

Editorial Section

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Recommended Citation

Editorial Section, 7 Md. L. Rev. 230 (1943)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol7/iss3/3>

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Maryland Law Review

Published in December, February, April, and June by Maryland Law Review, Inc.
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\$2.00 Per Volume 75 Cents Per Number

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JOSEPH N. ULMAN, 1878-1943

The REVIEW notes with sorrow the death of Hon. Joseph N. Ulman, which occurred on April 18, 1943. Since 1924 Judge Ulman had been an Associate Judge of the Supreme Bench of Baltimore City. Judge Ulman was born in Balti-

more on August 9, 1878, and was educated at Johns Hopkins University, where he graduated in 1898, and he later engaged in post-graduate and legal study at Columbia University. He practiced law in Baltimore from 1901 until 1924, when he was appointed to the bench.

From 1913 until 1931, Judge Ulman had served as a part-time lecturer at the University of Maryland School of Law, teaching at various times the courses in Sales and Agency. For several years prior to his death he had been an Associate Editor of the American Journal of Criminal Law and Criminology.

Judge Ulman had published numerous magazine articles, addresses, and pamphlets on Criminal Law and other subjects, and was the author of a well-known book published in 1933, *A Judge Takes the Stand*, in which he dealt with law and court procedure against the background of cases which had been tried before him as a judge.

Judge Ulman was active and prominent, both locally and nationally, in matters concerned with penology and criminology, religion and social welfare, and he had served in numerous capacities connected with those endeavors. His untimely and unexpected death while still active in judicial service has deprived the community of an outstanding jurist, scholar, and citizen.

NEWS OF THE BAR ASSOCIATIONS

Volume Forty-seven of the Transactions of the Maryland State Bar Association was recently published. It reports the proceedings of the Mid-Winter Meeting which was held in Baltimore, Md., on January 10, 1942, and of the Forty-seventh Annual Meeting, which was held at Atlantic City, N. J., on June 25, 26, and 27, 1942.

The Mid-Winter Meeting was principally devoted to a consideration of the new Rules of Practice and Procedure which had earlier in the year before gone into effect in Maryland.

At the Annual Meeting, Charles Markell, Esq., retiring President, presided, and addressed the meeting on "Justice

Under Law—Or Power?" Other principal addresses were by the late Chief Judge Carroll T. Bond, on "The Work of the Commission on the Judiciary Article of the Constitution of Maryland"; by Hon. Rowland K. Adams, on "Fortifying the Home Front"; and by Hon. H. S. L. Polak, on "India and the War."

Officers for the ensuing year were elected as follows: President, Hon. James Clark; Secretary, James W. Chapman, Jr., Esq., re-elected; Treasurer, Robertson Griswold, Esq., re-elected. The nine Vice-Presidents elected were George H. Myers, Thomas J. Keating, Jr., Frank H. Jacobs, William A. Gunter, George E. Rullman, Robert Peter, Jr., Leroy Pumphrey, Bernard Flynn, and Reuben Oppenheimer. The Executive Council consists of Messrs. S. Marvin Peach, John Grason Turnbull, Roger B. Williams, and John M. Butler.

Officers of the Bar Association of Baltimore City, elected for the current year at a meeting held in December last, are President, S. Ralph Warnken, Esq.; First Vice-President, Paul F. Due, Esq.; Second Vice-President, Herbert Levy, Esq.; Treasurer, Charles B. Hoffman, Esq.; and Secretary, Wallis Giffen, Esq., re-elected.

Officers of the Junior Bar Association of Baltimore City, elected for the current year at a meeting held in the Fall, are President, Howard H. Conaway, Esq.; Vice-President, George H. Dowell, Esq.; Secretary, Edwin Harlan, Esq.; Treasurer, Harold J. Wolfinger, Esq.; and Member-at-Large of the Executive Committee, Joseph I. Paper, Esq.

NEWS OF THE LAW SCHOOL

The Maryland Chapter of the Order of the Coif, national honorary society for scholarship in law, has made its annual elections to membership. Those elected include Hon. Morris A. Soper, Judge of the United States Circuit

Court of Appeals for the Fourth Circuit, former lecturer at and present member of the Faculty Council of the Law School, who was elected to honorary membership in the Order; Professor Laurence M. Jones, of the full-time faculty, who was elected to faculty membership; and the following members of the graduating class, elected to membership by virtue of their standing in scholarship in the courses taken in the School:

DOROTHY E. HOLDEN F. EDWARD RUGEMER
MARY HOWARD WHALEY

Dean Roger Howell has been appointed a member of the current Committee on Post-War Legal Education of the Association of American Law Schools.

CONSTITUTIONAL AMENDMENTS SINCE THE 1939 CODE

Since the publication in 1939 of the current Annotated Code of the Public General Laws of Maryland, several proposed amendments to the Maryland Constitution of 1867 have been approved at the polls, others were disapproved, and those passed at the recently adjourned 1943 General Assembly are awaiting popular action at the 1944 election. Those proposed by the 1939 legislature, to be voted on in 1940, were printed in the appropriate parts of the Constitution in the Code, in brackets, with footnote indications that the particular material awaited popular action. Those proposed by the 1941 legislature, which were voted on in 1942, appear in the 1941 session laws, and those recently proposed, still awaiting electoral action, will appear in the 1943 session laws.

For the convenience of its readers, the REVIEW hereby calls attention to the contents of and popular action on the first two groups of proposals already voted on, and to the contents of those proposals submitted by the 1943 legislature for action at the 1944 election. All of these will be described in the order of the portions of the Declaration of

Rights and Constitution which were to be or are to be affected by the proposals.

