial until the effects of popular excitement and prejudice had been dissipated.

The following words, used to describe what was done in Boston describe almost exactly the situation in Baltimore (p. 111):

"The newspaper publicity was characterized by flamboyant, front-page headlines in large, heavy type, covering colorful feature stories emphasizing the more striking aspects of the testimony. This was supplemented by radio and television exploitation of the same material. Naturally, due to local interest, the publicity was intensified in the Boston area, but it was also carried by the big press associations far and wide throughout the nation. * * *. One of the exhibits in the record is an issue of 'Life' for November 19, 1951 (a weekly with an advertised circulation of over 5,000,000). * * *"

On the question of whether it is proper for public officers to give out information supporting such publicity, the Court said (pp. 113-4):

"If all this material had been fed to the press by the prosecuting officials of the Department of Justice, we think that an appellate court would have had to say that the denial of a longer continuance was an abuse of discretion. We do not think that doubt is cast upon this proposition by *Stroble vs. California*, 343 U. S. 181 (1952). * * *"

"Of course, it would have been a gross impropriety on the part of the prosecuting officials if they had made available to the press

all this damaging material respecting Delaney; * * *"

With regard to technical faults in the record, the Court said (p. 116):

"Nor do we think it significant that the defendant failed to exhaust his peremptory challenges at the time the jury was being selected. Since he was obliged to stand trial in the hostile atmosphere engendered by the extra-courtroom publicity, he had little or no reason for assuming that one juror rather than another would be more likely to be influenced, consciously or unconsciously, by his preconceptions—all of them having affirmed, in answer to inquiry by the trial judge, that they were prepared to determine Delaney's guilt or innocence solely on the basis of evidence produced at the trial."

On the question of what can be done now, the Court said (p. 114):

"We think that the United States is put to a choice in this matter: If the United States, through its legislative department, acting conscientiously pursuant to its conception of the public interest, chooses to hold a public hearing inevitably resulting in such damaging publicity prejudicial to a person awaiting trial on a pending indictment, then the United States must accept the consequences that the judicial department, charged with the duty of assuring the defendant a fair trial before an impartial jury, may find it necessary to postpone the trial until by lapse of time the danger of the prejudice may reasonably be thought to have been substantially removed."

On the question of whether in fact prejudice resulted to the defendant, Judge Magruder, referring to the "avalanche of publicity" mentioned above, said (p. 115):

"* * * under the circumstances it is difficult to see how anyone could fail to perceive the risk of prejudice."

In argument, counsel for the defendant has charged that a number of errors were committed in the trial itself. We express no opinion with respect to these matters, including the admissibility of the confession; the making of sketches in the courtroom where photographs were prohibited; the use of a fictitious name for the "mystery woman." Nor does this opinion express any view as to the weight of the evidence, or whether it justified the verdict which was rendered. The prejudice to the Defendant by making a jury trial impossible is so much more important to this Defendant and to all citizens of Maryland, and so much clearer, that this opinion rests upon that ground alone.

It should be made abundantly clear that the problem now is not whether Grammer is guilty. It is whether the protections to which every citizen of Maryland is entitled have been afforded him, and whether they may in similar manner be denied to any other citizen. This defendant may be innocent or guilty. If the evidence at a later trial proves him guilty he should be, and in all probability will be, convicted of whatever crime or degree of crime the evidence may support. The right which has been violated is the right of every citizen of this State, and the immemorial protection of every citizen of this State.

On a motion for a new trial in a criminal case the Supreme Bench may review the facts. Such review can and should extend to important facts known to everyone, even though not perfectly included in the record. And in the review of a capital case, imperfections in the record may be disregarded (*Murphy vs. State*, 184 Md. 74).

The Maryland Court of Appeals, in the case of *Jones vs. State*, 185 Md. 481, decided in 1945, said (p. 486):

"A citizen should not be coerced to relinquish his right to a jury trial and submit to a trial before the court, in order to escape an intolerable situation of a trial before a prejudiced jury."

Maryland justice requires the recognition of the Constitutional rights of every person charged with crime, however low or despicable his crime. These rights must be preserved not in form, but in substance.

A basic right of this defendant has been violated. Lapse of time may not entirely remove the prejudice which effectively prevented a fair jury trial, but no harm will be done by the State's taking the only course which offers any hope of curing the evil which the State's own officers helped to create. Even though such course may involve inconvenience, impatience or expense, we believe that it should be taken, and that the Defendant should be granted a new trial.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, March 19, 1953. All Judges were present. Chief Judge W. Conwell Smith presided.

Chief Judge Smith read a letter from Senator A. Earl Shipley, Director of the Division of Parole and Probation, in which he pointed out that although statutes require that a resume of facts and evidence adduced in each case tried should be given to the Parole Department, as a matter of practice this was not done in Baltimore City. The Senator said that the only information the Board now has is a summary of testimony of police officers before the Grand Jury, and that this was unsatisfactory because statements made to the Grand Jury were often inadmissible in the trial of the case. Senator Shipley further stated that a police officer's statement before the Grand Jury would indicate that the accused had been guilty of an atrocious crime of murder and rape, yet the accused would be given a sentence of three or five years, an indication that the Court's conclusion did not agree with the testimony of the police officer. The Senator requested that the problem be brought to the attention of the Supreme Bench.

After a discussion, the Chief Judge was authorized to advise Senator Shipley that the members of the Bench were sympathetic with his problem, and to suggest that possibly a State appropriation might enable the Supreme Bench to employ additional personnel.

The Supreme Bench denied the motion for a new trial of Robert Kane Hepp, who was convicted on assault and robbery with a deadly weapon charges.

At the request of Mr. Pendleton, the Secretary called to the attention of the Bench the expiration of the suspension period for Thomas D. Noeth, Jr., member of the Bar, who was suspended for two years on March 15, 1951.


Judge Tucker, Chairman of the Rules Committee, proposed a resolution relating to points to be raised during the hearing on motions for new trials in Criminal cases. After discussion, the resolution was unanimously adopted. A copy of the resolution is attached hereto.

There being no further business, the meeting was adjourned.

**Motion For New Trial Is
Denied By Supreme
Bench**

The Supreme Bench of Baltimore yesterday denied the motion for a new trial of Robert Kane Hepp, who was convicted on assault and robbery with a deadly weapon charges.

Arguments on the motion were heard by the Bench on March 13th last, and Assistant State's Attorney Joseph G. Koutz represented the State at the hearing.


Joseph R. Byrnes
Secretary

Supreme Bench
of
Baltimore City

JOHN T. TUCKER
JUDGE

March 19, 1953

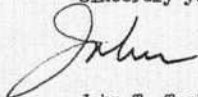
Hon. Joseph R. Byrnes
Court House
Baltimore 2, Maryland

Dear Joe:

I am enclosing herewith minute of the resolution that was passed today by the Supreme Bench.

I have prepared a form of notice to be published in The Daily Record and have sent it to Mr. Pendleton for that purpose.

Sincerely yours,



John T. Tucker

JTT/1
enc/

Supreme Bench Resolution

The Supreme Bench of Baltimore City has passed the following resolution relating to motions for new trials in criminal cases, viz:

"WHEREAS in the judgment of the members of the Supreme Bench of Baltimore City it would be helpful to them in considering motions for new trials in criminal cases if they knew, prior to reading the records and hearing arguments, the points that would be made in behalf of the defendants in support of such motions;

"BE IT RESOLVED, that the Supreme Bench requests that counsel for any defendant in a criminal case who has filed a motion for a new trial shall file with the Clerk of the Supreme Bench a statement, and two copies thereof, setting forth briefly the points that he expects to make in his argument in support of the motion; that such statement and copies should be filed not later than the time the transcript of testimony is filed in the office of the Clerk of the Criminal Court; and that the filing of the statement shall not bar the defendant, or his counsel, from making other points that are not mentioned in the statement; and

"FURTHER RESOLVED, that this resolution shall be published in THE DAILY RECORD."

March 19, 1953.

Upon motion, duly seconded and unanimously carried, the following resolution was adopted, viz:

Whereas in the judgment of the members of the Supreme Bench of Baltimore City it would be helpful to them in considering motions for new trials in criminal cases if they knew, prior to reading the records and hearing arguments, the points that would be made in behalf of the defendants in support of such motions;

Be It Resolved, that the Supreme Bench requests that counsel for any defendant in a criminal case who has filed a motion for a new trial shall file with the Clerk of the Supreme Bench a statement, and two copies thereof, setting forth briefly the points that he expects to make in his argument in support of the motion; that such statement and copies should be filed not later than the time the transcript of testimony is filed in the office of the Clerk of the Criminal Court; and that the filing of the statement shall not bar the defendant, or his counsel, from making other points that are not mentioned in the statement; and

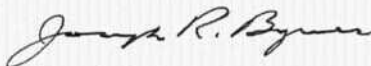
Further Resolved, that this resolution shall be published in The Daily Record.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, March 26, 1953. All Judges were present. Chief Judge W. Conwell Smith presided.

Upon motion made and seconded, the April meeting of the Supreme Bench scheduled for Saturday, April 4, 1953, was postponed until Saturday, April 11, 1953.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

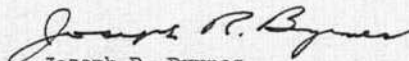
M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, April 2, 1953. All Judges were present. Chief Judge W. Conwell Smith presided.

Chief Judge Smith called to the attention of the Bench a request made by the Building Engineer that all Judges, with the exception of the Judge in Criminal Court Part I, be prepared to vacate their chambers and courtrooms on June 1 so that the second phase of the building program may proceed. After a discussion it was agreed that this would be done. Judge Carter stated that he was willing to continue in the Criminal Court until the latter part of June and his offer was accepted. It was agreed that Chief Judge Smith should prepare a Summer Assignment of Judges beginning as of June 1, and that Judge Niles would be assigned the first two weeks of the Summer Assignment.

Judge Carter stated that his bailiff, Mr. William E. Rutter, had requested that he be given a physical examination for the purpose of being retired. This examination will be arranged by Mr. Pendleton, Deputy Clerk of the Supreme Bench.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

M I N U T E S

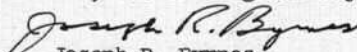
A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, April 9, 1953. All Judges were present. Chief Judge W. Conwell Smith presided.

Motion was made that Bailiff William E. Rutter be examined by Dr. Manfred S. Guttmacher in order to determine whether he is competent mentally and physically to continue as Bailiff of the Supreme Bench. The motion was seconded and carried.

Chief Judge Smith submitted alternative Summer Assignment Schedules, one providing that Judges would serve two consecutive weeks and a third week at a later period; ~~and~~ under the other proposal each Judge would serve three consecutive weeks. Upon motion duly made, seconded and carried, the latter plan was adopted.

Judge Carter stated that he wished to fill a Bailiff vacancy now existing, and moved that the Supreme Bench appoint Miss Elizabeth Helm. The motion was seconded and carried.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

Chief Judge Dennis Honored By Bench And Bar At Memorial Services Held In Court House

4-13-53

High tribute was paid to the memory of Chief Judge Samuel K. Dennis, retired member of the Supreme Bench of Baltimore, at services held in the Court House before a special meeting of the Bench on Friday, March 20th.

Reuben Oppenheimer, President of the Bar Association of Baltimore City, opened the ceremony and introduced the speakers to the Court. The Memorial Minute was presented by former United States Senator George L. Radcliffe, who requested that it be received by the Bench and placed among its permanent archives.

Seconding addresses were delivered by Randolph Barton, Jr., Thomas F. Cadwalader, L. Wethered Barrall, Allan Sauerwein and Gerald W. Hill. Chief Judge W. Conwell Smith presided and responded on behalf of the Supreme Bench.

The exercises were held in the large Superior Court Room on the fourth floor of the Court House and were attended by relatives and friends of the deceased jurist, members of the Bar, Court attaches and many prominent Government, State and Municipal officials.

Following is a complete report of the proceedings:

REMARKS OF MR. OPPENHEIMER

May It Please The Court:

Samuel K. Dennis was of the best that is in Maryland, and in his death Maryland has lost something of itself. His stature as lawyer, judge and citizen was but reflection of the man. His pungent wit, the saltiness that seemed distilled from Maryland's Eastern Shore, the honesty that shrivelled sham and ostentatiousness, the deep unswerving loyalty to friend and cause, the quick perception and the courtliness—these qualities gave added meaning to the robes he wore.

Justice, to him, was militant and merciful. Law was a weapon to defend the right, but he knew too much of men and all their obstacles to misjudge weakness or to forget the common frailty. History, to him, was but the web of many lives and he epitomized the strength, dignity and charm of all the days of Maryland chronicle. We lose his presence, but by his life the tradition that he carried on is strengthened and enriched.

The Minutes offered here on behalf of our Bar will be presented by Judge Dennis' life-long friend, former Senator George L. Radcliffe, Chairman of this Memorial Committee. Seconding addresses will be made by Messrs. Randolph Barton, Jr., L. Wethered Barrall, Thomas F. Cadwalader, Allan Sauerwein and Gerald W. Hill, associate members of the Committee.

MEMORIAL MINUTE BY SENATOR RADCLIFFE

Your Honors:

It is my privilege—a very distressing one—to offer a memorial resolution in honor of the late Samuel K. Dennis.

Scientists and historians have long debated the question, which has the bigger influence on a person's life and career, heredity or environment. I hazard no expression of opinion on this controversial point, but I stress the fact that both heredity and environment played important roles in shaping the characteristics and career of Samuel K. Dennis. But the main factors in his outstanding success were his integrity, ability, energy, painstaking industry, practical good judgment and his indomitable will power, together with a shrewd, keen and delightful sense of humor.

Samuel K. Dennis was born September 28th, 1874, at Beverly, Worcester County, the beautiful and historic family home for hundreds of years of the Dennis family. From early Colonial Days, his ancestors took a leading part in Maryland's religious, agricultural, legal, civic and public activities. His father was a prominent lawyer and statesman and one of his uncles sat as chief judge of the First Judicial Circuit of Maryland, consequently was a member of our Court of Appeals. No man was more devoid of snobbery than was Samuel K. Dennis. Yet no one was more responsive to the impulse to live up fully to the finest traditions of his family.

When he was a boy living at Beverly, he planned to follow out many precedents in his family of being a student at Princeton University. Unexpected circumstances beyond his control prevented him from doing so, but in later years he prized highly his status as an honorary alumnus of Princeton.

While managing the Beverly estate it was natural for him to take a keen interest in politics. This brought him in close contact with John Walter Smith, then beginning his long and successful career as State Senator, Congressman, Governor and United States Senator, and in time the acknowledged leader of the Democratic Party in Maryland. Samuel K. Dennis was his private secretary, while he was Congressman and Governor. Also he was his closest adviser and a powerful factor in public affairs in Maryland.

This association presented an opportunity, beset with many difficulties, for Samuel K. Dennis to follow out many family precedents of practicing law. For two years he managed by some means to leave Annapolis often and long enough to attend law courses at the University of Maryland, graduating in 1900. During his last year as a student, he covered two years' work in one, continuing at the same time to handle efficiently the highly engrossing duties of private secretary and chief political adviser to Governor Smith. His record as a student was brilliant and he finished near the top of his class. In the bar examinations that year, he came out in second or third place.

He was promptly elected to the Maryland Legislature as a delegate from Worcester County and was a leader in that body. About that time he entered into a law partnership

with his cousin, the late James U. Dennis. Success came quickly to him, and soon he was recognized as one of the outstanding lawyers in Baltimore. When Woodrow Wilson became President of the United States in 1913, Samuel K. Dennis was the unanimous choice of the bar and Democratic Party for the office of the United States District Attorney in Maryland. For years he filled that position with great success until he resigned to engage again in private practice. As District Attorney, he had won enthusiastic praise from the late Judge John C. Rose.

Samuel K. Dennis then devoted his time to his ever-expanding practice of law. Numerous attempts were made to induce him to become a candidate for public office, but he continued for a long while to resist the instinctive inclination of an Eastern Shore lawyer—or layman—to run for office. Despite some political differences which had developed between the late Governor Ritchie and himself, Governor Ritchie offered him in 1928 the chief judgeship of the Supreme Bench of Baltimore City. He accepted and filled that position with brilliancy and distinction until September 28th, 1944, when the law of Maryland made it mandatory for him to retire at the age of seventy.

His career as chief judge was characterized by constant devotion to duty. He sought unceasingly and successfully to carry out the highest traditions of the bench, which so many members of his family had exemplified so ably. No judge could have been more unparagon of time and effort to know the truth, and more conscientious in reaching decisions and in giving expression to them. His never-failing sound practical sense of relative values and of true proportions aided him in reaching definite conclusions. These were expressed in robust, pungent, colorful and brilliant diction. His career well illustrates the axiom that a great judge must also be a great man.

After his retirement from the bench, he devoted some of his time to the practice of law, but more to numerous civic and humanitarian activities. Throughout many years of his life, he was a tireless worker for the Sanitarium of Sablsville. As close adviser, and for many years active head of the American Red Cross in Maryland, his services were invaluable. For a third of a century, he was one of the most vigorous and influential factors in the Maryland Historical Society, as chairman of Publications Committee, vice-president, and one of its three honorary members. In 1944 he delivered the address on the history of that society at the exercises celebrating the centenary of its organization.

For a long time he was an influential trustee of the First Presbyterian Church of Baltimore. It was instinctive for him to take a keen and abiding interest in the Eastern Shore Society from its very beginnings, serving as one of its earliest presidents. He was director of the Fidelity and Deposit Company for years, also director and member of Executive and Trust Committees of The Fidelity Trust Company. He was active as a member of the Board of the Eutaw Savings Bank.

He was a devoted husband and his married life was of the happiest. He was in its truest sense a man of culture. No one could have been stancher in his friendships. It was my good fortune throughout nearly all of my life to have had intimate associations with him, and I never had a closer or better friend.

Your Honors:

I offer the following resolution and I request its adoption by your Honorable Court:

Whereas—the Bar Association of Baltimore City through the death of Samuel K. Dennis on January 11th has lost one of its most highly respected, illustrious and beloved members, and its sometime president. As practitioner of law, district attorney of Baltimore, Maryland, Chief Judge of the Supreme Bench of Baltimore City for sixteen years, and as public-spirited citizen, Samuel K. Dennis exemplified dignity and high efficiency. He added lustre to the brilliant records of the Bench and Bar of Maryland in never-failing performance of good deeds, his heart was always eager, his hands ready for the work.

Now therefore be it resolved, that we record with profound sorrow the passing of Samuel K. Dennis and voice our deeply-rooted conviction that the example set by him will be a never-ending source of stimulation, and will always remain a glorious heritage of the people of Maryland.

Now be it further resolved, that a copy of these resolutions be spread upon the records of this Honorable Court and also that a copy be sent

as an expression of our profound sympathy to his widow, Mrs. Helen Moore Dennis.

REMARKS OF MR. BARTON

In my long professional life I have taken part in many Memorial Meetings, called by either this Supreme Bench or by the Court of Appeals or by the Federal Court. Usually these were to pay tribute to a deceased Judge or, as in the present meeting, to a deceased former Judge of the Court. Until some twenty-five or thirty years ago it was also the custom to call a special meeting on the death of some especially eminent and distinguished member of the Bar of that Court, even although he had held no official position. At few, if any, of these earlier meetings could I base what I might say of the subject of the meeting and his career upon the same firsthand and direct personal knowledge, the result of the same long and close personal contacts, which I possess in the instant case.

Judge Dennis and Mrs. Dennis were for many years warm personal friends of my wife and me. We many times enjoyed their delightful hospitality, and not infrequently they were our own guests. Their and our social, community and church interests ran along very much the same channels, as though they were Presbyterians and we Episcopalians, their Minister, Dr. Gardner, of the First Presbyterian Church, and his wife were almost as warm friends of my wife and me as of the Dennises. Professionally also I saw much of Judge Dennis. Before he went on the Bench we were not infrequently associated in the conduct of litigation, and when he became United States Attorney I was sometimes on the opposite side, as when the late William L. Marbury and I represented the Breving interests to sustain before Judge Rose the contention that under the then Federal Statute the sale of 2.75% beer did not violate the law because such beer was not intoxicating. When he was offered the Chief Judgeship he came to me for my advice as to whether he should accept the appointment, which I told him by all means to do. After he became a Judge I, of course, appeared before him on many occasions and on less official occasions I enjoyed his amusing description of the impressions made on him by the Counsel or the witnesses in cases over which he presided, especially personal injury cases. In one of his equity cases, though not employed in the case when heard by him below, I was fortunate in securing a reversal of his decree by the Court of Appeals, and I imagine that he always believed, and perhaps rightly, that it was my own luck combined with strange mental obtuseness on the part of the majority of the Court of Appeals Judges, rather than my professional ability, which effected such a result.

After he reached the retiring age of seventy he often dropped in at our office, partly to talk to me but also because he had become attached to one of my partners, the late William R. Semans, whose sudden death caused Judge Dennis as much sorrow as it did all in my own firm. I also regularly met Judge Dennis at meetings of the Board of Directors of the Eutaw Savings Bank of which both of us long were fellow members. And in this connection I will add that missing him at the last meeting held by the Eutaw Bank before his death, I asked the cause and was relieved to find that it was not indispotion but a case before the Court of Appeals that kept him away. After his death I was especially interested to note in THE DAILY RECORD the affirmation in his favor of the appeal that kept him from the Board Meeting.

It can well be understood, therefore, that it is not merely, or even primarily, as one of the Committee of the Bar appointed to represent and speak for the whole Bar at this meeting but also as an individual member of that Bar, a longtime friend and warm admirer of Judge Dennis, that I second the resolution that has been offered and unqualifiedly endorse all set forth in that resolution and in the Memorial Minute presented by Senator Radcliffe, which the resolution asks shall be received for permanent record.

Everything which that Minute says might be emphasized and elaborated, but so fully have the various articles and editorials in the press and resolutions of various organizations of which Judge Dennis was a conspicuous member already made our whole community realize what they have lost in his death, that little more can be said that would not be mere repetition. I do, however, venture to speak of one incident in particular in the career of Judge Dennis with which I am especially familiar, and in which I was fortunate to have some personal part, and which is typical of the kind of service Judge Dennis was always rendering. Almost at the same time that Judge Dennis entered in 1928 upon his judicial duties I began my term as President of the Baltimore City Bar Association. In discussing with my colleagues in one or other of the offices of the Association the things that the Association might try to accomplish for the benefit of the profession, all of us agreed that the adoption by the Supreme Bench of the practice of wearing when upon the Bench the gown, which for centuries past has been the historic emblem of the judicial office, — a practice long in vogue in the Federal Courts, and which I believe, though I do not now definitely recall, had for some years been followed in our Court of Appeals, — would be advantageous not only to the Bar but to the community in general, and especially to the litigants and lay witnesses, who when they had occasion to attend the Courts had no means of distinguishing the Judge from any one else in the Court room until he took his

my name, year 1953

seat on the Bench and the gavel in his hand. With the full support of my colleagues, I, therefore, called upon Judge Dennis, asked whether he approved our suggestion, and, if so, whether he would help to secure the adoption of the practice by the Supreme Bench. To my gratification, though hardly to my surprise, the Judge said that not only did he personally fully agree as to the desirability of the adoption of this procedure but that he would take the matter up with the full Bench and urge their adoption of the practice. Soon after he sent for me and told me that he had done so and that with practical unanimity the other Judges had agreed. He didn't say who the dissenter was, but as Judge Stump always, even when the full Bench sat together, continued to appear in his ordinary attire, we at least suspect that it was he who alone could not be persuaded.

We, of course, were greatly pleased, and I think that both as signaling the important change in the procedure of the Supreme Bench and as an appreciation of Judge Dennis' most effective part in bringing it about the Bar Association should present him with one of the newly adopted robes, which we did shortly after, at a little ceremony at which I still remember with pleasure I acted as spokesman for the Association.

I might add that about the same time the younger members of the Bar were much disturbed by the Supreme Bench announcing that beginning at a date shortly following the Courts would sit until four o'clock instead of three. After hearing from numerous lawyers their objections to this, I called on Judge Dennis and told him that many lawyers who had no associate or assistant, either in the Court Room or in their office, had complained to me that after Court adjourned they not only had office work to do but had to discuss client or witnesses the preparation for the continuance of the case next day, and that closing even at three gave them far from too much time needed for this purpose. Judge Dennis with his characteristic interest particularly in the younger members of the Bar said he had not appreciated this difficulty, and soon after it was announced that three would continue to be the official closing hour and a case not be continued beyond that hour unless all Counsel in it so agreed.

Incidents such as these are only a few illustrations not merely of Judge Dennis' readiness to listen to suggestions, and his interest especially in the younger lawyers, but of the unusual success he had in persuading others to agree to any suggested action which he believed to be for the public good.

But others of my fellow Committeemen also want to record their tributes to Judge Dennis, so with appreciation to the Bench I will yield the floor to others.

REMARKS OF MR. BARROLL

There was no twilight zone in the moral world for Samuel K. Dennis. What he believed was right, he strove for with all his heart and all his strength. In days when many of us, before we take sides on a public question, too often ask:

"Which side is likely to win?"

"What will help my law business for me to say I believe?"

—how heartening it was to hear him sound the bugle, as Severn Peaslee Wallis did, seventy years ago, for what was right—because it was right. 'Old age n'er cooled the Douglas blood.' Not always did he win, but he never shunned a fight. How could the silly proposal, in 1950, to scrap our Maryland Constitution have been defeated, for example, without his aid? There are still some of us who can be happy without everything about us being new.

A plain, blunt man, who needed no balloon ascensions, spontaneous petitions or even public awards of merit for springboards to action.

It was his intellect which largely guided the policies of Maryland from 1900 to 1920—a truly golden age—yet, he found time to bring hope to T. B. victims at Sabillasville and light to dark places for multitudes of wretched, unfortunate people.

It was a great loss to this State when he was appointed a Judge. He was a public leader with a high code of conduct, what is more important—brains. We have had too few such since Woodrow Wilson and William L. Marbury.

We like to remember him best as a charming companion, a loyal friend. His salty, vehement conversation was his greatest charm. His mind, stored with legend and history, vividly recalling all the political feuds of the past century, on terms of easy acquaintance with Maryland worthies for 800 years, with a complete understanding and sympathy for the watermen, farmers, merchants, of our State, all formed a palette of rich colors. With these colors, he painted word pictures.

I never went to him for advice over personal anxieties, that drive sleep from the pillow, that I did not come away uplifted. His words of comfort and advice came from a mind that completely understood the good and bad impulses that control the behavior of men. Then, by some heartwarming miracle, he made you feel that, by sharing your worry with him, you had not wearied him but you had conferred on him a benefit and owed him no debt at all.

These rare qualities of sympathy and understanding, — the noblest trait of man, that place man above other creatures, that give us the hope that we may see Salvation—quickened the heart of Sam Dennis.

REMARKS OF MR. CADWALADER

On occasions like this the professional and public side of a life is reviewed and appraised, but when a man of such marked individuality

as Samuel K. Dennis is honored, such appraisal would tell less than half the story. I wish to pay my tribute to him as a man. We have been close friends for as long as we have been members of the bar, and longer. We were students together at the University of Maryland Law School, admitted the same year, lived together sharing room and board for a great part of six years, had the same circle of friends, and each a groomsmen for the other when within six months we each got married. In the last years since he retired from the bench we shared an office. Few have had a better opportunity than I to learn to admire and love him for what he really was.

In such close companionship there was little indeed that could be concealed, and the fact is that he had nothing he wanted to conceal. There was nothing unclean, nothing sordid or grasping. He had to make his way but he was never on the make. Completely genuine, there was not the thinnest veil of pretense about his character. No dishonorable impulse ever found lodgment in his thoughts. Only his patience may have left something to be desired, for as he used to say, he did not follow St. Paul and suffer fools gladly. Prejudices he had, and what strong character is without them? Though sometimes his judgments were hasty he bore no malice or hatred in his heart.

He was full of the joy and humor of life, and contributed richly to it by a flow of racy tales and wholly spontaneous word pictures convulsing in their totally unexpected aptitude to the person or situation under discussion. But he never posed as an entertainer or as retailer of off-color jokes. While his casual speech was frank and often earthy, it was never lewd.

I believe he got his deepest satisfaction from helping others, whether the young men whom he started in their careers, or the poor consumptives for whose welfare he gave so freely of his time and toil.

No one was closer to the best type of the now vanished Nineteenth Century American. When flood or fire or landslide, or the ruthless hand of man, lays waste a great forest we see at times a survivor of the mighty race, a rugged lonely shape that towers still, rustling to the winds that sweep the desolate scene. Such a figure was Samuel Dennis. As the favorite poet of our youthful days described the American, he feared not:

"... to grasp the iron hand of fate
And turn a keen untroubled face
Home to the instant need of things"

Maryland has lost in him a public servant of unusual qualities and distinction, but his friends have lost one whose humor and courage combined to lighten burdens and make living less drab. So vivid a soul cannot be of the dust to which the body has returned. In our memories who knew him on earth he will ever live and walk, and we shall take pride therein.

I beg leave to second the motion before the Court.

REMARKS OF MR. SAUERWEIN

May it please the Court, I rise to speak upon the motion now pending before this Court.

No less an authority than the subject of these memorials has characterized the adjustment of a retired judge to the private practice of the law as a "most baffling and frustrating experience". He was at that time addressing the Judicial Council—an address entwined by a pungent wit that was always enjoyed and frequently quoted by those privileged to hear him, but nevertheless sobered by the contemplation of the nearing end of the road.

Promptly thereafter he showed by his own life that such experience need be neither "baffling nor frustrating". His consuming affection for his chosen profession furnished the challenge to continued purposeful activity, and he responded zealously to that challenge. He had not retired—he had merely changed the course of his life.

Shortly thereafter he became counsel to the firm of which I am a member. He brought to that undertaking the resourcefulness of the advocate, ripened by long years of experience at the bar and tempered by other long years of patient deliberation upon the Bench. He reached his opinions only after careful study, but when reached he stated them without reservation or qualification. He seemed never too tired to pursue to the end any task; and at the close of his very last day at the office he left open on the library table those books he was engaged in studying, and on the table with them was his unfinished memorandum of the opinion denied him by death.

It is difficult to comment upon the rich, full life of Samuel King Dennis without resort to superlatives, which he despised. His memory deserves them for that very reason. He clearly demonstrated that no man need regard retirement from any office as the end of the road. For him it was but the turning into other avenues where the experience of the past made progress pleasant, productive and rewarding, not only for himself, but for others along the way.

And so, I too second the pending Resolution.

REMARKS OF MR. HILL

If Your Honors Please:

I would like to think out loud of Judge Dennis as a personality. In the early nineteen hundreds there was a need for an independent tubercular institution, and with the help of the late Senator Smith, then Governor of Maryland, and with the handy man work and the spare work being done by the late Judge, there was built at Sabillasville the Maryland Tuberculosis Sanatorium. Budgets were not budgets in those days as they are budgets today, and patients were admitted "for free"

or for three dollars a week or for five dollars a week. You can well realize the penny pinching that was necessary in order for Judge Dennis and the late Dr. Victor F. Cullen to make that institution function. But, it did progress until it became one of the outstanding tubercular institutions in the country and representatives of other States and even foreign countries came to Maryland to study its organization and its operation.

In the early twenties there was the need for a colored tubercular institution, so the late Judge Dennis together with the late Dr. Cullen, and your speaker as the chauffeur and the handy man, went out to Henryton in Carroll County and built the Henryton Sanatorium, and he gave to that institution the same close observation, the same treatment, the same personal attention as he had been giving for twenty years to the Sabillasville Sanatorium.

In the middle twenties there were additional facilities needed for tubercular patients, so again the late Judge Dennis and the late Dr. Cullen, and your speaker still the chauffeur and the handy-man, went out to Pikesville and bought the Mount Wilson Sanatorium, and he gave to that institution the same treatment as he had been giving to the other two for more than twenty years.

Let us skip over the intervening years until the middle forties when he was requested to become Director of the American Red Cross in this area. He accepted the job but it was not an honorary position! It was a work-a-day job with him and he gave to that organization the same treatment, the same personal observation, the same close attention that he had given to the three tubercular institutions.

And now to make my point: Is it possible for us to conceive the countless thousands who have been helped, treated, aided and comforted by the tireless energy of this one individual—I did not want to say it but I am going to say it—without one penny of compensation in return. If he had done nothing else in his lifetime, his life would have been wholly adequate, in my opinion!

Now to some personalities: In 1916 he took me under his wing—that is the only mistake that he made in the selection of personnel. In 1928 he was appointed Chief Judge of your Bench and he embarked upon rather a novel program—novel at that time but not today. He wanted to help young men to study law, who might otherwise have been precluded, by appointing them as his bailiffs. And here they sit behind me! Right here, Bill O'Donnell, Henry Decker, Carl Sharretts, Senator Turnbull, Tom Gray and Douglas Sharretts! There they are, responsible lawyers, reputable citizens, due in a measure to the help of Judge Dennis, but in a larger measure to his advice, his counsel, and his sound judgment. He did not have children of his own but when you look back there you can see how he acquired himself a family, these boys were as devoted to him as if he had been their father!

He loved the Church of his faith. He was a member of its Board of Trustees at the time of his death. I am told that he even selected the hymn which you gentlemen sang so lustily at the church:

"Faith of our fathers, holy faith,
We will be true to Thee till death."

And now, gentlemen, I am grateful to the Judge—and when I say "I", I am speaking for these boys sitting behind me here. We are grateful to the Judge for the many, many, many nice things he did for us. Personally I am grateful to him for three things: First, for the privilege of knowing through him the late Dr. Victor F. Cullen, knighted by the Pope for his services in the tubercular field and to the people of Maryland; second, for the privilege of knowing Judge Parke, ex-Judge of the Court of Appeals of Maryland; and third, for the privilege of having worked for, served, and having been associated with the late Judge, three giants in stature, devoted and dedicated to the service of the people in Maryland.

You have often heard it said that no one is indispensable. Sometimes I wonder if that is entirely correct!

I am through, gentlemen, but if you will bear with me for just a moment: "O God, from whom all holy desires"—now listen to these words—"all good counsel, and all just works do proceed"—do not those words fit our profession like a kid glove—"Give unto Thy humble servant that peace which we in this world cannot give, that his heart is and may be set to obey Thy commandments, and living as we do, in the fear of enemies, may he pass his time in rest and quiet."

I thank you gentlemen, for the privilege of seconding the motion.

RESPONSE OF CHIEF JUDGE SMITH

Judge Samuel K. Dennis, the sixth Chief Judge of the Supreme Bench

of Baltimore City since its creation by the Constitution of 1897, was appointed to that post in 1925 by Governor Albert C. Ritchie. He succeeded Judge James P. Gorter, on his retirement. The distinctions which he achieved in civic, charitable and professional fields were so many that I could not hope to recount them. I must deal only with his judicial service, in which his contributions to the improvement of the administration of Justice in Baltimore are so noteworthy, as to make me fear that I may fail to recount them all.

He made the first (and only) published report of the work of the Supreme Bench, and the courts under its supervision. It was under him that jurors were first pooled and sent to a common assembly room, to make them available for service in other courts; that prepayment of costs was first required; that the adult probation department was founded under a legislative Act (Chapter 132 of the Acts of 1931), drafted by a Committee of Judges. His criticism of the Juvenile Court system resulted in legislation which made the Juvenile Court a part of the Court System under the Supreme Bench in 1943.

He challenged the imposition of an income tax upon his salary, and won a reversal of the State Tax Commission from Judge Robert F. Stanton, which was appealed by the State. In the case of Gorly vs. Dennis (176 Md. 106) the appeal which was first affirmed by an evenly divided Court, upon reargument, was affirmed by the full bench. The adoption of a constitutional amendment has made the decision one of historical interest only.

He was Chairman of the first Committee on Rules of Practice and Procedure appointed by the Court of Appeals (under Chap. 719 of the Acts of 1938.) This committee drafted new trial rules, and rules on depositions and discovery, which drastically altered the method of preparation and trial of civil cases throughout the State. Whatever changes have since been made, or may hereafter be made, it must be conceded that the rules prepared by Judge Dennis' Committee represent the greatest forward step in Maryland Court Procedure, in our time.

In spite of his administrative duties, Judge Dennis performed a full share, and more, of judicial work in his own court, which was always a busy one. It was my good fortune, when I first came on the Bench, to follow him in the Court rotation, so that I succeeded him each year in the court to which he had been assigned. And I could always be confident that all the cases on his docket had been heard and disposed of, or had been given opportunity to be heard. He set an example difficult to match.

Having inherited from his predecessor two bailiffs of the old school, Judge Dennis, at the first opportunity adopted a practice since followed by a number of other judges, of employing as bailiffs one or more young law students. This served the double purpose of giving him the benefit of youthful energies to aid him, and giving these prospective lawyers the advantage of daily court experience. Without exception, these young men, now successful lawyers, have great admiration and affection for him, and are present today to give evidence of it.

But I would not seek to make it appear that Judge Dennis was a great reformer. Far from it. No one could be more tenacious in clinging to tried and true methods, which he believed sound, nor more stubborn in opposing departure. He was discriminating in his choice of causes. Yet he was incurably optimistic. He constantly believed and asserted that the younger generation of lawyers at the bar will be found superior to the old. He applauded methods adopted by the Government to combat the economic depression, and believed that economic controls will produce a sounder business structure.

Judge Dennis was a big man in every sense of the word—of commanding presence, with strongly chiseled features, he had a fine intellect and a sparkling wit. No lawyer or judge has left behind so many legends of quick repartee and scintillating humor.

Yet it was his warmth of personal interest which most endeared him to his many friends. When I was elected to the Bench in 1938, together with Judge Niles and Judge McLinnahan, Judge Dennis gave a memorable dinner at the Maryland Club to celebrate the event. Ever during my service on the Bench, he gave me words of heart warming encouragement, which did not end with his retirement but continued until his death. My admiration, affection and respect for Judge Dennis as Judge, lawyer and friend are unbounded.

The addresses of the President and the Committee of the Bar are gratefully acknowledged, and will be preserved among our permanent records.

M I N U T E S

A regular monthly meeting of the Supreme Bench of Baltimore City was held on Saturday, April 11, 1953, at 10:00 A. M. All Judges were present with the exception of Judges Niles, Moylan and Cullen.

Chief Judge W. Conwell Smith presided.

Judge Mason moved that the minutes of the Supreme Bench meetings be read at the monthly meeting of the Bench. The Secretary stated that he would follow whatever procedure the Judges would approve with the understanding that the position of Secretary of the Supreme Bench would be rotated among the Judges, or that a new Secretary be appointed for the calendar year beginning January, 1954. The motion was adopted.

Motions for new trials were granted in the following cases:

Jack D. Ball, convicted of rape;

McConnell Peachie, convicted of violating the narcotic laws; and

Herman R. Lissau and Richard G. Lissau, convicted of bets on races.

The Supreme Bench denied the motion for new trial of Willie Harold Ferguson, who was convicted of rape.

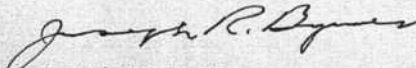
There being no further business, the meeting was adjourned.

**Motions For New Trials
are Granted By The
Supreme Bench**

Supreme Bench of Baltimore today heard arguments on motions for new trials in criminal cases and granted new trials to D. Ball, convicted of rape; McConnell Peachie, found guilty of violating the narcotic laws, and Herman R. Lissau and Richard G. Lissau, who were convicted on bets

on races charges. The judges denied the motion of Willie Harold Ferguson, who was found guilty of rape.

Harry E. Goertz, Joseph Loeffler, Emanuel Klawans and George Sasche were the attorneys for Ball and R. Palmer Ingram represented Peachie. Arguments on behalf of the Lissaus were made by Sigmund Levin and Walter V. Harrison. James E. Price, Assistant State's Attorney, appeared on behalf of the State in the Ferguson case.



Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, April 16, 1953. All Judges were present. Chief Judge W. Conwell Smith presided.

No business was transacted.

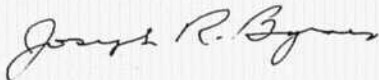


Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, April 23, 1953, at 12:30 P. M. All Judges with the exception of Judge Moser were present. Chief Judge W. Conwell Smith presided.

No business was transacted.



Joseph R. Byrnes
Secretary

M I N U T E S

A Term Meeting of the Supreme Bench of Baltimore City was held on Friday, April 24, 1953, at 10:00 A. M. All Judges were present with the exception of Chief Judge Smith and Judge Moser. Judge Niles presided at the hearings on the motions for new trials, but left before the business meeting of the Bench in order to attend a funeral. Judge Tucker presided at the business meeting.

The following resolution relating to the retirement of Bailiff William E. Rutter was read and adopted:

"WHEREAS, William E. Rutter was appointed a bailiff of the Supreme Bench of Baltimore City on December 6, 1943 and has served continuously in that capacity; and

"WHEREAS, he has been physically incapacitated since January as the result of a fall with little likelihood of resuming his duties,

"IT IS, THEREFORE, RESOLVED by the Supreme Bench of Baltimore City, this 24th day of April, 1953, that William E. Rutter be retired, effective April 30, 1953.

"AND IT IS FURTHER RESOLVED that the said William E. Rutter be pensioned in accordance with the provisions of Chapter 378 of the Acts of 1951."

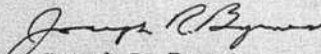
The Supreme Bench denied the following motions for new trials:

John Pegram, convicted of lottery; and

Levy Duren, convicted of manslaughter.

The Bench selected the Grand Jurors to serve during the May Term of Court, to begin on Monday, May 11, 1953.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

1953

Grand Jury For May Term Selected By Supreme Bench

The Grand Jury for the May Term was selected by the Judges of the Supreme Bench of Baltimore yesterday. The jurors are called for Monday, May 11th, when the local Courts will convene for the May Term.

Following are those who were chosen to serve on the Grand Jury: Anna Bertha Horz, 2503 Hermosa Avenue.

Idelle Taylor, 607 N. Woodington Road.

Herman L. Greuhn, 209 Paddington Road.

Melvin B. Rosenthal, 3244 Tioga Parkway.

Vincent Pirrone, 3543 Newland Road.

Alice T. McPartland, 1206 Decker Avenue.

Nathan S. Greenspan, 3807 Fordleigh Road.

Mary Jane Wilcox, 3006 Ailsa Avenue.

William F. Schlunderberg, 39th Street and Fenchurch Road.

Heleen L. E. Eckels, 701 Ambassador Apartments.

George W. Arthur, 2010 Westfield Avenue.

Baxter L. Matthews, 340 Dolphin Street.

Dorothy Mae Lloyd, 918 E. 37th Street.

Melvin Hess, 3816 Hayward Avenue.

John C. Taucber, 5316 Norwood Avenue.

Gertrude H. Wilson, 209 University Parkway.

Mattie Cross Brady, 116 W. University Parkway.

Albert W. Eldridge, 235 Oaklee Village.

Marion M. Fuller, 3813 Yolando Road.

Irvin Frank Esler, 494 Random Road.

James K. Dick, 1902 Hillenwood Road.

Margaret Eich, 3900 Yolando Road.

Emelia V. Loney, 2717 Riggs Avenue.

3011 W. North Avenue,
Baltimore, Maryland,
March 31st, 1953.

Hon. Joseph L. Carter,
Court House,
Baltimore 2, Maryland.

