



PRESIDENT A. L. MILLER.

REPORT
OF THE
Twenty-Fourth Annual Session
OF THE
Georgia Bar Association

HELD AT TYBEE ISLAND, GA.

ON

May 30 and 31, 1907.

EDITED BY
ORVILLE A. PARK, Secretary.

ATLANTA, GA.
THE FRANKLIN-TURNER COMPANY
PRINTERS, PUBLISHERS, BINDERS
1907

The next paper is one of very great interest, by Judge Joseph R. Lamar, of Augusta.

(For Judge Lamar's paper see Appendix C.)

Mr. R. C. Alston (Atlanta): Mr. President, the Executive Committee desires to make a further report before proceeding with the program. It has recommended the following gentlemen for election to membership in this body:

Mr. Samuel P. Cain.....Cairo

Mr. J. B. MurrowTifton

Mr. Geo. E. Simpson.....Tifton

Mr. W. L. StallingsNewnan

I move that the Secretary be instructed to cast the ballot of the Association for these gentlemen.

This motion was seconded, and the Secretary having cast the ballot, they were declared elected members of the Association.

Mr. R. C. Alston (Atlanta): Mr. President, the program for the balance of this session will be a paper by Judge McAlpin, and, after that, if there is time, there will be a discussion of the reports. The Association has been tendered, by Col. Patterson, of Fort Screven, the use of the Fort band this afternoon, this offer being made through Mrs. T. M. Cunningham. On behalf of the Association, the Committee has gratefully accepted this courtesy. The concert will be at 6 o'clock this afternoon.

The President: The next paper, Gentlemen, on the program, is one by Judge Henry McAlpin, of Savannah, upon the subject, "The Probate Court, its Jurisdiction and Incidents, Ordinary and Extraordinary."

(For Judge McAlpin's paper see Appendix D.)

Mr. R. C. Alston (Atlanta): Mr. President, I want to offer this resolution:

WHEREAS, The members of the bar of this State are greatly disappointed at the failure of the West Publishing Company to include in the South Eastern Reporter the opinions of the Court of Appeals of this State; be it

Resolved, That it is the sense of this body that the publication of these decisions by the West Publishing Company in the advance sheets and bound volumes of the South Eastern Reporter is fairly due under the contract

between that company and its subscribers, inasmuch as the decisions of the Court of Appeals cover no subject not within the jurisdiction of the Supreme Court of this State prior to January 1, 1907.

Further, That now and hereafter the much greater portion of the decisions of this State upon criminal law and the large majority of the decisions upon damages, insurance law, master and servant, and a number of other important branches of jurisprudence will come from the Court of Appeals, and the profession naturally desires these classes of decisions promptly.

Further, That these decisions will be valuable not only in this State, but in every law library in America; wherefore, it is

Further resolved, That the President do immediately appoint a committee of three (3) members of the Association with direction that they take up this matter at once with the West Publishing Company, and represent to them how important this matter is to the lawyers of Georgia; and, if they are unsuccessful in inducing the West Publishing Company to publish these decisions in their advance sheets and bound volumes, that they take further steps to induce some other publisher to publish advance sheets not only of the decisions of the Court of Appeals, but also of the Supreme Court of the State, with the view that the needs of the profession in this respect may be accommodated.

The President: You have heard the resolution, Gentlemen. Is there any discussion upon it?

Mr. J. D. Pope (Albany): I do not see that it is at all necessary to discuss that resolution. I move its unanimous adoption.

The motion was seconded and carried.

The President: I will appoint that Committee later.

Mr. R. C. Alston (Atlanta): Mr. President, except the announcement of the Committee under Mr. Hammond's resolution, that closes the program for this afternoon, unless some other matters are in the minds of the members to be brought to the attention of the Association.

The President: There is a matter that Judge Samuel Adams wants to bring before the Association.

Judge Samuel B. Adams (Savannah): Mr. Andrew J. Ritchie, of Rabun Gap, who graduated as an A.B. at the University of Georgia, and afterwards took the degree of A.M. at Harvard, is devoting his life to a work of education in Rabun county. He and his wife are natives of that county. His school received the very earnest endorsement of the late



Very truly yours
Orville A. Park

REPORT

of the

Thirty-First Annual Session

of the

Georgia Bar Association

Held at Tybee Island, Georgia

June 18-20, 1914

EDITED BY
ORVILLE A. PARK, SECRETARY

MACON, GEORGIA
THE J. W. BURKE CO.
1914

The President: As you know, it has always been a custom of the Georgia Bar Association to take an interest in proposed reforms, and other special matters of legislation affecting our profession. There has been considerable discussion and agitation in our State lately on the subject of the registration of land titles.

