

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

PRINCE GEORGE'S COUNTY BAR ASSOCIATION

M E M O R I A L S E R V I C E S

F o r

MERCER HAMPTON MAGRUDER
JOHN SNOWDEN STANLEY
FRANK M. HALL
ALBERT RAYMOND HASSALL
JOHN FRANKLIN LILLARD, SR.
ROBERT GRAHAM MacCARTEE

Two O'Clock P.M.

Tuesday, April 30, 1963

Court Room Number 1
County Court House
Upper Marlboro, Maryland

PROCEEDINGS

. . . The Court convened en banc at two o'clock p.m., there being present Honorable JOHN B. GRAY, JR., Chief Judge, and Honorable PHILIP H. DORSEY, JR., RALPH W. POWERS, ROSCOE H. PARKER, and WILLIAM B. BOWIE, Associate Judges. . .

JUDGE GRAY: The Court recognizes Mr. Machen, president of the Bar Association.

MR. HERVEY G. MACHEN: May it please the members of the Court, on behalf of and in the name of the Prince George's County Bar Association it is my solemn and sorrowful duty to formally call to the attention of the Court the passing of five very distinguished, long-standing members of our Association: They are Mr. M. Hampton Magruder, John F. Lillard, Sr., John S. Stanley, Frank M. Hall and Albert R. Hassall. In addition thereto we have suffered a loss of Mr. MacCartee, or Bob, as we had known him for many years, who was the beloved court reporter.

I would like to, at this time, present to the members of the Court and the people present the distinguished chairman of our Memorial Committee, Mr. R. Lee Van Horn.

JUDGE GRAY: Mr. Van Horn.

MR. R. LEE VAN HORN: May it please the Court, Mr. President, members of the families, members of the Bar Association, and friends:

I think it is entirely appropriate that I should make some remarks here on what forces have brought this gathering. On January 25, 1962, this Court and this Bar Association held a memorial service for six of its deceased members. Today we are again assembled to honor the memories of those of our fellow members who, since January 25, 1962, death has bent down to touch with mercy, love and pity, as favorite sons, and our brothers, have departed

on their last voyage, their longest and the best.

My friends, it may be that death gives all there is of worth to life. If those that we clasp in our arms could never die, love might wither from the earth, and I would rather live in a world where death is king than have eternal life where death is not. The fiat of nature is inexorable. The flowers that bloom and fade in a day have just as strong a grip on life as the greatest monarch that ever shook the earth with his footsteps.

What is man's chief end? The great debate circles around a few words: good and evil, the soul, immortality, God. This is the first question in the Scottish Catechism. The answer is equally admirable. Man's chief end is to glorify God and enjoy him forever. How is God to be glorified? There you have the hinge of man's life. Death, for example, wears a different countenance if you regard it as the final destruction of us and all creatures, or as an incident in a journey, a night of repose between days of activity.

"Human affairs," said Plato, "are hardly worth considering with any great seriousness, and yet we must be earnest about them." We need not contest that point. What else, indeed, is there to be earnest about if human affairs are not important? What else is important?

I maintain that in no other pursuit to which men can devote their lives is there a nobler intellectual effort or a higher moral standard than that which inspires and pervades the ranks of the legal profession.

Let us magnify our calling. Let us be true to our profession and respond with all our might to the great demand made upon us, so that when our labor is finished, of us at least, it may be said that we transmitted our profession to our successors as great, as useful and as spotless as it came to our hands.

In a decade or two the lingering witnesses to the lives and work of those whose memories we honor today will have passed on, and to the succeeding generations they will be but names appearing upon the records of this Court and the minutes of this Bar Association.

No, my friends, I want to say that our brothers are not dead. They have awakened from the dream of life. They have outsoared the shadow of our night; envy, calumny, hate and pain cannot touch nor torture them again. From the contagion of the world's slow stain they are secure, and now will never mourn a heart grown cold, a head grown gray in vain.

And may I remind all here present that with unrelenting crescendo the symphony of life hastens to its finale, and friendships that were ours to share have moved everlastingly onward and will continue to move on in our memories.

My friends, I knew all of these men. I knew them when they were strong and actively engaged in helping to build a better county for us. And now they have moved on to that silent and unknown shore. Shall we not meet as heretofore -- some summer morning?

It is my pleasure to introduce the Honorable Lansdale G. Sasscer who will speak to you to the memory of M. Hampton Magruder.

MERCER HAMPTON MAGRUDER

MR. LANSDALE G. SASSCER: With the permission of the Court I would like to offer a memorial to the late Mr. Mercer Hampton Magruder.

