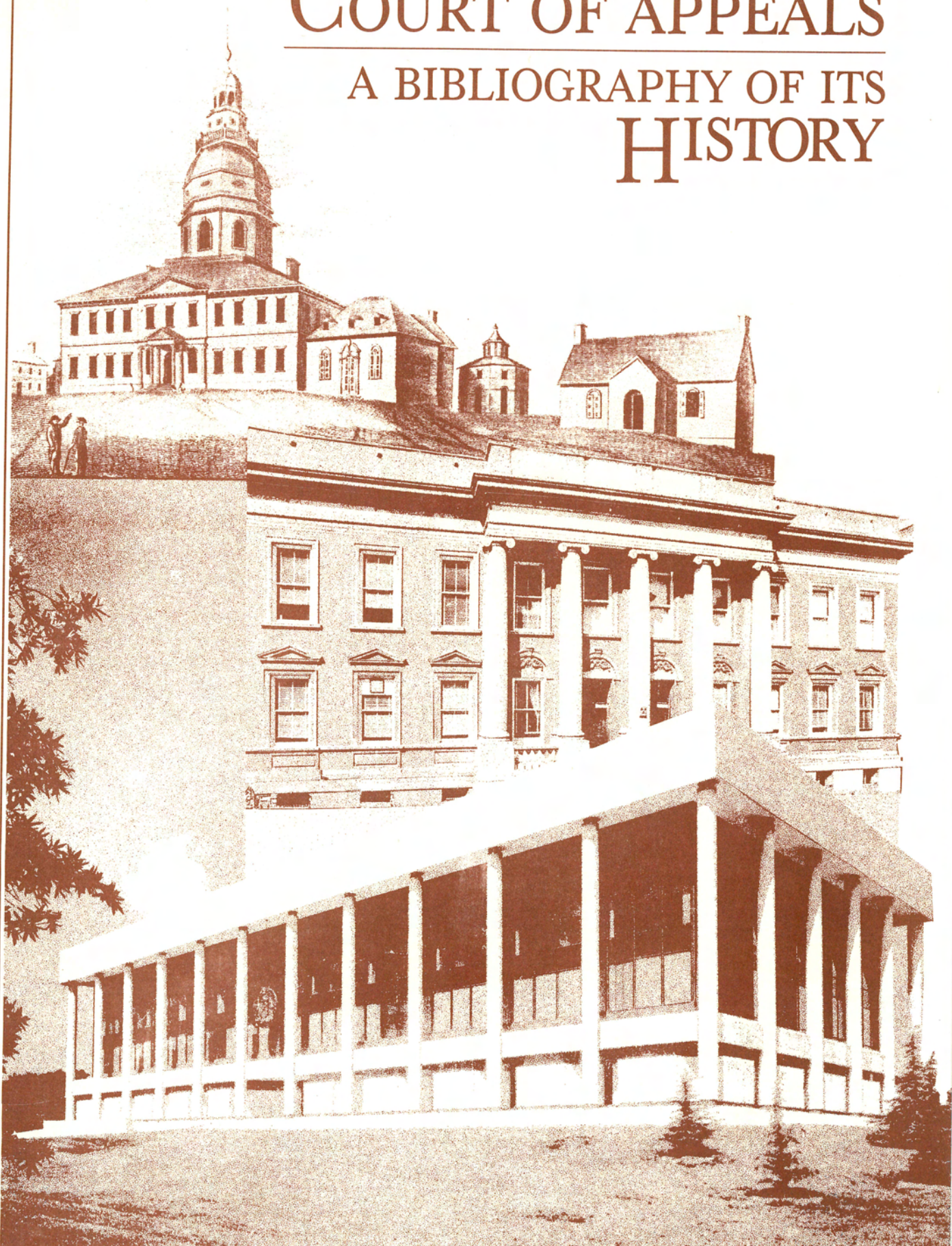


THE MARYLAND  
COURT OF APPEALS  
A BIBLIOGRAPHY OF ITS  
HISTORY



THE MARYLAND  
**C**COURT OF APPEALS  

---

A BIBLIOGRAPHY OF ITS HISTORY



*Compiled by:*  
*Michael S. Miller, Director*  
*Maryland State Law Library*  
*May 1987*



## Preface

In 1978, the Maryland Court of Appeals celebrated its two hundredth birthday. The actual age of the Court has been debated over the years. The present Court, however, was formally fathered by the revolutionary Maryland Constitution of 1776.

