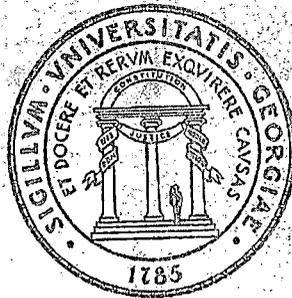


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The Birth of the Court of Appeals of Georgia

By ARTHUR G. POWELL

SOME forty years ago there occurred in the State of Georgia a significant episode in the history of its judicial system—the creation of the Court of Appeals. Some of the details attendant upon the establishment of this court may be found in the yearbooks of the Georgia Bar Association; others, such as the constitutional amendment providing for the court, may be found in the official records; others, in the minutes of the court and in the first volume of the Georgia Appeals Reports; and a few others in the newspapers. But nowhere is there to be found any factual account of many of the incidents, some of them of lasting human interest, which attended the genesis of this now well-established branch of our judicial system. As I look around me I find no other living person to tell the story; no one who can say, "I myself saw and knew of these things." I find myself left, like St. John on Patmos Isle, as the only surviving eyewitness to the greater part of these incidents; and, as I blow upon the ashes of the past to kindle the sparks of recollection that are not yet burned out, I wish vainly that some one else had collected and preserved this history. The task seems, then, to be mine, even though, from some standpoints, others might have done it better.

If some parts of this article seem immodest or too personal, it must be remembered that to an old man the person who in the days gone by bore his name, wore his clothes, ate his food and played his part on the stage of life is no longer himself at all. The old man is not conscious of immodesty in speaking of his past self and of his past activities. All of that is alien. Unless the sole surviving eyewitness speaks in the first person his account of things loses, for historical purposes, much of the authenticity such a statement should convey.

My opportunities to know the facts of which I write were good. From 1901 to 1906, the period during which the Georgia Bar Association, in collaboration with members of the Supreme Court, was studying the topic of "the relief of the Supreme Court," I served on the committees. I was also a member of the "steering committee" of the

bar association to get the constitutional amendment creating the court through the General Assembly of 1906; I was active in the campaign to get the amendment ratified; and, having been elected a member of the court when it was created, I served as one of the judges for the first five years of the new court's existence.

"Relief of the Supreme Court" was not a new movement at the time I became connected with it. The Supreme Court of Georgia was created in 1845. Less than a decade thereafter that court in the case of *Thornton versus Lane*, 11 Ga. 459, decided July term, 1852, was inveighing against the "constitutional haste"¹ with which it was compelled to decide cases, and saying that there was imposed upon its justices "an amount of labor, bodily and mental, without a parallel in any other tribunal in the world." At that time less than a hundred cases a year were coming before the court for decision.

The court was about fifty years old before its cry for relief eventuated in the adoption in 1896 of a constitutional amendment increasing the number of the justices from three to six. At that time, nearly a thousand cases a year were coming up. The reorganized court was allowed to sit in two divisions—a very unsatisfactory solution because the word "Supreme" as applied to a court, connotes, or should connote, the final say-so as to the law, and in this sense, there cannot be what is in effect two Supreme Courts functioning at the same time, in the same jurisdiction, deciding the same points of law. On the other hand, experience has shown that unless a court sits in divisions, an increase in the number of judges decreases the efficiency of the court—three minds can agree more quickly and more decisively than six. In juridic matters, certainty is more requisite than mere abstract correctness.

The bar of Georgia has always been sympathetic to the cries of the courts for help; so, as early as 1901, when I joined the Georgia Bar Association, I found the question of relief of the Supreme Court being discussed among the lawyers, and at the next year's meeting there was considerable discussion of the subject from the floor. Mr. Justice Cobb of the Supreme Court was present. The President, seeing him, announced, "We are glad to have with us today that eminent and

1. The phrase "constitutional haste" was coined to express the notion that the provisions of the Constitution of Georgia, which required the Supreme Court to dispose of every case at the first or second term after the writ of error was filed in that court, did not give the justices time enough (usually from 6 to 12 months) to consider the cases fully.

beloved member of the Supreme Court, Mr. Justice Andrew J. Cobb, and we would be glad to have him give us his views."

Justice Cobb arose and began, "Mr. President, I am like a good old Baptist friend of mine who attended a prayer meeting. When he was asked to lead the meeting in prayer, he replied, 'Brother, that's just what I came here to do.'"

In the course of this discussion it was stated that the court was then deciding more than 700 cases per year, and that it would probably soon be deciding as many as 1200. Justice Cobb verified this, and suggested the appointment of a committee to consider the whole question and to make recommendations as to the form the relief should take. A large and distinguished committee was appointed.²

This committee held several sessions in the courtroom of the Supreme Court, in the Capitol. The court designated Mr. Justice Samuel Lumpkin to sit with us. We discussed at length many suggestions as to how the relief might be obtained. I recall that at one of those meetings Mr. Justice Lumpkin suggested a change in the rules by which the plaintiff in error would be allowed to assign as error and argue only a limited number of points, say two or three. In the juvenile over-confidence of a country youth from the piney woods, I took issue with him, saying that in my experience the points I thought the most of in my arguments had been usually put aside by the Court, and, when I won a case it had usually been won on a point I did not think much of but had thrown it in for good measure. With a loud burst of laughter, Mr. Justice Lumpkin replied, "He is right. I practiced law before I was a judge, and my experience was the same as his."

The committee with some slight changes of personnel was continued from year to year. By the time the Bar Association met in the summer of 1906, the consensus of the committeemen was that what we needed was another court, with three judges, to be called the Court of Appeals, and to be like the Supreme Court except that it was to deal with cases of less importance. It was not to be an intermediate court, but one giving final decisions, with no review except by the Supreme Court

2. From the state at large, Washington Dessau of Macon and J. Hansell Merrill of Thomasville; from the first district, Samuel B. Adams of Savannah; the second, Arthur G. Powell of Blakely; the third, Eugene A. Hawkins of Americus; the fourth, Thomas J. Chappell of Columbus; the fifth, Hoke Smith of Atlanta; the sixth, Marcus W. Beck of Jackson; the seventh, John W. Akin of Cartersville; the eighth, James B. Park of Greensboro; the ninth, William A. Charters of Gainesville; the tenth, William K. Miller of Augusta; the eleventh, John W. Berwick of Brunswick.

of the United States, and then only in cases involving the Federal Constitution.

