

Appeals Court Rules Recording Legal Evidence
The Atlanta Journal; June 1, 1955; pg. 40,4

Appeals Court to Dedicate New Room
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Appeal Judges Enter Light of New Courtroom
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Jurists Seeking to Simplify Appeal
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60 Attorneys Enter High Court Circle
The Atlanta Journal; November 5, 1956; pg. 34,1

Memorial Rite Honors Judge Hugh McIntyre
The Atlanta Journal; May 9, 1957; pg. 54,1

England Retires as Court Clerk
The Atlanta Journal; October 24, 1957; pg. 7,5

Georgia Court Overturns Rule in 1923 Case
The Atlanta Journal; December 5, 1957; pg. 23,1



Associated Press Wirephoto

UP AS BRITONS AWAIT TRAINS Railways Maintain Skeleton Schedule

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KISS BANDIT ROBS ONLY PRETTY GIRLS

NEW YORK, June 1 AP — New York police are looking for the kissing bandit.

Catherine Stanton, 18, of Brooklyn, said the young man sat down beside her on a subway station bench and demanded her money. She said she didn't have any, so he kissed her on the cheek and fled.

A few hours later, at another subway station, Minnie Diangelo, 18, of Woodhaven, N.Y., was approached by a young man of the same description who robbed her of \$3, kissed her and left.

★ ☆ ★ ☆ ★ ☆

on Army Starts Commissioning Activity

activities of the general staff Monday are to begin Thursday, as follows:

- by Maj. Gen. Josephine Baker of McAlester, Okla.
- Jean Buchanan of Atlanta
- Sylvia Collins of Greensboro, N.C.
- Dorcas Dawson of Clarksville, W. Va.
- Freda Facer of Washington, D.C.
- Doris Fizer of Charleston, W. Va.
- Suzanne Jean Gilchrist of Raleigh, N.C.
- Karla Howarth of New Orleans, La.
- Virginia Kellner of Tampa, Fla.
- Juanita Lauderdale of Birmingham, Ala.
- Betty Morris of New Orleans, La.
- Darla Rober of Morgantown, W. Va.
- Jeanette Turner of Columbia, S.C.
- Janice Whitehurst of Panama City.

Maj. Gen. Hester

Appeals Court Rules Recording Legal Evidence

The Georgia Court of Appeals ruled Wednesday that mechanically recorded testimony may be entered in evidence in legal cases.

However, the appellate body stated such evidence must be submitted in accordance with seven strict regulations.

"If the use of mechanical transcription devices is properly safeguarded no doubt such devices will prove of great benefit for the protection of all concerned in legal proceedings," the opinion read.

The decision is believed to be without precedent in Georgia. It was included in a routine Bibb County truck inspection report.

Some recorded evidence was not admitted in the case of Eugene Edgar vs. Steve M. Solomon, the judges stated, because insufficient groundwork had been laid for the presentation of the recorded testimony.

TO BECOME part of a trial record and to be played, where necessary, before a jury, mechanically transcribed evidence must meet the following specifications, the ruling said.

1. It must be shown that the mechanical transcription device was capable of taking testimony.
2. Competence of the device's operator must be shown.
3. The authenticity and correctness of the recording must be established.
4. It must be shown that no additions or deletions have been made.
5. The manner of the preservation of the record must be shown.
6. Speakers must be identified.
7. It must be shown that the testimony was freely given without any kind of duress.

The opinion stated that while no precedent had been discovered for Georgia, other states had admitted mechanical recordings as evidence.

BASIC WATER ASKED IN GEORGIA

Conservation Men Of Laws to Protect

By ELMO HESTER
Establishment of a basic water use plan for the state assuming responsibility for development regulations, was the main proposal made by conservation men at a meeting of the Georgia Water Use and Conservation Commission.

Mail Service Change Set

The 30-cent minimum fee for "no value" registered mail will be discontinued when certified mail is begun in Atlanta Tuesday.

The new certified mail service will become a regular postal operation of the Post Office Department.

Acting Atlanta Postmaster Burl F. Sanders said the new service has "most of the advantages of registered mail but at a lower cost and less trouble." It will cost 15 cents in addition to regular postage.

Regular registered mail under the present program costs 30 cents in addition to regular postage. It will be discontinued.

