KANSAS JUDICIAL COUNCIL BULLETIN

APRIL, 1935 PART 1—NINTH ANNUAL REPORT

TABLE OF CONTENTS

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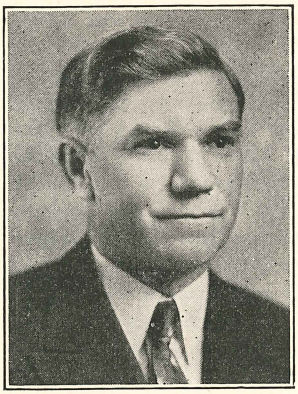
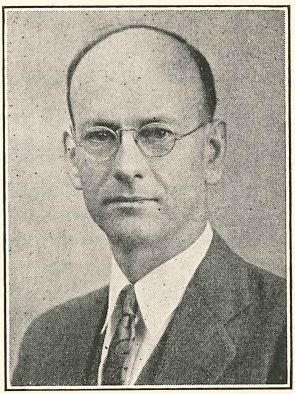
THE LEGISLATIVE COUNCIL,
MEMBERS OF THE PRESS,
OTHER ORGANIZATIONS, and leading citizens generally throughout the state,
For the improvement of our Judicial System and its more efficient functioning.



E. H. REES

Our New Members



O. P. MAY

FOREWORD

We welcome to our work on the Judicial Council two new members. Senator E. H. Rees, of Emporia, chairman of the judiciary committee of the senate, succeeded Senator Hal E. Harlan, of Manhattan, who resigned from the senate last fall while in a campaign for congress. Senator Rees served as a member of the house of representatives for three terms before his election to the senate in 1932. In addition to his legislative experience he has given much attention in his law practice to the law of estates of deceased persons, minors and other incompetents. Since this is a subject on which the Council is spending much of its time, his familiarity with the subject will be especially helpful. Hon. O. P. May succeeded Hon. S. C. Bloss as chairman of the judiciary committee of the house, and by virtue of the statute becomes a member of our Council. In addition to his previous legislative experience Mr. May was formerly county attorney of Jefferson county and for several years has been engaged in the active general practice of the law, being a member of the firm of Waggoner, Challiss & May, of Atchison. He also has been an active member of the legislative council. Both Senator Rees and Mr. May have devoted all the time they could spare to the work of the Council and were energetic in urging the passage of bills recommended to the legislature by the Judicial Council.

The legislature of 1935 gave more thoughtful attention to bills recommended by the Judicial Council than any legislature since the Council was organized. The result is six measures so recommended were enacted into law. They are set out in this BULLETIN, with some comments on their purpose. Several other measures recommended by the Judicial Council received favorable consideration, several of them being passed by one or the other branch of the legislature but failing to receive final favorable action by the other. Only four of

the measures suggested met defeat under such circumstances as to indicate they were not wanted. We feel reasonably confident, however, that all the measures suggested will be enacted into law when they are more thoroughly understood and can be presented at such a time as to be fairly considered.

We print in this issue tables compiled from reports gathered last summer from probate judges. We planned to have this in our December BULLETIN, but some of the reports reached us later than they should, with the result that our copy got to the state printer at a time when he was loaded up with the printing of various biennial reports. To avoid delay in getting the BULLETIN out we asked him to omit the tables and print them in this issue. This we are doing, with some comment respecting them.

In the event a special session of the legislature is held we plan to present to it, and recommend the enactment into law, of the measures presented to the recent session which did not have time, or for some reason did not see fit, to enact. These measures are printed in this BULLETIN, in whole or in substance, with some comment concerning their purpose. While we think all of them should be enacted, we are especially anxious for the legislature to submit the proposed amendment of the judicial article of the constitution.

The legislature enacted several statutes pertaining in one way or another to courts, or procedure therein, which had not been prepared by the Judicial Council. Several of them, however, were suggested by matters which have been discussed in our BULLETIN from time to time, and with respect to a few of them some member of the Judicial Council was consulted in their preparation. We are not printing these statutes for lack of space in this BULLETIN. They will appear soon in the session laws.

We heretofore have given considerable study to a code of probate procedure, and first and last have printed quite a little of what has been done in that connection. It is our plan between now and the next regular session of the legislature to endeavor to work that matter into shape so it can be presented to the legislature as a completed work. We think it will be necessary to rewrite the substantive law pertaining to estates of decedents, minors, and other incompetents—not so much with the view of changing that law as for the purpose of segregating the substantive law from the procedural provisions, as much as that can reasonably be done. In addition to that we hope to have prepared a code of probate procedure which can be adopted as law by the legislature, or promulgated as rules of the court, as it may be deemed advisable at that time to do it.

We are glad to have the views of the lawyers and judges of the state respecting the work we are attempting to do. Within the last few months a number of letters have been received from lawyers and judges throughout the state concerning some measure suggested or recommended by the Judicial Council. We welcome all such letters, whether they are in accord with our suggestions or otherwise. It is our purpose to work with the bar of the state to bring about such improvements in the functioning of our judicial system as can reasonably be accomplished.

MEASURES ENACTED INTO LAW

Six of the measures recommended by the Judicial Council were enacted into law. These with some discussion of their purposes are as follows:

Pleadings in Divorce Cases

Early in our work we recognized the advisability in an action for divorce or for alimony that a statute should require the cause of action to be stated in the language of the statute only. We mentioned this in our 1928 report, page 14, and a draft of the bill was set out in our 1929 report, page 23. It has been presented to each regular session of the legislature since that time. On two occasions it passed the house of representatives but failed to receive final favorable action in the senate. Its purpose is to avoid having scandalous matter relating to a party to the action appear upon the permanent record or in the files of the court, unless that should be actually necessary. This is especially important when there are minor children of the marriage. Sometimes such charges were made or threatened when there was little or no foundation for them, with a purpose of forcing a settlement or compromise. This provokes notoriety, to the shame or disgrace of one or both of the parties to the action, or to their children. It is seldom necessary to make such charges even if good grounds for them exist. This year the bill was introduced by the house judiciary committee, H. B. No. 97, and passed both houses without difficulty. It becomes effective when published in the statute book. It reads as follows:

AN ACT relating to procedure in actions for divorce or alimony, or both, and supplementing section 60-1501 of the Revised Statutes of 1923.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That in all actions for divorce, or for alimony, or for both divorce and alimony, the petition or cross petition shall allege the causes relied upon as nearly as possible in the language of the statute (R. S. 60-1501), and without detailed statement of facts. If the opposing party desires a statement of facts relied upon the same shall be furnished to him by the petitioner or cross-petitioner in a bill of particulars. A copy of this bill of particulars shall be furnished to the court and shall constitute the specific facts upon which the action is tried. The statements therein shall be regarded as being denied by the adverse party, except as they may be admitted. The bill of particulars shall not be filed with the clerk of the district court, nor become a part of the records of such court, but if the action be appealed, and the question sought to be reviewed relate to the facts set forth in the bill of particulars, it shall be embodied in the abstract for the supreme court.

SEC. 2. This act is supplemental to section 60-1501 of the Revised Statutes of 1923.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Foreign Decrees of Divorce Rendered on Constructive Service

R. S. 60-1518, relating to foreign decrees of divorce, rather improvidently enacted in the first instance, proved to result in some injustices. These are pointed out in an article by Senator Harlan in our April, 1934, BULLETIN, page 5. We proposed an amendment to that statute recognizing such foreign decrees to the extent only that they dissolved the marriage relation. As drawn, the bill applied to such decrees rendered in foreign countries as well as those rendered in other states of the union. The senate judiciary committee thought best not to give any statutory recognition to decrees of divorce rendered in a foreign country on constructive service, and eliminated that part of the proposed bill. The bill, passed as H. B. No. 146, became effective February 11, 1935, and reads as follows:

AN ACT relating to foreign judgments of divorce, amending section 60-1518 of the Revised Statutes of 1923, and repealing said original section.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 60-1518 of the Revised Statutes of 1923 be amended to read as follows: Section 60-1518. A judgment or decree of divorce rendered in any other state or territory of the United States, in conformity with the laws thereof, shall be given full faith and credit in this state; except, that in the event the defendant in such action, at the time of such judgment or decree, was a resident of this state and had not been served personally with process, or did not personally appear or defend the action in the court of such state or territory, all matters relating to alimony, and to the property rights of the parties and to the custody and maintenance of the minor children of the parties, shall be subject to inquiry and determination in any proper action or proceeding brought in the courts of this state within two years after the date of the foreign judgment or decree, to the same extent as though the foreign judgment or decree had not been rendered.

SEC. 2. That section 60-1518 of the Revised Statutes of 1923 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Service of Citations for Contempt in Civil Actions

It appears there was no statute specifically authorizing a citation for contempt in a civil action to be served in any county other than the county in which the citation was issued. The question arose more frequently in actions for divorce or alimony in which an order was made that defendant pay a stated sum per week or per month for temporary alimony or for the support of minor children. Frequently defendant was not in the county in which the action was brought when it was commenced, or thereafter left that county and went to another. In such cases when payments were not made and citations for contempt were issued most of the trial judges have been holding, we are informed, that the citation could not be issued to and served by the sheriff of the county in which defendant then was. This made it possible for defendant, if he were so disposed, to avoid being called before the court for failure to make such payment by the simple process of going to another county. To avoid this we

proposed a measure which the legislature enacted into law, H. B. No. 239, which became effective March 19, 1935, and which reads as follows:

AN ACT relating to the service of citations for contempt in civil actions.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. When it is duly made to appear to the district court, or judge thereof, that an order made by such court or judge in a civil action, the violation of which order is punishable by contempt, has been violated, the court or judge may issue a citation for the party charged with the violation of such order, and such citation when so issued may be directed to and served by the sheriff of the county in which such citation was issued, or of any county in the state; and such sheriff, or any of them, or their undersheriffs or deputies, may execute the citation in the manner therein directed and may bring the party charged with violating the order before the court or judge issuing the citation to be dealt with as the nature of the case and the facts pertaining thereto warrant.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

Judge *pro tem.* for the District Court

Our constitution, art. 3, § 20, directs provision to be made for the selection by the bar of a *pro tem.* judge of the district court when the judge is absent or otherwise unable or disqualified to sit. The legislature has made such provision (R. S. 20-301 to 20-311). Some of these sections have been amended (R. S. 1933 Supp. 20-306 to 20-313). Concluding the constitutional provision above mentioned did not necessarily provide the exclusive method of selecting a judge *pro tem.* the legislature (R. S. 1933 Supp. 20-311) provided such a judge *pro tem.* might be named by the chief justice of the supreme court under the particular circumstances referred to in that section. The authority has been exercised on at least two occasions. Deeming it advisable to have the *pro tem.* judge selected by the chief justice in any circumstance requiring the selection of a judge *pro tem.* when the members of the bar have not selected one, we proposed and the legislature enacted the following (H. B. No. 197); which went into effect March 18, 1935:

AN ACT relating to district courts, providing for the appointment of a judge *pro tem.* under certain circumstances, being supplemental to existing statutes relating to the selection of judges *pro tem.* for the district court.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. In any circumstance in which it is necessary or proper, under existing statutes, to select a judge *pro tem.* of the district court for the trial of a specific action, or several actions, or for holding a term of court, and a judge *pro tem.* has not been selected by the bar of the state, it shall be the duty of the clerk of the district court to certify the facts to the supreme court. If the judge *pro tem.* is needed for the trial of a specific action an attorney of record in such action may certify such facts to the supreme court and serve notice on opposing counsel that such certificate has been made. When such a certificate is filed in the supreme court the chief justice of the supreme court shall select some other district judge of the state and appoint him as judge *pro tem.* to hold the term of court, or to try the several actions, or the specific action, as the case may be. Such judge *pro tem.* so appointed shall have power and authority to hear and determine all actions and matters arising therein

covered by his appointment to the same extent as the regular judge would have were he not so disqualified or absent.

SEC. 2. This act shall be construed as supplemental to existing statutes pertaining to the selection or appointment of a judge *pro tem.* of the district court.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

In view of this statute we understand the law now to be that in any circumstance provided by statute in which a judge *pro tem.* is needed for the trial of a single case, or several cases, or to hold a term of court, the judge *pro tem.* may be elected by members of the bar, but if this is not done the proper certificate may be made to the supreme court and the chief justice can appoint some other district judge of the state as judge *pro tem.* to try the case, or several cases, or hold the term of court, as may be necessary.

Pleading an Alibi

In our December, 1934, BULLETIN, page 67, we discussed the advisability of a statute requiring defendant in a criminal case to plead an alibi, if he desired to rely upon one for his defense. In preparing a bill on this subject we examined the statutes of Michigan, Ohio and court decisions of those states construing the statutes and other available authority. From this we prepared and the legislature enacted House bill No. 193, which went into effect March 18, 1935, and which reads as follows:

AN ACT relating to criminal procedure, and providing for the plea of alibi, being supplemental to our code of criminal procedure.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. In the trial of any criminal action in the district court, where the complaint, indictment or information charges specifically the time and place of the offense alleged to have been committed, and the nature of the offense is such as necessitated the personal presence of the one who committed the offense, and the defendant proposes to offer evidence to the effect that he was at some other place at the time of the offense charged, he shall give notice in writing of that fact to the county attorney. The notice shall state where defendant contends he was at the time of the offense, and shall have endorsed thereon the names of witnesses which he proposes to use in support of such contention. On due application, and for good cause shown, the court may permit defendant to endorse additional names of witnesses on such notice, using the discretion with respect thereto now applicable to allowing the county attorney to endorse names of additional witnesses on an information. The notice shall be served on the county attorney as much as seven days before the action is called for trial, and a copy thereof, with proof of such service, filed with the clerk of the court: *Provided,* On due application and for good cause shown the court may permit the notice to be served at any time before the jury is sworn to try the action. In the event the time and place of the offense are not specifically stated in the complaint, indictment or information, on application of defendant that the time and place be definitely stated in order to enable him to offer evidence in support of a contention that he was not present, and upon due notice thereof, the court shall direct the county attorney either to amend the complaint or information by stating the time and place of the offense as accurately as possible, or to file a bill of particulars to the indictment or information so stating the time and place of the offense, and thereafter defendant shall give the notice above pro-

vided if he proposes to offer evidence to the effect that he was at some other place at the time of the offense charged. Unless the defendant gives the notice as above provided he shall not be permitted to offer evidence to the effect that he was at some other place at the time of the offense charged. In the event the time or place of the offense has not been specifically stated in the complaint, indictment or information, and the court directs it be amended, or a bill of particulars filed, as above provided, and the county attorney advises the court that he cannot safely do so on the facts as he has been informed concerning them; or if in the progress of the trial the evidence discloses a time or place of the offense other than alleged, but within the period of the statute of limitations applicable to the offense and within the territorial jurisdiction of the court, the action shall not abate or be discontinued for either of those reasons, but defendant may, without having given the notice above mentioned, offer evidence tending to show he was at some other place at the time of the offense.

SEC. 2. This act shall take effect and be in force from and after its publication in the official state paper.

An Estate of Decedent Without Known Heir or Will

Several recent cases, *Holmes v. Conway,* 128 Kan. 430; *State, ex rel., v. Rector,* 134 Kan. 685; *McVeigh v. First Trust Co.,* 140 Kan. 79; *State, ex rel., v. Millhaubt,* 140 Kan. 162; and *State v. Braun,* 140 Kan. 188, called our attention to the fact that there appears to be a hiatus in our statute with respect to administering upon the estate of one who dies without known heir or will. This was discussed in our October, 1934, BULLETIN, page 46, and a draft of a proposed measure on that subject was set forth in our December, 1934, BULLETIN, page 72. Section 7 of the proposed draft was eliminated at the suggestion of those handling such estates now in process of administration. It was introduced as S. B. No. 258 and was enacted into law and becomes effective on publication in the statute book, and reads as follows:

AN ACT relating to the administration upon an estate of one who dies without known heir or will, and repealing sections 22-933, 22-934, 22-935, and 22-1201, 22-1202, 22-1203, 22-1204, 22-1205 and 22-1206 of the Revised Statutes of 1923.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. When it shall be brought to the attention of the probate court of any county in this state (*a*) that a resident of the county has died without known heir or will, but leaving an estate consisting of real or personal property, or both; or (*b*) that a nonresident of this state has died without known heir or will, leaving real property situated in the county in this state, the court shall appoint some suitable person as administrator to take possession of the estate of such resident decedent, or of the real property in this state of such nonresident decedent, as the case may be, and administer the same under the supervision of the court, and shall notify the county attorney and the attorney-general of its action. The probate court shall have exclusive original jurisdiction of all questions, legal or equitable, arising in the administration and distribution of such an estate.

