

2/27/1952	MacIntyre leaves office Ira Carlisle is appointed to office
10/6/1953	Worrill leaves office to serve on Supreme Court of Georgia Joseph Quillian is appointed to office
1/15/1954	Sutton leaves office to serve on Supreme Court of Georgia Horace Elmo Nichols is appointed to office
3/17/1956	<p>Resolution passed concerning space in the Capitol once the Supreme Court and Court of Appeals vacate the building.</p> <p>A 1956 constitutional amendment providing for direct review by the two appellate courts of juvenile court judgments. In <i>Powell v. Gregg</i>, 224 Ga. 226, the Supreme Court held that those cases were solely within the purview of the Court of Appeals.</p>
6/4/1956	<p>The State Judicial Building was completed in 1956. At the dedication proceedings of the present courtroom, reported at 93 Ga. App. 901, the motto engraved upon the marble wall behind the bench was noted: "Upon the integrity, wisdom and independence of the judiciary depend the sacred rights of free men." This credo was conceived and formulated by Chief Judge Jule Wimberly Felton, and reported in 243 Georgia XXIX.</p>

Content of Act/Resolution

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1956**

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1956**

1956 Vol. 1 -- Page: 652

Sequential Number: 239

Short Title: JUVENILE COURT JUDGMENTS -- REVIEW BY APPELLATE COURTS.

Intent: Proposed Amendment to the Constitution.

Law Number: No. 135

Origin: (House Resolution No. 32-96e).

Type: A Resolution.

Full Title: Proposing to the qualified voters of Georgia an amendment to Article VI, Section II of the Constitution of Georgia so as to confer upon the Supreme Court and **Court of Appeals** jurisdiction to review by writ of error all final judgments and adjudications rendered by juvenile courts; to provide for advertising and submission; and for other purposes.

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Be it resolved by the General Assembly of Georgia:

Section 1. Article VI, Section II of the Constitution of Georgia is hereby amended by adding thereto a new paragraph to be known as Paragraph IX and to read as follows:

"Paragraph IX. The Supreme Court and **Court of Appeals** shall have jurisdiction to review by direct writ of error, and without the necessity of a motion for new trial having been made, all final judgments, orders, decrees and adjudications, rendered by any juvenile court created or referred to in an Act of the General Assembly approved February 19, 1951 (Ga. L. 1951, p. 291), as amended, and any other juvenile court that may be hereafter established, and, it shall further be the duty of the solicitor-general of the judicial circuit within which juvenile court or courts are located to represent the juvenile court on such appeals. The time for filing such bill of exceptions, and the procedure governing same, shall be as now provided by law for appeals, or as may hereafter be provided by law, but in any case, the juvenile judge may by order grant extensions of time for the filing of such bill of exceptions so as to afford opportunity for preparation of a brief or transcript of evidence, in cases where such is required."

Section 2. When the above proposed amendment to the Constitution shall have been agreed to by two-thirds of the members elected to each of the two branches of the General Assembly, and the same has been entered on their journals with the "Ayes" and "Nays" taken thereon, the Governor is hereby authorized and instructed to cause such proposed amendment to be published as provided in Article XIII, Section I, Paragraph I, of the Constitution of Georgia of 1945, as amended. Such proposed amendment shall be submitted as provided in said paragraph.

The ballot submitting the above proposed amendment

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shall have written or printed thereon the following:

"For ratification of amendment to Constitution so as to confer jurisdiction on the Supreme Court and **Court of Appeals** to review by writ of error all final judgments of juvenile courts."

"Against ratification of amendment to Constitution so as to confer jurisdiction on the Supreme Court and **Court of Appeals** to review by writ of error all final judgments of juvenile courts."

All persons desiring to vote in favor of adopting the proposed amendment shall vote for ratification of the amendment, and all persons desiring to vote against the adoption of the proposed amendment shall vote against ratification.