For years researchers have experienced first hand the real scarcity of published sources on the Court's history. The only real landmark book on the Court was published in 1928. This work astutely documented and narrated by Judge Carroll T. Bond, The Court of Appeals of Maryland, A History, covers the Court's chronology only up to 1867. A review of basic literature indexing tools turns up surprisingly few citations that provide any other substantive discussion on the Court itself since that time.

The rekindling of interest and scholarly research into the origins and contemporary history of our governmental institutions has been sparked by our bicentennial celebrations of 1976 and now by the United States Constitution's 200th anniversary. It is hoped that this preliminary bibliography on the history of the Court of Appeals will stimulate interest and promote scholarly research on this respected institution's experiences, contributions, and development.

Undoubtedly, this resource checklist is a large step forward in filling a void in Maryland legal history. As far as can be determined no such bibliography has before attempted to bring together sources of information on the Maryland Court of Appeals. The bibliographic references offered are admittedly selective yet represent all the major legal and historical sources that could be identified.

The major sources/collections represented in the bibliography are taken from published monographs, periodical and newspaper articles, transactions of the Maryland State Bar Association, the Maryland Archives, various State constitutional convention debates and proceedings and court records preserved in the Maryland State Archives. Though it is a truism that the human beings who serve an institution establish its character, this bibliography, for the most part, concentrates on the evolution of the Court's structure, jurisdiction, growth and management.

For purposes of simplicity this twelve page bibliography is arranged in the traditional alphabetical order by main entry. Some entries have been briefly annotated to reflect subject pertinence. Most of the items referenced are available for review at the Maryland State Law Library where a location coded copy of the bibliography is retained at the library's reference desk.

Robert C. Murphy, Chief Judge  
Court of Appeals of Maryland

Adkins, William H., II "In Defense of the [alleged] Proud Usurpers (Some thoughts for a Brief for the Appellee in C. Moylan v. Court of Appeals)" 14 Maryland Bar Journal 7. August, 1981.

Adkins, William H., II "Legally and Professionally Most Fully Qualified; the Operations of Judicial Nominating Commissions in Maryland". 11 Maryland Bar Journal 18. Summer, 1978.

Adkins, William H. II, Moser, M. Peter, Dorsey, William R. Chairpersons. "Report of the Special Committees on Judicial Selection and Tenure." 77 Maryland State Bar Association Transactions 45, 171 (1972); 78 Maryland State Bar Association Transactions 28, 108 (1973); 79 Maryland State Bar Association Transactions 34, 118 (1974); 80 Maryland State Bar Association Transactions 55, 144 (1975); 81 Maryland State Bar Association Transactions 41, 145 (1976); 82 Maryland State Bar Association Transactions 59, 127 (1977)

Annual Report of the Administrative Office of the Courts. 1955 - . Annapolis, Md. Administrative Office of the Courts. (Title varies: Annual Report of the Maryland Judiciary)

Ash, David and Stockbridge, Henry, Co-Chairmen "Report of Committee on Appeals." 21 Maryland State Bar Association Transactions 63 (1916).

Bainbridge, John S. "The Court of Appeals: Growth of Power." Baltimore Sun, February 21-23, 1982.

Barnes, Wilson K. "Appellate Lawyers Now See Red - Court of Appeals, in New Building, Reverts to The Scarlet Robes of Yore." 5 Maryland Bar Journal 36. (January, 1973).

Biographical Sketch File of the Judges of the Maryland Court of Appeals (20th Century). Annapolis, Md. Clerk's Office, Court of Appeals of Maryland.

Bland, Theodorick. The Chancellor's Memorial to the General Assembly of Maryland. Baltimore: John D. Toy. 1825. [Claiming payment of Chancellor Bland's Salary which had been withheld by the Assembly in 1824] In: Selected Pamphlets, volume 4. (Rare Book Room)

Bond, Carroll T. The Court of Appeals of Maryland; A History. Baltimore: The Barton-Gillet Company, 1928.