THE NEW PROGRAM has been tried out in various sections of the country since the first of the year. It is intended for mail which has no great value but on which the sender wants proof of delivery.

Mr. Sanders explained that registered mail must be kept under guard. Certified mail will not be.

The service will be inaugurated Monday at the Washington, D.C. Post Office together with a first day sale of the new certified mail stamp. The new stamp and the service will be available at other post offices throughout the country the following day.

New forms needed for the service will be distributed at the two main post office stations and at the substations here.

GOV. GRIFFIN declared that there were more men with Mr. Moate's integrity and courage on the Georgia political scene "we wouldn't have so many segregated integrationists flitting around over the state."

Turning to national politics, he again reminded Democratic Party leaders that Georgia and eight other "segregated" states were the only states to vote for the party presidential nominee in 1962. He said the leadership of both Democratic and Republican parties "seem bent upon forcing upon the people of Georgia and the South doctrines that are foreign to us."

BUT HE ADDED that "we have no haven in the Republican Party" and commented:

"We are going to Chicago and we are going to fight our battles within the rank of the Democratic Party."

At the "Marvin E. Moate Day" observance here, R. A. McCaskill, head of the local Woodmen

Appeals Court To Dedicate New Room

The State Court of Appeals will dedicate its new courtroom at brief exercises Monday at 10 a.m.

The ceremonies will precede the first arguments of cases in the new courtroom in the Judicial Building at the corner of Mitchell and Washington streets.

Though Monday is a holiday for most state offices, Judge Jule Felton said appeals cases would proceed Monday at the request of the attorneys.

The capitol will be closed in observance of the anniversary of the birth of Jefferson Davis, president of the Confederacy.

The dedication ceremony is open to the public.



SHOP RICH'S FOR THE

Appeal Judges Enter Light of New Courtroom

By DOBOTHY CREW
Judges of the State Court of Appeals literally stepped out of darkness into light Monday with the dedication of their magnificent new courtroom.

The handsome chamber, with its modern lighting, pale paneled wood and light-hued marble is in marked contrast to the narrow but shadowy halls the judges formerly occupied.

Though the Capitol was closed Monday in observance of the birthday anniversary of Confederate President Jefferson Davis, more than 120 persons attended the ceremonies.

THEY INCLUDED state and court officials, attorneys and members of the judges' families. State Rep. Howell Hollis, newly-elected president of the Georgia Bar Assn., hailed the court's move from the Capitol Building to the new state office structure as "a reaffirmation of the separation of the judicial and executive powers. This is a happy and glorious day."

Secretary of State Ben W. Fortson Jr. assured the six appellate judges that "justice is in good hands here." He said the new courtroom will be a fitting "shrine for truth, justice, integrity and righteousness."

MR. FORTSON represented the executive branch of the state government.

Gov. Marvin Griffin and Lt. Gov. Ernest Vandiver were not in Atlanta Monday.

Former Gov. Herman Talmadge, candidate for the U.S. Senate, was among the speakers. Mr. Talmadge was governor at the time the plans for the new state office

and court buildings were approved.

Fulton Sen. G. Everett Millican "congratulated the judges on their new home" on behalf of the State Senate, of which he is speaker pro tem. Rep. Harold Willingham, speaker pro tem of the House, added his felicitations.

CHIEF JUDGE Jule Felton expressed the thanks of the judges to the state officials who had made the new court possible. Especially praised was State Auditor B. E. Thrasher Jr. for his "untiring efforts."

Carved in the marble wall behind the bench are the words: "Upon the integrity, wisdom and independence of the judiciary depend the sacred rights of free men."

All of the judges were present Monday. In addition to Chief Judge Felton and Judge Nichols, they are Bernard Gardner, Ira Carlisle, Johnson Townsend and J. D. Quillian.

★ ★ ★ ★
**1761 ALMANAC
HERE OFFER
RARE ADVICE**

A leather-bound volume what appeared to be a set of almanacs for the year 1 was brought to The Atlanta Journal Monday by Mrs. B. Muse, 293 Fairburn R. Northwest.

The volume contained Parker's Diary of Writings Almanack for the Year of Lord 1761, Printed by Wilde for the Company of Stationers.

It also included "The Gentleman's Almanack or Mathematical Repository and "Parker's Ephemeris for the year.

