

DELEGATE MASON: Could you explain the difference between the function performed by the Workmen's Compensation Commission and the functions that could be performed by a legislatively created commission to hear automobile accident cases?

DELEGATE MUDD: Workmen's Compensation Commission is non-judicial, quasi.

THE CHAIRMAN: Delegate Mason, do you have a further question?

DELEGATE MASON: I do not think the answer is responsive. At least it does not answer completely my question.

I want to know the difference between an automobile injury case and the difference between a personal injury case on the job.

DELEGATE MUDD: May I yield to Delegate Henderson?

THE CHAIRMAN: Delegate Henderson.

DELEGATE HENDERSON: If I may attempt to answer the question, it seems to me its distinction is pretty clear. When the legislature, back about 1914, set up the Workmen's Compensation Commission, it first took causes of accidents which had hitherto been tried in court and set up an insurance scheme whereby people injured at work without any question of tort liability or contributory negligence, or any of these other things were given the right to recover from a state agency an amount which was measured in fixed amounts, not by verdict before this Commission. That was a non-judicial commission, and set up not by turning over previous court work to a different court, but by putting it on an entirely different theory and basis.

I think that is really the explanation.

THE CHAIRMAN: Delegate Mason, do you have a further question?

DELEGATE MASON: I am satisfied with the answer.

THE CHAIRMAN: Thank you.

Are there any further questions?

Delegate Grant.

DELEGATE GRANT: Delegate Mudd, getting back to district courts again, am I understanding correctly that there will be no de novo proceedings as you now have them at trial magistrates if you take them up to circuit court?

THE CHAIRMAN: In what court, Delegate Grant?

DELEGATE GRANT: The trial in the district court will be a final trial, and you will not have a de novo trial in the superior court.

DELEGATE MUDD: That is what we would contemplate, but it would depend upon the action of the legislature.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: The next question would be, assuming that you did have a final trial in the district court, where would the appellate jurisdiction then lie? Would it go up to the intermediate appeal, or would you have appellate jurisdiction in superior court over district court proceedings?

DELEGATE MUDD: It would depend upon the wisdom of the legislature in describing jurisdiction. It could provide for appellate jurisdiction either way.

DELEGATE GRANT: No appellate jurisdiction in superior court? I wondered if you contemplated it would go all the way to the intermediate appellate court.

DELEGATE MUDD: That would appear to be the inevitable result.

THE CHAIRMAN: I am not sure I understand the earlier answer. Did you say that section 5.07 does not authorize the legislature to prescribe appellate jurisdiction in the superior court?

DELEGATE MUDD: Yes.

THE CHAIRMAN: As I read it, it did, in lines 50 and 51: "such other jurisdictions as prescribed."

DELEGATE MUDD: I was wrong, Delegate Grant; sorry. There could be appellate jurisdiction from the district court to the superior court.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: A second question on the jurisdiction of the commissioners: Would you envision they would be able to issue anything like a writ of replevin, or would that have to go to the district court?

DELEGATE MUDD: Within the restrictions detailed there I would say that would have to go to the district court.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Another question: Although each of those articles indicates the court as a whole throughout the