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UNITED STATES DEPARTMENT OF LABOR

MAURICE J. TOBIN, Secretary

WOMEN'S BUREAU

FRIEDA S. MILLER, Director

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The Legal Status of Women in the United States of America

January 1, 1948

REPORT FOR

KENTUCKY

*Individual State material, constituting part of a
compilation to show the present legal status of
women in the United States of America*



BULLETIN OF THE WOMEN'S BUREAU, No. 157-16 (Revised)

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THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA

In response to continuing domestic and international needs, the Women's Bureau has prepared a revised edition of its 1938 report on the legal status of women in the United States of America.

The revised report is based on an examination of the Constitutions, official statutes, and significant decisions of courts of last resort of the Federal Government and the several States, as well as pertinent law texts of recognized authority.

This pamphlet presents a digest of the material compiled for a single State, which has been incorporated in the complete report.

LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF LABOR,
WOMEN'S BUREAU,
Washington, May 13, 1949.

SIR: I have the honor to transmit to you a revised report on the legal status of women in Kentucky. This is one of 54 separate reports constituting a survey of the laws of the 48 States, the District of Columbia, the territories of Alaska, Hawaii, and Puerto Rico, and the United States possessions, the Canal Zone and Virgin Islands.

The original report for each jurisdiction represents a thorough search of statutes and decisions of appellate courts construing its statutes or establishing its judicial policy. Revision covers important changes by legislative action.

The study was made by Sara Louise Buchanan, Attorney on the Women's Bureau staff, member of the bars of the Supreme Court of the United States and of the Mississippi Supreme Court. Valuable assistance was given in the preparation of the report by Mary Loretta Sullivan, Associate Economist, and Elizabeth Batson, Editorial Assistant, both of the Bureau staff.

Respectfully submitted.

FRIEDA S. MILLER, *Director.*

HON. MAURICE J. TOBIN,
Secretary of Labor.

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Ernest J. Flannery, Treasurer

Ernest J. Flannery, Treasurer
Federal Reserve Bank of St. Louis

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THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA

INTRODUCTION

Any conclusion bearing on woman's status under the laws of the United States of America must take into account the common law, on which the fabric of the Nation's jurisprudence is woven.

The common-law rules of property sprang from various causes, notably tradition, military or economic exigency, natural male dominance, and the social status of women. Shifts in these have effected an almost complete overturn in laws governing the property owned by a woman prior to her marriage and that coming into her individual ownership after her marriage, by gift, inheritance, will, or accumulation from her premarital possessions.

In general, it has been the rule that where specific statutes abrogating common-law principles have not been enacted, the common law applies. In the century just past, many of the old common-law injustices to women have been removed by statute. The largest remaining area to be reformed to the present-day trend lies in the matter of ownership and control of property acquired by the cooperative efforts of husband and wife after marriage.

The material considered centers largely around the woman in the marriage relation, since the legal status of the unmarried woman is practically identical with that of the unmarried man, with the exception of the discrimination in some States which bars women from jury duty; or of distinctions, such as variance between men and women in the statutory age of majority or age of consent to marriage.

KENTUCKY

SOURCES

Constitution of Kentucky.
Revised Statutes, 1946.
Carroll's Code of Civil Practice, 1933 Revision.
Session Laws, 1940.
Kentucky Reports.
Southwestern Reporter.

EXPLANATORY NOTE

References to the State Constitution are indicated by parenthetical insertions of section numbers following the abbreviation Const., as (Const., sec. 145), placed after the related subject matter.

References to the Statutes are likewise in parentheses, thus (sec. 371.010), or (sec. 606, Code of Civil Practice).

Session laws are referred to by year of enactment and chapter and section number, as (1940, ch. 95, p. 383).

Case citations, definitely construing statutes or declaring judicial policy in the absence of express statutory provision, are indicated by numerical footnote references, and appear immediately after the related paragraphs.

Subject headings are preceded by numbers, which remain constant for their respective topics through the entire State series. Cross references among topics employ these numbers for brevity, as "See Number 6," which refers to the subject heading "Separate Earnings of Married Woman—Ownership and Control."

KENTUCKY

A.—CIVIL RIGHTS

I.—CONTRACTS AND PROPERTY

1. Age of Majority.

The age of majority is 21 years for both men and women, as established by common law.

2. Contractual Powers of Minors.

No court action may be brought to charge any person upon a promise to pay a debt contracted during infancy, or a ratification of a contract or promise made during infancy (sec. 371.010).