Bond, Carroll T. "An Introductory Description of the Court of Appeals of Maryland." 4 Maryland Law Review 333, (1940).



Bond, Carroll T. "The Methods of the Court of Appeals of Maryland." The Daily Record, February 9, 1925 .

Bond, Carroll T., Chairman. Report of the Commission on the Judiciary Article of the Constitution of Maryland. Baltimore: 1942.

Bond, Carroll T. "The Work of the Commission on the Judiciary Article of the Constitution of Maryland." 47 Maryland State Bar Association Transactions 211 (1942).

Brown, Frederick John. Costs in the Court of Appeals, Explained for the Benefit of Lawyers and Laymen. Baltimore: Baltimore News Company. 1895?

Brune, Frederick. "Judicial Administration in Maryland - Foreward." 16 Maryland Law Review 93 (1956).

Brune, Herbert M. Jr. "The Court of Appeals of Maryland, A Five Year Study." 4 Maryland Law Review 343 (1940).

Buck, Walter H. "Proposals to Change the Maryland Appellate Court System." 6 Maryland Law Review 148 (1942).

Buck, Walter H. "Re: Caseload of the Court of Appeals." The Daily Record, September 23, 1958.

Buck, Walter H. "Suggested Appellate Court changes." The Daily Record, August 23, 1957.

Burke, Edward H. "Minority Report of Committee for Improvement of State Judicial Administration." 56 Maryland State Bar Association Transactions 312, (Discussion on pp. 187-209), (1951).

Burke, Edward H., Chairman. Report of the Commission to Study the Judiciary of Maryland. Baltimore: 1953.

Byrd, Elbert M., Jr. The Judicial Process in Maryland. College Park: Bureau of Governmental Research, University of Maryland. 1961.

Case, Richard W., Chairman. "Reports of the Committee on Judicial Administration of the Maryland State Bar Association and Comments on those Reports". 70 Maryland State Bar Association Transactions 108, 241, 242, 244 (1965) also printed at: 1 Maryland Appellate vii (1967), 71 Maryland State Bar Association Transactions W-15, A-141, D-9 (1968).

"Ceremonies in Commemoration of the 150th Anniversary of the Establishment of the Court of Appeals of Maryland". 157 Maryland Reports xxix (1929).

"Chronicle of Events Celebrating 200th Anniversary of Court of Appeals of Maryland." December 12, 1978. 284 Maryland Reports xxi (1979).

Clagett, Charles. A Review Relative to the Court of Appeals of Maryland. Baltimore: The Daily Record Company. 1959.

Coltman, Edward. "Mystique of The Maryland Judiciary." Baltimore Sun, September 5, 1976 A1/A8. Also reprinted in Chapter F., Maryland Appellate Practice Handbook, Vol. 2 (1977).

Coltman, Edward. "7-Faced Oracle or Only 2nd Guessers; Court of Appeal Defies Description." Baltimore Sun, September 5,6, 1976.

"Constitutional Amendment Approved by Voters of Maryland at General Election of November, 1966 and Legislation Enacted Implementing the Constitutional Amendment and Creating the Court of Special Appeals of Maryland." 1 Maryland Appellate Reports xxxviii (1967).

Constitutional Convention of 1967 - 1968. Committee on the Judicial Branch Reports. F. DeSales Mudd, Chair.

1. Committee Action Record
2. Action Binder - Action Journal
3. Minutes of Meetings - Missouri Plan
4. Correspondence File
5. General File

Constitutional Revision Study Documents of the Constitutional Convention Commission of Maryland. Chapter V, Judicial Branch. Baltimore: State of Maryland for the Constitutional Convention Commission. 1968.

Copies of Records Printed For the Court of Appeals, 1831-1839. Annapolis, Md. (Date unknown)

Court of Appeals of Maryland. Miscellaneous articles, photos, etc. on the History of the Court of Appeals. Annapolis: Maryland State Law Library Vertical File.

Davidson, Spencer L. "Maryland's Court of Last Resort; Chief Judge Bond Delves into His Tribunal's Past." The Daily Record, January 20, 1929.

Day, Alan F. A Social Study of Lawyers in Maryland 1660-1773. Ph.D. Dissertation. Baltimore: Johns Hopkins University. 1976.

