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THE WORK OF THE 1928 LEGISLATURE

Perhaps one of the most important bills to pass at the 1928 session of the Kentucky General Assembly was the one creating the Judicial Council of the Commonwealth of Kentucky. The council established by its provisions consists of the judges of the Court of Appeals and of the circuit judges throughout the state, with the Chief Justice of the Court of Appeals as the presiding officer. The meetings are to be held annually and the duties of the council shall consist in study of the organization, rules, methods of procedure, problems of administration, and practice of the judicial system of the state, and to make a biennial report with recommendations to the General Assembly. Such a law should be of great benefit to the state.

Of great importance to the members of the bar was the enactment of the Uniform Sales Act, which may be expected to change the sales law of Kentucky in several particulars. The act is modelled closely after the Uniform Sales Act first written by Professor Williston and enacted into law by a large number of states. The Uniform Mortgages Act was introduced at the session, but did not reach the floor. Both acts had been recommended by the American Bar Association.

The Assembly passed the bill providing for free textbooks for the common schools of the state. This act, although regarded as an administration measure, received the support of both parties. Similar measures have been in effect for some time in other states, with varying degrees of success.

The passage of the act providing for the taking of the sense of the people of the state as to the necessity of calling a constitutional convention to revise the Constitution should be heartily commended. Such an act, if concurred in by the next General Assembly, will be submitted to the voters of the state, and if approved will result in the calling of such a convention.

The Legislature submitted two constitutional amendments to the people, to be voted upon at the next general election. Probably the more important of the two is that for the removal of the constitutional salary limitation of five thousand dollars per year in its application to the judges of the Court of Appeals. This amendment merits the wholehearted support of the bar of Kentucky. The other Amendment would permit the submis-

sion of more than two amendments to the voters at any one time, as now provided by the Constitution. If approved, it should greatly expedite revision.

The Assembly officially adopted as the law of the Commonwealth Carroll's Kentucky Statutes as edited by William Edward Baldwin in the year 1922, and the supplement thereto compiled and edited by the Baldwin Law Book Company in 1926. An emergency clause was attached to this act, and it became law immediately after its approval by the Governor. It should save a great deal of time, labor, and confusion in the investigation and enactment of laws.

In an act relating to revenue and taxation the word residence was defined for purposes of taxation of intangible property. By its provisions any person having his abode in the state for the greater portion of the twelve months next preceding the date of the assessment shall be deemed a resident for the purpose of taxation of such property. The Legislature also revised and amended the inheritance and gift tax, thereby repealing the previous act, which was passed in 1924.

The action of the Court of Appeals in declaring the present law as to compensation of judges in inferior courts unconstitutional, necessitated the passage of a new act, referred to as the Inferior Courts Bill, for the purpose of fixing and regulating the fees of county judges in all counties not having a population of one hundred thousand or more, and of justices of the peace, and of city or police judges in cities of the fifth and sixth classes.

An important piece of legislation was the act making all circuit courts in the state courts of continuous session for the trial of all cases arising in equity, or at common law where no jury trial is asked for or ordered by the court. However, no judgment or order shall be taken in such a case except upon reasonable notice to all the parties in interest, or by agreement.

The assistant attorneys general were increased to six in number, due to the great increase in recent years in the work of that important state department. Likewise the Court of Appeals were authorized to appoint four commissioners to aid the Court in the discharge of its duties, such being a continuation of the present system.

Other important laws enacted and deserving of notice are the city manager acts, enabling cities of the second and third

classes to adopt the city manager plan; the city zoning and planning act, applicable to cities of the second class; the establishment of a state teachers' retirement system; the revision of the so-called cold check law; the act amending the statute for the protection of purchasers, lessees, and encumbrancers of real estate; and a similar act amending the law relating to the filing and recording of deeds and mortgages on real estate.

Some bills which failed of passage or died in committee were the Uniform Mortgage Act, the bill providing for the sterilization of the criminally insane, the act raising the tax on fire insurance premiums, and the measure designed to reorganize the State Board of Health, commonly known as the "ripper" bill.

WILLIAM C. SCOTT