However, an infant is liable for necessaries furnished him or her, under common-law rule.

Real-estate contracts made by an infant are voidable until a reasonable time has elapsed after his or her majority without repudiation of the contract.¹

A wife not of full age may be permitted by the circuit court to unite with her adult husband in the conveyance of his real estate without terms, or on such as may be deemed equitable, so as to release her prospective right of dower (sec. 392.130). See Number 17.

¹ *Damron v. Ratliff* (1906), 123 Ky. 758, 762.

3. Property Exemptions from Seizure for Debt—Respective Rights of Men and Women.

Each bona fide housekeeper with a family, residing in the Commonwealth, is entitled to hold exempt from all debts and liabilities, other than recorded liens against the property, land and the dwelling house and appurtenances not exceeding \$1,000 in value (sec. 427.060).

The term "housekeeper with a family" has been held to apply to a widow, even though the children living with her were adults.¹

The statutory exemption of personal property from execution for debt is to persons with a family resident in the Commonwealth (sec. 427.010). "Persons with a family" the court has construed to include "a married woman who actually supports the other members of the family, and without whose exertions or means they would have no support."²

No exemptions are allowed to single persons without a family.³

For homestead rights of surviving spouse, see Number 16.

¹ *Brooks v. Collins* (1876), 74 Ky. (11 Bush) 622, 625.

² *Wilson's Assignee v. Wilson* (1897), 101 Ky. 731; 42 S. W. 404.

³ *Baum v. Turner* (1903), 139 Ky. 597, 601.

4. Property of Married Woman Owned at Marriage—Ownership After Marriage.

A married woman holds as her separate estate the property, real or personal, owned by her at the time of the marriage (sec. 404.010).

5. Contractual Powers of Married Women.

A married woman may make contracts and sue and be sued as a single woman, except that she may not make any executory contract to sell or convey or mortgage her real estate, unless her husband joins in the contract. But she may rent her real estate, and collect and recover in her own name the rentals, and make contracts for improvements on her property.

A gift, transfer, or assignment of personal property between husband and wife is not valid against other persons, unless made in writing, acknowledged, and recorded (sec. 404.020 (1) and (2)).

A married woman may sell, convey or encumber any of her lands, but such sale will not bar the husband's right of curtesy, unless he joins in the transaction or executes a release of his curtesy right (sec. 404.030).

Any married woman, resident in the Commonwealth or elsewhere, may by agent convey any interest she may have in personal or real estate, situated in Kentucky, which she could lawfully convey in person, upon execution of a proper power of attorney (sec. 404.030 (2)).

A married woman over 21 years of age may upon qualification act in the capacity of executrix, administratrix, guardian, trustee, curator, or in any other personal representative or fiduciary capacity now allowed to men (secs. 395.005, 395.090).

The present statute places the wife upon equal footing with the husband as to her right to sue for the purpose of protecting and enforcing her rights of every kind and character, including a right of action against a woman with whom her husband commits adultery.^{1 2}

A wife may not become surety for another, though she may borrow money on her own credit and turn it over to another (sec. 404.010).³

¹ *Turner v. Heavrin* (1918), 182 Ky. 65, 76; 206 S. W. 23; 4 A. L. R. 562.

² *Roberts v. Roberts* (1929), 230 Ky. 165, 167.

³ *Redmon v. First National Bank of Paris, Ky.* (1934), 256 Ky. 659, 664, 666; 76 S. W. (2d) 933.

6. Separate Earnings of Married Woman—Ownership and Control.

It is provided by statute that marriage gives to the husband no estate or interest in the wife's property, real or personal, owned at the time or acquired after marriage, and that during the marriage the wife holds and owns all her estate to her separate and exclusive use, and free from the debts, liabilities, or control of her husband (sec. 404.010). The wife is empowered also to make contracts and sue and be sued (sec. 404.020 (1)).

The few reported cases dealing with the right of a wife to hold her earnings outside her home to her own separate use, free from liability to her husband's creditors, uphold her right clearly, in the absence of evidence of collusion between husband and wife to defraud his creditors. See the early case of *Marshall v. Marshall* (1867), 65 Ky. (2 Bush) 415; *Clark v. Myers* (1902), 24 Ky. Law Rep. 380; 68 S. W. 853.