If such amendment shall be ratified as provided in said paragraph of the Constitution, it shall become a part of the Constitution of this State. The returns of the election shall be made in like manner as returns for elections for members of the General Assembly and it shall be the duty of the Secretary of State to ascertain the result and certify the result to the Governor who shall, if such amendment be ratified, make proclamation thereof.

Approval Date: [missing data]

Content of Act/Resolution

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1956**

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1956**

1956 Vol. 1 – Page: 816

Sequential Number: 303

Short Title: GENERAL ASSEMBLY -- SPACE IN CAPITOL.

Law Number: No. 149

Origin: (House Resolution No. 258).

Type: A Resolution.

Full Title: Concerning the use of the third floor of the Capitol Building for legislative purposes; and for other purposes.

Whereas, upon the completion of the Judicial Building in the Spring of 1956, the Supreme Court and the **Court of Appeals** will move into said building; and

Whereas, the vacating of the Capitol by the Supreme Court and the **Court of Appeals** would make space available on the third floor for use by the General Assembly; and

Whereas, such space will be available to the General Assembly:

Now, therefore, be it resolved by the General Assembly of Georgia, that a committee to include the Clerk of the House and the Secretary of the Senate, and three Representatives to be appointed by the Speaker, including the Speaker, and three Senators to be appointed by the President, including the President, is hereby created to consider, plan and confer with architects, State officials and other interested persons, regarding the utilization of the third floor of the Capitol Building for legislative purposes.

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The committee members shall be entitled to receive the per diem and the travel expenses as provided by law, for service on the business of the committee for that number of days which shall be determined to be necessary by the President of the Senate and the Speaker of the House.

Approval Date: Approved March 17, 1956.

DEDICATION
OF
THE COURTROOM
OF
THE COURT OF APPEALS

ON
JUNE 4, 1956
AT
10 O'CLOCK

JULE W. FELTON, Chief Judge.
B. C. GARDNER, Presiding Judge.
J. M. C. TOWNSEND, Associate Judge.
IRA CARLISLE, Associate Judge.
JOSEPH D. QUILLIAN, Associate Judge.
H. E. NICHOLS, Associate Judge.

W. G. ENGLAND, Clerk.
MORGAN THOMAS, Deputy Clerk.
J. I. GUICE, Sheriff.
ARTHUR H. CODINGTON, REPORTER.
GEORGE H. RICHTER, JR., ASSISTANT REPORTER.

JUDGE FELTON: The Court is happy to welcome you on this momentous and happy occasion. We are glad you could be present and we appreciate your taking this time out to be here.

We shall remain seated and be led in the invocation by the Reverend Stanley Parnell, Pastor of the Inman Park Presbyterian Church.

REV. PARNELL: Oh, God, Thou who hast so invested unalterably and unchangeably in our being, Thy wisdom, power, justice and truth, we believe that our chief end is to glorify God and to acknowledge Him forever. Today we know that Thou art the Judge of all the earth and we know that Thou wouldst judge well

and right. We know that all that God's requirement of man is that he live justly, that he live mercifully and that he walk humbly before God. We thank Thee, our Heavenly Father, for our Nation, for our State, for our way of life, for our form of government. We thank Thee for this beautiful judicial building which we dedicate now to Thy honor and Thy glory. We pray that every heart may be filled with Thy spirit. We pray for Thy servants who preside over this court. Add to their knowledge and wisdom and training and experience thine own infinite wisdom and as Thou didst so endow Moses long ago, so endow them with everything necessary to be great leaders and judges. And may the spirit of Solomon who ruled his people with righteousness and with justice and an understanding heart, and the spirit of Jesus Christ, fill their hearts and minds forevermore. In His name we pray, amen.

JUDGE FELTON: We feel an occasion like this would not be complete without the presence of some of the judges who have sat on this bench. We had hoped to have them all with us but three of them were unable to attend. We are fortunate to have two of the former Judges of the Court of Appeals, also former Justices of the Supreme Court, and who are now Justices Emeriti of the Supreme Court, Justice Emeritus Sutton and Justice Emeritus Worrill. We wish we had time to hear from each of them but our time is limited on account of our court calendar. I was reminded the other day that there will be an office for the judges and justices emeriti on the first floor of this building and they will have available not only the office but clerical help when they so desire, and we hope that will be soon.

