

11/15/1920	Smith leaves office Benjamin Harvey Hill was elected to the Court for the 2nd time.
2/13/1922	Viola Ross Napier was the first woman to be sworn into the bar of the Court of Appeals of Georgia
2/14/1922	Viola Ross Napier of Macon became the first woman to argue a case before the Georgia Court of Appeals. (Hendricks v. Jones Case #13113)
7/19/1922	BH Hill Passes away
7/24/1922	RC Bell is appointed

Jones v. State was argued on 1-16-22
~~Napier was signed in on 1-16-22~~

RC Bell was signed in on 2-21-22
 King v. State was argued 3-6-22



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Viola Ross Napier 1881 – 1962

"I hate to say that the [General] Assembly needs cleaning, but I see no way getting around it."

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After graduating from night law school, Viola Ross Napier of Macon became one of the few women admitted to the Georgia Bar and the first woman to argue a case before the Georgia Supreme Court. As soon as women gained the right to vote, she successfully sought a seat in the General Assembly in 1922. Her special concerns were children and the blind. When she was defeated for reelection to a third term, the Mayor of Macon appointed her city clerk, a position she held until retiring at age 72.



When Mrs Napier campaigned for one of Bibb County's three seats in the Georgia General Assembly, she spent just \$48 and received no outside contributions. ★

Year inducted: 1993

[Learn more about Viola Ross Napier](#) ■

Where To Go For More Information:

Washington Memorial Library
Macon
478-744-0800

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VIOLA FELTON (ROSS) NAPIER.

Georgia is justly proud of its statesmen and men of affairs and equally so of its women of learning and accomplishment. In the latter classification belongs Viola Felton (Ross) Napier, a successful lawyer, who is practicing in Macon, her native city, and who recently completed a term in the state legislature. She was born February 14, 1881, a descendant of Scotch, Irish and Welsh ancestors, and she is a daughter of Edgar Alfred and Anne Roulhac (Rose) Ross, also natives of Macon. She received her preliminary training in the public schools of this city and her higher education was acquired in the Wesleyan College and the Elan-Alexander Normal College. For several years before her marriage she was a teacher in the public schools of Macon, proving a very capable instructor. She studied law under the direction of E. W. Maynard and passed the bar examination in June, 1920, and was admitted to practice in the supreme court, being the first woman to appear before that court as an attorney. Mrs. Napier is well versed in the minutiae of the law and possesses an analytical, well trained mind. She is very thorough in the preparation of her cases and a liberal clientele is indicative of the confidence reposed in her legal acumen.

At Macon, Georgia, on the 30th of May, 1907, Miss Viola Felton Ross was united in marriage to Hendley Varner Napier, Jr., who was one of the prominent attorneys of the city and whose demise occurred in April, 1919. Four children were born to them: Marion Rose, John Blackmon, Viola Ross and Hendley Varner (III). Mrs. Napier was president of the Business & Professional Women's Club of Macon and formerly held that office in the League of Women Voters. She is a Methodist in religious faith and her political support is given to the democratic party. In 1923 she was elected to the Georgia legislature being the first of her sex to become a member of that body. She served for one term and at once became recognized as one of the most able members of the house. She was secretary of judiciary committee No. 1, was also a member of the committees on constitutional amendment and education and was chairman of the reformatory committee. She accomplished much important work during her tenure of office, and her influence is always given to the cause which she believes to be just. Mrs. Napier has been endowed by nature with strong mentality, as well as those attributes which grace her sex, and the exercise of effort has developed her latent powers. She is a devoted mother, a faithful friend and a loyal citizen, and her influence has been a potent factor in sustaining the intellectual, moral and social status of the community in which her life has been passed.

From the Macon Bar Archives

The First Women Lawyers in Macon

Mercer Law School first advertised for female law students in August of 1917. The following ad appeared in the Macon Daily Telegraph: "Women have been admitted to practice in Georgia, and the Mercer Law Course is open to them."

Miss Alene Hardin, billed as Macon's "first lady lawyer" was in practice by July of 1918, and maintained a law office at 301 Georgia Casualty Building (American Federal) for almost twenty years. Miss Hardin was also an animal rights advocate and distributed straw bonnets to downtown horses. She successfully lobbied the Mayor to provide hats for all of the city's work horses.

In June of 1919, Mrs. W. E. Jackson became the first woman graduate of the Mercer Law School to practice in Macon. When she appeared in the Superior Court on behalf of a criminal client, it was covered on the front page of the newspaper.

