

1 which probably would render all our criminal decisions un-
2 constitutional under the 14th Amendment. I proposed in my
3 paper therefore that there be four different modifications.
4 One involved the amendment of the Constitution to permit the
5 passing on the sufficiency of the evidence by the trial
6 court and opening the case to appeal.

7 The second one was a mandatory rule of court
8 requiring the trial courts to give advisory instructions
9 on the law to the jury so that that was absolutely mandatory
10 on his part and opening those instructions to review on
11 appeal.

12 DELEGATE JAMES: Thirty seconds, Delegate Hender-
13 son.

14 DELEGATE HENDERSON: There were several other
15 matters which were accomplished there. For one thing, the
16 rules of court were amended to provide that this did not
17 apply as it had before to a judge who was sitting without a
18 jury. In those ways we managed to close some of the avenues
19 so that the Supreme Court, even though it had the appeal on
20 certiorari refused to grant a hearing and has not yet ruled
21 on it.