Dear Judge Carter:-

Owing to the recent accident sustained by me to my knee and feeling that I cannot perform the duties as Bailiff quite as actively as before being injured, this is to advise you that it is agreeable to me to terminate my active services as a Bailiff of the Supreme Bench and to go on retirement as of April 30th, 1953, or any date thereafter that suits Your Honor's convenience.

I have enjoyed my period of employment with your Honor as well as all the Judges of the Supreme Bench, most of whom I have had the pleasure of serving with from time to time.

With many, many thanks for all past kindnesses and considerations and with best wishes and regards, I remain

Yours respectfully,

Wm E. Rutter

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, April 30, 1953, at 12:30 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

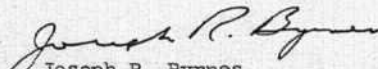
The Supreme Bench approved the following Order:

"The Supreme Bench of Baltimore City hereby authorizes the Clerks of the several Courts of Baltimore City to close their offices at 3:00 P. M. instead of at 4:00 P. M. from the first day of June, 1953, until the second Monday in September, 1953, except on Saturday, when the closing hour shall be 12:00 o'clock noon."

Chief Judge Smith announced that the next Term Meeting will be held on Friday, May 29, 1953 at 10:00 A. M. At this meeting, motions for new trials will be heard, and the September Term Grand Jury will be selected.

Chief Judge Smith stated that he would enter the hospital on Monday, May 4, for a physical examination, and said that he did not know exactly how soon he would be available to resume his Court duties. Judge Mason offered to take over Judge Smith's assignment in the Youth Court, which offer was accepted by the Chief Judge and approved by the other Judges.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

M I N U T E S

No Supreme Bench luncheon meeting on Thursday, May 7, 1953.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, May 14, 1953, at 12:30 P. M. All Judges were present with the exception of Judge Smith. Judge Emory H. Niles presided.

Judge Mason called to the attention of the Bench a request from Judge Helen Elizabeth Brown of the Housing Court that she be permitted the use of a courtroom until space was made available for her Court in the new Peoples' Court Building. After a discussion, Judge Mason moved that Judge Brown be given permission to use the Supreme Bench Courtroom until July 1, from 3:30 P. M., subject to its use by a Judge of the Supreme Bench, if necessary. The motion was approved. Judge Manley voted in the negative.

Judge Mason recommended to the Bench that an air conditioning unit should be installed in Judge Moylan's chambers. The cost of ^{30 sq} a unit would be \$945.00. Judge Mason then moved that the Court House Committee be authorized to take up with the Board of Estimates the installation and payment of this unit.

It was agreed by the Bench that the next Term Meeting will be held on Friday, May 29, at 10:00 A. M.

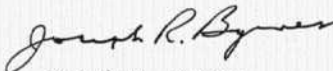
The Bench also agreed that the Leonard Niport disbarment proceeding would be heard on Friday, September 18, 1953, but, in

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the event that counsel should indicate that the hearing might take two days, the proceedings would begin on Thursday, September 17, 1953.

Judge Niles reported that the Bench had received a request from the Maryland Workshop for the Blind for permission to operate a stand in the Court House. It was decided that this request would be considered by the Supreme Bench at a later date.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, May 21, 1953, at 12:30 P. M. Present were Judges Niles, Tucker, Mason, Manley, Warnken, Byrnes and Carter. Absent were Chief Judge Smith, and Judges Moylan, Moser and Cullen. Judge Emory H. Niles presided.

Judge Niles announced that four motions for new trials will be heard at the next Term Meeting of the Bench on Friday, May 29, 1953. It was agreed that the luncheon meeting scheduled for Thursday, May 28, would be postponed until Friday, May 29, 1953.

The Bench approved the Stenographers' Summer Assignment Schedule.

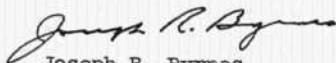
Judge Mason led a discussion concerning cases heard by Chief Judge Smith which had been referred to the Probation Department for a report. Judge Mason stated that he was inclined to follow the recommendation of the Probation Department where probation was recommended, but that he had been taking no action where the report failed to make such recommendation. Judge Mason was asked by Judge Niles to study the situation and submit a recommendation to the Bench as to the disposition of cases involving prisoners not recommended for probation.

Judge Niles called the attention of the Bench to the fact that Chief Judge Smith had been assigned to sit as the Judge on duty for Saturday, May 23, and that, of course, Judge Smith

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being in the hospital, some other Judge would have to take his place. It was suggested that the Judge next in line be asked to take over this assignment. Judge Carter volunteered to serve in the event that the Judge next in line had other engagements.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

C O P Y

LAW OFFICES

JOHN GRASON TURNBULL

24 W. Pennsylvania Avenue

TOWSON 4, MARYLAND

Towson 4111

May 27, 1953.

Honorable Herman M. Moser
Court House
Baltimore 2, Maryland

RE: State of Maryland
vs. Wilbur F. Coyle, Jr.

Dear Judge Moser:

Pursuant to your phone conversation on behalf of Judges Byrnes, Carter and yourself, we have endeavored dispassionately and realistically to appraise the situation which confronts you and us.

Wilbur Coyle is facing trial on an indictment charging him with first degree murder. Under the law, as we all know, an unqualified verdict of guilty might subject him to capital punishment. Other possible verdicts of guilty subject him to imprisonment, possibly for life.

Coyle's defense is a factual one. Much will depend upon a jury's belief in his veracity. Much will depend on his reputation for being peaceable, quiet and not inclined to violence. His reputation in both these regards is a fact, and susceptible of proof.

We have issued summons for a number of his friends to establish his life-long reputation. They will testify as to a fact, not an opinion.

You three gentlemen are well acquainted with the fact of Coyle's reputation. Judge Moser served in the State's Attorney's Office with him years ago, and was best man at his wedding. Judge Carter was at Law School with him. Judge Byrnes has known him for many years.

It was not our desire nor would it be proper, to have you testify as Judges, expressing an opinion. Rather, we wanted you to testify as men who knew a certain fact of importance. Your position as Judges should not, in our opinion, deprive him of important fact witnesses.

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To: Judge Herman M. Moser

However, it is your belief that an impropriety would be brought about if you should testify. With this we cannot agree. We recognize that the Justices who testified in the Hiss case were criticized; but they were on a Court that might ultimately pass on his appeal, hence should not have testified. You cannot possibly be in that position.

In deference to your feelings in the matter, we shall not insist that you honor the subpoena issued by us and you are at liberty to act as conscience dictates.

In the event you decide not to appear as a witness, we shall appreciate a letter stating that your absence is because you consider your appearance would be an impropriety. We would certainly not want him to feel that his old friends had failed him without cause.

Very respectfully yours,

(sgd) John Grason Turnbull

(sgd) Douglas N. Sharretts

JGT/t

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SUPREME BENCH OF BALTIMORE CITY

May 28, 1953.

John Grason Turnbull, Esq.,
24 W. Pennsylvania Avenue,
Towson 4, Maryland,

Douglas M. Sharretts, Esq.,
717 Title Building,
Baltimore 2, Maryland.

Gentlemen:

We have received your letter of May 27 regarding Mr. Wilbur F. Coyle, Jr.

We are well acquainted with his reputation for truth, veracity and peacefulness in the community, and know it to be good. However, we regret that it would, in our opinion, be inadvisable for us to appear as character witnesses in this case, since, among other reasons, we have no special knowledge which is not possessed by many other persons who are available as witnesses. Our wish not to appear as character witnesses is not only our personal judgment, since our appearance might be misconstrued, but is also in accord with the policy of the Supreme Bench of Baltimore City as expressed after another case a few years ago, where a similar question arose. If, however, the Court is of the opinion that we should appear, we shall, of course, do so.

We are sending a copy of this letter and a copy of your letter of May 27 to Judges Coburn and Gontros.

Sincerely,

Sgd by Max J. Byrnes

M I N U T E S

A TERM MEETING of the Supreme Bench of Baltimore City was held on Friday, May 29, 1953, at 10:00 A. M. All Judges were present with the exception of Chief Judge Smith. Judge Emory H. Niles presided.

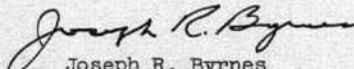
Upon the motions of Albert W. Styles and Paul M. Higinbothom, Cecil T. Shivers and Austin W. Brizendine were admitted to practice as members of the Baltimore Bar by the Supreme Bench of Baltimore City.

Motions for new trials of Robert Lee Terry, found guilty of murder in the first degree, and of Theodore Stanley, convicted on lottery charges, were denied by the Supreme Bench. The Bench granted the motion for a new trial of Eugene Howard, found guilty of violating the narcotic laws, and awarded a new trial to Ellen Williams upon a conviction for disturbing the peace. ~~A second~~ motion for new trial filed by Ellen Williams upon her conviction for assault on officer was denied, ~~by the Supreme Bench.~~

The Grand Jury for the September Term, 1953, was selected by the Supreme Bench. A copy of the list is attached.

A final revised Summer Assignment of Judges was announced, ~~a copy of the Assignment~~ is attached.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

Final Revised Summer Assignment Of Judges Of Supreme Bench

WEEKS	CRIMINAL COURT	EQUITY COURT
June 1—June 6	JUDGE NILES	JUDGE CARTER
June 8—June 13	JUDGE CARTER	JUDGE NILES
June 15—June 20	JUDGE CARTER	JUDGE BYRNES
June 22—June 27	JUDGE MASON	JUDGE BYRNES
June 29—July 4	JUDGE BYRNES	JUDGE MASON
July 6—July 11	JUDGE MASON	JUDGE BYRNES
July 13—July 18	JUDGE CULLEN	JUDGE MANLEY
July 20—July 25	JUDGE MANLEY	JUDGE CULLEN
July 27—Aug. 1	JUDGE CULLEN	JUDGE MANLEY
Aug. 3—Aug. 8	JUDGE MOSER	JUDGE WARNKEN
Aug. 10—Aug. 15	JUDGE WARNKEN	JUDGE MOSER
Aug. 17—Aug. 22	JUDGE MOSER	JUDGE WARNKEN
Aug. 24—Aug. 29	JUDGE CULLEN	JUDGE TUCKER
Aug. 31—Sept. 5	JUDGE TUCKER	JUDGE MANLEY
Sept. 7—Sept. 12	JUDGE CARTER	JUDGE TUCKER

Two New Attorneys Are Admitted To Practice By Supreme Bench

Cecil T. Shivers and Austin W. Brizendine were admitted to practice as members of the Baltimore Bar by the Supreme Bench of Baltimore yesterday upon the motions of Albert W. Styles and Paul M. Higinbotham.

Supreme Bench Rules On Motions For New Trials In Criminal Cases

The motions for new trials of Robert Lee Terry, found guilty of murder in the first degree and of Theodore Stanley, who was convicted on lottery charges were denied by the Supreme Bench of Baltimore City.

The Bench granted the motion for a new trial of Eugene Howard, found guilty of violating the narcotic laws and awarded a new trial to Ellen Williams, upon a conviction for disturbing the peace. A second motion filed by Mrs. Williams asking for a new trial upon her conviction of assault on officer was denied by the Judges.

Joseph G. Koutz, George D. Solter, Theodore C. Waters, Jr. and Edwin A. Gehring, Assistant State's Attorney's, represented the State in the Terry and Stanley cases, while Fred Kolodner was the attorney for Howard.

September Term Grand Jury Selected By Supreme Bench

The Grand Jury for the September Term was selected by the Supreme Bench of Baltimore City at its General Term Meeting on Friday. They are called for Monday, September 14th.

Those selected to serve on the Grand Jury are:

Engnoth, Charles F., 3713 Erdman Avenue.

Warner, Edgar E., Sr., 324 Allendale Avenue.

Ray, James E., 3933 Lowndes Avenue.

Weinstein, Ruby L., 3012 W. Rogers Avenue.

Blome, George W., 1247 E. Belvedere Avenue.

Wigley, Shirley E., 3231 Montebello Terrace.

Katzenstein, William, 2203 Linden Avenue.

O'Malley, Rhea T., 4000 N. Charles Street.

Lacy, James J., Jr., 1501 Oakridge Road.

Macatee, J. Edward, Jr., 4003 Carlsle Avenue.

Welcome, Verda F., 1131 Harlem Avenue.

Berry, John L., 2038 Druid Hill Avenue.

Dannenberg, Catharine K., Victoria Apartments.

Diggs, Caroline, 217 Upnor Road.

Donovan, Beatrice G., 715 McKewin Avenue.

Leonard, Harry F., 293 N. Monroe Street.

Gary, Louisa M., 3501 St. Paul Street.

Fenton, Matthew C., Jr., 305 Broxton Road.

Hoff, Florence D., 3515 N. Calvert Street.

Scarlett, Patricia R., 100 Longwood Road.

Muehlberger, Anna E., 3418 Mayfield Avenue.

Hamilton, George S., 207 Club Road.

Heinicker, Lynn I., 5307 Purlington Way.

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Wednesday, September 2, 1953, at 2:00 P. M. All Judges were present with the exception of Judges Niles and Moser. Chief Judge W. Conwell Smith presided.

Judge Mason reported that perhaps eight courtrooms will be ready for use by September 14th. A discussion followed, during which it was agreed that temporarily Judge Tucker would take over Judge Moser's courtroom, Judge Moser would hear non-jury cases in the Supreme Bench courtroom, and Chief Judge Smith would move to Judge Tucker's courtroom.

It was agreed that the Supreme Bench would meet on September 14th and 15th for the purpose of hearing motions for new trial and receiving motions for admission to the Bar of the Supreme Bench, and on September 18th to hear the Niport disbarment case. The meeting on September 14th will begin at 11:00 A.M. Admissions to the Bar will be received on September 15th at 10:00 A. M.

There will be no luncheon meeting during the week of September 14th.

After a discussion as to who should sponsor the new class of lawyers to be admitted to the Bar of the Supreme Bench, it was agreed that Governor McKeldin would be invited to present the new group. The Secretary was authorized to extend the invitation to the Governor.

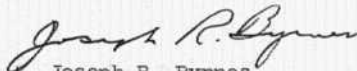
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For the purpose of correcting and completing the list of Grand Jurors for the Criminal Court of Baltimore City for the September Term, 1953, the Supreme Bench selected:

Margaret F. Menton, 321 E. University Parkway;
John P. Chew, Sr., 210 E. Melrose Avenue;
Raymond P. Stansbury, 5700 Loch Raven Boulevard; and
Benenia W. Shawn, 2206 Roslyn Avenue

to serve in place and stead of Verda F. Welcome, John L. Berry, Patricia R. Scarlett and George S. Hamilton.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

COPY

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SUPREME BENCH OF BALTIMORE CITY

September 3, 1953

Honorable Theodore R. McKeldin
Governor of Maryland
State House,
Annapolis, Maryland

Dear Governor:

At a meeting of the Supreme Bench yesterday, I was authorized to extend an invitation to you to present a group of young lawyers, numbering thirty-six, for admission to the Bar of the Supreme Bench at its next meeting, to be held on Tuesday, September 15, 1953, at 10:00 A. M. in the Supreme Bench Courtroom, Room 600, Court House.

About a year ago, the Supreme Bench abandoned the idea of individual sponsors and decided that one sponsor for the entire group would be more dignified and in keeping with the occasion. Mr. Thomas Biddison, City Solicitor, presented the first group under the new plan, and Mr. Anselm Sodaro acted as sponsor on the second occasion. An extended address is not required but you, of course, will be free to take whatever time you may need.

Kindly advise me at your earliest opportunity whether or not you can be present.

With very best wishes, I am

Sincerely yours,

Joseph R. Byrnes
Secretary

JRB:gjh



EXECUTIVE DEPARTMENT

ANNAPOLIS, MARYLAND

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THEODORE R. MCKELDIN
GOVERNOR

September 8, 1953

Honorable Joseph R. Byrnes
Supreme Bench of Baltimore City
Court House
Baltimore 2, Maryland

Dear Judge Byrnes:

Thank you for your letter of September 3rd, and for the invitation to present a group of young lawyers for admission to the Bar of the Supreme Bench of Baltimore on Tuesday, September 15th. I shall be delighted to serve as a sponsor to this group, and will be on hand in Room 600 of the Court House at ten A. M.

With kindest personal regards, and very best wishes, I am,

Sincerely yours,

Governor

TRMcK/tk

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Monday, September 14th, 1953, at 11:00 A. M. All Judges were present with the exception of Judge Carter. Chief Judge W. Conwell Smith presided.

Motions for new trials filed by Defendants Carl W. Kelch, convicted of bets on horse racing; Virgie Johnson, convicted of lottery; and Wesley Jones, convicted of conspiracy, were denied.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

Local Courts Convene For September Term 9-14-53 This Morning

The local Courts will convene for the September Term at 10 o'clock this morning when the Grand Jury for the September Term will assemble in the Criminal Court before Judge Joseph L. Carter, where the body will be organized.

At 11 o'clock the Judges will meet in the Supreme Bench Room on the sixth floor of the Court House to hear arguments on the following motions for new trials in criminal cases: Carl W. Kelch, bets on horse racing; Virgie Johnson, lottery; Albert M. Lapin, bribery, and Wesley Jones, conspiracy.

Candidates who passed the examinations given by the State Board of Law Examiners in March and who have been admitted by the Court of Appeals of Maryland, will be admitted to practice as members of the Baltimore Bar by the Supreme Bench at 10 o'clock tomorrow morning. Gov. Theodore R. McKeldin will move for the admission of the candidates and Chief Judge W. Conwell Smith will respond on behalf of the Court.

Following the admission of the candidates arguments will be heard by the Bench on the new trial motions of Ulysses T. Gillette, Jr., violation of narcotic laws; Cecil E. Roll, conspiracy, and Ronald J. Smith, Alvin M. Sheubrook, John A. Sheubrook, Robert J. Henninger, Peter J. Cimino and Mario Averella. Also scheduled for consideration at tomorrow's meeting is a preliminary determination in the reinstatement petition of Charles T. LeViness, 3d. The Judges will decide the extent of the testimony to be heard when a formal hearing is held on Mr. LeViness' petition.

Beginning today the Clerks' offices of the various Courts will remain open until 4 P. M. The offices have closed at 3 o'clock during the Summer months with the permission of the Supreme Bench, with the exception of Saturdays when the offices were closed at 12 noon. The offices will remain open until 1 o'clock on Saturdays.

M I N U T E S

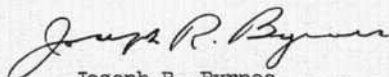
A Special Meeting of the Supreme Bench of Baltimore City was held on Tuesday, September 15, 1953, at 10:00 A. M. All Judges were present. Chief Judge W. Conwell Smith presided.

Governor McKeldin moved ~~for~~ the admission of thirty-one lawyers, whose names are listed below.

The Supreme Bench denied a motion for new trial filed by Ulysses T. Gillette, Jr., convicted of violating the narcotic laws. Motions for new trials filed by Ronald J. Smith, Alvin M. Sheubrook, John A. Sheubrook, Robert J. Henninger, Peter J. Cimino and Mario Averella, were held sub-curia. A motion for new trial filed by Cecil E. Roil, convicted of conspiracy, was withdrawn.

Judge Warnken suggested that the form now being used in show-cause orders should be revised. The matter was referred to the Rules Committee.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

September Term Grand Jury Organized In Criminal Court

The Grand Jury for the September Term was organized in the Criminal Court yesterday by Judge Joseph L. Carter.

Matthew C. Fenton, Jr., was elected foreman of the body and James J. Lacy, Jr., was designated assistant foreman. The following members were appointed by Judge Carter to constitute the Penitentiary Committee: Raymond P. Mansbury, chairman; George W. Deane, Mrs. Shirley E. Wigley, Mrs. Clara T. O'Malley and Mrs. Catherine K. Dannenberg.

The Grand Jury as organized follows:

Deane, George W., 1247 E. Belvidere Avenue.
 Deane, John P., Sr., 210 E. Melrose Avenue.
 Dannenberg, Catharine K. Victoria Apartments, 2101 St. Paul Street.
 Deane, Caroline, 217 Upnor Road.
 Deane, Beatrice G., 715 Melrose Avenue.
 Edmonds, Charles F., 3713 Erdman Avenue.
 Fenton, Matthew C., Jr., 305 Broxton Road.
 Fenton, Louisa M., The Marylander, 21 St. Paul Street.
 Hoff, Florence D., 3515 N. Calvert Street.
 Kautzstein, William, 2203 Lincoln Avenue.
 Lacy, James J., Jr., 1501 Oakridge Street.
 Leonard, Harry F., 203 N. Monroe Street.
 Macatee, J. Edward, Jr., 4003 Carolina Avenue.
 Maston, Margaret F., 321 E. Unity Parkway.
 Muehlberger, Anna E., 3418 Maryland Avenue.
 O'Malley, Rhea T., 4000 N. Charles Street.
 O'Neil, James E., 3933 Londwene Avenue.
 Schleicher, Lynn L., 5307 Purlington Avenue.
 Shaw, Benenia W., 220 Roslyn Avenue.
 Mansbury, Raymond P., 5700 Lochwood Boulevard.
 Warner, Edgar E., Sr., 324 Allen Street.
 Weinstein, Ruby L., 3012 W. Rose Avenue.
 Wigley, Shirley E., 3231 Montclair Terrace.

Supreme Bench To Admit Candidates To Practice 9-15-33 This Morning

Candidates who passed the examinations given in March by the State Board of Law Examiners and who have been admitted by the Court of Appeals of Maryland, will be admitted to practice as members of the Baltimore Bar by the Supreme Bench of Baltimore at 10 o'clock this morning.

The ceremony will take place in the Supreme Bench Room on the sixth floor of the Court House and Gov. Theodore R. McKeldin will move for the admission of the candidates. Chief Judge W. Conwell Smith will respond on behalf of the Court.

Following the admission of the candidates the Bench will hear arguments on the following motions for new trials in criminal cases: Ulysses T. Gillette, Jr., violation of narcotic laws; Cecil E. Roll, conspiracy; and Ronald J. Smith, Alvin M. Sheubrook, John A. Sheubrook, Robert J. Henninger, Peter J. Cimino and Mario Averella, rape. The Judges will also make a preliminary determination in the reinstatement petition of Charles T. LeViness, 5d. They will decide the extent of the testimony to be heard when a formal hearing is held on Mr. LeViness' petition.

The Supreme Bench met yesterday and denied the new trial motions of Carl W. Keich, convicted of bets on horse racing; Virgie Johnson, found guilty on lottery charges; and Wesley Jones, convicted of conspiracy. The new trial motion of Albert M. Lypin, found guilty of bribery, was withdrawn.

Assistant State's Attorneys J. Harold Grady, Edwin A. Gehring and Theodore C. Waters, Jr., appeared on behalf of the State at the hearing yesterday.

Thirty-One Candidates Admitted To Practice By Supreme Bench 9-16-33

Thirty-one new attorneys, who passed the Bar Examinations given in March by the State Board of Law Examiners, were admitted to practice as members of the Baltimore Bar by the Supreme Bench of Baltimore yesterday.

Governor Theodore R. McKeldin moved for the admission of the candidates after which A. Patterson Pendleton, Deputy Clerk of the Supreme Bench administered the oath of office. Chief Judge W. Conwell Smith responded on behalf of the Court.

Those admitted to practice were: William G. Antal, Bernard G. Bacinski, David M. Baker, Herman C. Butler, Frank Cannizzaro, Jr., Richard G. Chaney, III, Thomas F. Curry, Benjamin R. Ellsberry, Benjamin L. Eusebroecht, Vernon G. Famae, Warren W. Glick, Robert N. Gordon, Irvin H. Habicht, W. Wade Homesley, Paul Jacobs.

Gerald T. Levin, William M. Mauko, Louis Masek, Jr., Francis J. Meagher, Harold Mitznick, Samuel W. Moore, Jr., Thomas C. Nugent, Robert W. Pahr, Jr., Albert B. Poloway, George W. Setz, Sol Sherman, John P. Wade, John C. Weiss, Jr., Wilmer J. Wolf, Jerome B. Wolff and Alexander Yankelov.

In moving for the admission of the candidates Governor McKeldin made the following remarks:

"It is my privilege to move the admission of these candidates to the Bar of the Court. Each of them possesses the necessary qualifications, and has been heretofore admitted to practice before the Court of Appeals of Maryland.

"This is not the time for extended comment, and yet, with Your Honors' indulgence, I should like to offer a few thoughts which seem to me appropriate to the occasion.

"To these petitioners for the privilege of practicing law, this is, of course, a momentous hour. All that they have done until now has been preparation. Today they achieve the ambition for which they have labored — to be admitted to the profession of the law which all of us hold dear. It is an honorable profession. While we hear occasional criticism of the conduct of lawyers, and though sometimes it is merited, this much we can truthfully say: First, that more than any other profession, that of the law conscientiously and diligently polices itself and disciplines those who stray from the path of professional honor or professional duty. Secondly, that despite occasional regrettable lapses of individuals who, it must be said in fairness, attract attention in undue proportion to their numbers, there is no group of businessmen or members of any other profession who by and large in their day to day conduct uphold a loftier sense of duty, or a more scrupulous code of ethics. May these newcomers, conscious of the high standards of the men of the law who preceded them, and mindful of their individual responsibilities to the people, the Court and their clients, do nothing to soil the traditions which are today put in their keeping.

"There is a further thought which seems to me worth mentioning. What Your Honors are engaged in is not merely deciding controversies between contending litigants. I am certain that as you reflect upon the meaning of your tasks it becomes clear that you are fulfilling a greater role and serving a cause that has a deeper meaning. You are ministering to the community in one of its most essential needs, the establishment of justice. Every lawyer, when he appears before the bar of the Court and no less when he engages in office practice, must think of himself as a partner with the Judges on the bench in this enterprise. He has, it is true, his immediate duty to the client, but he is permitted to function only because in the plan of our legal institutions it is thought

that in this way he will contribute most practically to make justice "flow like a mighty stream". There is no more exalted duty, no more glorious opportunity.

"And finally, I express the hope that their immediate professional obligations will not be permitted to exclude them from participation in a wider field as citizens. The training of lawyers, as the experience of centuries has shown, suits them peculiarly for public service, not in the judicial field alone, but in the other branches of government too. In our day the call is as clear and as strong as ever for men of legal training to assume their proper place in public office and as citizens. Not all problems are dealt with in Courts, Legislatures and government administrative offices. In the wider areas of public affairs we face today issues that are as vital as they are complex: How to make our democracy work; how to guard against the sinister plots of the enemy, and yet in our zeal not destroy the freedoms we seek to protect; how to guide the people in a free society to participate intelligently and to act wisely in public affairs, for without such widespread participation our form of government cannot operate successfully. In all of these concerns, lawyers have a superior duty commensurate with their superior opportunity. I venture to press the hope and the confidence that these new lawyers will meet the challenge of their profession and of their American citizenship faithfully and with honor."

Supreme Bench Meetings Will Be Held Friday And Saturday

Meetings of the Supreme Bench of Baltimore City are scheduled for Friday and Saturday for the purpose of hearing the disciplinary proceedings instituted by the Bar Association of Baltimore City against Leonard Niport. The meetings will take place in the Supreme Bench Room on the sixth floor of the Court House.

The Judges heard arguments on motions for new trials in criminal cases yesterday and denied the motion of Ulysses T. Gillette, Jr., who was convicted of violating the narcotic laws. The Bench reserved its decision on the motions of Ronald J. Smith, Alvin M. Sheubrook, John A. Sheubrook, Robert J. Henninger, Peter J. Cimino and Mario Averella, who were found guilty of rape. The new trial motion of Cecil E. Roll, convicted of conspiracy, was withdrawn.

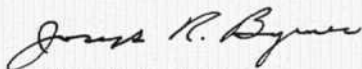
Assistant State's Attorney George D. Solter represented the State in the Gillette case. Assistant State's Attorneys Julius A. Romano and Joseph G. Koutz appeared on behalf of the State in the rape case, while the defendants were represented by I. Duke Aviet, Joseph Rosenthal, Deley K. Nice, Samuel A. Culotta and Louis Samuels.

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Friday, September 18, 1953, at 10:00 A. M. All Judges were present with the exception of Judges Moser and Manley. Chief Judge W. Conwell Smith presided.

The Bench was engaged in hearing testimony in the Leonard Niport disbarment case. D. Heyward Hamilton and Richard W. Case represented the Bar Association, and Eldridge Hood Young represented Leonard Niport at the hearing.

The meeting was adjourned at 5:00 P. M. until Saturday, September 19, 1953, at 10:00 A. M.



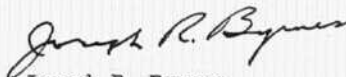
Joseph R. Byrnes
Secretary

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Saturday, September 19, 1953, at 10:00 A. M. All Judges were present with the exception of Judges Moser and Manley. Chief Judge W. Conwell Smith presided.

The Bench resumed the hearing of testimony in the Leonard Niport disbarment case.

The meeting was adjourned at 1:00 P. M. until Monday, September 21, 1953, at 10:30 A. M.



Joseph R. Byrnes
Secretary

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Monday, September 21, 1953, at 10:30 A. M. All Judges were present with the exception of Judges Moser, Manley, Carter and Cullen. Chief Judge W. Conwell Smith presided.

The Bench resumed the hearing of testimony in the Leonard Niport disbarment case.

The meeting was adjourned at 5:45 P. M. until Saturday, October 3, 1953, at 10:00 A. M.



Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, September 24, 1953, at 12:30 P. M. All Judges were present with the exception of Judge Cullen. Chief Judge W. Conwell Smith presided.

No business was transacted.



Joseph R. Byrnes
Secretary

M I N U T E S

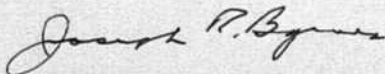
A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, October 1, 1953, at 12:30 P. M. All Judges were present, with the exception of Judge Moylan. Chief Judge W. Conwell Smith presided.

Mr. Pendleton, Supreme Bench clerk, ~~pointed out~~ in a note to the Chief Judge ^{Comment} that there was but one substitute court reporter, and that, in his opinion, the Judges should give thought to the question of future vacancies among the court reporters. It was agreed that all of the Judges would consider the matter.

Chief Judge Smith then brought to the attention of the Bench the auditor vacancy caused by the death of Mr. Alfred O'Farrell, Sr. On January 17, 1952, Mr. Alfred O'Farrell, Jr. was appointed special auditor, but the position of auditor remains to be filled. After a discussion, the Secretary moved that a committee of the Supreme Bench, consisting of the three oldest Judges in point of seniority, be appointed to study the situation, and report to the other members of the Bench by next Thursday, if possible.

Upon motion made by Judge Joseph Carter, the Supreme Bench appointed John Andrew O'Connor, Jr. to the position of bailiff.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

M I N U T E S

A regular monthly meeting of the Supreme Bench of Baltimore City was held on Saturday, October 3, 1953, at 10:00 A. M. All Judges were present, with the exception of Judges Moser, ~~Masley~~ and Cullen. Chief Judge W. Conwell Smith presided.

Donald P. Feldman and Francis D. Murnaghan, Jr. were admitted to practice as members of the Baltimore Bar upon the motions of Deeley K. Nice and Arthur W. Machen, Jr.

The Supreme Bench granted the motion for a new trial of Edward S. Beres, Jr., who was found guilty of bastardy. The Bench denied the motions for new trials of Ronald J. Smith, Alvin M. Sheubrook, John A. Sheubrook and Robert J. Henninger as to the third count of an indictment charging them with carnal knowledge, but granted these defendants' motions as to the fourth count of the indictment charging assault. The new trial motion of Peter John Cimino, who was convicted on the fourth count of the indictment, was denied. The motion for a new trial of Mario Averella, found guilty on the third and fourth counts of the indictment, was denied.

The Bench then resumed the hearing of testimony in the Leonard Niport disbarment case, and adjourned at 5:00 P. M. until Thursday, October 8, at 10:00 P. M.

**Admitted To Practice As
Members Of Baltimore
Bar**

Donald P. Feldman and Francis D. Murnaghan, Jr., were admitted to practice as members of the Baltimore Bar by the Supreme Bench on Saturday upon the motions of Deeley K. Nice and Arthur W. Machen, Jr.

10-3-53

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

The Supreme Bench of Baltimore granted the motion for a new trial of Edward S. Beres, Jr., who was found guilty of bastardy. The Bench denied the motions for new trials of Ronald J. Smith, Alvin M. Sheubrook, John A. Sheubrook and Robert J. Henninger as to the third count of an indictment charging them with rape, but granted the defendants' motion as to the fourth count of the indictment. The new trial motion of Peter John Cimino, who was convicted on the fourth count of the indictment, was denied. The motion of Mario Averella, found guilty on the 3rd and 4th counts of the indictment was denied. James Reamer and Hyman I. [unclear] were the attorneys for Beres and Julius A. Romano and Joseph E. Reuter, Assistant State's Attorney, appeared on behalf of the State in the rape case. 10-3-53

M I N U T E S

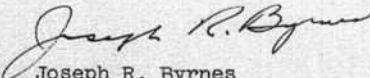
A special and luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, October 8, 1953, at 10:00 A. M. All Judges were present, with the exception of Judges Moser, Manley, Carter and Cullen. Chief Judge W. Conwell Smith presided.

Judge Niles began to read a report on the selection of the auditor to be appointed to take the place of Alfred J. O'Ferrall, Jr. Judge Mason objected upon a point of order. After a discussion, it was agreed that Judge Niles would report the result of a study by himself, Judge Tucker and Judge Moylan. This was done and Judge Mason withdrew his point of order. Alfred J. O'Ferrall, Jr. was thereupon elected Auditor. Judge Mason did not vote. Thereafter, Judge Mason moved ^{that} the election be made unanimous, which was accordingly done.

Chief Judge Smith requested the two Equity Judges to study the desirability of appointing a special auditor.

Disbarment proceedings against Leonard Niport were concluded in the Courtroom, and, after a discussion in Chambers, motion was made that Leonard Niport be disbarred. This motion was adopted.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

**Alfred J. O'Ferrall, Jr. Is
Appointed Auditor Of
Circuit Courts**

The Supreme Bench of Baltimore yesterday announced the appointment of Alfred J. O'Ferrall, Jr., as an auditor of the Circuit Court and the Circuit Court No. 2. He will fill the vacancy caused by the death of his father, Alfred J. O'Ferrall, Sr.

Mr. O'Ferrall, who is 47 years of age, was admitted to the Bar in 1930. He received his education at Mt. St. Joseph's College and St. John's College in Annapolis and was graduated from the University of Maryland Law School in 1928.

He is married and resides at 505 North Chapel Gate Lane with his wife and four children.

**Supreme Bench Disbars
Leonard Niport From
Practice Of Law**

The Supreme Bench of Baltimore passed an order disbaring Leonard Niport from the further practice of law as an attorney of the Court.

The Bench's action was taken following the hearing of disciplinary proceedings instituted by the Bar Association of Baltimore City, in which Niport was accused of conduct unbecoming a member of the Bar.

D. Heyward Hamilton and Richard W. Case represented the Bar Association at the hearing.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, October 15, 1953, at 12:30 P. M. All Judges were present, with the exception of Judge Cullen. Chief Judge W. Conwell Smith presided.

No business was transacted.



Joseph R. Byrnes
Secretary

Alfred J. O'Ferrall, Jr. Is Appointed Auditor Of Circuit Courts

The Supreme Bench of Baltimore yesterday announced the appointment of Alfred J. O'Ferrall, Jr., as an auditor of the Circuit Court and the Circuit Court No. 2. He will fill the vacancy caused by the death of his father, Alfred J. O'Ferrall, Sr.

Mr. O'Ferrall, who is 47 years of age, was admitted to the Bar in 1930. He received his education at Mt. St. Joseph's College and St. John's College in Annapolis and was graduated from the University of Maryland Law School in 1928.

He is married and resides at 505 North Chapel Gate Lane with his wife and four children.

Supreme Bench Disbars Leonard Niport From Practice Of Law

The Supreme Bench of Baltimore passed an order disbaring Leonard Niport from the further practice of law as an attorney of the Court.

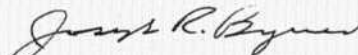
The Bench's action was taken following the hearing of disciplinary proceedings instituted by the Bar Association of Baltimore City, in which Niport was accused of conduct unbecoming a member of the Bar.

D. Heyward Hamilton and Richard W. Case represented the Bar Association at the hearing.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, October 15, 1953, at 12:30 P. M. All Judges were present, with the exception of Judge Cullen. Chief Judge W. Conwell Smith presided.

No business was transacted.



Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, October 22, 1953, at 12:30 P. M. All Judges were present with the exception of Judges Moser and Byrnes. Chief Judge W. Conwell Smith presided.

Chief Judge Smith announced that Mr. Edward L. Koontz had requested retirement owing to his impaired health. Upon motion duly made and seconded, it was ordered that Mr. Koontz be retired with pension, effective October 31, 1953.

Mr. Elmer C. Forand, Jr. was appointed Court Stenographer to fill the vacancy created by the resignation of Mr. Koontz.

Appropriate Orders, retiring Mr. Koontz and appointing Mr. Forand, were signed.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

IN THE SUPREME BENCH OF BALTIMORE CITY

October 22, 1953

ORDERED by the Supreme Bench of Baltimore City this 22nd day of October, 1953, that Elmer C. Forand, Jr. be, and he is hereby appointed Court Stenographer to the Supreme Bench of Baltimore City to fill the vacancy created by the resignation of Edward L. Koontz.

This appointment effective the 1st day of November, 1953.

W. Conwell Smith

Emory H. Niles

John T. Tucker

Charles E. Movlan

E. Paul Mason

Michael J. Manley

S. Ralph Warnken

Joseph L. Carter

James K. Cullen

IN THE SUPREME BENCH OF BALTIMORE CITY

ORDERED

WHEREAS, Edward L. Koontz, was appointed a Court Stenographer of the Supreme Bench of Baltimore City on January 2, 1914 and is now 66 years of age.

WHEREAS, the said Edward L. Koontz has requested that he be retired, owing to his impaired health after having served more than thirty-nine years of consecutive service.

IT IS THEREFORE ORDERED by the Supreme Bench of Baltimore City this 22nd day of October 1953 that the resignation of the said Edward L. Koontz, be and the same is hereby accepted.

AND IT IS FURTHER ORDERED that the said Edward L. Koontz be retired with pension, effective October 31, 1953 in accordance with the provisions of Chapter 270 - Section 299, Acts of 1951.

W. Conwell Smith

Emory H. Niles

John T. Tucker

Charles E. Moylan

E. Paul Mason

Michael J. Manley

S. Ralph Warnken

Joseph L. Carter

James K. Cullen

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, October 29, 1953, at 12:30 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

Chief Judge Smith read a letter from Leonard Niport, who was recently disbarred by the Supreme Bench, wherein Mr. Niport requested that he be permitted to act as agent for a company writing bail bonds. The Chief Judge stated that he would answer Mr. Niport's letter, and advise him that the Bench would not approve his application.

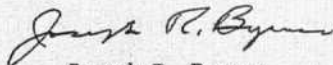
Judge Tucker, Chairman of the Rules Committee, proposed the following amendment to Section M of Rule 903:

"Resolved, that Section "M" of Rule 903 of the Supreme Bench be, and it is hereby, amended to read as follows:

'M. The clerk may refuse to accept bail for any reason based upon the value of the property offered or character and conduct of the person who offers the bail or solicits it in behalf of himself, another individual, or a corporate surety; subject to review by a judge of the Criminal Court of Baltimore.'"

Upon motion duly made and seconded, the amendment was approved.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, November 5, 1953, at 12:30 P. M. All Judges were present with the exception of Judge Moser. Chief Judge W. Conwell Smith presided.

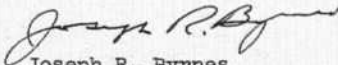
Judge Tucker, Chairman of the Rules Committee, proposed the following amendment to Section R of Rule 903:

"R. Nothing herein contained shall be construed to affect the civil liability of any principal or surety on any bond, or to restrict the power of the court to order the rejection of bail that may be offered in any case because of the character or conduct of the person who offers or solicits the bail, or for any other reason."

Upon motion duly made and seconded, the amendment was approved.

Judge Niles distributed to members of the Bench copies of a proposed resolution authorizing the Probation Committee of the Supreme Bench to establish rules and regulations regarding appointments, job classifications, and duties, of employees of the Probation Department. The Judges were asked to read the proposed resolution and to give their criticisms at the next meeting of the Bench.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

M I N U T E S

A Monthly Meeting of the Supreme Bench of Baltimore City was held Saturday, November 7, 1953, at 10:00 A. M. Chief Judge W. Conwell Smith presided.

Upon motion of Senator Herbert R. O'Connor, the following attorneys were admitted to practice before the Bar of the Supreme Bench:

Albert G. Aaron, H. Lee Allers, Jr., Solomon Baylor, T. Carroll Beach, Jr., Wilbur Beck, Dorothy L. Beers, Basil L. Benninghove, N. Barton Benson, Jr., Robert M. Berliner, Marshall A. Binder, Melvin R. Blacker, Robert A. Bley, Francis X. Borgerding, Douglas Graham Bottom, Roland Ritter Bounds, William Raymond Buchanan, H. Raymond Cluster, Howard Lee Cohn, Charles N. Cope, Billy G. Corber, Carl Cordara, John L. Crawford, James K. Cullen, Jr., Vincent Raphael Dempsey, Robert A. Diehs, Wilmer B. Dodson, Leon Dubin, William R. Dulany, William McVeigh Eddy, Morton Edelstein, Marvin Eillin, Robert William Fox, George R. Freund, William Payne Fulton, Harris James George, Arthur Goldstein, Ronald H. Goodman, Daniel Gordon, Morton Guth.

Arthur S. Hamilton, Ruthellen Hammer, Robert I. H. Hammerman, Edward Deal Hardesty, Sr., James L. Heflin, William A. Hegarty, Mahlon W. Hesse, Marvin L. Howard, Robert J. Hromadka, Raymond J. Hyuson, Howard Eldridge Inslay, Philip Israel, Arthur R. Jacobs, John Martin Jones, Jr., Mary J. Kaltenbach, Joseph S. Kaufman, Irving R. Kiltner, Alexander B. Kloze, Mason H. Kornmann, Jr., Mark John Lecker, Nevin E. Leese, Calman A. Levin, Francis Joseph Locke, Thomas Henry McCarty, Robert T. McLean, Thomas F. Mannion, Aaron Margolis, Edward S. Margolis, Alexander R. Martick, John William Martin, Robert B. Merriman, Jay Jefferson Miller, H. Bernard F. Moan, Richard T. Moxley, Sr., John E. Mudd, Joseph John Murnane, Gordon C. Murray, Herbert E. Muse, William Robinson Nickey, James D. Nolan, James H. Norris, Jr.

