

Editorial Section

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CARROLL T. BOND, 1873-1943.

The REVIEW notes with sorrow the death of Hon. Carroll T. Bond, which occurred on January 18, 1943. Since 1924 Judge Bond had been Chief Judge of the Court of Appeals of Maryland and the member from Baltimore City of that

Court. Judge Bond was born in Baltimore on June 13, 1873, and was educated at Harvard University, A. B., 1894; and at the University of Maryland Law School, LL. B., 1896. He practiced law in Baltimore from 1896 until 1911, when he was appointed an Associate Judge of the Supreme Bench of Baltimore City, where he served until his appointment to the Court of Appeals in 1924.

Judge Bond was the author or editor of two books about the Court of Appeals of Maryland. He had also prepared articles and addresses on this and other subjects. Recently he had been particularly active in the movement for procedural and judicial reform in Maryland and, but shortly before his death, had concluded his duties as Chairman of the Commission on the Judiciary Article of the Constitution of Maryland, appointed to recommend changes in that field, which had in the Fall of 1942 filed its Final Report. This report is known as the report of the "Bond Commission." In fact, Judge Bond's last public appearance, just prior to his fatal illness, was at a meeting of the Baltimore City Bar Association in December, 1942, called to discuss the Bond Commission report, at which he spoke, describing the work of the Commission.

From 1910 to 1915 Judge Bond had been a part-time lecturer at the University of Maryland School of Law, teaching at various times the courses in Executors and Administrators, Personal Property and Bailments, Bills and Notes, and Pleading. In 1942 Judge Bond was elected to Honorary membership in the University of Maryland chapter of the Order of the Coif, national honorary society for scholarship in law.

From the formation of the *REVIEW* in 1936, until the time of his death, Judge Bond had been President of the Trustees of Maryland Law Review, Inc. He assisted in organizing the *REVIEW*, later contributed a signed leading article, and offered occasional helpful suggestions and comments about the conduct of the *REVIEW*.

Judge Bond was an able judge, both in temperament and in the quality of his written opinions. The state suffers greatly in being deprived of his judicial services

for the remainder of the time before his retirement age would have been reached. It suffers equally greatly in being deprived of the benefit of his experience and wise counsel which he would certainly have made available, when freed from the demands and restraints of active judicial service, even more generously than when on the bench. Judge Bond was an expert as to the past of the Maryland judicial system; his thirty odd years of service on the trial and appellate bench qualified him to speak of its current functioning; and thus he can well be described as the one of his generation who was best entitled to be concerned and most concerned for the future of that system.

RECENT CHANGES IN THE JUDICIARY OF THE STATE.*

The principal recent change in the personnel of the judiciary of Maryland occurred in January, 1943, upon the death of Hon. Carroll T. Bond, since 1924 Chief Judge of the Court of Appeals and the member thereof from Baltimore City. As new Chief Judge, Governor O'Connor appointed Hon. D. Lindley Sloan, of Cumberland, an Associate Judge of the Court since 1926; and as the member of the Court from Baltimore City he appointed Hon. Rowland K. Adams, an Associate Judge of the Supreme Bench of Baltimore City since 1934. There are also certain other changes, principally resulting from the quadrennial general election held in November last. Only one of these latter involved a change in membership of the Court of Appeals. As mentioned below, this was in the Chief Judgeship of the Fifth Circuit.

In the First Judicial Circuit (Worcester, Somerset, Dorchester, and Wicomico Counties) Associate Judge T.

*See (1939) 3 Md. L. Rev. 151 where, under the same title as herein used, the judicial personnel of the State as of four years ago was described. The present editorial notes any changes since then. For the benefit of those not familiar with the judicial system in Maryland, let it be said that the Court of Appeals consists of the Chief Judges of the first seven circuits, and one member from Baltimore City who has no nisi prius duties.

Sangston Insley, of Cambridge, retired for age in November, 1942, and Hon. W. Laird Henry, of Cambridge, was appointed to succeed him, to serve until the 1946 election. Chief Judge Benjamin A. Johnson, of Salisbury, and Associate Judge James M. Crockett, of Pocomoke City, continue to serve elective terms.