Under medical advice, a section suggested "For Cholick of the Stomack: Take Ginger very thin sliced, or powder, with which fill a bacco Pipe, and smook it. If it was Tobacco: It will certain and present ease."

★ ★ ★ ★



Photo—Charles Jackson
MAL LIFE NOW
ton, Left

mother, Mrs. W. L. Fortson, 326 Windsor St., SW.

ctors tell me that now at a perfectly normal weight in less than six months I'll be so improved I'll be her blue-eyed Deborah and I'll gain soon. She waves at her nurses. If the food that is of

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Never before such luxu

... streets into a sea of
id music. Scores of lesser
brighten neighborhood

THE SPECTATOR, a pa-
all fun and excitement.
ing extravaganzas
en. Someone must
may enjoy a pa-
nd that someone quite
Mike Benton, known to
s Atlanta's "Mister Pa-

the past 25 years Mr.
has staged more than 100
parades. He has done it
he claims he could
a parade in his sleep.

main difference between
parade and a bad one is
Mr. Benton explained.
ed early that you must
e bands, the floats and
its so the spectator sees
uous flow of different
nd always hears, band

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y they go. It isn't that
Benton says.

END OUT the hard way
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You start off the color
men a band, then a float,
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Formula was not followed
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Compete t Trials

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York. This year the prob-
one involving criminal

... tree, and where to pick up the
Turn to Page 2

CAPT. CATES TALKS FROM CAR IN NORTH FULTON No "Dead Spots" in Radio System With New Boosters

at least as far
of St. Matthew
Today, they're

JURISTS SEEKING TO SIMPLIFY APPEAL

Drawing Up Streamlined Methods To Take Cases to Supreme Court

By DOROTHY CREMIN

Georgia jurists are working to simplify appeal pro-
cedures leading to the state's highest courts.

A committee of lawyers is draw-
ing up streamlined methods for
taking cases to the State Supreme
Court and the Court of Appeals.

"Our aim is to make the admin-
istration of justice more certain,"
said Charles Bloch of Macon, com-
mittee chairman.

The establishment of such a
group from the membership of the
Georgia Bar Assn. was authorized
by the 1945 General Assembly. Its
purpose is to work with the Su-
preme Court in reviewing rules
of practice and procedure.

Committee members are chosen
by the high court. Their recom-
mendations must be approved by
the justices, headed by Chief Jus-
tice W. H. Duckworth.

Mr. Bloch said one of the most
important changes to be pro-
posed is the abolition of the bill
of exceptions — the present legal
form for taking a case from a
superior court to the state su-
preme court or court of appeal.

Instead of the bill of exceptions
a simple "notice of appeal"
would be used, he said.

This method is the same as that
now used to bring a case from a
federal district court to a federal
circuit court of appeals.

Substitution of the method would
"cut out a complexity of technical
rules — which now cause so many
cases to be decided on points of
practice rather than on the merits
of the individual case," he said.

CHARLES GOWEN of Brun-
swick, a member of the commit-
tee's unit on drafting new regu-
lations, said the proposal would
"get rid of loopholes which often
have made it necessary to decide
a case on technical error" rather
than on the substance of the ad-
vocate in question. "Substance rather
than form should rule," Mr. Gowen
said.

Constant progress is being made
in improving high-level legal pro-
cedures, Mr. Bloch said. Through
work of the high court justices
and members of the Georgia bar,
the time for handling cases has
been sharply reduced.

"In the past 15 years, the time
for disposing of a case in the Su-
preme Court has been cut from
an average of nine or 10 months
to three months or less," Char-
les Bloch added.

The same timetable applies to
the Court of Appeals, he said. But

this speedup refers to a case after
it gets into the highest state courts.

The new procedure will be a way
of getting the cases before the ap-
ellate benches. It may shorten
the transitional process somewhat,
Mr. Bloch said, but its major pur-
pose is to "simplify."

The final arbiters on the new

Turn to Page 2



Staff
J. P. BORN AT ATLANTA STATION RECI-
Micro-Wave Equipment Reaches Into Cher

BETTER SERVICE IN NORTH FULTON

Police Now Talk to Atlanta On New Radio Equipme

By DICK LINK

Atlanta policemen of the un-
incorporated area of north Fulton
County can now talk back and
forth with the radio operator at
Atlanta police headquarters—
something they haven't always
been able to do at will.