Dann O'Neil, Donald P. Parker, Mayer W. Herloff, Paul T. Pitcher, Norman W. Polovoy, Donald Posner, Dorothy J. Powell, David Bowley Preller, Robert Curtis Prem, Paul Allen Pumpian, Thomas Paul Raimondi, Albert F. Reisfeld, Emanuel J. Riback, Raymond Arthur Richards, Sr., Richard T. Rombro, Harris Morton Rosen, Mervin Zachary Rosen, Arthur W. Sherwood, Suzanne Ruth Sherwood, Eugene J. Silverman, Richard Lee Stallings, Bernard Streett, Benjamin G. Usher, George J. Voith, John Louis Wagner, III, Edwin A. Walten, Jr., Thomas H. Ward, Donald H. Weiss, Reginald A. Wigglesworth, John Gill Wharton, James B. Wheatley, Jr., Walton D. Wilson, Joseph Raymond Wirts, William Wright Wood, Jr., William R. Wooters, Norman N. Yankellow.

Chief Judge W. Conwell Smith responded on behalf of the Bench.

Motions for New Trials filed by William J. Gattus, Jr., convicted on a gambling charge, and Earl Henson, convicted of murder in the first degree, were denied.

Motion for New Trial filed by Norman C. Bailey, convicted on a deadly weapon charge, was granted.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

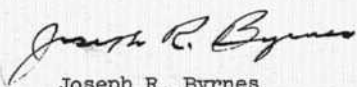
M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, November 12, 1953, at 12:30 P. M. All Judges were present with the exception of Judges Moser and Tucker. Chief Judge W. Conwell Smith presided.

Upon motion made by Judge Niles and duly seconded, the following Resolution relating to the duties of the Probation Committee was adopted:

"RESOLVED, this 12th day of November, 1953, by the Supreme Bench of Baltimore City, that the Probation Committee of the Supreme Bench be, and it is hereby authorized and directed to establish subject to the approval of the Bench, rules and regulations regarding appointments and termination, job classifications, duties, hours of work, vacation and sick leave, promotions and demotions, salary scales and general conditions of employment for all employees of the Probation Department of the Supreme Bench, the Probation Department of the Division for Juvenile Causes and the Medical Service of the Supreme Bench; and by appropriate action, to enforce the aforesaid rules and regulations and perform the duties set forth therein."

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

RESOLUTION

RESOLVED, this 12th day of November, 1953, by the Supreme Bench of Baltimore City, that the Probation Committee of the Supreme Bench be, and it is hereby authorized and directed to establish subject to the approval of the Bench, rules and regulations regarding appointments and termination, job classifications, duties, hours of work, vacation and sick leave, promotions and demotions, salary scales and general conditions of employment for all employees of the Probation Department of the Supreme Bench, the Probation Department of the Division for Juvenile Causes and the Medical Service of the Supreme Bench; and by appropriate action, to enforce the aforesaid rules and regulations and perform the duties set forth therein.

MEMORANDUM TO PROBATION COMMITTEE

Subject: Proposed personnel regulations - Probation Departments, Adult and Juvenile; and Medical Service.

It is suggested that, pursuant to the attached proposed Resolution, a complete set of rules and regulations be drawn up covering all the various phases of employee relations between the Supreme Bench, the employer; and the personnel of each Department.

Regulations concerning salary scales, sick leave, vacation leave, hours of work, etc. have been established and are currently in effect, most of which regulations follow the practices established by the Municipal Government. Since there will be no misunderstanding concerning these items, they need only be drawn up in proper form as a part of a statement of personnel policy.

There are four areas, however, in which no policy has yet been established and the following is suggested:

1. CLASSIFICATIONS

It is proposed that the Probation Committee, at the recommendation of the Administrative Officers of the three Departments, establish definite job classifications for all personnel, administrative, supervisory, professional and clerical; setting forth therein the age limits for employment, educational requirements, experience requirements, etc. It is further proposed that the classifications for clerical personnel, whenever possible, be the same as these established by the City Service Commission for the Municipal Government.

2. APPOINTMENT

It is proposed that the Probation Committee be authorized and empowered to fill all vacancies in Administrative, supervisory and professional classifications provided for in the Budget, by such forms of examination as the Committee may deem appropriate. It is further proposed that the Administrative Officers of the Department be empowered to fill by suitable examination all clerical jobs provided for in the Budget. It is also proposed that all appointments (Administrative,

supervisory, professional and clerical) be filled on a basis of a six month probationary period which may be extended by the Probation Committee for a like or less period, with the consent of the Probationary employee. It is also proposed that all employees hereafter hired be required as a condition of employment, to join the Municipal Employees Retirement System.

3. TERMINATION

It is proposed that the employment status of personnel may be terminated by any of the following means:

- a. Resignation.
- b. Lack of appropriation for the position held by the employee.
- c. Dismissal during the Probation period when employee is found unsuitable for the work, there being no necessity to assign reason for such dismissal.
- d. Dismissal for cause after probation period has expired in which case the employee shall be given written notice of the reasons for such termination and the right to a hearing before the Probation Committee whose decisions will be final.
- e. Retirement - Employees covered by the Municipal Employees Retirement System will be permitted to retire voluntarily after attaining the age of sixty, in accordance with the regulations of the Retirement System. Employees may be retired at an earlier age for physical disability in accordance with the said regulations. All employees shall be retired at the age of seventy, whether the employee is or is not a member of the Employees' Retirement System.

4. RECLASSIFICATION

a. It is proposed that the Probation Committee be authorized to upgrade Administrative, supervisory, and professional employees to higher classifications upon promotional competitive examination which may consist of a written paper, personal interview, evaluation of experience and efficiency rating, or any

combination thereof, as the Committee may deem appropriate for the classification to be filled; and that the Administrative Officers be authorized to upgrade clerical employees to vacancies in higher classifications.

b. It is proposed that the Probation Committee be authorized to downgrade an employee (supervisory, professional and clerical) to a lower classification if there is no appropriation available to continue his employment in his classification or if the employee fails to attain a proper efficiency rating in his classification. An employee so downgraded shall be paid the maximum salary established for the lower classification; but if this maximum salary shall exceed the salary the employee was receiving in his old classification, then the employee shall continue to receive the same salary.

c. It is proposed that any employee who shall be downgraded to a lower rated job classification shall be given the right, at his request, to a hearing before the Probation Committee, whose decision will be final.

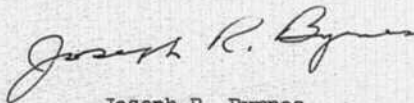
M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held November 18, 1953, at 4:00 P. M. All Judges were present with the exception of Judge Moser. Chief Judge W. Conwell Smith presided.

Portraits of four prominent Baltimore lawyers were presented to the Supreme Bench at a ceremony in Criminal Court, Part I, Room 203. Subjects of the portraits are Luther Martin, first Attorney-General of Maryland, William Pinkney, William Curran, who served as Attorney-General of Maryland, and the late Governor Harry W. Nice. Judge E. Paul Mason, who made the arrangements for the exercises, introduced the speakers to the Bench. Speakers included Mayor Thomas D'Alesandro, Bernard J. O'Sullivan, who presented Mr. Curran's portrait, Reuben Oppenheimer, and Deeley K. Nice, who presented the portrait of Governor Nice.

Chief Judge W. Conwell Smith responded and accepted the portraits on behalf of the Bench.

There being no further business, the meeting was adjourned.



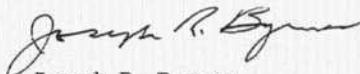
Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, November 19, 1953, at 12:30 P. M. All Judges were present with the exception of Judge Moylan. Chief Judge W. Conwell Smith presided.

Chief Judge Smith read a note from Mr. Pendleton inquiring as to the length of time Court Stenographers' notes should be kept. After a discussion on the question, the Chief Judge referred the matter to Judge Mason as Chairman of the Court House Committee.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, December 3, 1953, at 12:30 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

Chief Judge Smith brought to the attention of the Bench a Report submitted by a Committee consisting of Judges Warnken and Byrnes relating to the appointment of a Special Auditor by the Supreme Bench. Judge Warnken, Chairman of the Committee, had previously submitted a copy of the Report to all of the Judges. In substance, the Report stated that the Committee found no need for the appointment of a Special Auditor at this time. Chief Judge Smith stated that unless there was an objection, or some Judge wished to discuss the Report, it would be filed with the Supreme Bench records. There being no response, the Report was ordered filed.

Chief Judge Smith then brought to the attention of the Bench a Report of a Committee consisting of Judges Moylan, Carter and Cullen appointed to study the salary situation of the Court Stenographers. The Report contained the recommendation that the Committee be empowered to confer with the Board of Estimates, and to request that body to

- 2 -

present to the next session of the Legislature a bill providing for an increase in the salary of Court Stenographers from \$5,000 to \$7,000; or, as an alternative, to request the Board of Estimates to provide a temporary increase in the Stenographers' salary out of the City's contingent funds. A discussion followed as to whether such a bill could be considered at the short session of the Legislature. Judge Moylan agreed to amend his Report by inserting the words "if constitutional" after the words "a bill" in the first paragraph of his Committee's recommendations. The Report, as amended, was approved.

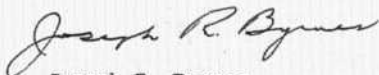
Chief Judge Smith then read a Report of the Court House Committee, Judge E. Paul Mason, Chairman, relating to notes of Court Stenographers. This Committee recommended that notes of Court Stenographers be kept for five years in the Law Courts, and twelve years in the Criminal and Equity Courts. The Committee has provided space on the fifth floor of the Court House for storage of these notes. After a discussion, it was suggested that the alternative provision for storage of the notes, as contained in the fourth paragraph, be eliminated. Upon motion duly made and seconded, the Report, as amended, was approved.

- 3 -

The three Reports mentioned are filed herewith as part of the Minutes of the Supreme Bench.

Judge Niles raised the question of whether the wives of lawyers ^{in active practice} should be appointed to the Grand Jury. A motion was ^{not} submitted on the question, but it seemed to be the consensus of the Bench that such appointments are not desirable.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

November 25, 1953

Honorable W. Conwell Smith,
Chief Judge,
Supreme Bench of Baltimore City,
Court House,
Baltimore-2, Maryland.

Dear Judge Smith:

The undersigned committee was recently appointed to consider and report with respect to the desirability of the appointment of a special auditor by the Supreme Bench. Such special auditor would be in addition to the four regular or standing auditors who have been officiating in all matters in the equity courts in which an auditor's account is required to be stated. Auditors was one of the subjects of a report, under date of June 5, 1951, by a special committee of the Bench, which also included masters and examiners. The previous report related to retirement and the basis and amount of charges and fees of said officials.

As stated in the previous report, the cases referred to the standing auditors have two principal classifications, viz., (1) A and B accounts which are herein classified together and (2) C accounts. The B accounts are virtually extinct. They mostly involved partition of real estate in divorce actions, which we understand the Court of Appeals recently ruled was improper, in that a divorce action is historically a separate and special proceeding as contrasted with an ordinary equity proceeding and that, in order to partition prop-

erty owned by a husband and wife when a divorce is granted, it is necessary to institute a separate partition proceeding. The C accounts are in the ordinary mortgage foreclosure proceeding. The A accounts are in all other proceedings in which an auditor's account is required to be stated.

We have obtained from the standing auditors the following information with respect to their gross fees and the number and kind of cases in which they respectively acted during the past three years:

	Gross fees			A & B Cases			C Cases		
	<u>1950</u>	<u>1951</u>	<u>1952</u>	<u>1950</u>	<u>1951</u>	<u>1952</u>	<u>1950</u>	<u>1951</u>	<u>1952</u>
McAllister	\$8,025	14,381	9,665	125	129	108	125	120	140
Ingram	2,850	4,579	5,414	60	80	75	36	31	38
Bernstein	5,400	6,067	4,697	71	50	49	35	32	38
O'Ferrall	8,600	8,895	8,921	181	189	190	78	67	59

As you will note the gross fees of McAllister for the year 1951, \$14,381, is greatly in excess of the preceding year and the subsequent year. He advised that this is due to the fact that in that year he collected \$2500 in the case of Bull v. Progressive Building Association, which became due two years previously, and in the same year he also received \$1875 in the Emerson Estate.

We considered whether it would be feasible to endeavor to ascertain the amount of time which each of the auditors is required to devote to auditorial work but, after discussing the matter with one of the auditors, we found it was impracticable to obtain reliable information on this point.

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Such information would be largely speculation on the part of the auditor and it would necessarily vary greatly, from time to time, with the nature of the cases. As all of the members of the Bench are familiar with the way in which work is performed in the offices of the several auditors, it is unnecessary to set it forth in detail in this report. We think it can be stated generally that, while the auditor is responsible for the account which he submits, actually the account is prepared by his clerk who, as the result of years of experience has become quite expert in the preparation of ordinary accounts. All questions which are out of the usual routine are referred to the auditor by his clerk for decision. More of the auditor's personal attention is required in some accounts than in others.

We considered making a study of the length of time between date of referral and actual filing of the account, but found this to be impractical because many factors, such as type of case, auditor's need for additional information, and determination by the court of fees to be allowed, would have to be first studied. As there have been no complaints of delay, we were of the opinion that there is no present need to devote more time to such a study.

In some jurisdictions, all cases, in which an account becomes necessary, are referred to special auditors, and there are no regular standing auditors of the court.

The matter of having regular auditors, to whom all matters which require the statement of an account are referred, is traditional here and originated at a time prior to the recollection of either of the undersigned. It has apparently always been, and is now, the practice to permit counsel or the party plaintiff to select the auditor to prepare the account. Perhaps it would be desirable for the Bench to consider and decide whether the rotation system should be established in the two equity courts. The main purpose of rotation would be the approximate equal division of the cases among the several auditors. Incidentally, preventing counsel from selecting the auditor, perhaps would have the possibility of avoiding the development of favoritism or lack of care with respect to, at least, minor matters. If the rotation system is adopted it should be determined whether there should be an exception to rotation in cases where recurring accounts have to be stated.

In view of the fact that the present system, which has existed for a considerable period of time and has proved satisfactory, and the lack of the present or apparent future need for an additional auditor, we know of no satisfactory basis which would justify the appointment of a special auditor. Recently a change was made in the basis on which the special examiner should officiate. The fundamental need or service of the special examiner, prior to the time he was put

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on a proportionate participating basis in handling cases, does not exist with respect to auditors. Hearings before examiners must be at a definite hour at which the examiner is required to be present, and one should be available on Saturdays or other special occasions to handle emergency situations. Auditors, like masters, may perform their work at their reasonable convenience, including after-work hours and holidays. The appointment of the special examiner was made a permanent arrangement, in the sense that, upon the termination of service of one of the regular examiners, another person is to be appointed to perform the work of the present special examiner, who will be made a regular examiner.

If a special auditor were appointed at this time, it would be necessary to provide for his participation on either a full or some proportionate basis with the other auditors in the accounts to be prepared, or his appointment would be for the purpose of taking the place of one of the present auditors if, and when, his service terminated. The former would result in a wider distribution of the work to be performed by auditors without any present need therefor. Otherwise such an appointment might appear to be a desire on the part of the present members of the Bench to unnecessarily assume the prerogative of future members.

If a special auditor were appointed under the

existing circumstances, the reason which prompted such action would apply with equal force with respect to the appointment of a special master and another special examiner. It would seem much better to wait until there is a need or a vacancy, at which time the then qualifications of those who seek the office can be considered.

After carefully considering the matter, we report that we find no reason for the appointment of a special auditor.

Respectfully submitted,

Joseph R. Byrnes
Ralph Warneken
Committee

Supreme Bench
of
Baltimore City

CHARLES E. MOYLAN
JUDGE

BALTIMORE 2, MARYLAND

December 3, 1953

To the Chief Judge and Associate Judges
of the Supreme Bench of Baltimore City: -

In connection with the salary situation of the Court Stenographers: The October, 1953 issue of the National Shorthand Reporters Magazine (on page 20) includes a table of salaries and transcript fees of Court Reporters in other States. The salary in Salisbury, Maryland is \$6,000. The salary in Baltimore is \$5,000. I am listing below the salaries in those States with cities of comparable size to Baltimore: -

<u>STATE</u>	<u>Salary range</u>	<u>Average salary</u>
California	\$6000-8000	\$6800
Connecticut	5000-6240	5400
Florida	3000-4200 & per diem	
Illinois	5000-5600	5200
Indiana	3000-7200	4500
Iowa	4800-6000	5200
Mass.	6000-	6000
Michigan	3300-6400	4800
Minnesota	5640-6500	6100
New Jersey	7500-	7500
New York	4000-9570	7700
Ohio	3600-5560	4700
Penn.	3000-6636	5100
S. Carolina	6000-6500	6200

- 2 -

Texas	2700-6600	5300
Washington (State)	4200-5400	4960
Wisconsin	4500-7000	5400

Regarding the 1953 Bill, Chief Judge W. Conwell Smith wrote to the Legislature, stressing the fact that the reporters in Baltimore were being paid much less than those in other cities. He stated that when he came on the Bench, there were at least three or four applicants for vacancies which might occur, whereas at the time of his letter there was not one applicant.

A committee of reporters appeared before the City Committee of the State Senate. They told the Committee that they were not asking for a "hand-out" in the form of a cost-of-living increase but rather an increase which would bring the salary here more in line with that paid in other communities.

The Bill providing for a raise from \$5,000. to \$7,000. was amended. As passed, the raise was only \$250.00. The reporters requested the Governor to veto the Bill on the ground that they did not ask for nor did they want a cost-of-living hand-out. The Governor vetoed the Bill.

The situation today is such that if a vacancy were to occur there just would not be one competent applicant for the job. The "free-lancers" in Baltimore (probably six in number) would not even consider it because they can make much more money on the outside with a great deal less work than they can with the court jobs.

This Committee finds a real emergency to exist, a real danger that Court business might have to be delayed at times because of illness of one of our present reporters, the unavailability of substitutes, and the growing disinclination of stenographers to choose court reporting as a career. That the whole business of a court be brought to a standstill because of the illness of one employee is unthinkable. That, however, is the situation we face.

We recommend that the Supreme Bench empower this Committee:

1. To request the Board of Estimates to present to the Special Session of the Legislature early in 1954, as a matter of emergency, a Bill providing for an increase in salary from \$5,000. to \$7,000. per annum; or as an alternative:

2. To request the Board of Estimates to allot out of the City's contingent funds, beginning with the first of January, 1954, a temporary increase to the official stenographers from the present

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\$5,000. to \$7,000., which amount has heretofore been approved by the Supreme Bench in a letter of recommendation to the 1953 Legislature, with permanent increase to be provided in a Bill to be submitted to the regular session of the Legislature; and

3. To request an opportunity for this Committee to discuss the above matters with the Board of Estimates.

Respectfully submitted,

Joseph P. ...
Joseph ...
Chas. E. Maylan
Chairman

CEM:g

Supreme Bench
of
Baltimore City

E. PAUL MASON
JUDGE

BALTIMORE 2, MARYLAND

November 27th., 1953.

Hon. W. Conwell Smith, Chief Judge,
Supreme Bench of Baltimore City,
Court House,
Baltimore 2, Maryland.

Dear Judge:

The Court House Committee respectfully recommends that the notes of the court stenographers be kept for five years in the Law Courts, and twelve years in the Criminal and Equity Courts. For that purpose and to accommodate the desks of the stenographers, the Committee offers the use of the room on the fifth floor at St. Paul and Fayette Streets, formerly occupied by Mr. Matthews, Trust Clerk, and now occupied by the janitresses. It is 22x40' and will accommodate four desks and forty filing cases of the type used by the stenographers.


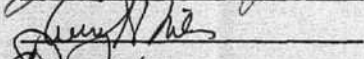
Any additional space required for storage of the notes will be furnished in the document room in the new basement floor.

The stenographers are directed to place their notes in order according to date, wrap them in convenient packages, and file them in such fashion that the notes for any particular case may be located, without difficulty, in event of the absence of the particular stenographer.

Unless ordered otherwise by the Court, each stenographer shall store his notes in the stenographers' room above mentioned, or in the Supreme Bench document room in the basement.

Allocation of space should be settled by agreement between the stenographers concerned. In case of any disagreement, application should be made to the Court House Committee, which will settle the matter.

Respectfully submitted,



Paul Mason, Chairman
Court House Committee.

EPM:C

CC: Hon. Emory H. Niles
Hon. Joseph R. Byrnes

M I N U T E S

A Monthly Meeting of the Supreme Bench of Baltimore City was held Saturday, December 5, 1953, at 10:00 A. M. All Judges were present, with the exception of Judge Tucker. Chief Judge W. Conwell Smith presided.

The Supreme Bench admitted the following attorneys to practice as members of the Baltimore Bar:

Alfred P. Ashton	David Ross
James E. Eshleman	Samuel Saltzman
John S. Lambert	Thomas D. Washburne
J. Howard Shaffer	

Motions for New Trials filed in the cases of State vs. Anthony Mattucci, convicted of assault on an officer, and State vs. Anthony Mattucci and Lillian Mattucci, convicted of disturbing the peace, were granted.

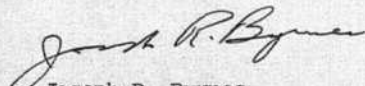
Motions for New Trials filed by Harry P. Whyte, convicted of receiving stolen goods; William Dean, convicted of lottery; and Willie S. Gainey, convicted of lottery, were denied.

The Motion for New Trial filed in the case of State vs. Alton C. Ford was postponed at the request of counsel for the Defendant.

Chief Judge Smith announced that the Term Meeting of the Supreme Bench would be held on Tuesday, December 22, 1953, at 10:00 A. M.

The motions for new trials of Anthony Mattucci and Lillian Mattucci, who were found guilty of disturbing the peace and of Mr. Mattucci, who also was convicted of assault on officer were granted by the Supreme Bench of Baltimore on Saturday. The Bench denied the new trial motions of William Dean and Willie S. Gainey, who were found guilty of violating the lottery laws and of Harry P. Whyte, convicted of receiving stolen goods.

A. Frederick Taylor and Charles C. Atwater were the attorneys for Mr. and Mrs. Mattucci, while Assistant State's Attorneys Joseph G. Koutz and M. Peter Moser represented the State in the other cases.


Joseph R. Byrnes
Secretary

The Supreme Bench of Baltimore admitted Thomas D. Washburne, Alfred P. Ashton, J. Howard Shaffer, Samuel Saltzman, David Ross, John S. Lambert and James E. Eshleman to practice as members of the Baltimore Bar.

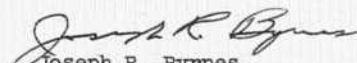
They were admitted upon the motions of John F. King, Charles E. Quadt, William Greenfield, George D. Selter and Joseph G. Koutz.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, December 10, 1953, at 12:30 P. M. All Judges were present with the exception of Judge Moser. Chief Judge W. Conwell Smith presided.

Chief Judge Smith brought to the attention of the Bench the petition of John W. Krebs for reinstatement to the Bar of the Supreme Bench. It was agreed that a hearing would be held at the next Term Meeting on December 22, 1953.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

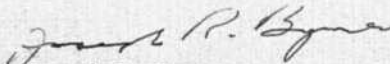
M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, December 17, 1953, at 12:30 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

After a discussion, Chief Judge Smith announced that the Annual Memorial Meeting would be held on Friday, January 15th, 1954, at 2:00 P. M. Judge Carter will make the response on behalf of the Supreme Bench.

Pursuant to resolution adopted several years ago to consider, approximately at the end of each year, whether any of the masters, examiners and auditors of the Supreme Bench have for any reason become disqualified to continue to act as such, consideration was given to the matter and it was decided that each of said officials is properly qualified to continue to officiate in his respective official capacity.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

M I N U T E S

A Term Meeting of the Supreme Bench of Baltimore City was held Tuesday, December 22, 1953, at 10:00 A. M. All Judges were present with the exception of Judge Moser. Chief Judge W. Conwell Smith presided.

The Bench selected the Grand Jury for the January Term, 1954. A list of the Grand Jurors is attached hereto.

The Bench then announced the assignment of Judges for 1954. A copy of the assignment is attached hereto.

John W. Krebs was reinstated as a member of the Bar of Baltimore after a hearing on his petition for reinstatement.

Motions for new trials filed by Alton C. Ford, convicted of robbery; William L. Krug, convicted of perverted practice; Charles Cooper, convicted of rape; and Michael George Sudano, convicted of rape and perverted practice, were denied by the Supreme Bench.

Patrick F. Tallaro, Benjamin Sapperstein, John G. Arthur, Jr., and Victor A. Von Rinteln were admitted to practice as members of the Baltimore Bar by the Bench.

Chief Judge Smith read a letter from State's Attorney Anselm Sodaro requesting authorization to appoint an additional Assistant State's Attorney. The Bench was of

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the opinion that an increase in the work of the office justified an additional assistant, and the request was, therefore, approved.

Chief Judge Smith announced that the Petition for Reinstatement filed by Charles W. Leviness would be heard on Friday, February 5, 1954, at 10:00 A. M.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

January Term Grand Jury Selected By Supreme Bench

The Grand Jury for the January term was selected by the Supreme Bench of Baltimore yesterday. They were called for Monday, January 11th, when the local Courts will convene for the January Term.

Those selected to serve on the Grand Jury are:

William B. Stewart, 2526 Maryland avenue.
Leslie M. Smith, 710 Highwood Drive.

Gustav X. Winckelmann, 100 West University Parkway.

Mrs. Carolyn Cohen, 6718 Park Heights avenue.

Frank J. Dubinskas, 5101 Richard Avenue.

Verda F. Welcome, 1131 Harlem Avenue.

Mrs. Bertha O. Jones, 4300 Roland Avenue.

Percy J. McConnell, 2309 Ellamont street.

James A. B. Callis, 2113 Druid Hill avenue.

Mrs. Madeline F. White, 2403 Cranmilton road.

William J. Batcher, Wyman Park Apartments.

Mrs. Evanna B. Ridgely, 4027 Deepwood road.

August B. Haneke, 4000 St. Paul street.

Henry J. Schnorbus, 203 Church Gardens road.

Mrs. Margaret S. Connor, 3710 Leslie avenue.

William A. Wood, 914 West University Parkway.

Mrs. Elizabeth O. Bagli, 203 East 14th street.

Paul J. Nevin, 917 West 33rd street.

John C. Knox, 14 West Head street.

Mrs. Frances C. Lankford, 403 General road.

Walter S. Sackerman, 610 Cathedral street.

Mrs. Grace C. Schlesinger, 2516 Salsola avenue.

John H. Lubbers, 4201 Falls road.

Four New Attorneys Are Admitted To Practice By Supreme Bench

Patrick F. Tallaro, Benjamin Sapperstein, John G. Arthur, Jr., and Victor A. Von Rintel were admitted to practice as members of the Baltimore Bar by the Supreme Bench of Baltimore yesterday, upon the motions of Hamilton T. Brown, Harold Lewis, Eugene P. Smith, and Frank X. J. Prevost.

John W. Krebs Reinstated As Member Of Bar By Supreme Bench

John W. Krebs was reinstated as a member of the Bar of Baltimore by the Supreme Bench yesterday.

Mr. Krebs was admitted to the Bar in September, 1921, but was disbarred on January 31st, 1935. He is at present employed by the United States Government, Department of the Army.

Motions For New Trials Are Denied By Supreme Bench

The motions for new trials of Alton C. Ford, found guilty of robbery, William L. Krug, convicted of perverted practice, Charles Cooper, found guilty of rape and Michael George Sudano, convicted of rape and perverted practice, were denied by the Supreme Bench of Baltimore yesterday.

Assistant State's Attorneys Edwin A. Gehring, J. Harold Grady and Theodore C. Waters, Jr., represented the State at the hearing.

Assignment Of Judges Announced By The Supreme Bench

The Supreme Bench of Baltimore City yesterday announced the assignment of the Judges for the coming year. The new assignments will be effective on Monday, January 11th.

The Judges and the Courts in which they will serve are:

Judge Byrnes, Superior Court.
Judge Cullen, Superior Court, Part II (Non-Jury and Magistrates Appeals).

Judge Tucker, Superior Court, Part III.

Chief Judge Smith, Baltimore City Court.

Judge Carter, Court of Common Pleas.

Judge Mason, Circuit Court.

Judge Moser, Circuit Court No. 2.

Judge Niles, Criminal Court.

Judge Manley, Criminal Court Part II.

Judge Warnken, Criminal Court Part III (Jury Judge).

Judge Moylan, Juvenile Court.

Judges Carter and Byrnes to hear all cases arising from, or orders directed to, the Registrars of Voters on petitions filed in the several courts of Baltimore City.



WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEHRING

ASSISTANT STATE'S ATTORNEYS
GEORGE D. SOLTER
JOSEPH G. KOUTZ
JULIUS A. ROMANO
THEODORE C. WATERS, JR.
ALEXANDER STARK
JAMES W. MURPHY
J. ROBERT BROWN
H. PETER MOSER

State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

JANUARY
SEVENTH
NINETEEN
FIFTY FOUR

HON. W. CONWELL SMITH, CHIEF JUDGE
AND HONORABLE MEMBERS OF THE SUPREME BENCH
OF BALTIMORE CITY

Honorable Sirs:

To fill the position of an additional Assistant State's Attorney, recently approved by your Honorable Body, I am respectfully submitting the name of Edward F. Bergerding for appointment and confirmation.

Mr. Bergerding is thirty years of age, married and has four children. He received his elementary education in Baltimore City, and graduated from the Baltimore Polytechnic Institute in 1941. After graduation from highschool he attended and completed various courses sponsored by the University of Maryland in engineering and aeronautics.

In October of 1943 he enlisted in the Aviation Cadet Program of the United States Army. After attending Canisius College, Buffalo, N. Y.; Pre-Flight School, Maxwell Field, Ala.; Gunnery School, Fort Myers, Fla.; and San Marcos Navigation School, San Marcos, Texas, he was commissioned a Second Lieutenant in the United States Air Force. After serving as a navigation instructor, he was assigned to a B-29 Squadron as navigator. Upon being placed on inactive duty in November of 1945, he was employed at the Glenn L. Martin Company as a Liaison Engineer.

In February 1946, he matriculated as a pre-law student at the University of Baltimore, and soon thereafter took a position as an investigator with the Comptroller's Office of the State of Maryland. He was subsequently promoted to supervisor of the investigation and clerical staff of this Department.

In the fall of 1947 he entered the University of Baltimore Law School, and graduated near the top of his class in June of 1950, and subsequently passed the Maryland State Bar Examination, placing sixth on the list of successful candidates. Since his admission to the Bar, he has been engaged in the practice of law as well as being employed by the Comptroller's



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

WILLIAM H. MAYNARD
SCOUTY STATES ATTORNEY

ASSISTANT STATE'S ATTORNEYS

JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEHRING

ASSISTANT STATE'S ATTORNEYS

GEORGE D. BOLTER
JOSEPH G. KOUTZ
JULIUS A. ROMANO
THEODORE C. WATERS, JR.
ALEXANDER STARK
JAMES W. MURPHY
J. ROBERT BROWN
M. PETER MOSER

HON. W. CONWELL SMITH, CHIEF JUDGE
AND HONORABLE MEMBERS OF THE
SUPREME BENCH OF BALTIMORE CITY

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1/7/54

Office. During this time he did post-graduate work at the University of Baltimore Law School, and in June 1953 received the degree of Master of Laws.

I have personally known Mr. Borgerding for a number of years, and in addition he comes to me highly recommended by numerous members of the Bar and by many prominent citizens in the community.

Trusting that this nomination will meet with the approval of the Supreme Bench, I am,

Respectfully yours,

Anselm Sodaro

STATE'S ATTORNEY

AS:B

COPY**SUPREME BENCH OF BALTIMORE CITY**

January 8, 1954

Honorable Anselm Sodaro
State's Attorney
Court House,
Baltimore 2, Maryland

Dear Mr. Sodaro:

This is to advise that the Supreme Bench today approved the appointment of Edward F. Borgerding as an Assistant State's Attorney, as requested in your letter of January 7, 1954.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

Circuit Court No. 2 of Baltimore City
 Baltimore, Maryland
 January 14th, 1954

JOHN S. CLARKE
 CLERK

Hon. W. Conwell Smith
 Chief Judge of the Supreme Bench of Balto. City
 Court House
 Balto. 2, Md.

Dear Judge Smith:

Mr. Anthony J. Mullen, who had been associated with this office as Cashier for the past 21 years, departed this life on Sunday, Jan. 10th, 1954.

Subject to the approval of the Supreme Bench, I desire to promote Mr. John T. McNally to his place. I also desire to appoint Mr. Raleigh E. Stokes to succeed Mr. McNally and to assign him to take charge of the B Docket, which is the Divorce Docket. I have also appointed Mr. Nicholas Lombardi to succeed Mr. Stokes in his present position. Messrs. McNally and Stokes have been employed in this office for the past 16 years, and Mr. Lombardi for 7 years and their work has been satisfactory to me.

If my nominations meet with the approval of the Supreme Bench, I would like them to become effective as of Jan. 15th.

Very truly yours,

John S. Clarke
 Clerk

JSC:amh

We approve

W.S. et al.

etc.
Nicholas Lombardi

John T. McNally

John E. Stokes

Arnold B. Allen

James E. Byrum

Chas. E. Mayhan

Paul Mason

COPY

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SUPREME BENCH OF BALTIMORE CITY

January 14, 1954

Hon. John S. Clarke
Clerk, Circuit Court No. 2
of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Clarke:

The Supreme Bench today approved the request made in your letter of January 14th, 1954, to promote Mr. John T. McNally to the Cashiership in your office, and also approved other personnel changes requested by you.

The Supreme Bench learned with deep regret of the death of Mr. Mullen.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

M I N U T E S

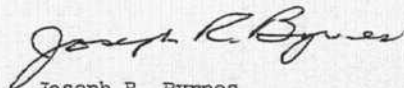
A Special Meeting of the Supreme Bench of Baltimore City was held Friday, January 15, 1954, at 2:00 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

Memorial Services for members of the Baltimore Bar, who died during 1953, were held before the Supreme Bench.

Walter V. Harrison, President of the Bar Association of Baltimore City, opened the ceremony and introduced the speakers to the Bench. The Memorial Minute and biographical sketches of the deceased lawyers were presented by Benjamin L. Wolfson, Chairman of the Association's Memorial Committee, and were placed among the permanent archives of the Bench. Seconding Addresses were delivered by E. Milton Altfeld and W. Lester Baldwin.

Judge Joseph L. Carter responded on behalf of the Bench.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

THE BAR ASSOCIATION OF BALTIMORE CITY
The Report of the 1963 Memorial CommitteeTo the Honorable, the Judges of the
Supreme Bench of Baltimore City:

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May It Please Your Honors:

It has come to the notice of the Memorial Committee that during the year 1963 thirty (30) known members of the Bar of the Supreme Bench of Baltimore City have been summoned by the Grim Reaper and have answered life's last call. Among them was a beloved member of the "distaff" group. Those who met their most challenging experience and who have journeyed through the portals of death to that undiscovered country from whose bourne no traveller returns, are listed alphabetically, giving opposite each name the date of his or her death:

Name	Date of Death
BOND, DUKE	January 25, 1963
BRADY, GEORGE MOORE	April 14, 1963
BRONSTEN, WILLIAM F.	October 12, 1963
BULL, H. MELVIN	May 6, 1963
CARTER, JAMES T.	July 8, 1963
CROTHERS, OMAE D., JR.	October 21, 1963
DENNIS, SAMUEL K.	January 11, 1963
DONNELLY, EDWARD A.	October 10, 1963
ENGLAND, JOSEPH TOWNSEND	August 12, 1963
EPSTEIN, MAX L.	February 24, 1963
FISHER, D. K. ESTE	April 3, 1963
FITCHETT, THOMAS H.	February 27, 1963
GOSWELL, FRANK, JR.	June 26, 1963
HAYWARD, FRANCIS SIDNEY	December 8, 1963
HUGHES, HELMANTZ, J.	July 21, 1963
KENNEDY, JOSEPH J.	September 5, 1963
KORB, GUSTAVUS A.	March 30, 1963
LASCH, SAMUEL	October 21, 1963
MARSON, JOHN CAMERON	May 1, 1963
MARSH, ALFRED	December 25, 1963
O'FERRALL, ALFRED J., SR.	June 16, 1963
PALAMISANO, VINCENT L.	January 12, 1963
PRESTMAN, MARIE WHITE	September 15, 1963
RICE, JOHN HUBERT	August 21, 1963
SCHAEFER, FRANK E.	February 22, 1963
SIEGEL, HENRY MICHAEL	October 29, 1963
SILINGUFF, THOMAS ROWLAND	December 8, 1963
SPENCER, LINDSAY C.	May 11, 1963
TAT, GALEN L.	September 27, 1963
WILLIAMS, T. BAYARD, SR.	February 9, 1963

To those here among us who are the surviving families which mourn the passing of those whom we memorialize and honor, we extend our heartfelt sympathy. We are fully conscious of the deep sense of bereavement and irreparable loss they have sustained in the death of their loved ones.

"When cherished ties are broken and fond hopes shattered, only faith and confidence can lighten the heaviness of the heart. The pang of separation is hard to bear, but to brood over our sorrow is to embitter our grief.

The Psalmist said that in his affliction he learned the law of God. Indeed, not unavailing will be our grief, if it send us back to serve and bless the living. We learn how to counsel and comfort those who, like ourselves, are sorrow stricken. Though absent, the departed still minister to our spirits, teaching us patience, faithfulness and devotion. Within the circle of daily association, we often failed to discern their worth and their loveliness. In the remembrance of their virtues and affections, the best and purest of their nature lies eternally enshrined. Let us lift up our heads in hope, and summon our strength for duty. We dwell in the shelter of the Almighty, for He is our refuge and our fortress.

May the memory of them bring to us the influence of the infinite spirit of light and life from whence we came to sojourn for a brief while, and to which, like our departed members of the bar, we must all return."

Eventually we must all face the mystery of eternity, but today finds us honoring and thinking of those deceased friends of ours who will no longer meet with us. We are confident that in their final hours, "as the world receded from their gaze and they felt upon their brows the breath

Memorial Services For Deceased Members Of Bar Held Before Supreme Bench Of Baltimore

Memorial services for members of the Baltimore Bar, who died during the past year, were held on Friday afternoon in the Court House for a special meeting of the Supreme Bench of Baltimore City.

Walter V. Harrison, President of the Bar Association of Baltimore, presided over the ceremony and introduced the speakers to the Court. The Memorial Minute and biographical sketches of the deceased lawyers were presented by Benjamin L. Wolfson, Chairman of the Association's Memorial Committee, who requested that they be received and spread among the permanent archives of the Court. Seconding addresses were delivered by El Milton Altfeld and W. Lester Baldwin.

Chief Judge W. Conwell Smith presided at the exercises and the response on behalf of the Bench was delivered by Judge Joseph L. Carter. Among those attending the services were Governor Theodore R. McMillan, Chief Judge Simon E. Sobeloff, of the Court of Appeals of Maryland, relatives and friends of the deceased attorneys, members of the Court attaches, and many prominent Government, State and Municipal officials.

Following is a complete report of the proceedings:

REMARKS OF WALTER V. HARRISON President of the Bar Association of Baltimore City

May It Please Your Honors:

Again we assemble, as is our custom, to pay our respects to the memory of our brothers who, within the past year, have been called to rest before that ultimate Supreme Court of Almighty God.

Again we pause in the pursuit of our daily endeavors, putting aside various business activities, suspending all trials, and devote ourselves this hour to honoring the memory of our departed brothers. In the days of law in England each member of the Bar was known as a "barber," and addressed as such by his companions in the law. And it is on this solemn occasion we once more think of those departed friends as "barbers," and to better perpetuate their memory we will ask that Your Honors, comprising the Supreme Bench of Baltimore City, enter in your permanent records a record of these proceedings, with a short biographical sketch of each departed brother.

We have asked all known relatives and friends of those whose memory we honor today to be with us, that they might know that their loved ones are not only remembered, but are honored by those who remain to carry on until we likewise will be summoned to that great Court.

The legal newspaper, THE DAILY RECORD, will publish these proceedings, with the biographical sketches, not only in an issue of its daily paper, but also in booklet form to be distributed to surviving relatives. The names of those we honor today will also be memorialized in the coming Directory of Baltimore Lawyers.

I now present Benjamin L. Wolfson, Esq., Chairman of the Memorial Committee of the Bar Association of Baltimore City, who will offer the Memorial minutes, with seconding addresses by El Milton Altfeld, Esq., and W. Lester Baldwin, Esq., associate members of that committee.

celestial morning," they were sustained by sentiments such as the following quotation:

"And could we choose the time, and choose aright,
 'Tis best to die, our honor at its height,
 When we have done our ancestors no shame,
 But served our friends, and well secured by fame."

Some leaves fall. Some trees are full of years and die. Some are slowly cut down; yet, the forest ever, replenished with new life, grows on.

Some drops in the stream of life, scintillating in the surface sunlight, check into the vast ocean of eternity of time and space.

As successive years roll by, each of us is not quite the same individual. We partly die and fall away, and partly live on, changed and renewed. So it is with those of the Bar. Our ranks are invigorated by new members who have joined us, when part of our number has passed on.

The inexorable hand of fate has taken them without regard to age, class, nor fame, nor circumstance, and made them equal before the gates of death. So should we count them equal. The frailties of the body are carnal passions, just as the carnal body and the mortal breath, end end with death.

Although some may have excelled in ability, in fame, in achievement, we have paid his full measure on his account with life. Therefore, in recording of this memorial minute, we intend no distinction among

those who were all honorable members of our law profession. Each was a man and distinguished citizen of this City. Each was devoted to the cause of our free institutions of Government as established by the Constitution of the United States and of the State of Maryland. As lawyers, we were faithful to the discharge of his duties to clients and to the public, and each made lasting contribution to the fair and impartial administration of justice.

Although they have passed from this life unto death, the influence of their lives have had upon the ever developing field of the law lives on.

Their friends and loved ones have paid full tribute to each at the time. It seems most fitting that we do not attempt individual tributes with their necessary repetitions, implied comparisons, and imprecise evaluations, but rather that our tribute be to them collectively.

Therefore, this Committee submits the accompanying biographical notices of all thirty of these 1933 deceased members of our Bar as an expression to all, particularly to the younger lawyers, to carry on, as they were left to them, the unending task of how best to preserve our free democracy and equal justice which each of them espoused, vouchsafed and secured for all those whom they had the privilege to represent.

With Vallant-for-Truth, in Bunyan's "Pilgrim's Progress," they have met each of us this challenge in their farewell:

"I am going to my father's house. My scars I will carry with me to be a witness for me that I have fought His battles. My sword I give to him who shall succeed me in this pilgrimage and my courage and my skill to those who can attain them."

Our reverent tribute to these honored dead, and to enshrine and forever preserve them in our fond memories, we present these Resolutions and we respectfully move that these proceedings be adopted as a part of this Special Meeting of the Supreme Bench of Baltimore, as a part of its archives and permanent records.

Respectfully submitted,

E. MILTON ALTFELD,
 W. LESTER BALDWIN,
 JACOB A. GROSS,
 ABRAHAM C. JOSEPH,
 CHARLES F. STEIN, JR.,
 FRANCIS J. VALLI,
 F. FULTON BRAMBLE, *Secretary*,
 BENJAMIN L. WOLFSON, *Chairman*,
 1933 Memorial Committee
 Bar Association of Baltimore City.
 January 15, 1964.