On October 11, 1962 a valiant heart ceased to beat and Prince George's County lost one of its most distinguished citizens and lawyers in the passing of Mercer Hampton Magruder. For over half a century Mr. Magruder had been active in the legal and

political life of this county. To me the presentation of this memorial is an honor as I enjoyed close association with Mr. Magruder in legal and political matters for a long time.

Mr. Magruder was born in Upper Marlboro on October 29, 1876. He was the son of Caleb Clarke Magruder, an eminent lawyer, and Elizabeth Rice Nalle.

His early education was at the old Marlboro Academy. Mr. Magruder loved to recount incidents of his early school days and childhood as a boy in this village. Upon leaving the Marlboro Academy he attended Loyola College and later Georgetown University and Law School. Upon receiving his law degree in 1898 he was admitted to practice law in Prince George's County and before the Maryland Court of Appeals. Mr. Magruder soon met with success in his chosen profession. He was a wise legal counselor and a colorful and outstanding trial lawyer.

I enjoyed as a boy going to court to hear him in spectacular jury cases, and later enjoyed association with him, both together and on opposite sides in a number of trials. His death closed the distinguished legal career of a grandfather, father and son covering a span of 129 years. His grandfather was admitted to practice in 1832, his father in 1864 and "Mr. Hamp" in 1898.

Mr. Magruder's first venture in public life resulted in election as State's Attorney in 1907. He was re-elected in 1911. Later he served as attorney for the County Commissioners of Prince George's County and subsequently was appointed Collector of Internal Revenue by President Roosevelt.

In furtherance of an early ambition to be State Senator I can well recall going to see Mr. Magruder in 1921 when he was recouping from an operation at Providence Hospital. He willingly promised me his support. Following that we were close personal

friends and political allies over the years.

In life Mr. Magruder was a warm friend, a gallant fighter and staunch partisan. Whether legal or political, if you were allied in a fight with Mr. Magruder you never had to look back to see if he was coming. He was always there. Governor Tawes honored him with a Distinguished Citizen award on his last birthday, October 29, 1961. Mr. Magruder was in many other things beyond the realm of his legal and political career. He served as president of the First National Bank of Southern Maryland, and president and director of the Southern Maryland Agricultural Association. He enjoyed supervising the several farms which he owned.

Mr. Magruder was married to the former Mittie Hall in 1917. Besides Mrs. Magruder, he leaves four surviving children, Mercer Hampton Magruder, Jr., A. Clarke Magruder, Miss Florence Hall Magruder and Mrs. Mary M. Vickery.

As a recognition of this outstanding member of our Bar and this grievous loss to our county, I move that this memorial be adopted and spread upon the minutes of this Court.

MR. THOMAS R. BROOKS: May it please the Court, I second the motion.

JUDGE GRAY: Very well.

MR. VAN HORN: May it please the Court, Mr. Walter L. Green will now speak to the memory of John F. Lillard.

JOHN FRANKLIN LILLARD, SR.

MR. WALTER L. GREEN: If the Court please, before presenting the paper I have about Mr. Lillard I would ask your indulgence to make a very short general statement.

It has been said: "When death consents to let us live a long time, it takes successively, as hostages, all those we have loved." We see that happening here in the passing of so many who

were at the Bar of this Court when we were admitted: M. Hampton Magruder, John S. Stanley, Frank M. Hall, Albert R. Hassall, John Franklin Lillard, Sr., and Robert Graham MacCartee, Court Stenographer, for so many years.

The life given us by nature is short; but the memory of a well spent life is eternal. Their memory is eternal.

Now, if I may, I would like to present this in memory of John Franklin Lillard, Sr. John Franklin Lillard, Sr., on the 11th day of November, 1962, was touched by the finger of God and he slept.

He was born February 3, 1882, near Leesburg, Loudon County, Virginia. When quite young he moved with his family to Barnesville, situated in Montgomery County in the shadow of Sugar Loaf Mountain and adopted Maryland as his own. Following the occupation of a telegrapher for the Baltimore & Ohio Railroad, he worked at various stations on the B & O. He came to Hyattsville in that capacity about 1909, when it was a small settlement. Being very enterprising then, as he was throughout his life, he entered the feed and coal business in Hyattsville, and attended National University Law School. He graduated in 1912 and was admitted to the Bar.

For fifty years he maintained an office in Hyattsville and practiced before the Bar of this Court. We now observe the custom of pausing here to pay special tribute to him and to his life well lived. In so doing we find deep satisfaction in the conviction that he has taken his place at the Bar of the Court of Eternity, and he now sits in the presence of his Creator.

