

1 MR. ASPER: I must ask this question, based
2 on your reference to Article 41. The Maryland Court of
3 Appeals has held repeatedly that Article 41 does not
4 apply to monopolies, it only applies to monopolies
5 granted by the State, and it has been there since 1776,
6 and it reflects the old statute of monopolies in England
7 of 300 years before. Are you suggesting that perhaps
8 what we need in the Declaration of Rights is a stronger
9 provision or different kind of provision, providing a
10 statement against private monopolies?

11 MR. BURGESS: If you read the three books,
12 Osgood's History of the Colonies, I think you will get
13 some of the reason why this grew out and came out in
14 1776, and I will admit it has been about twenty years
15 since I read those three volumes, but monopolies were
16 nothing new to the British people and certainly were
17 nothing new to the American people. As a matter of
18 fact, the colonies were even throttled through monopolies
19 that were set up in England. All of the trading com-
20 panies were monopolies chartered by the English govern-
21 ment and they controlled in the early days the lives of