I am glad to say that we are honored to-day with the presence of one of the most distinguished lawyers of America, one who has made a special study of this as well as many other subjects of our profession, and we will be honored by having an address by him to-day on the subject of "Commercial Land Titles." I have the pleasure to introduce to you the Hon. Eugene C. Massie, of Richmond, Virginia. (Applause.)

(For Mr. Massie's address, see page 61.)

At the conclusion of Mr. Massie's address the Convention was adjourned until 3:00 o'clock.

AFTERNOON SESSION, JUNE 4, 1915.

The afternoon session was called to order by the President at 3:00 o'clock.

The President: The Association will come to order. Mr. Secretary, have you anything on your desk?

The Secretary: Mr. President, there were two applications for membership forwarded to me at Brunswick, which were delayed in reaching me until to-day. They are those of

Madison Bell.....Atlanta.

W. F. Slaton, Jr.....Atlanta.

Judge A. G. Powell (Atlanta): I move that the Secretary be requested to cast the unanimous vote of the body for these gentlemen.

This motion was seconded and carried, and upon the Secretary casting the ballot they were declared elected.

The Secretary: Mr. Chairman, that letter of the Supreme Court yesterday got on my nerves. The idea of our Supreme

Court and our Court of Appeals having to work right straight on through without a day's vacation all last year, and then again this year, and not be able to come to the Bar Association at all, and not get away for anything at any time, is enough to make this thing get on our nerves. We all miss the judges at our meetings. We are accustomed to having them with us, or some of them at any rate; and not having any one of them with us this time has prompted me to undertake to draw a resolution, which I desire to submit. I dictated it, and I do not know whether I can read the handwriting of the man who wrote it, as it has gotten cold, but I will undertake to read it, as follows:

WHEREAS, No Justice of the Supreme Court or Judge of the Court of Appeals has been able to attend this meeting of the Association, and,

WHEREAS, The Justices and Judges have advised the Association that they greatly desired to attend but were prevented from doing so by reason of the crowded condition of the dockets of their courts, and the necessity of deciding the cases at the second term or have them affirmed by operation of law, and,

WHEREAS, Said courts have been forced to remain in continuous session with no opportunity for even the briefest vacation, and without cessation from their onerous and exacting labors, and,

WHEREAS, Said courts are now annually deciding more than sixteen hundred cases, which is a greater number than can be disposed of with satisfaction to the bar or credit to the court, even with the incessant slavish toil to which the Justices and Judges are being subjected, and,

WHEREAS, Some relief from the present intolerable condition is absolutely and manifestly necessary and must be immediately had; therefore, be it

Resolved, That the letter from the Justices of the Supreme Court calling attention to and emphasizing these conditions be referred to the Permanent Commission on Revision of the Judicial System and Procedure with direction to confer with the Supreme Court and Court of Appeals as early as practicable and devise some measure of relief, and if it should be found necessary, present the matter to the next session of the General Assembly and urge the passage of such laws as

may be required to carry into effect the relief measures suggested.

Resolved, further, That the sum of \$1,000, or so much thereof as may be necessary be appropriated for the carrying out of the purposes of this resolution. The same shall be expended under direction of the Commission and under orders signed by the Chairman thereof.

Resolved, further, That this Association pledges itself and, so far as it can do so, all its members to cooperate with the courts and the Commission in working out measures of relief and submitting to such directions as may be thought necessary for the disposition of business by the courts.

The Secretary (continuing): I may say, Mr. Chairman, that not only did we have the joint letter of the members of the Supreme Court, expressing their regret at their inability to be present, but the Judges of the Court of Appeals, at least one of them, wrote me in practically the same language, that the Court of Appeals was in the same congested condition as the Supreme Court. We all realize the situation as thoroughly and as fully as we can, I think, and yet we are doing nothing to relieve it. I hope that I can get a second to this resolution.

Mr. R. D. Meader (Brunswick): I second the resolution.

The resolution was put to vote and unanimously carried.

The Secretary: I did not wire the Supreme Court, as directed, because I wanted to see if I could not wait and wire them that the Association had done something.*

The President: The next thing on the program, as outlined by the Executive Committee, is a paper on "Workmen's Compensation Laws," by the Hon. L. W. Branch, of Quitman, who will now address us.

