

1 MR. GENTRY: He cannot.

2 MR. CASE: Yes, he can.

3 THE CHAIRMAN: One person has the floor at a
4 time, please. You will have a chance.

5 MR. CASE: He has the common law action, if he
6 wants to exercise it, but he gives up his rights under the
7 Workmen's Compensation law; that is what you're thinking
8 of. He cannot have it both ways.

9 THE CHAIRMAN: Mr. Gentry?

10 MR. GENTRY: In elaborating a little further
11 on what Mrs. Bothe says, certainly, the main basis for
12 a provision such as this, which we have inherited from
13 days gone by, is to give the people this right to a judg-
14 ment from their peers. When I spoke before, I said I
15 originally thought we ought to delete it, and that is what
16 we are coming back to when you talk about this amendment.
17 This amendment takes the entire heart and meaning out of
18 it. I would readily grant it gives a very practical
19 effect to it and it holds and preserves this exclusive
20 jurisdiction in the lower Courts, but by doing so, you
21 might just as well delete it, because it is of no value