In the Second Judicial Circuit (Caroline, Talbot, Queen Anne's, Kent, and Cecil Counties) Chief Judge Stephen R. Collins, of Chestertown, who had been serving by appointment in succession to Hon. W. Mason Shehan, of Easton, deceased, was elected to a full term. Associate Judge W. R. Horney, of Centreville, who had been serving by appointment in succession to Hon. Thomas J. Keating, of Centreville, retired, was also elected to a full term. Hon. Albert Constable, of Elkton, was elected Associate Judge to succeed Hon. James F. Evans, of Elkton. Associate Judge J. Owen Knotts, of Denton, continues to serve an elective term.

In the Third Judicial Circuit (Baltimore and Harford Counties) Chief Judge C. Gus Grason, of Towson, formerly Associate Judge, who had been serving by appointment in succession to Hon. T. Scott Offutt, of Towson, retired, was elected to a full term. Associate Judge J. Howard Murray, of Towson, who had been appointed when Judge Grason was earlier elevated to the Chief Judgeship, was elected for a full term. Associate Judge William H. Lawrence, of Towson, who had been serving by appointment in succession to Hon. J. Fletcher H. Gorsuch, Jr., of Towson, deceased, was elected to a full term. Associate Judge Frederick Lee Cobourn, of Belair, continues to serve an elective term.

In the Fourth Judicial Circuit (Allegany, Washington, and Garrett Counties) Chief Judge D. Lindley Sloan, of Cumberland, was elected to succeed himself. Associate Judge Joseph D. Mish, of Hagerstown, who had been serving by appointment in succession to Hon. Frank G. Wagoner, of Hagerstown, retired, was also elected to a full term. Associate Judge William A. Huster, of Cumberland, continues to serve an elective term.

In the Fifth Judicial Circuit (Anne Arundel, Carroll and Howard Counties) Hon. Ridgely P. Melvin, of Annapolis, formerly Associate Judge, was elected Chief Judge to succeed Hon. William H. Forsythe, Jr., of Ellicott City, who (also formerly an Associate Judge) had earlier been appointed to succeed Hon. F. Neal Parke of Westminster, retired. Associate Judge James E. Boylan, Jr., of Westminster, who had been appointed when Judge Forsythe was elevated to the Chief Judgeship, was elected for a full term. After the election, when Judge Melvin resigned as Associate Judge in order to qualify as Chief Judge, Governor O'Connor appointed Hon. James Clark, of Ellicott City, to the vacancy to serve until the election of 1946.

In the Sixth Judicial Circuit (Frederick and Montgomery Counties) Chief Judge Edward S. Delaplaine, of Frederick, who had been serving by appointment since Hon. Hammond Urner retired in December, 1938, was elected to a full term. Hon. Patrick M. Schnauffer, of Frederick, was elected Associate Judge to succeed Hon. Arthur D. Willard, of Frederick, retired. Associate Judges Charles W. Woodward and Stedman Prescott, both of Rockville, continue to serve elective terms.

In the Seventh Judicial Circuit (Prince George's Charles, Calvert, and St. Mary's Counties) Chief Judge Ogle Marbury, of Laurel, who had been serving by appointment in succession to Hon. Walter J. Mitchell, of LaPlata, retired, and who had earlier been appointed as the first incumbent of the newly created additional Associate Judgeship, was elected to a full term. Hon. John B. Gray, Jr., of Prince Frederick, who had been serving by appointment as Associate Judge in succession to Hon. Ogle Marbury in the additional judgeship, was elected to a full term. Associate Judge Charles C. Marbury, of Upper Marlboro, who had been serving by appointment in succession to Hon. Joseph C. Mattingly, of Upper Marlboro, retired, was elected to a full term. Associate Judge William M. Loker, of Leonardtown, continues to serve an elective term.

