

1 a commission on which he served and which is headed by former  
2 Chief Judge Frederick Bloom recently is recommending the  
3 abolishment of this provision. Judge Sobeloff, as I point  
4 out on page 1 of the memorandum, writing for the Fourth  
5 Circuit Court of Appeals, notes that we are meeting in  
6 convention and that we will consider it and by implication  
7 suggests that this be removed.

8 The reasons for removing it are set forth and there  
9 are five in number, the major reasons. In the first place,  
10 the 1851 Convention, when it was first adopted, adopted it  
11 under a misconception of what the Common Law of England was.  
12 They adopted it because there was a multitude of different  
13 procedures with respect to rulings on questions of law among  
14 the various courts of Maryland and they thought that they  
15 were providing the type of consistency which England sought  
16 to provide. Now actually this wasn't the case because --  
17 I won't go into technicalities, but there was an act known as  
18 Foxes libel law which changed the law in England in criminal  
19 libel cases and they thought this was enunciative of the law  
20 of England. But in any case, whatever the reasons, they  
21 no longer exist.