

Editorial Section

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NEWS OF THE BAR ASSOCIATIONS

Volume Forty-three of the Transactions of the Maryland State Bar Association was recently published. It reports the proceedings of the Forty-third Annual Meeting, which was held at Atlantic City, N. J., on June 23, 24 and 25, 1938.

Hon. Robert F. Stanton, who had been elected President to fill out the term of Jesse N. Bowen, Esq., who died during

his term of office, presided and addressed the convention on "Some Trials of a Trial Judge". Other principal addresses were by James T. Carter, Esq., on "The Taxes You Pay"; by William L. Henderson, Esq., on "Intergovernmental Immunity"; and by Hon. Joseph C. O'Mahoney on "Let the Law Look to the Future".

Officers for the ensuing year were elected as follows: President, Hon. Frank I. Duncan; Secretary, James W. Chapman, Jr., Esq., re-elected; Treasurer, R. Bennett Darnall, Esq., re-elected. The nine Vice-Presidents elected were: Godfrey Child, T. Hughlett Henry, Michael W. Fahey, Daniel W. Doub, George E. Rullman, Hon. Edward S. Delaplaine, J. F. Lillard, Harold Tschudi, and Gerald W. Hill. The Executive Council will consist of Messrs. George Henderson, James Clark, Clarence K. Bowie, and Lee S. Meyer. Mr. Darnall resigned as Treasurer in December, 1938, and Robertson Griswold, Esq., was selected to serve in his place.

The current volume of the Transactions also contains a General Index of all addresses before the Association from 1896 to 1937, inclusive.

Officers of the Bar Association of Baltimore City for the current year, elected on December 12, 1938, are Robert France, Esq., President; Wendell D. Allen, Esq., First Vice-President; Reuben Oppenheimer, Esq., Second Vice-President; G. C. A. Anderson, Esq., Secretary; and Harold Tschudi, Esq., Treasurer.

Officers of the Junior Bar Association of Baltimore City for the current year, elected in December last, are A. Risley Ensor, Esq., President; J. Gilbert Prendergast, Esq., Vice-President; Charles Markell, Jr., Esq., Secretary; Oscar Samuelson, Esq., Treasurer; and Norwood B. Orrick, Esq., Member at Large of the Executive Committee. Committee Chairmen are Herbert Myerberg, Legislation; Nicholas G. Penniman, III, Judiciary; R. Lee Slingluff, Jr., Program; Joseph Harlan, Membership; and Leander R. Sadtler, Special Committee on Constitution and By-Laws.

CONSTITUTIONAL AMENDMENTS AND REFERRED LEGISLATION

At the November, 1938 election the voters of the State had occasion to vote on three proposed amendments to the Constitution and Declaration of Rights of the State and one statute which had been subjected to referendum by proper petition. Two of the constitutional amendments were defeated, while the third, and the referred act, were ratified.

The successful amendment was proposed by Chapter 494 of the Acts of 1937 and it provides an additional Associate Judge for the Second Judicial Circuit, composed of Caroline, Talbot, Queen Anne's, Kent, and Cecil Counties. It provides that the additional Associate Judge shall be a resident of Cecil County and that the first incumbent of the office shall be appointed by the Governor after the expiration of six months from the adoption of the amendment, to serve until the election of 1942.

The referred legislative act which was ratified, Chapter 91 of the Acts of 1937, provides for a delay of forty-eight hours between the application for a marriage license and the issuance thereof. While the statute is State-wide in effect, common knowledge has it that its passage was motivated by a desire to cure a notorious situation which had arisen whereby the town of Elkton, strategically situated with reference to certain populous States with stricter marriage laws than Maryland's, had become a nationally known "Gretna Green", where hasty marriages were frequently performed.

One of the defeated constitutional amendments, proposed by Chapter 525 of the Acts of 1937, would have amended Article 15 of the Declaration of Rights, so as to authorize the General Assembly to levy a graduated income tax and to provide for exemptions from the tax. Apparently there is doubt, under the particular present provision of the Declaration of Rights, whether an income tax with graduated rates and exemptions is constitutional. The validity of the presently applicable Maryland income tax law, which provides for exemptions, although it imposes only a flat rate, has never been ruled on by the Court of Appeals. The

amendment had been proposed in an effort to clear up the doubts.

The other defeated constitutional amendment, proposed by Chapter 463 of the Acts of 1935, would have removed the prohibition against the authorization of lotteries.