Viola Ross Napier of Macon was admitted to practice in 1920. She became the first woman to argue a case before the Georgia Court of Appeals, and before the Supreme Court of Georgia, in 1922. She was the first female to serve in the General Assembly.

Frank McKenney

Macon Bar Historian

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5 of 5 DOCUMENTS

HENDRICKS v. JONES.

13113.

COURT OF APPEALS OF GEORGIA*28 Ga. App. 335; 111 S.E. 81; 1922 Ga. App. LEXIS 491***March 7, 1922, Decided**

PRIOR HISTORY: [***1] Action for damages; from Bibb superior court — Judge Mathews. November 22, 1991.

DISPOSITION: Judgment reversed.

CASE SUMMARY:

PROCEDURAL POSTURE: Defendant hotel owner sought review of a decision of the Bibb Superior Court (Georgia), which overruled his general demurrer to plaintiff hotel resident's petition to recover for personal injuries she sustained in a fall on hotel stairway. In her petition the resident also requested damages for an alleged wilful and wanton trespass upon her premises on the basis that the trespass caused her mental pain and anguish.

OVERVIEW: The resident brought a personal injury action against the owner after she fell on a hotel stairway. The resident requested damages for the injuries she sustained in the fall and for mental pain and anguish arising from an alleged wilful and wanton trespass upon her premises. The trial court overruled the owner's general demurrer to the resident's petition, and the owner sought review of the trial court's decision. On appeal, the court reversed the trial court's judgment, finding that the resident could not recover for the injuries arising from her fall because she was guilty of not using ordinary care by attempting to descend the stairway in the darkness. The court also ruled that the fact that did not the alleged trespass did not cause any physical injury to the resident precluded any recovery for mental pain and anguish.

OUTCOME: The court reversed the trial court's decision that had overruled the owner's demurrer.

LexisNexis(R) Headnotes**Torts > Damages > Pain & Suffering**

[HN1] There can be no recovery for damages on account

of mental pain and anguish unaccompanied by any physical injury to the person or any pecuniary loss.

SYLLABUS: Under the allegations of the petition (construing them most strongly against the plaintiff), she was wanting in ordinary care when she attempted to descend the insufficiently lighted stairway in the defendant's hotel; and she was not entitled to recover for the consequent injury alleged.

Damages are not recoverable in this State on account of mental pain or anguish unaccompanied by physical injury or pecuniary loss.

COUNSEL: R. G. Plunkett, Walter DeFore, J. C. Estes, for plaintiff in error.

Herrington & Napier, contra.

JUDGES: Broyles, C. J. Luke and Bloodworth, JJ., concur.

OPINIONBY: BROYLES**OPINION:**

[*335] [**81] BROYLES, C. J. This was a renewal suit brought within six months from the dismissal of the first suit. The petition as amended was brought in two counts. Conceding that the present suit was for substantially the same cause of action as the first suit, and that, in other respects it was a proper renewal thereof, and conceding further that the second count of the amended petition was sufficiently complete within itself, we do not think that either count of the petition [***2] set out a cause of action. The first count of the petition alleged: that the defendant owned and was in full charge and control of a certain hotel in which the plaintiff lived; that on January 7, 1918, about three o'clock p.m., the plaintiff had occasion to go up stairs from the first to the second floor, and that when she subsequently came down the stairs from the second floor, about six p.m. on the same

28 Ga. App. 335, *335; 111 S.E. 81, **81;
1922 Ga. App. LEXIS 491, ***2

day, on account of insufficient light upon the stairway she fell when three or four steps from the bottom step and thereby sustained the injuries sued for; that prior to this occasion the stairway was always sufficiently lighted for one to make his way safely up and down it, but that on this occasion, through the gross and wanton negligence of the defendant, the usual and necessary light for the stairway was not provided. The petition [*336] further alleged, that "petitioner was not aware that there was not sufficient light on the stairway *when she went up to the second floor*, and after she completed her errand to the second floor and desiring to descend to the lobby on the first floor, and there being [only] one stairway leading to said lobby, she was compelled to use [***3] said stairway, although *it was darkened*. Said stairway was not dangerous when lighted [and if it had been lighted] she would not have sustained the fall and the injuries incident thereto." (Italics ours.) These averments of the petition, properly construed most strongly against the plaintiff, clearly show that when the plaintiff had finished her errand on the second floor and started to return to the first floor, she became aware that the stairway was not sufficiently lighted for her to safely attempt to descend by it, and that in attempting to use it in the darkness she was not in the exercise of ordinary care. See, in this connection, *Flournoy v. American Hat Mfg. Co.*, 21 Ga. App. 599 (94 S.E. 835); *Day v. Graybill*,

24 Ga. App. 524 (101 S.E. 759); *Lebby v. Atlanta Realty Corporation*, 25 Ga. App. 369 (103 S.E. 433); *Ogain v. Imperial Cafe Inc.*, 25 Ga. App. 415 (103 S.E. 594).

