

1 Constitution, they gave this absolutely no thought at all.
2 There is no research to explain why they took it out or how
3 it was taken out.

4 In the area of eminent domain, the Commission
5 proposal was such that we would have had to add the off-
6 street parking and the urban renewal provisions of our
7 present Constitution to have it comply with the rulings of
8 the Maryland Court of Appeals. This body should be well
9 aware, when they are taking out this matter that they may
10 be substantially changing the law in this state and they
11 don't propose to tell us how it is changed. I would agree
12 that at one time it was a thorn, as they called it, a con-
13 stitutional thorn. Judge Dennis wrote a law review article
14 on it. What he was objecting to was that the state couldn't
15 appeal. That is a doctrine foreign to us today; the state
16 should have a right to appeal. But the procedural provisions
17 were solved when the amendment permitting the judges to
18 determine the sufficiency of the evidence was added to this
19 provision. I would read to you what Judge Henderson said
20 about this in 1947.

21 "At the 1947 session of the General Assembly the