

1 not he could go to the Supreme Court would depend upon the
2 Legislature, and it is contemplated in the present legis-
3 lation, I think, that is pending in the referendum in
4 November, under those provisions, the Court of Appeals could
5 grant certiorari in a particular case under certain con-
6 ditions, so that I think it is contemplated that there
7 will be the right to ask to go to the Supreme Court in
8 all cases and in capital cases, I think they automatically
9 go to the Supreme Court.

10 MR. MARTINEAU: You probably wouldn't be sit-
11 ting in panels where you only have a court of five mem-
12 bers. This is provided to take care of the situation
13 where the Legislature would create additional members
14 of the court, and you might have a nine-member court, and
15 then you would be able to have three panels sitting
16 throughout the State. That is the purpose of that. It
17 is not to enable the five-man court to sit as a three-man
18 court.

19 MRS. STRAUS: That is what I had in mind.

20 JUDGE CARTER: Was any thought given to fixing
21 the maximum? I guess because you don't know what the