

1 that other departments of the Commission are considering
2 situations in which the Supreme Court would have original
3 jurisdiction, as for instance in apportionment cases.

4 JUDGE PROCTOR: This very draft gives them
5 jurisdiction to remove judicial, which is something other
6 than appellate, and the present Constitution says, as now
7 is, and may be. What do you have as now is?

8 MR. ENEY: One of the general rules that we
9 are trying to follow in the Commission, and I forgot to
10 mention earlier, is that we are striving to avoid every
11 statement anywhere in the Constitution which incorporates
12 unspecified provisions of the law as they stand at the
13 time so that we will not use any phrases such as juris-
14 diction now conferrable or such as is now the law or any-
15 thing of the sort, so that you can get everything needed
16 in the Constitution and not have to refer to some other
17 source.

18 JUDGE CLAPP: The problem that has been run
19 into in code States, unless you can find something in the
20 Constitution, it may well be prohibited.

21 MR. ENEY: No, because of the general rule