7. Liability of Married Woman for Family Necessaries.

A married woman is liable on her own contracts for necessaries (sec. 404.020 (1)), and her estate is made liable for her debts and responsibilities contracted by her after marriage (sec. 404.010 (2)). This liability is in no way affected by the fact that the law imposes upon the husband as between him and his wife the primary obligation to pay for necessaries furnished her.^{1 2} The common-law definition of "necessaries" in this connection is applied in the absence of specific statute.³

¹ *Hardiman's Admr. v. Crick* (1909), 131 Ky. 358, 362; 115 S. W. 236.

² *Atkins v. Atkins' Admr.* (1924), 203 Ky. 291, 294; 262 S. W. 268.

³ *Palmer v. Turner* (1931), 241 Ky. 322; 43 S. W. (2d) 1017.

8. Formal Procedure Required for a Married Woman To Engage in a Separate Business.

There is no specific provision in the statute enabling a married woman to engage in a separate business without formal permission of court or of her husband, nor has a judicial ruling on the point been found. The inference possible from one decision is that the Married Woman's Act conferred such power on wives, since the purpose of the act was to confer additional powers generally, not to restrict rights existing in those married women who had, prior to the act, obtained court decrees to grant them the rights and powers of single women.¹

¹ *Mundo v. Anderson* (1900), 109 Ky. 147, 150; 58 S. W. 520.

9. Married Woman's Separate Property—Control During Marriage—Liability for Husband's Debts.

The statute declares that marriage shall give to the husband, during the life of the wife, no estate or interest in the wife's property, real or personal, owned at the time or acquired after the marriage; that during the existence of the marriage relation the wife shall hold and own all her estate to her separate and exclusive use, and free from the debts, liabilities, or control of her husband; that no part of her estate shall be subjected to the payment or satisfaction of any liability, upon a contract made after marriage, to answer for the debt, default, or misdoing of another, including her husband, unless such estate has been set apart for that purpose by deed of mortgage or other conveyance (sec. 404.010).

A married woman may acquire and hold real and personal property, by gift, will, inheritance, or purchase. She may sell and dispose of her personal property as if unmarried; but she may not make any executory contract to sell or convey or mortgage her real estate, unless her husband join in such contract (sec. 404.020 (1)).

10. Property Acquired After Marriage Through Cooperative Efforts of Spouses—Ownership and Control.

There is no provision in the statutes for community of interest between husband and wife in property acquired by the cooperative efforts of them both following marriage. By rule of common law, such property belongs to the husband, in the absence of any valid

private contract or arrangement to the contrary, such as joint deeds, or joint bank accounts.

11. Damages Recovered for Injury by Strangers to a Married Woman's Person, Property, or Character—Ownership and Control.

The statute which empowers a married woman to sue and be sued (sec. 404.020 (1)) is deemed by the court broad enough to include an action by her to recover damages for injury to her person and loss of her earning capacity.^{1,2}

¹ *Louisville & Nashville Railroad Co. v. Kinman* (1918), 182 Ky. 597, 604; 206 S. W. 880.

² *Turner v. Heavrin* (1918), 182 Ky. 65, 76; 206 S. W. 23; 4 A. L. R. 562.

12. Action To Recover Damages for Willful or Negligent Injuries to the Person or Property of One Spouse by the Other—Respective Rights of Husband and Wife.

There is no provision empowering either husband or wife to sue the other in an action of tort for a wrong committed by one upon the other.

13. Competency of Spouses to Testify For or Against Each Other.

A husband and wife may testify for or against each other, as any other witness may do, except as to confidential communications during marriage, unless the action is for divorce. But neither spouse may be compelled to testify for or against the other (sec. 606, Code of Civil Practice, as amended 1940, ch. 95, p. 383).

14. Disposition of Separate Property by Will—Extent of Married Woman's Right.

A married woman, of sound mind and 21 years of age, may dispose of her estate by last will and testament, subject to the provisions of statute for the husband in the wife's estate (sec. 394.020).

15. Estate of Deceased Husband or Wife—Share of Surviving Spouse.

The real estate of a person dying intestate descends to his kindred, male or female, in the order prescribed by statute. Neither husband nor wife surviving inherits real estate, unless the deceased spouse leaves no issue, parents, brothers and sisters and their descendants, or paternal or maternal kindred. Only in that event, the whole property in real estate goes to the living spouse, or if no spouse surviving, to his or her own kindred as if he or she had survived the intestate and died entitled to the estate (sec. 391.010).

