

NCAA Plea Again Denied in Georgia

The Atlanta Journal; June 24, 1958; pg. 25,4

Judges Sworn For New Terms

The Atlanta Journal; December 17, 1958; pg. 48,2

Appellate Court Finds No Libel

The Atlanta Journal; January 17, 1958⁵⁰; pg. 15,3

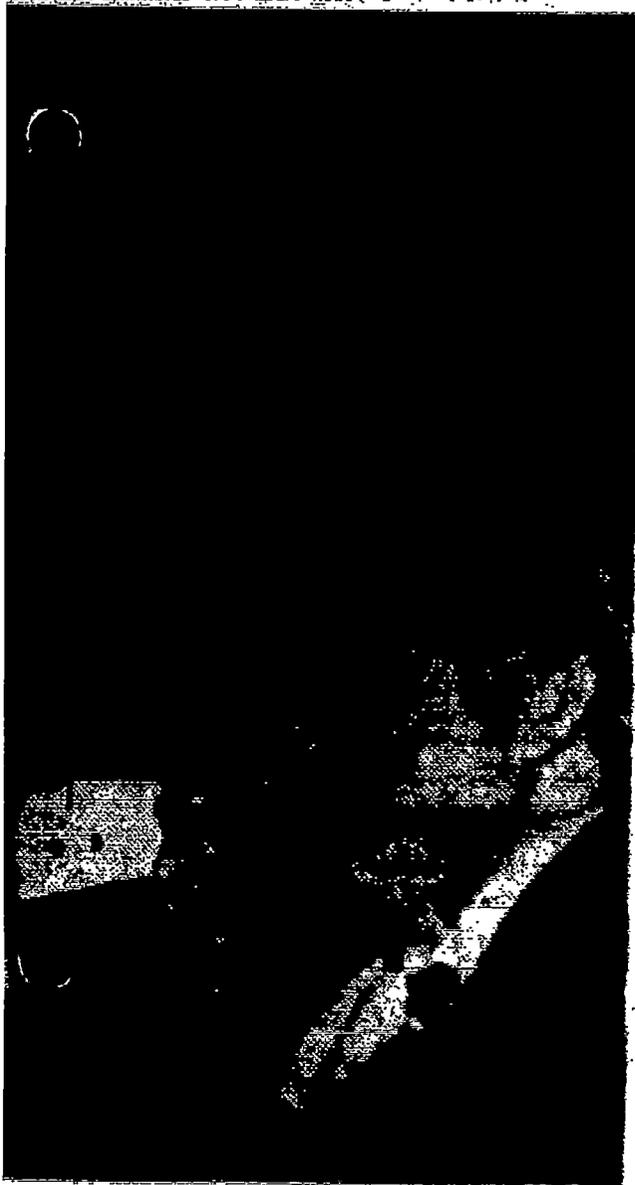
Gardner, 77, Won't Quit Bench

The Atlanta Journal; March 3, 1958⁵⁰; pg. 13,2

Compulsory Quitting: Emeritus Status For Judges

The Atlanta Journal; March 8, 1959; pg. 11A, 4

Margaret Shannon



Associated Press Wirephoto via Radio

GREET'S HIM AT AIRPORT
into Hop Tired But Happy

★ ★ ★ ★ ★
SUPERMAN ACT
FALLS FLAT
FOR LITTLE BOY

CHESTER, Pa., June 24 (UPI)—Russell Toombs Jr., 5, played Superman with these results:

He tried to fly from a second-story window and landed on the ground, 16 feet below, with a possible broken ankle.

Police sent an ambulance, escorted by a new police cruiser to take Russell to the

NAACP Plea
Again Denied
In Georgia

The Georgia Court of Appeals again has denied an appeal by the National Association for the Advancement of Colored People from a contempt citation stemming from state efforts to review its records.

The court ruled Monday the NAACP should have corrected a brief of evidence as ordered by Fulton Superior Court Judge Durwood T. Pye.

The case originated in efforts by State Revenue Commissioner T. V. Williams to determine if the NAACP was liable for state income tax.

A COURT ordered the NAACP and its Atlanta president, J. H. Calhoun, to produce the records and Judge Pye found them guilty of contempt for ignoring the order. Calhoun was sentenced to 12 months, suspended, and the NAACP was conditionally fined \$25,000.

The first attempt to appeal was delayed when Judge Pye refused to certify the bill of exceptions, ruling some parts of the transcript should have been deleted, others included.

The NAACP then sought a writ from the Court of Appeals to force Judge Pye to sign the bill. That was denied and the defendants appealed on the qualified certificate which Judge Pye had signed.