SEC. 2. The administrator so appointed shall qualify by taking oath and giving bond unto the state of Kansas in such sum as the court may direct for the faithful administration of the estate, which bond may be changed in amount or additional sureties required when the court deems that necessary or proper. He shall cause to be published in a newspaper authorized to publish legal notices in the county, for five consecutive weeks, a notice of his appointment, which notice shall give the name and last place of residence of the

decedent and recite that he died without known heir or will (and in the case of a nonresident decedent, that he left real property in the county), and shall notify those who claim as heirs, or under a will of decedent, to present their claims to the probate court, and also those who have claims against decedent to present their claims in accordance with statutes pertaining to the presentation of claims against the estates of decedents. The administrator so appointed shall take into his possession (*a*) if decedent was a resident, all property of such decedent of whatever kind or character and wheresoever situated; (*b*) if decedent was a nonresident, all the real property of such decedent situated in this state, and shall prepare and file an inventory thereof within sixty days after his appointment, or earlier if ordered by the court. The court shall direct the personal property to be converted into cash as expeditiously as possible, and also shall direct the administrator to collect the rents, income, or profits, including income from mining leases, if any, and to pay the taxes upon and to care for the real property. Creditors of decedent may present claims against the estate, which claims shall be considered and disposed of as similar claims against estates of other decedents. If no one appears to claim as an heir, devisee or legatee of the decedent within one year after the appointment of the administrator the court shall direct the real property of the decedent to be sold for cash, and also shall order to be sold any of the personal property of the decedent in the hands of the administrator, and the estate shall be closed as are the estates of other decedents.

SEC. 3. The net proceeds of the estate shall be paid to the state treasurer and become temporarily a part of the state school fund. The state school-fund commissioners shall invest and handle this money as other moneys of the state school fund, except that it shall be kept as a temporary fund until ten years after it shall have been first received, at which time it shall be covered into the perpetual school fund of the state, provided no one in the meantime has established his right thereto as heir, devisee or legatee of the decedent.

SEC. 4. One who claims the estate, or some part thereof, as heir of decedent, shall present his claim therefor to the probate court not later than ten years after the administrator was appointed or such claim shall be forever barred. If he establishes his claim it shall be allowed by the court. If two or more such claimants have claims pending at the same time the court shall determine which of such claimants has established his claim and the share or portion of the estate each is entitled to receive. If at the time of such determination the estate is still in the hands of the administrator, the same shall be delivered or paid to those found entitled to receive it, less claims previously allowed and cost of administration. If at the time of such determination the proceeds of the estate have been delivered to the state treasurer and are temporarily a part of the state school fund the school-fund commissioners shall pay to such claimants the sum or portion of the estate the court has adjudged they are entitled to receive. A party aggrieved at the ruling or judgment of the probate court may appeal to the district court, as other appeals are taken from the probate court, and the appeal when so taken shall be tried *de novo* in the district court, and a party aggrieved at the ruling or judgment of the district court may appeal to the supreme court as in civil actions.

SEC. 5. If the estate or its proceeds, or some part thereof, has been delivered or paid to one or more who claimed as an heir of decedent and whose claim was established, and later, but within ten years after the administrator was appointed, someone else presents to the probate court a claim for the estate, or some portion thereof, as heir of decedent, and upon a hearing establishes his claim, neither the state nor the school-fund commissioners shall be liable to such claimants for moneys previously paid out to those found to be heirs of the decedent, but the party in whose favor such later claim was established shall have a cause of action in the district court against the party to whom such payment was made, to determine the rights of the respective parties to the property or its proceeds.

SEC. 6. The state shall be regarded as a party to all actions in the probate court for the administration or distribution of such an estate to the extent that

it is entitled to notice and an opportunity to be heard upon all claims, and in respect to all orders and judgments of the court. The county attorney shall represent the state and shall be the legal adviser of the administrator of such an estate. He shall diligently protect, defend and conserve such estate for the benefit of the state school fund and closely scrutinize all claims of whatever character against such estate, including claims of heirs, and diligently defend in any and all courts actions or proceedings against all claims not clearly meritorious. Those having claims of any character against such an estate shall have the burden of establishing their respective claims by clear and convincing evidence. Expenses incurred by the county attorney in representing the state in such actions or proceedings shall be paid by the county, as are other expenses incident or necessary to the conduct of the office of the county attorney. On request of the county attorney, the probate court, the administrator, or any party in interest, or on his own motion, the attorney-general may appear and assist the county attorney; and upon permission or order of the probate court, or direction of the governor, may take full charge of the conduct of the estate in lieu of the county attorney. Expenses of the attorney-general incident or necessary to his conduct of the case shall be paid from the funds provided for the expenses of the attorney-general's office. In no event shall attorney's fees be allowed or paid from the estate to anyone representing the state or the administrator. The state, by its county attorney or attorney-general, may institute and maintain any action or proceeding deemed necessary or proper in the handling of such an estate in any appropriate court or tribunal, or defend any such action or proceeding brought by any other party.

SEC. 7. Sections 22-933, 22-934, 22-935, 22-1201, 22-1202, 22-1203, 22-1204, 22-1205 and 22-1206 of the Revised Statutes of Kansas of 1923 be and the same are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its publication in the statute book.

MEASURES RECOMMENDED BUT NOT ENACTED INTO LAW

We appreciate the fact that the legislature enacted into law the six measures recommended by the Judicial Council and hereinbefore set out. Each effects a substantial improvement in our judicial system. We realize also that a legislature cannot be expected to enact into law all meritorious measures presented to it. We deem it appropriate, however, to call attention to other measures we recommended and which for one reason or another were not enacted into law. We believe each of them has substantial merit and that further study of them will demonstrate the advisability of their enactment. We plan to present them to the legislature again at the earliest opportunity.

Appeals in Criminal Cases

One of these proposed measures had to do with appeals in criminal cases and was designed to eliminate such unnecessary delay as sometimes occurs in those cases between the time they are presented to the supreme court on their merits. In this state the business of our district courts is such that a county attorney has little difficulty in getting to try a criminal case, as soon as he can get ready for trial. When such cases are presented on appeal to the supreme

court they are heard and disposed of promptly. But one who is convicted of crime in the district court who desires to put off the day of his punishment as long as possible, with the aid of ingenious counsel, can find a number of ways to delay the presentation of his case to the supreme court. On appeal, for example, our statute now fixes no time within which a motion for a new trial shall be filed in a criminal case, except it shall be filed before sentence is imposed; nor does it fix a time when sentence shall be imposed, nor a motion for new trial shall be disposed of. The proposed statute fixed time for those things. The present law places no duty upon a defendant who has been convicted and desires to appeal to see that his appeal is lodged in the supreme court. The proposed bill placed that duty upon him. The proposed bill left in our law R. S. 62-1701, which gives any defendant in a criminal case a right of appeal; also left in the law 62-1703, giving the state the right to appeal in certain cases, and also left in the law the sections in regard to disposition of cases on appeal. The purpose of the measure was to place upon the appellant, whether that be the defendant or the state, the burden of seeing that the appeal is lodged in the supreme court promptly. If that be done unreasonable delay in presenting such appeals to the supreme court could be almost if not entirely eliminated. At present more than forty per cent of appeals in criminal cases are never presented to the supreme court on the merits. Clearly most of these are taken simply for delay. Sometimes the appellant will drag them along by one device or another for a year or a year and a half and finally permit his case to be dismissed. The theory of the proposed bill is that one who is aggrieved at the judgment of a trial court should have the right to appeal but that he should not have the right to use appellate procedure when he knows there is no merit in the appeal and simply to delay execution of the judgment of the trial court. The measure was introduced as H. B. No. 196 and passed the house late in the session. It was killed by the senate judiciary committee. We are not advised the reasons urged. The bill had the active support of the state bar association and of others who think unnecessary delay should be avoided in such cases. It reads as follows:

AN ACT relating to appeals in criminal actions, and repealing sections 62-1702, 62-1704, 62-1709, 62-1710, 62-1711, 62-1712, 62-1713, 62-1714 of the Revised Statutes of Kansas of 1923.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. In any criminal action in which defendant pleads guilty, or is found guilty by a jury, or by the court if the trial is to the court, if defendant is not then in custody of the sheriff, he shall be taken into custody at once; and unless he announces that he desires to file a motion for a new trial, he shall be sentenced either on that date or at a fixed time within ten days.

SEC. 2. If at the time the plea, verdict, or finding of guilty is made defendant announces that he desires to file a motion for a new trial, the court shall fix at time, not exceeding five days, in which to file the motion for a new trial, and such motion shall be heard and determined as expeditiously as possible and in no event later than thirty days after it is filed. Pending the filing and hearing of the motion for a new trial, if defendant desires to be at liberty on bond, and the offense is bailable after conviction, the court shall fix the amount of the bond, which bond shall be approved by the court, or, if the court so directs, by the clerk of the court. If the motion for a new trial is overruled, sentence shall be imposed at once. If defendant desires to appeal promptly, and has given bond pending the hearing of his motion for a

new trial, the court may order the bond to be in force pending the application to the supreme court for bond.

SEC. 3. *Proceeding on appeal:* (*a*) If defendant does not seek to have execution of his sentence stayed, or release from custody on bond pending his appeal, he may appeal at any time within six months from the date of the sentence by serving notice of appeal on the county attorney of the county in which he was tried and filing the same with the clerk of the district court; and such clerk, within ten days after such notice is filed with him, shall send a certified copy of such notice with proof or service and a certified copy of the journal entry of defendant's conviction to the clerk of the supreme court. Defendant shall then prepare and present his appeal in accordance with the statutes and rules of court applicable thereto. (*b*) If defendant seeks stay of execution of the sentence, or release from custody, or both, pending his appeal, he shall serve notice of his intention to appeal on the county attorney and file the same with the clerk of the court, order a transcript of so much of the testimony as is needed to present his case on appeal, see that the journal entry of trial and sentence is filed, and cause copies of such notice of appeal, with proof of service, order for transcript and journal entry to be filed with the clerk of the supreme court within ten days after sentence. On the application of defendant the supreme court, or any justice thereof, shall order execution of the sentence stayed, and if the offense is bailable after conviction shall fix the amount of the bond and direct that it be approved by the supreme court, or any justice thereof, or its clerk, or by the trial court, or its clerk. Defendant shall thereafter prepare and present his appeal in accordance with statutes and rules of court applicable thereto: *Provided,* If the offense of which defendant was convicted was a misdemeanor, and the bonds mentioned in section 62-1705 of the Revised Statutes of Kansas of 1923 have been given, and that fact duly certified as required by section 62-1706 of the Revised Statutes of Kansas of 1923, no further bond shall be required.

SEC. 4. If the state desires to appeal in any case mentioned in section 62-1703 of the Revised Statutes of 1923, the county attorney, within ten days after the ruling complained of, shall serve notice of appeal upon the defendant, or his attorney of record, and file the same with the clerk of the court, order a transcript of so much of the testimony as is needed to present the case on appeal, see that the journal entry of the ruling complained of is filed, and cause copies of such notice of appeal, with proof of service, order for transcript and journal entry, to be filed with the clerk of the supreme court. The appeal by the state in no case stays or affects the operation of the ruling or judgment appealed from until the ruling or judgment is reversed. The state shall thereafter prepare and present its appeal in accordance with statutes and rules of the court applicable thereto.

SEC. 5. The supreme court shall have authority to make such additional rules, not repugnant to statute, as it may deem necessary or proper in order to facilitate the prompt and orderly preparation and presentation of the appeal and to carry into effect the final order of the court in such appealed actions.

SEC. 6. Sections 62-1702, 62-1704, 62-1709, 62-1710, 62-1711, 62-1712, 62-1713 and 62-1714 of the Revised Statutes of Kansas of 1923 are hereby repealed: *Provided,* That appeals in criminal actions in which the verdict of guilty was returned before the effective date of this act may be appealed and the appeal disposed of under the statutes in force at the time the verdict was returned.

SEC. 7. This act shall take effect and be in force from and after July 1, 1935, and its publication in the statute book.

Appeals in Civil Actions

A companion bill sought to do away with unnecessary delay in the appeal of civil actions. This was introduced as H. B. No. 353 rather late in the session. It was favorably recommended by the house judiciary committee but was among many other measures on the calendar which the house did not find time to act upon. It would greatly improve the functioning of our judicial system and we think it merits enactment. It reads as follows:

AN ACT relating to civil procedure, amending sections 60-3307, 60-3309, 60-3312 and 60-3314 of the Revised Statutes of Kansas of 1923, and repealing said original sections, and also repealing section 60-3313 of the Revised Statutes of Kansas of 1923.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 60-3307 of the Revised Statutes of Kansas of 1923 be amended so as to read: Section 60-3307. When the appeal is perfected and proof of service of notice of the appeal, or the affidavit provided for in the preceding section showing inability to make service on a nonresident party, is filed with the clerk of the trial court, he shall forthwith make a certified copy of such notice and proof of service or affidavit and transmit the same to the clerk of the supreme court, together with a certified copy of the journal entry of the judgment or order from which the appeal is taken. The failure of the clerk of the trial court without just cause to make such copies and transmit them to the clerk of the supreme court within ten days after the notice of appeal or affidavit above mentioned is filed with him, shall be grounds for his removal from office.

SEC. 2. That section 60-3309 of the Revised Statutes of Kansas of 1923 be amended so as to read: Section 60-3309. The appeal shall be perfected within *two* months from the date of the judgment or order from which the appeal is taken: *Provided,* That appeals from judgments and appealable orders of a date within four months immediately prior to the taking effect of this act may be perfected within two months after the effective date of this act.

SEC. 3. That section 60-3312 of the Revised Statutes of Kansas of 1923 be amended so as to read: Section 60-3312. In all cases in which a transcript of the evidence is not necessary in order to review the questions presented on appeal, the abstract of appellant shall be served on the opposing party or his attorney of record and filed in the supreme court within forty days after the notice of appeal is filed with the clerk of the trial court, and in all cases in which a transcript of the testimony is necessary to present the questions presented on appeal the abstract of appellant shall be so served and filed within four months after the notice of appeal is filed with the clerk of the trial court. The abstract of the appellant shall contain a synopsis of so much and of such parts of the pleadings, record, evidence and proceedings in the case as appellant deems necessary for the consideration of the court. If appellee deems the abstract of appellant to be insufficient to present the questions for review he may, within thirty days after the service upon him of appellant's abstract, serve upon appellant, or his counsel, and file with the clerk of the supreme court a counter abstract. Abstracts not challenged shall be deemed accurate and sufficiently complete to present the questions sought to be reviewed. In the event the accuracy of any abstract is challenged, the court shall make such an order as the nature of the case and justice warrant. Abstracts shall be printed unless, on application therefor and for good cause shown, the court orders that they be presented otherwise. The abstract may be bound separately or with the brief, as the party presenting the same desires.

SEC. 4. That section 60-3314 of the Revised Statutes of Kansas of 1923 be amended so as to read: Section 60-3314. When notice of appeal has been served in a case and the appellee desires to have a review of rulings and decisions of which he complains, he shall, within twenty days after the notice of

appeal is filed with the clerk of the trial court, give notice to the adverse party, or his attorney of record, of his cross-appeal and file the same with the clerk of the trial court, who shall forthwith forward a duly attested copy of it to the clerk of the supreme court.

SEC. 5. When a party appeals, after a final judgment against him, the fact that some ruling of which he complains was made more than two months before he perfected his appeal shall not prevent a review of the ruling.

SEC. 6. That sections 60-3307, 60-3309, 60-3312, 60-3313 and 60-3314 of the Revised Statutes of Kansas of 1923 be and the same are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its publication in the statute book.

Joint Trials of Defendants Jointly Charged

Our statute (R. S. 62-1429) now provides that when two or more persons are jointly charged with the same offense any one of them can demand a separate trial if the offense charged is a felony, but if the offense charged is a misdemeanor they may be tried together or separately in the discretion of the court. The fact that two or more persons charged jointly with the same felony must on their request be tried separately has resulted in numerous unnecessary trials, frequently at great expense and with no corresponding beneficial result. If two or more persons come into town and rob a bank, or some other place of business, or individual, and are apprehended and jointly charged with the offense it seems unnecesasry to require separate trials for them simply on their request. Most of the county attorneys in the state have been forced by this statute to go through two, or as many as five or six trials for that many defendants who collectively constituted a gang of robbers. In most instances the trial of but one of them can be had at the same term of court because of the necessity of having a new panel of jurors. Many times the result is these trials will drag along for a year, or possibly two years, before all of them can be tried, each trial being an expensive one for the county, with the possible loss of material witnesses. In the federal court and in many of the states such trials are conducted jointly, whether the charge be a felony or misdemeanor, unless the court in its discretion grants a severance. (16 C. J. 784 *et seq.*) Our proposed measure on this matter was H. B. No. 180. It was reported adversely by the House judiciary committee. We think it might very well have been enacted into law. It reads as follows:

AN ACT relating to criminal procedure, amending section 62-1429 of the Revised Statutes of 1923, and repealing said original section.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 62-1429 of the Revised Statutes of 1923 be amended so as to read: Section 62-1429. When two or more defendants are jointly charged with the same offense in the same complaint, indictment, or information, they shall be tried jointly: *Provided,* The court, upon the hearing of an application for separate trials, timely made, may order separate trials in the interests of justice.