RECENT CHANGES IN THE JUDICIARY OF THE STATE

The principal recent change in the personnel of the judiciary of Maryland occurred in December last when the Hon. Hammond Urner, senior member of the Court of Appeals by virtue of his service since 1909, retired upon reaching the constitutional retirement age of seventy. To serve in Judge Urner's place, until the election of 1942, Governor Nice appointed Hon. Edward S. Delaplaine, of the Frederick Bar, to be Chief Judge of the Sixth Judicial Circuit and hence a member of the Court of Appeals. Certain other changes occurred as a result of the general election held in November last.

In the First Judicial Circuit, composed of Worcester, Somerset, Dorchester, and Wicomico Counties, there were no changes, as all the judges were serving terms as yet unexpired. Chief Judge Benjamin A. Johnson, of Salisbury, and Associate Judges James M. Crockett, of Pocomoke City, and T. Sangston Insley, of Cambridge, are the judges of that Circuit.

In the Second Judicial Circuit, composed of Caroline, Talbot, Queen Anne's, Kent, and Cecil Counties, Associate Judge Thomas J. Keating, of Centreville, was elected to succeed himself. Chief Judge W. Mason Shehan, of Easton, and Associate Judge J. Owen Knotts, of Denton, whose terms are still running, are the other judges of that Circuit. The Constitutional amendment providing for an additional judge for that Circuit was approved at the election and under its terms the first incumbent will presently be appointed to serve until the next election.

In the Third Judicial Circuit, composed of Baltimore and Harford Counties, Hon. T. Scott Offutt, of Towson, was re-

elected Chief Judge and ex-officio member of the Court of Appeals. Upon the retirement of Judge Urner, Judge Offutt, who had served since 1920, became the senior member of the Court of Appeals. Hon. Frederick Lee Cobourn, of Belair, was elected an Associate Judge, replacing Hon. John A. Robinson, who had been serving by appointment until the election. Hon. J. Fletcher H. Gorsuch, Jr., of Towson, was also elected an Associate Judge, in place of Hon. William H. Lawrence, of Towson, who had been serving by appointment until the election. Judge Gorsuch's death occurred shortly after he took office. Governor Nice re-appointed Judge Lawrence to the position, to serve until the election of 1942. The remaining Associate Judge, Hon. C. Gus Grason, of Towson, was serving a term not expiring.

In the Fourth Judicial Circuit, composed of Allegany, Garrett, and Washington Counties, Associate Judge William A. Huster, of Cumberland, who had been serving by appointment until the election, was elected to a full term. The terms of Chief Judge D. Lindley Sloan, of Cumberland, and Associate Judge Frank G. Wagaman, of Hagerstown, continue to run.

In the Fifth Judicial Circuit, composed of Carroll, Howard, and Anne Arundel Counties, Hon. Ridgely P. Melvin, of Annapolis, was elected an Associate Judge, replacing Hon. Linwood L. Clark, who had been serving by appointment until the election. Chief Judge Francis Neal Parke, of Westminster, and Associate Judge William H. Forsythe, Jr., of Ellicott City, continue to serve under terms not yet expired.

In the Sixth Judicial Circuit, composed of Montgomery and Frederick Counties, Chief Judge Urner retired and Judge Delaplaine was appointed to his place, as was mentioned above. Hon. Stedman Prescott, of Rockville, was elected as the first incumbent of the additional Associate Judgeship authorized at the previous election. Associate Judges Arthur D. Willard, of Frederick, and Charles W. Woodward, of Rockville, continue in office under unexpired terms.

In the Seventh Judicial Circuit, composed of Prince George's, Charles, Calvert, and St. Mary's Counties, Asso-

ciate Judges William Meverell Loker, of Leonardtown, and Joseph C. Mattingly, of Upper Marlboro, were each re-elected. Chief Judge Walter J. Mitchell, of La Plata, is serving a term not yet expired.

In the Eighth Judicial Circuit, composed of Baltimore City, several Associate Judgeships of the Supreme Bench of Baltimore City were voted on. Hon. Eli Frank was re-elected. Associate Judges Edwin T. Dickerson and J. Abner Sayler, who had been serving by appointment until the election, were elected for full terms. Messrs. W. Conwell Smith, J. Craig McLanahan, and Emory H. Niles were elected to the Associate Judgeships which were vacant through the resignations of Judges Robert F. Stanton, Duke Bond, and Oscar Leser. The terms of the remaining members of the Supreme Bench of Baltimore City were not expiring. These comprise Chief Judge Samuel K. Dennis, and Associate Judges George A. Solter, Joseph N. Ulman, Eugene O'Dunne, and Rowland K. Adams.

Hon. Carroll T. Bond, member of the Court of Appeals from Baltimore City, and Chief Judge of that Court, continues to serve under an unexpired term.