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The Work of the 1926 Legislature

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cuted a second time after an appeal by the Commonwealth.⁵⁰ It seems that on such an appeal, any ruling of the lower court may be reviewed, whether such ruling is final or not, and without reference to whether the judgment is upon a verdict or on a demurrer, or whether it is a bar to another prosecution.⁵¹ It was said in *Commonwealth v. Matthews*,⁵² that the right was only fair to the public, and proper for its protection, because otherwise the guilty might escape by an acquittal resulting from legal errors.

L. H. STEPHENS.

THE WORK OF THE 1926 LEGISLATURE.

The 1926 session of the Kentucky General Assembly closed its biennial course of lawmaking and law repealing and adjourned sine die with more bills and less wrangling to its credit than any other general assembly that has convened at Frankfort within the last twenty years. This means that, to a certain extent at least, party bickering was given the minimum of time and legislation was expedited. The course of procedure was, in general, quite smooth. A close-up review of the conduct and achievements of the 1926 General Assembly can necessarily deal positively only with the nature of the measures passed and defeated and the conduct of the organization in control. The scope of the present article will only cover the former.

A total of 373 bills were passed during the 60 working days of the legislative session, from January 5 to midnight of March 17. This was 75 more than have been passed at any session since 1906. The nearest approach to this total was reached in 1924 when 298 bills were enacted into laws. Most of the new laws enacted pertain to the procedure of state and county officials in the conduct of the affairs of their offices and the administration of the affairs of the state through these officers. The result sought seems to have been to expressly regulate the activity of the various state officers in order to facilitate the administration of their business and to stop financial leaks in all of the depart-

⁵⁰ *Commonwealth v. Murphy*, 33 R. 141, 109 S. W. 353; *Commonwealth v. Matthews*, 89 Ky. 287, 12 S. W. 333.

⁵¹ *Commonwealth v. Cain*, 14 Bush 525.

⁵² 89 Ky. 287, 12 S. W. 333.

ments of the state government. Most of the laws were placed on the statute books in June, but a few carried emergency clauses making them effective at once. The five-cent gasoline tax law is the most important of the latter class. Three major departments were created and a number of commissions and boards recreated or changed. Most of the changes merely added two or three members to the personnel of existing departments.

The department of motor vehicles or "State Department of Motor Bus Transportation" is the largest of the three new departments which were created. The operation of motor busses throughout the state has rapidly increased until necessity demands some kind of regulation and control of them if this system of transportation is to be developed along sound economic lines. The main objects in creating a new department to look after the control of motor bus transportation were to relieve the State Highway Commission of this duty and to facilitate and encourage the systematic development of a statewide motor bus transportation service founded on sound economic and legal principles. The motor bus act is calculated to bring into the treasury of the state over a million dollars per year. This sum will be derived from a graded scale of seat taxes, a weight tax, and a driver's license fee of \$12.50 per year imposed on each person who drives a motor bus. The act provides for a commissioner in charge, appointed by the governor, at a salary of \$3,000 per year, three assistants at a salary not to exceed \$2,400 each per year, and provides for necessary stenographic help.

The creation of the State Purchasing Commission was strictly an economic move on the part of the legislature. This commission was created and empowered to purchase all supplies for the state governmental and administrative departments and institutions, with the exception that the University of Kentucky and the four state normal schools will purchase all food supplies used by them individually. Governor Fields immediately approved the purchasing commission measure and appointed E. E. Shannon, of Louisa, to head the newly created commission.

Two of the most important pieces of legislation, judged from a purely economic standpoint, that were passed by the 1926 session of the legislature were the Stephenson budget acts which provided for a uniform system of accounting within each county

of the state, and also a similar system for each of the departments of the state government. The old system of accounting that has been in practice over the state has long been defective. Some kind of legislation along this line has been needed for a good while and these acts will undoubtedly meet with the hearty approval of all who are concerned with the matter.

Some of the things the 1926 General Assembly refused to do were to order an audit of state finances, reorganize the departments of government, establish a Utilities Commission, tax coal, give the cities of the state the right to employ city managers, and to submit a bond issue for the support of the educational institutions of the state.

WOODSON D. SCOTT.