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## THE ADVANTAGES OF A SYSTEM OF CONTINUOUS STATUTORY REVISION

ROBERT K. CULLEN\*

### EDITORIAL PREFACE

[The compilation, revision and publication of the Missouri statutes has been a matter of concern to the profession for some years. In 1938 President Wallace Fry of the Missouri Bar Association made the improvement of the present practice in this regard one of the objectives of his administration. In that year the *MISSOURI BAR JOURNAL* carried articles by the revisors of statutes in Wisconsin and Kansas on the procedures in their states.<sup>1</sup> A committee of the bar association drafted a bill for introduction in the legislature which would have established machinery for a modern and efficient method of statutory revision,<sup>2</sup> but no immediate results were obtained. In 1943 the legislature created an office to give technical assistance in the drafting of bills,<sup>3</sup> an action which has proved of great value and which may be the first step toward a more comprehensive system of statutory improvements, as Mr. Cullen shows in the following article. This February the people of Missouri adopted a new constitution which provides<sup>4</sup> (a) that the statutes must be revised *at least* every ten years (the 1875 constitution provided that the statutes should be revised every ten years) and (b) that members of the legislature who work on the revision shall not receive additional compensation for their labors (the 1875 constitution contained no provision on that subject and the practice in Missouri has been for the houses of the legislature to appoint a joint committee to prepare the revision, which was paid a per diem wage, in addition to the regular legislative salary).

The first constitutional change is an open invitation to the legislature to adopt the system prevailing in a number of states of biennial publication

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1. Brossard, *The Wisconsin Plan of Permanent Statute Revision* (1938) 9 Mo. B. J. 37. Corrick, *The Establishment and Operation of the Office of Revisor of Statutes in Kansas* (1938) 9 Mo. B. J. 64.

2. Report, Special Committee on Statutory Revision, Legislative Drafting, and Research Bureau (1938) 9 Mo. B. J. 210.

3. Laws 1943, p. 632.

4. Art. 3, § 34.

of the compiled statutes. The second change removes the stumbling block to improvement in our statutory revision system by eliminating the incentive to members of the legislature to attempt to do the job themselves, and opens the way to employment of professional assistance, which is most efficient and economical when on a continuous and full time basis.

What in Missouri is labelled "The Revised Statutes" should more properly be called "The Compiled Statutes." We do not have a decennial revision. We have a decennial compilation. The "Revised Statutes of 1939" contain no words, or make no deletions, that were not present in the "Revised Statutes of 1929" or the intervening session laws. It is quite true that only the legislature, and not a committee or executive office, should change the wording of the statutes, but the "revision committee" simply provides the Secretary of State with the manuscript of its compilation for publication and does not report to the legislature a suggested revision, for enactment, which might eliminate ambiguities, discrepancies, inconsistencies, verbiages, and the like without changing the policy, intent, or scope of the law. The work and merit of true revision is discussed more fully by Mr. Cullen.

It is difficult to understand the failure of the Missouri legislature to adopt the so-called "decimal system" of numbering the statutes. No single objection has ever been raised against it and a great many arguments in its favor can be made. Many sections of our statutes have been on the books for decades. Lawyers have occasion to cite them constantly. Under the decimal system of numbering each section retains its original number for all time unless the whole chapter is revised, instead of being changed with every compilation. Not only does this make the task of the lawyer simpler, in finding and citing the law, but it greatly reduces the cost of printing each revision or compilation, as the original plates can be used again and again.

In Wisconsin a complete compilation, which reflects the continuous work of the revisor, is published every two years at a cost of five dollars. In 1930 a volume of annotations of the statutes to that date was published at the same price. Since that time the cumulative annotations have been added to each section of the statutes as they were published. In consequence, from 1929 to the present date—a period of over 15 years—the Wisconsin lawyer has had at hand the up-to-date, complete revision of all the statutes in force, with annotations to all the decisions interpreting them, in

two volumes at a total cost of \$45, or an annual cost of less than three dollars, less than a penny a day. He has not had to search through session laws to learn whether the statute was changed after the last compilation. He has not had to thumb the digests, or buy another edition of the statutes, for interpreting decisions. More important, if less easily demonstrable, has been the improvement in the organization and phraseology of the statutes through the continuous work of the revisor. The printing and publication of the statutes has more than paid for itself even at the modest prices charged, so that the cost to the state has been the budget for the revisor's office, which in ten years has totalled \$143,000. The appropriation to the Missouri legislative revision committee in 1939 was \$125,000. The cost of preparing the session laws must be added to establish a total comparable figure.

