

1 expert functions in the formulation of matters of procedure.
2 We felt that to put the power exclusively in the Rules is
3 undemocratic, that the Legislature should have a say.
4 The Legislature should be entitled to enact a law regard-
5 ing Rules and that that enactment would require the Court
6 of Appeals to look at it and to determine whether or not
7 to change it, to determine it expressly.

8 If the Court of Appeals changed it expressly
9 and the Legislature declined, you could theoretically have
10 a merry-go-round, and it has never happened. I think,
11 theoretically, judged by the fruits of the past, it is a
12 perfectly satisfactory situation and the danger of allow-
13 ing the Legislature final word in these procedural matters
14 is a very serious danger of askewing the procedural system
15 and of taking away the benefits of a system which has
16 worked well for over twenty years.

17 THE CHAIRMAN: Any further discussion and
18 comment? I would like to make one comment. I was a member
19 of the Rules Committee for the first thirteen years of its
20 existence and I would emphasize everything that Mr. Sykes
21 has said to you concerning the necessity really of having