Unfortunately this program was arranged rather hurriedly and a great many of our leaders of departments of State are absent because of plans made before our program was made out. We are happy, however, to have some of the Justices of the Supreme Court with us and a good many of the heads of departments and employees of State government. I want to emphasize today that we are not playing a second team. We use the platoon system. We are sorry that Governor Griffin couldn't be with us, neither could Lieutenant-Governor Vandiver, Attorney-General Cook, Speaker of the House of Representatives Moate. We had hoped

also to have the President of the American Bar Association but he is in Mexico delivering an address. I have a letter from the Honorable E. Smythe Gambrell which, with your indulgence, I will read.

"It has been my fond hope that I might have the honor and the pleasure of being present at the dedication of the beautiful new courtroom of the Court of Appeals of Georgia next Monday, June 4. Unfortunately, at that time I must be in Mexico City addressing the Colegio de Abogados, the national body of the legal profession in the Republic of Mexico.

"Please accept from the American Bar Association and the lawyers in all parts of this country our warmest felicitations and congratulations and our best wishes for the continued role of high public service of your tribunal.

"Yours is the House of Refuge for all such as are oppressed. In this new chamber, armed in his native right, one man alone may prove to be stronger than a thousand.

"You do well to make a notable event of the dedication of the new courtroom. You dedicate not only a much needed facility, but the spirit and the aims of law for which the courtroom serves as an outward symbol and sanctuary. May it, time without end, be and endure as such and express the aspirations of the people of the State of Georgia for a government of law and not of men."

The first speaker on our program today is the newly elected President of the Georgia Bar Association whom we are happy to have with us. The Honorable Howell Hollis of Columbus will represent the Georgia Bar Association, lawyers in general and the public.

MR. HOLLIS: To the Judges of this Court, and to all of us who will practice here, today is a happy and glorious one, as we celebrate the opening of this magnificent new courtroom.

As we gaze about at these lovely walls, these sparkling windows, these handsome furnishings, we must congratulate those who conceived and constructed this splendid chamber. We must commend the architects, the builders, the craftsmen, and the common laborers—indeed, all those whose genius and skill and effort have created this edifice. What a happy contrast it presents to the somewhat dark and dusty room across the way, where this Court met from the time of its inception.

Yet we would be shallow and blind indeed, if we perceived no higher purpose in this ritual today than the dedication of a mere pile of marble and mortar and oak, however artfully arranged. Our aim is rather a higher one—to dedicate this room as a symbol of the future course of the law in this State. A symbol, yes; but what course shall it symbolize? Those who enjoy symbolism may find here portents with very different meanings.

For more than half a century the high courts of this State have held their sessions in their allotted space in the Capitol. Today we celebrate the removal of this Court to a separate building across the street. The move could be seen as a symbol that the Judiciary has been ousted from its hallowed place in the heart of the government.

No, let us rather resolve that it is a reaffirmation of the separation of powers, symbolically, by establishing the Court as a separate structure across the way.

That old courtroom must have impressed us all as a rather dowdy, dingy place for deciding the law of the land. Nevertheless, those hallowed old walls, which have rung with the oratory of Georgia's greatest legal minds, enshrined the accumulated experience and the distilled wisdom of Georgia's great judicial past. Today, we have left that old chamber. There are those who will think that the move betokens an abandonment of ancient principles, of old traditions, of established precedents which they consider outmoded. Let us rather trust that this is a mere physical transplantation, that the consecrated atmosphere of that old courtroom has been transferred into this chamber unchanged. Let us determine that those ancient principles and precedents shall here find a new sanctuary—that here, in this bright and airy room, a greater radiance may shine upon them, that such dust and cobwebs as they may have gathered shall be cleansed away, and that their eternal forms shall here shine forth, more clearly and cleanly revealed than ever before.