Kentucky has recently reorganized its procedure for revising and publishing its statute law. Mr. Cullen's work in that state has been highly praised and the *MISSOURI LAW REVIEW* is pleased to present his discussion of the "continuous revision" system he has installed there.

O. B. E.]

In the past five years systems of continuous statutory revision have been set up in Kentucky, Minnesota, Florida, North Carolina, Mississippi, New Jersey, Washington and Illinois. Such systems have been in operation for many years in Wisconsin, Iowa, Kansas, South Carolina, Connecticut, Maine, Massachusetts, New York, Maryland, Rhode Island, and Pennsylvania. Proposals for continuous revision systems are being considered in Missouri, Oregon, New Mexico, North Dakota, and perhaps in other states.

Despite the recent trend, the states having such systems remain in the minority. In the majority of states revision has been a matter of periodic upheaval, in some cases at regular intervals and in others only when forced by demand of the legal profession. In Missouri there have been decennial revisions; in Kentucky sixty-nine years elapsed between the revision of 1873 and the revision of 1942.<sup>5</sup> No one will dispute the fact that the statutes of a state, accumulating over a period of years through ordinary legislative processes, will develop infirmities that sooner or later demand attention. Some of the infirmities may be mere lesions or growths, which do

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5. Kentucky saw the light, and established a continuous revision system in 1942.

not spread but which cause discomfort and inconvenience. Others may be of the contagious type, which infect later statutes with which they come in contact. Some may consist only of dead tissue. Regardless of individual types, the accumulated infirmities, left unattended, will sometime require a major operation. And that not only involves shock, and expense, but a period of post-operative adjustment, in addition to the long period of suffering before the operation is agreed to. The alternative seems to lie in a plan of continuous attention, involving some preventive medicine. If an expert is in attendance at the birth of legislation, he may take steps to prevent conditions that will develop into infirmities. And by constantly watching over the patient he can quickly remedy any maladies that appear.

What about these systems of continuous statutory revision? Do they furnish the preventative and ready cure that will make unnecessary the major operation of a general revision? This article proposes to furnish an answer.

#### THE FORM OF THE REVISION AGENCY

Systems of continuous statutory revision have taken varying forms. In Wisconsin, Iowa, Kansas, Kentucky, Minnesota, Mississippi, and Connecticut the system is built around the office of revisor of statutes. In Massachusetts the office is that of legislative counsel. In some states there are "Code Commissions," or bureaus of legislative drafting and research. In other states part of the Attorney General's staff is assigned to law revision.

In Wisconsin the revisor of statutes is appointed by the trustees of the state library (consisting of the justices of the Supreme Court and the Attorney General). In Kentucky the revisor is appointed by a statute revision commission, consisting of four attorneys appointed by the Governor from a list of eight names submitted by the governing body of the state bar association. The commission constitutes a policy-forming body, with the revisor acting as executive agent. In Iowa the office of revisor (code editor) is combined with that of supreme court reporter. In Kansas and Minnesota the revisor is appointed by the Supreme Court. In Mississippi the appointment is made by the Attorney General, and in Connecticut by the Governor.

The legislative counsel in Massachusetts consist of an officer for each house of the legislature, appointed by the rules committees of the respective houses.

In New York there is a "Law Revision Commission," composed of the chairmen of the judiciary committees of the legislature, and five attorneys appointed by the Governor. The set-up in New Jersey is similar, with a "Commission on Statutes" consisting of one member from each house of the legislature, and three attorneys appointed by the Governor. In South Carolina there is a "Code Commissioner," elected by the General Assembly, with provision for a standing statute committee of the legislature to check his work.

Illinois and Pennsylvania have legislative reference bureaus whose functions include continuous statutory revision. In Illinois the bureau is controlled by a committee consisting of the Governor and the chairmen of the appropriations and judiciary committees of each house of the legislature. In Pennsylvania the bureau is headed by a director elected by the legislature. In Washington there is a "Code Committee," whose membership includes the state law librarian, the law librarian of the University of Washington, and the executive secretary of the judicial council.

In Florida and North Carolina the revision work is assigned to special assistants in the office of the Attorney-General, while in Rhode Island there is an assistant secretary of state in charge of law revision.