Debates and Proceedings of the Maryland Reform Convention to Revise the State Constitution. In Two Volumes. Annapolis: 1851.

The Debates of the Constitutional Convention of 1967-1968. Annapolis. The Maryland Hall of Records.

Debates of the Maryland Constitutional Convention of 1867. Compiled by Philip B. Perlman. Baltimore: Hepbron and Haydon. 1923.

Debates of the Constitutional Convention of the State of Maryland. In Three Volumes. Annapolis: 1864.

Dennis, Samuel K. "A Study of the Remains of the Bond Plan and What May Result." The Daily Record, March 13, 1944.

Dennis, Samuel K. "A Survey of the Movement to Reorganize Maryland's Judicial System; The Report of the Bond Commission and Three Bills Pending in the General Assembly." The Daily Record, February 15, 1943.

de Russy, E.N. "The Early Maryland Reporters - Who Were They"? 1 The Baltimore Barrister 22. (March - May, 1979); 35 (Autumn, 1979); 34 (Winter 1979-80); 2 The Baltimore Barrister 10 (Spring, 1980).

"Desirability of a Change in Procedure at the Court of Appeals." 30 Maryland State Bar Association Transactions 105 (1925). [Subject: Terms of the Court]

Didier, Eugene L. "Court of Appeals of Maryland". 6 Green Bag 225. (1894).

"Discussion of the Scope of the Law Giving the Court of Appeals Power in Making Rules of Pleading and Practice Procedure in Maryland Appellate Courts." 32 Maryland State Bar Association Transactions 88 (1927).



Dixon, Robert G. Jr. "Judicial Administration in Maryland - the Administrative Office of the Courts." 16 Maryland Law Review 95, 185. (1956)

Ellefson, Clinton Ashley. The County Courts and the Provincial Court in Maryland 1733-1763. Ph.D. Dissertation. College Park: University of Maryland. 1963.

Eney, H. Vernon, Chairman. "Report of the Maryland State Bar Association Committee to Study the Case Load of the Court of Appeals." 63 Maryland State Bar Association Transactions 301 (1958). Discussion on Report and Subsequent Reports at: 64 Maryland State Bar Association Transactions 6, 42, 193, 263, 323, 393 (1959), 65 Maryland State Bar Association Transactions 33 (1960).

Feldman, William T. "Report of Committee to Study the Case Load of the Court of Appeals of Maryland, Remarks of." The Daily Record July 24, 1959.

Fisher, Charles O., Chairman. Report of the Commission to Study the Judicial Branch of Government. Annapolis: 1982. [Report and Extensive Files]

Frank, Eli Jr., Chairman. "Reports and Discussion of the Committee on Judicial Selection." 68 Maryland State Bar Association Transactions 65, 102, 131, 302, 309 (1963); 68 Maryland State Bar Association Transactions 18, 157, 407, 424 (1964).

Ground breaking Ceremony Court of Appeals Building. Annapolis, Md. April 20, 1970.

Hammond, Hall. "Commemoration of the Two Hundredth Anniversary of the Maryland Court of Appeals; A Short History." 38 Maryland Law Review 229, 241 (1978).

Hammond, Hall. "Comments of Judge Hall Hammond on the Proposed Reorganization of the Court of Appeals." The Daily Record, May 5, 1959.

Hammond, Hall. "Early Court of Appeals Had Many Homes." 3 Maryland Bar Journal 5. October, 1970.

Hammond, Hall. "Re: Case Load of Court of Appeals, Address at University of Maryland Law School." The Daily Record. April 8, 1957.

Harry, J.W. "The Maryland Constitution of 1851." Volume 20. Johns Hopkins University Studies in History and Political Science. 1902. Baltimore: [Subject: Elective vs. Appointive Judiciary]

Henderson, William L. "The Volume of Cases in the Court of Appeals." 56 Maryland State Bar Association Transactions 177 (1951).

Howard, Charles Mc H., Chairman. Report of Judiciary Commission. Baltimore: 1924.

Invernizzi, Frederick W. and Lord, Henry R. Historical Development of the Maryland Courts/The Maryland Courts, Today. Baltimore: 1973.

Jones, J. Carleton. "A Public Showpiece, Maryland's Court of Appeals Building." 2 Maryland Magazine 19. (Summer, 1970).

