

We had the research assistants check the problem and there were no constitutional amendments between 1867 and 1891 dealing with this question. It is impossible to check to ascertain that there are: there are no other settlement acts affecting the question prior to 1891 and no settlement agreements with the executive.

For this reason, although it is true, as Delegate Scanlan says, that the sentence states the opposite, it does in addition, however, make it abundantly clear that in this section the Constitutional Convention is endeavoring to put, not only the Baltimore and Ohio Railroad, but other corporations in the same category, in exactly the same situation as all other corporations to the extent that it can constitutionally and the only constitutional prohibition is the contract clause.

Hence, the amendment takes out the troublesome words "now or hereafter". Without some qualification that would mean that to a certain extent it would have unconstitutional application. To make it clear that we intend no unconstitutional application and avoid the risk that the Supreme Court would say that because it is unconstitutional in part the entire section falls, the suggestion was made that the language be added here.

I think we have debated this section up and down and back and forth to the N'th degree, and I do not think any further discussion is necessary. I think we should act on it.

Delegate Pullen.

DELEGATE PULLEN: Mr. Chairman, in order to bring a little relaxation and to prolong the session, I was going to suggest to the President that being a preacher's son I understand the meaning of the hereafter, but I thought that for the purpose, for enlightenment of the layman, Mr. Gallagher might give us a dissertation on the natural law.

THE PRESIDENT: Is there any further dissertation?

Delegate Weidemyer.

DELEGATE WEIDEMEYER: Mr. President, it seems to me that if we could divide this amendment into the two parts, the first part would strike out language, "that are now or may hereafter be", and I may be wrong but I believe we revert then to our old original language.

THE PRESIDENT: That would not be true. The word "hereafter" is in the 1867 Constitution.

DELEGATE WEIDEMEYER: If we would strike out everything and leave it exactly as it were in the 1867 Constitution, amended in 1891, it would seem to me that a fair constitutional construction would be that having continued the old language in its entirety we have meant to continue rather than add something new. I think that would be the constitutional construction, and in any event this last section which says "except to the extent" because if there is any question legally as to the application of this provision, and it goes into court and the court may construe it then, and I think we would be just in the same position as without this language or with this language.

THE PRESIDENT: Delegate Weidemyer, the suggestion you made was considered by the staff, and Mr. Walker Lewis, suggested I think perhaps in desperation finally that we revert to the original language of the 1867 Constitution, which would not be at all the language of this section with these words stricken out, but a great deal more besides, but then if we did that, we would have to add another sentence, which would also perhaps be subject to the criticism that it too stated the obvious, but nevertheless would be essential.

The matter has been considered by the various people who will have worked on it. I do not suppose they will ever have absolute agreement on what is desired.

Is there any further discussion?

Delegate Gallagher, do you have any further comment?

DELEGATE GALLAGHER: No, sir, except that this is the end of the line.

THE PRESIDENT: Delegate Henderson.

DELEGATE HENDERSON: In view of the Chair's explanation, I would like to withdraw my objection and leave the litigation to be handled in the future.

THE PRESIDENT: Is there further discussion?

The question arises on the adoption of Amendment No. 7 to Committee Report S&D-18.

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?