SECONDING ADDRESS BY E. MILTON ALTFELD

May It Please Your Honors:

I rise to second the Motion of the Memorial Committee:

Media Vita in Morte Sumus—in the midst of life we are in death. This apt thought was first found in the choirbook of the Monks of St. Gall. Strikingly phrased, the idea was, of course, not new or novel. From the days of our common ancestors, Adam and Eve, man's pilgrimage through this vale of tears has been fleeting and transitory. The Psalmist, a man of piercing vision and depth of understanding put the thought in simple language. In the 90th Psalm he said, "We spend our years as a tale that is told." "The days of our years are threescore years and ten; and if by reason of strength they be fourscore years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away." Abraham Lincoln, a clear thinker and in maturity, a mellow-minded philosopher, styled William Knox's poem his favorite, the first stanza of which reads:

Oh, why should the spirit of mortal be proud?
 Like a swift-fleeting meteor, a fast-fading cloud,
 A flash of the lightning, a break of the wave,
 He passes from life to his rest in the grave.

This afternoon, we gently push aside the curtain of the day's hurry-burly and reflect what the Grim Reaper did to thirty of our fellow-craftsmen during the past twelve months. With many of us, they tolled, they laughed, they sorrowed, they joyed. We know that they did their part in holding high the torch of justice; they were proud of the high privilege of advocacy. No longer will we share their companionship, but we shall preserve their memories. Their passing causes us to ask: What is life? And what is death? Today we hear a bird singing in the treetop. We are told that is life. "Tomorrow the bird lies cold and stiff at the root of the tree * * * No more will it sing its song. We are told that is death!

Out of the harbor a great ship sailed. We waved to our loved ones good-bye. Then watched the dark till it disappeared

In the blending of ocean and sky. But beyond our vision the ship sailed on, its course all charted and planned. And surely and safely made its way To a port in a foreign land.

From the Harbor of Life another ship— Bearing a loved one dear— Has sailed beyond our vision and call. But truly we need not fear, For by faith we know on the other side There's a beautiful golden shore Where our ship will anchor and those we love Will live and rejoice evermore.

SECONDING ADDRESS BY W. LESTER BALDWIN

May It Please Your Honors:

During the past year, through the mysterious workings of Divine Law, 30 members of the Baltimore Bar were selected for admission to that life which we believe to be eternal.

In accordance with long established custom we are met in this special session of the Supreme Bench to have entered upon its permanent records a minimum biographical sketch of each of them. This will preserve for succeeding generations at least the principal dates and events of their respective personal histories; and, as we pay this final formal tribute of the organized bar to their memory, we particularly want the record also to contain an expression of our deepest sympathy to the surviving members of their families. May they find therein some measure of consolation for their loss.

We know that the record cannot reflect the full measure of sympathy and affection that these exercises are intended to express. Mere words are not adequate for such a purpose. As was said by one of those whom we honor today, when he was Chairman of the 1947 Memorial Committee, after having presided at similar services for many years:

"Fears for the departed have been shed and will be shed, in private, as is fit. The sense of personal sorrow and personal bereavement, strong upon us, has found and will find full expression where we may hide with our memories undisturbed."

As to each and every one it can be said that many of our lives are sad and sad, and are substantially poorer, because of their passing; yet our memories are happier, and we are greatly enriched, because of our association with them while living.

Without having known all of them intimately we are able to say, without hesitation or reserve, that all served their clients, and the causes they believed in, faithfully and well, and lived up to the high traditions of this Bar to the very best of their respective abilities and years:

I second the motion of the Memorial Committee, as presented by our Chairman.

RESPONSE OF JUDGE JOSEPH L. CARTER For The Supreme Bench Of Baltimore City

We deeply appreciate the fine tribute which you pay today to the memory of those esteemed members of our profession who departed this life in the year that is past.

Among them were close friends of yours and mine. There were among them those who, at one time or another, gave generously of their time, their knowledge, their talents and their skills to the public service. All, indeed, brought credit to the profession of the law, and, therefore, contributed to the welfare of a Nation and a State — of counties, cities and towns—and to the well

being of the citizens thereof—for ours, thank God, are governments based on and rooted in the law—not on the whims of arbitrary and ambitious rulers.

It is with unavoidable and sincere sorrow that we recall their names today, and with heartfelt sympathy for the members of their bereaved families.

It is with a touch of yearning that we indulge in the brief and forlorn wish that we might hear and see this one or that one again in court, or chat or confer with him across a luncheon table or in a conference room.

But in a broader sense, they are not gone at all. They live here amongst us in the accomplishments of their lifetimes—in the ethics of practice which they held so high and strengthened by their good examples—in the interpretations of law with which they assisted the Courts in their pleadings and in their briefs; in the legislation which some of them helped to write and to enact. Yes, they live on, as do those who went before them, in the services they rendered to their communities—in the lives of others whom they helped so generously—in the thinking which they inspired where thought before was lacking.

They live on in the Association of this Bar. The Bar is not a temporary thing with an Association that is static—the reaction of a part of strength and then begins to dwindle until some last, dawdling member closes the book forever. That would be a contradiction of the living law, and a denial of mankind's progress under civilization and orderly government.

No, the Bar is a living, growing, human body. It flourishes and grows strong on the thinking and accomplishments of its members, and when one passes on to his Greater Reward, that which he contributed to the Bar lives on as part of the Bar, to be enjoyed by and useful to those who come after him.

Thus, a lawyer does not live only for the years of his mortal life on earth. He lives to gather the traditions of the past, fit them to the needs of the present, and contribute the product to the benefit and betterment of the future.

A lawyer lives and practices his profession for posterity.

The greatest tribute we can pay, therefore, to those who by their lives we are honoring here today is to live as they lived in the interest of the advancement and constant betterment of mankind.

Oh, it is good that practicing attorneys serve their clients well and faithfully; it is good that they become proficient in the preparation of cases and in the presentation of pleas—but it is not enough.

It is not enough, in this complex age, that a lawyer's specialized knowledge and broad understanding of the needs of his fellow-citizens—and of human weaknesses and human potentialities—be devoted exclusively to his private clients or to private interests.

Under our American system of governmental power that rises from the people, the lawyer has the high responsibility for a considerable degree of leadership among the people, in the formulating and crystallizing of public opinion.

Do not intend, I assure you, to convey the thought that the lawyer has this responsibility to the exclusion of thoughtful and capable men and women in other professions and callings, but his special training and his natural and developed abilities particularly fit him to assist others in obtaining the greatest benefits from our government by statute.

The lawyer should not be a mere "good morning" and "good evening" neighbor. He should be an active and vocal member of neighborhood improvement and protective associations, and of community civic groups. He should have his place in city-wide and State-wide associations of taxpayers, and should take part on the side of his choice in popular movements for the improvement of government at all levels.

You, as lawyers, have the grand opportunity, as well as the grave responsibility, of keeping your neighbors aware of the blessings of life and liberty in this wonderful, young Republic of ours.

It is your place to advise the many, who often fail to realize it, that the basic rights of mankind are God-given rights for which no man, no woman and no child is beholden to the State; and that when governments seek to forbid or limit the exercise of these unalienable rights, as they do in many areas of the world, the result is tyranny by rulers and slavery of men.

It is, I feel, an obligation of lawyers to prepare themselves for service to the people in public office. Again let me assure you that I do not contend that all seats in our Legislative bodies should, by any means, be occupied by lawyers. Neither would I claim that all high executive offices should be monopolies of the legal profession.

But, by the very nature of law-making and law amendment, it stands to reason that each law-enacting body should be liberally supplied by the people with members of the legal profession.

It is equally obvious that the training and years of interest in public make lawyers highly useful and beneficial to the public in many other elective and appointive public offices.

The practice of a lawyer's profession and his activities in the community interest never should, of course, be designed deliberately toward the acquisition of office, but the incidental fact that such practice and such activities do increase the value of his potential services in office should not be overlooked or wasted when the opportunity for such services comes his way.

In short, the lawyer has the ability to contribute to the maintenance and improvement of sound government should be the goals of the lawyer—not the mere gaining of the office.

The good, firm foundation left to us by our departed brothers provides the bulwark of faith on which we face the challenge of those evil

tyrants whose only goal is the destruction of human rights and the dignity of man.

If we hold high the faith of those who show us the way, we shall not fall. We shall see, as the poet, Christopher Fry, express it, that—

"Dark and cold we may be, but this is no winter now. The frozen misery of Centuries breaks, cracks, begins to move;
The thunder is the thunder of the fates,
The thaw, the flood, the upstart spring.

Thank God our time is now when wrong comes up to face us everywhere, Never to leave us till we take The longest stride of soul men ever took.

Affairs are now soul-stices.

The catastrophe is exploration into God."

"The memorials here presented, with the addresses delivered, and the biographical sketches of our departed members shall be preserved in the records of this Court.

In so ordering, we shall rededicate ourselves to the great cause of the law in these times when the force of tyrants is founded on lawlessness and defiance of God's will that men be free.

We shall recognize our part in the long struggle for human liberty in the past, present and future, and we shall say, as John Adams said in another stirring period of American history—

"It is scarcely worth while to consider what the consequences will be to us, but to future millions, and millions of millions."

Biographical Sketches

DUKE BOND

Former Judge Duke Bond, of the Supreme Bench of Baltimore, was born at Hollywood, St. Mary's County, Maryland, in the year 1869, his parents being the late Theodore Holdsworth Bond, a gentleman farmer, and Mrs. Adelaide Briscoe Bond.

He graduated from Charlotte Hall School in 1886 and taught school for the next two years. He then came to Baltimore to study at Sadler's Business College. While a student there he decided upon the study of law and entered the University of Maryland Law School, graduating in 1892 among the leaders of his class. It was inevitable that the young attorney should interest himself in Democratic politics, since he recalled at times that when he was 12 years old he accompanied his father on a campaign tour of St. Mary's County, his father at the time being a candidate for the State Senate on the Democratic ticket. He established his residence in the "Ward at Stocking" Eleventh Ward and proclaiming himself an "Independent Democratic," with no ties or affiliation with any of the Party's powerful leaders of that era, he became a candidate for the then First Branch of the City Council and was elected in 1893. Despite his independent attitude in the City Council, Judge Bond was re-elected two years later by a substantially increased majority. After a strenuous primary contest in 1897, he was elected to the Second Branch of the City Council from the Third Councilmanic District and subsequently he was re-elected a number of times.

Records show that Mr. Bond as a Councilman was the first to fight against patchwork street improvements. He was on all of the important committees of the Council and a member of the Committee which handled the celebrated Warren deal in which the Baltimore City Water Department agreed to buy the mill and village of Warren in Baltimore County for \$725,000 to supplement the City's water supply at Loch Raven. Frequently and single handedly he battled on the Council floor for what he called his principles. He argued that the public was entitled to efficient public services, that public funds should be honestly administered, that special privileges and public franchise should be granted only for the benefit of the public and then only after adequate consideration. He was a man of quiet men and innate dignity with an absolute absence of egotism.

Judge Bond was elected to the Supreme Bench of Baltimore in 1922 and served until 1935. In January, 1937, eleven months before the expiration of his judicial term of office, the Judiciary Committee of the Bar Association of Baltimore City recommended that he be reappointed by the late Governor Harry W. Nice, a Republican. Governor Nice appointed Judge Bond to succeed himself although he resigned meanwhile. Judge Bond, declining to seek reelection, retired from the Bench on December 3rd, 1935, and from that time on he refrained from taking part in public life.

Judge Bond, a bachelor, who was 84 years of age, died on Sunday, January 25th, 1935, at his residence in the Latrobe Apartments, Charles and Read Streets, where, in his retirement, he spent hours of reading. He also found relaxation in visiting the Maryland and University Clubs of which he was a member.

He was buried in the Cemetery of St. Andrews Church, Leonardtown, St. Mary's County, Maryland, the interment taking place in his home County after funeral parlor services held in Baltimore.

Judge Bond is survived by six nieces and nephews.

GEORGE MOORE BRADY

George Moore Brady was born in Baltimore February 2, 1882, the son of James H. Brady and the former Catherine Taylor Hunter. After attending public and private elementary schools here, he entered Loyola High School and later, Loyola College where he received his A. B. in 1900. Upon earning this, the first of his seven degrees, Mr. Brady entered Georgetown University in Washington, D. C., for law school and graduate school courses, and received from this university his Master of Arts (1903), Ph.D., LL.B. and Ph.D. degrees, all in 1903. After admission to the Washing-

ton and Baltimore Bars in 1903, he returned to law research at the Catholic University in Washington where his studies of Railroad, Corporation, Taxation and Municipal Corporation Law earned for him the degrees of LL.M. and J.D. in 1905 and 1907, respectively.

Having ended this phase of formal law study, Mr. Brady was taken into the Washington firm of Herbert and Micaou, Col. Hilary Herbert former Secretary of the Navy under President Cleveland. Then, returning to Baltimore, Mr. Brady joined the firm of O'Brien and O'Brien, going once again to Washington, he was offered a position with the firm of Lambert and Baker, the latter District Attorney in the nation's capital. Mr. Brady finally returned to Baltimore where, in 1904, he and the late William Milnes Maloy, gubernatorial aspirant in 1920, formed a partnership. They were joined subsequently by John S. L. Yost and Roger Howell. At the time of his death, Mr. Brady was senior partner in the firm of Brady, Jones and Hedrick.

Mr. Brady was able to communicate his wide knowledge of the law to others, and taught for awhile at Gonzaga College, Washington. He also lectured in Corporation Law at the University of Baltimore from 1927 until 1946.

George Brady found time, in spite of a time-consuming law practice, to write a book on "Maryland Corporation Law" which was published in 1914, and to serve also on the War Shipping Board for the Baltimore and Norfolk areas during World War I.

Mr. Brady was married, in 1920, to Ellen Latimer Atkinson, who bore him five children. After 23 years of marriage Mrs. Brady died in 1943 and 1950 Mr. Brady married the former Margaret Halle Comiskey. Their home was 100 West University Parkway until Mr. Brady's death April 14, 1953.

Mr. Brady never held public office, although he filed for the Supreme Bench in 1934 and again in 1938. An expert on taxation, he represented Maryland on numerous occasions as delegate at tax conferences throughout the United States. He was considered a specialist in Tax and Corporation Law.

George Brady was a member of the Bar Association of Baltimore City, the Maryland State Bar Association, and the American Bar Association. He found time to devote himself, too, to many civic and charitable interests, among them the Children's Hospital School, as board member and counsel, and the Children's Rehabilitation Institute. He was a member of St. Ignatius Catholic Church, the St. Vincent de Paul Society, the Catholic Club, Country Club of Baltimore and the University and Maryland Clubs.

Mr. Brady is survived by his wife and by five children: George M. Brady, Jr.; Mrs. G. Bernard Fenwick, Jr.; Mrs. Richard K. Marshall; Mr. James E. T. Brady; and Mr. John Atkinson Brady. Also by two sisters, Miss Katherine Brady and Mrs. Joseph P. Norris, of Ruxton.

He died April 14, 1953, and is buried in the New Cathedral Cemetery.

WILLIAM F. BROENING

William F. Broening was born on Bevan Street, South Baltimore, on June 2nd, 1870, the son of a tailor who had come to this country a few years before from Bavaria, Germany. His mother was a native of Frankfurt-on-the-Main.

Left fatherless in his teens, the youth went to work in a copier's shop, at the same time reading law in his brother's law offices. In 1897, after studying at the University of Maryland Law School, he graduated there with his LL.B. degree.

Affable, friendly, approachable, it was natural as well as politically wise for Mr. Broening to become a member of many civic and fraternal organizations and a leader in most. During his first term as Mayor of Baltimore City he became Supreme Dictator of the Local Order of Mooseheart, an institution devoted to the care and education of orphans. He was fluent and adaptable in extemporaneous speech and while building up his law practice in offices in the old Law Building, he took a deep interest in public affairs and public office.

Not long after entering the practice of the law the young attorney entered public life as a successful candidate for election to the Baltimore City Council, during the administration of Mayor William T. Maister. He resigned this elective office after one year of service in the Council and became a successful candidate as a Member of the Maryland House of Delegates. In the 1902 Session of the Legislature Mr. Broening served as Chairman of the Baltimore City Delegation to the House. He then served as Secretary to Congressman Frank C. Wacker, during his three terms in Washington, and as secretary for one term of Congressman John Kronmiller. Mr. Broening, a Republican in politics, won the election as State Attorney of Baltimore City in 1911, and, in 1910, won his first of two terms as Mayor of Baltimore City. In elections on a Statewide level he was not so successful in his candidacies for the office of Attorney General of Maryland (1926) and for the office of Governor (1930).

Mr. Broening was an elder Statesman in the councils of the Republican Party in this City and State and was mentor to men prominent in public life, among them the present Governor of Maryland, Theodore R. McKeldin. Mayor Broening's health failed him and his ill health plagued him for a number of years and confined him to his home in the 3900 block Fairview Avenue, since March, 1952, when he suffered a fractured hip.

Mr. Broening died on October 12th, 1953, at the age of 83, and his re-

(Continued on next Page)

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 mains were interred in Woodlawn Cemetery.

He left surviving him his widow, Mrs. Marie Grauel Broening, a son William F. Broening, Jr., a daughter Mrs. Fred E. Fulenwider, a brother Fred Broening, and two grand children.

H. MELVIN BULL

H. Melvin Bull was born in Thomas Run, Maryland, on August 10th, 1876, the son of John Fletcher Bull, M. D., and Maria Hollingsworth Bull.

He attended grade school in Forest Hill, Maryland, was graduated from the University of Baltimore Law School in June, 1904, and did post graduate work at Johns Hopkins University in 1904 and 1905.

Mr. Bull was admitted to the Bar, September 20th, 1904 and engaged actively in practice until his last illness in February, 1953. He specialized in real estate and title work, being Treasurer and General Counsel of The J. F. Johnson Lumber Company, and represented the Glen Burnie Branch of the County Trust Company of Maryland and the United Federal Savings & Loan Association of Glen Burnie.

He was a member of the Glen Burnie Rotary Club and was a Knight Templar and a member of Mount Temple.

Mr. Bull died on May 6th, 1953 and on May 9th, 1953, his body was placed in the Ivarine Mausoleum. He is survived by his widow, Emelie U. Bull; his son, Harry M. Bull, Jr.; his two daughters, Mrs. M. L. Banner and Mrs. Paul S. Watson; his two brothers, Elmer H. Bull and Irving Bull and a sister, Bessie H. Bull.

JAMES T. CARTER

James T. Carter was born on August 4, 1891 in Platteville, Wisconsin, the son of the late Reverend and Mrs. Homer Wright Carter of that place. Mr. Carter's father was a Presbyterian clergyman.

Mr. Carter attended Oberlin College in Ohio and was graduated with the degree of Bachelor of Arts in June 1914. He then came to Baltimore, where he began the study of law and was graduated with the degree of Bachelor of Laws from the Law School of the University of Maryland in June of 1918.

While still in law school, on December 26, 1917, Mr. Carter married Miss Irene Morey, of Buffalo, New York, with whom he had attended college at Oberlin.

Also while attending law school Mr. Carter served as law clerk and bailiff to Judge Morris Soper, who was then on the Supreme Bench of Baltimore City. At the same time Mr. Carter was studying at the Johns Hopkins University as a candidate for a Ph.D. degree in political science. The advent of World War I interrupted these studies, however, and after his graduation from the University of Maryland School of Law he entered the United States Army as a First Lieutenant. He served in the office of the Army's Chief of Staff from July 2, 1918 to March 20, 1919.

On resuming civilian life after his discharge from the Army he again took up his studies at the Johns Hopkins University and received the degree of Doctor of Philosophy from that school in June 1919. The dissertation for which Mr. Carter was awarded his degree was entitled "The Corporation as a Legal Entity" and he was ever thereafter interested in the development of the law of corporations.

Shortly after graduating from Johns Hopkins University Mr. Carter became a member of the Law Department of the Western Maryland Railroad and acted as their valuation attorney. From 1923 to 1926 he served as Deputy United States District Attorney under Gen. Ames W. Woodcock.

On August 1, 1926 Mr. Carter became associated with The Fidelity Trust Company, which association was to continue until his death. He first served in the capacity of Assistant Trust Officer, became Vice-President and Trust Officer in 1928, was elected a Director of the Company in 1942, and became Vice-President and General Counsel in 1944, succeeding the late Judge Henry D. Harlan in that capacity.

He was both a scholar and a teacher of law. Not only did he make every effort himself to acquire a still broader knowledge in his field by constant reading and careful research but he delighted in sharing this knowledge with others. He was the author of a number of books and papers on legal matters, including "Stockholders' Liability" and "The Responsibility of Trustees for Trust Investments", as well as having compiled the Maryland Digest covering volumes 106 to 147 of the Maryland Reports. He was also a contributor to the Maryland Law Review. He was a fixture as a part-time professor at the University of Maryland School of Law, where in more recent years he taught a course in Contracts, after having formerly taught Legal Bibliography.

He was a member of the Bar Association of Baltimore City, the Maryland State Bar Association, and the American Bar Association. He was a past president of the Corporate Fiduciaries Association of Baltimore City. He was also a member of the Wranglers' Law Club and the Wednesday Law Club of this city.

Mr. Carter was a member of the Baltimore Country Club, where he still occasionally played tennis, and of the Gibson Island Club, of which he was president for many years. He was a well known yachtsman and his boat "Carpe Diem", which he kept at Gibson Island, was a source of much pleasure.

He was active in the affairs of the Presbyterian Church in Baltimore, serving as a trustee of the Egerton

Home and also as a trustee of the First Presbyterian Church.

Mr. Carter died on July 15, 1953, at the Union Memorial Hospital, following a short illness. Funeral services were held at the First Presbyterian Church, Park Avenue and Madison Street, on July 21st, with services following at Greenmount Cemetery.

Mr. Carter is survived by his wife and two daughters, Mrs. E. Preston Carter and Miss Rosmond Carter, both of Baltimore, and a brother, Dr. Homer M. Carter, of Madison, Wisconsin. His residence was at 212 Longwood Road, Baltimore, Maryland.

OMAR D. CROTHERS, JR.

Omar D. Crothers, Jr., was born at Elkton, Cecil County, Maryland, March 7th, 1909. His parents were Omar D. Crothers, Sr., and Reba Miller Crothers, and he was a grandnephew of Governor Ansel Crothers.

Senator Crothers received his elementary and high school education in the Elkton Elementary School and Tome School, graduating in 1925 from the Cecil County High School at Elkton. He had an active and full career at the University of Maryland, graduating at College Park June 11th, 1929, as a political science major, with a B. A. degree. He was an outstanding athlete on Terrapin teams and in June, 1929, he was awarded the Maryland ring for being named the Maryland Man Outstanding for the Year in Athletics. He played on the Maryland football and lacrosse teams, being named twice as All America Lacrosse and on the Sunpapers All-State football guard. He was a member of the Calvert Forum, Rossborough Club, M Club, Junior representative to the Executive Council, was on the Interfraternity Council, and served as a Delegate to the National Students' Federation of America. His campus fraternities were Sigma Nu, Omicron Delta Kappa.

Mr. Crothers entered the University of Maryland Law School in the Fall of 1929, but the following year coached at Washington College in Chestertown. He returned to the Law School 1931-33 and received his LL.M. degree upon graduation, June, 1933. The same year he was admitted to the Bar and for the first few years after admission he practiced law in Baltimore City. He then opened, and maintained until the time of his death, his law offices in Elkton.

On January 6th, 1943, Mr. Crothers received a commission as First Lieutenant, United States Marine Corps. After courses at Camp Lejeune and attending Intelligence schools at Frederick and at Camp Ritchie, Maryland, he was stationed at Quantico, Virginia. He served overseas in the Pacific at Guadalcanal, Tarawa, in the Solomon Islands, and saw action on Okinawa, receiving a Letter of Commendation and the Presidential Unit Citation. Going to an inactive status at Philadelphia on February 19th, 1946, he remained in the U. S. Marine Corps Reserve. He was promoted to the grade of Major in December, 1951.

From August, 1946 until May, 1947, he held the post of Chairman, State Board of Correction, by appointment of former Governor Herbert R. O'Connor. He inclined naturally to politics and in the 1950 elections he won the State Senatorship for Cecil County. While in the Maryland Senate he served as Chairman of the Judicial Proceedings Committee, was a member of the Maryland Legislative Council, and headed its sub-committee to investigate crime conditions in this State. He also was Chairman of the Legislative Council Committee which was engaged in proposing a reclassification of the State Election Laws.

Senator Crothers on August 1st, 1939, married Miss Margaret Jefferson, and they had a twelve year old son.

He died October 20th, 1953, a member of the Presbyterian Church, and Senator Crothers was buried in Gilpin Manor Memorial Park.

By his untimely and sudden death a promising legal, public and political career were cut off early in his life.

SAMUEL K. DENNIS

Samuel K. Dennis, the sixth Chief Judge of the Supreme Bench of Baltimore City, since its creation by the Maryland Constitution of 1867, was born September 28th, 1874, at Beverly, Worcester County, Maryland.

He died, suddenly, of a heart attack in his home in Baltimore City, on January 11th, 1953, at an age past 78.

After studies at the University of Maryland Law School he was admitted to the Bar and began his law practice in 1903, finishing his grades near to the top of his law class. He had a long and interesting career in public life, as Secretary to John Walter Smith when the latter was Congressman and Governor; he served in the Maryland Legislature and was a leader in that body. In 1913, by appointment of President Woodrow Wilson, he was appointed United States District Attorney for Maryland.

He had an ever expanding law practice, which he first began with his cousin, James U. Dennis, and after his retirement from the Bench in 1944, he was consultant of Law firms.

Governor Albert C. Ritchie appointed Mr. Dennis to the Bench in 1928 and he served with distinction and brilliancy as the Chief Judge of the Supreme Bench of Baltimore City until September 28th, 1944, when the law of Maryland made it mandatory for him to retire at the age of three-score and ten.

The Memorial Committee of the Bar Association of Baltimore City merely and sketchily writes this skeletonized biographical note on the life and death of our dearly beloved and mourned former Chief Judge Samuel K. Dennis, but directs at-

tention to the honor and tributes which were paid to him by our Bench and Bar at Memorial Services held at a special meeting of the Supreme Bench of Baltimore on Friday, March 20th, 1953. Those taking part in this memorable event were Reuben Oppenheimer, the then President of the Bar Association of Baltimore City, former U. S. Senator George I. Radcliffe, Randolph Barton, Jr., Thomas F. Cadwalader, L. Wethered Barron, Allan Sauerwein and Gerald W. Hill. Chief Judge W. Conwell Smith presided and responded on behalf of the Supreme Bench.

It is of interest to note here that the transcript and record of the special Memorial Services for Judge Dennis are published in THE DAILY RECORD, issue of April 13th, 1953, no more splendid tribute could be desired by any man. On his death Maryland lost one of its finest sons!

EDWARD A. DONNELLY

Edward A. Donnelly, of the Baltimore Bar, passed away on October 10, 1953, Edward A. Donnelly was born March 16, 1867 in Baltimore, Maryland, the son of Daniel Donnelly and Mary Millholland Donnelly. He was educated at Colonel Johnston's School in Baltimore and thereafter attended Holy Cross college in Worcester, Massachusetts. Subsequently, he attended the University of Maryland Law School and after graduating was admitted to the Bar in 1890. After his admission to the Bar, he practiced law with the late Luther B. Reynolds for a number of years and after the death of said Luther B. Reynolds, practiced his profession alone. In 1933, he received an Honorary Degree of Master of Arts from Loyola College.

Mr. Donnelly, in addition to his practice of law, was a student of Classical literature and was the author of "The Life of Thomas Aquinas."

Mr. Donnelly, on October 19, 1899, married Caroline Louisa Getz.

He was a member of the Bar Association of Baltimore City, the Maryland State Bar, and the American Bar Association, and was also, at the time of his death, the oldest living member of the John Oliver Hibernian Society.

He is survived by his sister, Mrs. Thomas Sylvester Fink, as well as by several nieces and nephews. He is buried at New Cathedral Cemetery, Baltimore, Maryland.

JOSEPH TOWNSEND ENGLAND

Born in Baltimore, April 20, 1853, the only son of Charles and Mary E. England, Mr. Joseph Townsend England died August 12, 1953. Like his father before him, Mr. England resided in Baltimore all of his life, his ancestors having emigrated from England to Maryland in the early part of the Eighteenth Century.

After receiving his elementary and secondary education at Mr. Lamb's and Dr. Delehman's Schools, Mr. England graduated from The Johns Hopkins University in 1892. Following that, he obtained his Degree in Law from the University of Maryland in 1906, and became associated with the law firm of Willis, Homer, France, and Smith. At the outbreak of World War I, he volunteered for service in the United States Army, and for this Military Service was decorated by the United States Government. At the end of the war Mr. England, with Mr. J. Edward Tyler, Jr., formed their own law firm of Tyler and England. This firm was dissolved upon the death of Mr. Tyler in 1938, and Mr. England continued alone in the active practice of law until his death. His major interest and professional practice centered in tax laws as pertaining to both individuals and corporations.

During World War II, Mr. England rendered much volunteer assistance in the legal aspects of the administration of the Selective Training Laws, and for this service he was commended by the Secretary of War.

Throughout his entire life, Mr. England took an active interest in amateur athletics. A varsity runner in college days, later he served as President of the South Atlantic Association of the Amateur Athletic Union, and as a member of the United States Olympic Games Committee.

Mr. England was a communicant of Mount Calvary Church and served as a vestryman there for more than twenty-five years. Interment was in the England family lot in Druid Ridge Cemetery, Baltimore.

He is survived by a sister, Mrs. Cary W. Magruder, of Jamestown, Rhode Island, and a niece, Mrs. Duncan Buttrick, of Providence, Rhode Island.

MAX L. EPSTEIN

Max L. Epstein was born to his parents the late Rev. Aaron Epstein and Rose Epstein, in Russia, on May 28th, 1905. When he was one year of age he was brought to the United States by them.

He attended elementary public schools of this City and graduated from Baltimore City College in 1922, receiving a one year scholarship award there and attending Baltimore Business College. He graduated from the University of Maryland Law School and was admitted to practice the same year, 1926. Mr. Epstein had a general law practice, specializing in Real Estate and Title Law, being associated in the law offices of William Sinsky, 337 St. Paul Street, at the time of his death.

Governor Lane appointed Mr. Epstein a Magistrate-at-Large. Being active in politics, Mr. Epstein was President and organizer of the Dolfield Democratic Club, and he represented the Fifth Legislative District of Baltimore City as a Member of the Democratic State Central Committee. He also was a fraternal member of a Baltimore City B'nai Brith

Judge belonged to the Baltimore City Bar Association.

He died suddenly of a heart attack while in the Mayor's Office on February 24th, 1933, and was buried in the B'nai Israel Cemetery, southern Avenue, Baltimore.

Mr. Epstein married Miss Sylvia Blumenstein in Baltimore City on August 2, 1931, and he and his wife had two daughters, Thelma, aged 15, and Joyce, aged 7 years, who survive him. He is also survived by his mother, Mrs. Rose Epstein, his sisters Mrs. Esther Lebowitz and Mrs. Ethel Siff, and by other relatives Mrs. Louis Blumenstein and Mr. Alfred Barrie.

D. K. ESTE FISHER

D. K. Este Fisher, was born at Cincinnati, Ohio, February 16, 1880, son of William Alexander Fisher of Baltimore and Louise Miller Este, daughter of Judge David Kirkpatrick Este, of Cincinnati. His paternal grandfather, William Fisher, was a leading Baltimore merchant, head of the Banking firm of William Fisher & Sons. His father was a distinguished and able lawyer, partner of Col. Charles Marshall in the firm of Marshall & Fisher, State Senator, and Judge of the Supreme Bench of Baltimore City, from which he retired in 1887 to form a law partnership with his son, and son-in-law William Cabell Bruce, under the name of Fisher, Bruce & Fisher.

Mr. Fisher received his early education in the private school of Mr. George G. Carey in Baltimore, then at the Episcopal High School, Alexandria, Virginia, and at St. Paul's School, Concord, N. H., after which he attended the College of New Jersey (now Princeton University) from which he received the degree of B. A. in 1883—and M. A. in 1886. He studied law at the University of Maryland from which he received the degree of LL.B. in 1888 and was admitted to the Bar of Maryland. He entered the law office of Marshall & Hall where he practiced for two years until the formation of the firm of Fisher, Bruce & Fisher in 1887. Fisher, Bruce & Fisher carried on an extensive general law practice, Mr. Fisher specializing in testamentary, trust and corporation work. Judge Fisher died in 1901; Mr. Bruce retired in 1904 to become City Solicitor of Baltimore, re-entered the firm in 1909-1910, retired again to become General Counsel of the Public Service Commission of Maryland and later Senator from Maryland. Mr. Fisher continued practice alone until a gradual retirement at the age of 85. He was a member of the American, Maryland and Baltimore Bar Associations and was twice offered judgeship on the Supreme Bench of Baltimore City.

He was for many years a Vestryman of Emmanuel Protestant Episcopal Church, a Founder and for nearly 50 years a trustee of the Gilman Country School, for some years a trustee of Hannah Moore Academy and finally took part in many other civic and charitable activities in which his sane counsel and judgment were revered. He was a Democrat in politics, but independent in thinking. He was a member of the Society of the Cincinnati, representing his Great-Grandfather, Captain Moses Este, of New Jersey; of the Maryland Historical Society; and was formerly a member of the Baltimore Assembly, the Bachelors Cotillion, the Maryland Baltimore Merchants', Elkridge, L'Hirondelle, Gibson Island, and Contemporary Clubs.

Mr. Fisher married at Baltimore on November 26, 1890, Sally Jones Milligan McLane, daughter of Louis McLane, then President of the Mercantile Trust Co. of Baltimore, former Lieut. U. S. Navy, former President of the Foreign Express Co., and of the Nevada Bank of San Francisco, and Sophia Latimer Hoffman McLane, Mr. and Mrs. Fisher have four children, D. K. Este Fisher, Jr., member of the architectural firm of Taylor & Fisher, Louise Este Fisher, wife of Guy T. O. Hallyday, President of the Title Guarantee Co. Sophie McLane Fisher, and Louis McLane Fisher, member of the architectural firm of Fisher, Williams, Nes & Campbell. There are 8 grandchildren and two step-grandchildren.

THOMAS H. FITCHETT

Thomas Howard Fitchett, who would have been eighty years old on April 30, 1933, died while vacationing at the home of his daughter, Mrs. Edwin Lambert, at Fort Lauderdale, Florida, on the 27th day of February 1933.

Born in Baltimore, Maryland, April 30, 1873, the son of Thomas Howard Fitchett and Mary Elizabeth Howard. He was educated originally at the McDonogh School and graduated from the University of Maryland Law School in 1900 with a degree of LL.B. Mr. Fitchett never actively practiced law but throughout his life was closely associated with the profession in his various capacities with the Mercantile Trust Company and the Equitable Trust Company.

Mr. Fitchett was buried March 3, 1933 at Trinity Church, Long Green, Maryland.

FRANK GOSNELL, JR.

Frank Gosnell, Jr., was born in Baltimore City, February 23rd, 1884, to his parents Frank Gosnell and Mary Deemead Gosnell.

He received his early elementary education at Calvert School, Baltimore, and graduated from High School, Lawrenceville, N. J. in 1904. In 1905 he received his B. S. Degree from Yale. Mr. Gosnell graduated from the University of Maryland School of Law in 1910, and the same year was admitted to the Maryland Court of Appeals and Baltimore City Bars. From 1910 to 1915 he was associated in law practice with the firm Marbury, Gosnell & Williams. He left this law firm to enter military service in the Army in 1915, and in August, 1917, he was commissioned. He made the Army his career, serving in both World Wars

prior to his retirement with the permanent grade of Major in 1944 His World War I service was in the Field Artillery and his service in World War II was as an administrative officer of the Army Air Forces.

On February 28th, 1931 Major Gosnell married the former Emily Taylor.

Major Gosnell is survived by his widow, two sons Frank Gosnell 3rd of Aberdeen, Md., and Major H. Woods Gosnell, on duty at Fort Mason, California, a brother H. Allen Gosnell, Princeton, New Jersey, a sister Carrie Wilmer, of Baltimore, and a granddaughter Deborah Ann Gosnell, of Aberdeen, Md.

He was a member of the Old University Club and the Maryland Club in Baltimore and after his retirement from the Army in 1944 Major Gosnell spent a great deal of his time in the latter.

Major Gosnell died June 20th, 1933, and is buried in Greenmount Cemetery, Baltimore.

FRANCIS SIDNEY HAYWARD

Francis S. Hayward was born in Harford County, the son of Dr. Thomas Baxter Hayward and Mrs. Helen Bussey Hayward, in 1857. He died December 8th at Rock Hill College, Ellicott City, and at the University of Maryland Law School, where he received his LL.B. degree in 1890.

He was admitted to the Bar on May 31st, 1890.

Mr. Hayward, a veteran Customs Officer and former Deputy Collector for the Port of Baltimore, died at his home 503 Harwood Avenue, Govans, December 8th, 1933. When he retired from the Customs Service in 1937, he had rounded out, just a few months short of, a half century of Government duty. As deputy Collector he had been in charge of the Port's outside force of guards and inspectors.

He had for more than 40 years acted as treasurer of the Mid-State Federal Savings and Loan Association, and he was the original parishioner of St. Mary's Catholic Church, Govans.

Mr. Hayward served as a port overseer during smuggling's liveliest era—Prohibition, and he was called upon in 1926 to ascertain why some 100 pint bottles of "whisky" legally loaded here on five British ships turned out to be only colored water.

Mr. Hayward's most well-remembered public service came in June 1927 when he boarded the United States destroyer Goff off the Virginia Capes to inspect the incoming baggage of a then world-famous young American flyer, Charles A. Lindbergh.

An ardent genealogist and descendant of Maryland's seventeenth century Governor, Thomas Green, Mr. Hayward worked through Baltimore's entire newspaper residue from 1773 through 1840 to compile an alphabetical list of Maryland marriages and deaths of the period. It was presented to the Maryland Historical Society in 1947.

Mr. Hayward is buried in the cemetery of St. Mary's Church, Govans.

He is survived by his widow, Mrs. Henrietta Eichelberger Hayward, five daughters Mrs. S. Reed Wills of Allentown, Pa.; Mrs. Cyril O. Hussey, of Sidney, Ohio; Mrs. Willard B. Major of Arlington, Va.; and Mrs. Louis C. Roche and Mrs. G. Louis McCann of Baltimore. His three sisters and three brothers are Miss Florence M. Hayward, Miss Helen R. Hayward, Mrs. A. Maynard Bacon, Dr. Eugene Hayward, James Ferd Hayward and Edward Hayward, all of Baltimore City.

HERMANN JAMES HUGHES

Hermann James Hughes was born in Baltimore City on May 20th, 1886, the son of James Dixon Hughes and Theresa Klatte Hughes.

He received his A. B. degree from Johns Hopkins University in 1908 and during 1908-1909 studied in Germany at the University of Munich. His legal education was followed at Harvard University, from which he received his LL.B. degree in 1912.

In his early years of the practice of the law Mr. Hughes was associated with Mr. Frank Hoen under the firm name Hoen and Hughes. From 1918 until his retirement in 1932, Mr. Hughes served with the American National Red Cross in a legal capacity, being for a number of years General Counsel of the organization.

His death occurred on July 21st, and he was buried in the cemetery at the St. John's Church, Worthington Valley, Maryland.

On April 6th, 1922, Mr. Hughes married the former Miss Janet Heron. In addition to his widow, those surviving him are his four daughters, Mrs. John Fyle of New York City, Mrs. Francis D. Murnaghan, Jr., Patricia Andrews Hughes and Penelope Davis Hughes, all of Baltimore City.

JOSEPH J. KENNEDY

Joseph J. Kennedy was born in Baltimore City January 29th, 1902, the son of William J. Kennedy, a former lawyer who died in 1932 and Emma M. Dettenthaler Kennedy.

Mr. Kennedy received his early education at St. Michael's Parochial School and graduated from Baltimore City College in 1917. He later attended St. Francis College, Brooklyn, New York, and graduated from Lincoln College of Chiropractic, Indianapolis. He graduated from the University of Baltimore Law School and received his LL.B. degree June, 1941. He was admitted to the Bar May 11th, 1942.

Mr. Kennedy married the former Miss Louise Marie Will in Bradley Beach, New Jersey, on June 17th, 1939. He was a licensed chiropractor and was secretary-treasurer of a farm equipment company in Stems Run. He was a member of the Grand Jurors Association and was active in the power squadron of the Maryland Yacht Club, but most of his spare time was given to the activities of his church.

He was active in fraternal affairs, holding membership in Alea Car-

van, Order of the Alhambra, the Ancient Order of Hibernians, Baltimore Lodge No. 7 (Elks), 3rd Order of St. Francis, Knights of Columbus. In the latter order he served as Grand Knight of Baltimore Council and had been District Deputy for Maryland.

Mr. Kennedy died after a lingering illness September 5th, 1933, and is buried in Holy Redeemer Cemetery.

In addition to his widow, Mr. Kennedy is survived by a sister Mrs. Loretta Bonarrigo of Baltimore, and five brothers, Edward, Robert, John and Richard (of Baltimore), and William Kennedy of New York City.

GUSTAVUS A. KORB

Gustavus Adolph Korb, son of Grecoz and Katherine Viemeyer Korb, was born in Baltimore, June 30, 1869. He attended Dr. Walker's school and public schools. He attended Iowa Wesleyan for a short while, and was in the class of 1894 at Lafayette College. He received his Bachelor of Laws degree from the University of Maryland, June 5, 1899 and was admitted to the Baltimore Bar June 6, 1899. He was a member of the Draft Board in World War I, and also served as Magistrate at Large for a time. He married Minnie A. Pitt on April 4, 1900. He died March 30, 1933. Interment in Loudon Park Cemetery, April 2, 1933. Survived by two daughters, Mildred C. Bartholme and Violet M. Bond, nine grandchildren and four great grandchildren. He was a member of Morningstar Council, J.O.U. A.M., International Order of Job's Daughters, Order of Eastern Star, Order of Amaranth, Amiable Lodge, A. F. & A. M., Yeds Grotto Masonic Veterans Association, South Baltimore Boy's Association, and the Alumni Association of Lafayette College.

Mr. Korb confided his practice for the most part to the representation of Building and Loan Associations, though he engaged in the general practice of law. For the most part during his career he practiced individually, maintaining offices in the old Law Building and in later years in the New Amsterdam Building. During the last years of his life he conducted his practice from his home.

SAMUEL LASCH

Samuel Lasch was born in the year 1878 of his parents Phillip Lasch and Mrs. Elizabeth Lasch who immigrated to this Country from their native German-Bohemia border country in Europe.

He received his early education in the public schools of Baltimore City and was on his own in business as a younger man. He grew up with and lived among his many friends in East Baltimore in the Fifth Ward as a protégé of Martin J. Healy, his acknowledged and well-known Democratic political leader. On April 26th, 1920, he was commissioned as an auctioneer, his appointment having been signed by then Secretary of the State of Maryland Phillip B. Perlman. He always had the innate desire to improve himself and had a long time to study law and to become a lawyer. He was industrious and persevering and after night school studies to advance his legal education at University of Maryland Law School he was admitted to the Bar in 1921, relatively late in life for a lawyer just beginning practice.

