

HALL OF RECORDS  
ANNAPOLIS, MARYLAND

# JOURNAL

OF

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## PROCEEDINGS

OF

# House of Delegates

OF

MARYLAND

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JANUARY SESSION, 1939

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1402

BY AUTHORITY

House Bill No. 106—By Messrs. Boucher, Sleeman and Miss Doub:

A Bill entitled "An Act to add a new section to Article 89B of the Annotated Code of Maryland (1935 Supplement), title 'State Roads Commission', said new section to be known as 7AAA to follow immediately after Section 7AA of said Article, authorizing and directing the State Roads Commission to pay to the Mayor and Town Council of Midland a certain sum of money out of the fund allocated to Allegany County by the State Roads Commission out of the lateral road gasoline tax."

*Which was read the first time and referred to the Committee on Ways and Means.*

House Bill No. 107—By the Calvert County Delegation:

A Bill entitled "An Act to repeal and re-enact with amendments Section 20 of Article 99 of the Annotated Code of Maryland, (1935 Supplement), title 'Water-Fowl—Birds and Game', sub-title 'Upland and Migratory Game Birds and Game Animals. Bag Limits and Export of Game', as said section was amended by Chapter 524 of the Acts of 1937, relating to the open season for squirrel in Calvert County."

*Which was read the first time and referred to the Committee on Fish and Game.*

House Bill No. 108—By Mr. Kenney:

A Bill entitled "An Act to repeal and re-enact with amendments Section 1 of Article 49 of the Annotated Code of Maryland (1924 Edition), title 'Interest and Usury', reducing the legal rate of interest."

*Which was read the first time and referred to the Committee on Judiciary.*

House Bill No. 109—By Mr. Argabright:

A Bill entitled "An Act to add a new section to Article 41 of the Code of Public General Laws of Maryland, the said new Section to follow immediately after Section 33 of said Article, to be placed under a new sub-title reading 'Maryland State Song', and to be known as Section 33A, to formally adopt and legalize the Maryland State Song, entitled 'Maryland! My Maryland!'"

*Which was read the first time and referred to the Committee on Judiciary.*

House Bill No. 371—By Mr. Behounek:

A Bill entitled "An Act to repeal and re-enact, with amendments, Section 8 of Article 95A of the Annotated Code of Maryland, title 'Unemployment Compensation', sub-title 'Period, Election and Termination of Employer's Coverage', and sub-section (f) of Section 19 of said Article, sub-title 'Definitions', as said sections were amended by Chapter 2 of the Acts of the Extraordinary Session of 1937, relating to the number of employees which subjects an employing unit to the provisions of said Article."

*Which was read the first time and referred to the Committee on Judiciary.*

House Bill No. 372—By Mr. Booth:

A Bill entitled "An Act to authorize and direct the Police Commissioner of Baltimore City to reinstate Roland S. Duvall, Route No. 10, Box 819A, Sparrows Point, Maryland, as a patrolman."

*Which was read the first time and referred to the Baltimore City Delegation.*

House Bill No. 373—By Mr. Dempsey:

A Bill entitled "An Act to repeal and re-enact, with amendments, Section 945 of Article 4 of the Code of Public Local Laws of Maryland and Baltimore City Charter (1938 Edition), title 'Baltimore City', sub-title 'Special Fund', relating to the dismissal or retirement of employees of the police force or other employees of the Police Department of Baltimore City on account of physical or mental disability or diseases."

*Which was read the first time and referred to the Baltimore City Delegation.*

House Bill No. 374—By Mr. Argabright:

A Bill entitled "An Act to add a new section to Article 41 of the Code of Public General Laws of Maryland, the said new section to follow immediately after Section 33 of said Article, to be placed under a new sub-title reading 'Maryland State Song', and to be known as Section 33A, to formally adopt and legalize the Maryland State Song, entitled 'Maryland! My Maryland!'"

*Which was read the first time and referred to the Committee on Judiciary.*

THE SEVERAL STATES OF THE UNITED STATES OF AMERICA."

*Which was read the second time and ordered printed for its third reading.*

Also,

Mr. Tolle, from Judiciary Committee, reported favorably:

House Bill No. 109—By Mr. Argabright:

Subject: "MARYLAND STATE SONG", entitled "MARYLAND! MY MARYLAND!".