SEC. 2. That section 62-1429 of the Revised Statutes of 1923 is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Depositions in Criminal Cases

We discussed this matter in our October, 1934, BULLETIN, page 43, and in our December, 1934 BULLETIN, page 65. We need not repeat what has been stated further than to say that the state should not be handicapped in prosecuting crime by the lack of material evidence essential to the prosecution which could be given by a witness too ill to attend court, or who cannot be compelled to attend because he lives without the state. The constitutional provision (§ 10, Bill of Rights), that the accused shall be allowed to meet the witness face to face can be provided for by a statute in the taking of such depositions. Our proposed measure on this subject was introduced as H. B. No. 195. It was reported adversely by the judiciary committee. We think it might well have been enacted. As proposed it reads as follows:

AN ACT relating to criminal procedure and providing for the taking and use of depositions, and repealing sections 62-1313, 62-1314 and 62-1315 of the Revised Statutes of 1923.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. In any criminal action or proceeding pending in a court of this state, or before a judge thereof, depositions may be taken when allowed by an order of the court or judge. Such order may be made only when the court or judge is satisfied that due diligence has been used in making application therefor, that the person whose deposition is wanted is a material witness, and that the witness resides without this state; or, residing in this state, is pregnant, sick, or infirm, or is about to or likely to leave the state, and that his attendance at the trial or examination cannot be procured by the use of ordinary diligence. Such application by the defendant shall be accompanied by proof of notice to the county attorney of the time and place it is to be presented, and such an application on the part of the state shall be accompanied by proof of like notice to the defendant or to his attorney of record. The order for the taking of the depositions shall direct whether they shall be taken on oral or written interrogatories.

SEC. 2. When the state procures such an order its notice, in addition to what is required by the preceding section, shall inform the defendant that he is required personally to attend the taking of such deposition and that his failure to do so shall constitute a waiver of his right to face the witness whose deposition is to be taken; and the failure of defendant to attend the taking of such depositions shall constitute such waiver unless the court or judge is satisfied when the deposition is offered in evidence that defendant was physically unable to attend. If the defendant be not then in custody he shall be paid by the county in which the action or proceeding is pending a sum equal to witness fees for travel and attendance upon the taking of such deposition; but if defendant be in custody the court shall adjudge, direct and order the sheriff to convey defendant to and from the place the deposition is to be taken and to have the defendant in attendance at the taking of such deposition, the expense to be paid by the county. If the order for the taking of the deposition has been made upon application of the state, and defendant shows to the court that he desires his attorney present and that he is unable financially to pay the expense of his attorney to attend the taking of such deposition, the court shall order a sum equal to witness fees for travel and attendance to be paid defendant for the use of his attorney in attending, on behalf of defendant, the taking of such deposition. Any sum the court orders to be paid by the county, under the provisions of this act, to enable defendant or his attorney to be present at the taking of such deposition, shall be paid by the county promptly and before the taking of the deposition.

SEC. 3. Depositions taken under the provisions of this act may be read in evidence upon the hearing of the action or proceeding subject to rulings applicable to the reception in evidence in a civil action of depositions taken upon due notice.

SEC. 4. Sections 62-1313, 62-1314 and 62-1315 of the Revised Statutes of 1923 be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its publication in the official state paper.

After House bills No. 180 and No. 195 had been reported adversely, sentiment favorable to them was reported to exist in the legislature. Thereupon the two measures were combined and introduced in the Senate as S. B. No. 406. This was recommended favorably by the Senate judiciary committee, but the bill was defeated in the committee of the whole. We attribute the lack of success of these measures to the fact that the purposes sought to be accomplished by them are matters concerning which many people have given no attention. We feel confident that when they are given attention, as no doubt they will be, they will be enacted into law.

Jury Trials by Six Jurors Unless Twelve Requested

Largely as an economy measure we recommended two bills authorizing the trial of misdemeanor criminal actions and civil actions to juries of six unless twelve were requested. When we collected data on cost of jury trials for the year ending June 30, 1931, we found the cost to the various counties in the state for the *per diem* and mileage of jurors in district courts amounted to $253,582.14, with Leavenworth county not reporting (December, 1932 BULLETIN, page 147). In that same year the district courts disposed of 16,658 civil and criminal actions (and 5,264 divorce cases). Only 1,590 of these were tried to juries, so the expense to the counties of juries was more than a quarter of a million dollars, and juries were used in less than ten per cent of the cases disposed of. Judges and attorneys who have tested the matter out find about as satisfactory results in trying civil and misdemeanor cases to juries of six as they have when they have tried them to juries of twelve. In some states a party who asks for a jury trial in a civil action is required to deposit a sum of money which goes to the county to help pay the cost of the expense of juries to counties. We understand in Colorado the party is required to deposit $40; in California the party must pay each day the fees of the jurors for that day, much as our present statute provides with respect to juries in justice court. (R. S. 28-122.) We are told these statutes, if enacted and complied with, will result in a saving in each of the several large counties in the state of as much as $5,000 to $8,000 per year, without any loss of efficiency of our judicial system. There is reason to believe there would be a saving in each county sufficient to take into account. We see no objection to these statutes except the disposition not to want to change from an established practice. The bills were introduced as H. B. No. 189 and No. 192, and were reported adversely by the house judiciary committee. The bills as proposed read as follows:

AN ACT relating to civil procedure, amending section 60-2903 of the Revised Statutes of Kansas of 1923, and repealing said original section.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 60-2903 of the Revised Statutes of Kansas of 1923 be and the same is hereby amended to read as follows: Section 60-2903. Issues of fact arising in actions for the recovery of money or of specific real or personal property shall be tried by jury, unless a jury trial is waived or a

reference be ordered as hereinafter provided. All other issues of fact shall be tried by the court, subject to its power to order any issue or issues to be tried by a jury or referred as provided in this code. Unless a jury of twelve be demanded by either party within ten days after the answer is filed the trial shall be by six jurors. The party demanding a jury of twelve at the time the demand is made shall deposit $18 with the clerk of the court, which sum shall be paid to the county treasurer and become a part of the county's general fund. The clerk of the court shall tax the amount as costs in the case, and in the final disposition of the action the same shall be adjudged against the party liable for costs.

SEC. 2. That section 60-2903 of the Revised Statutes of Kansas of 1923, and all acts or parts of acts in conflict herewith, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

AN ACT relating to criminal procedure, amending section 62-1401 of the Revised Statutes of Kansas of 1923, and repealing said original section.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 62-1401 of the Revised Statutes of Kansas of 1923 be and the same is hereby amended to read as follows: Section 62-1401. The defendant and prosecuting attorney, with the assent of the court, may submit the trial to the court, except in cases of felonies. All other trials shall be by jury, to be selected, summoned and returned as prescribed by law: *Provided,* Misdemeanor cases shall be tried by a jury of six, unless the defendant, the complaining witness, or the prosecuting attorney, in writing filed with the clerk of the court ten days before the case is called for trial, shall demand a jury of twelve: *And further provided,* That upon due application and for good cause shown the court may, in its discretion, permit the demand to be made at any time before the day the case is called for trial.

SEC. 2. That section 62-1401 of the Revised Statutes of Kansas of 1923, and all acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Administering Decedents' Estates

In order to make our statute more definite with respect to the property of a decedent to be administered upon and procedure in the probate court relating thereto we proposed two measures. They were introduced as S. B. No. 228 and S. B. No. 278. Both passed the senate. No. 228 was favorably recommended by the house judiciary committee but was among the bills not reached for consideration on the house calendar. The other one reached the house too late for action by its judiciary committee. These measures if enacted into law would do much to clarify several important questions which are now quite confused. They are as follows:

AN ACT relating to decedents' estates, providing what property of deceased persons shall be chargeable with payment of debts and costs of administration, and for the possession, management, control, and disposition of such property, and the rents, issues, and profits thereof, by executors and administrators.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The property owned by a deceased person at the time of his death, except such as is specifically exempt therefrom, shall be chargeable with

the payment of his debts and the costs of administration, and shall be applied to such purposes in the following order: *First,* the personal property; *second,* the rents, issues and profits of the real property, whether accrued before or accrued after the death of decedent, including income by whatever name called from mining leases on such property; *third,* the real property, including any share, interest or right which decedent had in or to such property, or which his heirs, devisees or legatees had therein by reason of his death. If a debt proved, or provable, against the estate is secured by specific real or personal property, the property securing such debt shall be used to pay or apply upon the debt before other property of decedent is used for that purpose.

SEC. 2. The administrator or executor (unless other provision is made by a will) shall have the right to the possession of all the real and personal property of decedent chargeable with the payment of debts, and shall control and manage the same under the direction and orders of the probate court. When directed or ordered to do so by the court the administrator or executor may lease the real property under his control, or any part thereof, for a term not exceeding one year, and shall receive the rents, issues and profits therefrom, and by like direction or order may keep up the repairs, insurance and taxes, on the real property. The administrator or executor may join with the heirs or devisees of any real property under his control in executing a mining lease on such property, the income therefrom by whatever name called to be paid to such administrator or executor and to be chargeable with debts of decedent and costs as are other rents, issues and profits of real property.

SEC. 3. If in the judgment of the court it will promote the interest of the estate, and not be prejudicial to creditors, the court shall have power to order the administrator or executor to pay interest or installments of principal on any mortgage or other lien on any real or personal property chargeable with payments of debts of the deceased, or to entirely discharge or pay off any such liens, or to redeem, for the benefit of the estate, any nonexempt real estate sold at execution or judicial sale either before or after the death of the deceased out of the personal assets of the estate in the hands of the administrator or executor, or to order the sale of any of the nonexempt real estate to provide funds for any of the purposes mentioned in this section: *Provided,* This act shall not be construed so as to take away or alter the right of the heirs or devisees of the deceased to redeem, for their own benefit, pledged personal property, or to redeem, for their own benefit, real estate sold at execution or judicial sale, in the event that the executor or administrator does not elect to redeem for the benefit of the estate any such personal property or real estate, and upon the application of any of the heirs or devisees, interested in such pledged personal property, or real estate subject to redemption, the court, if such redemption appears to be to the best interest of the estate and the creditors, shall make an order directing the executor or administrator to redeem such property for the benefit of the estate, but if the court shall find that such redemption will not be to the best interest of the estate or creditors the court shall order such redemption right surrendered and the property turned over to the heirs or devisees.

SEC. 4. Whenever the court shall be satisfied that any real estate need not be sold or leased for the payment of debts of the estate, legacies, or costs of administration, the executor or administrator may be ordered to deliver possession of the same to those entitled to it as heirs or devisees.

SEC. 5. Upon final settlement and distribution of the estate all real estate not sold for the payment of debts, legacies, or costs of administration, and remaining in the possession of the administrator or executor, shall be turned over to the heirs or devisees entitled to the same.

SEC. 6. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its passage and publication in the statute book.

AN ACT relating to executors and administrators, providing for hearing contingent demands against decedents' estates, amending sections 22-504, 22-507 and 22-601 of the Revised Statutes of 1923, and sections 22-702 and 22-729 of the Revised Statutes Supplement of 1933, and repealing said original sections.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 22-504 of the Revised Statutes of 1923 is hereby amended to read as follows: Section 22-504. The personal estate and effects, together with the real estate chargeable with the payment of debts, comprised in the inventory, shall be appraised by three disinterested householders of the county, who shall be appointed by the court.

SEC. 2. That section 22-507 of the Revised Statutes of 1923 is hereby amended to read as follows: Section 22-507. The appraisers shall proceed to estimate and appraise the personal property, together with the real estate, or interest in real estate, chargeable with the payment of debts, and each article or item of personal property and each tract of real estate shall be set down separately, with the value thereof in dollars and cents, distinctly in figures, opposite to the articles or items of personal property, or tracts of real estate, respectively.

SEC. 3. That section 22-601 of the Revised Statutes of 1923 is hereby amended to read as follows: Section 22-601. The executor or administrator shall, within such time as the court may order, sell the whole of the personal property belonging to the estate, not exempt by law from payments of debts, and which constitutes assets in his hands to be administered: *Provided,* That such personal property as is specifically bequeathed shall not be sold until the court, by its orders, shall have determined the residue of the personal estate, subject to the payment of debts, to be insufficient for the payment of debts of the estate and costs of administration, and direct the personal property specifically bequeathed to be sold: *And provided further,* That whenever the court shall find that the sale of the personal property, or any part thereof, is not necessary for the payment of debts, legacies, or costs of administration, it may, in its discretion, order such property not sold.

SEC. 4. That section 22-702 of the Revised Statutes Supplement of 1933 is hereby amended to read as follows: Section 22-702. All demands against an estate, whether due or to become due, whether absolute or contingent, not exhibited as required by statute within one year after the date of the administration bond, shall be forever barred, including any demand arising from or out of any statutory liability of decedent or on account of or arising from any liability of decedent as surety, guarantor or indemnitor; saving to infants, persons of unsound mind, imprisoned or absent from the United States, one year after the removal of their disabilities, from payment by an administrator or by an executor unless a provision of a will requires payment of a demand filed later.

SEC. 5. That section 22-729 of the Revised Statutes Supplement of 1933 is hereby amended to read as follows: Section 22-729. Any creditor of the deceased whose right of action shall not accrue within the said one year after the date of the administration bond, must nevertheless present his demands within that time, and if on examination thereof it shall appear to the court that the same is justly due from the estate, it may by consent of that creditor and the executor or administrator, order the same to be discharged in like manner as if due, after discounting interest as mentioned in this article, or the court may order the executor or administrator to retain in his hands sufficient to satisfy the same; or if any of the heirs of the deceased, or devisees, or others interested in the estate, shall offer to give bond to the alleged creditor with sufficient surety or sureties, for the payment of the demand in case the same shall be proved to be due from the estate, the court may, if it thinks proper, order such bond to be taken instead of ordering the claim to be discharged as aforesaid, and instead of requiring the executor or administrator to retain the assets as aforesaid.

SEC. 6. Contingent claims or demands against an estate shall be heard and determined by the court in accord with the rights of the parties respecting such claims and in such a way as not to delay the closing of the estate, if that can be done with justice to the parties.

SEC. 7. That sections 22-504, 22-507 and 22-601 of the Revised Statutes of 1923, section 22-702 of the Revised Statutes Supplement of 1933, and section 22-729 of the Revised Statutes of Kansas, Supplement of 1933, are hereby repealed.

SEC. 8. This act shall take effect and be in force from and after its publication in the statute book.

Probate Procedure

The Council has done considerable work on a code of probate procedure. We were unable to complete to our satisfaction a measure embodying a full code of procedure in time for the legislative session. We find it to be quite a task. However, we are going forward with that work and hope to have it completed by the time of a next regular session of the legislature. In the meantime we thought it advisable for the legislature to authorize that procedure by rules of court so we could draft the rules accordingly. We therefore caused a measure to be introduced as S. B. No. 394. It did not meet the approval of the senate judiciary committee, perhaps being deemed somewhat premature. It would have authorized one of the methods of working out the procedure. It is our present plan to work out such a code of procedure in such a way it can be adopted as a law by the legislature or promulgated by rules of court as may be deemed best. The measure as suggested is as follows:

AN ACT providing for a code of probate procedure.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. This act shall be known as the code of probate procedure of the state of Kansas.

SEC. 2. The rule of the common law, that statutes in derogation thereof are to be strictly construed, has no application to this code. Its provisions, and all proceedings under it, shall be liberally construed, with a view to promote its object and to assist the parties in obtaining justice.

SEC. 3. As used in this act, the term "fiduciary" includes executor or administrator (except special administrator), guardian (other than a guardian under the uniform veterans' guardianship act) of the estate of a minor, an incompetent, or an imprisoned convict, and trustee for the estate of a person under disability and subject to the jurisdiction of the probate court. The term "person under disability" includes a minor, an incompetent, and an imprisoned convict. The term "incompetent" includes insane, idiot, imbecile, distracted person, feeble-minded person, drug habitué, and habitual drunkard. The term "imprisoned convict" means any person who is imprisoned in the penitentiary under the sentence of any court.

SEC. 4. All proceedings relating to the estates of decedents, or of persons under disability, or for the appointment of a fiduciary thereof, shall be adversary in their nature and shall be by action in the probate court. There shall be but one form of action, which shall be called a probate action.

