

1 MR. CASE: But they have done it because of the
2 constitutional provision.

3 MRS. BOTHE: No, they have not.

4 MR. CASE: Of course, they have.

5 MRS. BOTHE: The Court of Appeals held that the
6 administrative procedure did not entitle a litigant under
7 the Workmen's Compensation Act to a jury trial, as a matter
8 of right. He could have it by statute. He has it by
9 statute. Now, you are saying that everybody gets it by
10 statute, but it is in the Constitution.

11 MR. CASE: Mrs. Bothe --

12 THE CHAIRMAN: Mr. Case, the record won't be
13 complete this way. Go ahead, Mrs. Bothe.

14 MRS. BOTHE: I completed my sentence, but what it
15 amounts to is that the legislature determines who gets a
16 jury trial in a civil proceeding, but the Constitution en-
17 courages the legislature to place some basis upon it.

18 MR. CASE: With all due respect you are just
19 absolutely wrong about that, because a litigant in a
20 Workmen's Compensation case has his choice. He can sue at
21 common law, he can go into the Court -- surely, he can.