

Emeritus Status Dying for Judges

The Atlanta Journal; February 13, 1964; pg. 40, 4

Retiring Judge at Age of 70 it by Justice

The Atlanta Journal; March 29, 1964; pg. 42, 1

State Judge Hits 'Court Defiance'

The Atlanta Journal; April 29, 1964; pg. 64, 4

Charles Pou

Travel Funds Slashed for Judges and Solicitors

The Atlanta Journal; February 2, 1965; pg. 1, 5

William O. Smith

Sanders Gets Merit Appeals Court Bill

The Atlanta Journal; February 19, 1965; pg. 5, 3

Emeritus Status Dying for Judges

The Senate has approved and sent to the governor for signature a bill that ultimately will remove all Supreme and Appeals Court judges from emeritus status.

All new judges in the future automatically will be placed under the state employes retirement system.

Present judges have a choice whether they want to remain under emeritus status or transfer to the retirement program.

The bill, which has already

cleared the House without controversy, also stops all other state officials from getting in the emeritus program.

SEN. Milton A. Carlton, floor leader, explained this is part of a move in Georgia to eliminate the emeritus system of retirement. It does not affect Superior Court judges, he said.

Main advantage of the state employes retirement system for judges is that their widows are provided for, he said.

Sen. Carlton said the emeritus program does not provide any advantages for widows. If a judge dies in office, he gets nothing, he said.

JUDGES must pay \$1,200 annually into the retirement system to come under its benefits.

The Senate also approved a House-passed "honeybee bill" after having a little fun with it.

The bill exempts from sales tax provisions sugar sold to feed bees that are producing honey for commercial purposes.

An amendment also exempts from sales taxes sugar sold to feed hogs, horses, cattle, livestock and bees sold for breeding purposes.

SEN. William A. Searcey of Savannah, who described it as

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**HE LOVED
HIS WORK
TOO MUCH**

ETON WICK, England, Feb. 13 (UPI)—Eric Hughes, an ex-burglar who stole more than \$840 cash from Ernest Lynch, apparently was not content with the loot only.

He was cited Wednesday as corespondent in the divorce case brought by Lynch, who also accused Hughes of making love to his wife after robbing him.

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"a sweet bill," read to the senators a poem he wrote for the occasion:

*"I think that I shall never see
A tree as lovely as a bee
Though not so pleasant when
he's in your sacroiliac
Nevertheless let's lift the tax."*

Senators yelled aloud "zoom, zoom" in voting for the bill at the suggestion of Sen. Culver Kidd of Milledgeville.

Other bills passed would—
—Allow state employes time off to vote.

—Create a Georgia Science and Technology Commission to steer a program making Georgia competitive in the field of science. It would replace three existing bodies and coordinate their work.

MPs Fight Ban On 'Fanny Hill'

LONDON, Feb. 13 (P)—Twenty members of parliament have signed a motion to halt prosecution for sale of "Fanny Hill," the John Cleland novel about the 18th Century prostitute.

The motion filed in parliament criticized the ruling in a London court that the book is obscene and must be destroyed. The court's judgment was on a cheap paperback edition of the work. A costlier de luxe edition sells legally on the theory apparently that it is too expensive to fall into the hands of the young.

Immediately after her release from prison.

Retiring Judge At Age of 70 Hit by Justice

Georgia Supreme Court Chief Justice W. H. Duckworth said Saturday he doesn't like the idea of forcing Supreme and Appeals Court judges to retire at the age of 70.

The proposed new Constitution includes this provision. It excludes present judges, however, until their terms expire.

Justice Duckworth said he believes there are three members of the Supreme Court 70 or over. He will be 70 in October, but would not have to retire until his term expires in 1968.

There are no appeals court judges over the proposed mandatory retirement age.

JUSTICE DUCKWORTH said many judges do their most effective work beyond the age of 70 and shouldn't be forced to retire if they can still serve.

Along with setting a mandatory retirement age, the proposed Constitution also increased retirement benefits from \$12,000 annually to two-thirds of the judge's salary at retirement. The present salary is \$22,500 and retirement benefits would total \$15,000.