In the Eighth Judicial Circuit (Baltimore City) there were no changes in judicial personnel from November, 1938

until January, 1943, when, as mentioned above, Hon. Carroll T. Bond, the member of the Court of Appeals from Baltimore City, died, and Hon. Rowland K. Adams was appointed to succeed him. At the time that this number of the REVIEW went to press, no one had yet been appointed to succeed Judge Adams as an Associate Judge of the Supreme Bench of Baltimore City.

At the November election in Baltimore City, Judge Bond had been elected to succeed himself; and three Associate Judges of the Supreme Bench, Hon. George A. Solter, Hon. Joseph N. Ulman, and Hon. Eugene O'Dunne, were also elected to succeed themselves. The remaining members of the Supreme Bench of Baltimore City continue to serve elective terms. These are Chief Judge Samuel K. Dennis, and Associate Judges Eli Frank, Edwin T. Dickerson, J. Abner Saylor, W. Conwell Smith, J. Craig McLanahan, and Emory H. Niles. There will be several changes in the membership of the Supreme Bench of Baltimore City before the next general election of 1946, and these will come about through the retirement for age of certain incumbents.

COURT OF APPEALS AMENDMENT PASSES LEGISLATURE

As this number of the REVIEW was about to go to press the General Assembly of Maryland passed Senate Bill 213, submitting to the electorate at the election of 1944 a proposal to re-constitute the Court of Appeals of Maryland. The proposed amendment is based on that portion of the Bond Commission's recommendations which was concerned with the Court of Appeals, although the proposal differs slightly in detail from the form recommended by that Commission.

The proposal calls for the Court of Appeals eventually to be composed of five members, two from Baltimore City, and three from the counties, chosen one each from the three county areas that the proposal provides for. These five appellate judges are to have no regular nisi prius

duties, although the proposal does provide for the assignment of Court of Appeals judges to sit at trials occasionally when necessary, or of trial judges to sit temporarily with the Court of Appeals to fill temporary vacancies thereon. It is also permitted to assign trial judges from one trial Circuit to another to relieve congestion of business.

The areas established for the residences of the eventual five appellate judges are called "Appellate Judicial Circuits" and are as follows: The First is composed of the nine Eastern Shore counties (Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Wicomico, Somerset, and Worcester) which also constitute the First and Second (trial) Judicial Circuits. The Second is composed of seven counties in the central part of the State (Harford, Baltimore, Anne Arundel, Prince George's, Charles, Calvert, and St. Mary's) which constitute the Third, Seventh, and part of the Fifth Judicial Circuits. The Third is composed of seven counties in the Western part of the State (Garrett, Allegany, Washington, Frederick, Montgomery, Howard, and Carroll) which constitute the Fourth, Sixth, and part of the Fifth Judicial Circuits. The Fourth consists of Baltimore City, which now has one member of the Court, and will have two under the proposal.

With reference to Court of Appeals judges in office at the time the amendment goes into effect, it is provided that any of those serving elected terms shall continue in office for the remainder of their terms. In each County Appellate Circuit the Governor must designate one among those already elected as the (regular) member of the Court from that area, and any other elected judges in the area will continue as "additional" judges of the Court of Appeals for the remainder of their terms. The "additional" judges will continue to function both as appellate and as trial judges, although the regular ones will cease having *nisi prius* duties (unless specially assigned). Thus it is that the size of the Court will gradually go down to the eventual five. At the same time, no judge already elected to membership on the Court of Appeals will be deprived of such membership by virtue of the new plan.

The proposal provides that no trial Circuit shall have less than three trial judges. Biennial judicial elections are provided for. Vacancies are to be filled in the first instance by the Governor's appointment, with election to a fifteen-year term at the first biennial election after one year's appointive service. In the case of appointments at the conclusion of a full fifteen-year term, the election will be the very next one. The proposal does not include the Bond Commission's recommendation that appointed judges should be opposed at the elections only by those nominated by petition. Rather, it permits running for a judgeship at such an election in the usual fashion.

At this time the REVIEW merely records the details of the changes proposed by the pending amendment. In later issues in the interim before the 1944 election there will be carried comments on the merits of the proposals.