When the Georgia Bar Association met in the summer of 1906, a bill had already been introduced in the General Assembly to propose a constitutional amendment creating the new court, and a new committee was constituted to assist in its passage.³

The Amendment as originally drawn provided for the appointment of the new judges by the Governor and, at a conference called by Governor Terrell and attended by representatives of the Georgia Bar Association and the Justices of the Supreme Court, the Governor had agreed to appoint Henry C. Peeples of Atlanta, Henry H. Perry of Gainesville, and Arthur G. Powell of Blakely. However, as finally passed by the General Assembly, it provided that the judges should be elected by the people at the congressional election in November, with their terms beginning January 1, 1907.

The "steering committee" of the Bar Association came to those of us whom the Governor agreed to name and asked us to let our names be used in the election. Mr. Peeples and Mr. Perry declined. I pleaded my political inexperience as a reason why I should not allow my name to be used; but when the committee promised me not only their active support but also the assistance of a committee, headed by Judge John S. Candler of Atlanta, to handle my campaign for me, I consented for my name to be used.

Following the enactment of the constitutional proposal in late July, though it could not go into effect until ratified by the people at the October general election, a host of would-be candidates for the judgeships began to announce themselves, more or less tentatively in some cases, as intending to be in the race if the amendment was ratified. At one time, the number of these prospects, according to informal counts, rose to twenty-six.

The summer of 1906 was a time of great political activity and excitement in Georgia. In the gubernatorial primary, Hoke Smith, Richard B. Russell, Clark Howell, and others were the candidates. At the pri-

3. The new committee consisted of Judge John L. Hopkins, who was a noted jurist and law writer of Atlanta; Judge Joseph R. Lamar of Augusta, who had in the year before resigned from the Supreme Court bench, and who a few years later became a Justice of the United States Supreme Court; Judge Samuel B. Adams of Savannah, who had a few years before been a member of the Supreme Court and who had universal recognition as one of the State's great lawyers; Judge Spencer R. Atkinson, who had had experience as a Judge of the Superior Courts of the Brunswick Circuit and as a Justice of the Supreme Court, and who then had a large law practice in Atlanta; and Arthur G. Powell of Blakely.

primary election, which was held on August 22, Hoke Smith swept the state, with the result that he took his place as a new giant in state politics.

Since about the first of August, I had been busy sending out "literature" and letters. My campaign headquarters were nominally in Blakely, but were for all practical purposes in the Candler Building in Atlanta. Judge Candler had procured for me as manager of my Atlanta offices Charles B. Shelton of Valdosta, then a law student at Columbia, now a prominent attorney of Atlanta. The real captain of my hosts was the deputy clerk of the Supreme Court, Logan Bleckley, son of the beloved Chief Justice Bleckley. All his political maneuvers were executed *sub rosa*, but no other man ever had as great a hold upon the bench and bar of Georgia as he did.

A few days after Hoke Smith's nomination, a bombshell fell into our camp. It affected not only my chances of being elected but also the chances of the amendment's being ratified. I had taken no interest in the gubernatorial race, though I had voted for Clark Howell because of a promise I had made to his mother long before the campaign opened. The news came to us that Hoke Smith had announced to his friends that I must not be elected to one of the new judgeships, and that the judges would be nominated at the state convention. Friends of mine from South Georgia, all of them active for Hoke Smith, swarmed to Atlanta and practically demanded of him that he keep his hands off, so far as my campaign was concerned, and he agreed to do so.

At first blush, it might seem that the obstacle was overcome. Practically it was not. The rumor had gone out, all over Georgia, that Hoke Smith was opposed to my election, and that was harmful. Besides, the State Convention in Macon was only a few days off, and there was a danger that if it undertook to nominate candidates for the judgeships, the amendment to create the new court would go before the people at the general election with three nominated candidates favoring its creation, and with the friends of more than twenty disappointed candidates indifferent to its ratification or actively opposing it.

Henry C. Peeples, Hoke Smith's law partner, was in Europe. He was a close friend of Logan Bleckley's and of mine. "Stung by the splendor of a sudden thought," Logan sent him a message by cable asking him to return at once, that he and I needed him. He took the next ship home, and arrived in Atlanta just before the State Convention in Macon.

No man in Georgia was more eminently qualified for any judgeship than Henry Peeples, but no man more heartily eschewed politics than he did, and no man was more loyal to his friends than he was. When Logan mentioned to him what he had in mind, distasteful as it might have been to him, he did not demur; he merely said, "Go ahead." Logan had reserved a whole floor in one of the hotels in Macon. As the delegates began to arrive, they saw running all the way across the floor reserved for us in the hotel a streamer bearing the words, "Joint Headquarters of Henry C. Peeples and Arthur G. Powell, for Judgeships of the Court of Appeals." It was effective; the rumor that Hoke Smith was opposed to me was immediately squelched. Wasn't his beloved law partner campaigning jointly with me?

Following custom, the delegates from the respective congressional districts met in caucuses on the night before the convention assembled. The delegates from my district met early and voted that, if nominations for the judgeship came before the convention, Judge W. N. Spence should cast the solid vote of all the delegates from that district for Henry Peeples and me, and one other of our selection. In the ninth district, diagonally across the state, H. A. Dean of Gainesville, a great political leader, saw a chance to help his friend H. H. Perry and had his caucus to instruct him to cast the vote of that entire district for Peeples, Perry, and Powell. Before the night was over, informal consolidations showed that there were pledged to Peeples and Powell at least two-thirds of the entire vote.

Then, as Logan Bleckley had planned it all along, Henry Peeples went to Hoke Smith and told him that the caucuses had demonstrated that he, I, and one other, probably Henry Perry, would be nominated if the convention undertook to nominate, but that if this action were taken, the constitutional amendment creating the court would almost surely fail of ratification. Upon that, Mr. Smith took the entire matter of these nominations off the agenda of the convention.

Thus the life of the Court of Appeals was saved before it was born. The only action on the court taken by the convention was to refer to the new executive committee the question of a primary to nominate the judges. The executive committee called a primary for the nomination of the judges to be held on the same date as the general election. Instead of calling it on a county-unit basis, under which primaries were generally called, the committee provided that the three candidates receiving the highest popular vote on a state-wide basis should be the nominees.

Sixteen candidates qualified: Thomas J. Chappell of Columbus, Fred Foster of Madison, Thomas F. Green of Athens, William R. Hammond of Atlanta, Frank Harwell of LaGrange, William M. Henry of Rome, Benjamin H. Hill of Atlanta, Charles C. Jones of Cedartown, George S. Jones of Macon, Henry C. Peeples of Atlanta, Arthur G. Powell of Blakely, P. P. Proffit of Elberton, David M. Roberts of Eastman, Richard B. Russell of Winder, Howard Van Epps of Atlanta, and B. S. Willingham of Forsyth.

