

HALL OF RECORDS  
ANNAPOLIS, MARYLAND

# JOURNAL

of

## PROCEEDINGS

of the

### SENATE

of

### MARYLAND

JANUARY SESSION, 1939

1361

BY AUTHORITY

## MESSAGE FROM THE EXECUTIVE

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

EXECUTIVE DEPARTMENT,  
ANNAPOLIS, MD., March 21, 1939.

THE HONORABLE ARTHUR H. BRICE,  
President Maryland State Senate,  
Annapolis, Maryland.

*Dear President Brice:*

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 years 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, Edwin 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 homecoming festivities of 1907, where he renewed his long standing acquaintance with the Honorable William Pinkney 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.*

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

EXECUTIVE DEPARTMENT,  
ANNAPOLIS, MD., March 21, 1939.

HON. C. ANDREW SCHAAB,  
Secretary of State Senate,  
Annapolis, Md.

*Dear Mr. Schaab:*

Your favor of March 21st to Governor O'Connor requesting the return to the Senate of S. B. 146—Chapter 50, introduced by Senator Cronin, for further consideration by the General Assembly, together with message from the House of Delegates consenting to the said request, has been received.

The Governor consents to the return of said bill to you herewith.

Very truly yours,

MURRAY G. HOOPER,  
*Chief Clerk.*

*Which was read.*

#### SPECIAL ORDERS

The President laid before the Senate the Special Order of the day.

*Being:*

HOUSE BILL NO. 13—By Mr. White:

Subject: "DEPARTMENT OF PUBLIC WELFARE", subtitle "THE DEPARTMENT OF CHARITIES".

urance', authorizing the formation and admission of Lloyds associations to write insurance in Maryland".

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

Also,

HOUSE BILL NO. 359—By Prince George's County Delegation:

A Bill entitled "An Act to add a new section to Article 53 of the Annotated Code of Maryland (1935 Supplement), title 'Landlord and Tenant', sub-title 'Distress for Rent', said new section to be known as Section 25 and to follow immediately after Section 24G of said Article, as said section was enacted by Chapter 529 of the Acts of 1937 (General Session), relating to sale by the landlord of tobacco grown on leased premises".

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

Also,

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 Judicial Proceedings.*

Also,

HOUSE BILL NO. 378—By Miss Shoemaker:

A Bill entitled "An Act to add a new section to Article 16 of the Code of Public Local Laws of Maryland (1930 Edition), title 'Montgomery County', sub-title 'Bethesda', said new section to be known as Section 41A and to follow immediately after Section 41 of said Article, authorizing the County Commissioners to levy tax for the construction, maintenance and operation of a library to be known as the Bethesda Public Library Association, Inc., or its legal successor, in the Bethesda Fire Department special tax area of the Seventh Election

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

*Favorable report "adopted".*

*Which was read the second time and ordered passed to its third reading.*

Also,

Senator Gorfine, from the Committee on Judicial Proceedings, reported favorably HOUSE BILL NO. 356—By Mr. Tolle:

A Bill entitled "An Act to add a new section to Article 16 of the Annotated Code of Public General Laws of Maryland (1935 Supplement to Edition of 1924), title 'Chancery', sub-title 'Trustee', said new section to be known as Section 268C providing that any non-resident individual and any foreign corporation authorized to perform fiduciary functions, may act as trustee under the will of a deceased resident of this State, provided that the law of the State in which such person is a resident or the State in which such corporation was incorporated confers like powers upon individuals and corporations of this State."

*Favorable report "adopted".*

*Which was read the second time and ordered passed to its third reading.*

Also,

Senator Gorfine, from the Committee on Judicial Proceedings, reported favorably HOUSE BILL NO. 374—By Mr. Argabright:

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

*Favorable report "adopted".*

*Which was read the second time and ordered passed to its third reading.*

Also,

Senator Gorfine, from the Committee on Judicial Proceedings, reported favorably HOUSE BILL NO. 396—By Mr. Tolle:

Also,

HOUSE BILL NO. 356—By Mr. Tolle:

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

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

**AFFIRMATIVE.**

Messrs.—

President	Dize	Gorfine	Marbury	Shipley
Bennett	Dorsey	Johnson, J.	Marvel	Squier
Callan	Feehley	Johnson, T.	Mish	Ward
Carter	Flynn	Kennedy	Peter	Wilmer
Cronin	Friend	Kimble	Phipps	Wolfe
Davis	Funk	Lindsay	Roe	Total—29

**NEGATIVE—None.**

*Said bill was then returned to the House of Delegates.*

Also,

HOUSE BILL NO. 231—By Messrs. Sothoron, Powers, Jones,

Forrest, Goldstein, Owings, and Woodfield:

Subject: "INSPECTIONS", sub-title "TOBACCO".

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

**AFFIRMATIVE.**

Messrs.—

President	Dize	Gorfine	Marbury	Shipley
Bennett	Dorsey	Johnson, J.	Marvel	Squier
Callan	Feehley	Johnson, T.	Mish	Ward
Carter	Flynn	Kennedy	Peter	Wilmer
Cronin	Friend	Kimble	Phipps	Wolfe
Davis	Funk	Lindsay	Roe	Total—29

**NEGATIVE—None.**

*Said bill was then returned to the House of Delegates.*

Also,

HOUSE BILL NO. 374—By Mr. Argabright:

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

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

## AFFIRMATIVE.

Messrs.—

President	Dize	Gorfine	Marbury	Shipley
Bennett	Dorsey	Johnson, J.	Marvel	Squier
Callan	Feehley	Johnson, T.	Mish	Ward
Carter	Flynn	Kennedy	Peter	Wilmer
Cronin	Friend	Kimble	Phipps	Wolfe
Davis	Funk	Lindsay	Roe	Total—29

NEGATIVE—None.

*Said bill was then returned to the House of Delegates.*

Also,

HOUSE BILL NO. 396—By Mr. Tolle:

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

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

## AFFIRMATIVE.

Messrs.—

President	Dize	Gorfine	Marbury	Shipley
Bennett	Dorsey	Johnson, J.	Marvel	Squier
Callan	Feehley	Johnson, T.	Mish	Ward
Carter	Flynn	Kennedy	Peter	Wilmer
Cronin	Friend	Kimble	Phipps	Wolfe
Davis	Funk	Lindsay	Roe	Total—29

NEGATIVE—None.

*Said bill was then returned to the House of Delegates.*

Also,

HOUSE BILL NO. 613—By Mr. Hoff:

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

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

## AFFIRMATIVE.

Messrs.—

President	Dize	Gorfine	Marbury	Shipley
Bennett	Dorsey	Johnson, J.	Marvel	Squier
Callan	Feehley	Johnson, T.	Mish	Ward
Carter	Flynn	Kennedy	Peter	Wilmer
Cronin	Friend	Kimble	Phipps	Wolfe
Davis	Funk	Lindsay	Roe	Total—29

NEGATIVE—None.

*Said bill was then returned to the House of Delegates.*