His home and his office in Hyattsville was on the site where the Suburban Trust Company is now located. When he sold that property to the Prince George's Bank & Trust Company he established himself in an office across the street, until a part of his

property was taken for the overpass over the Baltimore & Ohio Railroad tracks. In 1926 he completed his present office. At that time only one other lawyer, Waldo Burnside, maintained a regularly established law office in the then business section of Hyattsville.

In 1910 Mr. Lillard was married to Mary Lillian Walters. Three sons, Franklin, Jr., Bowie and Edgar, came of this union. Franklin and Bowie are distinguished members of this Bar. Edgar is prominent in the real estate business.

Hyattsville and Prince George's County grew and developed. John F. Lillard grew and developed with the community. He built a substantial practice and filled a prominent place in the county. Mr. Lillard was to the legal profession what the family doctor was to medicine. He served nobly in his profession, and truly lived all the days of his life.

He defended the meek and the lowly, as vigorously as he represented the rich and prosperous. He appeared as counsel in civil and criminal cases in the Circuit Courts of this and other counties in Maryland, and in the Justice Courts as they existed in the early days of his practice. His was a loud and strong voice for truth and justice. Wherever and whenever he was engaged clients were helped by him irrespective of fee.

Mr. Lillard, in the early years of his practice, engaged in politics. He was generally found in the independent faction. He was in league with Willis, Magruder and others, and was usually in attendance at any important gathering in the county. He was a charter member of the Chamber of Commerce, served as president of the Prince George's County Bar Association, vice president of the Maryland Bar Association, and was a member of the District of Columbia and the American Bar Associations.

Having been admitted he was entitled to practice before

the Bars of Supreme Court of the United States, United States District Court for the District of Columbia, United States Court of Appeals for the District of Columbia, the Court of Appeals of Maryland and the United States District Court for the District of Maryland.

For the thirty-five years that I knew him, I respected him for all he knew and what he was, a lawyer's lawyer, an individualist of the old school, never dwarfed by compulsion of conformity. Without his guidance, his encouragement and his help it would have been even more difficult for me, and some other members of this Bar, to have established our own practices. I can safely say that this group includes Carroll Beatty, and at least one of the Judges of this Court, -- Judge Powers. For this we are everlastingly grateful.

We join the members of his family in their bereavement and herewith record our sorrow at his passing. He shall long live in our memory.

If Mr. Lillard were here to reply to what has been said he would probably paraphrase the words of Victor Hugo and say:

"When I went down to the grave, I said like so many others, I have finished my life's work. But I cannot say that I have finished my life. My days work began again the next morning. The tomb is not a blind alley; it is a thoroughfare. It closed on the twilight, it opened on the dawn."

Be it therefore Resolved, that we here express our sorrow and our sense of irreparable loss in the passing of John Franklin Lillard, Sr.; that this memorial be recorded in the minutes of this Court and a copy be transmitted to the members of his family. If the Court please, I offer that resolution.

MR. RUSSELL W. SHIPLEY: Your Honors, I would like to

second Mr. Green's motion.

JUDGE GRAY: Very well.

MR. VAN HORN: If the Court please, I now ask Mr. Cory to make some remarks to the memory of Mr. John S. Stanley.

JOHN SNOWDEN STANLEY

MR. ERNEST N. CORY, JR.: May it please the Court.

JUDGE GRAY: Mr. Cory.

MR. CORY: It is a burdensome and sorrowful assignment to this member of the Bar to announce to your Honors the death of the Honorable John Snowden Stanley, on December 25, 1962.

When I was assigned the honor of rising here this afternoon I knew that by the very nature of the man I must carefully adhere to study and accurate reporting about his career. My research revealed that in order to be complete it would necessitate a degree of prolixity. Therefore, with the Court's permission, I would like to read from this paper.

John Stanley was born on July 22, 1897, the son of the late Charles Harvey and Margaret Snowden Stanley. His grandfather was the Rector of Holy Trinity Church at Collington in Prince George's County for thirty-three years, and his father practiced law in Prince George's County and in Baltimore until his death in Nineteen Hundred and Thirteen.

John Stanley, in the practice of law, represented the sixth consecutive generation of lawyers in his family. In recent years, his legal practice centered around the courts in Baltimore. However, he is remembered by older members of the Bar of this county as having spent many hours of study and practice in this Court House.

During and after World War II he faithfully performed the arduous duties of Appeal Agent for Local Prince George's County

Selective Service Board No. 56, traveling from Laurel and Baltimore and working late at night in the Selective Service office here in Upper Marlboro. In the performance of these duties he gained the affection and respect of many Prince George's County families for his untiring and helpful efforts for their sons.