The department has installed
a new booster relay station in
the northern part of the county.
The new equipment is installed
on and near the Atlanta-owned
Sandy Springs water tower.

Two antennas are there. One,
10 feet high, is atop the tower.
The other is a "V" reflector-
type antenna and is on an over-
flow pipe. A transmitter and a
receiver are on the ground near
the tower.

Police radio shop experts in-

stalled the new equipment. It
was put in under the supervision
of Joe Fleming with the help
of Ray Billings and Paul Smith.

J. P. BORN JR., a 20-year veter-
an at the controls of the police
radio, said before the new equip-
ment was installed there were
many "dead" spots in north Ful-
ton County, because of hills, low
spots and distance.

"But with the new micro-wave
equipment," he said, "we have
coverage all the way into Chero-
kee County. We can talk with any
car in the county now," he said.

Mr. Born pointed out that the
department has two other booster
stations, out of a different type.
One is on the Hurt Building and

the other is in We

Mountain.

Both are operat

phone wires.
Capt. Cal Cate,
the North Fulton
area police, said h
Sandy Springs set was i
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and "back up."

"Of course, we
calls first and too
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it," Capt. Cates

Men associated
communications s e t
pleased with the r
It helps the de
better and more
protection, said M

CHICAGO, MIAMI JOIN PARTED DENTAL PLATES

Delta Air Lines reported Saturday that in responding to a
request of a passenger to help find his lost dental plates it
succeeded in locating the upper in Chicago and the lower in
Miami

Another odd incident of its lost and found department, it
added, was that of a man who walked off and forgot his crutches.
Still another involved a woman passenger who lost her medicine
bottle, complete with prescription label but filled with bourbon
whisky.

Among items still unclaimed, it listed a back saw, a foot-
ball, portrait of a soldier and a birth certificate.

Burpee, 2780 Seventh St., SW, student: "It hasn't affected me very much at all. I always seem to be in by midnight anyway and was before the curfew went into effect. I think it is a good thing in a way but I would change it just a little bit. I think the time should be set up until 12:30 rather than midnight."

Phillip Stanley, 596 Amal Dr., SW, student: "On weekends is about the only time I am affected by it. That is the only time we go out usually because of school. I don't like it because it just doesn't give you time to do things you want to do. I think it should be cut out entirely."

Miss Sherrill Salter, 3409 Fortner St., East Point, student: "It hasn't affected me very much because I have to be in at 11 p.m. anyway. I think the curfew is good and we should have it. However, I think it might be relaxed a bit for special occasions. Some of the big school functions, properly chaperoned, should be allowed to run later than midnight."

Miss Peggy Wilson, Rte. 3, Austell, student: "It's horrible! It's all right to a certain extent but the biggest trouble with it is that it interferes with any of the big school dances. I feel some exceptions should be made and al-

60 Attorneys Enter High Court Circle

Sixty attorneys have been admitted to practice in the State Supreme Court and the State Court of Appeals.

Special ceremonies, the first of their kind in Georgia, were sponsored by the younger lawyers section of the Georgia Bar Assn. Chief Justice W. H. Duckworth of the Supreme Court and Chief Judge Jule W. Felton of the Court of Appeals, presided at ceremonies of their courts.

Most of the newcomers are young attorneys who passed the last state bar examination.

Robert B. Troutman, past president of the Atlanta and Georgia bar associations, spoke at a luncheon in honor of the attorneys and the appellate court judges.

Spray-Away



Phillip Stanley

Viola Burpee

low some things not to come under the curfew. Most any reliable person will be in by midnight anyway."

Walter Waller, 650 Amal Dr., SW, Apt. 3, student: "I have to be in earlier. We used to stay out a little later than midnight before the curfew went into effect. The curfew messes up the weekends. I think the whole thing should be eliminated or at least move the deadline up until 1 or 2 a.m. rather than midnight."



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Eddie Dean

whose reputation is over 2,000,000

has chosen ATLANTA

now appearing

at the

PRUDENTIAL

HOTELS

Service



States, if not the first, where Indian corn was cultivated in this country."

The governor was out of the city. Other officials declined to comment in his absence on Alexander's letter.

