

1 MR. MARTINEAU: That is right.

2 THE CHAIRMAN: This is by constitutional pro-  
3 vision, not statute, that you are talking about now.

4 MR. BOND: I understand. Thank you.

5 MR. MARTINEAU: One State permits the Legis-  
6 lature to do it by specific constitutional reference.  
7 I would assume in the other ones, they could do it by  
8 implication.

9 THE CHAIRMAN: Mr. Miller?

10 MR. MILLER: Mr. Chairman, I agree with what Mr.  
11 Scanlan says about perhaps we ought to have a little  
12 more fluidity, but as I gather the motion we would be  
13 voting on now, the Legislature could provide by a vote  
14 of 7 to 5, for instance, a man could be convicted of  
15 a serious crime, and my good friend, Judge Adkins, is  
16 worrying about getting even a majority, or cutting down  
17 the number of people, or holding a large number of people  
18 to vote for the passage of a simple bill. It seems to  
19 me unless we put some limit on this, we are going a  
20 little bit too far in the other extreme. I would be  
21 willing to vote that for at least ten jurors, guilty,