Mr. Stanley has been, since childhood, the close companion and friend of many recognized leaders of the Bar, of politics, of business, and of civic endeavor in this county, and other counties throughout Southern Maryland. Prior to preparing this statement for the Court the writer spoke with a number of these leaders and, without exception, they have recommended that for the purpose of this memorial, the characteristics of integrity, loyalty, and scholarly attainment should be the keynotes; and that along with these high qualities at all times prevailed in the heart of this man a warm sense of homespun friendliness and a keen sense of humor. He was a gentleman of the "old school" carrying at all times an abundance of gentlemanly manners.

Mr. Stanley attended the Boys' Latin School in Baltimore, and after serving with the Armed Forces during World War I was graduated in 1919 from the Johns Hopkins University where he was an outstanding student and athlete. His prowess and ruggedness as an athlete while at the Hopkins is important in the portrait of this gentleman. He was an All American guard on the football team and during one season played every minute of each game. In the spring of the year Mr. Stanley played Lacrosse and was a member of the International championship team in 1919.

This fine lawyer attended the University of Maryland Law School. He entered practice in Baltimore with his brother, William Stanley, under the name of Stanley and Stanley. In 1929 that firm was combined with Hershey, Donaldson and Williams and became Hershey,

Donaldson, Williams and Stanley. At the time of Mr. Stanley's death he was a partner in the resulting firm, one that enjoyed a seriously fine reputation in this country.

Mr. Stanley was president of the Maryland Bar Association in 1951. At the mid-winter meeting he addressed the lawyers in attendance with a scholarly paper entitled, "A Great Maryland Lawyer and his Relationship to his Times." This paper, on the life of Luther Martin, the first Attorney General to qualify under the Constitution of 1776, will not only be remembered with respect and enthusiasm by those who were privileged to hear it, but will unquestionably be considered one of the "gems" of biographical history in the libraries of the future.

Mr. Stanley's judicial labors came to a conclusion after having served the people of the State of Maryland in the practice of law for forty-two years. He was particularly noted in the state for his representation of the Baltimore & Ohio Railroad, The Self Insurers Association of Maryland, The Crown Cork & Seal Company, The Noxema Chemical Company, and many other important clients. He was a leader in one of the moving forces in recent years to bring about closer understanding between the medical profession and the legal profession through a series of symposia on medico-legal matters.

Mr. Stanley is survived by his widow, Mrs. Elizabeth Rich Stanley, two sons, John Snowden Stanley, Jr., and Charles Harvey Stanley, and two sisters, Mrs. Elizabeth H. S. Boss of Laurel and Catonsville, and Mrs. Margaret Snowden Allen of Upper Montclair, New Jersey. At the time of his death John Stanley was residing at 910 Poplar Hill Road in Baltimore where he had lived for a relatively brief period of time. Prior to that he lived in the house in Laurel where he was born and where his children were born.

At the time of his death John Stanley was chairman of the Board of Directors and Attorney for the Citizens National Bank of Laurel, and counsel for the Laurel Building Association. It was in January of 1929 that he was first elected a director of this bank, becoming chairman of its board in January of 1954. He had served the Laurel Building Association as its attorney since 1922.

This distinguished lawyer was an outstanding citizen of this state. Not only had he been president of the Maryland Bar Association, but he was a past president of the Southern Maryland Society, an active member of the Society of Colonial Wars, the American Bar Association, the Bar Association of Baltimore City, and one of the few Maryland lawyers to be elected a fellow in the American College of Trial Lawyers.

A great churchman, Mr. Stanley was a vestryman for St. Philip's Episcopal Church for twenty-seven years and for a number of those years was not only a member of the vestry but sometimes junior and sometimes senior warden as well. It was in his church work that this member of the Bar knew him best. For many years while he was senior warden at St. Philip's I was junior warden and can give testimony here that he was an untiring worker for his church, and it was an honor and a privilege to work for him.

While not exactly being the "Choir Leader," he was for many years the backbone not only with his voice but through his generosity of St. Philip's choir. When he moved to Baltimore he was voted by the vestry the unusual and unprecedented office of "Senior Warden Emeritus." This distinguished gentleman was an honored member of our Bar, an honored member of the Bars of the Court of Appeals of Maryland, the United States District Court for the District of Maryland, and the Supreme Court of the United States. During his forty years of practice he gained the respect and

affection of his associates for his ability, his intellectual integrity, and his fair minded approach not only to the problems before him but to the problems before young lawyers to whom he gave unstintingly of his time and knowledge. It was a pleasure to work with him not only because of his careful attention to precedent and authority, sound reasoning, and his painstaking care in making decisions, but also because of the urbanity that was ever present when in his company.