Regardless of the nature of the authority in which the revision function is nominally vested, the basic feature of all systems is a staff of one or more trained statute experts, with adequate clerical assistance, which performs the dual functions of legislative drafting and continuous statutory improvement. In each case there is a permanent office, financed through legislative appropriations.

Which form of revision agency best suits the purpose for a particular state depends upon a number of factors, including the nature of the legislative organization, the history of statute revision and publication in the state, and the extent to which such bodies as a judicial council or state bar association have become effective as influences in the improvement of statute law. If there is an active, well organized bar association in the state, it would seem desirable to give the association some representation on the revision agency. In Kentucky, where the statute revision commission is appointed from a list of names submitted by the governing body of the integrated state bar, the commission has received the whole-hearted support of the members of the bar, and the recommendations of the commission have been accepted by the legislature because the members of the com-

mission have been men recognized throughout the state as outstanding in the profession.

Since a program of continuous revision necessarily involves questions of policy, a revision agency which includes a policy-forming commission is probably more suitable than one in which all responsibility is vested in a single officer. In such a commission decisions based upon the experience and judgment of the several members will furnish a sound basis for action, and the combined public esteem and prestige enjoyed by the members will lend credit to the work of the agency. The commission need not be compensated—a group of public-spirited men who are willing to devote a portion of their time to the improvement of the law may well produce the best results.

Whether the policy-forming commission should include members representing the legislature is doubtful. However, each house of the legislature should have a special standing committee through which the revision legislation may be submitted for enactment. In South Carolina a standing statute committee of the legislature receives and passes upon the suggestions of the code commissioner, and in Wisconsin revision bills prepared by the revisor of statutes are submitted to the judiciary committee of the Senate. Through standing committees of this kind, a relationship of understanding and respect is created, and proposals for revision legislation come to be received by the legislature with faith and confidence in their merit.

#### HOW THE SYSTEM WORKS

The operations of a system of continuous statutory revision obviously should be directed primarily to the continuous improvement of the form and substance of the statutes. Legislative drafting and publication of the statutes are proper functions of a revision office, but they are only adjuncts to the basic function. Legislative drafting by the revision office furnishes a preventative that will protect from deterioration the improvements made through the revision program, and publication of the statutes by the revision office will insure that the statutes will be compiled in the most convenient and economical form, but the constant examination and reexamination of the statutes, for the purpose of weeding out the conflicts, unconstitutional provisions, implied repeals and obsolete sections, and the preparation of topical revision bills to improve the substance of the statutes, will constitute the chief aim of the revisor.

The tools of a continuous revision system include a complete set of the session acts, legislative journals and statute compilations of the state. Another essential tool is an adequate set of annotations to the statutes. Whether or not the revision agency publishes the statutes, it should maintain its own file of annotations to current court decisions, in order that it may keep the statutes adjusted in accordance with judicial construction and application.

A most useful tool is a set of cross-reference files. One file should contain a card for each section of the statutes that is referred to in the text of another section or sections, the numbers of the sections in which the reference is made being listed opposite the number of the section referred to. When a section is proposed to be amended or repealed, a check of the file will indicate whether other sections will require adjustment because of the amendment or repeal. The other file should contain, as to each section of the statutes, a list of other sections that bear upon or relate to the subject matter of the section. This file will enable the revisor, in considering any section, to locate readily other related statutes.

A system of continuous statutory revision works through a revisor or staff of revisors who, through an original thorough examination and analysis of the entire body of the statutes, and constant reexamination and scrutiny, acquires and maintains such a knowledge of the statutes that the location and general substance of every provision may be called from memory. It is this knowledge that enables the system to operate efficiently.

Ordinarily the revision work will fall into two major classes, one being work of a corrective or purging nature, and the other embracing the work of substantive or topical revision. Upon the first examination of the statutes, and during the constant reexamination thereafter, the revisor roots out the statutes that are obsolete, unconstitutional, impliedly repealed, or duplicated. He also identifies the statutes that are conflicting, illogically classified, ambiguous, confusing, redundant, or merely verbose. He carefully follows the decisions of the courts and notes the statutes that have been found defective. Revision bills to correct these defects are prepared and placed before the legislature.

Regardless of the care with which the legislation enacted at each session of the legislature is drafted, conflicts, duplications, and ambiguities will continue to develop. Statutes will continue to become obsolete, and will con-



tinue to be held unconstitutional. So the corrective work of the permanent revision office will be a continuing work.

