

1 it is a question of what is of constitutional importance
2 and what isn't, and what you can leave to the Legislature.

3 JUDGE CLAPP: Aren't you doing this same thing,
4 where you give the plenary power to the Legislature to
5 fix jurisdiction?

6 MR. ENEY: Doing the same as what?

7 JUDGE CLAPP: As saying there shall be four
8 courts, period, in such matters as the Legislature may
9 determine.

10 MR. MARTINEAU: That is what we are doing. We
11 are not doing what Judge Rasin suggested, which is to
12 say there shall be such number of courts as the Legis-
13 lature may provide. The reason we don't want to do that,
14 it seems to me, is that the great movement in judicial
15 reform over the years has been to get away from the
16 proliferation of courts of varying jurisdictions. That
17 is why you want to write into your Constitution a limited
18 number of courts and provide throughout the State what
19 their jurisdiction shall be.

20 JUDGE CLAPP: Aren't you leaving it open to
21 the Legislature to render those courts completely nega-