No retirement age was set for Superior Court judges.

SUPERIOR COURT judges were given a uniform term of six years. This would be an increase for some, decrease for others. Fulton judges now serve eight-year terms.

The terms of solicitor generals would also be increased to six years.

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SUPERIOR COURT judges were given a uniform term of six years. This would be an increase for some, decrease for others. Fulton judges now serve eight-year terms.

The terms of solicitor generals would also be increased to six years.

The proposed Constitution would leave all judges on an elective basis. There was some consideration given to a system of appointing Supreme Court and appeals court judges, but it was abandoned.

JUSTICE Duckworth said he would have fought that proposal, but will not openly oppose the retirement age provision even though he believes it is wrong.

Other changes in court procedure were also proposed.

Justices of the peace would be eliminated and the General Assembly would be empowered to create a new type of court to do this work.

The Supreme Court would be able to issue advisory opinions upon the request of the governor or a joint resolution of the General Assembly on questions of manifest public importance.

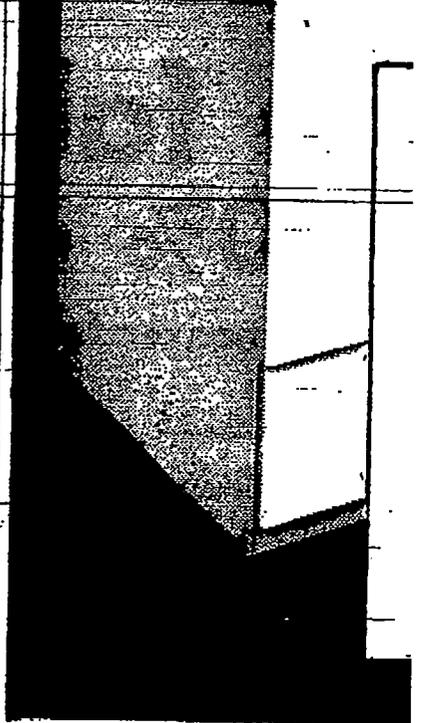
The Supreme Court would also be empowered to assign judges not busy in their own circuits to other circuits where an overcrowded calendar exists.

JUSTICE Duckworth said this is a "deceptive" proposal. The real answer is to completely revise judicial circuits to more equally divide the work load, he said. Some should be abolished, he said.

The chief justice said some judges are busy only a few months each year, while others are constantly behind because of the heavy calendars.

Pope McIntire, vice chairman of the Constitution Revision Commission, said Saturday Superior Court judges were exempted from the retirement age provision because the drafters felt they are closer to the people and quite often have opposition. The voters can better judge their capabilities as they get older, he said.

On the other hand, Supreme and Appeals Court judges are virtually lifetime occupants of the judgeships once they get into office because they seldom have opposition. Only one or two have ever been defeated, he said.



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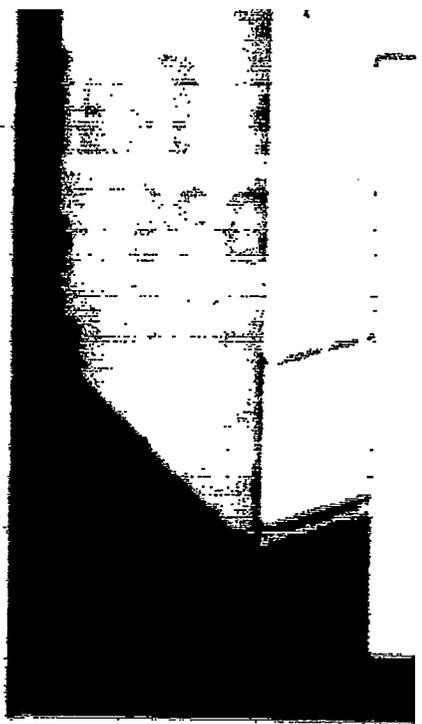
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State Judge Hits 'Court Defiance'

By CHARLES POU
Atlanta Journal Political Editor

A Georgia Appeals Court judge Wednesday gave both sides in segregation and civil rights disputes a dressing down on the issues of "court defiance" and ignoring of so-called "unjust" laws.