Judge Russell had not announced his own candidacy, but, at the last moment, just before the entries for the primary closed, his friend Walter Brown of Atlanta had paid the fee and entered his name. It was recognized from the start that he would probably be nominated for one of the places. He had served for several years as a judge of the superior court; he had just made a strong, but unsuccessful, campaign for the gubernatorial nomination; and, a short while before, he had come very near defeating Judge Thomas J. Simmons for the chief-justiceship of the state. Naturally, he was well and favorably known throughout the entire state, and he had active friends in every county.

On the basis of early returns, the press of the state announced as the probable nominees, Judge Russell, Arthur G. Powell, and Henry C. Peeples, in the order named. But on the final count, Benjamin H. Hill nosed Peeples out by a small margin. The amendment creating the court was strongly opposed in some sections, but it was ratified by a safe majority, and a few days later it was proclaimed by the Governor as adopted.

Soon after the election, the three judges-elect had an informal conference in Atlanta, and the other two delegated to me the task of presenting to the judges, when they should meet in January to qualify and organize the court, a tentative draft of the rules of court and other matters of that kind.

That Logan Bleckley would be the clerk of the court was assumed by the membership of the bar as a matter of course, but in November and December it developed that his election was in doubt. Logan's support was the most potent factor in my election; of course, I was for him. In December he called me to Atlanta and told me that Judge Hill felt obligated to vote for one of his friends as clerk and that Judge Russell had another man in mind. He had proposed to Judge Hill that, if Hill, released from his obligation to his friend, would vote with me

to elect Logan, I then would vote to make Judge Hill the Chief Judge.⁴ I went to see Judge Hill. He told me that he was anxious to be the first Chief Judge of the court, but did not wish to commit the indelicacy of voting for himself. I told him that I could avoid that embarrassment for him; that the constitutional amendment had made no provision for the selection of a Chief Judge. I reminded him that the same situation had confronted the Supreme Court when it was organized in 1845, and that an act had then been passed providing that the oldest justice in commission or (if there were more than one whose commissions were of the same date) the one who was oldest in point of years should be Chief Justice. I told him that in the present plans of organization I had been delegated to draw, I could with propriety embody such a provision, and that with his vote and mine it would be adopted, and that he would so automatically become the Chief Judge. Judge Hill was 57 years old; Judge Russell was 45, and I was 33; and our commissions would all be of equal date.

On January 1, 1907, the three new judges met in the Governor's office. In order that the six-year terms of office might be staggered, the Constitutional Amendment provided that at the beginning, there should be a two-year term, a four-year term, and a six-year term, and the judges-elect should draw for these by lot. Judge Russell drew the six-year term, I the four-year term, and Judge Hill the two-year term; and we were sworn in and commissioned accordingly.

The next day we met in the room adjoining the office of the Clerk of the Supreme Court to organize the Court. The draft I submitted for the organization of the Court was quite satisfactory until I got to the provision as to the Chief Judgeship. This provision read as follows:

It is ordered that the established order of precedence in this Court shall be the same as obtained in the Supreme Court prior to the creation of the separate office of Chief Justice of that Court, that is to say that the President or Chief Judge of the Court shall be the oldest Judge in commission, and as between two or more Judges whose terms of service with this Court begin on the same day, the oldest man shall, for the purposes of this rule, be regarded as the oldest in commission. In the absence of the Chief Judge, the next oldest shall preside.

4. It was necessary that a member of the Court should be designated by law or by the Court as Chief or Presiding Judge, to comply with the rules as to allowance of writs of error to the Supreme Court of the United States, and for some other reasons.

Reading of this precipitated an explosion. Judge Russell denounced it. He argued that age was merely accidental as applied to such an office; that superiority of judicial experience was the prime factor to be considered; and beyond that, he argued that the man with the lowest popular vote in the primary, which was the equivalent of election, should not be given preference over another with the highest vote. In all this and in other remarks he was most plausible, but Judge Hill and I outvoted him and adopted the age provision along with all the rest of the draft. We then adopted the draft of the Rules of Court which I had prepared, after advising with some members of the Supreme Court, especially Mr. Justice Andrew J. Cobb, and with the great assistance of Logan Bleckley.

Logan Bleckley was elected clerk by the vote of Judge Hill and me. When the election of a sheriff came up, Judge Russell proposed a friend of his from Northeast Georgia—an old ex-sheriff; Judge Hill proposed James H. Pitman, an Atlanta attorney; I stated that I did not know either of the gentlemen, but that many of my friends were urging me to vote for Peter Wesley Derrick, who then lived at Hampton and was only casually known to me. It turned out that Pitman and Derrick were both of them friends of both Judge Hill and Judge Russell. Judge Hill stated that Pitman was eager to be the first sheriff, but did not care to hold the place for more than a year. In the plan of organization, we had set the terms of the offices of clerk and sheriff at four years, but there was no reason why we could not make either of these terms begin on any day in the year we fixed upon. I suggested that we make the term of the sheriff begin on October 1, with an interim term for the first nine months between January 1, 1907, and October 1 of that year, and that we elect Pitman to the interim term and Derrick to the full term. We called in Pitman and Derrick and this plan was satisfactory to both of them; and it was so voted. We sent down the certificates of election to Governor Terrell, and he immediately swore in the newly elected officers, and handed them commissions for their respective terms. Neither Logan Bleckley nor "Wes" Derrick ever had opposition again; both were re-elected, from time to time as long as they lived. Both of them were ideal officers.

Derrick with his newly issued commission went from the Capitol stepping high. He had started to catch the afternoon train to his home in Hampton when a friend coming by in an automobile hailed him: "Where are you going?" "To Hampton," Derrick replied. "Get in and I take you there; I am going to Griffin." This was forty years

ago when automobiles were novelties and were not the swift machines we are now accustomed to. Derrick and his friend were speeding along at about twenty-five miles an hour when they came to Hapeville, with a posted speed limit of fifteen miles an hour. Two policemen suddenly appeared, dragging across the roadway a long contraption like a saw-horse, completely blocking it. The automobile ground its brakes to an emergency stop. One policeman grabbed the driver by the collar; the other grabbed Derrick.

Derrick pulled from his overcoat pocket his newly issued commission, bearing the State's seal and the Governor's signature. "You can't arrest me," he said to the officer who had him by the collar, "I am the sheriff of the Court of Appeals of Georgia." With that he spread out before him the commission with all its size and glory and the ribbons on the seal floating in the breeze. This bluff did not work at all. The officer retorted, "I don't give a damn if you are the angel Gabriel; you can't speed through Hapeville, Georgia, and not get arrested."