The combination of the high human qualities of breadth of vision, experience, courage, sound common sense, and dignity with his understanding of human nature gave John Snowden Stanley the well-deserved confidence and affection of his fellow man and the respect of the members of the Bar throughout this and other states.

If the Court please, I move that the words of this paper be spread upon the permanent records of the Court and that the clerk be directed to prepare a proper and exemplified copy for presentation to Mrs. Stanley.

MR. CAREY M. EUWER: May it please the Court, I second the motion.

JUDGE GRAY: Very well.

MR. VAN HORN: If the Court please, it is now my pleasure to introduce Mr. Adrian Fisher who will speak to the life and memory of the late Albert R. Hassall.

ALBERT RAYMOND HASSALL

MR. ADRIAN P. FISHER: May it please the Court, it is my personal privilege to present this paper on Mr. Hassall.

Albert Raymond Hassall, affectionately known to his friends and associates as "Doc," passed to his reward on March 16, 1963. He was born in London, England on October 28, 1887 and shortly thereafter came to the United States with his parents who

settled in Bowie where he was reared. His father, from whom he acquired the nick-name, was Dr. Albert Hassall, a scientist with the United States Government, who achieved international renown for his research on parasites.

Mr. Hassall attended Bowie Elementary School, Marlboro Academy, Great Orr Business College and National University Law School where he obtained his law degree. He was a member of the District of Columbia and Maryland Bars and actively practiced his profession since 1921.

Prior to his admission to the Bar in 1921, Mr. Hassall was secretary to Congressman Walter A. Haggott of the State of Colorado, who was also a distinguished member of the Bar, and it is believed that Mr. Hassall's admiration for Congressman Haggott influenced him to enter the legal profession. Immediately upon being admitted to the Bar he became associated with J. Wilson Ryon with whom he formed the law firm of Ryon & Hassall. For many years Mr. Hassall and Mr. Ryon were recognized in our county and throughout the State of Maryland as astute proponents of the law and their firm became one of the most prominent in the county. This association continued until the death of Mr. Ryon in 1937 which terminated the partnership. Mr. Hassall continued the general practice of law until shortly before his death.

In 1950 Mr. Hassall was elected to the House of Delegates from Prince George's County and was chairman of that delegation in the Maryland Legislature for four years. He served as legal counsel for both District Heights and Capitol Heights, municipalities of our county, and was the first chairman of the District Heights Board of Commissioners.

On October 26, 1926, Mr. Hassall married Aileen Ogle, a direct descendant of a former Governor of Maryland. He was a

thirty-second degree Mason and a life member of Almas Temple Shrine. He was also a member of the Maryland Historical Society and the Tall Cedars of Lebanon. Mr. and Mrs. Hassall resided at District Heights, Maryland, since 1927.

We express our sorrow and deep sympathy to the widow and members of his family for their great loss. He will be missed by the community, by his many friends and by the members of this Bar.

If the Court please, I now move that this paper be inscribed upon the permanent records of this Court as a permanent memorial to Mr. Hassall.

MR. HARRY L. DURITY: Your Honors, I second the motion of Mr. Fisher.

JUDGE GRAY: Very well.

MR. VAN HORN: If the Court please, it is my privilege to introduce Mr. LeRoy Pumphrey, who is going to speak to the memory and the life of the late Frank M. Hall.

FRANK M. HALL

MR. LEROY PUMPHREY: Your Honors, I hope I will be able to make myself heard, but I am having some trouble today.

Frank M. Hall was born near Upper Marlboro on May 24th, 1896, and died March 20th, 1963. He was a son of Robert Lee Hall and May Bowling Hall, a union of two families, the names of whom had long been associated with Southern Maryland. This family lived on their farm a short distance from this town and here young Frank spent his boyhood. His early education was had at the local graded school and then the Marlboro High School.

At this time residents of the District of Columbia needed to have Maryland license plates on their automobiles if they intended using our roads and for their convenience the Commissioner of Motor Vehicles of Maryland maintained a branch office in Washington. The

Deputy Commissioner of this Washington Branch at that time was the late Charles E. Bean, father of our Roberta Laughton, and he gave Frank a position in this office, thus enabling him to enter the night class of Georgetown Law School from which, in due time, he graduated.

