

1 a different answer from the one given by Delegate Moser
2 to Delegate Sollins' question. I call the Convention's
3 attention to the fact that under Section 5.01 of the
4 judicial branch, we have provided that the judicial power
5 of the state is vested exclusively in the unified judicial
6 system, etcetera, and I would suggest that under the terms
7 of that entire article, all judicial power being vested
8 in the court, that the legislature would not have the power
9 to vest a jury with the power to make itself a judge of
10 the law in any case.

11 DELEGATE JAMES: Delegate Mason, do you wish to
12 speak in favor?

13 DELEGATE MASON: Yes, sir.

14 DELEGATE JAMES: You may proceed.

15 DELEGATE MASON: I rise to speak in favor of the
16 amendment, Mr. Chairman.

17 I have had the opportunity of trying to uphold
18 this particular section of the Constitution on many
19 occasions in the Court of Appeals, and in the Federal Courts,
20 and we have been successful, so far, but I suggest that
21 if the Supreme Court ever hears argument and receives