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In June of 1978, Professor Laurence M. Jones retired after forty-three years as a Professor of Law, the last thirty-six of which he spent at the University of Maryland. Laurence Jones grew up in Clear Lake, Iowa, where his father was a practicing attorney, and attended the University of Iowa, from which he received his B.A. degree. Upon graduation he entered the university's college of law and received a J.D. degree from the University of Iowa in 1932. At that time the J.D. degree was not awarded to all law school graduates but was reserved for honor graduates. While Laurence Jones was a law student, he worked under Professor Percy Bordwell, who was one of the outstanding scholars and teachers in the field of real property of his time. In this close association with Professor Bordwell, Laurence Jones developed his lifelong interest in the property field. After he was admitted to the Iowa Bar, Laurence Jones decided to further his legal education with two years of graduate study at the Harvard Law School, from which he received his master's degree in 1933 and his S.J.D. degree in 1934. During his summers, and for a year after he completed his graduate studies, he practiced law with his father, but he had already decided that his main objective in life would be to teach law. His decision came during the worst part of the Depression, when law schools were not adding any new members to their faculties, but it was not long before he received an offer from the Lamar School of Law of Emory University. He welcomed this opportunity to begin his teaching career at one of the leading law schools in the South, joining its faculty as assistant professor in 1935.

During the next six years Professor Jones taught the property courses at Emory and participated in the activities of the Georgia Bar Association. In 1941, with the decrease in law student enrollment caused by the military draft, he took a year's leave of

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absence to serve as Visiting Associate Professor at the University of Missouri. When this writer was called to active duty as a reserve officer in June of 1942, Professor Jones joined our faculty as Visiting Associate Professor and took over the teaching of all of the property courses. When the war caused the size of the faculty to be reduced even further, Professor Jones added the torts and insurance courses to his teaching load. The end of the war not only brought the return of this writer from the service in January 1946, but it also caused a sudden influx of war veterans to the Law School. That year Professor Jones became a permanent member of the University of Maryland faculty with the rank of professor. From 1946 until the retirement of this writer in 1974, we divided the teaching of the property courses at Maryland. We both taught first year property classes, but Professor Jones taught the advanced courses in the field of future interests and trusts and estates while this writer taught those on real estate transactions and land use planning. During the years we taught first year property courses together, we were in complete agreement both on the scope of the course, with its emphasis upon the history of the development of real property law, and on the necessity for incisive analysis and the use of correct legal terminology in the study of property law. Although we had different opinions concerning the sequence of the development of the basic property topics, all of our students entered the advanced property courses with the same background and understanding of the fundamental property concepts.

During his thirty-six years on our faculty, Professor Jones did not confine his legal talents to the classroom; he took an active part in the work of the Maryland Bar Association. During the sixties he acted as a consultant to a special legislative commission which was appointed to revise the testamentary laws of Maryland and was a member of the Bar Association special legislative commission that drafted the Limitations on Rights of Entry and Possibilities of Reverter Act. When the Maryland Bar Association was reorganized into sections, Professor Jones became an active member of the Trusts and Estates Section, and continues to serve on its council.

Professor Jones also took an active part in the internal operation of the Law School and the University. He served on numerous Law School committees, including the curriculum committee, which he chaired for many years. After the University Senate was created, Professor Jones served as one of the Law School representatives to that faculty organization and for many years sat on its executive committee. As a member of the University's committee on tenure, he was the principal draftsman of the university faculty contract, which established the tenure rules of the University.

Although he was highly regarded as a property professor, Professor Jones did not always concentrate on property law in his scholarly pursuits. Before he became engrossed in teaching property courses at Emory University, Professor Jones wrote and published two articles examining the problems state legislators encounter in preparing legislation in conformance with state or federal constitutional provisions. The first article, *Constitutional Provisions Regulating the Mechanics of Enactment in Iowa*,[1] dealt with the mechanical details that an Iowa statute had to satisfy before it could become a valid legislative enactment. In his second article, *Some Constitutional Limitations on State Sales Taxes*,[2] Professor Jones discussed the substantive issue of when a state can subject retail sales to a state sales tax without offending the United States Constitution. In 1936, when this article was published, taxation of retail sales was a very important issue; states were in need of a new source of revenue to supplement the property tax, and a retail sales tax was the most likely source. In his analysis of the constitutional restrictions placed upon a state's power to tax retail sales, Professor Jones classified the various taxable sales in three groups: foreign sales, sales taxed by the state of origin of the goods, and sales taxed by the state of destination. As the article pointed out, the constitutional prohibition against levying any imposts or duty on imports and exports applies only to merchandise received from a foreign country and then only if it remains in the original package. Once such a package was broken and the goods incorporated into the general stream of state commerce, they could be taxed. In contrast to the sale of foreign goods, the sale of merchandise between states raised a most important problem of whether imposing a sales tax on the transaction placed a burden on interstate commerce and was thus prohibited under the commerce clause of the United States Constitution. Professor Jones reasoned that the constitutionality of any retail sales tax on a transaction depended on whether the tax was being levied by the state of the goods' origin or the state of destination, and concluded that a state's imposition of a retail sales tax on goods that were within the state, but which were being sold to an out-of-state buyer, would be unconstitutional. He also concluded that it would be an unconstitutional regulation of commerce for the state of destination to tax goods which, at the time of the sale, were outside the state. In sum, Professor Jones concluded that the merchandise had to pass through