Mr. L. W. Branch (Quitman): Mr. Chairman, Ladies and Gentlemen: I regret very much that in the treatment

*Immediately after adjournment of the session the following telegram was sent by the Secretary to the Supreme Court:

The Supreme Court, Atlanta, Ga. June 4, 1915.
Georgia Bar Association greatly regrets inability of the Justices to attend meeting. We deplore conditions which deprive us of the pleasure of your presence. Resolution directing Commission, of which Judge Cobb is Chairman, to confer with Courts and provide relief unanimously passed. One thousand dollars appropriated for the work. ORVILLE A. PARK, Secretary.

REPORT

of the

Thirty-Second Annual Session

of the

Georgia Bar Association

Held at St. Simons Island, Georgia

June 3-5, 1915

EDITED BY
ORVILLE A. PARK, SECRETARY,
HARRY S. STROZIER, ASSISTANT SECRETARY

MACON, GEORGIA
THE J. W. BURKE COMPANY
1915

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Content of Act/Resolution

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1916**

PART I.—PUBLIC LAWS

TITLE II. AMENDMENTS TO CONSTITUTION.

1916 Vol. 1 -- Page: 19

Sequential Number: 009

Short Title: SUPREME COURT AND COURT OF APPEALS; JUDGES AND JURISDICTION.

Law Number: No. 586.

Full Title: An Act to amend section two of article six of the Constitution of the State of Georgia, and for other purposes.

Section 1. The General Assembly of the State of Georgia hereby proposes to the people of Georgia an amendment to section 2 of article 6 of the Constitution of this State, as follows: [Sidenote: Proposal to amend art. 6, sec. 2.]

1. By changing paragraph 5 of said section, so it will read as follows: "Paragraph 5. The Supreme Court shall have no original jurisdiction, but shall be a court alone for the trial and correction of errors of law from the superior courts and the City Courts of Atlanta and Savannah, and such other like courts as have been or may hereafter be established in other cities; in all cases that involve the construction of the Constitution of the State of Georgia or of the United States, or of treaties between the United States and foreign governments; in all cases in which the constitutionality of any law of the State of Georgia or of the United States is drawn in question; and, until otherwise provided by law, in all cases respecting titles to land; in all equity cases; in all cases which involve the validity of, or the construction of wills; in all cases of conviction of a capital felony;

in all habeas-corpus cases; in all cases involving extraordinary remedies; in all divorce and alimony cases, and in all cases certified to it by the Court of Appeals for its determination. It shall also be competent for the Supreme Court to require by certiorari or otherwise any case to be certified to the Supreme Court from the Court of Appeals for review and determination with the same power and authority as if the case had been carried by writ of error to the Supreme Court. Any case carried to the Supreme Court or to the Court of Appeals, which belongs to the class of which the other court has jurisdiction, shall, until otherwise provided by law, be transferred to the other

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court under such rules as the Supreme Court may prescribe, and the cases so transferred shall be heard and determined by the court which has jurisdiction thereof."

[Sidenote: Supreme Court's jurisdiction.]

[Sidenote: Review by certiorari, etc.]

[Sidenote: Transfer of cases.]

2. Paragraph 9 shall be amended to read as follows: "The Court of Appeals shall consist of the judges provided therefor by law at the time of the ratification of this amendment, and of such additional judges as the General Assembly shall from time to time prescribe. All terms of the judges of the Court of Appeals after the expiration of the terms of the judges provided for by law at the time of the ratification of the amendment (except unexpired terms) shall continue six years, and until their successors are qualified. The time and manner of electing judges, and the mode of filling a vacancy which causes an unexpired term, shall be the same as are or may be provided for by the **laws** relating to the election and appointment of Justices of the Supreme Court. The Court of Appeals shall have jurisdiction for the trial and correction of errors of law from the superior courts and from the City Courts of Atlanta and Savannah, and such other like courts as have been or may hereafter be established in other cities, and in all cases in which such jurisdiction has not been conferred by this Constitution upon the Supreme Court, and in such other cases as may hereafter be prescribed by law; except that where a case is pending in the Court of Appeals and the Court of Appeals desires instruction from the Supreme Court, it may certify the same to the Supreme Court, and thereupon a transcript of the record shall be transmitted to the Supreme Court, which, after having afforded to the parties an opportunity to be heard thereon, shall instruct the Court of Appeals on the question so certified, and the Court of Appeals shall be bound by the instructions so given. But if by reason of equal division of opinion among the Justices of the Supreme Court no such instruction is given, the Court of Appeals may decide the question. The manner of certifying questions to the Supreme Court by the Court of Appeals, and the subsequent proceedings in regard to the same in the Supreme Court, shall be as the

