

1 JUDGE CLAPP: Of course, then you run into the
2 problem that you said you didn't want to incorporate,
3 which was taking into the present Constitution any refer-
4 ence to the old constitutional provisions.

5 MR. ENEY: No. This doesn't embrace the refer-
6 ence to any other provision. I am just saying that the
7 fundamental concept is going to be that the Constitution
8 has the same separation of powers between the three
9 branches of government as we have always had.

10 JUDGE CLAPP: I understood you to say also
11 the Legislature would have all power, unless specifically
12 prohibited in this Constitution.

13 MR. ENEY: That was probably expressed too
14 broadly -- all legislative powers.

15 THE CHAIRMAN: If we don't make any -- and I
16 am sure you all understand that we can't act on all these
17 suggestions as we go along, but we are taking due note
18 of them, and we will consider them fully at a later meet-
19 ing.

20 The next section under Subsection (b) sets
21 forth the composition of the Supreme Court of Appeals