He continued with his position for a while and then, in 1921, he entered the office of the late M. Hampton Magruder, his brother-in-law, and began his practice of the law. A few years later he, together with George T. Burroughs, erected an office building here on Main Street from which they both thereafter conducted their law practice, Frank having severed his connection with Mr. Magruder. The public soon recognized this young man's talent and his practice grew rapidly. Although his practice was general in nature he seemed to be especially talented in criminal cases and won some notable victories.

The last time he and this writer were associated for the defense we represented a young Negro who had attended a party where a quarrel developed. This defendant left the party, drove to his home about two miles away, equipped himself with a pistol and returned to the party. In a short time the quarrel flared up again and this defendant drew his pistol and shot down the two boys with whom he was quarreling, killing them both. We obtained from the jury a not guilty verdict, rather to our surprise, and for a long time we talked about that case, wondering how it happened.

To be adept in the art of cross-examination is one of the greatest weapons a lawyer can have in his legal armory. Here, I think, was Frank's forte. Methodically and carefully he would proceed in this phase of the case, often drawing from the hostile witnesses admissions that enabled him to obtain a favorable result when the direct testimony indicated an unfavorable result. He

really was a capable lawyer and on several occasions this writer found pleasure in telling him so.

Some years ago he, together with his brother Bob, conceived the idea that a local market for tobacco, where it could be sold at public auction, as is done in the southern states, would prove advantageous here. Others joined in the project and a large warehouse was erected just outside of this town. The farmers brought their tobacco and the business developed into a prosperous enterprise as well as to the convenience and advantage of the growers of the crop. As this enterprise demanded more and more of his time his appearance in court became less frequent. I might remark in passing, they were the pioneers in the tobacco business here. That was the first warehouse that was erected here.

Frank had never been robust. Even in his school days he was handicapped by poor health which continued throughout his life. In more recent years this condition worsened and he was hospitalized a number of times. From these experiences he found little results and he finally became practically incapacitated. Those of us who have experienced our own Gethsemane know best how to sympathize in this connection. His withdrawal from his practice of the law was a loss to both the Court and the Bar, as well as to the public in general.

On June 4th, 1921, the very year he began his practice, he married Louise Keene Bowie, a local girl of a well-known family, and established his home in Marlboro where he continued to reside. Of this union three sons were born who survive him: namely, Francis Magruder, Irving Bowie and Charles Carter Hall, which three sons have produced him eight grandchildren. Also surviving him are three sisters: Mrs. Mittie Magruder and the Misses Susanne and Mazie Hall, all of whom continue to reside nearby in the county where

their forebears sleep.

As we bid him adieu we express our sorrow at his passing and extend our sympathy to those who loved him.

Your Honors, I move that this writing be accepted as a memorial to Frank M. Hall; that a copy thereof be entered upon the permanent records of this Court and a copy be sent to his relict.

MR. JOHN W. MITCHELL: If the Court please, I would like to second Mr. Pumphrey's motion.

JUDGE GRAY: Very well.

MR. VAN HORN: May it please the Court, I am now calling upon Mr. Waldo Burnside who is going to speak to the memory and life of Robert G. MacCartee. While not a member of the Bar, he has been in close association with this Court and with the members of this Bar for fifty years, and that is quite a long time, and yet I can remember when he came here.

ROBERT GRAHAM MacCARTEE

MR. WALDO BURNSIDE: If the Court please, our association says this is a solemn and sorrowful day. We have heard the history of some prominent men who have departed from this life: three of them were president of the Bar Association, another was president of the State Bar Association. They were all prominent in public and civic life. I happened to know all of them myself for at least forty years. One of them was a classmate of mine in law school and one was a boyhood friend, and that is the one whom I have known the longest. Robert G. MacCartee is the one I hope to speak about now, and I would like the Court's permission to read this memorial.

Robert Graham MacCartee, known to his friends as "Bob" and "Mac," was born in the District of Columbia on February 15, 1891. His father was Charles MacCartee, a veteran of the Civil War. His grandfather, a minister, fought with the New York State Militia

in the War of 1812. The ancestors of the MacCartee family, like many another Scotch family, came over to America after the cause of the House of Stuart was lost at the Battle of Culloden in 1746.

His mother's maiden name was Marie J. Wilson, and she was a noted advocate of votes for women in the area of the District of Columbia and of Maryland. It is interesting to note that the original family name was spelled "M-a-c E-a-c-h-e-n."

The family moved to Hyattsville, Prince George's County, Maryland, in 1902. All of the children in the family, two brothers including Robert, and two sisters, were educated without entry in any school, by their father, who apparently was a very learned man. Robert was well grounded in literature, history and mathematics and could and did speak with authority on all of these subjects. His father, who had been a stenographer in the United States Capitol at hearings in Congress and before Congressional Committees, taught him stenography.