Topical revision, involving the thorough application of the principles of statute revision to individual subjects, furnishes the means through which a continuous revision system can accomplish the true aims and purposes of revision. The subject may be eminent domain, general corporation law, removals and vacancies, administrative procedure, or any other of the many subjects dealt with in statute law. The revisor, after selecting the subject, gathers together all of the statutory provisions that relate to the subject. He carefully studies the annotations to those statutes. He examines the statutes of other states, and consults persons who have a special knowledge of the subject. On the basis of this information, he drafts a clarified, harmonious statute in which the details and technical aspects of the subject are simplified, modernized and unified. He will restrict the changes to matters of detail, avoiding controversial matters or questions involving the policy of the law, since policies are for the legislature to settle. Revision deals with details, not fundamentals.

Topical revision bills, limited to a single subject, constitute an ideal method of revision. The revisor has sufficient time to become thoroughly familiar with the subject, and to draft and redraft the bill until it approaches perfection. The legislature is not required to accept the bill on faith, but has ample opportunity to examine its contents and pass intelligent judgment upon it. Through such bills, over a period of years, the most important and most often used statutes will be made plain, certain and accessible.

Legislative drafting is an important function of a continuous revision system, if for no other reason than that it protects from deterioration the improvements made through the work of corrective and topical revision. The members of the staff of the revision office have acquired a thorough familiarity with the statutes, and a complete understanding of the principles of statute construction. In drafting bills they will avoid conflicts, duplications and implied repeals because they know what is already on the statute books. They will frame legislation in simple style and clear language because they have been trained to recognize the common faults of style and language that create ambiguity and redundancy, and because they have seen the results of an accumulation of sloppy and inexperienced draftsmanship.

In Kentucky, during the last two sessions of the General Assembly, both

houses have had a rule which prevents any bill from being considered for final passage unless it has been approved by the revisor of statutes as to form and mechanics. This rule not only has given the revisor the opportunity to insure that bills drafted by other persons are reasonably satisfactory from the standpoint of form and mechanics, but has encouraged the legislators to have their bills drafted in the first instance by the revisor's office. In addition to checking the form and mechanics of bills, the Kentucky revisor maintains a cross-index of all bills that are introduced, according to the subject matter and according to the statute sections affected. When a bill reaches the floor for final passage, the revisor, having examined it as to form and mechanics, checks the cross-index and ascertains whether the bill overlaps or conflicts with other bills passed by or pending in either house. A report is submitted to the majority floor leader and to the sponsor of the bill. The experience has been that these reports are welcomed, and in practically every case the recommendations in the revisor's report are accepted. Through the assistance rendered by the revision office in the preparation of legislation, the members of the legislature have come to appreciate what the office is trying to accomplish, with the result that revision legislation has been favorably acted upon.

In the work of legislative drafting it is important that the revisor carefully avoid taking any stand as to the policy of legislation. His sole function is to see that proposed legislation accomplishes the purposes desired by the sponsor, and he should not be concerned with the merits of the purpose.

In Wisconsin, Iowa, Minnesota, Kansas, and Kentucky the revision office publishes the statutes under a periodic publication plan. In Wisconsin, Minnesota and Kentucky the biennial republication plan is followed, under which the entire body of the statute law, with current annotations, is republished following each regular session of the legislature. The annotations up to a selected date have been published in a separate volume, so that the biennial statute volumes contain only the text of the statutes and cumulative annotations since the date of the annotation volume. All of the editorial work, including assignment of section numbers, classifying, and indexing, is done by the revision office, and only the actual printing and binding is contracted for.<sup>6</sup>

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6. For a full description of the system of biennial publication in Wisconsin, see Brossard, *The Wisconsin Plan of Permanent Statute Revision* (1938) 9 Mo. B. J. 37.

Publication of the statutes would seem to be a proper function of a permanent revision office. The revisor is best qualified to determine the place at which new legislation should be compiled. He is required to maintain a file of current annotations, and an adequate index, in order to carry on properly his revision program. His staff is in a position to prepare the statutes for publication with little extra work, with the result that the cost of maintaining an editorial staff, which constitutes a major portion of the selling price of privately-published statutes, may be saved.

#### THE ADVANTAGES OF THE SYSTEM

Probably the chief advantage of a system of continuous statutory revision is found in the development of one or more experts who acquire a thorough knowledge of what is in the statute books, and who, through experience, become trained in the art of restating and improving the statute laws. The revision office becomes a source of complete information on the history, development, construction and application of the statutes. Indexes, cross-reference files, annotations, and the like supply accurate information on all phases of the statute law. The revisor is the guardian or protector of the entire body of the statutes, and through his acquaintanceship with all of the statutes is able to promote the integration, unity and standardization that result in easier understanding and uniformity of construction.