For too long, the philosophy has grown unchecked, like a cancer within the American body, that the Judiciary is a moderately useful instrument for settling land-lines and for deciding who owes whom for a scraped fender, but that questions of political principle and fundamental justice had best be left to the dreamers, the social planners, the would-be architects of the brave new

world. In this new courtroom, they envision this Court relegated to its rightful place: a marble tower, wherefrom to hand down learned rulings on deeds and torts, while the latter-day Machiavellis, considering themselves above the law, draw blueprints for a world without laws. The housing of the Court in this new magnificence symbolizes, I prefer to believe, a reassertion by our State of our Southern conviction that human liberty depends upon the observance of law and Constitutional restraints, and that they in turn depend upon our courts.

Which of these opposite courses will this splendid chamber symbolize? The answer depends upon three groups: the Court, the Lawyers of its Bar, and the People. The Court can be depended upon to preserve our Southern philosophy, so long as it has the support of its Bar. The Bar in turn can be depended upon, so long as the people whom it represents believe in that philosophy. Yet the People will, in their turn, look to the decisions of their appellate courts for the shaping of their own concept of law and government and justice. A vicious circle?—it could be; or it could be, and let us now resolve that it shall become, a glorious opportunity for the three elements to join together, to make of this courtroom a sanctuary for the eternal truths, a repository for honored principles, a temple of justice where men may come with the faith and confidence that here the law and the Constitution means today, and shall mean tomorrow, the same thing it meant in days gone by.

JUDGE FELTON: Thank you, Mr. Hollis. It is my pleasure next to present the Speaker Pro Tem. of the House of Representatives, Honorable Harold Willingham, who will now speak for the House of Representatives.

MR. WILLINGHAM: Mr. Chief Judge Felton, Judges of the Court of Appeals, distinguished guests here this morning, this is indeed a happy occasion for the State of Georgia. It is a great and happy occasion, a great day for Georgia. This judicial building, this new building, taking its place in our rapidly increasing program over here will be a source of pride for every Georgian to come up and see the seat of its government with this fine new building which I think is the greatest of all of these buildings, this last one which we are here dedicating today.

I hadn't been in this building until I came up for this program this morning. It certainly is a beautiful and magnificent structure, indicating the sovereignty of our great State of Georgia. When everybody comes from the hinterland and all of the one hundred and fifty-nine counties of Georgia they can be properly proud of this building and of this courtroom and of this whole structure. Our government is divided into three branches as we all know. We are constantly reminded that in Georgia we know that the Executive, Judicial and Legislative are the three separate branches of our government. Our checks and balances were established by our forefathers. The Judiciary never before had a building in Georgia. It is a fine day when we can give it to them. The Legislature passed the appropriate legislation and made it possible and the executive branch followed through and implemented that legislative action and provided an office and courtroom for the housing of this high court of our State. However, the good goes with the bad. We are going to miss you judges over at our legislative sessions. Your offices have adjoined the House and Senate and we always looked on you more or less as members as we saw you as much as we saw the other members. But if we want to see you now we will know where to find you. I am sure I speak the sentiments of every member of the House of Representatives and the former members of the House of Representatives and the Senators and every member of the legislative branch of our government when I say, "Congratulations to you. We are happy for you in your new quarters and we are proud for you and are looking for you to stay here from now on."

JUDGE FELTON: Thank you, Mr. Willingham. It is my pleasure to present next the President Pro Tem. of the Senate, Honorable Everett Millican, who will represent the Senate.

SENATOR MILLICAN: Distinguished Chief Judge Felton and other distinguished members of the Court of Appeals, distinguished guests, ladies and gentlemen, it is a great pleasure for a layman to be here this morning for the dedication of this beautiful edifice which is long overdue in the annals of our State. To me it adds one more point where we can be proud of being a Georgian. Many of us in the past have not been proud when we pointed out to visitors and friends the location of our Supreme

Court and our Court of Appeals because the quarters have long been such that they should have been replaced many years ago. I am sure as time goes on every Georgian will be proud of these new buildings and particularly the Judicial Building.