"Judge Soper on the Bond Plan". Baltimore Sun, September 27, 1944.

"Judges of the Court of Appeals of Maryland." 20 Maryland Historical Magazine 375, (1925).

Judicial Council of Maryland. Study of the Judicial System of Maryland. Baltimore: Johns Hopkins University Bulletin, No. 1-5. 1930-32.

Land, Aubrey C. The Dulanys of Maryland; A Bibliography Study of Daniel Dulany, The Elder and Daniel Dulany, the Younger. Baltimore: Maryland Historical Society. 1955.

League of Women Voters of Maryland. The Maryland Judiciary; A Study of the Judiciary Article of the Maryland Constitution. Baltimore: 1963.

Levine, Irving A. "Certiorari Procedures in the the Maryland Court of Appeals." The Daily Record, January 20, 1977. [Also reprinted in: Maryland Appellate Practice Handbook. Paul Mark Sandler, Editor Volume 1, p. B-202 Baltimore: MICPEL. 1977].

Lewis, H.H. Walker. "The Evolution of the Court of Appeals of Maryland." 11 Maryland Bar Journal 26a (Special insert) Winter, 1978.

Marbury, Ogle. "Judicial Progress in Maryland." The Daily Record. June 27, 1949.

Marbury, Ogle. "The Maryland Court of Appeals, Address Before the Maryland State Bar Association." The Daily Record. February 1, 1951.

Marbury, Ogle. "The Maryland Method." 24 State Government 226 (1951).

Marbury, Ogle. "Suggestion for a Constitutional Amendment for the Improvement of the State Judicial Administration." The Daily Record. July 21, 1950.

Marbury, William L. "The High Court of Chancery and the Chancellors of Maryland." 10 Maryland State Bar Association Transactions 113. (1905).

Markell, Charles. "Review of Criminal Cases in Maryland by Habeas Corpus and by Appeal." 101 University of Pennsylvania Law Review 1154 (1953).

Martineau, Robert J. "Selection and Tenure of Maryland Judges: an Explanation of a Proposal." 23 Maryland Law Review 201 (1963).

The Maryland Appellate Practice Handbook. In two volumes. Edited by Paul Mark Sandler. Baltimore: Maryland Institute for Continuing Professional Education of Lawyers, Incorporated. 1977. [note especially Chapter F - Innerworkings of the Courts]

Maryland Manual; A Guide to Maryland Government, 1979-80 - Annapolis: Maryland State Archives. [From 1979-80 edition to date includes brief biographies of Maryland judges]

Maryland Reports... Most Important Law Cases, Argued and Determined in the Provincial Court and Court of Appeals of Maryland, 1658-1799. Reported by Thomas Harris and John M'Henry. New York: I. Riley. Annapolis: Jonas Green. 1809-1818. 4 Volumes.

Maryland State Archives. A Location Guide to State Agency Series Titles. Court of Appeals Records and Manuscripts. Annapolis: Maryland State Archives.

McCaffrey, Read K. "Bicentennial Case Book" 8 Maryland Bar Journal 10. (January, 1976).

McSherry, James. "Former Chief Justices of the Court of Appeals of Maryland." 9 Maryland State Bar Association Transactions 106 (1904).

"Memorandum. Commencement of Court of Appeals of Maryland in the New Building in the City of Annapolis, Erected Chiefly for Its Accommodation and That of the State Library." 97 Maryland Reports xxviii. (1903)



Mereness, Newton D. Maryland as a Proprietary Province. New York: The Macmillan Company. 1901. [Chapter 3: "The Administration of Justice"]

Merritt, Elizabeth. "Introduction to the Proceedings of the Provincial Court of Maryland, 1670-1681." Volumes 65-69 Archives of Maryland, (1952-61). [Introductions to those volumes]

Miles, Clarence W. Chairman. "Reports of the Special Committee to Consider the Proposal for Constitutional Amendments and Laws Affecting the Judicial System." 56 Maryland State Bar Association Transactions 32, 168 (1951).

Moylan, Charles E., Jr. "The Limits of Rule Making or Burce's Reply". 14 Maryland Bar Journal 10. August, 1981.