His first and continuing association with law practice was with H. Henry Rosenbergs with whom he remained in the same suite of offices on the third floor of the Equitable Building for thirty years until 1951. Also, in the same suite of offices was Harry Sinsheimer, with whom he remained in law practice until the time of his death.

Mr. Lasch served three consecutive terms in the Baltimore City Council. He was appointed as Judge of the Invenite Court by the late Governor Albert C. Ritchie in 1924 and served in that capacity until 1930. From 1930 until 1935 he served as a police magistrate in the Northern District and was elected to the Orphans Court Bench in 1938. In a later election, when opposition arose to his continuance as an Orphans Court Judge, he again became a candidate and was elected to the bench on the Orphans Court of three judges at the time he died.

Judge Lasch, known to his host of friends as Sam, was active in the Navy League, was a member of the Baltimore Lodge No. 7 of the Elks. He was a charter member and organizer of the Albert C. Ritchie Club, was a member of Maccabean Lodge, Independent Order of Beth Shalom, the Jewish Educational Alliance and in other Jewish community organizations. He remained in the Fifth Ward where he lived for many years until recent changes in the City's population shifts, and kept contact with and visited his former constituents and cronies who had also moved into the spreading Northwestern suburbs of Baltimore. These hosts of associations in Baltimore were a tradition with and a part of the man, and endeared him to them.

Judge Lasch, a bachelor, survived his parents and brothers, and lived at the Wentworth Apartments, Mulberry and Cathedral Streets, in Baltimore, and could be seen daily walking pensively and leisurely to his law offices in nearby downtown and close to the Court House. One of his closest friends was Raymond Friedman, 3102 Chelsea Terrace. It is thought that Judge Lasch had relatives in Europe whose present exact whereabouts have been swallowed up in the Iron Curtain seizures over there. A first cousin, Mrs. Bertha Markus, and a second cousin Henry Markus, who reside at 3520 Roland, in Baltimore, are the only known relatives who survived him in this City.

Judge Lasch collapsed at Charles and Mulberry Streets on the night of October 21st, 1953, only one block away from his apartment house residence, and was pronounced dead on arrival at nearby Mercy Hospital, at the age of 75 years. He was buried in Hebrew Friend-

Officers attorney and member of the American Bar Association's Committee on Peace and Law Through the United Nations, who will speak in favor of the Amendment, and Dr. Henry Steele Commager, Professor of History at Columbia University, who will speak in opposition to the Amendment.

Members of the Bar of Baltimore are invited to attend the meeting. Information may be obtained by calling the United Nations Association of Maryland, 1 West Mount Vernon Place, Phone Saratoga 7-2317.

Luncheon Meeting Of The Federal Bar Assn. To Be Held Thursday

A luncheon meeting of the Baltimore Chapter of the Federal Bar Association will be held at 12:15 P. M., on Thursday, in the second floor dining room of a restaurant at 17 East Fayette Street.

The luncheon will honor Chief Judge William C. Coleman, of the United States District Court, for the District of Maryland, who will be introduced by Clarence W. Miles, President of the Maryland State Bar Association, and Walter V. Harrison, President of the Bar Association of Baltimore City, who will be introduced by former United States Senator George L. Radcliffe. Eli Beer, President of the Association, will preside.

Occupational Hazard

Portland, Ore., Jan. 16 (AP)—Patrolman Dean Rich started out to investigate a burglary and wound up getting run over by a car. He was on his hands and knees examining a basement window located between two clumps of hedges when the owner of the house drove into the driveway and hit him.

INTERNATIONAL FRATERNITY WILL HOLD PROFESSIONAL MEETING TONIGHT

A professional meeting of the Chi Chapter of the International Fraternity of Delta Sigma Pi, at Johns Hopkins University, will be held this evening. The speaker will be Daniel Burkhardt, of the American Legion, whose subject will be "Effects of Communism in Business." The meeting will begin at 8:30 P. M. in the Sherwood Room, Levering Hall, Hopkins Campus at Homewood. A cordial invitation is extended to all who are interested.

KIND WORD FOR HOT ROD

Needham, Mass., Jan. 16 (AP)—Mrs. James Farrycy had a kind word for the hot rod set today.

While driving, her car broke down. A new sedan pulled up and a youth stepped out. He fixed Mrs. Farrycy's car, and before leaving handed her a card which read:

"You have been assisted by the Nomads of Newton, a hot-rod club devoted to better understanding between the saddle and the saddle."

Dunn, Washington, D. C., John O. Mitchell, president, The Citizens Bank, Warrenton, North Carolina and vice president, North Carolina Bankers Association; George Jordan, president, Ironers & Mechanics National Bank, York, Pa., and A. Leroy Nichols, exec. vice-president, Valley National Bank, Chambersburg, Pa.

Local Attorney To Speak On Use Of 3-Dimension Photographs In Court

Hyman A. Pressman a member of the local Bar will speak before more than 100 lawyers in the City Hall of Camden, New Jersey, at 8 o'clock on Thursday evening. Mr. Pressman will lecture on the use of 3 dimension photographs in the courtroom at a meeting sponsored by the State of New Jersey Chapter of the National Association of Claimants' Compensation Attorneys, of which former Dean Roscoe Pound of the Harvard Law School is Executive Director.

Mr. Pressman was the first lawyer in the country to make use of 3 dimension photographs when he exhibited them to Judge Howard Murray and a jury in the Circuit Court for Baltimore County in a damage suit on November 13, 1933, when his clients obtained a verdict for \$4,000.

In conjunction with his discussion of the legal and practical aspects of presenting 3-D photographs in Court, Mr. Pressman will demonstrate the operation of the 3-D Camera, hand viewers, screen and a new 3-D viewer-projector combination.

Judge Pauses Over Check For Haircut

Akron, Jan. 16 (AP)—It could be that a common dislike for the current \$1.50 price of haircuts here, saved bookkeeper John Kocher, 25, from a jail sentence.

The young Akronite pleaded guilty to a charge of larceny and embezzlement here. Kocher explained to Judge Frank H. Harvey that in order to keep up with the expensive tastes of his former girl friend he dipped into petty cash funds and wrote bogus checks for himself.

But what intrigued Judge Harvey was a check for \$1.50. When told that it was written for a haircut, the Judge replied sympathetically, "I suppose you really ought to write checks for haircuts, the price they are."

Judge Harvey placed the man on probation on condition he find work and make plans to pay off his debts, totaling \$3,000.

CAUGHT BY A HEEL

Manchester, Conn., Jan. 16 (AP)—John B. Dunphy, 31, who left his calling card near the scene of a filling station robbery, was sentenced to one year in jail. Police tracked him down after they found his heel print on a scrap of cardboard outside the store.

"A recognition is expected to exceed normal in the Gulf States and from the Appalachians eastward, with frequent snows from Virginia northward."

"Greater than normal precipitation is also predicted for central and southern portions of the West Coast States, and the Northern Rocky Mountain States, but sub-normal amounts are indicated over the Great Lakes and Upper Mississippi Valley."

"In areas not specified, about normal precipitation is expected."

Cost Accountants To Hold Meeting Tomorrow

The National Association of Cost Accountants of Baltimore will hold its regular meeting Tuesday, at 6:00 P. M., at the Sheraton-Bevedere Hotel.

The speaker will be Thomas J. Green, partner of Peat, Marwick, Mitchell & Co., New York City. Mr. Green's subject will be "Possibilities for the 1954 Tax Revision Bill."

The Maryland Association of Certified Public Accountants and the Baltimore Control of the Controllers Institute of America have been invited.

All Facilities

New Britain, Conn., Jan. 16 (AP)—The County Lawyers Association pointed out in its monthly bulletin that the new courthouse was in an ideal location. It told members the courthouse is near a restaurant, a funeral parlor and a church, so that attorneys can be accommodated if they show up "hungry, dead or in need of prayer."

Sleepy Drivers

Memphis, Tenn., Jan. 16 (AP)—Judge Phil Canale thinks lack of sleep is more dangerous than too much to drink when a person is driving. He made the statement in finding Charles Prescott \$21. Prescott was involved in a crash after going to sleep at the wheel of his auto.

Auction Sales Today

Alex Cooper:

No. 5333 Denmore avenue, on the premises at 2 P. M. (Adv. Page 6, Col. 5).

No. 2815 Harlem avenue, on the premises at 3 P. M. (Adv. Page 6, Col. 7).

No. 2019 Smallwood street, on the premises at 3:45 P. M. (Adv. Page 6, Col. 6).

E. T. Newell & Co., Inc.:

No. 5256 Park Heights avenue, on the premises at 2 P. M. (Adv. Page 6, Col. 8).

No. 1708 North Appleton street, on the premises at 4 P. M. (Adv. Page 6, Col. 5).

Sam W. Pattison & Co.:

No. 237 South Stricker street, on the premises at 3 P. M. (Adv. Page 6, Col. 6).

ship Cemetery, 3000 East Baltimore Street.

JOHN CAMERON MASSON

John Cameron Masson was born October 6, 1893 at Birkenhead, England. After attending the public schools and the Sprague High School in Glasgow, Scotland he came to Canada at the age of 14. Until 1920 Mr. Masson was a resident of Sault Ste. Marie, Ontario when he left to enter the United States. Becoming a naturalized citizen of the United States, Mr. Masson continued in his early chosen vocation of accountancy, occupying a number of responsible positions in Minnesota and Illinois. He attended the University of Illinois and the Walton School of Commerce at the University of Chicago majoring in accountancy, corporate accounting, finance statistics and mathematics, and received certificate of Public Accountant from the State of Wisconsin and Illinois. In 1932 he was appointed Senior Accountant to the Public Service Commission of Wisconsin. He became an acknowledged expert in the field of organization, financing, maintenance and operation of public utility companies and was the author of the draft of accounts submitted by the National Association of Railway and Utility Commissioners to the Interstate Commerce Commission for use in the regulations of Motor Carriers. In 1930 he was appointed Chief Auditor of the Maryland Public Service Commission relieving at the time the highest rating in an examination conducted for the post. While in this position, Mr. Masson figured prominently in hearings conducted by the Commission involving the Gas and Electric Company, the Chesapeake & Potomac Telephone Company, The Baltimore Transit Company, various trolley companies and others. While acting as Chief Auditor, Mr. Masson attended the University of Baltimore where he received his LL.B. degree in 1940, graduating cum laude. He was admitted to practice by the Court of Appeals of Maryland in 1942 and to the Supreme Court of the United States in 1946. He was a member of the American Bar Association, The Baltimore City Bar Association and the American Institute of Accountants. He was an active member of St. Andrews Society of Maryland, The Knights Templar of Maryland, The Bounti Temple and prominent in Masonry.

By reason of his untimely death on May 2st, 1953, a promising and brilliant career in Public Utility and Tax law was brought to an end. Mr. Masson is survived by his widow, Lucille D. Masson, whom he married in 1924 and two sons, John C. Masson, Jr., and James C. Masson.

ALFRED MAZOR

Alfred Mazor was born in Baltimore City on February 25th, 1903, the son of Isaac Mazor, and Mrs. Mollie Mazor.

His education was in the elementary schools of the Baltimore City School System, and he graduated from Baltimore City College. He followed his law studies at the University of Maryland Law School from which he graduated with his LL.B. degree in the Class of 1928.

He was admitted to the Bar January 8th, 1928, and his early law practice was in association with the law offices of Jacob Cardin, following which he practiced alone.

After joining the Business Offices of the Sunpapers in Baltimore, he assumed less and less legal work as his newspaper work and responsibilities increased. At the time of his death Mr. Mazor was Advertising Office Manager of the Sunpapers.

Mr. Mazor was active in civic, fraternal and political affairs, and was a charter member of the Doldfield Democratic Club, Incorporated.

He died on December 25th, 1950 and was buried December 27th, 1950, in Hebrew Friendship Cemetery, in Baltimore.

Mr. Mazor is survived by his widow, Mrs. Tillie Mazor, his mother Mrs. Mollie Gross, two daughters Mrs. William Sandy and Miss Judith Mazor, and three sisters Mrs. Reba Davis, Mrs. Harry Skolnik and Mrs. Jacob Nelstadt.

ALFRED J. O'FERRALL, SR.

Alfred J. O'Ferrall, Sr., was born in Baltimore City, the son of John O'Ferrall and Margaret Stapleton O'Ferrall, and he lived all his life in Baltimore. His birth date was June 20th, 1878.

He received his elementary and early education in parochial and public grade schools, graduating his high school at Baltimore City College. He attended the University of Maryland Law School from which he graduated in 1902, being admitted to the Bar the same year.

Mr. O'Ferrall was married to the former Gertrude Farrell who predeceased him.

He served as Special Auditor of the Supreme Bench of Baltimore City at various times from 1910 until April 24th, 1933, when he was appointed Auditor to the Supreme Bench.

His son, Alfred J. O'Ferrall, Jr., who is one of the decedent's survivors, was associated with his father in law practice at 100 St. Paul Street, under the firm name of O'Ferrall & O'Ferrall.

Mr. O'Ferrall died on June 10th, 1953, and is buried in the New Cathedral Cemetery. He is survived, in addition to his namesake son, by a son John F. O'Ferrall, two daughters Mary Charlotte Smither and Frances Loretto Costello, and twelve grandchildren.

VINCENT L. PALMIANO

Vincent L. Palmiano was born in Italy on June 13th, 1883. His parents brought him to this country in 1887, and he went to work in a box factory at the age of 11.

Mr. Palmiano entered the real estate business at the age of 21 and later took up the study of law. He

was admitted to practice at the Maryland Bar in 1900.

He was elected to the Maryland House of Delegates in 1914, representing the Third Ward in the First Legislative District of Baltimore City. The following year he became a Baltimore City Councilman. He also served as a Magistrate and as a member of the Board of Police Examiners. For many years he was a Democratic associate in political campaigns of Howard W. Jackson, former Mayor of Baltimore City. From 1926 to 1933 Mr. Palmiano represented the Maryland Third Congressional District, his most picturesque campaigns being against his Republican opponent John Philip Hill. After six bi-annual terms in the Congress of the United States, Mr. Palmiano lost his seat to Thomas D'Alesandro, Jr., now Mayor of Baltimore City. Until the date of his death Mr. Palmiano was serving as a member of the Baltimore City Zoning Board.

After the death of his wife, Mr. Palmiano lived with Mr. and Mrs. Albert Pizzo, 320 South High Street, in Baltimore.

On January 12th, 1953, Mr. Palmiano disappeared from his home. He was found and identified, dead, on March 5th, 1953, by Mrs. Pizzo. He was close to 70 years of age.

Mr. Palmiano's requiem high mass was held at his parish church, St. Leo's Catholic Church, 227 South Exeter Street, among his people in Little Italy section of Baltimore, and his funeral was attended by high public officials as well as by those among whom he lived and toiled for 66 years. He was buried in New Cathedral Cemetery.

MARIE WHITE PRESTMAN

Marie White Prestman, a member of the Bar and movie censor during a 24-year tenure on the Board of Motion Picture Censors probably saw more moving pictures than any other Marylander. She died at her home 3911 Canterbury Road, in Baltimore City, on September 15th, 1953, at the age of 60.

Miss Prestman was appointed to the censor board in 1919 by Governor Harrington, until her retirement in 1943, played a large part in moulding board policy.

She was one of eight women to attend the first co-educational classes ever held at the University of Maryland where she obtained her law degree in 1923.

In addition to her film censorship Miss Prestman served as chairman of the legislative committee of the Democratic Women's Club, was a member of the National Women's Party and was active in many other civic capacities. She was a member of the Hamilton Street Club, the Mount Vernon Club and the National Society of Colonial Dames.

Miss Prestman died of Septicemia 15th, 1953, and was buried in Greenmount Cemetery, Baltimore.

She is survived by three sisters Miss Anita Renshaw Prestman, Mrs. E. Robin Hoffman and Miss Louise Robinson Prestman, all of Baltimore, and one niece, Mrs. B. Kirkbride Miller, Jr.

JOHN HUBNER RICE

John Hubner Rice died on August 21st, 1953, at his residence 6050 Boyce near Carrollton Avenue, Ruxton, Baltimore County, Maryland, at the age of 61 years, following a three months illness.

Mr. Rice was a graduate of Johns Hopkins University and of the University of Maryland Law School. He was admitted to practice before the Supreme Bench of Baltimore on September 10th, 1910.

Entering the practice of law, it was soon after his admission to the Bar that he was elected to and served two sessions as a member of the Legislature in the General Assembly of Maryland. Following that, from 1925 until 1929, he served as an Assistant Attorney General of Maryland.

Prior to his last illness, Mr. Rice was associated with the Equitable Trust Company.

Mr. Rice was married to the former Mary Kennedy Cromwell, of Catonsville, and in addition to his widow he is survived by six children, John, Richard and William Rice and the Misses Evelyn, Mary and Anne Rice, all of Ruxton.

FRANK E. SCHRAEDER

Frank E. Schraeder was admitted to practice before the Court of Appeals of Maryland, and was admitted before the Supreme Bench of Baltimore City on June 9th, 1900.

On April 6th, 1912, Mr. Schraeder was appointed as a bailiff, being assigned to serve with the late Judge H. Arthur Stump. Subsequently he served under two other former Judges of the Supreme Bench of Baltimore City, the late Judge Charles F. Stein, and now retired Judge Edwin T. Dickerson. After a service in the Court House of nearly thirty-three years as a bailiff, Mr. Schraeder retired on January 31st, 1946.

Mr. Schraeder died on February 22nd, 1953, and after a requiem mass celebrated at St. James Church, Eager and Alsmouth Streets, he was buried in Greenmount Cemetery, Baltimore.

He is survived by his widow, Mrs. Louise M. K. Schraeder.

HENRY M. SIEGEL

The sudden death of Henry M. Siegel on October 29, 1953, following an illness of several months, was a distinct shock to his family and his many friends.

Mr. Siegel was a son of the late Louis and Esther R. Siegel. He was born in Baltimore on November 15, 1890, and was graduated from the

Baltimore Law School in June 1911, when he received the degree of Bachelor of Laws. However, since he passed his Bar examination while he was a sophomore at law school, he was admitted to the Bar prior to graduation from law school, i. e., in January 1911.

He was associated with his brother, Joseph Siegel, in the general practice of law under the firm name of Siegel & Siegel. On the death of Joseph Siegel in 1948, Mr. Henry M. Siegel continued to practice law under the firm name of Siegel & Siegel, having as his partner his eldest son, J. J. Siegel, from 1948 until his demise.

Although he was affiliated with the Democratic party all of his life, Mr. Siegel was appointed an Assistant State's Attorney for Baltimore City by State's Attorney Harry W. Rice, a Republican, and was continued in office by State's Attorney Robert F. Leneh, a Democrat, serving ably, conscientiously and with distinction from 1918 to 1920.

Mr. Siegel gave generously of his services in civic, charitable, political and legal affairs of the community. He had no desire for political office for himself, but worked assiduously in elections in the interests of his numerous friends in political and legal circles. He was particularly concerned about the continuation in office of sitting judges who had demonstrated their fitness for the Judiciary by years of efficient service on the Bench, and he was always active in their behalf in the Maryland elections.

Mr. Siegel was extremely interested in the affairs of the Bar Association of Baltimore City, of which he was a Past First Vice-President. He served with fidelity, industry and loyalty on numerous committees of the association, and at the time of his death was a member of the Judiciary committee. In addition, he was Vice-President of the Maryland State Bar Association.

For several years he served as a member of the Interstate Commission on Crime. During World War I he was legal advisor to one of the local boards of the Selective Service System of Maryland. During World War II he was a member of the Advisory Board for Registrants in Baltimore City, and Registrar of Local Board No. 15 of Baltimore City. In addition, he was a member of the Special Panel Board of the Selective Service in Maryland, travelling throughout the State to hold hearings at the various penal institutions for the purpose of determining the fitness of various applicants for induction into the Armed Forces of the United States during the emergency.

He was active in the affairs of the Benevolent and Protective Order of Elks, of which he was a Past Exalted Ruler and an honorary life member. During his administration as Exalted Ruler, he led the lodge in attaining a prominent record in patriotic endeavors, especially in the sale of war bonds.

He was a life member of the Ancient Free and Accepted Masons, and also belonged to the Scottish Rite. He was the first President of the Y. M. H. A. of Baltimore, served as a Vice-President of the Legal Aid Bureau, and was always an active member of the Lawyers' Committee of the Associated Jewish Churches of Baltimore.

He was a member of the Chisuk Amuno Congregation of Baltimore. Besides, he was a member of the B'nai Israel Congregation of Baltimore and served as its legal advisor for many years.

Mr. Siegel was an able lawyer who was known for his integrity, wisdom, earnestness, dependability, and the thorough and studious manner in which he applied himself to his profession. He had a fine character, an excellent reputation, a high sense of honor, and a genuine gentleness of spirit. He knew no fear, and the courage of his convictions, and was motivated by the noblest of intentions, always doing that which he deemed right and honorable. He believed in justice tempered with mercy, understanding and consideration. He was kind, generous and courteous, had a fine spirit of fair play, and gladly aided those who sought his counsel. He was especially sympathetic toward the younger members of the Bar who found themselves beset by problems in the practice of their profession, and he could always be counted on to champion the cause if he was convinced that their difficulties arose from inexperience or poor judgment, and not from improper motives.

Mr. Siegel served humanity in accordance with the four cardinal principles of his life, i. e., charity, justice, brotherly love and fidelity. He was a devoted son and brother, and a loyal friend. Those who knew him intimately loved him. His memory will be revered and cherished always by his family and his many friends. He is survived by three sisters, Mrs. Max Gibson, Mrs. Herman Goldstein and Miss Jeannette R. Siegel, and a brother, Albert Siegel.

THOMAS ROWLAND SLINGLUFF

Thomas Rowland Slingluff, a member of an old Maryland family, was born in 1877, and was the son of the late Fielder Cross Slingluff and Mrs. Mary Johnston Slingluff.

After graduating from the University of Maryland Law School, Mr. Slingluff was admitted to the Baltimore Bar and began his legal practice in his father's law offices.

Mr. Slingluff was a veteran of the Spanish-American War, during which he was a volunteer serving with the 6th Maryland Regiment. He also saw active service in World

War I, and attained the rank of captain.

He died on December 6th, 1953, after a long illness, at his home, 4414 Norwood Road, Baltimore, at the age of 76 years. Burial was in Cathedral Cemetery, Baltimore.

Mr. Slinguff was a member of the Maryland Historical Society, the Maryland Club, the Bachelors' Cotillion, and the Maryland Jockey Club.

He is survived by his widow, Mrs. Gertrude Jenkins Slinguff; a son, Thomas Rowland Slinguff, Jr.; four daughters, Mrs. Katharine Gross, Mrs. C. Baker Clotworthy, Mrs. William A. Fisher, Jr., and Mrs. Malbon R. Wood; eight grandchildren, two sisters, Mrs. B. W. Dudley and Mrs. Alfred Howell, and one brother, Philip Slinguff.

LINDSAY COLEMAN SPENCER

Lindsay Coleman Spencer, who died on May 12, 1953, and was buried in Philadelphia, was born in Germantown, Pennsylvania, on July 5th, 1879, the son of Charles and Elizabeth Coleman Spencer. His first schooling was at the noted Germantown Academy. Removing to Baltimore with an aunt after the death of his parents, he attended Marston's University School for Boys, graduating in 1898. While at Johns Hopkins University, from which he received the degree of B. A. in 1901, he studied law, enabling him to graduate from the Law School of the University of Maryland in 1902. In the same year he was admitted to the Baltimore City bar.

For some years thereafter he was associated with the late Edwin J. Farber. Official positions held by him were Assistant States Attorney for Baltimore, 1912 to 1920; Assistant Attorney General of Maryland, 1920 to 1923; Assistant City Solicitor of Baltimore, 1927 to 1931; Chief Clerk of the Board of Supervisors of Election, 1935 to 1939. He was an authority in the field of election laws.

A notable case handled by him while Assistant Attorney General was that of *Leser vs. Garnett*, in which he was successful in resisting an attack on the validity of the Woman Suffrage Amendment. The case reached the Supreme Court.

Mr. Spencer was a member of the Bar Association of Baltimore City. His fraternity was Phi Kappa Psi. For many years he belonged to the University Club. He retired from active practice in 1948 because of impaired health. Surviving him are his widow, Mrs. Margaret McDonnell Spencer; a son, Charles Donnell Spencer, a grandson, Charles Coleman Spencer, and a sister, Mrs. J. Kent Worthington, all of Baltimore.

GALEN L. TAIT

Galen L. Tait was born in Newton, Iowa, of parents who had migrated from Pennsylvania. He studied at the University of Nebraska, the University of Chicago and George Washington University in Washington, D. C.

He was a member of the District of Columbia and Maryland Bars and his practice was generally in Washington. Although he was a lawyer, he had other interests in real-estate development in the environs of the national Capitol, and he lived on property in Chevy Chase which his father had purchased.

Mr. Tait was a former Collector of Internal Revenue and served as Administrative Assistant to Mayor Theodore R. McKeldin of Baltimore City. Although he never held elective office, he made politics a vocation and avocation. He was Chairman of the Maryland State Central Committee of the Republican Party, in which capacity he served for 20 years, and he managed every successful Republican campaign, with the exception of that of former Governor Harry W. Nice, in the State of Maryland since 1914. As early as this latter year he was made Secretary to the GOP in recognition of the part he played in healing the breach between the William Howard Taft and Theodore Roosevelt forces in the State of Maryland. He was a close friend and political adviser of Governor McKeldin. He had been relatively inactive for the past five years.

Mr. Tait died on September 27th, 1953, while on one of his many periodic trips to visit his son in San Juan, Puerto Rico. He was 81 years of age when the end came.

He is survived by his widow, Mrs. Daisy Tait, by a daughter Mrs. Charles Prescott Trussell, the wife of a member of the Washington bureau of the New York Times, and his son James Lawrence Tait of San Juan.

T. BAYARD WILLIAMS, SR.

Thomas Bayard Williams, Sr., was born in Baltimore, January 3rd, 1878, the son of Dr. Edmund Jones Williams, a North Carolinian who came to Baltimore after the Civil War, studied and practiced medicine here. His mother was the former Miss Ellen Wooten, of Danville, Virginia. In 1910 he was married to the former Miss Elizabeth A. Stengel.

Judge Williams was educated in the public schools and completed the five years course at Baltimore City College in 1898. He studied law at the University of Maryland Law School, receiving his L.L.B. degree and being admitted to the practice of law the same year, in 1902.

Immediately upon being admitted to the Bar he became associated in practice with the late Howard F. Sadler, having their offices in the Calvert Building, and with the exception of a few years ad interim, he remained associated with him until Mr. Sadler's death. Some thirty years ago W. Leroy Ortel became associated with Mr. Williams and was still a law associate with him until Mr. Williams' death in 1953. T. Bayard Williams, Jr., practiced with his father from 1938 until 1933, and in 1948 another younger son, Jack H. Williams also became associated in law practice in his father's offices.

Governor Albert C. Ritchie appointed T. Bayard Williams, Sr., an Associate Justice of the People's Court of Baltimore City and two years later he was elevated to be

Chief Justice of that magistrate tribunal, in which capacity he served for approximately thirteen years. He had an active general practice, but dealt, in the main, in the Law of Real Property and in the settling of Estates.

Judge Williams was a member of the Maryland, Baltimore City and Baltimore County Bar Associations. He was a Charter Member of the Trial Table Law Club, a founder and member of the Board of Managers of the Dundalk YMCA, a Charter Member and Past President of the Dundalk Rotary Club and a member of the Dundalk Methodist Church. He was also a former member of the City Club and the Advertising and University Clubs.

He was also a director of the Bank of Sparrows Point which merged with the First National Bank, and he was a Director of four building and loan associations.

Judge Williams maintained a healthy and active interest in political, fraternal, social and athletic clubs and during his life-time he was a member of many such organizations.


Mr. Williams died February 9th, 1953, in Union Memorial Hospital, Baltimore, and is survived by his widow and three sons, T. Bayard Williams, Jr., Jessie L. Williams, and Jack H. Williams.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, January 28, 1954, at 12:30 P. M. All Judges were present with the exception of Judge Moylan. Chief Judge W. Conwell Smith presided.

Judge Moser moved that the Clerks of the Courts be authorized to close their offices at 12:00 Noon on Saturdays, effective February 1, 1954. The motion was duly seconded and approved.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

COPY**SUPREME BENCH OF BALTIMORE CITY**

January 29, 1954

Hon. M. Luther Pittman
Hon. Frank C. Robey
Hon. John O. Rutherford
Hon. Henry J. Ripberger
Hon. John S. Clarke
✓ Hon. Lawrence R. Mcney

Gentlemen:

I enclose copy of Order approved today by the Supreme Bench authorizing Clerks of Courts to close their offices on Saturday at 12:00 Noon, effective February 1, 1954.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:ejh

Encl.

January 28, 1954

IN THE SUPREME BENCH OF BALTIMORE CITY

THE SUPREME BENCH OF BALTIMORE CITY hereby authorizes the Clerks of the Superior Court of Baltimore City, Baltimore City Court, Court of Common Pleas, Circuit Court, Circuit Court No. 2, and Criminal Court to close their offices at 12:00 Noon instead of 1:00 P. M. on Saturdays, effective February 1, 1954.

WITNESS our hands this 28th day of January, 1954.

W. Conwell Smith
Emory H. Niles
John T. Tucker
Charles E. Moylan
E. Paul Mason
Herman M. Moser
Michael J. Hanley
S. Ralph Warnken
Joseph R. Byrnes
Joseph L. Carter
James K. Cullon

Supreme Bench
of
Baltimore City

W. CONWELL SMITH
CHIEF JUDGE

BALTIMORE 2, MARYLAND

February 1, 1934.

Dear Judge:

We are requested to postpone the LeViness reinstatement hearing from February 5th to February 26th.

In any event, they will be unable to go ahead on Friday, February 5th, so you may make other plans for your assignment on that day.

Very truly yours,

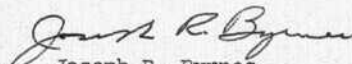
W. Conwell Smith
W. Conwell Smith.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, February 4, 1954, at 12:30 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

The Bench approved the appointment of Mr. Frank R. Mersinger as a Clerk in the Record Office as requested by Mr. M. Luther Pittman, Clerk of the Superior Court, and the appointment of Mr. John Joseph Kolarik as a Recorder in the Circuit Court No. 2 Clerk's Office, as requested by Mr. John S. Clarke, Clerk.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

Circuit Court No. 2 of Baltimore City
 Baltimore, Maryland
 January 20th, 1954

JOHN S. CLARKE
 CLERK

Hon. W. Conwell Smith
 Chief Judge
 Supreme Bench of Balto. City
 Court House
 Balto. 2, Md.

RE: Appointment of
Mr. John Joseph Kolarik

Dear Judge Smith:

Subject to the confirmation of the Supreme Bench of Baltimore City, I would like to appoint Mr. John Joseph Kolarik, 613 N. Glover St., as a Recorder in my office.

My reason for requesting this appointment was occasioned by the death of Mr. Anthony J. Mullen.

I personally interviewed Mr. Kolarik and feel he will prove to be a capable and efficient employee.

It is my desire that this appointment become effective February 1st.

Respectfully yours,

John S. Clarke

 Clerk

JSC:amh

Judge Byrnes

Mr. Brennan reports no police record

Recorder

2/4/54

*the request
 is changed to
 Feb 15th
 J.S.C.*



H. LUTHER PITTMAN, Clerk

Superior Court
of Baltimore City
Baltimore 2, Md.

February 4th, 1954

To the Honorable;
The Members of the Supreme Bench
of Baltimore City

Honorable Sirs:-

I respectfully request your approval of the appointment of Mr. Frank R. Mersinger as a clerk in the Record Office to fill the vacancy caused by the death of William R. Lupton.

Mr. Mersinger, 36 years of age, is married and the father of one child. He resides at 704 Walnut Avenue, and is a member of St. Edwards Church.

Mr. Mersinger has informed me that he has no criminal record of any kind, and he comes to me well recommended.

Very truly yours,

2/4/54

Judge Byrnes

Mr. Blannan reports

no police record

Lupton

COPY**SUPREME BENCH OF BALTIMORE CITY**

February 5, 1954

Honorable John S. Clarke
Clerk, Circuit Court No. 2 of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Clarke:

Your appointment of Mr. John Joseph Kolarik
as a Recorder in your office has been approved by the
Supreme Bench.

Sincerely yours,

Joseph R. Byrnes
Secretary

JRB:gjh

COPY**SUPREME BENCH OF BALTIMORE CITY**

February 5, 1954

Honorable M. Luther Pittman
Clerk, Superior Court of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Pittman:

Your appointment of Mr. Frank R. Mersinger as a clerk in the Record Office to fill the vacancy caused by the death of William R. Lupton has been approved by the Supreme Bench.

Sincerely yours,

Joseph R. Byrnes
Secretary

JRB:gjh

M I N U T E S

A Monthly Meeting of the Supreme Bench of Baltimore City was held on Saturday, February 6, 1954, at 10:00 A. M. Chief Judge Smith and Judges Moser, Warnken and Byrnes were not present. Judge Emory H. Niles presided, and Judge Mason acted as Secretary.

The following attorneys were admitted to practice before the Supreme Bench of Baltimore City:

**Six New Attorneys Are
Admitted To Practice
By Supreme Bench**

Arthur C. Strasburger, Frederic S. Cross, William H. Eichelman, Leo A. Hughes, Sidney J. Barban and Clarence E. Ritter were admitted to practice as members of the Baltimore Bar by the Supreme Bench of Baltimore on Saturday.

The new attorneys were admitted upon the motions of Eldridge Hood Young, McKenny W. Egerton, Sidney A. Needle, Harry O. Levin, Norman N. Yankellow and Frank Lenz.

Motions for New Trials filed by Armand Corridi and George H. Baccala, convicted of rape; and Motions for New Trials filed by William Davis, convicted of lottery, and Samuel Mobley, convicted of perjury, were denied.

Motion for New Trial filed by Peter M. Chrusniak, convicted of bribery, was granted.

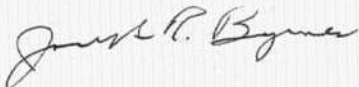
Motion for New Trial filed by Vincent C. Fertitta, convicted of lottery, was denied as to the 1st and 2nd Counts, and granted as to the 3rd Count of the indictment.

Motion for New Trial filed by Melvin S. Grove, convicted on the 3rd Count of an indictment charging him with larceny, was held sub-curia. It was agreed that the Bench would endeavor

- 2 -

to dispose of this motion on Thursday, February 11, 1954.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

Motions For New Trials Are Heard By Supreme Bench

The Supreme Bench of Baltimore on Saturday denied the motions for new trials of Armand Corridi and George H. Baccala, who were found guilty on rape charges; William Davis, convicted of lottery and Samuel Mobley, found guilty of perjury.

The Bench granted the new trial motion of Peter M. Chrusniak, who was convicted of bribery and granted the motion of Vincent O. Fertitta, as to the 3rd count of an indictment charging him with lottery. The Bench reserved its decision in the case of Melvin S. Grove, who was found guilty on the 3rd count of a larceny indictment.

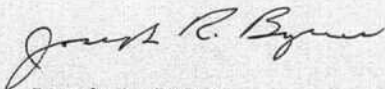
Assistant State's Attorneys J. Harold Crady, Joseph G. Koutz, M. Peter Moser and Edwin A. Gehring represented the State at the hearing, while Eldridge Hood Young appeared on behalf of Chrusniak. Harry O. Levin was the attorney for Grove and Fertitta was represented by R. Palmer Ingram.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, February 11, 1954, at 12:30 P. M. All Judges were present except Judge Moser. Chief Judge W. Conwell Smith presided.

Motion for New Trial in the case of State vs. Melvin S. Grove, convicted on the third count of an indictment charging him with larceny, was granted.

Chief Judge Smith read a letter from Mr. Anselm Sodaro, State's Attorney, announcing the resignation of Mr. George D. Solter as an Assistant State's Attorney, and the appointment of Mr. George H. Rosedom to fill the vacancy caused by this resignation. Upon motion duly made and seconded, Mr. Rosedom's appointment was approved. The Secretary was instructed to so advise Mr. Sodaro, and to express regret at the resignation of Mr. Solter, but to extend to him the best wishes of the Supreme Bench in his new activities as a general practitioner.



Joseph R. Byrnes
Secretary



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

FEBRUARY
NINTH
NINETEEN
FIFTY FOUR

HON. W. CONWELL SMITH, CHIEF JUDGE
and HONORABLE MEMBERS OF THE
SUPREME BENCH OF BALTIMORE

Honorable Sirs:

It is with deep regret that I advise you that Mr. George D. Solter has submitted his resignation as an Assistant State's Attorney effective Monday, February 15th, 1954, to resume the private practice of law.

To fill this vacancy I respectfully submit the name of George H. Rosedom for appointment and confirmation as an Assistant State's Attorney.

Mr. Rosedom is 40 years of age and married. After graduating from the Douglass High School in 1931, he matriculated at Morgan State College and received the Degree of Bachelor of Science in 1935. While at College he obtained a fine scholastic record and was active in college athletics and in other school activities.

From July 1938 to February 1942 he was employed by the Department of Public Welfare as a social worker. From February 1942 to January 1943 he was a parole officer for the Cheltenham School for Boys. From January 1943 to January 1952 he has been a probation officer for the Probation Department of the Supreme Bench, and since January 1952 to the present time he has been designated as Supervisor-Court Officer in the Domestic Relations Division of that Department.

He enrolled in the evening division of the Law School of the University of Maryland in 1944, and four years later graduated with the Degree of Bachelor of Laws. He was admitted to the Bar of the Court of Appeals of Maryland and the Supreme Bench of Baltimore City in the fall of 1949.

He is at present a member of the Executive Committee of the Morgan State College Alumni Association, and formerly was

WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY

ASSISTANT STATE'S ATTORNEYS

JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEHRING

ASSISTANT STATE'S ATTORNEYS

GEORGE D. SOLTER
JOSEPH G. KOUTZ
JULIUS A. ROMANO
THEODORE C. WATERS, JR.
ALEXANDER STARK
JAMES W. MURPHY
J. ROBERT BROWN
H. PETER MOSER



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY

ASSISTANT STATE'S ATTORNEYS

JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEHRING

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ALEXANDER STARK
JAMES W. MURPHY
J. ROBERT BROWN
M. PETER MOSER

HONORABLE MEMBERS OF THE
SUPREME BENCH OF BALTIMORE

-2-

2/9/54

Alumni representative to the Board of Trustees of Morgan State College, and is a member of the Board of the Provident Hospital.

He comes to me highly recommended by members of the Bar and by many prominent civic leaders in the City.

Trusting this nomination will meet with the approval of the Supreme Bench, I am,

Respectfully yours,

STATE'S ATTORNEY

AS:B

COPY**SUPREME BENCH OF BALTIMORE CITY**

February 15, 1954

Honorable Anselm Sodaro
State's Attorney of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Sodaro:

I advise that the Supreme Bench, at its meeting on February 11, 1954, approved your appointment of Mr. George H. Rosedom as an Assistant State's Attorney. Mr. Rosedom's work in the Probation Department has been outstanding, and the Bench is confident he will make an excellent Assistant State's Attorney.

The Bench also expressed keen regret over the resignation of Mr. George D. Solter, but the Judges are in accord in wishing Mr. Solter much success in the active practice of law.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

COPY**SUPREME BENCH OF BALTIMORE CITY**

February 15, 1954

George D. Solter, Esq.
Messrs. Due, Nickerson, Whiteford & Taylor
200 Baltimore Life Building,
Baltimore 1, Maryland

Dear Mr. Solter:

The Judges were officially advised of your resignation as an Assistant State's Attorney, and have asked me to convey to you their regret over your resignation and their happiness in knowing that you are about to begin the active practice of law as a general practitioner.

You have our very best wishes for a long and successful career.

Very truly yours,


Joseph R. Byrnes
Secretary

JRB:gjh

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, February 25, 1954, at 12:30 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

No business was transacted.



Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, April 1, 1954, at 12:30 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

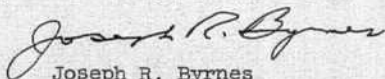
The Bench was honored by the presence of Chief Judge William R. Horney of the Second Judicial Circuit, who has been assigned by the Chief Judge of the Court of Appeals to assist in the work of the Supreme Bench.

The Chief Judge brought to the attention of the Bench the death of Mr. Mason P. Morfit on Monday, March 29, 1954. The Judges expressed their regrets over the death of Mr. Morfit, who had served with distinction ~~in his capacity~~ as Examiner for many years.

Upon motion duly made and seconded, Mr. William C. Baxter, Special Examiner of the Circuit Courts, was appointed Examiner by unanimous vote.

Judge Niles moved that a resolution of the Supreme Bench thanking Judge Horney for his services be prepared and filed among the minutes of the Bench, and that a copy be sent to Judge Horney.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

M I N U T E S

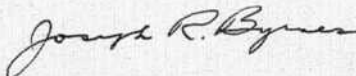
A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, April 8, 1954, at 12:30 P. M. All Judges were present. Chief Judge W. Conwell Smith presided.

The vacancy of Special Examiner was discussed and it was agreed that a list of all of the applicants would be sent to each Judge for study.

The Chief Judge announced that the Term Meeting would be held on Monday, April 26, 1954.

The Judges were pleased to have as their luncheon guest Judge Floyd Kintner who had been assigned by Chief Judge Brune to assist in the work of the Supreme Bench.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

RESOLVED, That the Supreme Bench of Baltimore City expresses its thanks to Judge William R. Horney, for assisting them in the trial of cases during the past two weeks. The Bench has derived pleasure from personal association with Judge Horney, and substantial assistance in the dispatch of its business through his cooperation and willingness to leave his own Circuit for this purpose. It is the hope of the Bench that through this precedent, set by Judge Horney, substantial benefit will accrue in the future to the whole administration of justice in Maryland.

approved Apr 8, '84

IN THE COURT OF APPEALS OF MARYLAND

Under and by virtue of the authority contained in Section 18 A of Article IV of the Constitution of Maryland I do hereby designate the Honorable Floyd J. Kintner, Associate Judge of the Second Judicial Circuit of Maryland, to sit, either alone or with one or more other Judges, as a Judge of each or any of the Courts of Baltimore City in which a Judge of the Supreme Bench of Baltimore City may sit, during the period from April 5, 1954, to April 17, 1954, including both of said dates.

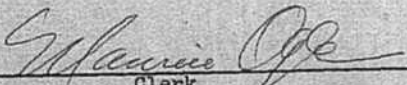
/s/ FREDERICK W. BRUNE
Frederick W. Brune
Chief Judge

March 29, 1954

STATE OF MARYLAND, Sct.:

I, MAURICE OGLE, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is a full and true copy of the original Order on deposit in the office of the Clerk of the Court of Appeals of Maryland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 30th day of March, 1954.


Clerk
Court of Appeals of Maryland

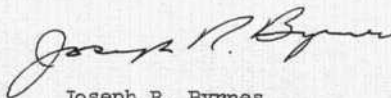
M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Wednesday, April 14, 1954, at 12:30 P. M. All Judges were present with the exception of Judges Carter and Moser. Chief Judge W. Conwell Smith presided.

Judge Floyd J. Kintner of the Second Judicial Circuit was present as a guest of the Bench.