In those states which do not have a permanent revision office, Mark Twain's comment about the weather may be applied to the statutes—everyone talks about them but no one does anything about them. A permanent revisor is the man whose duty it is to do the things that everyone recognizes should be done, but which no one else feels responsible for doing. If a statute has been held unconstitutional, it should be repealed. If the court has found that a statute has been impliedly repealed, it should be specifically repealed. If conflicting statutes have been discovered, someone should introduce a bill to reconcile the conflict. If an ambiguous statute is causing trouble, it should be clarified. The revisor will do these things, because that is his job.

The revision office constitutes a clearing house for suggestions from individual attorneys and judges, and an agency for giving effect to proposals of the state bar association and the judicial council. The attorney who, in his practice, encounters some defect or troublesome point in the statutes, will call or write the revision office. The revisor will see that the necessary

correction or improvement is made. If the bar association favors a new corporation code, a revision of the exemption laws, or modernization of an outmoded method of practice or procedure, the revisor may be called upon to do the paper work. The knowledge and experience of the entire bench and bar can thus be accumulated at a central point, and utilized for the benefit of all users of the statutes.

By continuously weeding out the obsolete, impliedly repealed, unconstitutional, and duplicated statutes, a permanent revision office will keep the bulk of the statutes at a minimum. During one five-year period in Wisconsin, there was an increase of only sixteen pages in the volume of the statutes. And reduction of the bulk of the statutes is probably not the greatest advantage of the continuous weeding out process. If statutes that no longer are in effect are permitted to remain on the statute books, they will cause confusion and misunderstanding, and promote litigation. By causing such statutes promptly to be repealed, the revisor removes pitfalls into which the unwary might have fallen. The eternal vigilance of the revisor protects the statutes from disintegration, and promptly remedies the evils caused by hasty and ill-considered legislation.

The continuous weeding out of statutes that have become ineffective only serves to prevent the statutes from deterioration; the improvement of the statutes comes through the topical revision program. Continuous topical revision seems to hold every advantage over occasional bulk revision. Each subject selected for revision may be given the undiverted attention and care required to achieve perfection. The work will be done by a person who has a thorough familiarity with all of the statutes, and who therefore will keep the subject under consideration in symmetry with the rest of the statutes. A long-time plan may be followed which will give continuity to the work and insure unity of purpose. There is no deadline that will cause the work to be hurried. A topical revision bill relating to one subject may be examined at length and considered with intelligence and judgment by the legislature, and is not required to be accepted on faith, as is the case with a bulk revision. Changes of substantive details of the law, which would not be permitted in a bulk revision, may be made because the legislature will have time to consider the desirability of the changes. And the subject of statutory revision is constantly kept in the attention of the legislature, so that a concentrated effort to sell the legislature on the desirability of revision will never be necessary.

The legislative drafting services of a continuous revision system constitute a preventative that will guard against the ills to which statutes are susceptible. The revisor, who is familiar with the dangers of implied repeals, will make certain, in drafting bills, that all existing statutes intended to be repealed are specifically repealed. He will employ his familiarity with the statutes to avoid conflicts and duplications. His knowledge of the court decisions construing the statutes will enable him to recognize the insufficiencies of proposed legislation. His experience in the art of stating statutes in simple, direct language will reduce the volume of legislation. In Kentucky, over a period of twenty-five years prior to the establishment of the permanent revision office, the average length of each legislative act was four pages. At the first session at which the bill-drafting services of the revision office were utilized, the average dropped to two and a quarter pages. The volume of acts of that session was the smallest in thirty-five years.

By keeping a careful watch over all proposed legislation, the revisor can prevent the enactment of bills that conflict with each other, and secure the correction of mistakes that occur during passage of bills. Even if he has drafted a bill in the first instance, he will follow it through the legislature to guard against hurried and ill-considered amendments.

A continuous revision system insures the permanency of the classification and numbering of the statutes. If the statutes are permitted to pile up over a period of years and then are submitted to a bulk revision, a radical reclassification and a complete renumbering may be required. This destroys the working knowledge of the users of the statutes who have become accustomed to the former classification and numbering systems. During the period the statutes have been permitted to accumulate, the classification system will have disintegrated because there has been no one to see that new legislation was enacted with reference to the system. With a permanent revisor, the classification system will be protected, and new legislation will fit into a logical place because the classification has been taken into consideration in drafting the legislation.