Murphy, Robert C. "Allocation and Assignment of Maryland's Judicial Manpower". 15 Maryland Bar Journal 7. March, 1982.

Myers, William S. "The Maryland Constitution of 1864." Volume 19, Johns Hopkins University Studies in History and Political Science. Baltimore: 1901. [Subject: elective system wins against move for appointive]

Niles, Alfred S. Maryland Constitutional Law. Baltimore: Hepbron and Haydon. 1915.

"Opening of Court - Proceedings of the Court of Appeals of Maryland at the Opening of the Court in the New Courts of Appeal Building on October 10, 1972." 266 Maryland Reports xxi (1972).

Paragraphs on the Subject of Judicial Reform in Maryland, Shewing the Evils of the Present System, and Pointing Out the Only Remedy for their Cure. Baltimore: John D. Toy. 1846.

"The Pending Proposal to Reorganize the Court of Appeals of Maryland." 5 Maryland Law Review 203 (1941).

Phelps, Charles E. "Some Characteristics of the Provincial Judiciary, with Modern Foot-notes." 2 Maryland State Bar Association Transactions 93 (1897).

Proceedings Before the Court of Appeals of Maryland Upon the Inauguratory Session in the New Courts of Appeal Building. Annapolis, Md. October 10, 1972.

Proceedings of the Maryland Court of Appeals, 1695-1729. Edited by Carroll T. Bond. Washington, D.C.: American Historical Association. 1933.

"The Proposed Court of Appeals Amendment." 7 Maryland Law Review 324. (1943).

Radoff, Morris L. Buildings of the State of Maryland at Annapolis. Annapolis: The Hall of Records Commission. 1954.

Rawls, William L. and Brune, Frederick W. "The Bond Report: What and Why." Baltimore Sun, January 11, 1943.

Reiblich, George K. "A Study of the Judicial Administration in the State of Maryland." Baltimore: Johns Hopkins University Studies in Historical and Political Science, Series 47, No. 2. 1929.

Report of a Majority/Minority of the Committee on Judicial Proceedings, Against and In Favor of the Bill to Reform the Judiciary of this State and Diminish the Expenses Thereof. Annapolis: Journal of the Proceedings of the Senate. December Session, 1838.

Report of the Committee on Grievances and Courts of Justice, to Whom Were Referred Three Orders of the House of Delegates, Relative to the Judiciary. Annapolis: Maryland Public Documents. 1844. [Establishing Court of Appeals consisting of three judges; continue Chancellor's Office; setting salaries]

Report of the Constitutional Convention Commission to Spiro T. Agnew, Governor of Maryland. Baltimore: State of Maryland for the Constitutional Convention Commission. 1967.

Report of Thomas Duckett, Chairman of the Committee on the Judiciary, (House of Delegates) in Relation to the High Court of Chancery and the Chancellor's Salary. Annapolis: Maryland Public Documents. December Session, 1846. [Good history of Chancery Court and Office of Chancellor]

Reports of Cases Argued and Adjudged in the Court of Appeals of Maryland. 1851 -. Annapolis, Baltimore, Charlottesville, VA, St. Paul, MN: 1852 - date. 308 Volumes.

Reports of Cases Argued and Determined in the General Court and Court of Appeals of the State of Maryland, 1800-1826. Reported by Thomas Harris and Reverdy Johnson. Annapolis: Jonas Green. 1821-1827. 7 Volumes.

Reports of Cases Argued and Determined in the Court of Appeals of Maryland, 1826-1829. Reported by Thomas Harris and Richard W. Gill. Annapolis: Jonas Green. 1828-1829. 2 Volumes.

Reports of Cases Argued and Determined in the Court of Appeals of Maryland, 1829-1842. Reported by Richard W. Gill and John Johnson. Baltimore: Various Printers. 1830-1845. 12 Volumes.

Reports of Cases Argued and Determined in the Court of Appeals of Maryland, 1843-1851. Reported by Richard W. Gill. Annapolis: 1846-1852. 9 Volumes.

Reports of Cases Decided in the High Court of Chancery, 1824-1841. Reported by Theodorick Bland. Baltimore: 1836-1841. 3 Volumes.