*Favorable report adopted.*

Mr. Robinson, duly seconded, moved said bill to be recommitted to Judiciary Committee.

Said motion prevailed and bill was so recommitted.

Also,

Mr. Tolle, from the Judiciary Committee, reported favorably:

House Bill No. 114—By Mr. Dempsey:

Subject: "CLERKS OF COURTS", sub-title "CLERKS OF CIRCUIT COURTS".

*Favorable report adopted.*

*Which was read the second time and ordered printed for its third reading.*

Also,

Mr. Tolle, from the Judiciary Committee, reported favorably, with amendments:

House Bill No. 139—By Mr. White:

Subject: "SALES AND NOTICES", sub-title "FAIR TRADE ACT."

Amendment No. 2. On page 2, Section 131, line 21, of the Printed Bill, after the "period" insert the following: "The word boiler as mentioned herein shall be construed to be a closed vessel in which steam or vapor (to be used externally to itself) is generated by the application of heat."

*Which amendment was read and adopted.*

Amendment No. 3. On page 3, Section 135, lines 8 and 9, of the Printed Bill, strike out the words "when constructed in accordance with the requirements of the Board of Boiler Rules."

*Which amendment was read and adopted.*

*Favorable report adopted.*

*Which was read the second time and ordered printed for its third reading.*

Also,

Mr. Tolle, from the Judiciary Committee, reported favorably:

House Bill No. 374—By Mr. Argabright:

Subject: "MARYLAND STATE SONG", TO FORMALLY ADOPT AND LEGALIZE THE MARYLAND STATE SONG, ENTITLED "MARYLAND! MY MARYLAND!"

*Favorable report adopted.*

*Which was read the second time and ordered printed for its third reading.*

Also,

Mr. Tolle, from the Judiciary Committee, reported favorably:

House Bill No. 429—By Carroll County Delegation:

Subject: ATTORNEYS AT LAW AND ATTORNEYS IN FACT", sub-title "ADMISSION TO THE BAR."

*Favorable report adopted.*

*Which was read the second time and ordered printed for its third reading.*

## MESSAGE FROM THE EXECUTIVE DEPARTMENT.

The Secretary of State appeared and delivered a message from the Executive.

## EXECUTIVE DEPARTMENT

Annapolis, Md.

March 21, 1939.

The Honorable Thomas E. Conlon, Speaker,  
Maryland House of Delegates,  
Annapolis, Maryland.

*Dear Speaker Conlon:*

I respectfully invite the attention of members of the General Assembly to an event in the glorious history of our State which, this year of 1939, ought to be observed with fitting celebration.

Just one hundred year ago, in 1839, there was born James Ryder Randall, later to achieve immortal fame as the author of our State anthem, "Maryland, My Maryland". This stirring martial song has been considered one of the finest ever written and every Marylander, proud of his State and its traditions, does well to honor the memory of the man who told the story of Maryland's patriots in various wars and who gave a pen picture of our great State.

It is interesting to note that just thirty years ago, in 1909, there was unveiled in this State House at Annapolis, the portrait of James Ryder Randall. At that time, his college mate, Mr. Caleb E. Magruder, in an inspiring address, portrayed the part which Randall had played in the education of his contemporaries and in literary pursuits of his day. Shortly before the unveiling in 1909, the then Governor, Edward Warfield, in 1907, had sponsored a plan to accord official recognition to the poet who had so immortalized our State in song. Randall had been the guest of the City of Baltimore in its home-coming festivities of 1907, where he renewed his long standing acquaintance with the Honorable William Pinkey White who, as a member of the United States Senate, had made arrangements for the publication of the poems.

It has been said that Maryland has been unfortunately negligent in doing honor to the bard who penned our State song. While it is hoped that this charge is not well founded, it would seem to be an oversight if Maryland did not observe the centenary of the birth of Randall because of his great contribution to the glory of our State.

In a few days, on March 25, we will celebrate Maryland Day, and inasmuch as it would seem fitting to have interwoven with the 1939

celebration a tribute to James Ryder Randall, I respectfully ask the consideration of your Honorable Body to a fitting observance. I suggest that a Joint Resolution of both Houses of the General Assembly be passed, authorizing and requesting that in the public schools of our State there be appropriate exercises commemorating Randall's birth and that civic, fraternal, and community associations and groups be requested to honor the memory of the author of this illustrious song of Maryland.

