

DELEGATE HARDWICKE: At the risk of dragging this thing on through terrible tedium, I will make this very brief statement, and merely to repeat what I have said, that I do not see how, if the legislature fails to enact conservation legislation, somebody can go into a court of equity and get a mandamus or injunction to the legislature saying, enact some legislation.

I just do not see how you can do it, and if you could do it, I submit you should not do it, and I submit that the courts should not have such a power. I do not know how they would enact it.

If the legislature does not act, I do not see how the courts can do it, and I think that the language of the Committee is a terrible precedent; I think that it is totally unworkable.

THE CHAIRMAN: The question arises on the adoption of Amendment No. 1 to Committee Recommendation GP-3. Are you ready for the question?

*(Call for the question.)*

A vote Aye is a vote in favor of Amendment No. 1. 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 16 votes in the affirmative and 107 in the negative, the motion is lost. The amendment is rejected.

The question arises on the adoption of Committee Recommendation GP-3. Are you ready for the question?

*(Call for the question.)*

A vote Aye is a vote to approve Committee Recommendation GP-3.

Delegate Bard.

DELEGATE BARD: I should like to speak on GP-3. We have not had any discussion, Mr. Chairman, on GP-3, as such.

THE CHAIRMAN: Do you desire to speak in favor or against?

DELEGATE BARD: In favor.

THE CHAIRMAN: You may proceed.

DELEGATE BARD: There are five important reasons why I think this recommendation should be adopted. One, because

we are living in an era where natural resources have been impoverished and at a time when technology and science make it important for us to use these resources for the good of all man; for the economy of our state, we have said a good deal about improving the economy in the State of Maryland, but we have not said very much in respect to specific things which we might do. I think the State has precious natural resources which will permit improvement of our economy, and enhance the beauty and esthetics which enrich our lives.

Secondly, because men and women from all walks of life depend upon our natural resources for the enjoyment of their leisure and promotion of their health. Representatives from many organizations dealing with conservation have indicated that this will stimulate and help integrate their efforts.

Third, Maryland has never had a well-integrated program with respect to natural resources and under Governor Tawes we took important steps toward integrating our Chesapeake game affairs, game, inland fish, forest and parks, open space, water resources, soil conservation, et cetera, but we still have far to go in this respect.

Fourth, this is fundamentally perhaps an exhortatory statement and I for one should like to change the word "shall" to "may", and I would like the privilege after I am finished, if I have it, but nevertheless I think fundamentally it is exhortatory, and it may well be. I remind you there are other exhortatory statements that make it clear that this is what we believe. I would like to give one illustration that has not been given here: In 1845, the Constitution of Maryland for the first time stated that the legislature ought to encourage the diffusion of knowledge. All over the State there was recognition that this is where Maryland stood. It is true that it was not until 1866 that a state system of public schools was established, but immediately after this exhortatory statement in 1845, the public schools of Baltimore recently established as such received great impetus, as did the public county schools. There were no enforcements that you could depend upon.

The same kind of question is asked today as to the meaning of this statement. What good was it to say that the legislature ought to encourage the diffusion of knowledge back in 1845; the truth of the matter is that the public schools of the State of Maryland received their great impetus under this exhortatory directional statement.