Chief Judge Smith announced that the May Term Meeting will be held on Monday, April 26, 1954, at 10:00 A. M.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

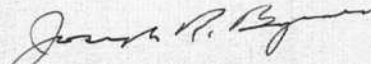
M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held ^{Thursday} Wednesday, April 22, 1954, at 12:30 P. M. Chief Judge Smith and Judge Moser were absent. Judge Emory H. Niles presided.

Judge Niles announced the resignation of Bailiff Samuel D. Hill, effective April 26, 1954, and recommended the appointment of Mr. Henry Enslie Parks to fill the vacancy. Upon Judge Niles' motion, Mr. Parks was appointed Bailiff to the Supreme Bench of Baltimore City, the appointment to take effect as of April 26, 1954.

The Bench was pleased to have as its luncheon guest the Honorable J. DeWeese Carter of the Second Judicial Circuit.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

IN THE COURT OF APPEALS OF MARYLAND

Under and by virtue of the authority contained in Section 18A of Article IV of the Constitution of Maryland, I do hereby designate the Honorable J. DeWeese Carter, Associate Judge of the Second Judicial Circuit of Maryland, to sit, either alone or with one or more other Judges, as a Judge of each or any of the Courts of Baltimore City in which a Judge of the Supreme Bench of Baltimore City may sit, during the period from April 19, 1954, to May 1, 1954, including both of said dates.

/s/ FREDERICK W. BRUNE

Frederick W. Brune
Chief Judge

April 14, 1954

STATE OF MARYLAND, Sct.:

I, MAURICE OGLE, Clerk of the Court of Appeals of Maryland, do hereby certify that the foregoing is a full and true copy of the original Order on deposit in the office of the Clerk of the Court of Appeals of Maryland.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this fifteenth day of April, 1954.


 Clerk
 Court of Appeals of Maryland

M I N U T E S

A Term Meeting of the Supreme Bench of Baltimore City was held Monday, April 26, 1954, at 10:00 A. M. All Judges were present with the exception of Chief Judge Smith. Judge Emory H. Niles presided.

Upon the motion of David L. Morrison, Martin B. Morrison was admitted to practice as an attorney of the Baltimore Bar by the Supreme Bench.

Motions for new trials filed by Orlando S. Terranova and Frank Terranova, who were found guilty of rape and robbery with a deadly weapon, were denied.

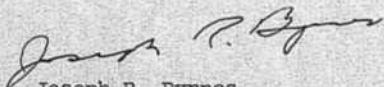
Motions for new trials filed by Charles H. Schmidt, who was found guilty of assault, and Ezekiel Jones, who was convicted on lottery charges, were granted.

The Secretary was asked to prepare resolutions thanking Judges Kintner and J. DeWeese Carter for their services to the Supreme Bench.

The following persons were selected by the Supreme Bench to serve on the May Term, 1954, Grand Jury:

John M. Blen, 3612 Gwynn Oak
 John V. Hierstetter, 1908 Griggs
 Samuel Barber, 4405 Liberty
 Ave.
 Thomas W. Ford, 705 St. Georges
 Rd.
 Elizabeth H. Feltham, 1633 Kings-
 Rd.
 Christine H. Ryland, 401 Edge-
 Rd.
 John A. Allen, 1303 Argonne Dr.
 Lawrence E. Quinn, Sr., 3011 Glen-
 Ave.
 Alexander Rossmann, 1629 Bal-
 Rd.
 R. R. Archer, 415 E. Lake Ave.
 Samuel D. Weinstein, 3012 W.
 Ave.
 Charles E. Hoffman, 100 W. Uni-
 Pkwy.
 John W. Donaldson, 1013 Argonne
 Ave.
 John M. Cavey, 5706 The Alh-
 ambr
 Joseph P. Fitzgibbons, 400 Lynd-
 st.

Marie A. Miller, 2824 Pinewood
 Ave.
 Molly J. Lamplough, 1611 Northern
 Pkwy.
 Woodley E. Lawrence, 3100
 Gwynns Falls Pkwy.
 Henry G. Spector, 3513 Sequoia
 Ave.
 Helen J. Waltz, 4207 Grandu
 Ave.
 Philip W. Carson, 4520 Weitzel
 Ave.
 Norris E. Showalter, 221 Ridg-
 mede Rd.
 Robert T. Newbold, 820 N. Fre-
 mont Ave.


 Joseph R. Byrnes
 Secretary

Supreme Bench
of
Baltimore City

EMORY H. NILES
JUDGE

BALTIMORE 2, MARYLAND

April 26, 1954

Hon. Joseph R. Byrnes,
Court House,
Baltimore 2, Maryland.

Dear Joe:

My new bailiff is Henry Enslie Parks.

His appointment was authorized at the Bench meeting Thursday, April 22, and he will be sworn in tomorrow, April 27. I believe that the order specified that he was appointed as of April 26.

My present bailiff, Samuel D. Hill, resigns as of tomorrow morning.

Sincerely yours,

EHN/jp



COPY

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SUPREME BENCH OF BALTIMORE CITY

RESOLVED, That the Supreme Bench of Baltimore City expresses its thanks to Judge Floyd J. Kintner for assisting them in the trial of cases during the past two weeks. The Bench has derived pleasure from personal association with Judge Kintner, and substantial assistance in the dispatch of its business through his cooperation and willingness to leave his own Circuit for this purpose.

Approved: April 26, 1954.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, May 6, 1954, at 12:30 P. M. All Judges were present, with the exception of Chief Judge Smith and Judge Carter. Judge Emory H. Niles presided.

Judge Niles asked for suggestions for the dates of the September Term Meeting and the swearing-in ceremony for new attorneys. After discussion, it was agreed that the Term Meeting would be held on Monday, June 21, 1954, and the swearing-in ceremony for new attorneys was set tentatively for Monday, June 28, 1954. Judge Niles was authorized to select the sponsor for the new group of attorneys, and the Judges suggested that he give first consideration to inviting Judge Frank to be the sponsor.

The Clerk of the Supreme Bench received a certified copy of the docket entries from the District Court showing that Attorney J. Charles Fagan had been convicted of income tax evasion and ^{had} ~~been~~ was fined \$2,500.00 by that Court. An order nisi requiring Mr. Fagan to show cause why he should not be disbarred will be prepared and served on him.

Separate Resolutions thanking Judges J. DeWeese Carter and Floyd J. Kintner were read and approved, and the Secretary was instructed to send copies to those Judges.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

COPY

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SUPREME BENCH OF BALTIMORE CITY

RESOLVED, That the Judges of the Supreme Bench of Baltimore City express their thanks to Judge J. DeWeese Carter for assisting them in the trial of cases during the past two weeks. The Bench has derived pleasure from personal association with Judge Carter, and substantial assistance in the dispatch of its business through his cooperation and willingness to leave his own Circuit for this purpose.

Approved: May 6, 1954.

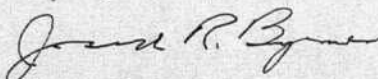
M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, May 13, 1954, at 12:30 P. M. All Judges were present with the exception of Chief Judge Smith, and Judges ~~Warren~~, Moylan and Moser. Judge Emory H. Niles presided.

Judge Niles announced that the class of new lawyers would be admitted by the Court of Appeals on Tuesday, June 22, 1954. After a discussion, it was moved and seconded that the Supreme Bench meet on June 29, at 10:00 A. M. to admit this group of new attorneys. Judge Niles informed the Bench that Judge Frank had accepted his invitation to act as sponsor of the lawyers to be admitted.

Judge Mason reported that Colonel Ober, Commissioner of Police, had talked with him, as Chairman of the Court House Committee, regarding the need for two policemen now assigned to the Criminal Courts. Judge Mason advised the Colonel that he should take the matter up with Judge Niles. After a discussion, it was agreed that Judge Niles would write to Colonel Ober and advise him that two able and alert policemen were needed in the Criminal Courts.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, May 20, 1954, at 12:30 P. M. All Judges were present with the exception of Chief Judge Smith and Judges Moylan, Moser and Mason. In the absence of Chief Judge Smith, Judge Emory H. Niles presided.

Judge Niles brought to the attention of the Bench a proceeding instituted by the Baltimore City Bar Association against Earle W. Blackburn, attorney, for appropriation of client's funds to his personal use. A show cause order was served on Mr. Blackburn directing him to show cause by the 14th of May, 1954, why he should not be disbarred. No answer having been filed, motion was made and seconded that Earle W. Blackburn be disbarred from further practice of law, and that his enrollment as an attorney and member of this Bar be stricken from the records. The Order was then signed by a majority of the Judges present.

There being no further business, the meeting was adjourned.

**Earle W. Blackburn Is
Disbarred From Law
Practice By Bench**

Earle W. Blackburn was disbarred from the further practice of law as a member of the Bar by the Supreme Bench of Baltimore City yesterday.

The order of the Bench was issued upon a petition filed by the Bar Association of Baltimore City on April 14th last, in which Blackburn was charged with conduct unbecoming a member of the Bar in that he failed to return the sum of \$1,500 to a client, which had been given to him for the purpose of investment.

Mr. Blackburn, who had been a member of the Bar since November, 1923, failed to file an answer to the complaint as required in an order signed by Chief Judge W. Corvell Smith.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, June 3, 1954, at 12:30 P. M. All Judges were present except Chief Judge Smith, and Judges Moser and Byrnes. Judge Emory H. Niles presided.

Judge John B. Gray, Jr., Chief Judge of the Seventh Judicial Circuit, was present as a guest of the Bench.

Judge Niles noted that by reason of illness, Chief Judge Smith would not be able to fulfill his assignment for Saturday, June 5, whereupon Judge Cullen volunteered to take this duty.

Judge Niles called the attention of the Bench to the fact that Mr. J. Charles Fagan, against whom disbarment proceedings are pending, had filed an answer to the show cause order recently passed. It was, thereupon,

"RESOLVED, That the Chief Judge request the President of the Bar Association to appoint counsel on behalf of the Bar Association to conduct the proceedings against Mr. Fagan."

The Chairman also called attention to a communication from Mr. Bernard M. McDermott, Director of Probation of the Division for Juvenile Causes of the Circuit Court, in which Mr. McDermott requested permission to destroy the Probation histories of the Juvenile Court for the years 1904 to 1929, inclusive. After discussion, it was

"RESOLVED, That the Director of Probation of the Circuit Court of Baltimore City of the Division for Juvenile Causes is hereby authorized to destroy the Probation histories of the Juvenile Court from the years 1904 to 1929, inclusive, provided, however, that the dockets and index cards for said years shall be preserved and suitably filed."

Minutes - 6/3/54

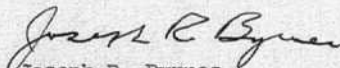
- 2 -

Judge Warnken suggested that the present method of appointing foremen of juries in both civil and criminal cases might be improved, and Judge Gray explained the system in force in his Circuit Court, under which the foreman is in each case appointed by the presiding Judge, rather than chosen by the Clerk or by chance as a result of challenges. It was the sense of the Bench that Judge Warnken be requested to study the matter, and make recommendations to the Bench at such a time as he deems appropriate.

Individual members of the Bench thereupon expressed their thanks to Judge Gray for his help during the past two weeks, and it was

"RESOLVED, That the Supreme Bench of Baltimore City hereby expresses its thanks to Chief Judge John B. Gray, Jr., of the Seventh Judicial Circuit, for his assistance given to the Bench during the past two weeks in accepting the assignment to sit in the Courts of Baltimore City. We thank him not only for the work which he has done, but for the agreeable personal contacts which we have had with him, and the strengthening of old friendships with him. It is the hope of the Bench that Judge Gray may soon return to sit in Baltimore City."

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

COPY

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SUPREME BENCH OF BALTIMORE CITY

"RESOLVED, That the Supreme Bench of Baltimore City hereby expresses its thanks to Chief Judge John B. Gray, Jr., of the Seventh Circuit, for his assistance given to the Bench during the past two weeks in accepting the assignment to sit in the Courts of Baltimore City. We thank him not only for the work which he has done, but for the agreeable personal contacts which we have had with him, and the strengthening of old friendships with him. It is the hope of the Bench that Judge Gray may soon return to sit in Baltimore City."

June 4, 1954

Mr. Bernard M. McDermott
Director of Probation,
Circuit Court of Baltimore City
Division of Juvenile Causes
Court House,
Baltimore 2, Maryland

Dear Mr. McDermott:

I attach copy of Resolution authorizing your Department to destroy probation histories of the Juvenile Court, adopted by the Supreme Bench on Thursday, June 3, 1954. It should be noted that dockets and index cards for the period mentioned are to be preserved.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

Encl.

"RESOLVED, That the Director of Probation of the Circuit Court of Baltimore City of the Division for Juvenile Causes is hereby authorized to destroy the Probation histories of the Juvenile Court from the years 1904 to 1929, inclusive, provided, however, that the dockets and index cards for said years shall be preserved and suitably filed."

Adopted June 3, 1954:

Joseph R. Byrnes, Secretary

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Friday, June 4, 1954, at 10:30 A. M. All Judges were present with the exception of Judge Moser. Judge Emory H. Niles presided.

Judge Niles stated that because of the death of Chief Judge W. Conwell Smith, he had called the meeting to discuss with the Judges certain questions.

Judge Tucker moved that the question of whether the Courts should adjourn this day out of respect to the memory of our late Chief Judge should be left to the respective Judges.

A discussion then followed, at the conclusion of which the following Resolutions were unanimously adopted:

"RESOLVED, That the Supreme Bench of Baltimore City notes with sorrow the death of Chief Judge W. Conwell Smith on June 3, 1954. His character and courage were valued highly, and his friendship was treasured by every member of this Bench. As Chief Judge he led the Bench in the administration of justice according to the highest traditions of the Bench and Bar of Maryland."

"RESOLVED, That during the interim caused by the death of Chief Judge W. Conwell Smith, Judge Emory H. Niles is hereby designated as Acting Chief Judge, and the Clerks of the respective Courts are hereby authorized and directed to issue process accordingly."

Judge Tucker further moved that out of respect to the late Chief Judge's memory, all Courts should be closed on Monday, June 7, 1954. The motion was seconded and approved.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Joseph R. Byrnes
Secretary

COPY

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SUPREME BENCH OF BALTIMORE CITY

June 4, 1954

RESOLVED, That the Supreme Bench of Baltimore City notes with sorrow the death of Chief Judge W. Conwell Smith on June 3, 1954. His character and courage were valued highly, and his friendship was treasured by every member of this Bench. As Chief Judge he led the Bench in the administration of justice according to the highest traditions of the Bench and Bar of Maryland.

June 4, 1954

RESOLVED, That during the interim caused by the death of Chief Judge W. Cornwall Smith, Judge Emory H. Niles is hereby designated as Acting Chief Judge, and the Clerks of the respective Courts are hereby authorized and directed to issue process accordingly.

Adopted:

Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, June 10, 1954, at 12:30 P. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

Judge James Clark of the Fifth Judicial Circuit, assigned to assist the Supreme Bench in the trial of cases, was a luncheon guest.

Judge Warnken moved that Mr. Delverne A. Dressel be appointed to fill the vacancy caused by the death of Mr. Karl C. J. Hanselmann, bailiff, the appointment to be effective June 18, 1954. The motion was seconded and adopted.

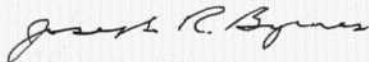
Judge Niles reported to the Bench that Orphans' Court Judge Zenitz had complained to Traffic Officer Dominic Sartori that a bailiff was using parking space assigned to the late Chief Judge Smith, and that Judge Zenitz contended that he had a priority to the space over the bailiff. Upon motion duly made and seconded, the matter was referred to the Court House Committee for study.

Messrs. Thomas M. Jacobs and George Gump, appointed to represent the Bar Association in the disbarment proceedings filed against J. Charles Fagan, submitted to the Judges a legal memorandum entitled "EFFECT OF PLEA OF NOLO CONTENDERE IN DISBARMENT CASES". Records of the District Court show that Mr. Fagan was fined ~~the sum of~~ \$2,500.00 for income tax evasion, but ~~there was~~ ^{was} ~~evidently~~ no verdict of guilty rendered. It was moved and seconded

- 2 -

that the disbarment proceedings now in this Court be stayed, and that the matter be referred to the President of the Bar Association for study and recommendation by the Grievance Committee.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

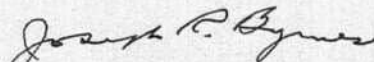
M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, June 17, 1954, at 12:30 P. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

The Judges signed an Order authorizing the Clerks of the several Courts of Baltimore City to close their offices at 3:00 P. M. instead of at 4:00 P. M. from June 28, 1954, until the second Monday in September, 1954, except on Saturday when the closing hour shall be 12:00 o'clock Noon.

Acting Chief Judge Niles reported that he received a communication from Maurice Braverman, against whom disbarment proceedings had been filed, and who is now serving a term in the Federal Penitentiary at Lewisburg, asking that these proceedings be stayed until his release from the Penitentiary.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

MINUTES

The September Term Meeting was held on Monday, June 21, 1954, at 10:00 A. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

Daniel H. Shear and John T. Enoch were admitted to practice as members of the Baltimore Bar by the Bench upon the motions of William H. Engelman and James H. Norris, Jr.

Motion for new trial filed by Kenneth C. Kellar, convicted of murder in the second degree, was denied.


Motion for new trial filed by Frank Joseph Tischler, convicted of lottery, was withdrawn.

The September Term, 1954, Grand Jury was selected by the Supreme Bench. A list of the members is attached hereto.

The Secretary reported that the Minutes of the Supreme Bench were up-to-date, and that his Bailiff, Mr. Helinski, has completed the task of indexing the Minutes from January 1, 1946, to date. The Minutes and indexes have been properly bound, and, in addition, there is a master index now available dating from January 1, 1946.

It was moved and seconded that disbarment proceedings against Maurice Braverman, who is now serving a term at the Federal Penitentiary at Lewisburg, be stayed until thirty days after his release from the Penitentiary.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

**Motion For New Trial Is
Denied By Supreme
Bench**

D.R. 6-22-54
The Supreme Bench yesterday denied the motion for a new trial of Kenneth C. Kellar, who was convicted of murder in the second degree. M. Peter Moser and Edwin A. Gehring, Assistant State's Attorneys represented the State at the hearing.

**Admitted To Practice As
Members Of Baltimore
Bar**

Daniel H. Shear and John T. Enoch were admitted to practice as members of the Baltimore Bar by the Supreme Bench of Baltimore yesterday upon the respective motions of William H. Engelman and James H. Norris, Jr.

**September Term Grand
Jury Selected By
Supreme Bench**

D.R. 6-22-54

The Grand Jury for the September Term was selected by the Supreme Bench of Baltimore yesterday. They are called for Tuesday, September 14th, when the local Courts will convene for the September Term.

Those selected to serve on the Grand Jury are:

Hylda L. Meyers, 1929 W. Baltimore street.

Harry B. Miles, 4909 Crowson avenue.

Patricia R. Scarlett, 100 Longwood road.

Paul J. Werneth, 4803 Edgar terrace.

Edward A. Belaga, 3603 Labyrinth road.

Joseph K. Folckemmer, 731 St. Johns road.

Edwin A. Rommel, 1610 Chilton street.

Harry I. Mitchell, 1001 Walnut street.

J. Walker Taylor, 6 Upland road.

Katherine W. Herbert, Lombardy Apartments.

Joseph A. Hlaviv, Jr., 302 St. Dunstons road.

Mary A. MacCubbin, 2730 Fenwick avenue.

Nicholas J. Debinski, 527 S. Kenwood avenue.

August E. Plitt, 105 W. Randall street.

George A. Bamford, 507 S. Chapelgate lane.

Mildred C. Truitt, 1609 E. 32nd street.

Donald W. Hayden, 1811 Dickson road.

E. Harry Smith, 1242 Northview road.

Norris E. Showalter, 221 Ridgemedo road.

Daniel W. Spaulding, 1913 Wheeler avenue.

Margaret B. Dennis, 100 W. University pkwy.

J. Timothy Boddie, 821 W. Lanvale street.

Harold S. Gurney, 5620 Belle avenue.

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Tuesday, June 29, 1954, at 10:00 A. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

The following attorneys were admitted to practice by the Supreme Bench upon the motion of Judge Eli Frank, retired member of the Bench, who moved for the admission. Acting Chief Judge Niles responded on behalf of the Bench. The oath of office was administered by Mr. A. Patterson Pendleton, Deputy Clerk to the Supreme Bench.

Donald L. Allewalt, Carl G. Anderson, Fannie Angelos, Mariana D. Bagley, W. Robert Benson, Albert Raymond Bevans, Jr., Joseph F. Caskey, Margaret Louise Christ, E. Eugene Collins, Joseph J. Command, Vincent J. DiPietro, Melvin R. Evans, Alice V. R. Farley, Leonard Feinglass, Eugene Frishman, Paul H. Graf, Richard A. Grossman.

Henry W. Hartlove, George J. Helinski, George D. Hubbard, Aaron Koenigsburg, Albert J. Lann, Earl Henry Lentz, Walter S. McGee, Stephen Robert Malatax, Robert Paul Mann, Edgar Michaelis, Alvin Seymour Mintzes, Kendall T. Moran, Robert Charles Murphy, Robert F. Nayden, James J. O'Beirne, John Aloysius O'Donnell, James P. Pallace, Sr.

Howard Edward Phillips, David Kreigh Poole, Jr., James L. Roche, III, William T. Russell, Jr., Werner G. Schoeler, Allan C. Sharrett, Robert H. Snyder, Hersb Stein, Helen Dempey Stesch, George F. M. Taylor, Marilyn Charlotte Thomas, Paul Weinstein, Michael W. Werth, William T. Winand, Jr., J. Purdon Wright, Jr., Walker B. R. Wright, Jr., Michael Steven Zvonar.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Secretary

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Tuesday, September 14, 1954, at 2:20 P. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

Acting Chief Judge Niles read a letter from State's Attorney Anselm Sodaro informing the Bench that Mr. Theodore C. Waters and Mr. Alexander C. Stark have resigned their positions as Assistant State's Attorneys, and requesting approval of Mr. James O'Conor Gentry and Mr. Thomas C. Nugent to fill the vacancies. These appointments were approved.

Judge Niles then read a letter from Mr. M. Luther Pittman, Clerk of the Superior Court, requesting approval of the appointments of Mr. James F. Carney as Chief Clerk of the Superior Court, to fill the vacancy caused by the death of Mr. Kendall H. Schultz; Mr. A. Patterson Pendleton to the position of Deputy Clerk of the Supreme Bench; and Mr. William H. Murphy as General Clerk. Mr. Pendleton has been acting as Deputy Clerk of the Supreme Bench since the appointment of 11/19/52 Mr. Lawrence R. Mooney as Clerk of the Criminal Court. As Mr. Mooney's election to the clerkship of the Criminal Court is assured, Mr. Pittman has appointed Mr. Pendleton to the position on a permanent basis. Mr. Murphy succeeds Mr. Boyd H. Daniels, deceased.

All of the above appointments were approved, and the Secretary has notified Mr. Sodaro and Mr. Pittman of the action of the Bench.

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Judge Niles next read another letter from Mr. Pittman, dated September 10th, 1954, in which Mr. Pittman stated that he desired to appoint Mr. Arthur Griffith as Deputy Clerk of the Superior Court in the place of Mr. Carney. Mr. Pittman pointed out in his letter that the advancement of Mr. Griffith would create a vacancy in the position of Assignment Clerk, and he asked that the Bench give consideration to the appointment of an Assignment Clerk under Section 9 of Article 4 of the Constitution, whose salary would be paid by the City and not from the Superior Court budget. Upon Judge Niles' suggestion, action on Mr. Griffith's appointment was postponed until a later meeting.

The Supreme Bench then convened in the Superior Court Room for ceremonies marking the completion of the renovation of the Court House. Judge E. Paul Mason, as Chairman of the Court House Building Committee, read a report of the Committee, which is attached hereto as a part of these Minutes. At the conclusion of his report, Judge Mason gave the key to the remodeled Court House to His Honor, Mayor Thomas D'Alesandro. The Mayor, in accepting the key from Judge Mason, thanked Judge Mason and other members of the Supreme Bench for their cooperation. The Mayor then presented the key to Acting Chief Judge Niles, who, in appropriate language, expressed the thanks of the Supreme Bench to all those responsible for the Court House improvements, giving particular thanks to the Mayor for his enthusiasm and support in providing the financial resources for the reconstruction, and to

- 3 -

Judge Mason for his untiring and efficient work as Chairman of the Court House Committee. A copy of Judge Niles remarks are also made a part of these Minutes.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

SEPTEMBER 1st, 1954

WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GCHRING

ASSISTANT STATE'S ATTORNEYS
JOSEPH G. KOUTZ
JULIUS A. ROMANO
THEODORE C. WATERS, JR.
ALEXANDER STARK
JAMES W. MURPHY
J. ROBERT BROWN
H. PETER MOSER
EDWARD F. BORGERDING
GEORGE H. ROSEDOM

HONORABLE EMORY J. NILES,
ACTING CHIEF JUDGE,
and HONORABLE MEMBERS OF
THE SUPREME BENCH OF BALTIMORE

Honorable Sirs:

It is with deep regret that I advise you that Mr. Theodore C. Waters, Jr., and Mr. Alexander Stark have submitted their resignations as Assistant State's Attorneys, to resume their private practice of law.

To fill these vacancies, I respectfully submit the names of Mr. James O'Connor Gentry and Mr. Thomas C. Nugent for appointment and confirmation as Assistant State's Attorneys to become effective Tuesday, September 14th, 1954.

Mr. Gentry graduated from Loyola High School in 1944 and from Loyola College in 1949 with the degree of Bachelor of Arts. He then matriculated at the University of Maryland Law School, and graduated in May 1953 with the degree of Bachelor of Laws. In July 1952 he passed the Maryland State Bar examination, and was subsequently admitted to the Bar of the Court of Appeals of Maryland and the Supreme Bench of Baltimore City.

He served with the United States Army in the European Theatre of Operations from September 1944 to the time of his honorable discharge in July 1946.

In 1950 he was appointed bailiff to Judge E. Paul Mason, and subsequently was appointed bailiff to the late Chief Judge W. Conwell Smith.

Mr. Gentry is twenty-eight years of age, married and the father of five children.

Mr. Nugent graduated from Loyola High School in 1943 after having been admitted on a scholarship. Upon graduation he entered the Army Air Force where he served as a gunner on B-25 bombers in the Pacific Theatre of Operations. After being honorably discharged on March 16, 1946, he entered Loyola College and received the degree of Bachelor of Science upon his graduation in July 1949. He then enrolled in the University of Baltimore Law School, where he subsequently graduated with the degree of Bachelor of Laws in June 1952. Upon passing the Maryland State Bar examination, he was admitted to the Bar of the Court of Appeals of Maryland and the Supreme Bench of Baltimore City.



WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEHRING

State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

ASSISTANT STATE'S ATTORNEYS
JOSEPH G. KOUTZ
JULIUS A. ROMANO
THEODORE C. WATERS, JR.
ALEXANDER STARK
JAMES W. MURPHY
J. ROBERT BROWN
H. PETER MOSER
EDWARD F. BORGERDING
GEORGE H. ROSEDOM

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9/1/54

Since his admission, Mr. Nugent has been engaged in the general practice of law in addition to being employed by the Baltimore City Health Department.

He is twenty-nine years of age, married and the father of one child.

Both of these gentlemen come to me highly recommended by members of the Bar and by many prominent persons in the City of Baltimore.

Trusting these nominations will meet with the approval of the Supreme Bench, I am,

Respectfully yours,

Anselm Sodaro
STATE'S ATTORNEY

AS:B

COPY

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SUPREME BENCH OF BALTIMORE CITY

September 15, 1954

Honorable Anselm Sodaro
State's Attorney of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Sodaro:

This is to advise that your appointments of
Mr. James O'Connor Gentry and Mr. Thomas C. Nugent as Assistant
State's Attorneys were confirmed by the Supreme Bench at a
special meeting held yesterday.

Very truly yours,

Joseph R. Byrnes

JRB:gjh



SB

Superior Court
of Baltimore City
Baltimore 2, Md.

H. LUTHER PITTMAN, Clerk

September 7th, 1954

The Honorable, The Members of the Supreme Bench of
Baltimore City.

Honorable Sirs:

I deeply regret the death of
Mr. Kendall H. Schultz, former Chief Clerk of the
Superior Court.

I am appointing Mr. James F.
Carney in Mr. Schultz's place.

Since the election of Mr. Lawrence
R. Mooney as Clerk of the Criminal Court seems a cer-
tainty, I am appointing Mr. A. Patterson Pendleton as
Deputy Clerk in Mr. Mooney's place.

I am also appointing Mr. William
J. Murphy as a General Clerk in place of Mr. Boyd H.
Daniels who died on July 24th, this year. Mr. Murphy
has been employed as a Recorder for several months.

I respectfully request your confirma-
tion of these appointments.

Very truly yours,

M. Luther Pittman

COPY**SUPREME BENCH OF BALTIMORE CITY**

September 15, 1954

Honorable M. Luther Pittman
Clerk, Superior Court of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Pittman:

The Supreme Bench, at its meeting held yesterday, approved your appointments of Mr. James F. Carney as Chief Clerk of the Superior Court, Mr. A. Patterson Pendleton as Deputy Clerk of the Supreme Bench, and Mr. William J. Murphy as General Clerk.

All of the Judges expressed sorrow over the death of Mr. Kendall H. Schultz, who served for many years as your Chief Clerk.

Sincerely yours,

Joseph R. Byrnes

JRB:gjh



Superior Court
of Baltimore City
Baltimore 2, Md.

H. LUTHER PITTMAN, Clerk

September 10th, 1954

The Honorable, The Members of
The Supreme Bench of Baltimore City,
Baltimore, Maryland.

Honorable Sirs,

With the death of Mr. Schultz I need to strengthen my inner office force as much as possible, and to this end I desire to appoint Mr. Arthur Griffith a Deputy Court Clerk in the place of Mr. Carney, who will be advanced to Chief Clerk. This will also be an advancement for Mr. Griffith who so richly deserves any promotion he can get.

This of course, will create a vacancy in the position of Assignment Clerk. Since this Clerk serves all of the Courts of Baltimore City without any contribution from any of the other Courts, I feel that the Bench might well appoint a clerk to this position under Sec. 9 of Art. 4 of the Constitution and have the General Assembly provide his salary, to be paid by the City. Such clerk should certainly have an assistant.

I therefore respectfully request your Honorable Body to approve the appointment of Mr. Griffith as Deputy Clerk.

Very truly yours,

H. Luther Pittman

REPORT OF BUILDING COMMITTEE

Mr. Acting Chief Judge - My Colleagues - Distinguished Guests and Friends: It is my very happy privilege, as Chairman of the Court House Committee to welcome you and to make this report.

Nearly seven years ago the Supreme Bench began a study of plans for the remodeling and rebuilding of the Baltimore City Court House. Today I am glad to say that the remodeling and rebuilding is substantially complete.

At the outset of the project the members of the Bench realized that a committee must be named to cooperate with the architect and carry on whatever should be done after a consideration of the whole situation. The Bench decided that the Court House Building Committee should do that work and from that time it has had general charge of the improvements. The first committee was composed of Judges Niles, Sherbow and myself and the only change in the Committee is that following the resignation of Judge Sherbow, Judge Byrnes was selected to take his place and has served since that time. The Committee has operated throughout its work under the most friendly and cooperative conditions, and I am confident that no committee of the Supreme Bench has ever worked with more zeal and less friction.

The first problem that faced the Bench was to determine the extent of the remodeling and improvements. Fortunately the Administration of Mayor D'Alesandro (whom I am glad to see in good health here today) furnished the Committee with an excellent architect, Mr. O. Eugene Adams, who made the studies, and he recommended the remodeling plans which were eventually adopted. The key to our problem was the elevators. There were four passenger elevators, one in each corner of the building. They were worn out. We, of necessity, had to decide first whether to rebuild them where they were, or remodel the building so that all could be put in one location. Mr. Adams projected the plans embodying a cross-corridor for each floor upon which the elevators could open, dividing the three high-ceiling floors into two floors each, and a final six-story building with air conditioning and forced ventilation; all to be accomplished without the purchase of any land, but by building up the two large light areas in the middle of the old Court House. That was the sound keynote of the plan of improvements, and all else were additions thereto.

While I am speaking of Mr. Adams, may I mention some others who have had a part in this work Mr. R. E. L. Williams, the head of the Bureau of Building Construction, who had immediate responsibility for the job; Mr. Hal Miller and his associates, the Architects who took over after Mr. Adams; The Piracci Construction Company, the Builder, Mr. Mantegna, its Superintendent, and our Jury Commissioner, Mr. H. Stafford Bullen, a fine public servant who gave us much needed assistance in checking the work with the plans and specifications, allotting space in the building, and investigating problems that we could never have covered without his assistance, so courteously and willingly given.

Time does not permit me to recite in detail all the alterations that are included in the remodeling and rebuilding, but in a general way they are these:

The building in of the east and west light areas - to the full height of six stories;

New elevator shafts to accommodate four passenger and one prisoner elevator;

Installation of three modern passenger elevators, one modern prisoner elevator, and one modern freight elevator;

New Lighting, air conditioning, ventilation and heating

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equipment in all of the newly built portion of the work and in a large portion of the old building;

New drinking fountains throughout the entire building;

New Court Rooms and Judges' Chambers on the first and sixth floors;

New Quarters and a fine Conference Room for the Judges of the Court of Appeals;

Repairs and alterations to Bar Library;

Rebuilding of the Criminal Courts Part I, II and III;

New and enlarged quarters on the first floor for the Juvenile Division, its Probation Department and the Probation Department of the Supreme Bench;

New Chambers, including a private office, for each Judge;

new Jury Assembly Rooms;

New and enlarged quarters for the State's Attorney, City Solicitor, Jury Commissioner, Medical Officers of the Supreme Bench, Trust Officer, Clerks of the various courts, and Register of Wills;

New toilet facilities throughout the building, including separate rooms for male and female jurors; and

Redecoration and repairs to the Orphans' Court.

A printed, detailed list of the items included in the rebuilding is at hand, is made a part hereof, and a copy of it is available for your information.

You are invited to accompany the members of the Junior Bar Association, who will take you through the building, furnish you with a copy of the list I have mentioned, and explain the various points of interest. We cordially invite you to make the inspection immediately after this meeting.

While you are making your inspection, I suggest that you observe the many beautiful portraits throughout the Court House. Many of them have been completely renovated and are extremely valuable. They add a touch of color and interest to a beautiful building. We are happy to acknowledge a debt of gratitude to the Municipal Art Society for its help in the renovation of many of them.

Ladies and Gentlemen, the work of remodeling and rebuilding the Court House is substantially finished, but the work of the Court House Committee, and you - as citizens of Baltimore City - must continue. Our work is to maintain this temple of justice so that it is truly representative of a great people. This building must be cherished; it must be protected against time and the elements.

Right now may I suggest that the exterior be cleaned and painted?

It must never again be permitted to fall into its previous state of disrepair and outmoded utility.

May I say in closing that the City of Baltimore has spent about \$2,600,000 on this building proposition, and we firmly believe that it has received a great deal for its money: In terms of additional foot space, 38,000 square feet, but much more - a modern, well equipped building, where its citizens will be well housed while they are performing their duties in the administration of justice. We believe it is second to none in this wide land.... Mr. Mayor, (Look up) it is with much satisfaction and pleasure that I hand you the key to this, our remodeled Court House and express the hope that this building will contribute very materially to the cause of justice in our great City of Baltimore and State of Maryland. (Mayor passes key to Judge Niles.)

C O P Y .

Judge Mason, Mr. Mayor, former Chief Judge Soper, former Judge Sherbow, Judge Delaplaine, Senator O'Connor, Ladies and Gentlemen:

It is with pride and satisfaction that I receive from you, Mayor D'Alesandro, this key of the remodeled Court House as a symbol of the successful completion of a major work. I accept it on behalf of my colleagues as Trustees of the Court House, a building devoted to the administration of justice in the interests of the whole people of this City.

In performing this act, I must first express the regret that all present must feel that Chief Judge W. Conwell Smith is not present to see the completion of the work started and almost completed during his term as Chief Judge. It was he who, on behalf of the Bench, initiated, supported and led the efforts which have culminated in today's ceremony.

I wish also to express the appreciation which is felt, particularly by the members of the Bench, for the work of Judge Mason, who for almost the entire period of reconstruction has been Chairman of the Court House Committee. He has spent many hours of careful and painstaking work in supervising the work which was being done.

Our particular thanks are due to you, Mr. Mayor, for your enthusiasm and continuing support in providing the financial resources for this reconstruction, and in providing us with an appropriate organization and staff for its maintenance. Throughout the years involved you have always given us understanding and sympathy without which we could not even have made a start. Now that the building is finished, it will be a lasting monument to the credit of your administration.

I concur in what Judge Mason has said with respect to the other persons involved, but would add my own word of appreciation for what was done by the individual workmen. Many things have been done during the reconstruction in matters with which I am unfamiliar. I do not know,

for example, how the air conditioning system functions, nor have I examined the roof. I know only that the air conditioning system seems to work well, and that the roof no longer seems to leak. My personal observations, however, do extend to a number of matters, such as the marble work, the tile work, the painting, the floor coverings, the woodwork and the elevators. I have personally looked at these, and it seems to me that first-class work has been done. Without disparaging the work of the others, I would particularly commend the woodworkers who have in the remodeled building given us new woodwork that seems to me at least to be equal to that which was originally installed. I would also commend the lighting arrangements which are far superior to those which we had in the old building.

Naturally this construction work has caused us who work in the Court House great inconvenience through dust, debris, scaffolding and noise. But I would commend even those men who operated the pneumatic hammers which made such a noise at times that life was almost unbearable. I now want to thank them for stopping, at great inconvenience to themselves I am sure, when bailiffs from irate judges came to tell them that the judges could not hold court unless they did stop, and practically threatened them with proceedings for contempt of court if they did not.

These tribulations are now over, and we see here, for the use of the citizens of Baltimore, a building old in structure but modern in arrangement and spirit.

To us judges and senior members of the Bar, this Court House is in a sense a second home. My own personal recollections of it extend over a period of more than fifty years. I remember it at the time of the Great Fire. I remember the refacing which had to be done as a result of that fire, and I remember it as the center of the vast majority of my professional activities.

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Although some valid criticisms may be made against the building as it stood and as it now stands, nevertheless it was and is a beautiful building, a building effective for its purpose, a building worthy of the high ideal which inspires those who work within its walls.

We gathered here are happy now to see this building reconstructed, remodeled, modernized, and ready for the service of another generation.

The members of the Junior Bar Association have volunteered to act as your guides, and now, on behalf of the Bench, I invite you to go from room to room and see with your own eyes what has been done.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, September 16, 1954, at 12:30 P. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

Judge Niles requested that the Bench decide upon dates for Judge Smith's Memorial Meeting, the presentation of Judge Dennis' portrait, and hearing dates on the motions for new trials filed in the Harr-Winik, Piracci Construction Company, and C. Edward Jones cases. After a discussion, the following dates were agreed upon:

The regular monthly meeting of the Bench to hear motions for new trials and to admit attorneys will be held on Saturday, October 2, at 10:00 A. M.;

Judge Smith's Memorial Meeting will be held on Friday, October 15, at 3:00 P. M.;

Motions for new trials in the Harr-Winik, Piracci Construction Company, and C. Edward Jones cases, will be heard on Thursday, October 21, and Friday, October 22, at 10:00 A. M.;

Presentation of Judge Dennis's portrait will be made on Friday, October 29, at 3:00 P. M.

Judge Niles announced that on June 26, there were 119 jail cases awaiting trial, that on July 4, there were 111 cases, and on September 10, 99 cases, the latter figure being the lowest during the year.

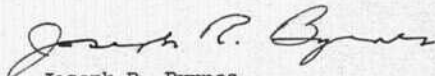
Mr. M. Luther Pittman's request for Bench approval of Mr. Arthur Griffith's appointment to the position of Deputy Clerk of the Superior Court was approved. Judge Niles stated that

- 2 -

because of Mr. Griffith's promotion, a vacancy in the position of Assignment Clerk existed, and he asked that he be given authorization to appoint a committee to study the possibility of creating a central assignment bureau to expedite trial of cases from the Equity and Law Courts. Upon motion duly made and seconded, such authorization was given. Judge Niles then appointed a Committee consisting of Judge Tucker, Chairman, and Judges Mason and Moser. Judge Niles stated that he had been in touch with Mr. Walter V. Harrison, President of the Baltimore City Bar Association, and that the Judiciary Committee of the Bar Association will work with the Bench Committee in its study.

Judge Niles asked the members of the Bench for their views concerning the Baltimore City Court docket; whether Judges of the other Law Courts should try some of the cases in that Court, or whether a request should be made of the Chief Judge of the Court of Appeals for the temporary assignment of a County Judge. It was the consensus of the Bench that Chief Judge Brune be requested to assign a County Judge to the Baltimore City Court.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

COPY

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SUPREME BENCH OF BALTIMORE CITY

September 16, 1954

Honorable M. Luther Pittman
Clerk, Superior Court of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Pittman:

The Supreme Bench today approved your appointment of Mr. Arthur Griffith as Deputy Clerk in the place of Mr. James Fitzgerald Carney, recently promoted to the position of Chief Clerk of the Superior Court. The Acting Chief Judge also appointed a committee consisting of Judge Tucker, Chairman, and Judges Mason and Moser to study the methods of a central assignment of cases system, which committee will confer with a similar committee to be appointed by Mr. Walter V. Harrison, President of the Baltimore City Bar Association. I am sure the Bench Committee will confer with you in an effort to establish a system that will expedite the trial of cases in the Law and Equity Courts.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, September 23, 1954, at 12:30 P. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

Judge Niles announced that Chief Judge James E. Boylan, Jr., of the Fifth Judicial Circuit, has been assigned by the Chief Judge of the Court of Appeals to the Baltimore City Court for three weeks.

Hearings on the motions for new trials filed in the off-street parking cases were postponed from October 21 and 22, to October 28 and 29, 1954.

Presentation of Judge Dennis' portrait, scheduled for 3:00 P. M. on October 29, has been rescheduled for 4:00 P. M. on that date.

Upon motion duly made and seconded, it was agreed that in the case of State vs. Retail Parking Company, Defendant's counsel would not be permitted to argue when the off-street parking cases were heard. It was agreed, however, that counsel would be permitted to file briefs.

After a discussion concerning disclosure by the State's Attorney of the names of witnesses appearing before the Grand Jury in its investigative work, it was decided that the matter should be studied by a committee of the Bench. Acting Chief Judge Niles

- 2 -

thereupon appointed Judge Cullen chairman and Judge Warnken to study the matter.