SEC. 5. Each of the following proceedings shall constitute one probate action: (1) The proceedings for the appointment of an administrator and all matters necessary for the full and final administration of the estate of a decedent; (2) the proceedings for the admission of a will to probate, the appointment of an executor or administrator thereunder, and all matters nec-

essary for the full and final administration of the property of the testator, whether disposed of under the terms of the will or not; (3) the proceedings for the appointment of a guardian of the estate of a person under disability and all matters connected with such guardianship; and (4) the proceedings for the appointment of or relating to a trustee for a person under disability and all matters connected therewith over which the probate court has jurisdiction. Whenever property passes by the laws of intestate succession, or under a will to a beneficiary or beneficiaries not named in such will, the proceedings in the probate court shall include a determination of the persons entitled to such property. This enumeration of probate actions does not exclude others within the jurisdiction of the probate court.

SEC. 6. An action for the appointment of an administrator or for the admission of a will to probate must be brought in the county in which the decedent was a resident at the time of his death. An action for the appointment of a guardian must be brought in the county in which the person under disability is a resident. If an imprisoned convict has no known place of residence, such action shall be brought in the county in which the conviction was had. In case probate actions are pending in two or more counties for the probate of a will or the appointment of a fiduciary, jurisdiction being claimed in each, the controversies and proceedings as to jurisdiction shall be determined by the authority and in the manner prescribed by rule of the supreme court. The appointment of a fiduciary for the estate of a nonresident decedent or of a nonresident person under disability may be made by the probate court of any county of the state in which property of such estate is located. The appointment, first made, shall extend to all the property of the estate within the state and shall exclude the jurisdiction of the probate court of any other county.

SEC. 7. The supreme court shall have the power to prescribe and determine by general rules for the probate courts of the state, the necessary and proper parties to probate actions, the forms of process, notice, writs, pleadings, and motions, and the practice and procedure in probate actions, including provisions for the presentation and allowance of claims, the time and manner of appeals to the district court, and the security and payment of costs. Said rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant. They shall take effect three months after their promulgation and publication in the official state paper, and thereafter all laws in conflict therewith shall be of no further force or effect.

SEC. 8. Issues of fact on the trial of a probate action, or the determination of any controverted matter therein, shall be in accordance with the rules of evidence provided for civil cases by the code of civil procedure.

SEC. 9. Trials and hearings in probate action shall be by the court; and the decision of the court therein or in any matter pertinent thereto shall have the same force and effect as a judgment at law or a decree in equity, as the particular case may require, and shall be final as to all persons having notice of the hearing, except: (1) Upon appeal according to law; (2) in case of fraud or collusion; (3) as against rights which are saved by statute to persons under disability; (4) nothing in this act shall be construed to abridge or modify the provisions of chapter 160 of the laws of 1925 relating to the contest of wills in the district court.

SEC. 10. Every judgment in a probate action, and every order which affects the substantial rights of a party, is appealable to the district court of the county. The district court shall on appeal try and determine the same as if originally filed therein and may, in its discretion, order further or amended pleadings to be filed therein.

SEC. 11. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its publication in the statute book.

Probate and County Court

In our previous Reports and Bulletins we have pointed out the advisability of revising our judicial system with respect to courts inferior to the district court. There is no general complaint of the structure and efficiency of our judicial system so far as the supreme court and district courts are concerned, but as to courts inferior to the district courts there is much dissatisfaction, not only with the structure of our system, but with the lack of efficiency of its operation. This bill is designed to improve that situation, not radically, but by degrees.

To begin with we had justices of the peace and probate courts.

Generally speaking, the justice of the peace courts have entirely outlived their usefulness. The people do not elect more than twenty per cent of those who might be elected under the law. There may be two for each township, and in some townships three. Of those elected quite a few do not qualify, although there is a statute making it an offense for them not to do so. This indicates that in most localities the people do not regard justice of the peace courts as being of any utility. There are a few, perhaps as many as forty or fifty, justices of the peace in the state who perform their duties very well and are useful in their respective communities, but these are exceptions to the general rule. Too many of them, either because they are unfamiliar with the law, or for other reasons, permit their courts to be used by designing persons to oppress the poor. Some of them, attracted by the possibility of making money out of fees of the office, either directly or indirectly foster and promote unnecessary and vexatious litigation. Others, ambitious to obtain fees paid by the counties in criminal cases, enter actively into the contest as to who shall be elected county attorney. On the whole, the state will be better off without justices of the peace and their constables. This bill practically does away with them by limiting jurisdiction of justices of the peace to civil actions in which the amount claimed does not exceed one dollar, and repealing those statutes relating to the duties of constables, since their work can much better be done by deputy sheriffs.

Probate courts stand on a different plane. They direct and supervise the administration of estates of deceased persons, minors and other incompetent persons. Our state has reached that period of its growth when that part of its duties have become very important. In practically every county in this state property being administered upon in probate courts is of much greater value than that which is being litigated in the district courts. (See list made from reports of probate judges as of July 1, 1934.) The legal questions arising in the administration of these estates frequently are as important and as difficult of solution as those which ordinarilly arise in cases in the district courts. Especially is that true since the financial depression, because many of the estates are heavily encumbered. Administering upon estates is only a part of the duties of our probate courts. Guardianship of the person of minors and other incompetents, adoption of children, inquisitions in insanity cases, administering the juvenile courts, are committed to the probate courts or their judges. In addition to these many other duties from time to time have been imposed upon probate courts or judges. They have been authorized to issue marriage licenses and perform marriage ceremonies, to organize municipal corporations, to hold

criminal courts, to act as judges in contested election cases, or take depositions to enter townsites under federal statutes and act as trustees for occupants, and may conduct hearings for the purchase of state school lands, may approve certain bonds, grant restraining orders, appoint receivers, conduct proceedings in aid of execution under certain circumstances in cases pending in the district court, and act as judges of county courts in the smaller class of civil and criminal actions. This list of duties is not complete, but is sufficient to show that from the beginning in our state the people have felt the need of a court or tribunal in each county for that miscellaneous class of judicial or semijudicial matters which need prompt or constant attention. It is obvious that the people of each county need and really want a court or tribunal constantly available in which matters of these kinds can be handled. To be of real service to the people such courts must be equipped to handle with reasonable promptness and efficiency the matters brought before them.

Generally speaking, these courts are just as efficient as the judges that preside over them. Naturally, they should have some knowledge of legal matters, gained either by the study and practice of law, or by services on such courts. There was a time in this state when county attorneys were not required to be lawyers. Indeed, there was a time in this state when neither our constitution nor our statutes required judges of the district or the supreme court to be lawyers. No one now would think of committing the duties of these offices to persons without legal training. Such training is just as essential to the judge of the probate and county court. All persons who have given the matter careful consideration regard this as true. This bill provides the judge of the probate and county court shall be an attorney at law, or one who has held the office of probate judge.

The procedure in our probate courts, permitting important orders to be made *ex parte* without notice to those interested, and permitting the work of the court to be done in a sort of slipshod manner, frequently results in great injustice and almost always in unnecessary delay. Frequently the financial loss to heirs and distributees of estates arising from this method of handling business runs into large figures. In many of the courts proper records are not kept. In many of our probate courts are unfinished estates which have been pending as long as ten or fifteen or twenty years. In fact, in only a comparatively few counties in the state are the records systematically kept. There has been quite an improvement in that respect in the last three or four years, and current business in most of the counties is fairly well recorded. In a few of them the earlier business has been indexed, classified and entered of record and an effort made to close old estates, but in many of them the older records are in a decidedly unsatisfactory condition. This work is far too important to be done in this slipshod, imperfect manner. This bill authorizes the establishment of an appropriate procedure for the probate and county court.

Procedure in courts sometimes is provided by rules of court, which is an appropriate method, and sometimes by statutory enactment. This bill provides for such procedure to be outlined by rules of court. The theory is that by the time the courts provided for by this act come into being this procedure will be worked out and established. The legislature will be at liberty to let the procedure stand as outlined by rules of court, or to embody the procedure in statutes either in harmony with the rules, or with such modification as the

legislature deems wise. We regard it as the best way to work out a suitable procedure for these courts.

This bill provides that the process of the probate and county court shall be executed by the sheriff, except that when he is a party defendant the court may appoint a suitable person to serve process upon him. The effect of this is to make the sheriff of each county the head of the peace officer force of that county (outside of police officers of cities). This is thought to be an advantage as it avoids conflict of duties and authority between sheriffs, constables, or marshals, and will enable the people of the county to look to the sheriff and his assistants and in a sense hold him responsible respecting the duties of peace officers of the county.

Cities of the first class, which are the county seats in several of the larger counties, in order to do away with justice of the peace courts, have organized city courts, which are performing useful functions in the respective cities. These city courts have their own clerks and marshals. This bill was first drawn to include the counties containing such city courts. There are many reasons why it should apply to them as well as to other counties, but practical difficulties were encountered. The duties of the marshals of such courts would be thrown upon the sheriff and the duties of the clerks upon clerks of the probate court. That would require modification of several statutes pertaining to the duties of such officers in those counties, which hardly was possible to work out in this bill. Hence, the members of the judiciary committee thought best to eliminate those counties from this bill, and later, perhaps at a special session of the legislature, if one is held, to work out the details of a bill, or several bills, making it practical for those counties to be within the provisions of this law, so that our judicial system may be uniform in structure, in jurisdiction, and in procedure throughout the state.

The measure was introduced as H. B. No. 338. It was purposely held up in committee until extra copies could be printed. Some of these were sent to the probate judge and at least one attorney in every county in the state. They were asked to discuss the matters with others in their county and write the members of the legislature and the Judicial Council their views of the bill. The Judicial Council had answers from more than eighty counties favoring the measure. The general need of a law such as this seemed almost unanimous. Only three letters received by the Council were definitely opposed to it. Several of the letters mentioned some detail of the measure which the writer preferred to see slightly different, but these were of a character that either naturally would work themselves out, or if found to be a substantial objection could be easily remedied. After careful consideration the measure was approved by the house judiciary committee, but reached the calendar late in the session when, because of other measures on the calendar, it did not receive attention. Our information is the bill would have passed the house could it have been brought up. There was also a favorable attitude toward it in the senate. We plan to present it again at the first opportunity. We regard it as one of the most desirable measures we have ever recommended to the legislature. It reads as follows:

AN ACT relating to the judiciary, creating courts inferior to the district court, limiting the jurisdiction of justices of the peace, and repealing sections 20-801 to 20-819, inclusive, and sections 20-1601 to 20-1634, inclusive, and section 80-204, and sections 80-701 to 80-707, inclusive, of the Revised Statutes of Kansas of 1923, and chapter 154, Laws of 1925, and chapter 178, Laws of 1927, and chapter 167, Laws of 1929, and chapter 170, Laws of 1933, and all acts of the present session of the legislature amending or supplementing any of the statutes above mentioned, and fixing a time when such repeal shall become effective.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. In each county in the state except counties in which the county seat is the city of the first class having a city court there shall be a court known as a probate and county court, which is hereby created, and is to be organized so as to come into existence on the second Monday in January, 1937. The probate judge shall be judge of the probate and county court.

SEC. 2. The probate and county court shall be a court of record, and the court and the judge thereof shall have such jurisdiction as is now conferred upon probate courts and the judges thereof, and such jurisdiction as is now conferred upon justices of the peace, and in addition thereto shall have jurisdiction in civil actions for the recovery of personal property or money only where the amount claimed does not exceed one thousand dollars, and in proceedings for attachment and garnishment in such actions.

SEC. 3. The supreme court by rule may prescribe the procedure for all actions and proceedings in the probate and county court and in appeals therefrom, which rules, when made, shall supersede any statutes relating thereto. When the volume of business in any probate and county court is sufficient to justify it, the supreme court may by rule create divisions of the probate and county court, and when so created there shall be a judge for each division. The judges of the extra divisions so created shall, by virtue of their positions, be judges *pro tem.* of probate court. The supreme court may by rule provide the procedure for designating a judge *pro tem.* for the probate and county court for temporary purposes. Where the centers of population in a county are such as to justify it the supreme court may by rule provide for the sitting of the probate and county court at some place in the county in addition to the county seat, either for the trial of specific cases or for permanent division of the court in such county. The supreme court shall, before the first Monday of March, 1936, designate divisions of the probate and county court in counties where such is deemed necessary, and the cities other than the county seat in which a division of the probate and county court shall sit, and changes in such divisions and places where the court shall sit shall not be made oftener than once in two years.

SEC. 4. The judge of the probate and county court shall be elected at the general election held biennially in November, the first election to be held in November, 1936, and shall hold their offices for a term of two years, beginning on the second Monday in January following such election. No one shall be qualified to act as judge of the probate and county court who is not regularly admitted to practice law in this state, or who has not served as a probate judge in this state for as long as two years prior to the beginning of his term as judge of the probate and county court. No judge of the probate and county court shall, while serving in this capacity, practice law in any of the courts of the state.

SEC. 5. The salary of the judge of the probate and county court in the various counties of this state shall be as follows: In counties with a population of less than five thousand, $1,800; in counties with a population from five to ten thousand, $2,100; in counties with a population from ten to twenty-five thousand, $2,400; in counties with a population of more than twenty-five thousand and not more than sixty thousand, $2,700; and in counties with a population over sixty thousand, $3,000; the salaries to be paid by the county in monthly payments. All fees received by the judge of the probate and county court except fees for performing marriage ceremonies for services

performed by virtue of his office shall be by him paid into the county treasury and become a part of the general fund of the county. The county commissioners shall provide such facilities in the way of a court room, supplies and clerical and stenographic help as may be necessary properly to conduct the business of the court. The clerical help shall be appointed by the judge, or judges, of the probate and county court and hold their positions at the pleasure of the court.

SEC. 6. All process issued by the probate and county court shall be executed by the sheriff. If the sheriff is the party to be served the court shall appoint someone not interested in the case as a special officer to make the service.

SEC. 7. On and after the first Monday in January, 1937, justices of the peace in each and every county in this state shall have no jurisdiction in any case, civil or criminal, except in civil actions for the recovery of money only in which the amount claimed does not exceed one dollar.

SEC. 8. The following statutes are hereby repealed, the repeal to take effect on the second Monday of January, 1937: Sections 20-801 to 20-819, inclusive, and sections 20-1601 to 20-1634 and section 80-204 and sections 80-701 to 80-707, inclusive, of the Revised Statutes of 1923, and chapter 154, Laws of 1925, and chapter 178, Laws of 1927, and chapter 167, Laws of 1929, and chapter 170, Laws of 1933, and all acts of the present session of the legislature amending or supplementing any of the statutes above mentioned, and all acts and parts of acts in conflict herewith. Courts existing under statutes repealed by this section shall cease to function at the time the repeal goes into effect, and the dockets, records and files of such courts shall be transferred to and become a part of the records and files of the probate and county court, and all actions then pending in such courts shall proceed in the probate and county court as though originally brought in that court.

SEC. 9. This act shall take effect and be in force from and after its publication in the statute book.

When this bill becomes effective a bill should be passed creating courts of limited jurisdiction for the use of merchants and others in cities or communities outside of the county seat of any county, such as the proposed magistrate courts mentioned in sections 6 and 7 of our suggested bill, p. 51 of our October 1934 BULLETIN.

Our Proposed Constitutional Amendment

While improvements in the structure of our judicial system and methods of transacting business therein can be and have been brought about without changing our constitution, we early recognized that such a change was advisable. As early as our 1928 Report, page 9, we suggested the advisability of rewriting article III of our constitution, dealing with the judiciary, with certain specific points in mind. The subject, first and last, has received much attention from the Judicial Council. Proposed redrafts of the article have been printed and commented upon in several of our Reports and Bulletins. It has received much favorable comment from the lawyers and judges throughout the state. In the main two objections have been made to it. *First,* that it is too long. It contains about the same number of words as our present article III of our constitution and has fewer sections by four, so we regard this criticism as not serious. *Second,* it occasionally is suggested that we have simply a short section like the judicial section of the federal constitution which vests the judicial power of the United States in one supreme court and in such inferior courts as Congress may establish, the judges to hold their office during good behavior and their salaries not to be diminished while they are in office. We

heretofore have considered that suggestion and concluded it would not be suitable for a state judicial system. In the first place, other sections of the federal constitution pertain to the judiciary. Then, for some reason, no state has regarded the federal set-up of the judicial system as being appropriate for the state. We shall not here undertake a discussion of the reasons for this; indeed, we may not be familiar with all of them. At best it would be an innovation the wisdom of which would be seriously debatable. In any event we thought it best simply to modify our present judicial article in the manner best suitable to the needs of our state judicial system.

The principal changes made by our proposed amendment are as follows:

It provides a system of courts as distinct from separate judicial units.

