

you on, but if the prior constitutions die when the subsequent constitution is adopted, then whatever effect resulted from that death has already occurred and it was felt not necessary to provide it.

Are you ready for the question?

Delegate Grant.

DELEGATE GRANT: Mr. President, this brings up the same problem which I brought up in a prior amendment which was rejected.

However, I am not sure whether it is completely understood. Assuming, as you assume that it is not necessary, then conversely if it is put in, would it not then by implication exclude anything else which might have been based on a prior Constitution which would in effect mean if there are any of these other clauses which are included in 10.01 which are based on a prior Constitution they would in effect then not be continued.

THE PRESIDENT: I do not follow you because the whole effect of this sentence is to provide exactly to the contrary of what you suggest.

Delegate Grant.

DELEGATE GRANT: My understanding of Amendment No. 5 is that it is a saving clause in the event that a statute is qualified from a prior constitutional provision. Is that correct?

THE PRESIDENT: Yes.

DELEGATE GRANT: Is it my understanding that it is your opinion that it is not necessary because section 10.01 already does that?

THE PRESIDENT: Essentially that. I would rely on the general principle that if a law is valid when it is enacted, it will remain valid.

DELEGATE GRANT: A lot of actions may be made on what is contained in the Bill of Rights and so forth and that would be bottomed on the prior Constitution. My concern is having agreed with the Chair as to having been valid, they should remain valid.

Do you mean by implication there would be no other exception?

THE PRESIDENT: I do not share your concern. I do not know how else to say it.

Delegate Henderson.

DELEGATE HENDERSON: Mr. Chairman, I was just wondering by the addition

of the word pursuant to authority recognized or granted by the provision might not cover it.

THE PRESIDENT: I do not believe that was Delegate Grant's point. I think his point was acts other than legislation, a court decree which might be bottomed on some provision of the Constitution.

Delegate Henderson.

DELEGATE HENDERSON: What I was thinking of particularly is the statute of fraud which goes back to the statutes of the first Elizabeth and it is still a law of Maryland. You could hardly say that was granted under the Constitution. There was a clause in there which preserved the British statutes.

THE PRESIDENT: It was the feeling of the Committee that things such as the statute of fraud were clearly protected by the first part of the sentence beginning in line 8. That was the purpose of it.

Delegate Hardwicke.

DELEGATE HARDWICKE: If I may elaborate on that, the Committee expressly used "law" rather than laws in order to pick up not only legislation but common law hangovers such as the statute of fraud.

THE PRESIDENT: The question arises on the adoption of Amendment No. 5. A vote Aye is a vote in favor of the amendment; a vote No is a vote against.

Cast your vote.

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

*(There was no response.)*

The Clerk will record the vote.

There being 78 votes in the affirmative and 13 in the negative, the motion is carried and the amendment is adopted.

Are there any other amendments to section 10.01 or 10.02?

The Chair has none and hears none.

Are there any further amendments to section 10.03?

Delegate Della or Delegate Johnson, I take it, you have two amendments going in part to the same question? I take it you would prefer to submit your Amendment J first and failing that to submit Amendment I. State your preference.

DELEGATE JOHNSON: I would prefer to submit Amendment I to the delegates