Each of the Judges was entitled to a secretary. In the Supreme Court each Justice selected his own secretary, but with us those "short-hand writers," as they were called in the Act providing for them, were to be appointed by the Court, not by the individual Judges. Judge Russell had selected as his secretary Miss Marian Bloodworth (afterwards Mrs. Ed Hill), a very charming and intelligent young woman. No objection to her personally could possibly be made. However, the Code of Georgia, at that time, provided that females were not entitled to hold any civil office or perform any civil functions. I raised the question of eligibility. Judge Hill, who was very much of a ladies' man, stated that though he thought I was right, he always gave the ladies the benefit of every doubt and was even willing to create doubts to give them the benefit of. So Miss Bloodworth was elected, with me dissenting.

This was not the only time the question of the privileges of the ladies came before the Court. Judge Russell, as Judge of the Superior Courts of the circuit in which Athens, the seat of the University of Georgia, is located, had admitted to the bar many of the graduates of the law school and was very popular with these young lawyers. One lazy spring afternoon, while we were hearing arguments, we had nearly finished the docket, and the only lawyer left in the courtroom was W. W. Larsen, who represented the defendant in error in the only remaining case. Larsen was one of Judge Russell's proteges. As he

arose for his argument; Judge Russell decided to see how he would stand under fire. Larsen was a brilliant young lawyer who later represented his district in Congress, but he had the appearance of being very timid. One of his friends described him as like one of those small perches colloquially called a "stumpknocker." It is the nature of that fish to dart out from under a log or from behind a stump, and going toward the bait, to take fright on his way and dart back, but always to persevere to success.

Larsen got up and, in his timid, hesitating way, said:

"I find after arriving here today that it is hardly necessary for me to argue this case. It involves a construction of an Act of 1904, and as I passed the clerk's office today, I saw the opinion just handed down by this Court in *Rome Grocery Company versus Dalton Grocery Company*; you have in that case construed the Act in accordance with my contention in this case."

"But," said Judge Russell teasingly from the bench, "that case was between two corporations, and I noticed from the sounding of the case that, while your client is a corporation, your opponent is a lady; and you know that two of the judges of this court," and he looked toward Judge Hill, "are on record as being quite partial to the ladies and as not applying to them the same rules as we do to corporations."

Under the log went Larsen, but in a moment he came back, speaking hesitatingly and as if he was frightened. "I think," he blurted out, "that when your Honors read the record in this case and see that the lady in it is a colored lady, you will not let your emotions get the better of your judgment." He won the case.

In the rules adopted by the new Court, certain significant changes were made from the practice then prevailing in the Supreme Court. One of the most important was the putting of cases on the numerical system of docketing. Cases in the Supreme Court were docketed according to judicial circuits, and the cases were called for argument in that order. Under the numerical system that we adopted, cases were consecutively numbered, as the records came in, and put upon the calendar for argument in numerical order. This worked so well that a few years later the Supreme Court adopted the same system.

As provided in the Constitutional Amendment, the Court held its first open session on Monday, January 7, 1907. It adopted rules, admitted a number of lawyers to its bar, and attended to a few matters of that kind. Then it adjourned until the next day to hear arguments in cases. We began with over 150 cases which had accumulated since

the Amendment was adopted, and new cases were coming in every day. We were under the same "constitutional haste" the Justices of the Supreme Court were complaining of more than fifty years before.

Governor Terrell had arranged and equipped for us offices and a library and consultation room on what was then called the second floor, now called the third floor, of the Capitol on the west side of the building between the elevators and the State Library. Since he had not arranged for a courtroom for us, he temporarily designated the Senate Chamber for that purpose; and our first arguments were heard there. A short while later, an arrangement was made with the Supreme Court under which it would hold its sessions in its courtroom during the mornings only so that the Court of Appeals could hold sessions there during the afternoons. This is still in effect and, generally speaking, works satisfactorily.

On the Friday morning following the first arguments on Tuesday, those who had been accustomed to the long delays between argument and decisions; in cases in the Supreme Court, were surprised when the Court of Appeals handed down nine decisions and judgments. They were not mere memoranda decisions; but the judgments were accompanied by concise, clear-cut opinions, deciding the law and citing the authorities. Every day or so thereafter we handed down another batch. The new court was proceeding with dispatch; and it was well that we were, for that year we had to pass on about 800 cases. It was contemplated by those who shaped the amendment creating the court, and the division of jurisdiction between it and the Supreme Court, that the Supreme Court would thereafter catch about 60 per cent of the cases and the Court of Appeals would catch about 40 per cent, but the converse proved to be true.

I have never seen men confronted with a Herculean task undertake it with more determination than I saw exhibited by these three new judges. As the cases were argued or submitted, the sheriff would assign them to the judges in rotation, as though dealing cards from a pack. That did not mean that the particular judge to whom the case was assigned would alone decide it; all of the judges worked upon the record and outlined what the decision should be before the judge to whom the case was assigned wrote the opinion. During the five years I was on the court, I read the records and the briefs in every one of the whole four thousand or so cases I participated in.

It may be immodest for me to say it, and I say it merely in the capacity of one charged with the duty of stating facts, that the opinions of

the Court of Appeals in the early days of its existence have taken their place in the jurisprudence of this state as being among the soundest and the best ever given by any Georgia court whatever. They have stood the test of time. Judge Hill and Judge Russell were excellent lawyers, and I had an almost unlimited capacity for hard work. Of course, the lawyer who had lost his pet case exercised, as was his privilege and duty, his time-honored perquisite of "cursing the court for ten days" but, on the whole, the new court soon became very popular with the lawyers and the public.

The atmosphere of mutual suspicion and doubt among the members of the court which prevailed for the first few days was soon wholly dissipated and was supplanted by a most cordial spirit of friendship, fellowship, and reciprocal trust and respect. Let me set down this final word of testimony: In all the five years of my service on this bench, I never saw any judge show the slightest inclination to decide any case upon any consideration other than the law as he found it and honestly believed it to be.

Shingpoo, The Wild Man of Kiuzan

(An Adventure in the Picaresque Tradition)

By JOHN SPENCER

WHY I, Hop Lindel, go out of my way to expose myself to ridicule that time and set a new high mark for other laughingstocks to shoot at, I don't know. Up to then I'm no more than a semi-pro blockhead, just fooling around the edges, as it were, and with no thought of a change in my rating. Now, though, I court Folly herself and win to heights of stupidity hitherto unknown to man.