It contemplates but three classes of courts—the supreme court, district courts, and county courts—but it does not prohibit the legislature from creating other courts.

The supreme court retains the original jurisdiction it now has in mandamus, quo warranto and habeas corpus, but is given original jurisdiction in any action presenting questions of law only, where the facts have been agreed to in writing. It is given appellate jurisdiction from the final judgment of a district court in any case, and such other appellate jurisdiction as may be provided by law. It consists of seven judges until the number is changed by law. It may make rules of procedure for all state courts. It may transfer one district judge temporarily to another district. It may call a district judge to sit on the supreme court. In original proceedings where the facts are controverted it may refer the action to the district court to find the facts.

The district court is made a general trial court substantially as at present. It may hear appeals from inferior courts, boards, commissions, officers and tribunals exercising judicial functions.

The county court is given exclusive original jurisdiction respecting estates of decedents, minors and incompetent persons, and has such jurisdiction of the person of minors and other incompetents, and jurisdiction in civil and criminal actions as may be provided by law. It is the examining magistrate in felony cases.

The amendment provides for removal or retiring of judges in certain circumstances. A court clerk shall be selected in each county, who shall be clerk of the district and county court. It provides qualifications for judges of the supreme court and judges of the district court and authorizes the legislature to make additional qualifications for judges of any state court.

It removes the present disqualification of a district judge to become a judge of the supreme court.

It prohibits a justice of the supreme court, or judge of a district or county court, from accepting or being a candidate for a nonjudicial office.

It leaves the manner of selection of judges to the legislature, which also can fix terms of judicial office—not less than six years for the supreme court nor less than four years for the district and county courts.

It leaves salaries of judges to be fixed by the legislature without limitation on its authority either to increase or decrease.

It provides for appointment to fill vacancies until a judge can be selected as provided by law.

It requires all process to be executed by the sheriff or his assistants.

Under our proposed amendment the legislature has authority:

To provide other courts if they should be found necessary.
To change the number of justices of the supreme court.
To remove judges by two-thirds vote of each house.
To provide terms of retirement of judges.
To change judicial districts.
To give county courts jurisdiction of:
(*a*) The person of minors and other incompetents;
(*b*) In certain civil actions, and
(*c*) In certain criminal cases.
To determine how the court clerk shall be selected, and for what time.
To make additional qualifications of judges.
To determine how judges shall be selected, and for what time.
To fix salaries of judges.
To determine how a judge shall be selected to fill a vacancy after the governor appoints.

This proposed amendment was introduced as senate concurrent resolution No. 10 and was favorably reported by the senate judiciary committee. It was favorably commented upon by some of the leading newspapers. It received the active support of a special committee of the State Bar Association. Because of a sentiment which seemed to prevail in the senate that no constitutional amendment should be submitted at this time, which sentiment materially aided in the defeat of two other constitutional amendments which had been recommended by committees, the senators in charge of this resolution thought it best not to call it up for action.

We earnestly urge a careful study of this proposed amendment with a view of asking any special session of the legislature which may be called to submit it to a vote of the people at a next general election. The proposed amendment reads as follows:

A PROPOSITION to amend article III of the constitution of Kansas relating to the judiciary by substituting in lieu thereof a new article III.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to each house thereof concurring therein:

SECTION 1. There is hereby recommended and submitted to the qualified electors of the state of Kansas, to be voted upon at the next general election for representatives, for their approval or rejection, a proposition to amend article III of the constitution of the state of Kansas relating to the judiciary by substituting in lieu thereof a new article III to read as follows:

ARTICLE III.—THE JUDICIARY

SECTION 1. All of the judicial power of this state shall be vested in a system of courts composed of a supreme court, district courts, county courts, and such other courts, inferior to the supreme court, as may be created by law.

SEC. 2. The supreme court, district courts, and county courts shall be courts of record, and each shall have a seal to be used in the authentication of all process and records.

SEC. 3. The supreme court shall be the highest court in the judicial system of the state. It shall have original jurisdiction in actions and proceedings presenting questions of law only, submitted on a written statement of agreed facts, and in proceedings in quo warranto, mandamus and habeas corpus. It shall have appellate jurisdiction from the final decision of the district court in civil and criminal actions and special proceedings, and such other appellate jurisdiction as may be provided by law. It shall consist of seven justices until the

number shall be changed by law. It may make rules for the practice and procedure in all state courts. It may designate any district judge to sit temporarily as judge of another district or division with the same power and jurisdiction as the regular judge. It may call a judge of a district court to sit on the supreme court in the event a member of that court be ill or disqualified. In original proceedings in the supreme court which involve controversies of fact the supreme court may refer the proceedings to a district court, or judge thereof, to hear the evidence and make findings of fact and conclusions of law and report them to the supreme court. The justices of the supreme court may sit separately in divisions with full power in each division to determine the cases assigned to be heard by such division. Three justices shall constitute a quorum in each division and the concurrence of three shall be necessary to a decision. Such cases only as may be ordered to be heard by the whole court shall be considered by all the justices, and the concurrence of a majority shall be necessary to a decision in cases so heard. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in years of these shall be the chief justice, and the presiding justice of each division shall be selected from the judges assigned to that division in like manner.

SEC. 4. Justices of the supreme court, judges of the district courts, and judges of county courts may be removed from office by resolution of both houses of the legislature if two-thirds of the members of each house concur. But no such removal by such proceeding shall be made except upon complaint, the substance of which shall be entered upon the journal, nor until the party charged shall have had notice and opportunity to be heard.

SEC. 5. The supreme court, not more than two justices voting in the negative, after a hearing, on complaint and due notice, may ask the resignation of, or by order remove, a justice of that court or a judge of any state court for the good of the service, and may prescribe rules of procedure therefor; and by like vote, after notice and hearing, may retire any justice of the supreme court or judge of a state court who shall have reached the age of seventy years, or whose physical or mental infirmities have rendered such retirement advisable. Such retirement shall be upon such conditions relating to pay or otherwise as may be provided by law.

SEC. 6. The supreme court shall appoint a reporter and a clerk for that court, who shall hold office during the pleasure of the court, and shall prescribe their respective duties.

SEC. 7. There shall be a district court in each county, but several counties may compose one district, and there may be divisions of the district court as the business therein may require. Judicial districts consisting of one or more counties, and the division of each district court and the number of judges therein, as they may exist at the time of the adoption of this amendment, shall continue to exist until changed by law. The district court shall be a court of original general jurisdiction for the trial of all civil and criminal actions and proceedings, except as the jurisdiction of any civil or criminal action or special proceeding is hereby vested in some other court, and shall have appellate jurisdiction in all civil and criminal actions and special proceedings originating in courts inferior to the district court and before boards, commissions, officers and tribunals when exercising judicial functions, and such other jurisdiction as may be provided by law.

SEC. 8. There shall be a county court in each county, which shall have exclusive original jurisdiction for the probate of wills and in all matters relating to the estates of decedents, minors and incompetent persons, and also shall have such jurisdiction in matters relating to the person of minors and incompetent persons, and in civil and criminal actions and special proceedings, as may be provided by law. The judge or judges of such court shall be examining magistrates in prosecutions for felonies. There shall be at least one judge of the county court in each county, and such additional judges as may be provided by law. At the first session of the legislature following the adoption of this article the legislature shall provide for the organization of county courts

in accordance with this section, the transferring to such courts of the records and pending business of trial courts inferior to the district court, and for the selection of judges for county courts, so that such courts may be fully organized and equipped to take care of the business on a date fixed by law, which shall not be later than the end of the term for which probate judges then had been elected.

SEC. 9. In each county there shall be a court clerk who shall be selected as provided by law and who shall act as clerk for both the district court and the county court in such county, and whose duties shall be prescribed by rule of the supreme court.

SEC. 10. To be eligible to hold the office of justice of the supreme court or judge of the district court a person must be duly admitted to practice law in this state, and shall be a citizen and resident of the state and district for which he is selected or appointed, and before taking such office must have been engaged in the active practice of law or shall have served as judge of a court of record, or both, in the aggregate as follows: For justice of the supreme court, ten years; for judge of the district court, five years. Additional requirements of eligibility for judges of any state court may be provided by law. No person shall be ineligible to hold any judicial office in this state on account of his holding another judicial office. No person shall hold more than one judicial office concurrently. A justice of the supreme court, or a judge of the district court or county court, shall not be a candidate for a nonjudicial office, and in the event he files for, or accepts a nomination for, or an appointment to, a nonjudicial office, his office of justice or judge shall become vacant immediately.

SEC. 11. Justices of the supreme court and judges of the district courts and county courts shall be selected in such manner and shall hold office for such time as may be provided by law, but if terms are fixed they shall be not less than six years for justices of the supreme court nor less than four years for judges of district and county courts.

SEC. 12. All appeals from county courts shall be to the district court, and all appeals from the district court shall be to the supreme court.

SEC. 13. The justices of the supreme court and judges of the district courts and county courts shall, at stated times, receive for their services such compensation as may be provided by law, but no such justice or judge shall receive any other fee or perquisites, nor shall he practice law during his continuance in office.

SEC. 14. The several justices and judges of courts of record in this state shall have such jurisdiction at chambers as may be provided by rule of the supreme court.

SEC. 15. Provision shall be made by rule of the supreme court for the selection of a judge *pro tem.* of the district court or county court.

SEC. 16. In the event of a vacancy in the office of a justice or judge of any of the courts of record of this state the governor shall appoint some eligible person to fill the position until his successor is selected and qualified as provided by law.

SEC. 17. The style of all process shall be "The State of Kansas," and all prosecutions shall be carried on in the name of the state. All process from any of the courts of the state shall be executed by a sheriff, undersheriff or deputy, or by the clerk of the district court if the sheriff be the party to be served.

SEC. 2. This proposition shall be submitted to the electors of the state of Kansas at the general election in 1936. The amendment hereby proposed shall be known on the official ballot by the title, "The Judiciary Amendment to the State Constitution," and the vote for and against such proposition shall be taken as provided by law.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

TABLE I.—Miscellaneous information, year ending July 1, 1934

(Compiled from Form 10)

County.	Judge.	Time judge has served; years—months.	Decedents' estates closed in year ending July 1, 1934.	Estates of minors, insane and other incompetents closed in year ending July 1, 1934.	Defalcations since July 1, 1930, by guardian, executor or administrator.			Juvenile officers under supervision of judge since July 1, 1933.		Habeas corpus cases since July 1, 1933.	Orders in absence district judge since July 1, 1933.	Proceedings in aid of execution since July 1, 1933.	Adoptions with consent of parent since July 1, 1933.	Adoptions without consent of one or both parents since July 1, 1933.
					No.	Amount.	Amount received.	No.	Amount paid.					
Allen	Travis Morse	6–7	26	4	0	$0.00	$0.00	1	$126.70	0	0	0	0	0
Anderson	L. H. Spohn	6	32	5	0	0	0	1	0	0	3	0	2	0
Atchison	F. P. Wertz	1–6	50	9	0	0	0	1	333.65	0	5	0	3	5
Barber	S. P. Garrison													
Barton	H. A. Hall	25–6	54	22	2	600.00	600.00	1	156.00	0	1	0	2	0
Bourbon	C. E. Hulett	1–6	41	8	1	6,612.59	0	0	0	0	2	0	2	0
Brown	J. M. Johnson	6	41	10	0	0	0	2	233.07	0	0	0	7	0
Butler	W. N. Cawkins	0–7	47	23	0	0	0	0	0	0	1	0	2	0
Chase	S. H. Baker	8–6	5	6	0	0	0	0	0	0	0	0	0	0
Chautauqua	W. H. Helmick	1–6	9	4	0	0	0	0	0	1	1	0	1	0
Cherokee	Walter Largen	1–6	56	13	1	500.00	500.00	1	0	3	0	0	5	2
Cheyenne	C. E. Curry	1–6	4	1	0	0	0	1	0	0	1	0	5	0
Clark	A. Baker	11–6	1	0	0	0	0	1	0	0	1	0	0	0
Clay	Frank H. Meek	1–6	42	7	1	300.00	300.00	1	150.00	0	10	0	1	0
Cloud	E. W. Thompson	10–0	41	10	0	0	0	1	69.35	0	4	2	0	0
Coffey	J. W. Whitney	1–6	43	0	0	0	0	0	0	0	7	8	0	1
Comanche	M. M. Cosby	16–0	5	4	0	0	0	0	0	0	3	0	1	0
Cowley	Ellis Fink	0–3	66	20	2	350.00	350.00	2	1,161.55	0	2	0	27	0
Crawford	R. W. Colborn	13–6	97	22	1	974.00	974.00	1	285.00	1	0	0	3	1
Decatur	J. E. Kulp	9–6	23	0	0	0	0	0	0	0	4	0	3	2
Dickinson	D. W. Nickles	1–6	58	16	0	0	0	2	39.00	0	19	0	2	1
Doniphan	John R. Bell													
Douglas	L. H. Menger	13–0	55	18	1	6,363.42	7,321.15	1	442.50	0	2	0	1	0
Edwards	W. N. Beezley	7–6	14	0	0	0	0	2	0	0	0	0	0	2
Elk	Fred L. Shaff	11–6	20	0	0	0	0	1	0	0	0	0	1	1

TABLE I.—CONTINUED. Miscellaneous information, year ending July 1, 1934

COUNTY.	Judge.	Time judge has served; years—months.	Decedents' estates closed in year ending July 1, 1934.	Estates of minors, insane and other incompetents closed in year ending July 1, 1934.	Defalcations since July 1, 1930, by guardian, executor or administrator.			Juvenile officers under supervision of judge since July 1, 1933.		Habeas corpus cases since July 1, 1933.	Orders in absence district judge since July 1, 1933.	Proceedings in aid of execution since July 1, 1933.	Adoptions with consent of parent since July 1, 1933.	Adoptions without consent of one or both parents since July 1, 1933.
					No.	Amount.	Amount received.	No.	Amount paid.					
Ellis	Peter Holzmeister	1–6	55	8	0	$0.00	$0.00	1	$8.00	1	1	0	1	0
Ellsworth	Frank Vitek	5–6	17	6	1	2,000.00	1,800.00	1	0	0	0	0	4	0
Finney	Edgar Foster	3–6	2	0	0	0	0	1	87.50	4	9	1	2	1
Ford	R. W. Evars	6–3	20	8	0	0	0	0	0	0	4	2	3	4
Franklin	Clive H. Owen	3–6	67	17	4	26,540.71	26,540.71	1	0	1	5	4	2	0
Geary	Wm. W. Pease	8–0	0	0	1	530.00	0	1	0	1	4	0	7	0
Gove	Geo. F. Turner	7–6	9	0	0	0	0	0	0	0	0	0	2	0
Graham	E. L. McClure	9–6	13	3	0	0	0	1	12.00	0	0	0	0	0
Grant	Mae Gay	12–6	0	0	0	0	0	0	0	1	0	0	0	0
Gray	Edith M. Johnston	3–6	0	0	0	0	0	0	0	0	1	0	1	0
Greeley	J. G. Ridlen	1–6	0	0	0	0	0	0	0	0	2	0	1	0
Greenwood	Roy L. Hamlin	3–6	31	17	1	338.29	338.29	0	0	0	12	0	2	0
Hamilton	E. H. Murray	1–6	8	0	0	0	0	0	0	1	6	0	1	1
Harper	D. C. Hawk	24–0	44	10	0	0	0	2	48.00	1	3	0	0	0
Harvey	Grant Mitchell	3–6	43	7	0	0	0	0	0	1	3	0	1	6
Haskell	L. G. Meairs	12–0	5	0	0	0	0	0	0	0	1	0	0	1
Hodgeman	Jacob Sorem	1–6	2	0	0	0	0	0	0	0	0	14	0	0
Jackson	A. P. Hoagland	1–6	25	6	0	0	0	1	0	0	4	0	2	0
Jefferson	John A. Decker	15–6	21	7	0	0	0	1	18.00	0	1	5	1	0
Jewell	Frank Kissinger	3–6	37	3	1	250.00	250.00	0	0	0	2	0	1	0
Johnson	V. K. Campbell	3–6	49	10	0	0	0	1	27.60	0	5	0	0	0
Kearny	Geo. F. Geer	1–6	6	1	0	0	0	0	0	0	0	0	0	0
Kingman	L. W. Kabler	7–6	19	9	0	0	0	3	10.00	0	0	0	2	2
Kiowa	Don P. Reed	6–6	4	0	0	0	0	0	0	0	1	0	0	0
Labette	C. S. Carlton	12–0	32	13	0	0	0	1	0	0	2	0	1	1
Lane	J. A. Radford	5–6	7	1	0	0	0	0	0	0	0	0	2	0
Leavenworth	Duke Hooper													
Lincoln	A. Artman	32–6	36	4	0	0	0	1	0	0	1	0	1	0
Linn	Owen E. Root	1–6	42	17	0	0	0	3	12.00	0	1	0	6	2
Logan	Winnie Seitz	5–6	17	0	0	0	0	0	0	0	0	0	0	1