NAACP attorneys said they had not yet been notified of the action and declined to comment until they can review the decision.

Shriners Will



Associated Press Wirephoto
SUE HURON
 Talk, Talk, Talk

SHE'S THE CHAMP

Law Coed
Talks Awfully
For 92 Hours

FAYETTEVILLE, N.C., 24 (AP)—Miss Sue Huron, a graduate of Duquesne University, amply demonstrated that she has at least one requisite for a career in law she wants.

She can talk.

At 7:30 a.m. Tuesday, the 27-year-old Pittsburgh brunette was talking after a 92-hour stint.

With her skein of words, Huron became the current champion in a wave of talk which has swept North Carolina. She wrested the title from Edith Fisher, 29, who had

had bitten the animal on the back. On cross examination by defense attorney W. J. O'Neill, Mr. Wilkins went into some detail as to what is meant by the term mule-headed.

He explained that a mule-headed animal is one that never has any horns.

Another state witness, Mrs. F. P. Reece, testified that she saw Mr. Warren "tolling" Mr. Wilkins' call toward the Warren barn with a container of feed. She said she had known Mr. Warren since he was "a strip of a boy."

The defense had not begun its presentation of its side of the case by early afternoon.

Kennesaw Lodge To Elect, Install

New officers will be elected and installed during the 115th communication of Kennesaw Lodge No. 33, F&AM, Friday.

The meeting will be held at 7 p.m. in the Marietta Masonic Temple, 1009 Roswell St., Marietta. New officers will be installed by William J. Penn, deputy grand master of the Grand Lodge of Georgia.

A tribute will be made to E. T. Lance Sr., secretary of the lodge. He has served as worshipful master of the Kennesaw lodge and has held other offices.

In recognition of Mr. Lance's service the first class initiated in Kennesaw Lodge No. 33 in 1959 will be the "E. T. Lance Sr. Class."

Avoid the Rush!

Get That Ad In Front

City Chips Centerline to Ease Traffic

The plastic centerline is being chipped off a section of Edgewood avenue in an effort to handle more traffic into the city.

Traffic Engineer Karl Bevins said the strip between Courtland and Ivy streets will be converted into five lanes of traffic, three inbound and two outbound.

At the same time, parking will be barred on the south side of the street between 7 and 9 a.m. and 4 and 6 p.m.

The section being changed runs beside Hurt Park. Mr. Bevins said that it is presently one of the worst jammed sections of the city during the morning rush.

Judges Sworn For New Terms

Court of Appeals judges, Iraj Carlisle of Cairo and H. E. Nichols of Rome were sworn in for new six-year terms by Gov. Marvin Griffin Wednesday.

Judge Carlisle, who was appointed in 1952, will begin his second full term on Jan. 1. Judge Nichols, who was appointed in 1954, and elected to an unexpired term the same year, will begin his first full term on Jan. 1.

Judge Nichols, who is a singer of some renown, entertained the governor and visitors at his swearing in with a number of Christmas songs.

Larceny Suspect

MR. ALDREDGE, the veteran of the three, is now in his 13th year on the Board of Commissioners. He has served twice as chairman.

Mr. Lindsey has been a commissioner since January, 1953. He preceded Mr. Fraser as chairman.

Immediately after the swearing-in ceremonies, the commissioners were to hold a meeting to receive bids on the new Fulton County Juvenile Court Building.

Geneva Meet Draws to End

GENEVA, Dec. 17 (AP)—Western delegates said Wednesday the 10-nation conference on prevention of surprise attack will adjourn indefinitely after Thursday's meeting.

The conference is regarded as a complete failure. It opened Nov. 10 and was intended to discuss on a technical basis how an international warning system against surprise attack could be organized.

The Soviet bloc delegations insisted from the start on a political discussion of disarmament measures and neutralized zones. Thus the two sides never even reached an understanding on what to discuss.

At Wednesday's meeting, Paolo Emilio Taviani of Italy submitted a theoretical Western plan for an international surprise attack alert system.

Western sources said the plan was put in merely for the record, with no hope of being seriously discussed at this stage. It was submitted on behalf of the United States, Britain, France, Italy and Canada. It may be taken up again if the conference is ever reconvened.

A Soviet spokesman said the Russians would submit a new

Mrs. Ola Gilleland

Mrs. Ola Gillespie Gilleland, 84, died unexpectedly Friday night at her home, 221 Spring St., Decatur. Relatives attributed her death to a heart attack.