When any person dies intestate as to his personal property, or any part of it, the surplus over funeral expenses, administration charges and debts, is to be distributed among the same persons and in the same proportions as provided by law for the descent of real estate, except—

1. The personal estate of an infant is to be distributed as if he had died after full age.
2. An alien may receive property as if he were a citizen.
3. Personal property or cash to the amount of \$1,500 is exempt from distribution and sale, and is to be set apart to the widow and minor children, or if no widow, to the minor children. The surviving minor children of an intestate widow are entitled to have exempted to them a like amount from their mother's estate.

The widow may have this exemption, also, when she renounces the provisions of her husband's will in the time set by statute (sec. 391.030 (3)).

Life Interests in Real Estate.

A surviving spouse has a life interest, called dower, in one-third of all the real estate owned by the one deceased during the marriage, unless the dower right has been barred, forfeited, or relinquished.

Also the survivor has an absolute estate in one-half the surplus personalty left by the decedent (sec. 392.020). This is an addition to the exemption allowed a widow under section 391.030 (3).¹

The right and interest of either spouse in the estate of the other is forfeited if husband or wife leave the other voluntarily and live in adultery, unless the adultery was condoned by their living together afterward as husband and wife (sec. 392.090).

See Number 3 for homestead, and Number 16 for widow's allowance.

¹ *Miller v. Keown* (1917), 176 Ky. 117, 123; 195 S. W. 430.

16. Provision for the Surviving Spouse During Administration of the Estate.

A widow is entitled to one-third of the rents and profits of her husband's dowable real estate from his death until dower is assigned. She may hold the dwelling house, yard, garden, the stable and lot in which it stands, and orchard if there is one adjoining any of the premises enumerated, without charge, until dower is assigned her (sec. 392.050). Presumably these provisions apply also to a surviving husband (sec. 392.010), unless he himself delays the assignment of dower.¹

Provision is made also that there may be set apart from the personal estate of a decedent either personal property or cash to the amount of \$1,500, for the widow and minor children, or minor children, and the widow may select the articles of personal property if she is present when appraisement of the estate is made. On the widow's petition, she may be authorized to withdraw from the estate's assets on deposit in bank up to \$500 in cash (sec. 391.030). No specific provision appears for giving her the family clothing, but presumably she is at liberty to include it.

No mortgage, release, or waiver of the homestead exemptions is valid unless made in writing, and executed by both husband and wife, acknowledged and recorded as a deed.

The exemption of homestead in favor of an execution debtor, or one against whom judgment has been rendered, continues after his death for the benefit of his widow and children. However, it is to be taken

into account when dower is allotted to the widow (sec. 427.100). She may elect to take either homestead or dower in the land of her deceased husband, and when she elects, she is bound by her election. The homestead is a mere right of occupancy, subject to loss by abandonment or alienation; dower is a vested interest.²

The homestead is for the use of the widow so long as she occupies it. The unmarried minor children of the husband are entitled to a joint occupancy with her until the youngest unmarried child attains majority. The land may be sold, subject to the right of the widow and children, if a sale is necessary to pay the debts of the husband (sec. 427.070).

A surviving husband has the same right as to the homestead of his deceased wife (sec. 427.070).

¹ *Hamilton's Adm. v. Riney* (1910), 140 Ky. 476, 484; 131 S. W. 287.

² *Berger v. Berger* (1936), 264 Ky. 225; 94 S. W. (2d) 618, 620.

17. Disinheritance of Husband or Wife by Will of Deceased Spouse—Survivor's Alternative.

A widow, though under full age, may relinquish what is given her by her husband's will, and then may receive her dower in land and her distributable share of personalty as if no will had been made. The renunciation of the will must be made in the form and within the time provided by law. If the provision in the will shows that the testator intends the widow to take both under the will and her statutory right to dower and personalty, she does so (sec. 392.080).

If the wife makes unsatisfactory provision for the husband in her will, he may disclaim by deed, as any other devisee (sec. 394.320), or he may recover his marital rights in a suit instituted to settle the wife's estate.¹

¹ *Cunningham v. Cunningham's Exr.* (1910), 140 Ky. 193.

II.—MARRIAGE AND DIVORCE

18. Age of Consent to Marriage—Men and Women.

If either party is under 21 years of age, and not before married, no license to marry can be issued without the consent of the minor's father or guardian, or if there is none, or he is absent from the State, the consent of the mother, personally given or certified in writing, signed, and attested by two witnesses, proved by the oath of one of them to the marriage exists (sec. 402.210).