It starts like this. I'm putting up and tearing down Arnie Hill's Royal Pavilion circus—that's my trade—and I'm a bystander when a Texas sheriff, armed with legal papers, steps up and takes it away from Arnie. His creditors lose patience.

It's in a little town called Kertulla and is not a bolt from the blue. Paying customers and payday's have recessed lately and everybody on the show senses what's coming. It's a jolt, though. We're all about broke and how to get somewhere else without walking there is the main question when the bad news gets around.

That's how matters stand when I turn obtuse in a big way. Whitey Gray, the kid show talker, and I drop into a deadfall that sells tomato brandy by the volt to think it over. This Whitey's a dapper, fidgery, conceited little geester with a voice deep enough to drown out the bellowings of the bulls of Bashan. He poses as a gifted intellectual and takes himself so seriously he's funny. We sit down in the tonic store and face the facts. We both want to get to Cincy but don't know how, empty box cars being as scarce as amity and peace at a peace conference. We gaze into space for a time, trying to figure a way out, and then Whitey jumps as if he's been stuck with a pin.

"Hop!" he says, all excited, "I've got an idea that's a honey! We can get to Cincy and make some money on the way. We may be on the threshold of new careers!"

"Say on!" I tell him.

Well, his idea is a honey. In fatuity content it ranks along with that of the foreign person who sometime back conceives the notion of coupling onto a skyrocket and shooting himself to the moon. It's

1 Ga. App. 1, *; 58 S.E. 54, **;
1907 Ga. App. LEXIS 127, ***

HUNTER v. LISSNER.

1.

COURT OF APPEALS OF GEORGIA

1 Ga. App. 1; 58 S.E. 54; 1907 Ga. App. LEXIS 127

January 8, 1907, Argued
January 11, 1907, Decided

SUBSEQUENT HISTORY: [***1] Rehearing Denied January 24, 1907.

PRIOR HISTORY: Certiorari, from Glynn superior court--Judge Parker. January 19, 1906.

DISPOSITION: Judgment reversed.

CASE SUMMARY

PROCEDURAL POSTURE: Plaintiff creditor filed a motion to strike defendant debtor's plea for an action under a promissory note be suspended pending the bankruptcy proceedings against him. The debtor challenged an order of the Glynn Superior Court (Georgia), which affirmed the dismissal of his plea during certiorari proceedings.

OVERVIEW: The debtor owed the creditor a certain amount under a promissory note. The creditor filed an action to collect and the debtor filed a plea to stay the proceedings pending the outcome of his bankruptcy action. The trial court struck the debtor's plea on the ground that the debtor had not attached certified copies of the bankruptcy proceedings. The court reversed the judgment of the trial court. The court found that any deficiency in the pleadings could have been amended on a special demurrer thereto. Further, the court found that plea was sufficient to place the state courts on notice of the bankruptcy proceedings and that was all that was required.

OUTCOME: The court reversed the judgment of the trial court.

CORE TERMS: bankrupt, bankruptcy proceedings, pendency, certified copies, verification, law required, collection, await, verify

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HN1 ⚡ The production of a certified copy of the petition in bankruptcy or of the adjudication will be enough to establish the fact that such bankruptcy proceedings are pending. [More Like This Headnote](#) | [Shepardize: Restrict By Headnote](#)

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COUNSEL: A. D. Gale, Brantley & Butts, for plaintiff in error.

Max Isaac, contra.

JUDGES: Hill, C. J.

OPINIONBY: HILL

OPINION: [*2] [**55] HILL, C. J. J. J. Lissner sued R. E. Hunter on a promissory note for \$ 50, in the justice's court for the 26th district G. M. The defendant at the first term filed a plea under oath, asking that the suit be suspended and stayed, because of bankruptcy proceedings then pending against him, until his application for a discharge in bankruptcy, then pending in the United States district court for the southern district of Georgia, should be passed upon and determined. This plea is fully set out in the first headnote. Counsel for plaintiff moved to strike this plea, on the ground that it did not have attached thereto certified copies of the proceedings in the bankruptcy court referred [***4] to in said plea. The court sustained this motion, dismissed the plea, and entered up judgment against the defendant. This judgment of the justice's court was carried by certiorari to the superior court, and, upon a hearing of the same, the superior court dismissed the petition. This judgment is assigned as error.

The judgment of the justice's court, striking and dismissing the plea, was error. If the plea was defective because certified copies of the bankruptcy proceedings were not attached, it could have been amended on special demurrer thereto. But we do not think it was necessary to have certified copies of the bankruptcy proceedings attached to or made a part of the plea. The plea set out fully section II of the bankrupt act of 1898, and was sufficient and appropriate pleading to put the State court on notice of the pendency of bankruptcy proceedings and to permit proof of the averments of the plea. This proof would be the bankruptcy proceedings referred to in the plea, properly authenticated. Bankruptcy act, 1898, § 21, subsec. d. ^{HN1} The production of a certified [*3] copy of the petition in bankruptcy or of the adjudication will be enough to establish the fact that such bankruptcy [***5] proceedings are pending. And while the State court must be informed by proper pleading of the facts, we know of no law requiring that proof of the facts must be made a part of such pleading. United States District Judge Shiras in the well-considered case In Re Geister, 97 F. 322, states the following rule as applicable to section II of the act of 1898, and points out the course to be pursued in cases like that now under consideration. "The bankrupt who is the defendant in the State court should file in court a proper pleading setting forth the pendency of the proceedings in bankruptcy, and, based thereon, should ask a stay as provided for in sec. II; and upon being thus informed of the pendency of the proceedings in bankruptcy, it will be the duty of the State court to grant the stay prayed for." In Boynton v. Ball, 121 U.S. 457, 30 L. Ed. 985, 7 S. Ct. 981, it is said: "The State court could not know or take judicial notice of the proceedings in bankruptcy, unless they were brought before it in some appropriate manner--the State court does not thereupon lose jurisdiction of the case, but the proceedings may, upon the application of the bankrupt, be stayed to await the determination [***6] of the court in bankruptcy on the question of his discharge." The same rule is laid down by the Supreme Court of Georgia in Rutherford v. Rountree, 68 Ga. 725; Howell v. Glover, 65 Ga. 466; Cohen v. Duncan, 64 Ga. 341; Steadman v. Lee, 61 Ga. 58.