I beg to remain,

Respectfully yours,

HERBERT R. O'CONNOR, *Governor.*

#### HOUSE RESOLUTION.

House Resolution Commemorating the One Hundredth Anniversary of the birth of James Ryder Randall.

WHEREAS, In 1839, James Ryder Randall was born in Maryland; and

WHEREAS, The said James Ryder Randall was latter to achieve immortal fame and to bring renown to the State of Maryland as the author of our State Anthem, "Maryland, My Maryland"; and

WHEREAS, This martial song has been considered one of the finest ever written by a Marylander; and

WHEREAS, Thirty years ago, there unveiled in the State House at Annapolis, a portrait of James Ryder Randall; and

WHEREAS, It seems desirable that proper recognition be rendered to James Ryder Randall as the author of our State Anthem; therefore be it

*Resolved by the House of Delegates of Maryland,* That, in recognition of the One Hundredth Anniversary of the birth of James Ryder Randall, we pause in our deliberations to pay tribute to his memory; and be it further

*Resolved,* That the Superintendent of Schools of Baltimore City and of the several Counties of the State be and they are hereby requested to see that appropriate exercises be held in the several schools in commemoration of his birth each year; and that civic, fraternal and community associations and groups be requested to honor the memory of the author of this illustrious song of Maryland; and be it further

*Resolved*, That these Resolutions be spread upon the House Journal and a copy of same be transmitted to the State Superintendent of Schools, with the request that he send copies to the Superintendent of Schools of Baltimore City and of the several Counties.

*Which was read and adopted.*

#### REPORTS OF SELECT COMMITTEES.

Mr. Atwell, from the Anne Arundel County Delegation, reported favorably:

House Bill No. 256—By Mr. Woodfield:

Subject: "ANNE ARUNDEL COUNTY", sub-title "WEAPONS."

*Favorable report adopted.*

*Which was read the second time and ordered printed for its third reading.*

Also,

Mr. Miller, from the Washington County Delegation, reported favorably, with amendments:

House Bill No. 564—By Messrs. Miller, Mason and Holzapfel:

Subject: "ALCOHOLIC BEVERAGES", sub-title "CLASSES OF LICENSES", MAKING IT A CRIME IN WASHINGTON COUNTY FOR ANY PERSON, ON PREMISES LICENSED FOR THE SALE OF ANY ALCOHOLIC BEVERAGES, TO DRINK OR CONSUME ALCOHOLIC BEVERAGES WHICH ARE NOT LICENSED TO BE SOLD ON SAID PREMISES.

#### AMENDMENTS TO HOUSE BILL No. 564.

Amendment No. 1. In lines 6 and 7 of Section 3A, on page 1 of the printed bill, strike out "by imprisonment not to exceed six months, or".

*Which amendment was read and adopted.*

Amendment No. 2. In line 7 of Section 3A, on page 1 of the printed bill, strike out the numerals and words "\$500, or both" and insert in lieu thereof: "\$10.00".

*Which amendment was read and adopted.*

*Favorable report adopted.*

*Which was read the second time and ordered printed for its third reading.*



Which was read the third time and passed by yeas and nays as follows:

## AFFIRMATIVE.

Messrs.—

Speaker	Dorsey	Smith	Kenney	Buscher
Briscoe	Hurley	Burkins	Abramson	Gill
Cecil	Hoffman	Clark	Cordish	Jones, C. C.
Harris	Lloyd	Heaps	Melnicove	Peelle
Strong	Brinsfield	Moore	Robinson	Shoemaker
Atwell	Dashiell	Banning	Rubenstein	Boucher
Dunker	Howard	Neal	Sklar	Dick
Jackson	Rowland	Appel	Argabright	Doub
Morton	Jefferson	Booth	Boone, 2d	Reed
Schmidt	Clagett	Kopera	Heinekamp	See
Woodfield	Forrest	Kosakowski	Locke	Sleeman
Goldstein	Jones, T. E.	Milano	Luber	Barnes
Owings	Powers	Novak	Baynes	Hoff
Matthews	Sothoron	Behounek	Freburger	Leister
Monroe	White	Conroy	Griffin	Spoerlein
Foley	Benton	Hirt	Grube	Bauman
Houck, F. H.	Price	O'Connell	Hudnet	Carroll
Lord	Pruitt	Cain	Viehmyer	Burroughs
Miles	Robertson	Weintraub	Holzappel, 3d	Johnson
Tolle	Shockley	Albers	Myers	Kolb
Warren	Clapp	Cary	Miller	Rayne
Chaires	Gardner	Dempsey	Beachley	Brenneman
Fairbank	Houck, C. S.	Gately	Cohill	Groves
Kinnamon	Ramsburg	Kearns	Mason	Martin