If the parties are personally unknown to the clerk, proper bond in the sum of \$100 is required, with condition that no lawful obstruction to the marriage exists (sec. 402.210).

Marriage is prohibited and declared void when at the time of marriage the male is under 16 or the female is under 14 years of age (sec. 402.020 (5)).

19. Validity of Common-Law Marriage.

A marriage not solemnized or contracted in the presence of an authorized person or society is prohibited and declared void (sec. 402.020, subsec. 4).

20. Health Certificate Requisites Prior to Issuance of Marriage License—Men and Women.

Each applicant for license to marry must file a report from a physician authorized to practice in the State, showing that the applicant has been given the prescribed medical and clinical tests, including a serological test, for discovery of syphilis, within 15 days of application for license.

The report must show whether syphilis is present in a stage which is, or may become, communicable. License may not be issued, ordinarily, if such infection is shown to be present, and the person becomes immediately subject to the authority of the State Board of Health with respect to syphilitic patients. Exception may be made and marriage authorized only by order of the county court after due hearing has been held (secs. 402.120-402.180).

21. Interstate Cooperation in Marriage Law Enforcement.

No provision exists which prohibits the evasion of marriage laws of other States. It is provided, however, that where persons, resident in the Commonwealth, marry in another State, the marriage will be deemed valid if it is valid in the State where solemnized (sec. 402.040).

22. Grounds for Marriage Annulment—Respective Availability to Man or Woman.

Courts of equity may declare void a marriage obtained by force or fraud, or one contracted in which the male is under 16 or the female under 14 years of age at the time, and the marriage is without parental consent and has not been ratified by cohabitation after that age (sec. 402.030).

Marriages are prohibited and void where either party is an idiot or lunatic; where either party has a living spouse of a former undissolved marriage; where contracted between a white person and a Negro or mulatto (sec. 402.020 (1) (2) (3)). Marriages within forbidden degrees of kinship are incestuous and void (sec. 402.010).

Where doubt is felt as to the validity of a marriage, either party may by petition in equity demand avoidance or affirmance of the marriage. But where one party is under the age of consent to marriage when it is contracted, the other, being of full age, cannot sue for annulment on the ground of non-age (sec. 402.250).

There is no distinction in grounds for annulment, on the basis of sex, other than for non-age.

23. Grounds for Divorce—Respective Availability to Spouses.

A court having equity jurisdiction may grant a divorce for any of the following causes:

1. To either husband and wife for (a) such impotency or malformation as prevents sexual intercourse, (b) living apart without any cohabitation for 5 consecutive years next before application.

2. To party not in fault for (a) abandonment by one party or the other for 1 year, (b) living in adultery with another man or woman,

(*c*) condemnation for felony in or out of this State, (*d*) concealment from the other party of any loathsome disease existing at the time of marriage, or contracting such disease afterward, (*e*) force, duress, or fraud in obtaining the marriage, (*f*) uniting with any religious society whose creed and rules require a renunciation of the marriage covenant, or forbid husband and wife from cohabiting.

3. To the wife, when not in like fault, for—

(*a*) "Confirmed habit of drunkenness on the part of the husband of not less than 1 year's duration [duration] accompanied with a wasting of his estate, and without any suitable provision for the maintenance of his wife or children."

(*b*) "Habitually behaving toward her by the husband, for not less than 6 months, in such cruel and inhuman manner as to indicate a settled aversion to her, or to destroy permanently her peace or happiness."

(*c*) "Such cruel beating or injury, or attempt at injury, of the wife by the husband as indicates an outrageous temper in him, or probable danger to her life, or great bodily injury from her remaining with him."

4. To the husband—

(*a*) Where the wife is pregnant by another man without the husband's knowledge at the time of marriage.

(*b*) When not in like fault, habitual drunkenness on the part of the wife of not less than 1 year's duration.

(*c*) For adultery by the wife, or such lewd, lascivious behavior on her part as proves her to be unchaste, without actual proof of an act of adultery.

(*d*) Habitually behaving toward him by the wife, for not less than 6 months, in such cruel and inhuman manner as to indicate a settled aversion to him or to destroy permanently his peace and happiness.

(*e*) Such cruel beating or injury, or attempt at injury of the husband by the wife as indicates an outrageous temper in her or probable danger to his life or great bodily injury from his remaining with her.

(*f*) Permanent insanity in either party, if proved as required by law, may be a ground for divorce. A plaintiff husband may be required to secure the support of his defendant wife (secs. 403.010, 403.020).