In 1911 he was reporting hearings in the Capitol for Congressional Committees, which is one of the more exacting tasks a stenographer may have. He and his sister, Edith J. MacCartee, known as "Peaches," also a stenographer taught by her father, at one time maintained an office for reportorial work in the District of Columbia. In 1913 he became a reporter for the Circuit Court for Prince George's County, Maryland, and his work gradually extended to the three other counties -- Charles, St. Mary's and Calvert -- in the Seventh Judicial Circuit. For several years he worked both in the Capitol and in the Circuit Court, but as the work of the Court increased he finally gave up the work at the Capitol.

In the time when Chief Judges of the Circuit were members of the Court of Appeals, he often worked with the Chief Judges of

the Circuit in preparation of opinions for the Court of Appeals. He retired as a reporter of the Circuit Court in October, 1961, but often served as a substitute reporter during the last years of his life. His death occurred in Mt. Alto Veterans Hospital in the District of Columbia on March 27, 1963. Therefore, the period of his work as a reporter in the Circuit Court of the Seventh Judicial Circuit covered fifty years.

From his father he also acquired the love of country, and on December 7, 1917, he enlisted in the 12th Field Artillery in the United States Reserve, and served overseas with the Second Division. His ability brought advancement and when the Second Division reached Germany in the Army of Occupation, where the writer of this paper had the pleasure of visiting with him in 1919, he was a Sergeant Major of the Division. Following the return of the Division to the United States he was discharged on May 14, 1919.

As is well known, the Second Division took part in most of the major battles in France in World War I, and Bob MacCartee received the Croix de Guerre, and a further citation from the Second Division for bravery in action. After the war he had a commission as First Lieutenant in the 121st Engineers of the National Guard in the District of Columbia and also a commission in the United States Reserve Corps in the Engineers. During World War II he was busy in many home-front activities, and was a member of the Army Air Corps Ground Reserve, for which he received a commendation from the War Department.

He was a charter member of the Snyder-Farmer-Butler Post No. 3 of the American Legion, Department of Maryland, at Hyattsville, formed in 1919, and continued his membership up to the time of his death, serving as historian and chaplain, and a term as Post Commander. He participated in many activities of the Legion, taking a

great interest in later years in the Legion baseball team for boys, acting as score keeper and a cheer leader, and for these activities he received a commendation from the State Legion Headquarters.

Mac was a bachelor and lived always with his family, which was a happy and loyal group. After the death of his father he, his mother and his sister Enid, known as Daisy, lived in a nice brick home in Hyattsville. After the death of his mother he and his sister Enid remained there, and that house was his residence at the time of his death.

He was an inveterate card player, a hobby he indulged in all four counties in the Circuit. He always enjoyed his trips to LaPlata, Leonardtown and Prince Frederick, where the motto was, apparently, "Court all day, cards all night."

He was equipped with a photographic memory which was developed by the nature of his lifetime work. Lawyers who took part in cases in which he was a reporter were amazed at his analysis of the testimony after the trials, and his comments on the effect of the testimony upon the finding of facts and the law applicable to those facts.

His fund of knowledge of literature and history was amazing and anyone associating with him would have thought that he had spent many years in schools and colleges, although, as stated, he did not have any formal education. At one time he prepared a chart of the royal families of England, involving 700 names, and when the paper was inadvertently thrown away by a courthouse janitor he prepared another chart which is in his home to this day.

On the center table of the living room in his home is a two-volume history of the Crusades, which his family said he had read very assiduously. He also had a copy of the Encyclopedia Britannica, the margins of which are heavily marked with cross

references and his own notes. Bob MacCartee was a gregarious animal and loved to be with people. He wanted to lead his life in the busy places and where things happen, as is evidenced by his life in the military and in the world of law. He was a fine story teller, even to the point of being loquacious, and was always an interesting companion in a conversation.

With his unusual mental and intellectual attainments he could have gone far in any profession or business that he had undertaken, but he chose as his life work a profession that brought him in contact with people and gave him knowledge of what was transpiring in the world. He liked to be part of a group, and was a good team worker. No man ever suffered because of his ambitions, and no one was ever thrust aside because of his eagerness to attain position or advancement. He was independent and a pronounced individualist, but very easily conformed to the practices and usages of the daily world.

His sister Enid said of him after his death that he was always forgiving and never condemning. Perhaps his philosophy of life could best be found in the realm of poetry which he liked so much. One poet, whose name Bob would know, said, "Oh, let me live by the side of the road and be a friend to man." And in a famous poem by Leigh Hunt, Abou Ben Adam said to the Angel from Heaven, "Write me as one that loves his fellow man."

