

1 constitutional provision, that the legislature would have
2 to provide for a jury trial?

3 MRS. BOTHE: No, I think it has to be read in
4 connection with the history of the existing Section 6 of
5 Article XV. We preserved the crucial language in that
6 section in our recommendation and, presumably, I see no
7 reason why it wouldn't be continued to be construed by the
8 Court of Appeals in the same manner as Section 6 was, and
9 that is to apply only to actions which existed at the time
10 of the passage of the original Constitution, not this one.

11 THE CHAIRMAN: Before we have any further general
12 discussion, perhaps the other members of the Committee want
13 to comment on this. Mr. Gentry?

14 MR. GENTRY: My comment generally was that while
15 I originally started out favoring deletion, I was persuaded
16 by the fact that every other State has such a provision as
17 this. The State Bar Association recommends it and, while
18 I feel this Commission should be progressive and move ahead,
19 this is an area where I wouldn't want to step in and be an
20 innovator, and, for that reason, I was in favor of continu-
21 ing the provision. I don't think we have changed the