As a member of the General Assembly I would like first to express the regrets of the distinguished Lieutenant-Governor of our State and presiding officer of our Senate on his not being able to be here and it is a very distinct pleasure for me to represent him in my feeble way this morning. In the twenty years it has been my privilege and pleasure to be a member of the State Senate there has never once been a time when I heard where the Judiciary had endeavored to encroach on the prerogatives of the General Assembly. I think that is, of course, as it should be. My only hope is that as time goes on in Georgia that it will always be as it has been and they will be entirely separate. As you gentlemen carry out your span of time on this court and others follow you, I hope, and I am sure that all Georgians and Americans hope, that there will always be carried out in this court the motto which hangs over the heads of these gentlemen: "Upon the integrity, wisdom and independence of the judiciary depend the sacred rights of free men," and that we in Georgia will always carry out and see that there will be an independence of the court separate from the other branches of our government. In representing the members of the Senate I congratulate you on your new home and as time goes on may it carry out everything that it is intended to do and I am sure it will with you gentlemen and those who follow you in years to come.

JUDGE FELTON: Thank you, Mr. Millican.

It certainly is most fitting in this ceremony today to have with us the next speaker on this program. It would not do to have this ceremony without him because it was under his administration that the erection of these beautiful buildings was conceived, authorized and actually begun, and we are delighted to have with us this morning former Governor Herman Talmadge.

GOVERNOR TALMADGE: Chief Judge Felton, eminent jurists of the Court of Appeals of Georgia, and distinguished guests:

Thank you for doing me the honor of permitting my participation in these ceremonies dedicating the new quarters of the Court of Appeals of Georgia.

It is a source of great satisfaction to me to know that it was during my administration as Governor that work was begun on this magnificent edifice which stands as a monument to the administration of justice in Georgia. And I share the pride of all Georgians in the fact that we now have, at long last, realized the ambition of providing for our State courts modern judicial facilities which are without equal in the nation.

Georgia is fortunate indeed to have a Court of Appeals composed of learned men of outstanding ability and unimpeachable character who command the respect of all citizens. The impartial administration of justice according to the strict letter of the law by this Court stands in sharp contrast with the attempts we have seen on the national level to change the law to fit the ever-changing political and sociological notions of the judges called upon to interpret it.

I congratulate the Court of Appeals of Georgia and you, the able judges who sit upon its bench, for the illustrious chapter you have written in the history of American jurisprudence. I am confident that so long as we have courts and judges of your caliber that there is a bright hope that this nation will never see the dark hour when its people can no longer look to the courts to protect their inalienable right to manage their own personal affairs without interference or dictation.

I thank you.

JUDGE FELTON: Thank you, Governor Talmadge.

Next it is my pleasure to present the Honorable Ben Fortson, Secretary of State of Georgia, who will represent the Executive Department.

Mr. Fortson: Chief Judge Felton and members of the Court of Appeals and guests, I represent here today the Executive Department of the State Government, an independent partnership with you, the Judicial, and the General Assembly. I am happy to be here this morning, happy to represent the Governor, the Lieutenant-Governor and the other elected Constitutional officers who could not be present. I am here also because I really wanted to take part in a dedication of this type, a dedication of a building that has been the result of vision, of sacrifice, of understanding of the need of this court and our higher court and

the need of the people of Georgia. People need a shrine to worship, to worship truth, justice, integrity and righteousness. The people of Georgia are proud of their government, proud of the Judiciary, and I hope I will be pardoned when I say that in this dedication I am speaking of each one of you as individuals for, after all, the individual in his own thinking, in his own emotion and his own mind and character formulates the law as it finally results, knowing each of you personally, the type of men you are, I congratulate you that you have here a proper home at last for this fine court and a home that is something where sacrifice and love make it a home and it is a home for the people of the State when they apply for justice, for their protection and their rights, for their lives and their honor, and in your hands it is well taken care of, for I know each of you personally, and on behalf of the Executive Department who knows you too, we congratulate you and know full well that justice is in good hands.

