

# NORMAL ACT IS ATTACKED IN TWO DISTRICT SUITS

## Constitutionality of Measure is Questioned On Four Main Points.

The Courier-Journal Frankfort Bureau says:—Two suits by nine taxpayers to invalidate the act creating the State Normal School Commission, which selected Murray and Morehead for the sites, were filed in the Franklin Circuit Court Monday.

One suit came from Western Kentucky and the other from Eastern Kentucky. The State Board of Education, the Normal School Commission and John J. Craig, State Auditor, were made defendants.

Since the decision in the road commission case it was reported that the Normal School Commission was preparing a communication to the State Board of Education, receding from its claim of right to elect the presidents and faculties of the normal schools, which would end the principal contention between the commission and the board. Mr. Colvin said he had heard this, but no communication had reached him, and he was better pleased with the suits by the taxpayers.

The second suit was filed by Robert T. Caldwell, of Ashland, attorney, representing Ben Williamson, merchant of Ashland; Milton F. Conley, banker and newspaper publisher of Louisa; J. N. Meek, Paintsville business man; A. J. May, Prestonsburg business man; Joseph M. Davidson, Prestonsburg banker; D. T. Keel, Pikeville coal operator, and Rudolph Rutherford, Pikeville banker.

This suit asks for an injunction against the Normal School Commission, alleging that the General Assembly could not delegate its authority, if it had authority to appoint such a commission, to another agency, like the speaker and the Lieutenant Governor, without submission to either house for ratification of the five appointed by the Speaker and the three appointed by the Lieutenant Governor. The gist of the allegation is that there was a double delegation of legislative authority.

They ask for injunction against both the commission and the board and against Mr. Craig. It alleges that the act is unconstitutional on several grounds, including defect of title, granting special privileges, exceeding legislative authority being special legislation, and being void for uncertainty.

It brings up for adjudication the conflicting claims of authority between the commission and the Board of Education regarding the right to spend the local bonus money on buildings and organize the school, and it asserts that unless prevented they will proceed to commit the State to the projects and draw on the Auditor for \$30,000 annually for each of the schools.