The plea being sufficient to authorize the proof of the facts therein set forth, the State court should have sustained the plea, and, upon the proof of such facts, the law required that the suit be stayed to await the determination of the court in bankruptcy on the question of the discharge. If the bankrupt is discharged, the certificate of the discharge would be a bar to any further prosecution of the suit. If the application for discharge is denied, the stay is at an end, and the suit proceeds to judgment. The suit in the State court being for the collection of a debt from which a discharge would be a release, there can be no doubt that the law required that the stay asked for should have been granted until the determination of the application for discharge. Bankrupt act, § II; In Re Geister, 97 F. 322; Hill v. Harding, 107 U.S. 631, 27 L. Ed. 493, 2 S. Ct. 404; Collier on Bankruptcy (4th ed.), 121, [***7] 123,

127. This result follows whether the suit in the State court was brought before, or [*4] after, the filing of bankruptcy proceedings. Collier on Bankruptcy, 131; In Re Basch, 3 Am. Bank. Rep. 237.

It is insisted that the judgment of the justice's court striking the plea and dismissing the motion to stay was right, because at the time of the motion more than twelve months had elapsed since the adjudication. It does not appear when the adjudication was made, and we can not assume that it was as of the date of the filing of the petition in bankruptcy or immediately thereafter. This limitation of the continuance of the stay of suits "until twelve months after the date of such adjudication" applies to suits "pending against the person" of the bankrupt before or when the petition in bankruptcy is filed and the adjudication had. It can not reasonably apply to suits brought against the bankrupt after the petition and adjudication. Besides, the act provides that if within the twelve months [**56] after the adjudication the bankrupt makes an application for discharge, the suit shall be stayed until the question of such discharge is determined; and the allegation in this case is [***8] that an application for discharge was pending when the request to stay the suit was made to the justice's court. The object of the bankrupt law is to have an exclusive administration of a bankrupt's estate fairly and equally between all unsecured creditors. It does not permit the harassment of bankrupts, by suits for the collection of simple debts from which a discharge would be a release, until reasonable time has been given for the determination of the question of discharge. Especially is this true when the creditor has gone into the bankrupt court and proved his debt. In proper cases it allows suits for the purpose of liquidation.

Attack is made in this court on the verification by the magistrate of the allegations in the petition for certiorari. This verification is in the following language: "The facts set forth in the defendant's petition for certiorari are substantially true and correct, in so far as came within the knowledge of respondent." The criticism made is that it verifies the facts only "in so far as they came within the knowledge of respondent." We are not able to see how he could be expected to verify facts that did not come within his knowledge. In our opinion, the [***9] verification is sufficient; and if the judge below dismissed the certiorari on the ground that it was not sufficient; this was error.

Judgment reversed.



PRESIDENT A. I. 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

C O P Y

Atlanta, Georgia
September 13, 1943

Dear Judge Powell;

I saw Frances the other night and learned that "Lady Godiva and the Horse" was to be published but not under the title "Lady Godiva and the Horse." I am happy to know the news of publication and sad about "Lady Godiva." I thought that a good title for anybody's book.

Frances told me that you were wrestling with a new title and were desirous of having one of a homely nature having to do with the food or the flora or fauna of your native county. I'm not much on putting my oar in on other people's business but I recall very well the anguish I underwent in thinking up "Gone With the Wind," so I offer the following title--"Bacon With My Greens." Any lawyer who starts out in a small town and actually earns greens is a remarkable fellow, and when he manages bacon with his greens he's extraordinary. And so are you.

I send you this title, not in the hope that it will serve for your book but because it may stimulate you to think of a proper name that will suit you. Please put me down for a copy of your book.

Cordially,

PEGGY MITCHELL MARSH

MARGARET MITCHELL

Atlanta, Georgia

August 22, 1939

My dear Judge Powell:

When I begged of you a copy of your analysis of "Gone With the Wind" I did it for two reasons. The first was that I was so pleased and flustered by the many grand things you said that I feared I might have missed some of your remarks because of my blushes. The second reason--there were so many thought-provoking and new ideas in your paper that I wished to study them over at leisure. So I have read and re-read your paper and I am even more grateful to you now than when I first heard it. Thank you again for the thought and work that went into the writing of this paper.

Your letter of August 21st has just arrived. I had not had the opportunity to check up about who it was that spoke of cotton picking and I am glad you ran the matter down. I enjoyed your remarks about cotton picking and the flies!

Cordially,

Margaret

My Dear Judge:

I was mighty glad to get your letter of Feb. 3 but was greatly disappointed at your statement that you would probably not write another volume. Lot of your thinks posterity is due more from you. I trust you will change your mind.

I recall very clearly the first time I ever met you. It was in father's office in the Fall of 1902 when your circuit was before the Supreme court.

On the previous Saturday night, Judge William A. Little and Judge Howard Van Epps spent the night with us at our country place at Highland about 11 miles from Atlanta. Sitting in our large living room before a crackling fire of green hickory, and the judges with a long toddy each, were discussing the merits of various Georgia lawyers. I recall father saying in effect that he was always glad when your circuit came before the court, that one lawyer in particular was always so well prepared on his cases and that was a pleasure, not only to hear his arguments, but to read his briefs as well. That lawyer was you. Judge Little heartily agreed. While Judge Van Epps was not on the bench, I think his judgment was to a brother lawyer was incomparable and he too, paid you a high tribute.

Then father turned to me and said "Son, I have known this young man a long time. He father is a great friend of mine. He too, comes from Crawford county. Now tomorrow after court adjourns for lunch I want you to be in my office and Meet Arthur Powell and I want you to write a good story in The Journal about him. He deserves it. And I did. I would see you often after that either in father's office or Logan Bleckley's. I admired you as much as my dad and when you were running for Court of Appeals and I was then editing The Macon News, the paper was right out in front for you and if you recall you got Bibb by a good vote, and Crawford too.

But prior to that time in 1904 you had shelled the woods for father when Dick Russell decided he wanted to be chief justice. Dick was running for anything in those days and we newspaper boys had dubbed him "Plain Dick the Runner". Joe Ohl, veteran correspondent for the Constitution wrote about Russel one when the King of England died "Now is the time for Dick Russel to change his allegiance go to England and run for king". But the old boy kept on running till he got there.

I also recall old Clarence Wilson pulling for Russell in Clay county, and when he opposed Charley Northern for secretary of the senate, I had the pleasure

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210 Madison Ave
Memphis, Tenn
Feb 10 1945

Eric Day - Davisons - Tuesday, November 16th, 1943 - 9:30 A.M. WSB

Good morning!