In conclusion, I make no apology for saying this, for a home to be on solid foundation, and may this ever be, following the words of Isaiah the Prophet, "But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; they shall walk, and not faint."

And now may the future for each of you and all of you be a great one in this great State that we all love. I thank you.

JUDGE FELTON: Thank you, Mr. Fortson. I cannot resist this opportunity to express on behalf of the Court, each individual member of the Court, our sincere thanks and appreciation to all who are responsible for this wonderful courtroom and this wonderful building: the Building Authority, the Legislature, Chief Executive and everybody who had any influence toward bringing it about. The Building Authority is composed of the Governor as Chairman, the original chairman, of course, was Governor Herman Talmadge, who was succeeded by Governor Griffin. The other members of the Building Authority are Honorable W. H. Duekworth, Chief Justice of the Supreme Court, Eugene Cook, Attorney-General of Georgia, Honorable Ernest Vandiver, Lieutenant-Governor, and the State Auditor, Mr. B. E. Thrasher. We wish to especially recognize the untiring efforts of Mr. Thrasher. The carrying of the burden of building, the planning and detail

which he so cheerfully bore, almost assumed the proportions of a miracle. It is especially befitting that we properly acknowledge our debt of gratitude to him whom we all love, appreciate and admire. We express our gratitude to our employees connected with the Court of Appeals, who did most of the work in helping us move from the Capitol over to this building. I do not have time to say what I would like to say and tell you what wonderful people they are but I hope that after this ceremony is over you will take a little time out to visit the various offices of the Clerk and the Judges and the Sheriff of the Court of Appeals and meet our employees and see for yourselves what wonderful people they are.

This is the first time in the history of Georgia that the Court of Appeals has had its own courtroom and adequate quarters and facilities necessary for its proper function. We are thankful that we as individuals are among the fortuitous beneficiaries of this splendid place, these splendid surroundings and buildings, and yet we fully realize that these external things of marble and mortar and men's technical ingenuity are but a mockery without the wealth of soul and mind and spirit which the true administration of justice among men requires and we know that we cannot acquire or possess the necessary attributes of character and wisdom through human resources alone. Only an adequate conception of divine and almighty God can supply that need and to that end we solicit your prayers. And yet, we need even more than your prayers. As we are human, we need help also from human sources. In our humble efforts we often find the burdens heavy to bear. To do our job, handicapped at times by our acknowledged limitations, we need the touch of friendly hands and the sound of voices filled with confidence and faith. We give you a renewed pledge of dedication of ourselves in a supreme effort to bring to living fruition our noblest conception of the functions of the court which you have so graciously entrusted to our care.

We shall next be led in the dedicatory prayer, by the Reverend Pierce Harris, Pastor of the First Methodist Church of Atlanta, after which the court will stand in recess for ten minutes.

REV. HARRIS: Almighty God, our Heavenly Father, we ac-

knowledge that this beautiful building now dedicated to justice and humanity is an example of our abundant way of life, typical of the way we live and the things we have in our way of living. We thank Thee for our country and what it has meant to millions and for what it means today and for the people who try to preserve liberty, justice and freedom. Let Thy benediction rest upon this Court and upon all who are assembled here this morning. We need Thy love for these judges and ourselves and we thank Thee for this building which shall stand in stately splendor while these judges come to preside. We thank Thee for these men who have the confidence and respect of their fellow men and we pray that, as the years and centuries come and go, that high standard may not be lowered and that all who pass this way will recognize that justice has neither creed nor color nor condition and is not all things to all men but is the same thing to all men, regardless of rank or station. Let us always remember that justice cannot have its way except that men are just. We thank Thee for this dedication and for the tributes that have been paid to faithful citizens. Let Thy benediction be upon these men who are here. May they have the benefit of Thy high justice. Undergird them with Thy strong arm and let them always be mindful of the fact that they are representatives of truth, right and justice and human dignity. In Christ's name we pray, amen.