A letter was read from Mr. Lawrence R. Mooney, Clerk of the Criminal Court, requesting approval of the appointment of Mrs. Naomi C. Adams to a clerkship in Mr. Mooney's office. This appointment was approved subject to a check of the police record, if any, of the appointee.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

LAWRENCE R. MOONEY
CLERKGEORGE F. J. BROWN
CHIEF DEPUTY

CRIMINAL COURT OF BALTIMORE
COURT HOUSE
BALTIMORE 2, MARYLAND

TELEPHONE
PLAZA 2-1301

September 23, 1954

Hon. Emory H. Niles, Acting Chief Judge
Supreme Bench of Baltimore City
Court House
Baltimore-2, Maryland

Dear Judge Niles:

I have received permission from the Comptroller of the State of Maryland to add an additional clerk to the staff of this office. Therefore, I am now seeking the approval of the Supreme Bench to appoint Mrs. Naomi C. Adams who resides at 503 Rossiter Avenue.

For your information, Mrs. Adams is fifty-two years old and until her resignation last week, was employed for four years as a clerk by the Collector of Internal Revenue. She also has worked from time to time as a comptometer operator for Hutzler Brothers over a period of twenty-one years.

Respectfully submitted,

Clerk

LRM:ER

9/23/54
No Police Record, reported by George J. Brennan, Secty
D.L. Lender

COPY

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SUPREME BENCH OF BALTIMORE CITY

September 24, 1954

Honorable Lawrence R. Mooney
Clerk, Criminal Court of Baltimore
Court House,
Baltimore 2, Maryland

Dear Mr. Mooney:

At a meeting held yesterday, the Supreme Bench approved your appointment of Mrs. Naomi C. Adams as a Clerk in your office.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gh

M I N U T E S

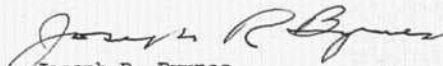
A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, September 30, 1954, at 12:30 P. M. All Judges were present with the exception of Judges Moser and Warnken. Acting Chief Judge Emory H. Niles presided.

Chief Judge James E. Boylan, Jr., of the Fifth Judicial Circuit, was present as a luncheon guest.

Judge Niles stated that the State's Attorney and counsel for the Defendants in the Harr-Winik and Piracchi cases had requested postponement of the hearings on motions for new trials from October 28th and 29th to November 4th and 5th. After a discussion, the request was approved.

The meeting of the Supreme Bench for the acceptance of Judge Dennis' portrait scheduled for October 29th at 4:00 P. M. was advanced to 3:00 P. M.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Judge

M I N U T E S

A monthly meeting of the Supreme Bench of Baltimore City was held on Saturday, October 2, 1954, at 10:00 A. M. All Judges were present with the exception of Judge Manley. Acting Chief Judge Niles presided.

John J. Bishop, Jr., William S. Brucker, Joel H. Fisher, Joel R. Williams, Eugene M. Lerner and Lee H. Kramer were admitted to practice as members of the Baltimore Bar upon the motions of Harry I. Kaplan, Bernard J. Flynn, James F. Price and H. Mortimer Kremer.

The following motions for new trials were heard and denied by the Supreme Bench:

William P. Ewell, non-support; Jack Leroy Kosmicki and Walter Wesley Kosmicki, robbery with deadly weapon, attempted robbery with deadly weapon and larceny; William Londeman, bastardy; Alvin Payne, lottery; Lewis James Wilkens, robbery with deadly weapon; and William C. Thomas, murder in the first degree, rape, robbery and burglary.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Judge

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, October 7, 1954, at 12:30 P. M.

Acting Chief Judge Emory H. Niles presided.

No business was transacted.



Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, October 14, 1954, at 12:30 P. M. All Judges were present with the exception of Judge Moser. Acting Chief Judge Emory H. Niles presided.

Judge Niles read an order prepared by the Baltimore City Bar Association relating to its disciplinary proceedings against J. Charles Fagan. The order recited in detail the record of the proceedings in the U. S. District Court against Mr. Fagan, and concluded that as Mr. Fagan had not been formally convicted by the District Court, the proceedings against Mr. Fagan should be dismissed. This recommendation was accepted by the Bench and Acting Chief Judge Niles was authorized to sign the Order of Dismissal.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, October 21, 1954, at 12:30 P. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

Judge James E. Boylan, Jr. was a guest of the Bench at the luncheon.

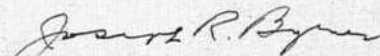
Upon motion duly made and seconded, the following resolution relating to admissions to the bar of the Supreme Bench of Baltimore City was adopted:

"RESOLVED, That at the semi-annual meetings of the Supreme Bench for the admission of candidates to the Bar, it shall be the policy of the Supreme Bench, in the absence of special or extraordinary circumstances, to invite the President or one of the Vice Presidents of the Bar Association of Baltimore City to present such candidates to the Bench and to move their admission."

Judge Moser then moved that a Committee of the Bench be appointed to inquire into and examine the present procedures of handling and disposing of cases involving domestic relations, and to make such recommendations to the Bench with regard thereto as may seem advisable. This motion was duly seconded, and after a discussion, unanimously approved. Acting Chief Judge Niles thereupon appointed the following Committee to make this study:

Judge Moser, Chairman
 Judge Moylan
 Judge Manley

There being no further business, the meeting was adjourned.


 Joseph R. Byrnes
 Secretary


M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, October 28, 1954, at 12:30 P. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

Judge Niles advised that Chief Judge Joseph D. Mish of the Fourth Judicial Circuit has been assigned by the Chief Judge of the Court of Appeals to assist the Bench and will report on November 9th.

A Resolution thanking Judge James E. Boylan, Jr. for his assistance to the Bench in the trial of cases was approved.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

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SUPREME BENCH OF BALTIMORE CITY

RESOLVED, That the Judges of the Supreme Bench of Baltimore City express their thanks to Judge James E. Boylan, Jr. for the substantial aid given them in the trial of cases during the past few weeks. The Judges also appreciate the opportunity that Judge Boylan's presence gave them of reaffirming their personal friendships with him, from which all derived much personal benefit and pleasure.

Approved: October 28, 1954

Joseph R. Byrnes,
Secretary

M I N U T E S

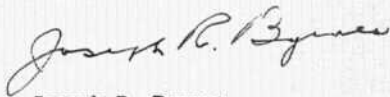
A Memorial Service in honor of the late Chief Judge W. Conwell Smith was held Friday, October 15, 1954, at 3:00 P. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

Walter V. Harrison, President of the Bar Association of Baltimore City, introduced the speakers to the Court, and the Memorial Minute was presented by William Carswell Baxter, who requested that it be received by the Bench and placed among its permanent archives.

Seconding addresses were delivered by Carlyle Barton, Milton Roberts, Howard C. Bregel and Harry N. Baetjer.

Judge Niles responded on behalf of the Bench.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

Bench And Bar Pays High Tribute To Chief Judge Smith At Memorial Services In Court House

Memorial services were held in the Court House on Friday, October 15th at a special meeting of the Supreme Bench of Baltimore City, in honor of the late Chief Judge W. Conwell Smith.

Walter V. Harrison, President of the Bar Association of Baltimore City, introduced the speakers to the Court, and the Memorial Minute was presented by William Carswell Baxter, who requested that it be received by the Bench and placed among its permanent archives.

Seconding addresses were delivered by Caryle Barton, Milton Roberts, Howard C. Bregel and Harry N. Baetjer. Acting Chief Judge Emory H. Niles presided and responded on behalf of the Supreme Bench.

The ceremony was held in the large Superior Court Room on the fourth floor of the Court House and were attended by relatives and friends of the deceased jurist, former members of the Supreme Bench, members of the Bar, Court attaches and many prominent Government, State and Municipal officials.

Following is a complete report of the proceedings:

REMARKS OF MR. HARRISON

May it please your Honors:

We assemble here today, putting aside all other matters, to pay our respect to the memory of our late Chief Judge, the Honorable W. Conwell Smith.

Not only the Supreme Bench of Baltimore City, not only the members of the Baltimore Bar; but all the members of our Community, have, in the passing away of Judge Smith, lost not only an able jurist but a friend and a faithful and conscientious public servant.

It is from our hearts that the Bar Association of Baltimore City offers at this time a Memorial Minute, which we will ask that Your Honors receive as part of the permanent records of this Court, so that all posterity may know the high esteem in which we held our departed friend, and the loss we have all experienced in his passing.

The Memorial minute will be offered by William Carswell Baxter, Esquire, and will be seconded in turn by:

CARYLE BARTON, Esquire
MILTON ROBERTS, Esquire
HOWARD C. BREGEL, Esquire
and
HARRY N. BAETJER, Esquire.

MEMORIAL MINUTE BY MR. BAXTER

It is my privilege, and yet a very sorrowful one for me to participate in the Memorial Exercises for the late Judge W. Conwell Smith.

Since the latter part of 1934, when I left the State's Attorney's Office to associate with him in his offices in the Title Building, he and I have been on a faithful and personal friendship and in therefore, much of an honor for me to speak of him here today.

The four or five years that I spent in his office, before his ascendency to the Supreme Bench, were filled with many memorable pleasantries and I shall never forget them. As a practicing attorney he was so helpful to me in understanding problems which to me, before talking with him, seemed so bewildering and complex. After talking with him and listening to him, everything to me would seem so clear and common sense. His words of explanation were always so thoughtfully chosen and beautifully spoken.

After his election to the Supreme Bench in early November, 1938 I tried to envision Con Smith as a Judge. Even the name of Judge appended to a Smith seemed strange. However in the morning following his election he was standing on the Title Company pavement talking to me when the late Walter S. Clark came by and spoke to us. He then congratulated him on being elected and said "Con I have only a short bit of advice to give you when you go on the Bench, and that is to be yourself". I have never forgotten those two words as they applied to Judge Smith, because in retrospect now they seem needless, notwithstanding, they were so well intended. I am sure, robe on or robe off, he was always himself. Mr. Clark meant that to be a compliment, and it was.

After Judge Smith, Judge Niles and Judge McLanahan were sworn in on December 6, 1938 as Associate Judges of the Supreme Bench. Judge Smith's first official function was to preside in the Court of Common Pleas at the swearing in of Frank C. Robey. Just elected Clerk of the Court of Common Pleas. After the administration of the oath to Mr. Robey Judge Smith then responded in such a warm and human way that I remember it still. Seeing him at the time of his first appearance on the Bench I quickly resolved that He looked a Judge He acted a Judge He was a Judge.

We all know and appreciate that death is inevitable and that to live is to die, but when it happens to such a distinguished and lovable person it is still a shocking and profound loss. I can recall that twenty years ago, in 1918, Judge Roland K. Adams, now deceased, was sworn in to take the place of Judge Arthur Stump who had died and at that time a photograph, with the members of the Supreme Bench, was taken in this very Court Room. The other day I saw a very similar photograph of the present members of the Supreme Bench taken in the same Court Room at the time of ceremonies in connection with the remodeling of the Court House and the entire cast was different. Only three members of the Supreme Bench on that photograph taken in 1934 are

now living, two of whom are members of this Memorial Committee. This is a pointed way of saying that life is short and particularly a short duration is a Judge's tenure on the Bench, even when he lives to the end of his elected term. Judge Smith was sixty-seven years of age in January of this year and at the time of his death he would have had two and a half years to serve before reaching the mandatory age of retirement at seventy.

However, it must be remembered, as an Associate and as Chief Judge his term of office exceeded fifteen years and by that length of service Justice, the Courts and the City of Baltimore all profited and benefited by his distinguished service.

It can also be said that many of us who were to solicit his advice and solid judgment can remember well that Judge Smith was the kind of Judge who would quickly say "yes", more slowly say "no", but one who could never say "yes and no" at the same time. No one came away from the Bench or his Chambers after talking with him without getting an honest, thorough and decisive answer.

Now to a lighter side of Judge Smith's life. Three or four years ago he invited my wife and me to attend a testimonial dinner in honor of Senator John M. Butler and he was chosen to be the Toastmaster. It is somewhat reflected glory on my part to suggest on some occasions, and this was one of those, he would borrow a story from me to tell. To have heard him on that evening was one of the most delightful experiences in my life. His homespun style, his brilliant wit and his references to political happenings of that time, provided a joyous evening. Suffice it is to say that the huge gathering enjoyed it immensely and prominent people who were there have told me since that they have never heard his equal as a toastmaster. Even the story that I told him and which he re-told seemed funnier than I even thought it could be.

Gone is a devoted and loving husband, a kind and thoughtful father, a chum and a companion to his three brothers.

The State, the Profession, the citizenry, his family and friends have suffered a great loss indeed in the death of this exceptional and admirable personality.

To have known Judge Smith as they and we did is to deeply mourn his passing.

I respectfully request, that this Honorable Court decree that an appropriate minute of this memorial expression be received, preserved and entered upon the permanent records of this Court.

REMARKS OF MR. BARTON

It is a privilege to second the motion for the adoption of the Minute in memory of Chief Judge Smith, and I was very much honored by the designation by the Special Committee of the Bar Association that I be included among those who do so today.

The number of Judge Smith's contemporaries is steadily growing less; I am included among those who had contact with him not only throughout his career at the Bar and as a member of the Supreme Bench, but also during his student days, and it has been suggested that my remarks be directed towards my contact with him during those earlier years and be more personal and in somewhat lighter vein than is usual on an occasion such as this. I hope that I shall be pardoned if I depart somewhat from tradition.

My first association with Judge Smith began long before he was admitted to the Bar. I grew up near Pikesville in Baltimore County, and Judge Smith's father, the first Dr. B. Holly Smith, who made his home in one of those fine old houses on Madison Avenue, used to spend the summers with his family at Glyndon on the Western Maryland Railroad. After I was old enough to come to town to school I became a commuter on the morning train, and my first recollection of Judge Smith was when he joined with a number of us boys in trying to find out how notes we could be on the train without actually being told to stay home.

Judge Smith and his older brother Holly and I were classmates at The Johns Hopkins University where we were admitted in the early fall of 1903. There were only three undergraduate classes in those days, of approximately 50 students each, although there was a small sub-freshman class where those who had not completed sufficient courses in preparatory

school were given the opportunity to do the work necessary for admission to the regular three-year course the following year. I remember Judge Smith joining the rest of us in trying to resist the chastisement by the members of the class ahead of us,—and the following year in getting our revenge on the new class for what we had suffered at the hands of the older group when we were freshmen. I recall Judge Smith at our class banquet early in 1904, before the Baltimore Fire, if my memory is right, when we sat together at the Belvedere Hotel which had opened only a short time previously. The older boys tried to keep our group from holding the banquet, but we met by prearrangement at Mount Royal Station and went to the hotel together. The location of the banquet and our meeting place were well-kept secret, but members of the older class had kept watch on some of our classmates,—and quite a number of them also came to Mount Royal Station, with the result that our progress to the hotel was contested all the way through the streets and into the lobby. Our entry and the noise we made at the banquet,—to which Judge Smith contributed his fair share—caused the hotel to reach a decision,—which I understand has not been changed in the past 50 years,—never to hold another Johns Hopkins student dinner.

We graduated from Hopkins in due course in the Spring of 1905, and Judge Smith and I then went to the University of Maryland Law School located then, as it is today, down at Lombard and Green Streets. The lectures were scheduled in the late afternoon so as to make it possible for the students to hold jobs of one kind or another. The three year course was so divided as to have first year subjects at six o'clock, second year subjects at five o'clock, and the third year subjects at four o'clock. It was thus possible to attend the lectures in such a way as to complete all the courses in two years, and Judge Smith was among those who took advantage of this situation.

The law faculty in those days was entirely made up of men, who, like the students, were otherwise employed during the morning hours. Judge Barian lectured on Domestic Relations, and Mr. John P. Poe gave the courses on Pleading and Practice. Mr. France taught Corporation Law, and Mr. Herbert Tiffany, who was then the reporter for the Court of Appeals, taught Real Estate. Albert Ritchie had the course on Contracts, and I recall the night when he arrived on the platform quite embarrassed at the applause by the students because of the announcement of his engagement to be married which we had just read in the afternoon papers. He began his lecture by saying that he wished to discuss breach of promise; the renewed vigorous applause was too much for him and he sat down until the laugh was over.

There were five or six of us who had come to the Law School from Hopkins and we usually sat together. None of us distinguished ourselves at the Law School, and Judge Smith was no exception to the standard we set, but both at Johns Hopkins and the University of Maryland he went along without any trouble and was ready for admission to the Bar five years after leaving preparatory school.

When one thinks of the success-Conwell Smith made of his life it is difficult to understand why young men today must spend four years at college and three more at Law School to be considered qualified for the legal profession.

It was the custom at the Law School in 1908, as it is today, for the students to work for the examinations in small quiz groups, but we did not then receive any help from professional coaching courses such as have been developed in recent years. I studied with Judge Smith and three or four others, and we reviewed our notes together with sufficient success to pass the Law School examinations, and shortly afterwards those which were required for admission to the Bar.

It was during our last year as law students that we began to give serious thought to the future. Then, as now, there were three courses from which a law graduate might choose, the opportunity to select any one of which being dependent upon his personality and educational background. He might get a law job in the legal department of one of the companies big enough to have such a department; he might find a place in one of the established law firms, or he might open his own law office.

A job in a law department had as its chief attraction a regular pay check, but it also had its drawbacks the specialized nature of the law work and lack of independence, as well as limitations on personal growth and income opportunities in later years. Such positions are far more attractive today with the larger pay that is offered, pension plans and benefits which the Unions refer to as "fringe benefits", along with the freedom from overhead and the worry of being on the paying end of the office payroll.

Young lawyers fresh from law school were paid only nominal amounts in the law offices, and while there was an affirmative future in a connection with an established office the probationary period was very long.

Young men are better prepared today than we were fifty years ago. Many of them get a sort of post-graduate course as a law clerk in the courts with pleasant compensation for their work, and then seek a connection with a law firm, but the preparation—whether in law school alone or also in a Judge's chambers—is such as to justify a fixed salary when they make the law office. In 1908 we

were not paid anything, and we weren't worth anything.

After numerous talks Judge Smith and I and another Johns Hopkins and Law School classmate concluded that we would try to practice law on our own as soon as we might be legally permitted to do so. I had been teaching school and opening my spare time in my father's office but both he and my older brother thought well of the idea, and the firm of Meigs, Barton and Smith was organized.

We rented a room on the corner of the first floor of Judge Stein's building on Courtland Street at Saratoga, which was rented into small offices. Our expenses were moderate; we did our own typewriting, and it is my recollection that Judge Smith's letters looked as well as to cause us to call on him when we wanted an especially good job. We had some overview work from the larger offices, such as my father's office on Calvert Street, and also from Judge Stein's firm upstairs. We developed an occasional client and learned a number of things which proved valuable to all of us. I remember one very smooth individual who impressed us very much with his appearance and easy talk. He said that he was from out of town and he was thinking of locating permanently in Baltimore; he wanted to know a young law firm that might grow up with him. After several visits he returned about noon one Saturday and asked if we could arrange to have a check for \$100.00 cashed for him so that he might have some money over the weekend. We were known at the bank and cashed the check which was drawn to us. We never saw the client again, but the check came back in four or five days. Judge Smith and I frequently recalled that experience and we concluded that it was not wise to accept both of us were invited to investigate prospective clients before we became too deeply involved with them.

Our firm lasted for three years. We made about \$800.00 each the first year and had increased our net to about three times that amount when Monday fell in love with a New York girl and went there to live. Judge Smith's Uncle Beverly wanted him, and we dissolved.

Of course, I kept in close touch with Convell Smith. I think he was the first member of the Supreme Bench whom I called by his first name when I addressed the Court, however. We were members of the same law club, and I recall an interesting paper that Judge Smith presented at one of our dinner meetings nearly ten years ago. He selected as his subjects the first two Chief Judges of the Supreme Bench—Judge Thomas A. Parker Scott and Judge George William Brown.

Convell Smith took a real interest in Johns Hopkins matters; for several years he acted as the financial man for our class and raised for us the dissection of what was the greatest percentage of contributors and the highest average contribution to the annual alumni roll call. We celebrated our forty-fourth reunion three years ago.

Convell Smith was an ideal judge. He saw the problems which were involved in the litigation before him from the point of view of the law, and I always had the impression that his decisions were influenced by what he thought was right and proper rather than by a technical and narrow construction of the law.

The courage with which Judge Smith faced his distressing illness in the year or so before his death is known to everyone; it has established a tradition which the rest of us can hope to follow.

In Convell Smith's death we have lost a splendid Judge and also a real friend.

REMARKS OF MR. ROBERTS

May it please your Honors. I arise to speak in support of a resolution honoring our late Chief Judge W. Convell Smith, whose untimely death at the height of his career was distressing and shocking to his friends and associates.

In speaking of the character and qualities of our late friend, they are permitted to take liberties in expression of those qualities and characteristics that seem to you to be worthy of emulation by others. The quality of modesty, which was a characteristic of Judge Smith, would not have permitted that freedom of expression. In life neither would the modesty of his friends suggest such a liberty for fear of misunderstanding or flattery. Convell Smith was a most loquacious person or effusive in his manner, but exhibited to the casual acquaintance an appearance of reticence and austerity. However, he possessed that quality of modesty which dignified his impression by his kindly attitude and friendly manner in the possession of a rippling smile that dispelled any thought of severity.

As a companion he possessed a most delightful personality. As an associate he was interesting in conversation and discussion. As a lawyer he was fundamentally well founded in the law and held the respect of his associates at the Bar, and those who were his adversaries at the trial table. His reputation for ability, fairness and courtesy cannot be questioned.

As a host he was most gracious and participating in discussion, they were entertaining and versatile. He was excellent at bridge, a formidable adversary at golf and an expert hunter.

friendship which lasted through the years. His associates at that time consisted of an older and respected member of the Bar, a lawyer of the old school, Mr. Alexander Hardcastle, whom no doubt many of you will remember; also that of an uncle, Mr. Beverly W. Smith between whom and Convell existed a most affectionate regard. I think of my father, who was also fortunate in being the father of a Rhodes student, who is now editor of one of the largest publications of the Nation. That Judge Smith was a born gentleman and scholar, and had a distinguished family, is further evidenced by another uncle, Professor Wilbur Smith, who was a professor of English, Literature and History at the Baltimore City College, under whom I had the extreme pleasure of studying, 1896-1901. In that suite of offices also was the late Clifton Brown whose tragic and most sorrowful recall, and who bore an excellent reputation as a lawyer and as an outstanding trial lawyer at the Bar. His death was a distinct shock to Judge Smith.

I am sure that had Convell Smith lived a little earlier in his generation, he would have occupied a position among the then leaders of the Bar—such as old school lawyers as Bernard Carter, John P. Poe, John J. Donaldson, Arthur George Stewart Brown, Edgar H. Gans, Hon. Wm. Pinkney White and others, who were revered and respected for their ability as lawyers, and who were so well known to the traditions and example that were worthy of emulation by the younger members, and those who aspired to prominence, position and respect in the fraternity.

Convell Smith realized an ambition entertained by many lawyers, but realized by few. It was an surprise to me because in our discussions from time to time of our future courses, he had often expressed the desire to sit on the bench. It may not be generally known that he had at one time during the administration of Governor Ritchie been considered for an appointment to a vacancy on the bench, and it was his apparent youth that impelled the then Governor to make another selection. It was only a delay, however, in the recognition by the successors in the governorship that the sterling qualities, the fundamental fitness and the high character of Convell Smith warranted his appointment and elevation by the voters of Baltimore City to the high honor of Chief Judge of the Supreme Bench of Baltimore City. As Chief Judge he gained and held the respect and appreciation of his associates for his wise counsel, his patient attention and his knowledge of the law which he administered.

One of my most pleasant recollections which demonstrates the subtle humor which was one of his characteristics, was the announcement and celebration of his marriage. We had always thought of Con as a confirmed bachelor and we, his associates, had not the slightest suspicion that he had decided to embark upon the sea of matrimony. It was typical that he usually kept his own counsel. I happened to be in Atlantic City about 1923 when I received a phone call from him saying if I was not too busy he would like me to meet Mrs. Smith. Of course, it was quite a surprise which called for a celebration. Mrs. Smith was a most charming lady, and to her I extend my deepest sympathy and feel that she has lost a most devoted husband, and his children a most indulgent father. The Bench and Bar will sustain a loss that will be difficult to replace.

REMARKS OF MR. BREGEL

I, too, deem it a privilege to join with this Court and my friends of the Bar to pay tribute to the late Judge W. Convell Smith. It is difficult to discuss his life and his achievements without some show of emotion, which I shall strive to throw some light upon the life of a great man, as I was privileged to know him.

I could describe him as a precious stone or jewel, lying in the palm of one's hand, with four facets or sides, each to gleam in its turn when rubbed about. On one side I thought of him as being a "husband and father". To have fully appreciated his qualities as the head of a household, bestowing loving care and affection, yet laments with forceful guidance and direction, it would have been necessary to have shared an intimate place in this closely knitted family.

Another turn of the gem reveals another sparkling surface. "W. Convell Smith" is a name which I can remember, seated at his desk in the Title Building, when I was first privileged to meet him, over thirty years ago, in the company of my friend and sponsor, Milton Roberts Esq., whom you have heard today, calmly and quietly evaluating the merits and demerits of the legal problem placed before him, and by those in charge and attorneys, quickly directing his attention to the very heart and core of the problem. His advice was always sound. His success before both Court and Jury in his cool, unflinching and deliberate manner, will be well remembered.

and exact learning, his unlimited patience, and untiring effort, which reflected his sound knowledge of the law and his calm appraisal of the legal problems before him, the depth of his reasoning and the wisdom of his findings.

Another movement of my hand discloses the last facet, and that is the one I cherish above all. "There we see inscribed "Convell Smith" a good student, an athlete, a true Christian, and a staunch friend. Convell, who was born in Baltimore City, was fortunate in being able to spend his summers in the country at Glyndon, Baltimore County from May to September, and in the company of his brothers and cousins, would start out at daybreak and spend the day in the woods, learning to know and appreciate nature. He grew to love the fields and the streams, and to study the habits of the birds and little animals.

The time came when Convell put aside those childhood pleasures and enrolled in the Tome Institute at Port Deposit, Maryland, where in addition to being an outstanding student, he excelled in many sports. He was finishing in his second semester as a member of the track team, and was the champion tennis player of the entire school. Actually Convell became so proficient that it was difficult for him to find worthy competition and he engaged in many tennis duels with the faculty members themselves.

In later years he became an excellent swimmer and thereafter helped organize the renowned Glyndon Athletic Club and formed a most efficient baseball team on which he was a first basemen of no mean ability. Convell also sang in the choir of the Franklin Presbyterian Church when the famous Dr. Harris Kirk was pastor, and in the Glee Club at Johns Hopkins University.

It was my pleasure on many occasions, to be with Convell and Judge E. Paul Mason, on countless fishing trips and hunting expeditions. Convell was an expert marksman, yet always a conservationist. He would never leave a wounded animal or bird to suffer and would insist upon combing the brush and thickets for the hurt denizen of the woods until nightfall made a further search impossible.

On our last journey, when his failing health became increasingly apparent, he would struggle to keep up with his companions never complaining, although trading miles before the old stone log burning fireplace. Convell would be the first to inaugurate a song fest and would invariably sit down at the piano and play his favorite ballad. "One would think, with his passing, that the luster of the gem in the palm of my hand would dim, but the sparkling facets of his facets portraying Convell Smith, seem to radiate even greater brilliance, and the prism of light continue to gleam and show the way to other and younger members of the Bar.

REMARKS OF MR. BARTYER

As we come here today to honor the memory of Judge Smith, we are moved so to do unconsciously. I think, by a conscious and subconscious recognition of the sterling and attractive qualities inherent in him.

- (a) his forceful and common sense which was apparent through all of his official acts;
(b) his quiet and unruffled decision, however tempestuous the submission to him had been;
(c) his dignified home spun humor born of a conviction that there is a light shade to every shadow; and
(d) his kindly disposition that seemed always to break down the barrier between judge and advocate and made appearances before him, whether in chambers or in court, a pleasure.

As lawyers, we appreciate as our own, our recollection of his forceful common sense, his unruffled decision and his dignified homespun humor but we share with all who knew him and particularly with those who were dear to him, the recollection of his kindly disposition and so principally a member of the Bar but also as a friend and admirer of what he was and what he stood for in this community. I appreciate this opportunity to second the motion that has been made by Mr. Baxter.

RESPONSE BY CHIEF JUDGE NILES

Mr. Baxter, my colleagues, ladies and gentlemen, we appreciate as our own, our recollection of his forceful common sense, his unruffled decision and his dignified homespun humor but we share with all who knew him and particularly with those who were dear to him, the recollection of his kindly disposition and so principally a member of the Bar but also as a friend and admirer of what he was and what he stood for in this community. I appreciate this opportunity to second the motion that has been made by Mr. Baxter.

Those who have spoken today in this meeting of his colleagues, his fellow lawyers, his family, and his friends, have praised his character and his attainments. In all of those words I concur. I cannot

hope to do more now than to add a personal word regarding Judge Smith as I saw him and worked with him.

Judge Smith did not wear his heart upon his sleeve, and one felt that it was a difficult person to know. This was perhaps true, but after one had attained Judge Smith's confidence, his sincerity, his strong character, and his high ideals engendered an admiration for him as a man which is lasting.

In a manner which was sometimes stern, he concealed a warm heart, a feeling of compassion towards those offenders who came before him, and a sympathy for those who were hurt by his performance of what he knew to be his duty.

An incident I remember which revealed this side of his character. At lunch one day, near Christmas, we had been talking in Christmas spirit and of routine matters, when he looked at the clock, and started, said: "It is late. I must get back to the Criminal Court right away." He was several cases to go. "It is pretty close to Christmas. I think I shall find everybody not guilty."

Judge Smith was a bred-in-the-bone lawyer. He looked at things as a lawyer, his feelings were those of a lawyer, and he expected cases to be brought before him to live up to the best traditions of the Bar. When they did not, he was unhesitating in condemning them and expressing his disapproval of their conduct. In the trial of cases he remembered his own days at the Bar, and although upon the bench for many years, he was considerate of the lawyers, their difficulties and their problems. Particularly to young lawyers he was helpful and sympathetic.

The official side of Judge Smith was the one which the public saw, but there was also a semi-official and a private side to his life which endeared him to those who participated in it and shared it with him. All of us present have revolved in the stories which he told with gusto, particularly his anecdotes of amusing incidents that happened in court. With these stories he enlivened many a formal and official speech to the delight of his hearers.

Judge Smith was no stickler for ancient ways if they did not fit modern needs. It was during his term as Chief Judge that the Probation Department was greatly expanded; the Medical Department was expanded; the coordination of assignments was effected; the different courts were begun; the Youth Court was established; and the system of filing of papers by the Clerks was modernized. The crowning monument to his administration is the remodeled Court House, the completion of which we celebrated only a few days ago. In the entire face of his administration, he sought to use the great heritage which has come down to us from the past, but nevertheless to change it in detail when it seemed inadequate for present needs.

As Chief Judge, Judge Smith could not escape the respect and affection of his colleagues. Although he had strong ideas, he did not force them upon his associates. He endeavored at all times to find the true solution to any problem of a legal or administrative nature. He stated his opinion always clearly, and usually correctly. His colleagues usually agreed with him, but if they did not he harbored no rancor.

As the titular head of the Bench, it was Judge Smith's duty to apportion the duties of the Bench to its various members, and in this field of activity he showed great wisdom and discretion. Never did Judge Smith assume the role of boss, or undertake to give orders as from a superior to an inferior. Always, Judge Smith encouraged and allowed the members of the Bench a free hand and a wide discretion on the particular problems entrusted to them. When he made him a job to do, he used his common sense as well as his underlying instinct for fairness and justice; and when he assigned a given work to one of the other Judges, he expected that Judge to do the same.

During the last few years, as one of the senior Judges of the Bench, Judge Smith assigned an increasing number of matters to me, and I am particularly glad to record now my feeling of gratitude and admiration for the way in which he inspired my colleagues and myself to do our best for the sake of the work to do it thoroughly and independently, and to be confident of his understanding and support.

Judge Smith was a courageous man. During the last year of his life it was obvious that his health was failing, and at times that he was in physical distress. He never complained. After he had gone to the hospital for the first time, he seemed by sheer determination to have recovered some of his strength, and to have attempted his full assignment of work with the object of never giving up. Although we, his colleagues, could see that he was failing, we did not know what he really felt, for he neither shirked nor complained. We believed, and I believe now, that he knew he had a job to do, but determined to fall with his boots on, performing his duties to the end.

This he did, and in doing so, he leaves behind a memory which will not soon fade—the memory of an upright judge, an outstanding chief judge, a brave man, and a dearly valued friend.

The motion which has been made, and the words of Mr. Baxter, and those which have followed, will be read into the permanent minutes of this Bench. The Court will now adjourn in honor and in memory of its departed and beloved Chief Judge, W. Convell Smith.

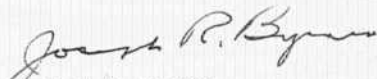
M I N U T E S

The Supreme Bench met informally in the Baltimore City Courtroom on Friday, October 29, 1954, to accept a portrait of former Chief Judge Samuel K. Dennis.

Former United States Senator George L. Radcliffe presented the portrait to the Bench on behalf of Judge Dennis' widow.

Judge E. Paul Mason responded on behalf of the Bench.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

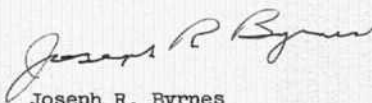
M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Thursday, November 4th, and Friday, November 5th, 1954, at 10:00 A. M. All Judges were present with the exception of Acting Chief Judge Niles, and Judges Tucker and Moser. Judge Charles E. Moylan presided.

Charles B. Slaughter and Herbert Burgunder, Jr. were admitted to practice by the Bench.

The Bench then heard arguments on motions for new trials filed by Albert Haar, Samuel Wink, Baltimore Garages, Inc., Dominic Piracci and the Piracci Construction Company, who were convicted of conspiracy, and C. Edward Jones, who was charged with malfeasance in office.

There being no further business, the special meeting was adjourned on Friday, November 5th, at 4:00 P. M.


Joseph R. Byrnes
Secretary

M I N U T E S

A Regular Monthly Meeting of the Supreme Bench of Baltimore City was held on Saturday, November 6, 1954, at 10:00 A. M. Acting Chief Judge Emory H. Niles presided.

Julius Israel, Malcolm M. Jacobson and Berthold Muecke, Jr. were admitted to practice as members of the Baltimore Bar by the Supreme Bench.

Motions for new trials in the cases of Earl L. Kirkley, convicted of manslaughter, Charles Givner, convicted of assault, and Charles E. Harmon, convicted of robbery with deadly weapon, were denied.

Motion for new trial filed in the case of Joseph Geppi, convicted of robbery with deadly weapon, was granted. A per curiam opinion in the Joseph Geppi case was filed by Judge Niles with the Clerk of the Supreme Bench.

The Bench denied the motions for new trials filed in the cases of Albert Haar, Samuel Winik, Baltimore Garages, Inc., Dominic Piracci, and the Piracci Construction Company. Arguments on these motions were heard on Thursday, November 4, and Friday, November 5, 1954.

The Judges agreed that a reargument should be heard in the motion for new trial filed by C. Edward Jones, who was charged with malfeasance in office.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, November 18, 1954, at 12:30 P. M. All Judges were present. Acting Chief Judge Emory H. Niles presided.

Judge Joseph D. Mish was a guest at the luncheon.

Upon motion duly made and seconded, Judge Mish was thanked for his service to the Supreme Bench. A suitable Resolution was prepared by the Secretary and forwarded to Judge Mish.

Judge Tucker, as Chairman of the Rules Committee, submitted a report of his Committee recommending that Clerks of the Circuit Courts of Baltimore City be instructed to place upon each decree of divorce a mensa et thoro, by stamp or otherwise, a notice substantially in the following form:

"Notice

As this is a decree for a limited divorce only, the parties are not free to marry again."

This recommendation was approved. Petition for re-hearing of motion for new trial filed by Charles Givner was discussed by the Bench, and upon motion duly made and seconded, was overruled. The Secretary was requested to prepare an appropriate order.

Upon motion duly made by Judge Cullen and seconded, Samuel A. Hearn was appointed Bailiff to the Supreme Bench to replace James O'Conor Gentry, who recently resigned.

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After a discussion, it was agreed by the Judges that the new class of lawyers would be sworn in on Friday, December 3, at 1:30 P. M., and that a re-argument in the case of State vs. C. Edward Jones, who was charged with malfeasance in office, would be heard at 2:00 P. M. on that day.

The regular monthly meeting of the Supreme Bench would be held on Saturday, December 4, 1954, at 10:00 A. M.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

Supreme Bench
of
Baltimore City

JOHN T. TUCKER
JUDGE

November 16, 1954

BALTIMORE 2, MARYLAND

To the Acting Chief Judge and Associate Judges
of the Supreme Bench of Baltimore City:

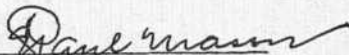
Pursuant to suggestions from members of the bar that the parties to each decree of divorce a mensa et thoro should be notified that the decree does not enable them to remarry, Judge Niles referred the matter to the Committee on Rules for consideration and report.

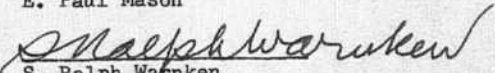
The committee has considered the matter and now recommends that the clerks of the Circuit Court of Baltimore City and Circuit Court No. 2 of Baltimore City, respectively, be instructed to place upon each decree of divorce a mensa et thoro by stamp or otherwise a notice in substantially the following form, viz:

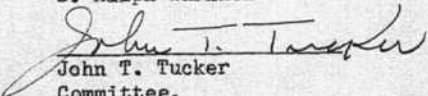
"Notice

As this is a decree for a limited divorce only,
the parties are not free to marry again."

Respectfully submitted,


E. Paul Mason


S. Ralph Warnken


John T. Tucker
Committee.

SUPREME BENCH OF BALTIMORE CITY

RESOLVED, That the Judges of the Supreme Bench of Baltimore City express their thanks to Judge Joseph D. Mish for the substantial aid given them in the trial of cases during the past few weeks. The Judges also appreciate the opportunity that Judge Mish's presence gave them of reaffirming their personal friendships with him, from which all derived much personal benefit and pleasure.

Approved: November 18, 1954

Joseph R. Byrnes
Secretary

November 22, 1954

Honorable John S. Clarke
Clerk, Circuit Court No. 2
of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Clarke:

On Thursday, November 18, 1954, the Supreme Bench approved a recommendation of the Rules Committee that decrees of divorce a mensa et thoro should contain the following notation:

"Notice

"As this is a decree for a limited divorce only, the parties are not free to marry again."

I enclose copy of the Committee's report.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

Encl.

November 22, 1954

Honorable Henry J. Ripperger
Clerk, Circuit Court of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Ripperger:

On Thursday, November 18, 1954, the Supreme Bench approved a recommendation of the Rules Committee that decrees of divorce a mensa et thoro should contain the following notation:

"Notice

"As this is a decree for a limited
divorce only, the parties are not free to
marry again."

I enclose copy of the Committee's report.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

Encl.

M I N U T E S

At a Special Meeting held on Friday, November 19, 1954, at 12:00 Noon, in Room 400, Judge Emory H. Niles was sworn in as Chief Judge of the Supreme Bench of Baltimore City. All Judges were present. Judge John T. Tucker presided.

Judge Tucker welcomed those present, and in well-chosen words, stated that all of Judge Niles' colleagues on the Bench held him in the highest esteem and affection, and were delighted to welcome him as their new Chief Judge. Judge Tucker then read the commission from the Governor appointing Judge Niles as Chief Judge, and instructed Mr. James F. Carney, Chief Deputy Clerk of the Superior Court, to administer the oath. Judge Niles thereupon took the oath as Chief Judge of the Supreme Bench and was escorted to the Bench by Mr. Walter V. Harrison, President of the Baltimore City Bar Association and Colonel Clarence W. Miles, past President of the Maryland State Bar Association. Upon taking his seat as Chief Judge, Judge Niles thanked those present for attending the ceremony, and asked for the cooperation of the Bench and Bar in the performance of his new duties.

Among the distinguished guests present were Governor McKeldin, Mayor D'Alesandro, Chief Judge John J. Parker, Judge Morris A. Soper and Judge Armistead M. Dobie of the Fourth Circuit Court of Appeals, and Judges William C. Coleman, W. Calvin Chesnut,

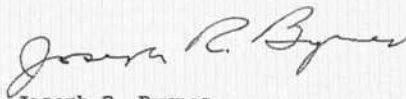
Minutes, 11-19-54

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and Roszel C. Thomsen of the United States District Court for Maryland, and a number of former Judges of the Supreme Bench.

Copies of remarks made by Judge Tucker and Judge Niles are made a part of the Minutes herewith.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

M I N U T E S

At a Special Meeting held on November ^{22nd} ~~29~~, 1954, the Supreme Bench of Baltimore City witnessed the swearing-in ceremony of Mr. Deeley K. Nice. All Judges were present. Chief Judge Emory H. Niles presided at the ceremony.

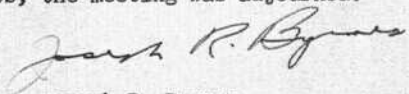
Judge Niles read the Governor's Commission appointing Mr. Nice, after which the oath of office was administered by Mr. James F. Carney, Chief Clerk of the Superior Court. Judge Niles then welcomed Judge Nice to the Bench.

A copy of Judge Niles' remarks are attached hereto as part of the Minutes.

Following the Chief Judge's remarks, Judge Nice was escorted to the Bench by Mr. Walter V. Harrison, President of the Bar Association of Baltimore City, and Mr. Leon H. A. Pierson, Second Vice President of the Bar Association of Baltimore City.

After the ceremony, the Judges signed an Order assigning Judge Nice to the Court of Common Pleas, and Judge Joseph L. Carter to the Baltimore City Court.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

Deeley K. Nice Takes Oath As Member Of Supreme Bench

W-23-1

Deeley K. Nice, former Chairman of the State Tax Commission, was sworn in as an Associate Judge of the Supreme Bench of Baltimore City at a special meeting of the Supreme Bench held in the Court House yesterday.

Judge Nice was appointed by Governor Theodore B. McKeldin to fill the vacancy which resulted when Judge Emory H. Niles was elevated to the Chief Judgeship. A nephew of the late Governor Harry W. Nice, he was born in Baltimore 44 years ago and was appointed by his uncle as Chief Judge of the People's Court of Baltimore City in 1935, serving in that capacity until 1939. He later was named Chief Judge of the Appeal Tax Court of Baltimore by Governor McKeldin, who at that time was Mayor of Baltimore. Judge Nice also served as Chairman of the Republican City Commission and had been Chairman of the State Tax Commission since July, 1951.

Chief Judge Niles presided at the ceremony and read the Governor's Commission to Judge Nice, after which the oath of office was administered by James F. Carney, Chief Clerk of the Superior Court. In welcoming Judge Nice to the Bench Chief Judge Niles made the following remarks:

"The Supreme Bench has met today to witness the taking of the oath of office by Deeley K. Nice, who has been appointed to this Bench by the Governor of Maryland.

"The installation of a new member of this Bench is an event of great official and personal importance to the citizens of Baltimore, the Bar and especially to the Judges who will be his colleagues.

"For the new Judge himself, for his wife and his family and his friends, the event is of the greatest moment. By taking the oath of office as Judge, the lawyer divests himself of his character as advocate. He withdraws from the forensic battle, its disappointments and its rewards. But with the donning of the judicial robe he enters another sphere in which, although there are disappointments also, there are other rewards which are, at least in my opinion, deeper and more lasting.

