



ROSCOE LUKE served on the Court of Appeals for 15 years, January 1, 1917, until November 14, 1932. He was born April 7, 1880, in Thomasville, Georgia, and died August 2, 1949, in Orlando, Florida.

He attended local schools. He was admitted to the practice of law around 1903, and began to practice in his home community of Thomasville.

He was married on July 24, 1904, in St. Louis, Missouri, to Esther Stevens of Lumpkin, Georgia. They had three children: Stevens, Sarah Margaret, and Roscoe, Jr. His father was Dan F. Luke, and his mother was Sara Ann (Edwards) Luke. Additional information about his life and career may be found in the Georgia Statistical Register published during the years he was on the Court of Appeals.

He was a Baptist; Democrat; Mason; Odd Fellow; K. of P.; W.O. W.; Elk; soldier in the Spanish-American War; Solicitor of the County Court of Thomas County from September 19, 1903, to December 31, 1905; Solicitor, City Court, Thomasville, January 1, 1906, to October 2, 1913; Mayor of Thomasville in 1913. After service on the Court of Appeals he became Judge of the City Court of Thomasville from November 21, 1932, until January 1, 1935, when he resigned.

Judge Luke and Judge Hugh James MacIntyre were both from Thomasville and experienced a most unusual switch in judicial positions. The former resigned from the Court of Appeals, and on the same date the latter was appointed to this position. A few days later the former was appointed Judge of the City Court of Thomasville, a position which was formerly occupied by the latter.

Judge Luke believed precedent must yield to justice: "We find ourselves squarely facing a choice between two courses: on the one hand, the orthodox course of adhering strictly to the rigid rule of the common law, which in any case of the character of that before us would do violence to our innate sense of what is fair and right; or ...conforming with what appears to be a modern doctrine, 'pure drawn from the fountains of justice' ...we are impelled, in good conscience, to adopt the latter alternative. Though the doctrine that we have decided to follow, it is true, does not seem to be derived from any ancient legal lore, it has the merit, in our judgment, of being deeply rooted in a moral source." *Hendricks v. Citizens & Southern National Bank*, 43 Ga. App. 408, 411 (1931).