TABLE 1.—CONTINUED. Miscellaneous information, year ending July 1, 1934

COUNTY.	Judge.	Time judge has served; years—months	Decedents' estates closed in year ending July 1, 1934	Estates of minors, insane and other incompetents closed in year ending July 1, 1934	Defalcations since July 1, 1930, by guardian, executor or administrator.			Juvenile officers under supervision of judge since July 1, 1933.		Habeas corpus cases since July 1, 1933	Orders in absence district judge since July 1, 1933	Proceedings in aid of execution since July 1, 1933	Adoptions with consent of parent since July 1, 1933	Adoptions without consent of one or both parents since July 1, 1933
					No.	Amount.	Amount received.	No.	Amount paid.					
Lyon	R. H. Hudkins	1–6	49	18	0	$0.00	$0.00	1	$1,080.00	0	5	0	2	1
Marion	J. E. Hargett	6–0	61	8	1	10,000.00	0	0	0	0	4	0	1	0
Marshall	P. R. Pulleine	1–6	45	8	1	2,830.00	330.00	0	0	0	1	0	0	0
McPherson	J. J. Heidebrecht	9–0	58	14	1	1,600.00	1,600.00	1	0	0	19	0	5	0
Meade	Florilla DeCow	9–6	7	2	1	16,627.29	17,532.71	0	0	0	0	2	0	1
Miami	C. E. Rossman	9–6	29	20	2	2,268.21	2,268.21	2	0	0	4	2	5	1
Mitchell	J. M. Rodgers	3–6	46	9	0	0	0	0	0	0	5	0	1	0
Montgomery	Grace A. Miles	6–0	121	28	0	0	0	4	1,000.00	0	0	0	2	6
Morris	W. F. Williams	4–0	35	5	0	0	0	0	0	1	6	0	3	0
Morton	Jerrie Smallwood	4–6	2	0	0	0	0	0	0	0	2	0	0	0
Nemaha	L. S. Slocum													
Neosho	C. C. Yockey													
Ness	J. M. Anderson	1–6	9	7	0	0	0	1	0	0	0	0	0	0
Norton	W. A. Hendrickson	1–6	18	2	0	0	0	1	0	0	3	0	1	0
Osage	Robert T. Price	5–6	42	16	0	0	0	1	100.00	0	5	1	1	0
Osborne	James W. Bell	10–0	44	3	0	0	0	1	4.00	0	1	4	1	2
Ottawa	G. R. King	1–6	34	6	0	0	0	3	6.00	0	1	0	0	1
Pawnee	Blaine Roberts	3–6	6	3	1	15,000.00	0	1	13.50	0	3	0	0	0
Phillips	Fred Kelly	1–6	45	0	0	0	0	0	0	0	2	0	2	1
Pottawatomie	Frank Brooks													
Pratt	E. R. Barnes	8–5	22	10	3	29,002.51	5,000.00	2	50.00	0	6	0	1	0
Rawlins	M. H. Bird	1–6	0	0	0	0	0	0	0	0	0	0	2	1
Reno	A. B. Leigh	1–6	65	22	0	0	0	1	0	0	6	1	7	0
Republic	H. H. VanNatta	15–6	51	18	1	0	0	0	0	0	4	0	1	3
Rice	Calvin G. Cook	10–0	30	10	0	0	0	1	25.00	0	2	0	1	0
Riley	Chas. F. Johnson	5–6	29	14	0	0	0	2	73.50	0	5	1	3	0
Rooks	W. T. Case	19–6	24	7	0	0	0	1	0	0	0	0	0	0
Rush	John W. Seuser	3–6	24	25	0	0	0	0	0	0	0	0	0	0
Russell	J. D. Steinle	2–0	27	12	0	0	0	0	0	0	8	0	0	0
Saline	Will F. Miller	11–6	65	14	0	0	0	1	380.00	0	8	0	4	4

TABLE I.—CONCLUDED. Miscellaneous information, year ending July 1, 1934

COUNTY.	Judge.	Time judge has served; years—months	Decedents' estates closed in year ending July 1, 1934	Estates of minors, insane and other incompetents closed in year ending July 1, 1934	Defalcations since July 1, 1930, by guardian, executor or administrator.			Juvenile officers under supervision of judge since July 1, 1933.		Habeas corpus cases since July 1, 1933	Orders in absence district judge since July 1, 1933	Proceedings in aid of execution since July 1, 1933	Adoptions with consent of parent since July 1, 1933	Adoptions without consent of one or both parents since July 1, 1933
					No.	Amount.	Amount received.	No.	Amount paid.					
Scott	James H. Foree	1-6	9	0	0	$0.00	$0.00	0	$0.00	0	2	0	1	0
Sedgwick	Clyde M. Hudson	1-0	84	4	0	0	0	3	4,560.00	0	0	1	28	39
Seward	L. A. Etzold	9-0	11	2	0	0	0	1	71.50	0	1	0	1	0
Shawnee	John F. Kaster	4-0	112	38	0	0	0	3	380.00	1	0	0	10	28
Sheridan	N. F. McWilliams	2-0	9	2	0	0	0	0	0	0	2	0	0	0
Sherman	Bessie M. Flick	12-0	9	4	1	2,105.42	1,637.25	2	30.00	0	1	1	2	0
Smith	Charles Buell	1-6	7	0	0	0	0	0	0	0	3	0	1	1
Stafford	W. T. Buckle	3-6	28	13	0	0	0	0	0	0	0	0	0	0
Stanton	W. F. Hoover	7-6	1	1	1	0	0	0	0	0	0	0	1	0
Stevens	I. B. Erwin	1-3	3	0	0	0	0	0	0	0	1	0	0	0
Sumner	Chas. P. Hangen	12-0	40	28	0	0	0	1	360.00	0	0	0	3	5
Thomas	O. A. Snell	1-6	20	1	0	0	0	1	0	0	1	0	0	0
Trego	Walter F. Swiggett	1-6	13	0	0	0	0	0	0	0	0	0	1	0
Wabaunsee	H. R. Williams	1-6	28	6	0	0	0	0	0	1	0	0	1	1
Wallace	L. V. Thomas	3-6	0	0	0	0	0	1	0	0	0	0	0	1
Washington	R. L. Rust	3-6	37	26	1	4,828.00	1,200.00	1	200.00	1	3	1	0	0
Wichita	J. I. Robison	13-6	4	1	0	0	0	0	0	0	1	0	0	0
Wilson	D. J. Sheedy	15-6	34	9	0	0	0	1	0	0	0	0	1	0
Woodson	Frank C. Woodruff	5-6	18	0	1	25,010.81	0	1	15.70	0	1	0	0	0
Wyandotte	Henry Meade	9-6	230	80	2	0	0	3	4,560.00	0	0	0	34	13
Totals			3,126	845	34	$154,631.25	$68,542.32	82	$16,129.12	20	250	50	241	149

TABLE II.—Summary, probate courts. Estates of deceased persons pending July 1, 1934

(Compiled from Form 11)

County.	No. pending July 1, 1934	Pending 6 months or less	From 6 months to 1 year	From 1 to 2 years	From 2 to 3 years	From 3 to 4 years	From 4 to 5 years	From 5 to 10 years	More than 10 years	No. of wills	No. of wills contested	Gross value.	No. cases, value given	Inventories within 60 days	No. annual reports filed	No. citations issued	No. appeals to district court	Total costs.	Executor's or administrator's fees.	Attorney's fees.	Estimated value of property listed but not appraised.
Allen	123	18	25	24	14	14	5	19	4	68	1	$869,171.00	110	69	97	1	5	$10,772.00	$5,557.00	$3,154.00	$131,655.00
Anderson	108	27	11	24	15	4	3	23	1	57	2	418,077.23	80	55	13	0	2	16,941.44	16,615.00	1,900.50	272,018.02
Atchison	*115	40	50	25	0	0	0	0	0	64	0	870,041.58	85	76	4	0	2	1,161.20	0	0	540,725.00
Barber																					
Barton	158	24	29	33	14	14	11	21	12	103	3	4,217,468.72	140	140	70	1	1	835.85	17,575.00	12,003.50	0
Bourbon	196	24	17	23	17	7	6	39	63	111	0	459,063.93	124	105	52	1	1	3,863.46	50.00	25.00	354,340.50
Brown	130	38	28	23	6	10	6	18	1	77	0	1,720,879.52	126	106	118	0	0	10,358.68	8,729.01	1,949.17	0
Butler	86	26	20	22	14	4	0	0	0	51	1	1,325,075.05	71	49	0	1	1	0	0	0	0
Chase	36	10	3	10	4	3	2	3	1	15	1	223,227.67	30	24	37	1	1	393.40	1,308.60	6,873.02	140,752.51
Chautauqua																					
Cherokee	166	39	27	25	15	15	7	25	13	89	0	678,404.36	134	121	35	0	0	345.00	0	0	0
Cheyenne	34	6	6	3	4	5	1	8	1	19	1	362,469.57	31	31	28	2	1	470.10	2,325.95	3,791.50	7,500.00
Clark	10	3	0	1	1	2	3	0	0	4	0	169,527.32	8	6	3	0	0	967.45	100.00	760.00	0
Clay	97	23	30	18	14	5	0	5	2	50	0	1,219,156.81	90	83	34	1	0	9,197.75	1,300.00	125.00	4,171.00
Cloud	54	26	28	0	0	0	0	0	0	34	0	788,579.86	49	43	3	0	0	1,156.75	1,540.12	2,500.00	0
Coffey	77	20	17	10	8	9	4	6	3	29	2	491,850.74	70	67	16	1	0	1,607.61	0	195.00	0
Comanche	21	6	4	3	3	3	1	0	1	12	2	22,023.41	18	18	21	0	2	463.30	150.00	50.00	0
Cowley	101	20	27	30	8	14	0	2	0	57	0	1,989,569.87	100	77	59	0	0	2,902.95	18,935.00	9,195.00	13,000.00
Crawford	218	47	30	36	23	22	18	38	4	99	3	1,557,786.81	204	176	116	1	4	22,425.08	11,180.00	3,303.00	32,650.00
Decatur	34	11	9	7	2	0	2	3	0	22	0	404,919.78	34	31	12	1	0	522.86	200.00	50.00	0
Dickinson	140	26	24	26	23	16	7	16	2	99	0	1,665,306.62	114	90	148	0	0	11,550.01	5,762.14	1,455.00	31,389.50
Doniphan	118	21	23	32	18	14	2	7	1	34	1	1,433,414.87	118	12	73	1	1	2,324.95	2,060.26	395.00	1,007,495.00
Douglas	81	29	21	9	7	3	3	7	2	63	0	1,515,827.21	78	67	76	0	0	1,785.35	2,150.00	0	0
Edwards	23	10	4	4	2	2	0	1	0	17	0	218,565.84	23	23	11	0	1	581.88	725.00	25.00	398,743.50
Elk	24	8	4	4	0	1	0	6	1	16	0	312,361.67	24	24	38	0	0	17,010.00	0	1,150.00	0

TABLE II.—CONTINUED. Summary, probate courts. Estates of deceased persons pending July 1, 1934

COUNTY.	No. pending July 1, 1934	Pending 6 months or less	From 6 months to 1 year	From 1 to 2 years	From 2 to 3 years	From 3 to 4 years	From 4 to 5 years	From 5 to 10 years	More than 10 years	No. of wills	No. of wills contested	Gross value.	No. cases, value given	Inventories within 60 days	No. annual reports filed	No. citations issued	No. appeals to district court	Total costs.	Executor's or administrator's fees.	Attorney's fees.	Estimated value of property listed but not appraised.
Ellis	25	0	2	23	0	0	0	0	0	16	0	$182,286.54	23	23	18	0	0	$246.10	$75.00	$1,940.00	$0.00
Ellsworth	81	19	18	16	16	4	8	0	0	45	0	883,134.53	77	62	12	0	0	2,603.31	1,359.45	980.00	0
Finney	38	16	22	0	0	0	0	0	0	17	0	175,770.26	25	22	4	0	0	2,481.50	2,221.00	250.00	5,000.00
Ford	88	12	16	17	14	12	10	7	0	32	1	933,557.11	63	45	21	1	2	2,344.97	756.92	314.05	0
Franklin	105	23	26	26	14	10	1	2	3	59	4	1,657,687.15	102	97	50	4	2	16,319.30	9,300.00	7,963.27	0
Geary	55	19	14	17	4	1	0	0	0	26	0	761,271.83	47	44	2	1	0	13,045.00	0	0	0
Gove	24	5	5	7	2	3	0	2	0	8	0	211,072.39	24	24	17	0	0	631.03	5,450.00	2,560.00	2,500.00
Graham	21	7	7	6	1	0	0	0	0	10	0	160,008.29	21	19	3	0	0	357.00	425.00	275.00	0
Grant																					
Gray	28	10	4	10	4	0	0	0	0	14	0	420,444.53	23	23	10	0	0	212.00	25.00	75.02	0
Greeley	18	7	4	6	0	0	0	0	1	6	0	21,800.00	7	4	7	0	0	151.74	0	0	6,800.00
Greenwood	158	28	34	33	25	12	9	11	6	72	1	2,050,344.37	149	122	56	0	1	9,442.42	6,547.59	3,505.30	9,778.05
Hamilton	13	2	5	5	0	1	0	0	0	7	0	34,350.75	12	12	9	0	2	150.35	150.00	50.00	400.00
Harper	74	19	18	16	5	7	1	8	0	42	1	953,377.94	71	71	56	0	0	8,271.20	4,501.00	2,950.00	0
Harvey	169	33	22	37	21	22	12	17	5	94	1	1,124,064.76	80	131	102	0	1	1,697.60	0	0	0
Haskell	8	2	3	3	0	0	0	0	0	6	1	83,372.12	7	7	3	0	0	0	0	50.00	36,400.00
Hodgeman	14	3	7	4	0	0	0	0	0	4	1	122,521.12	12	12	0	0	0	302.25	300.00	350.00	0
Jackson	241	36	31	54	53	67	0	0	0	89	0	1,385,377.55	198	74	19	0	0	2,800.56	24.34	750.00	50,220.00
Jefferson	111	21	9	20	17	11	7	22	4	68	3	1,400,992.35	109	92	220	26	20	23,495.58	17,681.18	3,140.67	9,600.00
Jewell	152	22	18	15	13	14	6	38	26	82	0	1,665,317.41	135	98	133	2	0	7,200.37	2,901.86	1,489.05	0
Johnson	266	36	41	45	10	14	14	50	56	151	4	2,823,210.44	161	120	48	1	2	23,687.68	18,074.52	25,392.82	798,594.44
Kearny	24	11	8	2	1	0	0	1	1	18	0	153,030.23	12	9	16	0	0	516.50	500.00	100.00	0
Kingman	61	10	10	19	11	6	5	0	0	35	1	910,972.03	57	57	32	0	2	4,333.77	3,751.00	1,178.50	4,025.00
Kiowa	29	7	5	11	6	0	0	0	0	7	0	302,014.43	29	29	19	0	0	1,116.75	180.00	975.00	2,350.00
Labette	269	38	25	61	60	85	0	0	0	134	0	980,728.53	142	109	0	0	1	7,233.22	4,011.92	810.00	0
Lane	16	6	5	2	1	2	0	0	0	8	0	175,720.69	11	10	7	0	0	120.85	150.00	125.00	13,189.00
Leavenworth																					
Lincoln	109	19	19	23	13	4	2	9	20	50	0	1,591,706.58	104	86	72	1	1	3,162.62	1,206.17	110.00	4,780.00
Linn	96	19	22	5	13	9	11	11	6	55	4	630,063.76	90	77	132	2	1	11,525.00	5,795.00	2,300.00	0
Logan	19	4	4	(	2	1	2	0	0	7	0	277,184.76	17	16	3	1	0	211.47	75.00	850.00	0

TABLE II.—CONTINUED. Summary, probate courts. Estates of deceased persons pending July 1, 1934

