

ests of the entire State and all subdivisions within the State rather than to put it back in the area of local legislation where it will vary from county to county and from city to city and other governmental subdivisions individually.

DELEGATE J. CLARK (presiding): Delegate Moser.

DELEGATE MOSER: Mr. Chairman, I can see that we may be getting into a parliamentary morass by what I am about to suggest, but let me suggest it anyway.

I would like to ask the mover of the amendment to the amendment if he would accept an amendment to the amendment to the amendment which would provide "by the General Assembly" with respect to counties, but "by law or otherwise" with respect to municipalities.

I can think of no other way to eliminate some of these smaller municipalities than to pass this without a provision to permit the General Assembly to bury a law with respect to municipalities. I had no feeling that there would be a problem with respect to counties.

DELEGATE J. CLARK (presiding): The Chair rules Delegate Clagett could modify his amendment to the amendment by unanimous consent. Otherwise we could not consider your amendment.

DELEGATE CLAGETT: Mr. Chairman, I could not accept that amendment. I find no difference between a tort action where someone has fallen into a hole in Baltimore City and breaks his or her back from the same individual falling into a hole in Leonardtown and breaking his or her back. I do not feel that there ought to be any variation insofar as the municipalities are concerned.

DELEGATE J. CLARK (presiding): Very well.

DELEGATE HANSON: I suggest we are fast approaching, if we have not exceeded or gone past, the nadir of debate on this subject. We are piling the uncertain on top of the unnecessary in an amendment we are probably going to defeat anyway. It seems to me that we ought to vote.

*(Applause.)*

DELEGATE J. CLARK (presiding): Delegate Dulany.

DELEGATE DULANY: I was going to make the same point.

DELEGATE J. CLARK (presiding): The question arises on the amendment to

the amendment which is Delegate Clagett's amendment which we will call 10-A and it adds the words "by public general laws" at the end of the sentence in Amendment No. 10 to Committee Recommendation R&P-2 which is Delegate Kiefer's amendment.

Are you ready for the question?

*(Call for the question.)*

A vote Aye is a vote in favor of the amendment to Amendment No. 10. A vote No is a vote against.

Cast your votes.

Has every delegate voted? Does any delegate desire to change his vote?

*(There was no response.)*

If not, the Clerk will take the roll.

There being 54 votes in the affirmative and 52 in the negative, the motion carries. The amendment is adopted.

The question now arises on Amendment No. 10 as amended. Is there any discussion?

*(Call for the question.)*

DELEGATE J. CLARK (presiding): Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, I will be very brief. I just wanted to point out that the constitutional purists have said keep things out of the constitution and now they are saying put it in because in this case they happen to want it.

We have been told we should not waste all this time on the matter, but I suggest that these several hours of debate have resulted only because Amendment No. 9 was offered even though we had some perfectly good language reported by the Committee. I suggest we support the Committee and vote down the amendment.

DELEGATE J. CLARK (presiding): Delegate Dukes, do you wish the floor?

DELEGATE DUKES: Just a moment, but I must tell you this. I decided before I came down that I thought I would stay in one area in which a contribution could be made. I filed a thirty-five page memoranda in which I traced the common law and took four states that abolished it. I think they had the information. I suggest to you again to watch whom you heard from.

I suggested earlier that it would be well to observe those who speak for and against the amendment. Before us first you heard from big city lawyer Scanlan from Wash-