It was John Ruskin who said that great nations write their autobiographies in three manuscripts - the book of their deeds, the book of their words, and the book of their art! When a book comes off the press and the comment is made that Southerners will understand it, and non-Southerners will gasp on every page -- you know that it is a book that will have nation wide appeal, because people like both to understand - and to gasp! Some authors write a lot of books before they receive national recognition in the field of literature - but Georgia is fortunate in having authors whose books literally skyrocket to the best seller list even before they're off the press. Such a book was Gone with the Wind - by Marggret Mitchell, -- such a book is Henry W. Grady, by Dr. Raymond B. Nixon, who was our guest last Friday - and such a book is "I can go home again" by Arthur G. Powell, who, as everyone knows is Atlanta's and Georgia's own Judge Arthur Powell. So great is the interest in Judge Powells book that at the insistence of Davisons the publisher has rushed the date of publication so that Georgians may be first to read it. It is said that Mark Twain would have loved and envied this book, it's negroes, lawyers, hardshell preachers - for like Mark Twain, the author builds his anecdotes into a sāge. So this is not just Judge Powells book, - it belongs to all Georgians - it's YOUR book and MINE, for it tells of our people, --- but more about the book later - for it is our privilege this morning to have as our guest Judge Arthur Powell, who is well known throughout the South for his famous stories. Judge Powell, we'd like nothing better than to turn this microphone over to you and have you tell one story after another, but we ~~know~~ feel that everyone would like to know more about you and

this book which is chock full of your favorite true stories of the Piney Woods people of Georgia. So let's begin with the title -- "I can go home again" ---- why did you give it that title?

JUDGE POWELL:

I did not personally select the title. I submitted a number of titles. The publishers first submitted them to Gloria Epstein in New York, and from among them they unannouncedly chose "I Can Go Home Again". That is the title I submitted this time, because the editor of your book, the editor, Ed Sperry, I can go home again. This wife in his book you can go home again. Expanding the realm that one who writes history and art history about his home facts cannot go home as an author. I think I had that in mind.

ENID: You were born near Blakely Georgia, the Piney Woods section of the Southwestern part of the state between the Flint and the Chattahoochee River, the country that Thackeray saw from a train window and called "unutterably dreary" --- But you, nor those who read your book will ever think of it as dreary - far from it - for you make us see the sand and the pines, the swamps --- the laughter and the weeping -- you take us from the court house to the church yard - and from a revival in a hardshell Baptist church, to a murder trial -- in one of the most amazing journeys into the realm of human lives that has ever been set on paper - How old were you when you left Blakely? *just turning thirty three*

JUDGE POWELL:

ENID: Where were you educated?

JUDGE POWELL: Ah, there's the rub. Perhaps I can justly write the answer, mostly in the school experience.

ENID: When did you study law?

JUDGE POWELL:

ENID: Then how did you happen to become a lawyer?

JUDGE POWELL:

You might have difficulty in finding some people that are as happy. My slight misadventure might say that I was born in a poor office and worked in a court house.

ENID: You taught school at the age of 14 - many of your pupils must have been older than you - what did you teach?

JUDGE POWELL: Many were older than I was. I taught them chiefly Spelling and the 3 R's - Reading, Writing and Arithmetic, with a little geography on the side.

ENID: When you were 15 you were clerk of the Superior Court - where was that?

JUDGE POWELL: You are not yet entirely accurate as to the day I was 15 - I was 14, Mr. J. W. Alexander who was the clerk of the Superior Court of the County summoned me as a deputy clerk. He became ill and remained so for several months. As I was his only sworn deputy, I ran the office for several months.

ENID: And it was in those early years in the courtroom that you must have gathered so many of your courtroom stories. Later you studied at Mercer University at Macon - most people study first and practice law later - but you rather put the cart before the horse --- was that why the degree of L. L. D. was conferred on you twice?

JUDGE POWELL: I attribute it rather to the loyalty and generosity of my friends. It may be that they conferred it twice, because it did not take the first time.

ENID: Like a vaccination -

ENID: In talking with you not long ago Judge Powell, you made a remark we wish you'd elaborate on a bit --- I believe this is word for word --- "Too much of philosophy that is being written and printed comes from the field of intellect, and not enough from the field of effort and energy" - just what did you mean by that?

JUDGE POWELL:

ENID: You paid a very high tribute to intellectual people when you said "the currency of intellectual people is ideas" - with your store of ideas you can be called a financial wizzard. You grew up in the days when little boys had little money - but before they were old enough to vote they were influencing political affairs - do you think that people have really changed very much in the past 50 odd years?

JUDGE POWELL:

I would say that at bottom they are much the same - only more so

ENID: You quote the plea of a dying Judge in your book, and that plea will undoubtedly go down in literature with as much acclaim as Senator Vests tribute to a dog. There is a seriousness about your book as well as a vast amount of humor - have you had as much fun practicing law in the past few years as you had as a boy?

JUDGE POWELL: No, it is not there is not as much fun in practicing law in a city as there is in the country.

ENID: Judge Powell, you call the people of Blakely and that section of Georgia, an original people - what did you mean by that?

JUDGE POWELL: I mean that they were unique and independent in thought and in action. They were not even like other Georgians. They were not, like the middle class Georgia of whom Margaret Mitchell and other novelists write. They were not tobacco headpiece nor Southerners in my Basin people. The people of that region are as original as in a different way.