Over the years to come many stories and anecdotes will be told about him by those who knew him, and he will become part of the history and tradition of Southern Maryland. I believe it can safely be said that no one who ever knew him will ever forget him.

If the Court please, I would like to offer this resolution and ask that it be spread upon the minutes of the Court and a copy sent to the family.

MR. JOSEPH A. DE PAUL: If the Court please, I second Mr. Burnside's motion.

JUDGE GRAY: Very well.

MR. VAN HORN: If the Court please, that completes the program, with the exception of presenting these flowers to the families of the six members whose memories we have commemorated today.

JUDGE GRAY: Ladies and gentlemen, I am sure it is trite to say that there is not one of us in this room whose heart is not touched with sadness at the thought of the passing of these distinguished members of the Bar. However, our assembly here today has an important significance because it represents an attempt on the part of the contemporaries of these distinguished members of the Bar to make permanent on the records of the court they love the circumstances of their lives which have lent so much luster to their individual lives and accomplishments.

Perhaps more than any one man of his generation Mr. Magruder was known affectionately throughout this state as Mr. Southern Maryland. Mr. Lillard was not far behind Mr. Magruder in the esteem with which he was regarded by the lawyers throughout this state. There is one circumstance in his life that runs somewhat parallel to my own. I had the privilege of practicing law with my father for twenty-five years before his death at the age of eighty-four, and I know that Mr. Frank Lillard, Jr. and Mr. Bowie Lillard will always be able to cherish the happy privilege of working with their father in their chosen profession.

John Stanley, as you know, was one of the leaders of the Maryland Bar. He was selected as president of the State Bar Association a few years ago, and three of the others: Mr. Magruder, Mr. Lillard and Mr. Hall, who were respectively presidents of the Prince George's County Bar Association, have attested their willingness

to bring to the work of the organized Bar their high degree of personal leadership and skill in making the instrument of the Bar a great force in the public good of our community.

Mr. Hassall, as many of you know, retired from the active practice of law shortly before his death and became a member of the staff of the Circuit Court for Prince George's County where he rendered valued help in the administrative task of keeping the courts here in this courthouse running on a smooth and regular basis.

I would say one other word, and that is about Bob MacCartee. As has been indicated by Mr. Burnside, Bob was a reporter in this Circuit for fifty years. His duties were comprised of more than just reporting. During a part of that time he was secretary and general factotum for two members of the Court of Appeals: Judge Digges and Judge Walter Mitchell.

There is an interesting story about Bob in connection with Judge Digges. Judge Digges was a rather modest person and he was rather careful that his opinions represented his exact thinking and his exact phrasing. There came a time when he was writing an opinion for the Court of Appeals, dictating that opinion to Bob MacCartee, and Bob thought that it would be helpful maybe to embellish the opinion with a phrase or two of MacCartee's own imagination, and so he wrote those phrases into the opinion.

When Judge Digges read the final draft he very promptly pencilled out MacCartee's insertions. But Bob was not to be daunted by a mere matter of the disapproval of his boss, so in the final draft he put his phrases back in and Judge Digges missed them. So they were filed as a part of the official opinion in that case. The case went to the Supreme Court, and in the opinion of the Justice of the Supreme Court he referred at some length to the consideration that the case had had by the Maryland Court of Appeals and he quoted

the Maryland Court of Appeals' opinion for one sentence. You guessed it; it was MacCartee's sentence.

Now, ladies and gentlemen, we are grateful to the Bar Committee and to the gentlemen who presented these minutes here for the consideration of the Court. We are happy to grant the motions that those resolutions be spread upon the records of the Court, and the Court Clerk will be directed to record them in the Memorial Minute Book which is now kept for that purpose, where they will for all time, we hope, stand as a permanent record of the lives and the professional achievements of these distinguished gentlemen. He will further be directed to make copies of those minutes available to the members of the family.

We want to acknowledge the gift of these lovely flowers by the Bar Association. They do dress up this rather dignified but somewhat austere courtroom, and we hope that they will be a pleasant reminder -- sad, perhaps, but pleasant nevertheless -- to the families of these distinguished gentlemen.

Now, Mr. Bailiff, out of respect for the memory of the gentlemen whose names have been now inscribed on the permanent records of this Court, you may announce an adjournment of the Circuit Court for Prince George's County.

(Whereupon, at 3:05 o'clock p.m., the proceedings were concluded and the court was adjourned.)

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