Born in old Milton County, Mrs. Gilleland had lived in the Atlanta area all her life. She was the widow of William Lindsey Gilleland. She was a member of the Fifth Avenue Baptist Church, Decatur.

Surviving are a daughter, Miss Daide Gilleland, Decatur; sons, R. C. Gilleland, Atlanta; R. D. Gilleland, Decatur; William D. Gilleland, Los Angeles, Calif.; sister, Mrs. Hester Mosteller, Atlanta; five grandchildren and nine great-grandchildren.

Funeral services will be held Sunday at 2 p.m. at Trinity Chapel. The Rev. Russell Case will officiate, with burial in the Ebenezer Church cemetery, near Roswell.

Hugh A. Tomlinson

Graveside services for Hugh A. Tomlinson, 43, retired USAF technical sergeant, will be held Monday at 2:30 p.m. at Marietta National Cemetery, with full military honors.

Mr. Tomlinson died Friday in a hospital. His home was at 2321 Candler Rd., Decatur.

Mr. Tomlinson retired from the Air Force in February, 1958. He served 18½ years, including terms of service in both the Navy and the Army. Mr. Tomlinson was a member of the Edgewood Baptist Church.

Born in Atlanta, Mr. Tomlinson lived in Montgomery, Ala., seven years and served tours of overseas duty before returning here about a year ago.

Surviving are his wife; daughter Misses Susan, Judith, Lynne, and Jeanne Tomlinson; a son, Joel Hugh Tomlinson, all of Decatur; mother, Mrs. E. H. Henderson, Atlanta; brothers, Thomas Lee Herren, USAF, Roswell,

Army base knew how much Disneyland meant to Marty and they secretly raised the money to send the family to California for a look at Adventure Land, Frontier Land and the other delights of Disneyland in person. Soldiers throughout the 3rd Army chipped in.

Marty and his parents arrived Thursday night and Friday, wearing a Zorro mask and hat, the youngster explored the big park.

IF HE WAS the happiest boy at Disneyland, his parents were the saddest, although they didn't show it. They lost another son from the same disease just be-

Appellate Court Finds No Libel

The Georgia Court of Appeals has upheld a newspaper's right to report judicial proceedings and has approved dismissing a libel suit here.

Roy Cook Jr. had charged that a news story in The Atlanta Constitution had held him up to ridicule and injured his good name. The Fulton Superior Court earlier held for dismissal.

The news story reported that Mr. Cook petitioned the DeKalb Superior Court to change his name from Roy Crook Jr. to Roy Cook.

Court of Appeals Judge J. M. C. Townsend held that "truth is a complete defense in a civil action," and that "a fair and honest report of a judicial proceeding is conditionally privileged."

diver has received stacks of telegrams and letters from residents of Colquitt and Cook Counties protesting his holding up nearly \$350,000 that had been allocated for a proposed lake.

Gov. Vandiver met Friday with engineers, legislators from the two counties, Atty. Gen. Eugene Cook and Director Charles Collier of the State Parks Department. There has been no decision about the matter.

THE FUNDS were made available by former Gov. Marvin Griffin shortly before he left office.

Then it was reported by an engineer that the proposed lake might not hold water. The lake is located in a section where lakes and ponds frequently go dry during droughts.

Atty. Gen. Cook also has disclosed there is a legal question about validity of the purchase of the land by the counties. The counties had deeded some 560 acres for the proposed park.

Solicitor Smith Sworn in DeKalb

Jack D. Smith was sworn in Friday as solicitor of the civil and criminal court of DeKalb County.

He will succeed Abit Massey, who resigned Tuesday. Mr. Massey is the new secretary of the State Department of Commerce, to which he was appointed by Gov. Vandiver.

Mr. Smith has been assistant solicitor two years. He is expected to name an assistant in the near future. Curtis Tillman, J. B. McCurdy and John Thompson are reportedly under consideration.

EMOTIONS MARK BOMBING

Continued From Page 1
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Peach Trees To Decorate Mayor's Park

Atlanta aldermen have designated a small downtown plot as "The Mayor's Park" and have given the mayor supervision over the area.

The triangular park will be located on the northeast corner of Peachtree street and Forrest avenue, on a section cut off by the expressway connector.

It will be used as a garden, planted with flowering peach trees, flowering cherry trees, smaller flowers and shrubs.

The plot faces 143 feet on Peachtree, 149 on Forrest and 181 on the expressway.

The park has been designed for the mayor by William C. Pauley. Flowers and trees are expected to be donated by local nurseries.

portedly on the verge of court action to determine who should have custody of her.