A judgment of divorce authorizes either party to marry again (sec. 403.010).

Judgment for separation, or divorce from bed and board, may be rendered for any of the causes which allow absolute divorce, or for such other cause as the court in its discretion may deem sufficient. Pending an action for any divorce the court may allow the wife maintenance. A divorce from bed and board precludes either party from marrying again during the life of the other, and does not bar curtesy, dower, or distributive right. Such a decree may be revised or set aside at any time by the court rendering it (sec. 403.050).

III.—PARENTS AND CHILDREN

24. Services and Earnings of Minor Children—Parents' Respective Rights.

The father and mother of a minor child are equally entitled to its services and earnings (sec. 405.010).

25. Guardianship of Minor Children—Parents' Respective Rights.

The father and mother have the joint custody, nurture, and education of their infant child or children; and if either parent dies, the survivor, if suited to the trust, has these responsibilities. However, the father is primarily liable for the nurture and education of his infant child or children (sec. 405.020).

26. Appointment of Testamentary Guardian for Minor Children—Parents' Respective Rights.

The surviving parent, whether father or mother, alone has the right to appoint by will a guardian for his or her minor child or children, either as to custody or nurture and education (sec. 387.040).

27. Inheritance from an Intestate Child—Parents' Respective Rights.

If a decedent dies intestate, leaving no descendants, but both parents survive, the father and mother take the estate in equal portions, or if only one parent survive, that one takes the entire estate (sec. 391.010, subsec. 2).

28. Support of Children Born Out of Wedlock—Parents' Respective Responsibility.

When the paternity of a child born out of wedlock has been established by judicial proceedings, and the jury has fixed the sum to be paid annually by the adjudged father, and the number of such annual payments, the court must make an order for such payments and the keeping, maintenance, and education of the child, directing how such payments shall be made, and requiring proper security for compliance with the order (secs. 406.030, 406.090, 406.100, 406.110).

29. Inheritance from Child Born Out of Wedlock—Mother's Right.

The estate of a child born out of wedlock descends and is distributed in the same manner as other estates, except that the inheritance goes to the mother and her kindred (sec. 391.090). See Numbers 15 and 27.

B.—POLITICAL RIGHTS

30. Domicile of Married Women.

The statute makes no specific provision as to the domicile of married women. The judicial statement of policy is that a wife acquires the domicile of her husband by operation of law.^{1 2}

A married woman has a separate domicile if she is separated from her husband.³

¹ *Wheeler v. Burgess* (1936), 263 Ky. 693; 93 S. W. (2d) 351, 353.

² *Johnson v. Harvey* (1935), 261 Ky. 522; 88 S. W. (2d) 42.

³ *Whitaker v. Stephens* (1932), 242 Ky. 164; 45 S. W. (2d) 1045.

31. Public Office—Eligibility of Women.

Women were excluded from State public offices prior to the adoption of the Nineteenth Amendment to the Federal Constitution on the grounds (1) that inasmuch as the right of suffrage was granted to male citizens only, the right to hold offices under the State Constitution was limited to the male electors, and (2) that throughout the Constitution the word "he" was used in prescribing the qualifications for office, thus "showing a plain purpose of restricting not only the right to vote but the right to hold these offices to the male citizen." The court held further that, despite the recognized rule of statutory construction to extend or apply to females as well as males a word importing the masculine gender where necessary to give effect to legislative intent, it would give no such construction to the State Constitution in the absence of any change made in this connection in the three successive Constitutions adopted in Kentucky.¹

The first ground was removed by the adoption of the Nineteenth Amendment to the Constitution of the United States. Whether the judicial attitude toward the construction of the language of the Constitution and the intent of its framers in using masculine terms to prescribe qualifications for office, has changed with the trend of the day, is not evident from any decided cases available.

Presumably, however, women can legally hold State offices in Kentucky (Const., sec. 145; sec. 117.010). They have long been eligible to vote and hold office in connection with school administration.^{2 3}

¹ *Atchison v. Lucas* (1885), 83 Ky. 451, 464.

² *Crook v. Bartlett* (1913), 155 Ky. 305; 159 S. W. 826.

³ *Stuessy v. City*, 156 Ky. 523; 161 S. W. 564.

32. Jury Service—Eligibility of Women.

Women are eligible for service on juries, both grand and trial, on the same terms as men (secs. 29.010, 29.020). However, women as a group are declared exempt from jury duty (sec. 29.030). [They are therefore not subject to be called unless they expressly waive their exemption.]