Georgia Court of Appeals Judge Robert Hall, addressing the Atlanta chapter of the Federal Bar Association, declared unchecked "extremism" and "lawlessness" will result in anarchy.

He said the answer to all the grievances must come in the courts.

"Public officials have defied, and called upon other citizens to defy so-called 'unjust' court orders," he said.

"Prominent organization leaders have defied and called upon members to defy so-called 'unjust' laws. During this same period we have seen a tremendous and widespread increase in crime."

JUDGE HALL, for some years a law professor at Emory, said presumably "those who cry out against so-called 'unjust court decrees' and 'unjust laws' do so upon the ground that they are being denied equal justice. . .

"We must remember, however, that there is no way we can have equal justice under law except that we first have law. Without restraint by law men become free to devour one another."

rope are so prosperous today, and so strong militarily, that we can afford to quarrel. The

The jurist made no specific mention of civil rights disputes, but commented:

"CIVILIZATION, as we have known it, is undoubtedly entering a new phase of its history. Today we are truly in the midst of a social revolution and no one can turn back. Nevertheless, the choice before our citizenry is not between order and liberty. It is between liberty with order and anarchy without either. . ."

He said this does not mean that either officials or citizens do not have a right to protest "against injustices as he sees them. . ."

"It does mean," he went on, "that the protest must be within the bounds of ordered liberty. The law gives the citizens a key to the place for settling his grievances with other citizens—the courts."

pated in the first of a lectures and discussion national and international Tuesday night at the Cana Motor Hotel. The are cosponsored by the bria University National Program and the International Trade Association of

RICHARD E. NE professor of public government at Columb advisor to President. said the major dev confronting the Unite is an awareness of to wage limited wars.

"Ten years ago," "our defense policy w on the idea of buying 'nuclear bang for a b day we seem to ag the European nations stalemate exists betw selves and the Commu ers. . . . Indeed, mo military differences i relates to the different various nations about ing such a responsibili

PETER B. KENEN ate professor of econ

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Gwinnett Voting Today On Run-Offs

Gwinnett Countians were turning out Wednesday to vote in the Democratic primary run-off in which four incumbent county officers are being challenged.

At stake were three county commission seats and State



normally scheduled general election is in November, 1966.

one's own have insisted all along that authority to change the

IN THE LEGISLATURE itself, a constitutional amendment would require a two-thirds majority vote in both Houses, instead of the simple majority by which a "mere statute" may be passed.

Then there would be the possibility that, even after the Legislature approved a reapportionment plan, the people might say no.

What then? Dr. Saye was asked.

Then, said the professor, it would be a simple matter for the Legislature to call a constitutional convention to make another try at reapportionment.

Sanders Gets Merit Appeal Court Bill

The Senate Friday approved 41 to 0 a lengthy bill that would require appeals to the State Supreme Court and Appeals Court to be decided on merit rather than technicalities.

Sen. John Gayner of Brunswick told the Senate the bill would result in substantial savings to litigants because less legal work would be required to appeal cases.

Since the bill already has passed the House, it now goes to the governor.

Sen. Gayner said there has actually been a case in Georgia in which a man died in the electric chair because his appeal was rejected on a technicality by the Supreme Court.

HE SAID ESTIMATES are that 20 per cent of appeals are now lost in appellate courts because of technicalities.

There are now some 170 technical errors that lawyers can make that will result in cases being dismissed without a consideration of merits, Sen. Gayner explained.

He said the bill has been drafted and redrafted by experts since 1956 and has been approved by the Georgia Bar Association.

One provision would do away with bills of exception.



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HAILSTONES GROWING BIGGER

APTOS, Calif., Feb. 19 (UPI)—A piece of ice nearly one foot long and six inches in diameter plunged through the roof of John W. Harward's garage, damaging his car.

It was a warm, sunny day at the Monterey County community so Harward assumed the ice, streaked with some sort of green and blue chemical, fell from a passing airplane.

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responsibility investigation that would include financial condition, financial and business experience, character and general fitness as they relate to ability to conduct the business of selling or issuing checks.

An annual license fee of \$250 would be charged.

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