

which they have possessed from their foundation betrays a want of confidence in them wholly unwarranted by experience? The history of this court, and indeed of all the courts of this Commonwealth, shows the zealous care with which they have ever defended and maintained the just authority and respect due to juries as an agency in the administration of justice, but our duty, as we conceive it, requires us not to be less firm in vindicating the rightful authority and power of the courts."

In Demetree v. State, 89 So. 2d 498 (Fla.), the Court said:

"The power to punish for violation of a valid subsisting order of a court of competent jurisdiction necessarily inheres in our judicial system. This is so for the simple reason that without the power our judicial system would become a mere mockery for a party to a cause could make of himself a judge of the validity of orders which had been issued and by his own acts of disobedience set them aside, thereby ultimately producing the complete impotency of the judicial process. There can therefore be no doubt that the courts are clothed with power to punish contempt for violation of their orders and they have this authority without the necessity of referring the issues to another tribunal or to a jury in the same tribunal."

In Ex Parte Evett, 264 Ala. 675, 89 So. 2d 100, the Alabama Supreme Court said:

"It would be anomalous indeed to hold that a criminal contempt committed against either of those courts should be tried under the criminal code; and even so, to hold that the accused was entitled to a trial by jury. And it would be equally anomalous to hold that the law gives an alleged contemnor of the Circuit Court a right of trial by jury and at the same time, deny it to alleged contemnors of the Appellate or Probate Courts. Clearly, contempt proceedings are not criminal cases within the meaning of the Constitution or statutes of Alabama."



The Department has received from General Counsels of certain regulatory agencies and from some Divisions of the Department of Justice comments on the effect this amendment would have on their activities if enacted into law. For your convenience portions of their views are set forth below.

A. National Labor Relations Board

"The enactment of the Senate amendment, providing for jury trials and limiting fines and terms of imprisonment, would tend to encourage