George Jarrott went to New Orleans Saturday morning to re-

Gardner, 77, Won't Quit Pleas Bench

Judge B. C. Gardner, with four years remaining of his current term, says he has no intention of quitting the State Court of Appeals.

The 77-year-old jurist said, "I made a contract with the voters and I'm going to keep it."

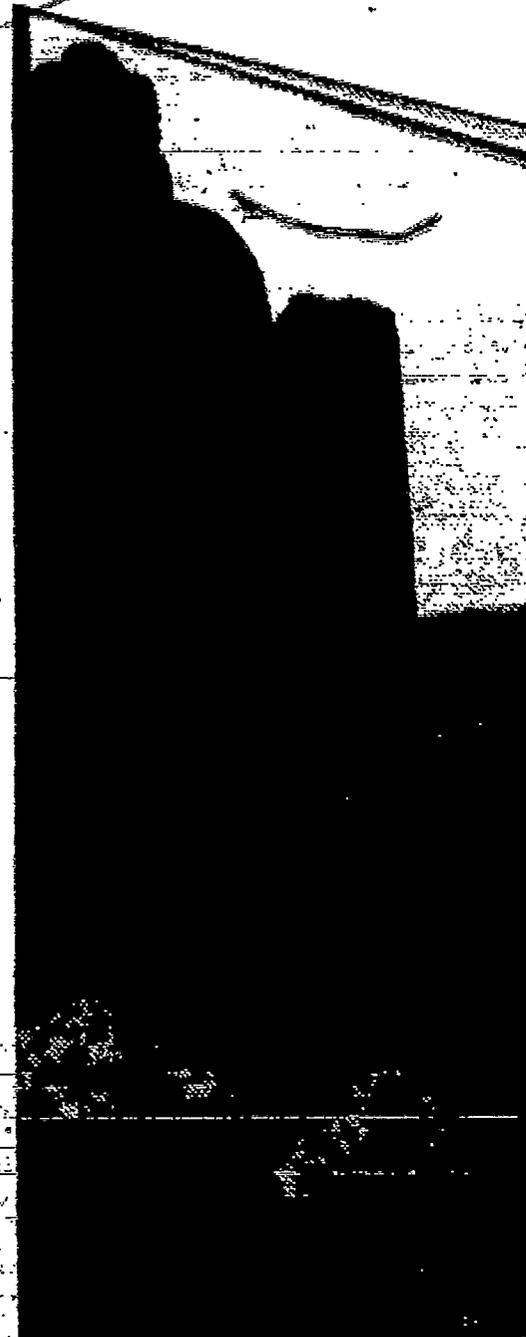
It had been reported Judge Gardner would retire to gain emeritus status under a law enacted by the 1959 Legislature and would be replaced by John Sammons Bell, an Atlanta lawyer who is chairman of the Democratic Party in Georgia.

BUT JUDGE Gardner, declaring he was in good health, added, "I'm not going to be pushed around by anyone."

The new law provided that a court of appeals judge over 75 must accept emeritus status within 30 days or be ineligible forever to hold the position or draw emeritus salary. The bill became law 10 days ago.

Emeritus judges of the appeals court draw \$12,000, two-thirds of their active salary. Judge Gardner is the only member of the present court affected. He said he believed some future Legislature would repeal the act.

The plane took off from Mobile.



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DEATH

COMPULSORY QUITTING

Emeritus Status

By MARGARET SHANNON

Legislating judges into retirement is old stuff in Georgia, but the business of a compulsory quitting age is new.

A bill requiring judges of the State Court of Appeals to retire within 30 days of their 75th birthday or lose their state pensions passed the 1959 General Assembly and has been signed by Gov. Ernest Vandiver.

It means that 77-year-old Judge B. C. Gardner must shortly make up his mind to leave the bench (the bill gave him 30 days from signing to decide) or else forfeit forever the right to become a judge emeritus. He has said he will stick.

"Emeritus" is more than an honorary title. As such, Judge Gardner would draw \$12,000 a year—two-thirds of his present pay.

THE BILL is said to be an effort to get Judge Gardner out of the way so Gov. Vandiver can appoint John Sammons Bell, state Democratic chairman, to the Appeals Court.

Mr. Bell in a sense was legislated out of one job himself this past session—his part-time position as advisory agent (attorney) for the State Board of Regents. He resigned in compliance, he said, with the spirit of the honesty bill, which says state employes can't lobby.

There are emeritus, or retirement, plans for the Supreme Court (seven justices), the Court of Appeals (six judges) and the Superior Courts (37 circuits and 57 judges).