Finally, a permanent revision office enables the published compilations of the statutes to keep pace, in improvement, with the improvement of the statutes themselves. Where the revision office publishes the statutes, the knowledge and experience of the editorial staff of the office will be reflected in logical arrangement, convenient cross-references and reliable annotations. The information acquired by the office will be passed on to the users

of the statutes. The index will constantly be worked over and improved. Since the revision office is responsible for making the statutes simple and clear, it obviously is best qualified to determine the form in which the statutes should be published.

Publication of the statutes by the revision office saves money both for the purchasers of the statutes and the state. The expense of maintaining the revision office is an expense of government which the state has assumed because of the general benefits which accrue from improvement of the laws, and this expense is not charged to the purchasers of the statutes. The price at which the statutes are sold takes care of the printing costs, so the state incurs no expense in that regard. Ordinarily sales to attorneys, corporations, banks, libraries and other private purchasers will cover all of the printing expense, so state courts and officials may be supplied without expense copies of the statutes which, if purchased from a private publisher, would cost the state several thousand dollars. If the type from which the statutes are printed is purchased by the state, reprints of individual laws such as the workmen's compensation law, banking law, game and fish law, etc., may be obtained by various state agencies at a minimum expense.<sup>7</sup>

The practicability of publishing statutes at a low price, through a permanent revision office, has been proved by experience. In Wisconsin the biennial editions of the statutes have for many years cost the attorney only \$5.00. In Iowa the 1939 edition sold for \$10.00. In Kentucky the 1944 edition is being sold for \$9.50.

Perhaps a word should be said for the biennial publication plan followed in Wisconsin and Kentucky. Under this plan the statutes are completely republished following each biennial session of the legislature. The repealed sections are deleted, the amended sections restated in amended form, and the new sections compiled in their proper place. The advantage of this is that the statutes are kept assembled. All of the law up to date is available in one book. The inconvenience of paging through supplements or volumes of session acts is avoided. And the plan is economical, because the type from which the editions are published is owned by the state, and only a small per cent of new composition is required for each new edition.

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7. In Kentucky, during 1942 and 1943, the use of the state-owned type in printing pamphlets for state agencies resulted in a saving of \$5,000.

THE NECESSITY OF A BULK REVISION AS A FOUNDATION FOR  
CONTINUOUS REVISION

From what has been said in this article, it may be gathered that the writer is convinced that once a system of continuous statutory revision has been placed in operation the need for a bulk revision will never thereafter arise. Whether a bulk revision is necessary to lay a foundation for continuous revision will depend upon the condition of the statutes at the time the system is proposed to be established. In Kentucky, when the question of revision was placed before the legislature in 1936, the statutes were in such state of confusion and uncertainty that it was considered best to make a general revision before undertaking a continuous revision program. The statutes had not been revised since 1873; the classification had broken down and the numbering system had been so stretched as to become ridiculous; the statutes were replete with implied repeals, conflicts, duplications, and obsolete provisions. There was no starting place from which a permanent revision could have begun. The general revision in Kentucky served two main purposes. First, it arranged the statutes under a logical classification and an elastic numbering system, planned with future expansion in mind. Second, having been enacted as the law, it definitely fixed the status of the statute law as of its effective date, so as to constitute a bench mark or point of departure from which the continuous revision program could proceed.

Where, as in Missouri, a recompilation of the statutes, with some revision, has in comparatively recent times been made under state supervision, it may be entirely feasible to embark at once on a continuous revision program. If the basic features of the existing classification are satisfactory, in that for the most part those statutes which, because of similarity of subject matter, properly belong together, are brought together, the revisor may undertake topical revision with some assurance that the revision of one topic will not completely disrupt the statute system.

Permanency of classification and numbering of statutes is important because it permits the user of the statutes to cumulate his knowledge and experience acquired through use of the statutes over a period of years. If the existing classification and numbering systems are sound, the continuous revision program will have a safe foundation; otherwise a bulk revision will be required before continuous revision is commenced.

CONCLUSION

In considering whether a system of continuous statutory revision will work to advantage, it is not necessary to rely upon theory. Practical experience has shown that the system does work, and it has worked to such advantage that no state adopting the system has ever abandoned it. The record speaks for itself.