Reports of Cases Decided in the High Court of Chancery of Maryland, 1847-1854. Reported by John Johnson. Annapolis and Baltimore: 1851-1854. 4 Volumes.

Reports of the Committee on Grievances and Court of Justice Relative to the Attendance of Judges of the Court of Appeals and County Courts. Annapolis: Maryland Public Document Series, 1835-1839, 1840, 1846, 1847, 1848, 1850.

"Review of Sentences by Appellate Court". Baltimore: Judicial Conference of Maryland. Proceedings of Tenth Annual Conference. 1955. pp. 185-270.

Reynolds, William L. "The Court of Appeals of Maryland: Roles Work and Performance." 37 Maryland Law Review 1 (1977) Part 2 in 38 Maryland Law Review 148 (1978).

Rollins, Edward D. E. "Suggestions for the Improvement of the Administration of Justice in the Appellate Field in Maryland." 62 Maryland State Bar Association Transactions 266 (1957).

Russell, George L. Chairman. Final Report of the Commission on Judicial Reform to the Governor and General Assembly of Maryland. Baltimore: 1974.

Sams, Conway W. and Riley, Elihu S. The Bench and Bar of Maryland A History, 1634-1901. Chicago: Lewis Publishing Company. Two Volumes. 1901.

Sloan, D. Lindley. The Amendment Reorganizing the Court of Appeals. Baltimore: Maryland State Bar Association Committee to Sponsor the Constitutional Amendment Reorganizing the Court of Appeals. 1944.



Smith, Marvin H. "Court of Appeals; A Retired Judge Reflects on Nearly Two Decades of Change in the Maryland Court of Appeals". 20 Maryland Bar Journal 14. (April 1987)

Soper, Morris A. "Reorganization of the Court of Appeals of Maryland." 8 Maryland Law Review 91 (1944).

Specifications for Court of Appeals Building. Maryland State Court and Office Center. Rowe Boulevard and Taylor Avenue, Annapolis, Maryland. Baltimore: Department of Public Improvements, Board of Public Works. 1970.

Steiner, Bernard C. "Maryland's First Courts". 1 American Historical Association Reports 1901. Washington: 1902. House Document No. 702, Volume 121, 57th Congress First Session. Serial No. 4388.

Steiner, Bernard C. Men of Mark in Maryland; Biographies of Leading Men in the State. Four Volumes. Washington: Johnson-Wynne Company. 1907-1912.

"Survey of Maryland Court of Appeals Decisions." (1974-date). In Various Issues of Maryland Law Review. Later title: "Survey of Developments in Maryland Law."

Survey of the Judicial System of Maryland. New York: Institute of Judicial Administration. 1967.

Tomlinson, Edward A. "Constitutional Limits on the Decisional Powers of Courts and Administrative Agencies in Maryland." 35 Maryland Law Review 414. (1976).

Van Ness, James Samuel. The Maryland Courts in the American Revolution: A Case Study. Ph.D. Dissertation. College Park: University of Maryland. 1968.

"Victory For Court of Appeals Reorganization." 8 Maryland Law Review 226. (1944).

Walsh, William C. "The Movement to Reorganizing the Court of Appeals of Maryland." 6 Maryland Law Review 119. (1942).

Walsh, William C., Chairman. "Report of Committee on Court of Appeals Constitutional Amendment." 66 Maryland State Bar Association Transactions 276 (1961). [Providing two additional Judges on the Court of Appeals]

Walsh, William C. "Report of the New Committee to Senate Sub-Committee on Reorganization of the Court of Appeals of Maryland." The Daily Record. November 10, 1959.

Walsh, William C. "Report on the Reorganization of the Maryland Court of Appeals." 46 Maryland State Bar Association Transactions 17. (1941).

Whitelock, George, Chairman. "Report of the Committee on the Subject of a Recommendation of Judicial Gowns of Office for the Judges of the Court of Appeals." 3 Maryland State Bar Association Transactions 18, 99 (1898).

Wickers, Marilyn Geiger. The Administration of Justice in Colonial Maryland, 1632-1689. Ph.D. Dissertation. Lawrence, Kansas. Kansas State University. 1983.

Wilner, Alan M. "Rules: Say Hello to an Inprecise Rubric." 14 Maryland Bar Journal 4. August, 1981.