Memorial Rite Honors Judge Hugh MacIntyre

The late Judge Hugh J. MacIntyre of the Georgia Court of Appeals has been described in a memorial service as a superabundance of caution, humility and common sense."

A memorial resolution, calling attention to the career of the late presiding judge and judge emeritus, was presented to the Court of Appeals in a special ceremony in the court room. Judge MacIntyre died in September, 1955.

The resolution was drawn by a committee of 26 Georgia attorneys on order of the Court of Appeals. Houston White, Atlanta attorney, was chairman of the committee.

RESPONDING to the resolution, presiding Judge B. C. Gardner Sr. said the late Judge MacIntyre "helped preserve democracy as it was intended by our founding fathers. There was never a rumor of Judge MacIntyre's unworthiness, never a doubt of his integrity."

Judge MacIntyre's widow and other members of the family were present at the ceremony:

Judge MacIntyre was born in Thomasville on Jan. 4, 1882, and continued to call Thomasville his home until his death. Before his appointment to the Court of Appeals in 1932 by then Gov. Richard B. Russell, he was judge of the City Court of Thomasville.

Army-Navy Teamwork

40-in. Width,

26-in. Projection,

21-in. Drop.

48-in. Door Awning

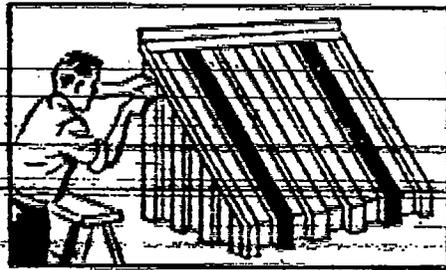
48" Width, 41" Projection, 17" Drop.

40-in. Window Awning

40" Width, 30" Projection, 25" Drop.

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Verti-Stripe sets the pace for any weather... plus practical protection from the hot sun, drafts, rain seepage provide shade. Buy now!



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- Year-round weather protection
- Durable baked-on enamel colors!

England Retires As Court Clerk

William G. England has announced his retirement as clerk of the Georgia Court of Appeals

effective Dec. 1. He has been an officer of the court for 40 years.

Moran Thomas, deputy clerk, took the oath of office Wednesday to succeed Mr. England. Ralph Carlisle was named deputy clerk and Miss Edna Bennett was

Thursday, October 24, 1957 **The Atlanta Journal** 7

sworn in as special deputy clerk. Mr. England was appointed clerk of the court in January, 1938. He had been an employe since 1917.

The new clerk has been in the court since 1934. He is a graduate of the University of Georgia Law School. Mr. Thomas lives in Marietta.

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Exotic, Sensational
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OPENING OCTOBER 28 • 1999 PEACHTREE ROAD

ATTENTION

mango manglers

Mangling mangos gets you nothing but messy mangos and who wants 'em? Something you will really want is De Soto for '58! At your De Soto dealer's Nov. 1. Remember the date for the '58! De Soto is coming ...

nov. 1

Deluxe Room Outfits!

Sylvan High School, Kiwanis Club, Civitan Club, Rotary Club, Lions Club, Sunday school classes, high schools, Boy Scout and Girl Scout groups.

Georgia Court Overturns Rule In 1923 Case

Business places are as responsible for the safety of shoppers' children as they are for the shopper, the Georgia Court of Appeals has ruled.

The court made that ruling Wednesday, reversing a long-standing legal precedent that a child visiting a store with his parents is not entitled to as much legal protection from injuries as the shopper parent.

The new opinion cited a 1923 case which held that the child was a "licensee" and not in the "invitee" status of his parent or parents.

JUDGE JOSEPH Q. ... said the court is now "of the opinion the holding was not a correct pronouncement of the law in the year 1923 . . . and are more firmly convinced that if then sound it was inapplicable to conditions prevailing in the year 1956, and at present."

He said it now is "universal custom" for a child to accompany parents into stores and shops.

The ruling Wednesday reversed a lower court order from DeKalb County and sent back for further consideration a \$35,000 damage suit.

Paul Arthur Cooper Jr., a small child, seeks to recover through a suit filed by his father for injuries received when the child was injured by an overhead fan in a North Decatur road store. The child's six-foot-four-inch-tall father was holding the child above his shoulders when the accident occurred, court records show.