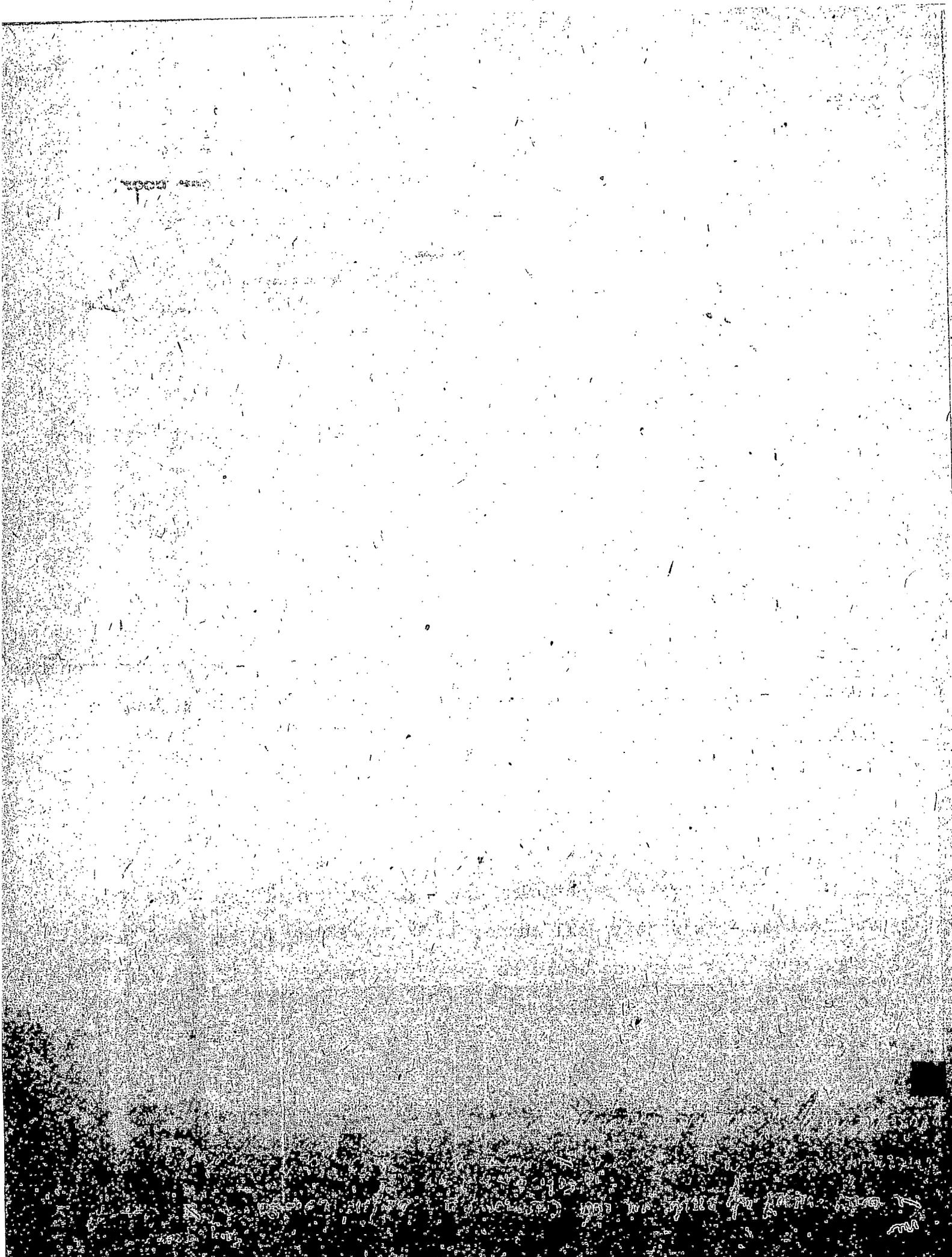
ENID: You were a newspaper man, as well as a lawyer - which gave you the most fun - the small town newspaper man - or the small town lawyer?

JUDGE POWELL: Both

(Doubt & not by sight)

ENID: Your theory of practicing law - or the use of law - and its application - is pretty well summed up in the story of the dead horse - We're sure that everyone would be greatly disappointed if we didnt ask you to tell us about it - will you?

JUDGE POWELL: There is an old story of the policeman in New York in the horse and buggy days who found a dead horse in Hosioses Street, and though the penalty for failing to report a dead horse was severe, the man did not report it. He got the carcass by the head and moved it to Canal Street and reported a dead horse in Canal Street. I notice the point in the book that to be a successful lawyer one must have legal education - that no one should ever look a young man lawyer & speak all the time names of all the dead horses.



ENID: And that sort of logic might be applied to other problems as well. In describing your book, someone has said that it creeps up on the reader, insidious and friendly - then it strikes and lays us flat --- and indeed it does --- and many thousands of people are going to be "struck and laid flat" - because it will be one of the most widely read books in America - University of ~~publishers of your book,~~ ^{Says} The/North Carolina Press - ~~publishers of your book,~~ ^{Says} that ~~500 years from now~~ "I can go home again" will give delight for the next 500 years. A statement like that from such a conservative publisher - is something of a famous remark in itself -- and we rather suspect that those who ^{read} it 500 years from now will say the publisher underestimated it. For no work of fiction has ever given so intimate a picture of any people in any section of the world. But one thing that struck us so forcefully Judge Powell, was this ---- Here is a collection of famous true stories which paint a word picture of people - of courtrooms and newspaper offices, of churches - and even hangings - but through the book, perhaps without exactly realizing it - you have woven one of the sweetest love stories ever told - it's real too - as real as the Piney Woods of southwest Georgia, and it begins with a little boy and a small barefoot girl feeding a pan of dough to some chickens in the back yard of a home in a little Georgia town --- the small girl to whom you dedicated your book --- the girl who was your first sweetheart - and your last - Annie Wilkin of Colquitt Georgia! --- Your wife must be very proud of this book - and the man who wrote it! And so are we - those of us who were born and brought up in Georgia, and who come from a small town -- we love our small towns, for they're small only in size - and they're what make our cities - the human timber from little towns. And as someone so aptly expressed it --- "God must have loved little Georgia towns too - he made so many of them. Thank you Judge Powell --- for "I can go Home Again" --- Lillian Church is going to review it tomorrow - Wednesday, at the regular weekly book review and following the review Davisons is giving

7

a tea - and we do hope that --- we started to say "that ALL of your friends will be there" - but if ALL of them came - we'd have to enlarge the 6th floor tea room in order to get them all in ---- we do hope though that everyone who can/will consider this a very special invitation - for we want those who know you and love you to be there, and we want other people to have the opportunity of meeting and knowing you - the man who can write about his birthplace - the little town in which he was born, and write so wonderfully of it/^{its short comings as well as it's heartwarming qualities -} that ~~he'll~~ he'll always be welcome whenever he goes back home again.

And now - we're sorry that our time is up - and the clock warns us it's time to grab our hats again ---- but Davisons is waiting for you - and with the Christmas season coming lickity-split on the callendar road - let's dash to Davisons, and all the fun Atlanta's nicest store has to offer ---

And we'll see you in the morning!



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SINGLE NIGHT

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- STEVENS, Boston, Miss
- W. DACEY, Arlington,
- POOLE, Concord, N. H.

The Injured.

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- Medford, Mass.; George
- Winchester, Mass.; Miss
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- Block, Peoria, Ills.; Miss
- Me.

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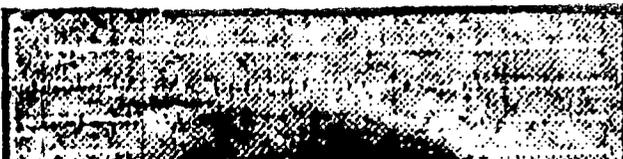


JUDGE RICHARD B. RUSSELL

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ARTHUR GRAY POWELL



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