"When the successful and worthy lawyer becomes a Judge, we of the Bench are pleased and are glad to receive him into our ranks. We offer him our aid, our friendship and our goodwill. We are confident that he will support and maintain the high traditions of this Bench.

"We thus greet you, Mr. Nice. We are happy to witness you taking the oath of office and to welcome you as Judge Deeley K. Nice."

Following the Chief Judge's remarks Judge Nice was escorted to the Bench by Walter V. Harrison, President of the Bar Association of Baltimore City, and by Leon H. A. Pierson. Attending the ceremony were members of Judge Nice's family, Governor McKeldin, former members of the Supreme Bench, members of the Bar, Court attaches and many prominent Federal, State and Municipal officials.

Immediately following the ceremony the Bench assigned Judge Nice to the Court of Common Pleas and directed Judge Joseph L. Carter to preside in the Baltimore City Court.

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, December 2, 1954, at 12:30 P. M. All Judges were present, with the exception of Judge Byrnes. Chief Judge Emory H. Niles presided.

The following Resolution relating to Supreme Bench committees was unanimously adopted:

"RESOLVED, (1) That the Supreme Bench hereby authorizes the appointment of the following Standing and Special Committees:

Standing Committees

1. Assignment of Cases.
2. Budget.
3. Court House.
4. Masters, Governors, etc.
5. Probation and Medical.
6. Rules.
7. Trust.

Special Committees

1. Domestic Cases.
2. Grand Jury Handbook.

"(2) That the Chief Judge is authorized to designate the Chairmen and Members of said Committees.

"(3) That upon such designation all present and existing Committees of the Supreme Bench shall be superseded and abolished, and the above-named Committees shall be constituted in lieu thereof.

"(4) That the duties and responsibilities of the Committees established by this Resolution shall be the same as those exercised by preexisting Committees designated by similar names respectively,

Minutes, 12-2-54

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and as may hereafter be determined by the Supreme Bench.

"(5) That the Chief Judge be a member ex officio of all Committees."

Chief Judge Niles read a letter from Mr. Anselm Sodaro requesting authorization to appoint an additional Assistant State's Attorney to be assigned to the Domestic Relations Department. After a discussion, Mr. Sodaro's request was approved, and the Secretary was directed to advise Mr. Sodaro of this approval.

The date of the January, 1955, Term Meeting was set for Monday, December 20, 1954, at 10:00 A. M.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

NOVEMBER
TWENTY SECOND
NINETEEN
FIFTY FOUR

HON. EMORY H. NILES,
CHIEF JUDGE, SUPREME BENCH OF BALTIMORE
203 COURT HOUSE

Dear Judge Niles:

As I am most anxious to re-organize the Domestic Relations Department before the beginning of the January Term of Court, I would appreciate your submitting to the Supreme Bench the matter contained in my letter addressed to you and the Associate Judges of the Supreme Bench dated November 15th, 1954.

Thanking you, I am,

Respectfully yours,

Anselm Sodaro
STATE'S ATTORNEY

AS:B

Approved.
12/2/54

ASSISTANT STATE'S ATTORNEYS
JOSEPH G. KOLTZ
JULIUS A. ROMANO
JAMES W. MURPHY
J. ROBERT BROWN
H. PETER MOSER
EDWARD F. BORGERDING
GEORGE H. ROSEDOON
JAMES O'C. OENTRY
THOMAS C. NUGENT



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

NOVEMBER

15th

1954

WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEHRING

ASSISTANT STATE'S ATTORNEYS
JOSEPH G. KOUTZ
JULIUS A. ROMANO
JAMES W. MURPHY
J. ROBERT BROWN
H. PETER MOSER
EDWARD F. BORGERDING
GEORGE H. ROSEDOOM
JAMES O'C. GENTRY
THOMAS C. NUGENT

HONORABLE EMORY H. NILES, CHIEF JUDGE
AND HONORABLE MEMBERS OF THE SUPREME
BENCH OF BALTIMORE

Honorable Sirs:

It has become necessary for me to respectfully request that your Honorable Body consider the approval of the appointment of an additional Assistant State's Attorney for assignment to the Domestic Relations Department.

Ever since my taking office as State's Attorney, the functioning of this Department has been a matter of deep concern to me. This Department has been constantly confronted with an ever increasing volume of business. Being aware of this problem, I have continuously worked with my two Assistants, assigned to that Department, to keep abreast of the work by increased efficiency without the help of an additional Assistant.

In order to secure a fresh approach to the solution of the problems of this Department I changed both the legal and clerical personnel. Experimentation, however, has failed to furnish any method of coping with the ever mounting volume of cases. The factual situation is as follows:

Since the passage of the Uniform Reciprocal Support of Dependents Law in 1951, now adopted by 46 States, the Domestic Relations Department has been required to hold preliminary hearings in incoming cases from these 46 States. These cases are coming in at the rate of two, three or more a day, and require a considerable portion of the time of an Assistant to properly process them, and make recommendations to the Equity Courts as to their disposition. Consequently, only one of the two Assistants has been able to devote his full time conducting hearings in the new local cases which have increased to a point where they now average between 25 and 30 per day. Since one Assistant can conduct only about 15 hearings per day, a backlog of these new local cases is steadily accumulating.

Furthermore, the constant pressure of new business has resulted in little, if any, opportunity being available to the



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

ASSISTANT STATE'S ATTORNEYS

JOSEPH D. RUTZ

JULIUS A. ROMANO

JAMES W. MURPHY

J. ROBERT BROWN

M. PETER MOSER

EDWARD F. BORGERDING

GEORGE H. ROSEDOH

JAMES O'C. GENTRY

THOMAS C. NUGENT

WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEMRING

SUPREME BENCH OF BALTIMORE

-2-

11/15/54

two Assistants to conduct re-hearings in cases that have been referred back to the office by the Probation Department for failure to comply with the original State's Attorney's agreement. This has resulted in an increased number of cases being assigned to the Criminal Court for final disposition.

For some time two clerks have been assigned to receive new complaints. I now find it necessary to request the Board of Estimates for appropriations to engage additional clerical help to process new complaints, with the expectation of relieving the congestion of new complainants with which we are so familiar.

In order to reduce the number of open Domestic cases, resulting primarily from postponements in Criminal Court for reasons of Non Est of the defendants or complaining witnesses, I propose to request the Police Commissioner of Baltimore City for an additional police officer to expedite the final disposition of such cases.

After many months of surveying the problems of this Department, I am forced to the conclusion that an additional Assistant State's Attorney, additional clerical help and additional police personnel are necessary in order that this Department may efficiently keep pace with the increased volume of its business.

I sincerely trust that your Honorable Body will give this request for an additional Assistant State's Attorney, to be assigned to the Domestic Relations Department, your favorable consideration.

Respectfully yours,

STATE'S ATTORNEY

AS:B

COPY

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SUPREME BENCH OF BALTIMORE CITY

December 2, 1954

Honorable Anselm Sodaro
State's Attorney of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Sodaro:

The Supreme Bench today approved your request for authorization to appoint an additional Assistant State's Attorney to be assigned to the Domestic Relations Department.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

M I N U T E S

A Special Meeting of the Supreme Bench of Baltimore City was held on Friday, December 3, 1954, at 1:30 P. M.

All Judges were present. Chief Judge Emory H. Niles presided.

Mr. Walter V. Harrison, President of the Bar Association of Baltimore City moved for the admission of eighty-seven new attorneys as members of the Baltimore Bar. The oath of office was administered to the group by A. Patterson Pendleton, Deputy Clerk of the Supreme Bench. Chief Judge Niles welcomed the new attorneys on behalf of the Bench. A list of the new lawyers is attached. The admission ceremony was held in Room 400.

Following the admission of the new attorneys, the Supreme Bench recessed and resumed its session in the Supreme Bench Room, Room 600.

The Bench heard further arguments on the motion for a new trial of C. Edward Jones, charged with malfeasance in office. An order was signed overruling the motion for a new trial.

There being no further business, the meeting was adjourned.

Joseph R. Byrnes
Secretary

Eighty-Seven Lawyers Admitted To Practice By Supreme Bench

Eighty-seven new attorneys were admitted to practice as members of the Baltimore Bar by the Supreme Bench of Baltimore yesterday at a ceremony held in the Court House.

Walter V. Harrison, president of the Bar Association of Baltimore City, moved for the admission of the candidates and the oath of office was administered by A. Patterson Pendleton, deputy clerk of the Supreme Bench. Chief Judge Emory H. Niles presided and responded on behalf of the Court.

Following is a complete list of the new lawyers:

Hillard P. Albert, John M. Balder, William S. Baldwin, Robert H. L. Bangs, Lowry N. Barnes, Rupert Lee Benson, Jr., Julian S. Brewer, Jr., Phillip Bryzman, Gilbert Burgan, Charles Merriken Byrd, Gerard V. Caldwell, Edward J. Carey, Gus Chambers, Frances M. Clarke, Raymond D. Coates, Hyman K. Cohen, Philip Cohen, Sheldon P. Cohen, Lawrence B. Coshnear, William P. Cunningham, James J. Dogie, Jr., R. Roger Drechsler, John N. Dunham.

Gerd W. Ehrlich, John C. Evelius, James Foster Fausen, Arnold Fleischmann, Gerald D. Freed, Alvin E. Friedman, Paul M. Galbreath, Richard W. Galley, William G. Geyer, Jr., Ray Goddard, Lynn C. Golberg, C. Oliver Goldsmith, William O. Goldstein, John C. Griffin, Samuel Dennis Hill, Herbert J. Hirsch, Meyer M. Hirsch, Thomas J. Holden, Joseph W. Hoy, John P. Hull, Fred M. Issac.

Nelson R. Kandel, William G. Kearney, Arthur S. Komori, Vincent R. Landau, Harvey M. Lebowitz, George C. Leight, William R. Lenhard, Howard Lerner, Paul M. Levin, Leo E. Lloyd, Alvin B. London, Jerome W. Mandelberg, Phillip Maynard, James E. McCloskey, Jay G. McRae, Jr., Holland E. Meacham, Bernard J. Mentzel, T. Thornton Murray, Robert K. Nead, Ray D. Nester, Jr.

Edward E. Obstler, Robert P. Ogden, Jr., John F. O'Grady, John E. Patterson, Eugene W. Peirelli, John B. Relly, Robert F. Richmond, Preston B. Rowland, Albert S. Salkowski, Paul M. Schaefer, Mary Katherine Scheeler, Ronald M. Sidle, Mark A. Singerman, Robert I. Sinnott, Gary Wallace Smith, Elroy J. Snouffer, Christopher M. Speed, Paul D. Stevens, Robert L. Stocksdale, William R. Sutton, William S. Townsend, Joseph A. Waldman, and Arthur L. Wiley, Jr.

M I N U T E S

A Monthly Meeting of the Supreme Bench of Baltimore City was held on Saturday, December 4, 1954, at 10:00 A. M. All Judges were present. Chief Judge Emory H. Niles presided.

Motions for new trials were denied in the following cases:

Heber Ellis, convicted of bastardy;
James Thrower, convicted of bastardy;
Jesse Lee Hamilton, convicted of larceny;
Robert A. Brown, appealing from a violation
of health laws conviction;
Ezekiel Jones, convicted of lottery;
James R. Dobbins, convicted of lottery;
Raymond E. Barker, convicted of larceny;
Grafton Ambrose Burrell, convicted of lottery;
Harriet Smith Burns, convicted of lottery; and
Joseph Genco, Jr., convicted of lottery.

A Motion in Arrest of Judgment filed in the Joseph Genco, Jr. case was also denied.

There being no further business, the meeting was adjourned.

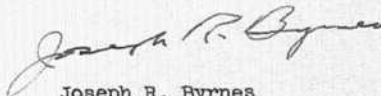
Joseph R. Byrnes
Secretary

M I N U T E S

A luncheon meeting of the Supreme Bench of Baltimore City was held on Thursday, December 9, 1954, at 12:30 P. M. All Judges were present. Chief Judge Emory H. Niles presided.

The Judges expressed regret over the death of Judge Joseph D. Mish, who was recently assigned to assist the Bench in the trial of cases. The Secretary was requested to prepare a suitable Memorial Minute, ^{copies} ~~a copy of which is~~ to be sent to Mrs. Mish and the Clerk of the Circuit Court for Washington County.

There being no further business, the meeting was adjourned.



Joseph R. Byrnes
Secretary

M I N U T E S


A luncheon meeting of the Supreme Bench of Baltimore City was held Thursday, December 16, 1954, at 12:30 P. M. All Judges were present except Judges Moser and Cullen. Chief Judge Emory H. Niles presided.

Judge Niles read a letter of resignation from Mr. Charles W. Klipper, Court Reporter. The Judges expressed their regret, and all commented upon Mr. Klipper's efficient and loyal service to the Bench. The Secretary was instructed to write a formal letter accepting the resignation, and Judge Warnken was ^{asked} ~~appointed a committee of one~~ to draft another letter to Mr. Klipper to be signed by all of the Judges.

Judge Niles announced that the Bar Association Memorial Minute~~s~~ will be presented to the Supreme Bench on Friday, January 14, 1955, at 3:00 P. M. Judge Byrnes was asked to make the response on behalf of the Bench.

The Chief Judge read a letter from Mr. John S. Clarke, Clerk, Circuit Court No. 2, in which Mr. Clarke sought approval to reappoint the present personnel of his office listed in the letter. This approval was granted, and the Secretary was directed to advise Mr. Clarke of the action of the Bench.

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

COPY

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SUPREME BENCH OF BALTIMORE CITY

December 20, 1954

Mr. Charles W. Klipper
Court House,
Baltimore 2, Maryland

Dear Mr. Klipper:

The Supreme Bench of Baltimore City has accepted, with regret, your resignation as a Court Stenographer. All of the Judges commented upon your efficient and faithful service to the Bench, and an additional communication will be addressed to you stating in more detail the Judges feelings.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

COPY

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SUPREME BENCH OF BALTIMORE CITY

December 18, 1954

Honorable John S. Clarke
Clerk, Circuit Court No. 2
of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Clarke:

The Supreme Bench approved for reappointment the
list of employees contained in your letter of December 16,
1954.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

Circuit Court No. 2 of Baltimore City
 Baltimore, Maryland

December 16th, 1954

JOHN S. CLARKE
 CLERK

Honorable Emory H. Niles
 Chief Judge
 Supreme Bench
 Baltimore, Md.

My dear Judge Niles:

Subject to confirmation by the Supreme Bench, I would like to reappoint the following clerks, who have been connected with this office for the number of years as listed below:

G. Gordon Kirby	Chief Deputy Clerk	28 yrs.
Edward P. McDonough	Docket "A" Clerk	30 "
John T. McNally	Cashier	16 "
Raleigh E. Stokes	Docket "B" Clerk	16 "
Nicholas Lombardi	Docket "C" Clerk	8 "
John M. Coan	Recorder	17 "
Fanny Malamed	Recorder	5 "
Ann Marie Hipsley	Recorder	4 "
John Kolarik	Recorder	10 mos.

Respectfully submitted,

John S. Clarke

 Clerk

JSC:amh

M I N U T E S

A Term Meeting of the Supreme Bench of Baltimore City was held on Monday, December 20, 1954, at 10:00 A. M. All Judges were present, with the exception of Judge Moser. Chief Judge Emory H. Niles presided.

The Bench selected the Grand Jury for the January Term, 1955. A list of the Grand Jurors is attached.

An Assignment of Judges, following the usual rotation, was read by the Secretary, and after motion duly made and seconded, the Assignment was approved. A copy of the Assignment is attached.

Judge Tucker submitted his report covering the proposed Central Assignment Bureau. The Judges expressed their approval of the idea generally, but were of the opinion that the Bar should be given an opportunity to read the Report and make appropriate suggestions before any new system was put into effect. It was agreed therefore that the Report should be published in the Daily Record. A copy of the report is attached.

Chief Judge Niles then read a letter from Mr. Anselm Sodaro, State's Attorney, requesting confirmation of the appointment of Mr. J. Harold Grady as Deputy State's Attorney, and of the following Assistant State's Attorneys:

William H. Maynard, Executive Assistant	Julius A. Romano	Edward F.
John C. Weiss	Edwin A. Gehring	James W. Murphy
Saul A. Harris	Joseph G. Koutz	J. Robert Brown
James F. Price	Thomas C. Nugent	George H. Rosedom
James O'C. Gentry		

Mr. Sodaro also requested approval of appointments of Mr. Norman Polski and Mr. Preston A. Pairo, Jr. as Assistant State's Attorneys. Upon motion duly made and seconded, the entire list of names contained in Mr. Sodaro's letter was approved, and the Secretary was directed to notify Mr. Sodaro of the action of the Bench.

Chief Judge Niles named the following Supreme Bench Committees

Minutes, 12-20-54

to serve until further order ^{- 2 -} of the Bench:

STANDING COMMITTEES

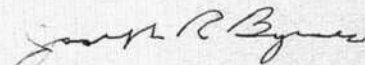
	<u>Chairman</u>	<u>Members</u>
1. Assignment of Cases	Judge Mason	Judge Tucker, Judge Manley
2. Budget	Judge Cullen	Judge Moser, Judge Moylan
3. Court House	Judge Byrnes	Judge Mason, Judge Nice
4. Masters, etc. and Personnel	Judge Warnken	Judge Tucker, Judge Carter
5. Probation and Medical	Judge Moser	Judge Moylan, Judge Cullen
6. Rules	Judge Tucker	Judge Manley, Judge Carter
7. Trust	Judge Manley	Judge Warnken, Judge Nice

SPECIAL COMMITTEES

	<u>Chairman</u>	<u>Members</u>
1. Domestic Cases	Judge Moser	Judge Moylan, Judge Manley
2. Grand Jury Handbook	Judge Warnken	Judge Byrnes

Secretary of the Bench: Judge Warnken

There being no further business, the meeting was adjourned.


Joseph R. Byrnes
Secretary

J. Harold Grady Named January Term Grand Assignment Of Judges Deputy State's Atty. Jury Selected By Of Supreme Bench By Sodaro Supreme Bench Announced

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Anselmi Sodaro, State's Attorney for Baltimore City, announced yesterday the appointment of J. Harold Grady as Deputy State's Attorney. He will succeed William E. Maynard, who has been associated with the office for twenty-eight years, and who will become Executive Assistant in the office.

Mr. Grady, who is 37 years of age, was appointed as an Assistant in the office by the late J. Bernard Wells in February, 1947. He formerly was associated with the F. B. I. and is a graduate of Loyola College and the University of Maryland School of Law. He is married and resides at 1415 Stone-wood road with his wife and three children.

Mr. Sodaro at the same time announced the reappointment of the following Assistants: John C. Weiss, Saul A. Harris, James F. Price, Edwin A. Gehring, Joseph G. Koutz, Julius A. Romano, James W. Murphy, J. Robert Brown, Edward P. Borgerding, George H. Rosedon, James O'C. Gentry and Thomas C. Nugent.

The appointment of two new Assistant State's Attorneys was announced by Mr. Sodaro, to fill the vacancy caused by the recent resignation of M. Peter Moser and to fill the position of an additional Assistant approved by the Supreme Bench earlier this month.

Norman Polski, one of the new Assistants, is 30 years of age is married and resides at 3330 Clarks lane. A graduate of Baltimore City College in 1942, he received part of his pre-legal education at the University of Baltimore and enlisted in the Naval Air Corps in October 1942. After an extensive and outstanding service in the Pacific Theatre of Operations he was honorably discharged with the rank of Lieutenant (j.g.) in December, 1945.

He then completed his legal education at the University of Baltimore, being admitted to the Bar in June, 1950. After his admission he served on the staff of the office of Price Stabilization and was Assistant Counsel on the Senate Crime Committee under the chairmanship of former Senator Herbert R. O'Connor. He later was Chief Counsel of the Export Control and Policy Committee of the United States Senate, investigating shipments of strategic materials to Communist countries. He then served as Trial Attorney for the Bureau of Foreign Commerce of the Department of Commerce, prosecuting violators of the Export Control Act.

The other new Assistant is Preston A. Pairo, Jr., who is 27 years of age, married and resides at 900 Cooks lane. After attending the local public schools he was graduated from Boy's Latin School. He served in the United States Navy in the European Theatre of Operations during World War II, and following his honorable discharge attended the University of Baltimore pre-law school and law school, graduating in 1951. During the time he was studying law Mr. Pairo was employed as a law clerk in the office of the City Solicitor of Baltimore. He was admitted to the Bar in August 1951, and has been engaged in the practice of his profession in association with his father. He was a member of the House of Delegates from 1950 until 1954.

The Grand Jury for the January Term, 1955, was selected by the Supreme Bench of Baltimore City yesterday at its Term Meeting which was held in the Court House. The Jury is called for Monday, January 10th, when the local Courts will convene for the January Term.

Those selected to serve on the Grand Jury are:

Alice M. Colgan, 307 Charter Oak avenue.

Leon N. Hirschman, 2519 Eutaw place.

Frank R. Lancelotta, 5416 Frederick avenue.

Dorothy Mae Lloyd, 916 East 37th street.

Priscilla Jester Miles, 215 Club road.

Warren Lee Terry, 728 Colorado avenue.

Edward H. Bohndorf, 903 Chestnut Hill avenue.

Floyd E. Warriner, Sr., 1510 Walster avenue.

Gladys E. McCubbin, 3017 St. Paul street.

Madelyn T. Bosley, Preston Apartments.

Frieda Schmid, 6406 Old Harford road.

John F. Brennan, 2213 North Charles street.

Martin A. Fitzpatrick, 1522 Shadyside road.

George A. Peters, Jr., 639 North Woodlinton road.

Alton L. Loucks, 1303 Ramblewood road.

Frances B. Cromwell, 5602 Waycrest lane.

Mary L. Spencer, 200 Taplow road.

Victor Hobbs, 1136 Homestead street.

George J. Horowitz, 4104 Springdale avenue.

Max W. Jacobs, 905 Lake drive.

Florence A. Eberenz, 916 Argonne drive.

Earl C. Parrish, 2905 Ingiewood avenue.

Earl K. Koger, 2316 West North avenue.

The Supreme Bench of Baltimore City yesterday announced the assignment of the Judges for the coming year. The Jurists will take over their new assignments on Monday, January 10th, when the local Courts will convene for the January Term.

The Judges and the Courts in which they will serve are:

Judge Mason, Superior Court (Room 400).

Judge Carter, Superior Court, Part III (Room 406).

Judge Manley, Superior Court, Part II (Room 428). (Non-Jury)

Judge Warnken, Baltimore City Court (Room 220).

Chief Judge Niles, Court of Common Pleas (Room 451).

Judge Nice, Circuit Court (Room 413).

Judge Cullen, Circuit Court No. 2 (Room 434).

Judge Tucker, Criminal Court (Room 203).

Judge Byrnes, Criminal Court, Part II (Room 215).

Judge Moser, Criminal Court, Part III (Room 231). (Jury Judge)

Judge Moylan, Juvenile Court (Room 230).

Chief Judge Niles and Judge E. Paul Mason to hear all cases arising from, or orders directed to, the Registrars of Voters on petitions filed in the several courts of Baltimore City.



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

DECEMBER
SEVENTEENTH
NINETEEN
FIFTY FOUR.

ASSISTANT STATE'S ATTORNEYS
JOSEPH G. KOUTZ
JULIUS A. ROMANO
JAMES W. MURPHY
J. ROBERT BROWN
H. PETER MOSER
EDWARD F. BORGERDING
GEORGE H. ROSEDOM
JAMES O'C. GENTRY
THOMAS C. NUGENT

WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEHRING

HONORABLE EMORY H. NILES,
CHIEF JUDGE, and
HONORABLE MEMBERS OF THE
SUPREME BENCH OF BALTIMORE

Honorable Sirs:

I respectfully submit the names of the following members of the present staff of the State's Attorney for re-appointment and confirmation by your Honorable Body as Deputy State's Attorney and Assistant State's Attorneys.

Deputy State's Attorney - J. Harold Grady

Assistant State's Attorneys

William H. Maynard - Executive Assistant
John C. Weiss
Saul A. Harris
James F. Price
Edwin A. Gehring
Joseph G. Koutz
Julius A. Romano
James W. Murphy
J. Robert Brown
Edward F. Borgerding
George H. Rosedom
James O'C. Gentry
Thomas C. Nugent

I also submit the names of the following members of the Baltimore Bar for appointment and confirmation as Assistant State's Attorneys, to fill the vacancy created by the resignation of Mr. M. Peter Moser, and to fill the position of an additional Assistant State's Attorney approved by your Body on December 2nd, 1954. Both of these appointments are to become effective January 3rd, 1955.

Norman Polski

Mr. Polski is thirty years of age, married and resides at 3330 Clarks Lane. He graduated from Baltimore City College in February 1942. Mr. Polski received part of his pre-legal education

WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. OEHNING



State's Attorney of Baltimore City

ANSELM SODARO

BALTIMORE 2

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12/17/54

ASSISTANT STATE'S ATTORNEYS
JOSEPH G. KOUTZ
JULIUS A. ROMANO
JAMES W. MURPHY
J. ROBERT BROWN
H. PETER ROSEB
EDWARD F. BORGERDING
GEORGE H. ROSEBOM
JAMES O.C. GENTRY
THOMAS C. NUGENT

at the University of Baltimore, and subsequently enlisted in the Naval Air Corps in October 1942. In February 1944 he received his commission as Ensign at Corpus Christi Naval Air Station. He later served on active duty in the Pacific Theatre of Operations during the last World War, participating in the securing of Iwo Jima and in the invasion of Okinawa. He was awarded the Distinguished Flying Cross, Air Medal and three gold stars for heroism and extraordinary achievement in aerial flight as Pilot of a Patrol Bomber during operations against enemy Japanese forces. He was promoted to Lieutenant (j.g.) in June 1945, and received an honorable discharge in December of 1945.

Upon his discharge from the Service, he re-entered the University of Baltimore in February 1946, fully completing his pre-legal education and receiving his Bachelor of Arts degree in October of 1946. He subsequently entered the University of Baltimore Law School and graduated with the Degree of Bachelor of Laws in March 1950. He passed the Maryland State Bar examination in June 1950.

Since becoming a member of the Baltimore Bar, he was appointed to the staff of the Office of Price Stabilization, and upon his resignation from that position in June 1951 he accepted the position of Assistant Counsel on the Senate Crime Committee under the chairmanship of former Senator Herbert R. O'Connor. Upon completion of the work of that Committee, Mr. Polski was appointed as Chief Counsel of the Export Control and Policy Committee of the United States Senate, investigating shipments of strategic materials to communist countries. After the work of this Committee he accepted the position as Trial Attorney for the Bureau of Foreign Commerce of the Department of Commerce, prosecuting violators of the Export Control Act.

PRESTON A. PAIRO, JR.

Mr. Pairo is twenty-seven years of age, married, and resides at 900 Cooks Lane. He attended the public elementary schools of Baltimore, and completed his highschool education at Boy's Latin School, until his enlistment in the United States Navy at the age of seventeen. He served in the United States Navy in the European Theatre of Operations on a Destroyer, and upon his honorable discharge, he attended the University of Baltimore pre-law school and law school, and graduated in 1951. While attending the University, Mr. Pairo was employed as a law clerk in the office of the City Solicitor of Baltimore.

He was admitted to the Bar in August 1951, since which time he has been actively engaged in the practice of law in association with his father.

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WILLIAM H. MAYNARD
DEPUTY STATE'S ATTORNEY
ASSISTANT STATE'S ATTORNEYS
JOHN C. WEISS
SAUL A. HARRIS
JAMES F. PRICE
J. HAROLD GRADY
EDWIN A. GEHRING

ASSISTANT STATE'S ATTORNEYS
JOSEPH G. KOUTZ
JULIUS A. ROMANO
JAMES W. MURPHY
J. ROBERT BROWN
M. PETER MOSER
EDWARD F. BORGERDING
GEORGE H. ROSEDDOM
JAMES C.C. GENTRY
THOMAS C. NUGENT

State's Attorney of Baltimore City

ANSELM SODARO
BALTIMORE 2

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12/17/54

Mr. Pairo was elected to the House of Delegates in 1950, and served with distinction until the end of his term in 1954.

Both of these appointees have been known to me personally for a number of years, and have been highly recommended by many prominent members of the Baltimore Bar as well as many civic leaders in the community.

Trusting these nominations will meet with the approval of the Supreme Bench, I am,

Respectfully yours,

STATE'S ATTORNEY

AS:B

COPY

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SUPREME BENCH OF BALTIMORE CITY

December 20, 1954

Honorable Anselm Sodaro
State's Attorney of Baltimore City
Court House,
Baltimore 2, Maryland

Dear Mr. Sodaro:

The Supreme Bench today approved re-appointment of members of your staff as contained in your letter of December 17, 1954, and also approved appointment of Mr. Norman Folski and Mr. Preston A. Pairo, Jr., as Assistant State's Attorneys.

Very truly yours,

Joseph R. Byrnes
Secretary

JRB:gjh

December 20, 1954

Supreme Bench Committee Assignments

Standing Committees

	<u>Chairman</u>	<u>Members</u>
1. Assignment of Cases	Judge Mason	Judge Tucker, Judge Manley
2. Budget	Judge Cullen	Judge Moser, Judge Moylan
3. Court House	Judge Byrnes	Judge Mason, Judge Nice
4. Masters, etc. & Personnel	Judge Warnken	Judge Tucker, Judge Carter
5. Probation and Medical	Judge Moser	Judge Moylan, Judge Cullen
6. Rules	Judge Tucker	Judge Manley, Judge Carter
7. Trust	Judge Manley	Judge Warnken, Judge Nice

Special Committees

	<u>Chairman</u>	<u>Members</u>
1. Domestic Cases	Judge Moser	Judge Moylan, Judge Manley
2. Grand Jury Handbook	Judge Warnken	Judge Byrnes

Secretary of the Bench: Judge Warnken.

Supreme Bench
of
Baltimore City

December 17, 1954

JOHN T. TUCKER
JUDGE

BALTIMORE 2, MARYLAND

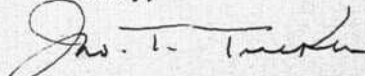
Honorable Emory H. Niles, Chief Judge,
Court House,
Baltimore, Md.

Dear Judge Niles:

I am enclosing herewith report of the special committee on assignments of civil cases for trial; and copies of the report and this letter are being sent to each of the other Judges.

Judge Moser has expressed his full approval of the report in a wire to me, and, therefore, in his absence I have signed his name as a member of the committee.

Sincerely,


John T. Tucker

JTT/1

To the Chief Judge and Associate Judges
of the Supreme Bench of Baltimore City:

December 16, 1954

Several weeks ago the Chief Judge appointed the undersigned committee to study and make recommendations regarding the assignment of civil cases for trial.

At this time the assignment and disposition of equity cases do not present a problem. During the current year Judge Mason and Judge Moser who have presided in the Circuit Court and Circuit Court No. 2, respectively, have conducted calls of their dockets; and since this procedure has had beneficial results, it is recommended that it be continued. Also, the committee recommends a continuation, temporarily at least, of the practice of assigning all non-jury cases for trial before the same Judge; and for that reason it is not recommended that a consolidated trial list, hereinafter mentioned for jury cases, be created for non-jury cases at this time.

The real problem exists in relation to the civil jury cases, and this report deals mainly with them. Our investigation has shown that the problem is not confined to the courts comprising the Supreme Bench of Baltimore City, but that it exists in the courts of every large city in the country. We find also that although all of the courts that we have contacted have not done the same things in meeting the problem, all of them have done something.

One of the prominent common problems of the courts is the disposition of cases in which the same attorney or firm of attorneys appears as counsel for one of the parties. Usually the difficulty

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arises when the same attorney represents a large number of defendants in cases that are to be tried; and in Baltimore we have received numerous justifiable complaints from counsel for plaintiffs who have been unable to get their cases tried because of repeated postponements on the ground that opposing counsel is or will be engaged in the trial of another case in another court. This is discouraging to lawyers and litigants and also impedes the disposition of cases by the courts. No one should be blamed for the situation, nevertheless, it is one that exists and should be treated with fairness to all parties concerned. It would be fanciful to think that any system of assignments would fulfill the greatest wishes of the courts and all parties and their counsel in every individual case. So, the objective is to have a system of assignment of cases for trial that will prevent an unreasonable accumulation of untried cases, and at the same time avoid any undue hardship to any litigant or his attorney.

In one city that has been visited by a member of the committee the court has a rule that the engagement of counsel in the trial of a pending case shall not be ground for the postponement of trial of another case that is in a day's assignment. Of course, such a rule as this imposes a heavy burden upon a lawyer who appears as counsel in a large number of cases on a trial docket or list to settle his cases or have sufficient in or out of office assistance to try them whenever they are reached. That rule is due in part to a local

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condition which makes it reasonable in that jurisdiction; but this committee is convinced that our system in Baltimore can be improved to the extent of making such a rule wholly unnecessary here. In another city that was visited, a more moderate rule has been adopted. It is that after the trial of a case has been postponed twice because of the engagement of counsel for one of the parties in the trial of another case, it will not be postponed again for that reason unless opposing counsel agrees thereto. The committee feels that the system of assignments that it proposes herein may make a definite rule on this subject unnecessary; but in any event we believe that the consideration of such a rule should await future experience.

An example of the situation in Baltimore is shown by the following table of the number of cases on the September term, 1954, trial dockets of the three law courts in which 4 lawyers or law firms appear as counsel for plaintiffs and defendants, respectively, viz:

	Number of cases for defendants	Number of cases for plaintiffs
Lawyer	342	35
Lawyer	178	9
Lawyer	167	42
Lawyer	5	191

Another problem that seems common to the courts of all large cities is the waste of court and jury time by the delay in settlement of cases until they are placed in a day's assignment or until the day for trial.

Of course, settlements in several times the number of cases that are tried are necessary to prevent an ever increasing accumulation of untried cases. So, settlements at any and all times are to be encouraged; and it is plainly most desirable for them to be made before the date of trial.

In order to obtain stipulations as to facts and also to obtain settlements where they might not otherwise be made, the courts of many jurisdictions lean heavily on pre-trial conferences. In Cleveland, Ohio, there is a pre-trial conference in all cases, and the court considers the backbone of their procedure to be their rule that not only counsel in a case but also the parties or their representatives must attend the conference. We are informed that this system has reduced the break down in daily assignments to a minimum, because cases are settled before they are placed in an assignment.

In another large city, when a party to a case prays a jury trial he must deposit with the clerk \$50.00 as jury fees. If the case is tried or disposed of without trial prior to the date of trial the money is refunded to the depositor, but if it is not settled or otherwise disposed of until the date for trial the money is forfeited to the state. Similar practices in the nature of penalties where a jury is available for the trial of a case but is not used therefor are followed in some other jurisdictions where local conditions make them feasible. But, we do not recommend any of them here.

We are not recommending any change in our practice as to pre-trial conferences, since we hope that the system that we are proposing, if adopted, will make the general use of such conferences unnecessary. The great value of stipulations as to evidence and agreements of settlement before the date for trial are plain and unquestionable; but with a cooperative local bar we believe that many benefits that are ~~obtain-~~^{accomplished} ~~able~~ only through pre-trial conference in some other jurisdictions are attained^{able} by other means in Baltimore.

An important purpose in any system of assignments is to keep the available courts and juries busy with trials. This would be simple if all cases in a day's assignment would surely be tried. It is not simple, however, because it is possible that some of the cases will be settled on the date of trial and others postponed because of sudden illnesses or other acceptable reasons. These possibilities must be taken into account in making up an assignment; so, in order to reasonably avoid a break down, the assignment may contain cases that are not actually reached for trial. Therefore, the system of assignments that is used should give reasonable promise to keep the available courts and juries busy with trials and as far as consistent with other purposes avoid the necessity of lawyers and witnesses appearing in court ready for trial only to have the trial postponed.

We specifically recommend the adoption of a central assignment system and the creation of a consolidated trial list for jury cases

in the three law courts of the Supreme Bench to be patterned in general after the procedure now in use in the Courts of Common Pleas in Philadelphia, Pennsylvania. The situation as to divided courts in Philadelphia is quite similar to ours in Baltimore City. There, they have several Courts of Common Pleas having general jurisdiction in civil matters. Each bears a number and is separate from the others. Here, of course, we have separate courts including the three law courts, all of which comprise the Supreme Bench of Baltimore City. We are advised that the experience in Philadelphia has been gratifying and has solved to a great degree some of the same problems that have confronted the courts of the Supreme Bench. In our opinion we should make a beginning immediately invoking the main general features of the system, but leave to future determination many details which can be worked out more satisfactorily to all parties concerned at a later time than at present.

Instead of having a jury trial docket for each of the law courts as at present there will be a consolidated trial list containing jury cases from all of these courts.

After a case is at issue the attorney for one of the parties may file with the assignment clerk an instruction to place the case on the consolidated trial list, and the cases will be given numbers on the list in the order in which such instructions are filed, irrespective, of course, of the court in which the case may be pending. Either party to a jury case appealed from the People's Court may order it placed on the consolidated trial list at any time after the papers are filed in the Baltimore City Court. Every two weeks there will be a call by the assignment clerk of a certain number of cases on

the list (we suggest 250 or 300 at the beginning) from which there will be made a general assignment of cases for trial during the two weeks period beginning two weeks from the date of the call. Counsel may reply to the call by written communication provided it is in the hands of the assignment clerk by 12 o'clock, noon, on the day preceding the call. In the absence of such written communication, the call must be attended in person. Any case for which there is no answer at the call will be placed at the bottom of the consolidated trial list, as it then exists, unless for good cause it is otherwise ordered. If, for good cause, a case in the call is not ready for trial, it may be continued to the next succeeding two weeks call.

cont?
discontinue next call

If any cases ready for trial in a two weeks general assignment are not reached for trial during that period, they will be entitled to be carried over into the next two weeks general assignment and have priority over other cases therein.

If a case in a two weeks call is pending on a law motion and counsel have not had an opportunity to be heard on the motion by an assignment of the matter for a hearing, or if the matter is being held sub curia by the court, the case will be continued to a future call. If the motion has been in an assignment for hearing but not heard on request of counsel, and the matter is not being held sub curia by the court, the case will go to the bottom of the consolidated trial list, unless otherwise ordered.

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As to daily assignments for trial, the assignment clerk will be advised as to progress of cases on trial in various court rooms, so that counsel in succeeding cases may be informed as to the approximate time that another trial will start in that room. Knowledge as to progress of trials, especially when they will continue into the following day, will also help the assignment clerk in making up his assignment for the following day.

At 9:45 a.m. or some other hour to be designated, on the day that a case is assigned for trial, counsel and witnesses will report to a central assignment room and receive instructions as to where their case will be tried. Civil jury cases will be tried in Rooms Nos. 401, 406, 451 and 226 of the Court House. Cases ready for trial will be sent in their numerical order in the day's assignment to rooms in the following order, viz: No. 401, No. 406, No. 451 and No. 226. This same order of rooms will be used in designating the room to which cases will be sent respectively for trial. When cases are awaiting trial on any day, the first case in numerical order will be sent to the first room that becomes available. If, during any day, the number of cases awaiting trial is less than the number of available rooms, the cases will be sent in their numerical order to the available rooms in the aforesaid order. For instance, if rooms 406 and 226 are available, and there is one case awaiting trial, the case will be sent to room 406; or if rooms 401, 451 and 226 are available and there are two cases awaiting trial, the

first of such cases will be sent to room 401 and the second to room 451.

Each day, the assignment clerk will make up an assignment of cases for trial on the following day. Heretofore, this work has been done excellently by Mr. Griffith, and it is expected that he will follow pretty much the same procedure in the future as he has in the past. It is believed, however, that he will need assistance particularly because of the records to be kept in connection with the consolidated trial list, his attention to the central assignment room, progress of cases on trial, and possibly some additional work on the telephone.

One of the advantages of the central assignment system is greater uniformity in administration; and it is recommended that there be each year a Supervising Judge of assignments to be named by the Chief Judge.

There is a fine spirit of cooperation among the members of the Supreme Bench in assisting in the trial of cases in any of the courts comprising the Bench; but under our present system it is not practicable for a Judge presiding in one of the courts to start the trial of a case from another court if the trial will continue into the following day or longer. This is because the Judge has an assignment for the following day in the court in which he is presiding and naturally does not want to make himself unavailable to attend to it. Assignments from a consolidated trial list should cure this situation with several helpful results. One of them should be fuller use of court and jury time, and another should be a reduction in the number of cases wherein counsel and witnesses

appear in court ready for trial but the trial is postponed because there is no Judge available to hear it.

The beginning of the consolidated trial list may be made by transferring to it at a given time all cases on the jury trial dockets of the law courts on a pro rata basis. For example, if there are 2000 cases in the Superior Court and 1000 cases in each of the Court of Common Pleas and the Baltimore City Court, cases Nos. 1 and 2 of the Superior Court docket would become Nos. 1 and 2 on the consolidated trial list, case No. 1 on the Court of Common Pleas docket would become No. 3 on the list, and No. 1 on the Baltimore City Court docket would become No. 4 on the list. This order would be repeated through the rest of the cases on the dockets.

Each case in which the pleadings are brought to an issue after a specified date would be placed on the consolidated trial list in the order in which one of the parties files an instruction with the assignment clerk to place it there. All cases which were brought to an issue prior to the specified date and did not appear on one of the trial dockets would be given numbers on the consolidated trial list on a pro rata basis after the cases which were transferred from such dockets and prior to those which came to an issue after the specified date.

Shortly after the beginning of the present September term of court and before any change in our assignment system was suggested, Mr. Pittman made known to the Chief Judge his need of Mr. Griffith for other

important work in his office, but he, in his usual cooperative spirit, consented to allow Mr. Griffith to continue temporarily with his assignment services to all of the civil courts. We have recently conferred with Mr. Pittman, and although he is anxious for good reasons to have Mr. Griffith relieved of his assignment duties as soon as possible, he has again expressed his desire to cooperate as fully as he can, and toward that end Mr. Griffith will be available to work temporarily on the central assignment system, if it is adopted, until the Supreme Bench can make other arrangements for the required personnel.

At present it is not anticipated that any cases will be set specially for trial unless there are special circumstances making it feasible to do so. Exceptions should probably be made in cases where witnesses reside long distances from Baltimore and where unusual difficulty is experienced in arranging for medical testimony.

We have hereinbefore suggested a few rules for use at the beginning of the system, but they are tentative and subject to change. Among the unanswered questions are these, viz: what will happen if a case is at issue for a long time but neither party orders it to be placed on the consolidated trial list? After a case has been postponed once or twice because a doctor witness is unavailable, should there be a rule that there will be no further postponement for the same reason, but the party who is to produce the witness may take his deposition and have it admitted in evidence. There will be many other questions; but

we are not undertaking to answer them now, because we believe they can be answered much more intelligently after further consideration and experience.

If the Supreme Bench approves the procedure under a central assignment system and consolidated trial list as herein recommended, we further recommend that the operation of all existing rules of the Bench that are inconsistent with the new procedure be temporarily suspended.

In their efforts in this matter, the members of this committee have had the pleasure and benefit of conferring with members of a special committee of the Bar Association of Baltimore City.

Respectfully submitted,

E. Paul Mason

Herman M. Moser

John T. Tucker
Committee