

GP-9 which says all local legislation and all other law including common law in force on June 30, 1968, and so forth and so on shall continue in effect.

In other words, it appears that the two of them are in opposition to each other and there is a conflict between them. This one is a flat statement that unless it is otherwise provided in the transition legislation that the 1867 Constitution ceases to be effective, whereas in GP-9 as amended and adopted, it would appear that those relative provisions of the Constitution of 1867 are still in effect and would govern legal actions and so forth, all of which are preserved, and would be particularly effective. That is why I thought you might want to be a little more specific.

Delegate Wheatley.

DELEGATE WHEATLEY: GP-9 in essence becomes a new authorization and that would be a primary source of those carried over from 1867. The primary reliance would be on the new constitution.

That would be the primary basis rather than a second degree authorization. I think this would be totally substantiated by GP-9.

THE CHAIRMAN: Delegate Grant, I am not sure I followed your earlier question. Delegate Wheatley apparently did but I do not think I did. Would you mind restating it?

DELEGATE GRANT: The problem arose in GP-12. You make the flat statement that as of the first of July, as I understand it from the answers of the Chairman, the constitution becomes effective.

Secondly, this constitution becomes effective and the 1867 Constitution ceases to be effective, and to both of them, the only modifier is "except as otherwise provided in the Schedule of Transitional Provisions". However, GP-9 states that all other law in force on June 30 insofar as not in conflict with the constitution shall continue in force.

My specific question was since there are a number of actions and so forth preserved in GP-9, whether we can make the flat statement that the Constitution of 1867 ceases to become effective except as modified in the transitional provisions or might perhaps say except as otherwise provided herein which would reflect back to GP-9 particularly since GP-9 ends by saying "except as modified by this Constitution"?

We are trying to get too much into too few words.

THE CHAIRMAN: I am still missing your precise point, Delegate Grant, and I am sorry. GP-9 refers to law, statutes and unwritten law, case law. Are you reading that as including within the term "law" the Constitution of 1867?

DELEGATE GRANT: Yes.

THE CHAIRMAN: I do not think that was intended.

DELEGATE GRANT: I would differ with the Chair possibly on that because of the fact that it is the intent apparently to preserve a number of rights of actions and other liabilities which will be bottomed on the 1867 Constitution, bonding being one of them. However, even assuming that to be correct, it ends with saying "except as modified in this Constitution".

Then GP-12 says the Constitution ceases to be effective on July 1 unless there is something in the transitional provision. There is nothing there that will refer back to what is taken care of in GP-9. What I am suggesting to the Chairman is that you might want to say "except as otherwise specifically provided in this Constitution and in the Schedule of Transitional Legislation".

THE CHAIRMAN: It was intended to avoid that situation if at all possible so that we have no doubt or question as to the effective date. It is either here or in the transitional provisions and not to be read by implication elsewhere.

Delegate Grant.

DELEGATE GRANT: I understand, but GP-9 appears to be one of these Mother Hubbard clauses which would take care of all rights of action and I think specifically bonding and other things which would be based on the 1867 Constitution.

THE CHAIRMAN: Delegate Wheatley.

DELEGATE WHEATLEY: I might elaborate on this. I think the result would be the same, but the reasoning would be different in this respect that GP-9 would be cited as the authority for the continuation without reference to a second degree authority in the 1867 Constitution. The result would be the same as you suggest, but it would seem more efficient to me to cite GP-9, as a reference in the new constitution as the source for this rather than taking it to the second degree. I think the result would be the same, but I would say that the language might not be required.