

1 that we hope to follow, that the whole outline of the
2 Constitution is going to be one of conferring broad
3 powers, such as the first article, which says that judicial
4 power shall be vested in, which broadens all judicial
5 power.

6 JUDGE CLAPP: If you make the provision, as is
7 important to, such jurisdiction as provided by law, you
8 run into a problem then that the Legislature is empowered
9 to give the Court of Appeals nonjudicial functions?

10 MR. ENEY: I know, because of the first section.
11 They tend to adopt the separation of powers.

12 JUDGE CLAPP: That may be spelled out in another
13 portion. This is merely a grant of judicial power.

14 MR. ENEY: It is a grant of all judicial powers.

15 JUDGE CLAPP: Is it intended to put in a
16 prohibition against action by the Legislature that will
17 encroach upon judicial powers or give extra judicial
18 powers to the Judiciary?

19 MR. ENEY: I would anticipate that the Consti-
20 tution will have the same separation of powers that we
21 have now and have had under all of our constitutions.