The voters at the 1942 election defeated the proposal (Chapter 716 of 1941) to amend Section 38 of the Declaration of Rights, which, as it still reads, requires the assent of the legislature to gifts, sales, and devises of property to ministers, public teachers, ministers of the gospel, or any religious sect, order, or denomination. The defeated amendment would have empowered the legislature to pass laws regulating, restricting, or requiring its sanction for such transfers. The 1943 legislature (by Chapter 320) has submitted to vote at the 1944 election a proposal completely to repeal Section 38.

The voters at the 1940 election defeated the proposal (Chapter 381 of 1939) to amend Article II, Section 1 of the Constitution so as to make the Governor ineligible to succeed himself in office.

There was approved at the 1942 election the proposal (by Chapter 695 of 1941) to amend Article III, Section 15 so as to increase the compensation of members of the General Assembly. A somewhat similar proposal (by Chapter 247 of 1939) had been defeated at the polls in 1940.

The 1940 election resulted in the approval of the proposal (by Chapter 771 of 1939) to add Article III, Section 35A, subjecting to the State income tax the compensation of judges and other public officers.

At the 1942 election the voters approved the proposal (by Chapter 607 of 1941) to add Article III, Section 40B, enabling the legislature to empower the State Roads Commission to acquire property immediately upon tender of estimated value, subject to further award by a condemnation jury.

There was approved at the 1942 election the proposal (by Chapter 509 of 1941) to amend Article III, Section 45, so as to empower the legislature to fix the salaries of Clerks of Court and Registers of Wills without constitutional maximum.

The 1943 legislature, in passing that portion of the Bond Commission's recommendations which concerned the Court

of Appeals, proposed some incidental changes which affect all the judges of the State, whether appellate or nisi prius. Chapter 772 of 1943, to be voted on at the 1944 election, proposes an amendment of Article IV, Section 5, as to the method of selection of judges. Under it, judges are to be appointed by the Governor in the first instance, subject to election at the first biennial election after one full year's appointive service; or at the next biennial election in the case of appointments at the end of a fifteen year elective term.

A separate amendment proposed by the 1943 legislature by Chapter 796 overlaps one of the component parts of the Bond Commission proposal found in Chapter 772. This is the one proposing to add Article IV, Section 13A, so as to permit the legislature to provide for the assignment of any of the judges of the State to sit anywhere in the State, outside their own circuits, in the event of accumulation of business or the indisposition or disqualification of local judges.

Chapter 772 of 1943 (the Bond Commission proposal, to be voted on in 1944) further provides for the amendment of Article IV, Section 14, concerning the Court of Appeals, so as to provide for that Court ultimately to be composed of five members, two from Baltimore City, and one each from the three County "Appellate Judicial Circuits" provided for. This proposal has been more thoroughly described in the preceding issue of the REVIEW and the description will not be repeated here.

At the 1940 election there was approved the proposal (by Chapter 40 of 1939) to amend Article IV, Section 17, to the effect that the Clerk of the Court of Appeals should be appointed by the Court, rather than elected by the people as theretofore.

Chapter 772 of 1943 (the Bond Commission proposal, to be voted on in 1944) proposes to add Article IV, Section 18A. This would make the Chief Judge of the Court of Appeals the administrative head of the State's judicial system, and empower him to require reports as to judicial business and work in the State. It would permit the Chief

Judge to assign trial judges to sit with the Court of Appeals in place of absent judges thereof, to assign appellate judges to temporary nisi prius work, and to assign trial judges to temporary work in circuits other than their own. The Court of Appeals is also given power to make rules of practice and procedure.

At the 1940 election the voters approved the proposal (by Chapter 200 of 1939) to amend Article IV, Section 21, so as to provide an additional Associate Judge in the Seventh Circuit. There was also approved at the 1942 election the proposal (by Chapter 494 of 1941) further to amend the same article and section so as to require that one of the judges of the Third Circuit should always be a resident of Harford County. A similar proposal (by Chapter 371 of 1939) had been defeated at the 1940 election.

Chapter 772 of 1943 (the Bond Commission proposal, to be voted on in 1944) also proposes further to amend Article IV, Section 21, so as to conform with the other changes therein proposed concerning the Court of Appeals. This provides that each trial circuit (other than the Eighth) shall have three judges, and it substantially preserves the provisions of previous amendments as to residences of the judges.

The voters in 1942 defeated the proposal (by Chapter 824 of 1941) to add Article IV, Section 39A, to establish a constitutional Juvenile Court for Baltimore City. On the other hand, at the 1940 election, there had been approved the proposal (by Chapter 163 of 1939) to establish a People's Court of Baltimore City on a constitutional basis. This latter adds Article IV, Section 41A.

By Chapter 490 of 1943, to be voted on at the 1944 election, it is proposed to amend Article V, Section 9, so as to remove the Constitutional maximum on salaries of County State's Attorneys.

By Chapter 649 of 1943, to be voted on at the 1944 election, it is proposed to add Article XI-B to the Constitution, to authorize the General Assembly to authorize the Mayor and City Council of Baltimore to create a Baltimore Re-development Commission.

At the 1942 election the voters rejected the proposal (by Chapter 337 of 1941) to amend Article XIV, Section 1 so as to delete the requirement of publishing proposed constitutional amendments in a German language newspaper, and to provide for publication of proposed amendments in pamphlet form. The 1943 legislature, by Chapter 476, has resubmitted the proposal, without the provision for pamphlet publication, and it will be voted on in 1944.