

case, for which provision has been made, by an existing general law", and then this mandate: "The General Assembly, at its first session after the adoption of this Constitution, shall pass general laws providing for cases enumerated in this section, which are not already adequately provided for, and for all other cases where a general law can be made applicable."

It seemed to me what they tried to do in the 1867 Constitution was to preserve the flexibility of existing laws, and at the same time to exhort the General Assembly to pass general laws in as many areas that they could think of so there would not be a variety of special or private bills, as Delegate Macdonald rightly said. The proposed amendment is a more stringent application than the 1867 language.

DELEGATE JAMES (presiding): Delegate Gilchrist.

DELEGATE GILCHRIST: To point out the ridiculous lengths to which this kind of language might result, I would like the Convention to know of the situation which Delegate Grant discussed with me on our way home one weekend, a couple of months ago. Delegate Grant pointed out to me that a client of his had taken twenty-seven young bulls to a stockyard in Garrett County.

DELEGATE JAMES (presiding): How many bulls?

DELEGATE GILCHRIST: Twenty-seven. In a case of mistaken identity, an employee of the State Department of Agriculture had castrated the twenty-seven young bulls, changing their value from bulls to hamburger meat.

There is in the present Maryland law no way in which that man can be compensated, except by the passage of a special act. I respectfully suggest to the Convention that I can see no reason or no necessity for the General Assembly to consider whether or not it should pass a general act permitting compensation for all bulls which have accidentally been castrated by the Department of Agriculture. It serves an admirable purpose, but I see no general purpose served.

DELEGATE JAMES (presiding): Delegate Burdette.

DELEGATE BURDETTE: I should just like to insert a little legislative history when we have a moment of suspense, if I may take the time. I remember when this matter was brought up in the Committee on the Legislative Branch, that I read the

language as a layman, that is, "is applicable" in its generic sense, meaning if it could be applicable.

But I want to be fair by saying since I also serve on the Committee on Style, I cannot be sure I was present at all the discussions of the Committee on Legislative Branch on this point. When this matter got to the Committee on Style, the question was raised whether "is applicable" means "could be applicable". I commented that I should so read it as a layman, but I discovered that not only was the Committee divided, but the lawyers were divided.

I subsequently said to the Committee on the Legislative Branch that if one wants it to be clear to the layman, one should put in "an existing law." As a political scientist, if I were advising the Court of Appeals, I would read the language as generic, and would read this language as an attempt by the General Assembly to pass general laws if it would be policy.

I would advocate this as a matter of policy. I would say to my friend, Delegate Gilchrist, these special laws are not what we want in this State. We have dropped out protective proscriptions from some of the present Constitution. I hope we will not have divorce acts passed by the General Assembly, and I hope the lawyers would find some other clause which would protect. However, it seems to me that we may have a larger area of special law which I assume the lawyers begin to interpret as private law. I have no strong feelings, but I wanted to make these additional comments.

DELEGATE JAMES (presiding): Delegate Gallagher.

DELEGATE GALLAGHER: I want to say a few words to our descendants, as seems to be the custom this morning. In order to make it perfectly clear if Mr. Boyles' amendment fails to insert the word "existing" before "law" on line 19, so it would read "for which an existing general law is applicable," thereby using almost precisely the same terminology of the 1867 Constitution.

The colloquy which Delegate Burdette spoke about did take place, as he stated, and I interpret the present language to talk about existing general laws. I think the Committee did as well, and in order to make that perfectly clear for those who labor over these debates in the future, I would be happy to sponsor the addition of the word "existing" at this point.

DELEGATE JAMES (presiding): A point of inquiry: Did your Committee make