

1 grant away in perpetuity a part of its inherent sovereign
2 powers?

3 DELEGATE GALLAGHER: The Supreme Court of the
4 United States has not ruled specifically on this matter,
5 but the Maryland Court of Appeals has specifically so
6 ruled -- it is an inviolable contract.

7 THE CHAIRMAN: Delegate Case.

8 DELEGATE CASE: Has the point ever been made,
9 as far as you know, that no legislative act can bind the
10 state in perpetuity in an area such as this?

11 THE CHAIRMAN: Delegate Gallagher.

12 DELEGATE GALLAGHER: I see Judge Henderson
13 rise, and I should say that Judge Henderson was involved
14 in the court of appeals case to which I made reference
15 and was also a member of the ~~Ross~~ Commission in 1941
16 which studied the B&O special situation. I would yield
17 to Judge Henderson.

18 THE CHAIRMAN: Delegate Henderson.

19 DELEGATE HENDERSON: Very briefly I would just
20 like to answer Delegate Case's question, because I did
21 happen to argue the case in the court of appeals where we