1. 21 IOWA L. REV. 79 (1935).
2. 20 MINN. L. REV. 461 (1936).

the hands of a local merchant before a valid retail sales tax could be imposed. Furthermore, he pointed out that these limitations on the scope of the taxation of retail sales could not be avoided by casting the tax in the form of an occupational tax rather than a sales tax; no such tax on the value of merchandise passing in interstate commerce could be imposed.

After Professor Jones became enmeshed in the intricacies of his Future Interests courses, the focus of most of his articles shifted to the field of real property law. Two of the most fascinating problems that arise in connection with future interests are the determination of whether a particular interest is vested or contingent and the application of the Rule against Perpetuities, particularly its application to powers of appointment. Professor Jones dealt with these topics in articles written between 1943 and 1962. His article entitled *Vested and Contingent Remainders, a Suggestion With Respect to Legal Method*[3] examined the traditional manner in which most courts analyze remainder issues. Professor Jones pointed out that courts often begin analysis of such problems by classifying the remainder as either vested or contingent, and demonstrated that courts employing this distinction in this manner often used it to solve problems unrelated to vested or contingent characteristics, whether the remainder was alienable or not, whether it was descendible or devisable, and whether or not the Rule against Perpetuities applied to it. After demonstrating that the application of the traditional vested-contingent distinction served only to confuse that area of property law to the point where neither the courts nor the lawyers could "predict with any degree of accuracy what [would] be the result in the next case," he suggested that the courts abandon this rigid approach to remainders and analyze each case separately in order to determine the exact nature of the remainder problem involved without a preliminary reference to whether the remainder is vested or contingent.

While he was teaching at the University of Maryland, Professor Jones devoted three articles to some of the thornier problems generated by the Rule against Perpetuitites. Two of these articles dealt with the application of the rule to powers of appointment. In the first, *The Rule Against Perpetuities as Applied to Powers of Appointment in Maryland,*[4] he wrote a critique of the manner in which the Maryland Court of Appeals had applied the rule to powers of appointment, analyzing several areas in which Maryland courts had departed from the generally followed, well-

3. 8 MD. L. REV. 1 (1943).
4. 18 MD. L. REV. 93 (1958).

settled rules. He noted, for example, that in Maryland the general power to appoint the property of a trust is in fact limited, in that the trust donee cannot appoint the property to himself, his creditors, his estate or the creditors of his estate, but that the Maryland courts had ignored this limitation.

In his second article on this subject, *The Rule Against Perpetuities and Powers of Appointment: An Old Controversy Revived,*[5] Professor Jones challenged the propriety of the accepted approach to validating powers of appointment, which requires that such appointments be exercised within a period encompassing a life in being, plus 21 years, from the time of its creation. Professor Jones concluded that it would be more in keeping with the real purposes of the rule — to promote free alienability of property and to prevent excessive control by past generations — to measure the rule period from the moment of the donee's death, the time at which the power is exercised.

Professor Jones' third article, *Reforming the Law — The Rule Against Perpetuities,*[6] discussed the common law approach to the rule and analyzed Maryland's statutory modification — adopting the "wait and see" doctrine — of the common law rule. Under this 1960 statute the validity of the property interest is determined on the basis of the facts existing at the termination of the life estate. In his article, Professor Jones weighed the drawbacks of this legislation against the benefit of imposing a limit on the time period during which the deceased donee may control the property, muting his praise of the statute with insightful suggestions for its improvement.