JUDGES OF the two higher courts pay nothing toward any retirement funds if they qualify

A Supreme Court justice may qualify for "emeritus" (1) if he is 70 and has been in continuous service for more than 10 years on the Superior, Appeals and/or Supreme Court benches, or (2) if he is 65 and has had more than 20 years of continuous service as a solicitor general, attorney general and/or Superior, Appeals and/or Supreme Court judge.

A COURT OF APPEALS judge may retire into the "emeritus" status (1) if he is 69 and has had 10 years of continuous service on the Appeals and/or Supreme Court benches, or (2) if he is 65 and has had 20 years of continuous service as a judge on the Superior and/or Appeals Court benches.

The 1959 bill makes Court of Appeals judges choose between retirement at 75 or loss of the right to become a judge emeritus.

The emeritus plan for Superior Court judges was fairly simple to begin with.

THE BASIC LAW says a judge may retire on two-thirds pay in his 19th year of service or on one-half pay (1) if he is 70 and in his 11th year of service, or (2) if he has had 10 years of service, becomes disabled and is 62.

"Service" includes not only time as a Superior Court judge, but also as a Superior Court solicitor, a judge or solicitor of any other court of record and time—actual days, not years—in the Legislature.

Superior Court judges pay 5 per cent of their salary into a retirement fund, but they don't pay for back service off the bench, although they can get credit for such service toward retirement.



Judge Gardner George Hamilton

whether they want to come under the emeritus plan.

It gives incumbent judges until Dec. 31 to make up their minds and pay up their dues. In the future, new judges would have 90 days after taking office to come under the plan.

THIS CHANGE was inspired by the case of Judge Mel Price of Ludowici, who was defeated for re-election last year and retired two days before the end of his term after a lump sum payment of about \$4,000 into the emeritus fund.

According to State Treasurer George Hamilton, a trustee of the fund, lump sum payments are not unusual.

But the fact that a defeated judge could take advantage of the two-thirds pay, when he hadn't come into the plan before, was enough to prompt the legislation.

Retired Superior Court judges now draw \$8,333 a year, which is two-thirds of the annual state-paid salary. If a judicial circuit supplements a judge's pay, he also gets two-thirds of the supplement from the counties in the circuit.

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COMPULSORY QUITTING

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perior Court judges emeritus drawing \$8,333 a year from the state.

There are two drawing \$4,000 a year under a special act to give some pension to judges who retired before the emeritus plan was set up in 1945. (The Supreme Court plan dates from 1937, the Appeals Court from 1943.

The Superior Court plan isn't expected to pay its own way and therefore is not actuarially sound.

Mr. Hamilton says that when a judge retires, he is first paid out of his own contributions, then directly out of state funds.

If a judge dies prior to retirement, all his contributions go to his estate. If he dies before getting back his total contributions, the rest goes to his estate.

IN PRACTICE, it's largely a matter of the state's paying. At the present rate, it takes a

judge 11 1/2 years to pay enough into the fund to add up to a year's retirement salary.

When any judge Superior Appeals or Supreme Court applies for the emeritus status, the governor is obligated to appoint him to it if he meets the service and age requirements.

The program for the three courts is costing the state about \$100,000 a year.

Judges emeritus are on call duty on the bench if needed.

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"TELEX"

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JUDGES OF the two higher courts pay nothing toward any retirement fund. If they qualify for appointment as judges emeritus, they draw two-thirds of whatever the going salary for an active judge is.

The Supreme Court and Court of Appeals salary now is \$18,000 a year. Judges emeritus get \$12,000 each. There are four Supreme Court justices emeritus, no Appeals Court one.

The qualifications are slightly different.

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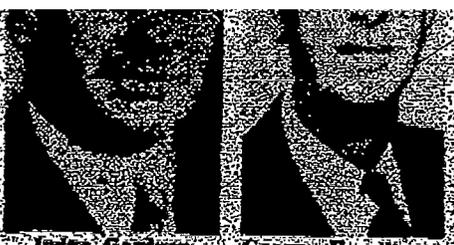
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Superior Court judges pay 5 per cent of their salary into a retirement fund, but they don't pay for back service off the bench, although they can get credit for such service toward retirement.

SUCH IS THE basic law. But the Superior Court retirement act has been amended a dozen or more times to take care of specific judges.

As often as not, the thinking behind such amendments was to hasten the departure of the judge from the bench.

A bill passed by the 1959 Legislature will make judges decide now or soon after taking office



Judge Gardner George Hamilton

whether they want to come under the emeritus plan. It gives incumbent judges until Dec. 31 to make up their minds and pay up their dues. In the future, new judges would have 90 days after taking office to come under the plan.

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