COUNTY.	No. pending July 1, 1934	Pending 6 months or less	From 6 months to 1 year	From 1 to 2 years	From 2 to 3 years	From 3 to 4 years	From 4 to 5 years	From 5 to 10 years	More than 10 years	No. of wills	No. of wills contested	Gross value.	No. cases, value given	Inventories within 60 days	No. annual reports filed	No. citations issued	No. appeals to district court	Total costs.	Executor's or administrator's fees.	Attorney's fees.	Estimated value of property listed but not appraised.
Lyon	118	30	18	26	7	11	8	13	5	72	0	$1,583,160.13	69	55	136	1	3	$22,300.97	$20,023.52	$3,245.00	$335,789.44
Marion	140	35	32	27	21	13	3	7	2	78	0	1,297,514.36	129	101	112	0	0	0	0	0	0
Marshall	214	28	26	43	32	27	16	36	6	114	1	3,187,308.50	201	195	129	0	0	13,854.90	8,713.00	3,250.00	0
McPherson	107	16	10	7	13	7	1	18	35	58	2	1,759,693.34	100	90	49	7	1	1,704.21	626.00	593.00	10,000.00
Meade	29	7	6	3	5	3	0	5	0	20	0	271,249.50	29	24	24	0	1	4,959.06	2,725.00	505.00	1,425.00
Miami	87	28	19	21	9	9	0	1	0	47	1	1,651,534.90	86	86	71	1	4	3,504.87	25,616.75	13,630.00	437,045.50
Mitchell	107	23	32	32	9	9	2	0	0	39	0	1,028,068.01	91	80	6	0	0	882.90	0	0	706,018.63
Montgomery	324	43	29	72	69	111	0	0	0	153	0	2,301,330.58	299	289	231	1	0	199,291.71	20,764.35	13,667.56	8
Morton	7	3	3	1	0	0	0	0	0	3	0	14,800.57	7	5	0	0	1	97.30	0	0	5,595.00
Morris	82	30	18	21	10	2	0	1	0	34	0	454,722.25	71	71	17	0	0	1,917.94	1,350.00	1,075.00	0
Nemaha	89	22	11	19	8	11	6	7	5	62	1	1,157,988.11	86	79	110	1	0	2,412.50	1,906.42	990.00	0
Neosho																					
Ness	65	10	15	8	8	5	3	7	9	27	0	738,313.00	63	62	11	0	0	532.55	10.00	0	24,000.00
Norton	56	24	16	15	1	0	0	0	0	28	1	404,890.21	52	45	0	0	1	774.43	525.00	1,007.50	19,000.00
Osage	125	28	26	33	16	7	7	5	3	84	0	992,058.65	124	117	111	2	0	0	0	0	0
Osborne	81	21	13	27	6	3	2	9	0	28	1	937,053.81	78	18	10	0	0	4,790.03	3,525.00	1,100.00	21,000.00
Ottawa	113	0	8	33	40	32	0	0	0	55	2	1,196,880.17	111	84	132	3	2	13,079.70	6,489.84	1,832.00	12,819.71
Pawnee	32	8	7	7	3	0	0	2	5	20	0	597,913.00	31	26	51	0	1	15,711.41	11,050.00	2,875.00	0
Phillips	99	25	19	28	13	14	0	0	0	42	0	650,967.80	93	92	37	0	0	1,700.09	356.08	13.00	0
Pottawatomie																					
Pratt	55	13	11	13	12	6	0	0	0	34	1	1,164,099.09	50	15	5	2	1	600.35	0	1,700.00	18,500.00
Rawlins	64	17	11	11	13	2	2	8	0	25	0	91,525.25	47	50	18	0	1	751.60	0	0	76,968.14
Reno	168	36	19	24	25	22	7	16	19	100	0	1,329,139.44	126	82	83	1	1	2,661.10	300.00	150.00	0
Republic	174	9	30	53	40	41	0	1	0	86	0	1,914,455.51	159	158	31	1	2	4,107.67	6,205.11	2,325.90	0
Rice	81	22	25	28	6	0	0	0	0	49	0	539,047.80	39	36	12	0	0	0	0	0	53,300.00
Riley	144	27	18	37	23	28	9	1	1	71	1	1,866,282.94	135	109	147	0	4	122,924.42	3,201.65	3,499.37	0
Rooks	77	13	13	18	6	7	9	9	1	46	0	1,022,148.04	72	70	56	0	0	1,359.47	0	0	6,000.00
Rush	158	17	12	18	12	1	4	4	90	62	0	1,113,181.85	94	89	95	0	0	165.70	50.00	26.35	0
Russell	54	10	10	13	10	6	1	1	3	28	1	838,776.17	44	46	33	1	2	3,892.60	2,836.00	2,545.00	525,572.50
Saline	142	48	33	48	13	0	0	0	0	79	0	1,746,788.95	119	119	15	3	0	2,518.17	18,650.00	25,100.00	1,071,222.00

TABLE II.—CONCLUDED. Summary, probate courts. Estates of deceased persons pending July 1, 1934

COUNTY.	No. pending July 1, 1934	Pending 6 months or less	From 6 months to 1 year	From 1 to 2 years	From 2 to 3 years	From 3 to 4 years	From 4 to 5 years	From 5 to 10 years	More than 10 years	No. of wills	No. of wills contested	Gross value.	No. cases, value given	Inventories within 60 days	No. annual reports filed	No. citations issued	No. appeals to district court	Total costs.	Executor's or administrator's fees.	Attorney's fees.	Estimated value of property listed but not appraised *
Scott	21	2	6	3	3	2	0	4	1	8	0	$206,174.58	20	20	45	2	1	$2,546.00	$3,895.00	$400.00	$4,700.00
Sedgwick	983	135	117	251	231	249	0	0	0	601	0	15,394,544.06	827	457	536	1	1	29,504.26	96,325.78	82,717.43	0
Seward	50	10	5	7	8	6	3	9	2	25	1	835,265.84	48	33	27	0	0	720.20	2,775.00	6,635.00	35,800.00
Shawnee	328	73	44	50	48	31	18	49	15	143	1	5,068,413.02	256	134	257	0	0	0	0	0	0
Sheridan	19	9	2	5	3	0	0	0	0	7	0	82,540.55	17	16	8	0	0	422.96	290.00	35.00	93,645.00
Sherman	25	5	3	8	5	1	2	0	1	8	1	245,918.54	24	16	14	0	2	1,412.16	700.00	650.50	0
Smith	82	16	16	15	7	11	5	12	0	45	0	158,167.00	73	73	62	0	0	543.55	0	42.00	543,360.00
Stafford	77	14	18	22	5	5	7	5	1	50	0	1,822,984.34	70	42	45	2	3	6,384.53	4,283.05	1,963.10	20,400.00
Stanton	8	2	1	3	2	0	0	0	0	4	0	24,288.64	8	8	5	0	1	506.45	104.75	135.00	775.00
Stevens	33	2	2	11	7	4	1	5	1	7	0	37,693.62	27	27	18	0	0	661.93	0	0	128,245.00
Sumner	109	31	25	27	12	14	0	0	0	63	1	908,691.00	82	55	22	0	0	3,738.00	1,326.46	885.00	30,000.00
Thomas	57	16	14	10	7	3	2	5	0	21	0	874,463.24	57	55	29	0	0	930.77	0	50.00	0
Trego	55	10	6	5	6	13	9	6	0	17	2	768,226.49	48	43	34	0	0	486.75	7,500.00	750.00	21,600.00
Wabaunsee	111	30	12	15	13	7	2	20	12	55	2	1,763,959.01	111	99	59	0	0	15,369.22	1,837.00	535.00	11,400.00
Wallace	6	1	1	3	1	0	0	0	0	1	0	16,408.48	5	6	4	0	0	105.00	25.00	45.00	1,265.00
Washington	70	24	10	21	6	2	2	2	3	45	2	897,779.43	67	60	48	0	0	974.00	2,185.00	1,055.00	930.00
Wichita	8	0	7	1	0	0	0	0	0	0	0	61,998.00	8	7	0	0	0	2.50	0	15.00	0
Wilson	75	11	15	13	9	7	2	18	0	50	0	682,960.41	72	72	19	0	0	10,636.62	9,100.00	4,660.00	0
Woodson																					
Wyandotte	384	103	100	109	58	14	0	0	0	203	0	1,852,903.28	289	229	30	0	0	8,571.25	0	0	0
Totals	9,955	2,023	1,735	2,146	1,379	1,198	302	711	461	5,249	61	$108,558,423.35	8,383	6,723	5,129	80	90	$771,309.01	$446,995.79	$286,135.58	$8,094,452.44

* Cases from January 1, 1933, to July 1, 1934; about 140 cases prior to January 1, 1933.

TABLE III.—Summary, probate courts. Estates of minors, insane persons and other incompetents pending July 1, 1934

(Compiled from Form 12)

County.	Minors	Insane	Incompetent	Less than 6 months	From 6 months to 1 year	From 1 to 2 years	From 2 to 3 years	From 3 to 4 years	From 4 to 5 years	From 5 to 10 years	More than 10 years	Cases tried by jury	Cases tried by commission	Gross value.	No. cases value given	Inventories filed in 30 days	No. annual reports filed	No. citations	Appeals to district court	Total costs.	Executor's or administrator's fees.	Attorney's fees.	Estimated value of property listed but not appraised.
Allen	41	12	0	9	5	5	7	8	6	10	3	3	9	$128,658.00	45	15	142	0	0	$3,795.00	$1,097.00	$960.00	$1,263.75
Anderson	14	6	4	4	0	3	4	0	4	7	2	2	6	22,654.55	24	3	67	0	0	298.50	25.00	45.00	2,600.00
Atchison	14*	10	1	12	6	7	0	0	0	0	0	1	5	34,199.32	9	5	4	0	0	170.85	0	0	0
Barber																							
Barton	87	6	5	11	6	11	12	9	13	30	6	0	9	155,802.51	48	31	172	3	0	1,184.40	767.18	535.00	0
Bourbon	76	15	7	3	2	5	11	8	10	23	36	4	16	180,232.86	75	20	246	0	0	8,033.64	5,932.29	946.25	0
Brown	12	8	5	0	3	2	1	1	1	6	11	1	12	91,888.35	25	6	155	0	2	4,033.52	3,381.00	412.14	0
Butler	25	5	6	8	5	9	11	3	0	0	0	1	0	71,495.00	36	0	26	0	0	468.05	0	0	0
Chase	34	0	0	4	1	4	2	1	1	12	9	0	0	54,026.86	24	2	101	1	0	580.50	148.25	166.65	4,825.00
Chautauqua	0	10	7	4	4	5	1	1	1	1	0	1	16	400.00	2	2	2	0	1	236.85	35.00	30.00	7,813.00
Cherokee	81	80	38	16	13	16	20	22	23	56	33	9	91	5,184.50	3	2	202	0	0	0	0	0	0
Cheyenne	13	5	0	2	1	3	2	1	3	5	1	0	5	64,180.29	18	12	33	0	1	175.40	672.76	675.00	0
Clark	9	2	4	2	1	1	1	2	1	5	2	0	6	73,771.15	5	3	77	0	0	269.00	0	0	0
Clay	62	18	4	4	1	9	3	7	5	29	26	11	9	303,272.36	80	14	321	1	0	7,508.70	4,280.00	530.00	16,400.00
Cloud	11	2	1	8	6	0	0	0	0	0	0	0	3	33,331.78	13	7	3	0	0	210.34	9.64	40.00	0
Coffey	75	14	4	4	2	4	4	2	10	33	34	0	17	129,262.05	73	51	306	2	0	1,851.72	0	0	0
Comanche	9	2	3	2	0	5	1	0	1	5	0	0	4	32,649.55	11	9	34	0	0	135.85	0	0	0
Cowley	15	7	12	10	2	4	3	4	0	5	6	7	12	250,831.25	34	22	119	1	0	1,435.47	5,525.00	2,160.00	0
Crawford	163	31	6	10	8	17	19	22	20	64	40	3	33	295,954.50	197	1	639	0	0	5,291.38	1,542.00	1,934.20	0
Decatur	17	4	5	1	2	1	1	1	3	10	7	0	7	45,313.93	21	16	135	0	0	251.25	0	5.00	0
Dickinson	179	29	20	8	8	17	14	15	26	70	70	7	40	750,959.81	159	107	1,085	1	2	26,312.00	15,264.36	3,620.22	45,043.74
Doniphan																							
Douglas	50	22	6	10	5	10	5	5	4	24	15	5	21	242,377.09	71	48	306	0	1	13,284.57	1,482.50	12,638.00	0
Edwards	14	2	1	0	0	0	0	3	3	9	2	1	2	31,591.00	17	17	16	0	0	506.60	550.00	415.00	0
Elk	10	8	0	1	3	2	2	0	3	7	0	0	8	17,125.60	10	0	15	0	0	106.00	0	25.00	0

TABLE III.—CONTINUED. Summary, probate courts. Estates of minors, insane persons and other incompetents pending July 1, 1934

COUNTY.	Minors	Insane	Incompetent	Less than 6 months	From 6 months to 1 year	From 1 to 2 years	From 2 to 3 years	From 3 to 4 years	From 4 to 5 years	From 5 to 10 years	More than 10 years	Cases tried by jury	Cases tried by commission	Gross value.	No. cases value given	Inventories filed in 30 days	No. annual reports filed	No. citations	Appeals to district court	Total costs.	Executor's or administrator's fees.	Attorney's fees.	Estimated value of property listed but not appraised.
Ellis	3	9	2	4	4	6	0	0	0	0	0	0	11	$16,558.00	5	1	0	0	0	$0.00	$0.00	$0.00	$53,618.00
Ellsworth	32	1	6	2	7	3	3	9	14	1	0	6	1	76,406.73	34	7	1	0	0	22.75	0	0	0
Finney	6	12	0	10	7	1	0	0	0	0	0	0	12	8,837.35	6	7	2	0	0	0	0	0	0
Ford	64	18	0	4	12	8	12	16	19	11	0	0	18	25,791.81	10	12	40	2	0	1,159.93	424.66	25.00	0
Franklin	103	13	11	5	8	12	17	7	12	41	25	11	13	299,238.74	122	83	278	5	0	11,051.78	6,205.00	652.50	0
Geary	24	12	0	2	0	6	8	5	2	9	4	0	9	167,897.72	31	25	58	3	0	1,446.11	1,408.55	371.00	0
Gove	6	1	1	7	1	0	0	0	0	0	0	1	1	5,050.00	8	7	0	0	0	64.30	0	60.00	0
Graham	4	4	0	2	0	1	0	0	1	3	1	0	4	47,400.00	8	4	24	0	0	48.50	200.00	300.00	0
Grant																							
Gray	12	0	4	2	0	2	1	5	4	1	1	0	2	14,517.65	6	4	41	0	0	178.15	957.35	10.00	0
Greeley	5	1	0	3	1	0	0	0	1	1	0	0	0	7,100.00	4	1	6	0	0	40.00	0	0	0
Greenwood	99	19	1	7	2	6	11	11	13	51	18	3	13	128,932.70	108	18	222	0	0	4,595.51	3,784.85	225.00	0
Hamilton	3	1	0	2	0	2	0	0	0	0	0	1	0	7,595.00	4	4	2	0	0	30.82	0	5.00	0
Harper	25	8	0	1	0	3	3	3	1	8	14	1	7	84,627.02	30	30	144	0	0	1,571.50	1,071.91	540.00	0
Harvey	118	41	6	9	6	14	24	14	18	63	17	27	13	51,495.22	23	88	315	1	1	2,521.88	0	0	0
Haskell	12	3	0	2	0	2	2	2	4	2	1	0	3	54,419.17	15	15	38	0	0	1,306.69	830.50	575.00	12,000.00
Hodgeman	0	1	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	45.75	0	10.00	0
Jackson	0	10	9	0	2	2	0	3	2	5	5	1	18	61,039.66	19	17	102	0	0	841.65	2,111.23	893.60	0
Jefferson	15	10	4	1	1	3	1	2	0	9	12	2	12	71,080.58	29	28	204	4	0	5,004.30	3,480.00	337.00	0
Jewell	55	19	7	9	5	9	1	3	9	26	19	3	18	83,951.51	21	17	103	0	0	2,766.33	1,020.00	290.00	0
Johnson	164	15	4	12	13	14	13	10	10	56	55	8	8	381,826.70	52	33	156	0	1	6,060.82	1,834.75	19,353.40	3,020.00
Kearny																							
Kingman	33	7	0	4	5	8	4	12	7	0	0	0	6	23,564.29	26	10	23	0	0	310.45	133.33	158.33	0
Kiowa	14	0	0	2	1	2	0	2	2	5	0	0	0	35,689.66	14	6	20	0	0	197.50	0	160.00	0
Labette	80	38	13	21	13	23	34	40	0	0	0	0	39	41,691.90	29	6	32	0	0	1,307.29	0	0	0
Lane	6	0	1	2	1	1	1	1	0	1	0	1	0	14,400.00	7	2	3	0	0	17.20	0	0	0
Leavenworth																							
Lincoln	81	10	2	2	2	6	4	11	6	13	49	8	4	230,610.68	89	12	78	0	0	2,097.45	1,079.00	0	0
Linn	37	33	12	3	1	9	9	16	6	19	19	12	33	142,105.41	68	35	242	2	1	7,045.00	4,005.00	1,185.00	0
Logan	0	2	0	1	1	0	0	0	0	0	0	0	2	0	0	0	0	0	0	2.50	0	10.00	0