Professor Jones has also written on two personal property questions which are covered in the first year property course and which can always be counted on to create excellent discussion by the students; they are who bears the loss of a theft or damage to an automobile in a pay parking lot and who is entitled to the proceeds of a joint bank account when the depositor dies. In 1938, courts were beginning to hear cases on the issue of liability for damages to cars left in pay parking lots. In his article entitled *The Parking Lot Cases,*[7] Professor Jones analyzed the few cases that existed at that time and pointed out that "[m]ost of the difficulties [with these cases had] arisen from an attempt to apply settled principles of law to a new problem, from an attempt to apply an old rule to a new case." He noted further that the courts had classified these parking lot cases into two types. In cases in which an attendant had merely

5. 54 IOWA L. REV. 456 (1968).
6. 22 MD. L. REV. 269 (1962).
7. 27 GEO. L.J. 162 (1938).

collected the fee and designated the parking area, the courts found the relationship to be merely that of licensor-licensee and relieved the lot operator of liability. On the other hand, when an attendant had exercised complete or substantial control over the automobile, the courts used the bailor-bailee relationship to create a *prima facie* case of negligence on the part of the lot operator.

The relationship between owners of a joint bank account where one party is the sole depositor of money in the account is often of interest both to married law students, who usually have joint accounts with their spouses, and to single students, who often share joint accounts with a parent or parents. In an article entitled *The Use of Joint Bank Accounts as a Substitute for Testamentary Disposition of Property,*[8] Professor Jones reviewed the five theories that have been applied by courts to uphold the survivor's right to the entire balance in a joint bank account upon death of the depositor and determined that the testamentary, gift, trust, contract and cotenancy theories all failed to express satisfactorily the depositor's intent to retain complete control over the property until his death and to specify who will receive it upon the depositor's death. In conclusion, Professor Jones suggested that, in this context, joint accounts be recognized for what they are: testamentary dispositions of property without wills.

A problem similar to the joint bank account situation arose during World War II when newly issued War Savings Bonds were registered under two names. These bonds were completely controlled by Treasury regulations; they were issued under special statutory provisions and were not subject to common law doctrines of joint ownership. When, in 1950, many questions arose with respect to the transferability and taxation of, and rights of the survivor in, these bonds, Professor Jones prepared an article for the *Maryland Law Review,*[9] explaining their ownership and taxation characteristics, and the rights of creditors and survivors under the applicable Treasury regulations.

Throughout his entire teaching career Professor Jones retained an interest in a field of the law unrelated to property which always intrigued him. This was the field of insurance law. On several occasions he taught the course on insurance both at Emory and at Maryland. In 1960, when the use of variable annuities first came into prominence, he couldn't resist the temptation to take a fling into the insurance field by publishing an article entitled *A Discussion*

8. 17 U. PITT. L. REV. 42 (1955).
9. *United States Savings Bonds, Series E, F, and G,* 11 MD. L. REV. 265 (1950).

and Analysis of the Valic *Decision.*[10] In *Valic,* the United States Supreme Court dealt with the immediate problem of whether an owner of a variable annuity had to comply with the terms of the Securities and Investment Companies acts and register with the Securities and Exchange Commission. The Court held that because the amount of a variable annuity was based upon the investment earnings of the insurance company these annuities were subject to the regulations of the SEC in the same manner as mutual investment funds. This article discussed the broad policy aspect of the case: whether the insurance companies issuing variable annuities should be subject to regulation by SEC or left solely to the control of the state insurance commissions. After discussing the business of insurance, the regulation of insurance companies, the nature and regulation of the investment business in general, variable annuities and the *Valic* decision, Professor Jones concluded that the issue remained open and that Congress should reexamine the problem.

During his final year of teaching, Professor Jones again turned to the field of personal property and published an article on *Corroborating Evidence as a Substitute for Delivery in Gifts of Chattels.*[11] In this article he addressed the question of what corroborating evidence in support of an oral gift is sufficient to justify an exception to the traditional rule that there must be a physical transfer of possession of a chattel in order to effectuate a valid gift. After analyzing the cases in which gifts had been sustained without a physical delivery of the chattel, Professor Jones concluded that the true measure of whether an oral gift is valid should be the sufficiency of evidence corroborating the donative intent evidenced by the oral words of gift. In Professor Jones' opinion, this approach to validating oral gifts should not be treated as a mere exception to the manual delivery requirement because it itself establishes a suitable standard by which to test the evidence necessary to establish the gift claim.

With Professor Jones' retirement the Law School has lost a dedicated teacher who devoted his entire time to working with his students both in the classroom and in his office, and who contributed through his publications to the clarification and the improvement of the law. It is the hope of both his colleagues and the legal profession that he will continue his work with the Trust and Estate Section of the Maryland State Bar Association.

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10. 5 VILL. L. REV. 407 (1960).
11. 12 SUFFOLK U. L. REV. 16 (1978).