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Supreme Court shall by its rules prescribe, until otherwise provided by law. No affirmance of the judgment of the court below in cases pending in the Court of Appeals shall result from delay in disposing of questions or cases certified from the Court of Appeals to the Supreme Court, or as to which such certificate has been required by the Supreme Court as hereinbefore provided. All writs of error in the Supreme Court or the Court of Appeals, when received by its clerk during a term of the court and before the docket of the term is by order of the court closed, shall be entered thereon; when received at any other time, shall be entered on the docket of the next term; and they shall stand for hearing at the term for which they are so entered, under such rules as the court may prescribe, until otherwise provided by law. The Court of Appeals shall appoint a clerk and a sheriff of the court. The reporter of the Supreme Court shall be reporter of the Court of Appeals until otherwise provided by law. The laws relating to the Supreme Court as to qualifications and salaries of judges, the designation of other judges to preside when members of the court are disqualified, the powers, duties, salaries, fees and terms of officers, the mode of carrying cases to the court, the powers, practice, procedure, times of sitting, and costs of the court, the publication of reports of cases decided therein, and in all other respects, except as otherwise provided in this Constitution or by the laws as to the Court of Appeals at the time of the ratification of this amendment, and until otherwise provided by law, shall apply to the Court of Appeals so far as they can be made to apply. The decisions of the Supreme Court shall bind the Court of Appeals as precedents."

[Sidenote: Court of Appeals. Judges.]

[Sidenote: Terms of office.]

[Sidenote: Election. Vacancy.]

[Sidenote: Jurisdiction of the Court of Appeals.]

[Sidenote: Cases certified.]

[Sidenote: Docketing of cases.]

[Sidenote: Clerk. Sheriff. Reporter.]

[Sidenote: Laws applicable.]

[Sidenote: Decisions as precedents.]

Sec. 2. Be it further enacted by the authority aforesaid, That whenever the above proposed amendment to the Constitution of this State shall be agreed to by two-thirds of the members elected to each of the Houses of the General Assembly, and the same has been entered upon their journals, with the yeas and nays taken thereon, the Governor shall and he is hereby authorized and instructed to cause

the above proposed amendment to be published in one or more newspapers in each congressional district in this State for the period of two months next preceding the time of holding the next general election; and the Governor is hereby authorized and directed to provide for the submission of the amendment proposed for ratification or rejection to the electors of this State at the next general election to be held after said publication, at which election every

person shall be qualified to vote who is entitled to vote for members of the General Assembly. All persons voting at such election in favor of adopting the said proposed amendment shall have written or printed on their ballots the words, "For amendment to the Constitution, altering the Appellate Court System of the State of Georgia." All persons opposed to the adoption of said amendment shall have written or printed on their ballots the words, "Against the amendment to the Constitution, altering the Appellate Court System of the State of Georgia." If a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote for ratification, the Governor shall, when he ascertains the same from the Secretary of State, to whom the returns from said election shall be referred in the same manner as in cases of election for members of the General Assembly, to count and ascertain the result, issue his proclamation for one insertion in one daily paper of the State, announcing such result and declaring the amendment ratified.

[Sidenote: Submission to popular vote.]

[Sidenote: Forms of ballots.]

Sec. 3. Be it further enacted by the authority aforesaid, That all **laws** and parts of **laws** in conflict with this Act be and the same are hereby repealed.

Approval Date: Approved August 19, 1916.

Appellate Courts

Court of Appeals of Georgia

The Court of Appeals was established by a constitutional amendment in 1906. Under the 1983 Constitution it is a court of review and exercises jurisdiction over appeals from superior, state, and juvenile courts in all cases not reserved to the Supreme Court of Georgia. These cases include civil claims for damages, child custody cases, workers' compensation and other administrative law cases, and all criminal cases other than capital felonies.

The court is made up of twelve judges. The chief judge, elected by the members of the court to a two-year term, is responsible for the administration of the court. Cases are heard by panels consisting of three judges. Panel decisions are final unless a judge dissents. If, after a hearing by the full court, the judges are equally divided on a decision, the case is transferred to the state supreme court.

Court of appeals judges are elected statewide on a nonpartisan basis for six-year terms. Candidates for a judgeship on the court of appeals must have been admitted to practice law for at least seven years before assuming office