TABLE III.—CONTINUED. Summary, probate courts. Estates of minors, insane persons and other incompetents pending July 1, 1934

COUNTY.	Minors	Insane	Incompetent	Less than 6 months	From 6 months to 1 year	From 1 to 2 years	From 2 to 3 years	From 3 to 4 years	From 4 to 5 years	From 5 to 10 years	More than 10 years	Cases tried by jury	Cases tried by commission	Gross value.	No. cases value given	Invertories filed in 30 days	No. annual reports filed	No. citations	Appeals to district court	Total costs.	Executor's or administrator's fees	Attorney's fees.	Estimated value of property listed but not appraised.
Lyon	69	25	8	11	3	10	7	12	7	32	20	2	23	$499,273.68	48	3	267	0	0	$5,778.05	$3,905.00	$490.25	$0.00
Marion	125	11	12	9	0	11	10	11	8	60	39	2	21	139,191.74	34	24	632	1	0	0	0	0	0
Marshall	99	31	5	4	3	13	15	14	7	49	30	0	24	325,495.00	135	43	241	0	0	3,391.10	1,383.00	218.00	0
McPherson	67	11	8	9	3	5	5	5	8	29	22	1	15	328,997.20	86	33	156	0	0	3,749.58	888.67	2,301.12	0
Meade	13	4	1	2	0	1	3	3	1	8	0	1	3	30,941.00	17	17	41	0	0	236.80	100.00	120.00	0
Miami	49	12	5	6	5	10	5	5	1	30	4	5	11	314,157.78	66	63	213	0	0	1,056.65	450.00	50.00	212,136.32
Mitchell	34	22	9	11	9	13	15	12	5	0	0	0	0	57,808.00	28	1	22	0	0	395.50	0	0	0
Montgomery	69	44	0	14	13	20	31	35	0	0	0	0	12	43,368.66	33	22	37	0	0	1,274.49	800.00	44.00	0
Morris	16	11	0	0	0	3	0	1	3	4	16	4	6	26,073.21	21	20	90	0	0	5,871.10	875.00	4,650.00	0
Morton	6	0	0	2	0	2	2	0	0	0	0	0	0	4,988.50	5	2	6	0	0	22.85	0	0	128.50
Nemaha	52	17	14	4	2	9	8	5	5	27	23	9	20	429,849.78	81	21	450	0	0	5,768.50	5,438.38	1,523.50	0
Neosho																							
Ness	37	7	0	0	0	2	6	4	6	15	11	2	4	93,030.00	37	31	60	0	0	1,424.14	241.00	67.00	0
Norton	15	1	1	2	2	3	4	6	0	0	0	0	2	44,077.99	12	6	6	0	0	40.15	0	0	0
Osage	21	16	4	7	7	8	3	4	3	6	3	5	14	79,696.60	37	31	82	1	0	0	0	0	0
Osborne	12	8	2	1	4	0	2	0	4	9	2	1	7	77,674.00	20	9	39	0	0	276.00	175.00	0	0
Ottawa	10	1	3	0	3	1	5	4	0	0	1	1	3	10,537.51	9	2	24	1	0	5,857.73	2,480.00	310.00	0
Pawnee	18	0	1	5	2	2	4	2	0	2	2	0	1	85,977.00	18	5	24	1	0	306.65	50.00	477.20	0
Phillips	0	6	2	0	1	2	2	2	1	0	0	4	3	34,889.01	8	5	10	0	0	3,359.91	403.91	27.00	0
Pottawatomie																							
Pratt	19	3	0	2	0	4	5	11	0	0	0	0	3	66,231.65	21	1	5	0	0	320.43	75.00	25.00	0
Rawlins	35	8	0	5	6	6	6	4	2	12	2	1	5	12,661.39	17	16	34	0	0	359.21	0	0	19,709.30
Reno	166	15	16	15	9	18	15	21	24	51	44	2	19	217,695.33	75	52	334	4	0	3,911.80	350.00	322.00	0
Republic	27	19	4	4	8	12	10	15	1	0	0	0	22	136,908.74	33	33	17	0	0	1,182.21	352.00	210.00	0
Rice	18	18	2	12	8	13	5	0	0	0	0	0	20	0	0	1	5	0	0	0	0	0	0
Riley	100	18	5	6	5	8	15	10	21	47	11	0	19	184,677.84	52	61	398	0	0	4,742.64	2,049.70	975.00	0
Rooks	32	4	6	5	1	2	4	2	4	13	11	6	4	57,808.25	25	2	59	0	0	567.03	275.00	75.00	0
Rush	153	5	1	6	8	12	7	2	14	31	79	0	159	134,564.64	69	69	140	0	0	114.65	0	0	0
Russell	89	23	4	4	6	10	5	6	6	49	30	0	116	125,761.42	88	12	384	3	0	0	0	0	0
Saline	71	14	15	16	8	14	11	5	7	19	20	1	11	481,665.89	79	0	319	0	0	1,629.90	6,400.00	10,325.00	0

TABLE III.—CONCLUDED. Summary, probate courts. Estate of minors, insane persons and other incompetents pending July 1, 1934

COUNTY.	Minors	Insane	Incompetent	Less than 6 months	From 6 months to 1 year	From 1 to 2 years	From 2 to 3 years	From 3 to 4 years	From 4 to 5 years	From 5 to 10 years	More than 10 years	Cases tried by jury	Cases tried by commission	Gross value.	No. cases value given	Inventories filed in 30 days	No. annual reports filed	No. citations	Appeals to district court	Total costs.	Executor's or administrator's fees.	Attorney's fees.	Estimated value of property listed but not appraised.
Scott	0	2	0	0	1	0	0	0	0	0	1	1	0	$3,900.00	1	1	3	0	0	$29.00	$0.0	$5.00	$0.00
Sedgwick	205	53	55	56	37	64	72	84	0	0	0	8	68	469,020.77	111	83	198	0	1	3,358.93	4,782.02	2,688.76	0
Seward	13	1	4	1	0	0	6	3	1	6	1	0	4	90,175.61	12	5	14	0	0	234.31	570.00	725.00	8,000 00
Shawnee	286	132	2	42	28	47	46	44	29	109	75	0	133	665,252.55	235	122	1,328	1	0	0	0	0	0
Sheridan	10	2	0	7	0	0	2	3	0	0	0	1	1	15,822.18	10	8	5	0	0	118.98	0	0	0
Sherman	9	8	0	0	1	1	4	2	2	5	2	0	8	45,600.00	17	3	55	1	0	1,184.37	755.00	255.00	0
Smith	14	5	2	1	2	3	3	3	3	5	2	1	5	20,383.00	13	14	58	0	0	97.50	0	0	41,915.00
Stafford	89	2	0	3	4	7	5	10	18	19	25	0	0	75,304.95	51	31	202	0	1	2,177.63	4,901.87	1,454.77	0
Stanton	8	0	0	0	0	1	3	2	1	1	0	0	0	12,892.00	8	5	8	0	0	99.35	33.55	30.00	0
Stevens	1	0	1	1	1	0	0	0	0	0	0	1	0	5,740.00	2	2	0	0	0	11.75	0	0	0
Sumner	38	2	18	7	2	7	5	4	4	16	13	3	15	212,344.00	24	10	170	0	0	1,479.95	459.00	985.00	0
Thomas	34	1	1	5	0	3	0	4	2	13	9	0	0	131,238.70	34	29	102	0	0	452.50	0	1,055.00	0
Trego	17	5	0	0	3	0	1	3	6	8	1	0	0	10,300.00	1	1	19	0	0	58.00	0	0	0
Wabaunsee	28	6	2	4	5	6	0	5	2	8	6	0	5	51,387.08	36	16	65	0	0	315.00	20.00	25.00	0
Wallace	0	0	1	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0
Washington	52	17	6	1	3	8	8	7	6	23	19	4	19	165,630.28	73	65	246	0	0	1,405 70	1,517.21	629.00	1,200.00
Wichita	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wilson	49	8	2	0	6	3	6	6	13	20	5	2	8	62,311.76	38	10	97	0	0	1,400.32	399.00	225.00	0
Woodson																							
Wyandotte	126	20	7	25	25	46	46	11	0	0	0	4	18	183,854.16	139	54	93	0	0	2,773.55	0	0	0
Totals	4,413	1,204	451	568	411	693	689	679	494	1,462	1,072	213	1,411	$11,365,499 11	3,727	1,909	13,098	39	12	$192,707.66	$109,527.42	$80,585.89	$429,672.61

* Cases from January 1, 1933 to July 1, 1934; about 34 minors and 14 insane prior to January 1, 1933.

TABLE IV.—Summary, probate courts. Juvenile cases pending July 1, 1934

(Compiled from Form 13)

COUNTY.	No. cases pending	Pending 6 months or less	From 6 months to 1 year	From 1 to 2 years	More than 2 years	No. paroled	No. sent to state institutions	No. sent to state orphans' homes	Placed in private homes	Disposition not shown	Causes.							Costs.
											Dependent and neglected	Stealing	Forgery	Arson	Incorrigible	Immoral conduct	Delinquent	
Allen	2	1	1	0	0	2	0	0	0	0	0	0	0	0	0	0	2	$3.74
Anderson	2	0	0	0	2	1	0	0	0	0	0	1	0	0	1	0	0	20.00
Atchison	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Barber																		
Barton	6	0	0	5	1	0	3	3	0	0	3	0	0	0	0	0	3	10.00
Bourbon	12	7	2	3	0	8	2	0	2	0	2	2	0	0	3	2	3	0
Brown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Butler	24	11	3	5	5	9	14	1	0	0	0	0	0	0	0	0	24	159.20
Chase	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	1	18.25
Chautauqua																		
Cherokee	16	5	4	7	0	6	6	1	2	1	3	0	0	0	0	1	12	13.50
Cheyenne	2	2	0	0	0	2	0	0	0	0	0	1	0	0	0	1	0	0
Clark	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Clay	4	4	0	0	0	4	0	0	0	0	0	3	0	0	1	0	0	0
Cloud	3	3	0	0	0	1	1	0	1	0	1	0	0	0	0	0	2	19.75
Coffey	3	0	0	3	0	1	1	1	0	0	2	1	0	0	0	0	0	20.25
Comanche	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cowley	11	6	5	0	0	7	1	1	2	0	4	3	0	0	1	1	2	172.20
Crawford	7	5	2	0	0	5	1	1	0	0	1	5	0	0	0	0	1	0
Decatur	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dickinson	12	2	5	4	1	9	0	0	3	0	3	3	1	0	1	4	0	0
Doniphan																		
Douglas	3	1	2	0	0	2	0	0	0	1	0	3	0	0	0	0	0	0
Edwards	11	1	0	1	9	5	2	0	4	0	5	3	0	0	0	1	2	0
Elk	1	0	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	10.00

TABLE IV.—CONTINUED. Summary, probate courts. Juvenile cases pending July 1, 1934

COUNTY.	No. cases pending	Pending 6 months or less	From 6 months to 1 year	From 1 to 2 years	More than 2 years	No. paroled	No. sent to state institutions	No. sent to state orphans' homes	Placed in private homes	Disposition not shown	Causes.							Costs.
											Dependent and neglected	Stealing	Forgery	Arson	Incorrigible	Immoral conduct	Delinquent	
Ellis	2	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2	$30.30
Ellsworth	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Finney	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ford	35	2	5	7	21	28	0	2	5	0	11	2	0	0	0	0	22	8.00
Franklin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Geary	12	3	2	6	1	7	4	1	0	0	2	8	0	0	1	1	0	5.00
Gove	2	0	2	0	0	0	0	0	0	2	0	0	0	0	0	2	0	1.90
Graham	1	1	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0
Grant																		
Gray	1	1	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	2.50
Greeley	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Greenwood	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hamilton	3	2	0	1	0	1	2	0	0	0	1	0	0	0	0	0	2	31.35
Harper	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Harvey	17	7	10	0	0	12	1	0	1	3	2	8	0	0	5	2	0	0
Haskell	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hodgeman	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jackson	3	2	1	0	0	2	1	0	0	0	0	0	0	0	0	0	3	168.00
Jefferson	7	0	7	0	0	7	0	0	0	0	7	0	0	0	0	0	0	0
Jewell	1	1	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0
Johnson	5	0	0	1	4	3	2	0	0	0	0	1	0	0	0	0	4	107.35
Kearny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kingman	4	1	0	2	1	4	0	0	0	0	1	0	0	0	0	0	3	78.35
Kiowa	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Labette	13	0	0	3	10	2	11	0	0	0	0	9	0	0	4	0	0	0
Lane	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Leavenworth																		
Lincoln	13	0	0	0	13	9	0	0	2	2	8	0	0	0	0	0	5	83.05
Linn	3	2	1	0	0	2	0	0	0	1	1	2	0	0	0	0	0	62.40
Logan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TABLE IV.—CONTINUED. Summary, probate courts. Juvenile cases pending July 1, 1934

COUNTY.	No. cases pending	Pending 6 months or less	From 6 months to 1 year	From 1 to 2 years	More than 2 years	No. paroled	No. sent to state institutions	No. sent to state orphans' homes	Placed in private homes	Disposition not shown	Causes.							Costs.
											Dependent and neglected	Stealing	Forgery	Arson	Incorrigible	Immoral conduct	Delinquent	
Lyon	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	$0.00
Marion	3	1	2	0	0	0	1	1	0	1	2	1	0	0	0	0	0	4.70
Marshall	10	1	5	1	3	3	7	0	0	0	0	9	0	0	0	0	1	47.50
McPherson	2	1	1	0	0	1	0	0	1	0	0	0	0	0	2	0	0	0
Meade	1	0	1	0	0	0	1	0	0	0	0	0	0	0	1	0	0	69.00
Miami	28	2	7	4	15	13	7	1	7	0	8	2	0	0	0	0	18	550.90
Mitchell	17	3	1	9	4	0	10	6	1	0	7	6	0	0	0	3	1	0
Montgomery	113	5	15	26	67	45	35	19	12	2	31	42	1	0	20	13	6	0
Morris	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Morton	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nemaha	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Neosho																		
Ness	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Norton	5	2	1	0	2	3	1	0	0	1	0	3	0	0	2	0	0	62.56
Osage	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Osborne	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ottawa	1	0	0	1	0	1	0	0	0	0	0	1	0	0	0	0	0	0
Pawnee	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Phillips	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Pottawatomie																		
Pratt	2	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	2	0
Rawlins	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Reno	185	19	21	28	117	83	28	11	63	0	73	0	0	0	0	0	112	0
Republic	8	0	2	0	6	3	0	0	5	0	5	0	0	0	0	0	3	20.60
Rice																		
Riley	7	7	0	0	0	7	0	0	0	0	2	4	0	0	1	0	0	0
Rooks	5	3	0	1	1	0	4	1	0	0	1	1	0	0	2	0	0	0
Rush	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	1	0
Russell	8	3	4	1	0	4	1	2	1	0	2	1	0	0	2	0	3	0
Saline	17	4	1	7	5	2	0	0	3	12	7	8	0	0	1	0	1	0

TABLE IV.—CONCLUDED. Summary, probate courts. Juvenile cases pending July 1, 1934

COUNTY.	No. cases pending	Pending 6 months or less	From 6 months to 1 year	From 1 to 2 years	More than 2 years	No. paroled	No. sent to state institutions	No. sent to state orphans' homes	Placed in private homes	Disposition not shown	Causes.							Costs.
											Dependent and neglected	Stealing	Forgery	Arson	Incorrigible	Immoral conduct	Delinquent	
Scott	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	1	$1.20
Sedgwick	2	2	0	0	0	2	0	0	0	0	0	1	0	0	1	0	0	0
Seward	13	8	5	0	0	10	3	0	0	0	0	9	0	0	3	1	0	0
Shawnee	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sheridan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sherman	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Smith	2	1	1	0	0	2	0	0	0	0	0	1	0	0	1	0	0	28.55
Stafford	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stanton	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stevens	1	0	0	1	0	0	1	0	0	0	0	1	0	0	0	0	0	11.90
Sumner	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Thomas	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Trego	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wabaunsee	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wallace	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Washington	9	0	1	2	6	1	4	4	0	0	5	0	0	0	1	0	3	130.00
Wichita	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wilson	48	16	24	7	1	30	4	0	7	7	19	8	0	0	0	3	18	458.36
Woodson																		
Wyandotte	187	102	85	0	0	111	21	11	43	1	45	67	0	3	67	4	1	0
Totals	918	254	232	137	295	462	188	67	165	36	266	221	4	3	121	39	264	$2,410.36