Total—120

## NEGATIVE—NONE.

*Said bill was then sent to the Senate.*

Also,

House Bill No. 374—By Mr. Argabright:

Subject: "MARYLAND STATE SONG", sub-title "MARYLAND! MY MARYLAND!"

Which was read the third time and passed by yeas and nays as follows:

## AFFIRMATIVE.

Messrs.—				
Speaker	Dorsey	Smith	Kenney	Buscher
Briscoe	Hurley	Burkins	Abramson	Gill
Cecil	Hoffman	Clark	Cordish	Jones, C. C.
Harris	Lloyd	Heaps	Melnicove	Peelle
Strong	Brinsfield	Moore	Robinson	Shoemaker
Atwell	Dashiell	Banning	Rubenstein	Boucher
Dunker	Howard	Neal	Sklar	Dick
Jackson	Rowland	Appel	Argabright	Doub
Morton	Jefferson	Booth	Boone, 2d	Reed
Schmidt	Clagett	Kopera	Heinekamp	See
Woodfield	Forrest	Kosakowski	Locke	Sleeman
Goldstein	Jones, T. E.	Milano	Luber	Barnes
Owings	Powers	Novak	Baynes	Hoff
Matthews	Sothoron	Behounek	Freburger	Leister
Monroe	White	Conroy	Griffin	Spoerlein
Foley	Benton	Hirt	Grube	Bauman
Houck, F. H.	Price	O'Connell	Hudnet	Carroll
Lord	Pruitt	Cain	Viehmyer	Burroughs
Miles	Robertson	Weintraub	Holzapfel, 3d	Johnson
Tolle	Shockley	Albers	Myers	Kolb
Warren	Clapp	Cary	Miller	Rayne
Chaires	Gardner	Dempsey	Beachley	Brenneman
Fairbank	Houck, C. S.	Gately	Cohill	Groves
Kinnamon	Ramsburg	Kearns	Mason	Martin

Total—120

NEGATIVE—NONE.

*Said bill was then sent to the Senate.*

Also,

House Bill No. 378—By Miss Shoemaker:

Subject: "MONTGOMERY COUNTY", sub-title "BETHESDA."

Also,

House Bill No. 241—By Mr. White:

Subject: "LICENSES", sub-title "MOTOR VEHICLES", sub-heading "RULES OF THE ROAD."

*Endorsed, read the third time and passed by yeas and nays.*

Also,

House Bill No. 335—By Mr. Abramson:

Subject: "BALTIMORE CITY", sub-title "JUSTICES OF THE PEACE AND CONSTABLES."

*Endorsed, read the third time and passed by yeas and nays.*

Also,

House Bill No. 356—By Mr. Tolle:

Subject: "CHANCERY", sub-title "TRUSTEE."

*Endorsed, read the third time and passed by yeas and nays.*

Also,

House Bill No. 374—By Mr. Argabright:

Subject: "MARYLAND STATE SONG", entitled "MARYLAND! MY MARLAND!"

*Endorsed, read the third time and passed by yeas and nays.*

Also,

House Bill No. 396—By Mr. Tolle:

Subject: "PLEADINGS, PRACTICE AND PROCESS AT LAW", sub-title "SUPPLEMENTARY PROCEEDINGS."

*Endorsed, read the third time and passed by yeas and nays.*

Also,

House Bill No. 613—By Mr. Hoff:

Subject: "CARROLL COUNTY", sub-title "WESTMINSTER."

*Endorsed, read the third time and passed by yeas and nays.*