In the second count of the petition the plaintiff sought to recover damages for an alleged wilful and wanton trespass upon her premises. It was alleged in this count merely that the trespass caused her mental pain and anguish and prolonged an illness from [***4] which she was then suffering. In our opinion this [**82] count did not set forth a cause of action, as the law is well settled in this State that [HN1] there can be no recovery for damages on account of mental pain and anguish unaccompanied by any physical injury to the person or any pecuniary loss. *Chapman v. Western Union Telegraph Co.*, 88 Ga. 763 (15 S.E. 901, 17 L. R. A. 430, 30 L. R. A. 183); *Seifert v. Western Union Telegraph Co.*, 129 Ga. 181 (58 S.E. 699, 11 L. R. A. (N. S.) 1149, 121 Am. St. R. 210); *Goddard v. Watters*, 14 Ga. App. 722 (82 S.E. 304); *Western Union Telegraph Co. v. Knight*, 16 Ga. App. 203 (84 S.E. 986); *Dresbach v. Davis*, 17 Ga. App. 79 (86 S.E. 256).

From what has been said it follows that neither count of the petition sets forth a cause of action, and that the court erred in overruling the general demurrer to the amended petition.

Judgment reversed. Luke and Bloodworth, JJ., concur.

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Argued 1-16-1922

Citation/Title

111 S.E. 223, 28 Ga.App. 347, Jones v. State, (Ga.App. 1922)

*223 111 S.E. 223

28 Ga.App. 347

JONES

v.

STATE.

No. 13180.

Court of Appeals of Georgia, Division No. 1.

March 7, 1922.

Syllabus by the Court.

The defendant was convicted of forgery. The assignments of error upon the admission of testimony are without merit. The charge of the court was full and fair. The motion to declare a mistrial, as presented here, is also without merit. The defendant has had a legal trial, and his guilt was abundantly established. It was not error to overrule the motion for a new trial.

Error from Superior Court, Bibb County; Malcolm D. Jones, Judge.

J. Jones was convicted of forgery, and he brings error. Affirmed.

CRIMINAL LAW 935(1)

110 ----

110XXI Motions for New Trial

110k935 Verdict Contrary to Evidence

110k935(1) Weight and sufficiency of evidence in general.

Ga.App. 1922

The evidence was sufficient to sustain the verdict, and the court did not err in overruling the motion for a new trial.

John R. Cooper, W. O. Cooper, Jr., and Viola Ross Napier, all of Macon, for plaintiff in error.

Chas. H. Garrett, Sol. Gen., of Macon, for the State.

LUKE, J.

Judgment affirmed.

BROYLES, C. J., and BLOODWORTH, J., concur.

Ryan.Diestler@thomson.com

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<p>28 Ga. App. 347; 111 S.E. 223; 1922 Ga. App. LEXIS 501, *</p> <p>JONES v. THE STATE.</p> <p>13180.</p> <p>COURT OF APPEALS OF GEORGIA</p> <p>28 Ga. App. 347; 111 S.E. 223; 1922 Ga. App. LEXIS 501</p> <p>March 7, 1922, Decided</p> <p>PRIOR HISTORY: [*1] Indictment for forgery; from Bibb superior court -- Judge Malcolm D. Jones. December 10, 1921.</p> <p>COUNSEL: John R. Cooper, W. O. Cooper Jr., for plaintiff in error.</p> <p>Charles H. Garrett, solicitor-general, contra.</p> <p>OPINION: LUKE, J. The defendant was convicted of forgery. The assignments of error upon the admission of testimony are without merit. The charge of the court was full and fair. The motion to declare a mistrial, as presented here, is also without merit. The defendant has had a legal trial and his guilt was abundantly established. It was not error to overrule the motion for a new trial.</p> <p><i>Judgment affirmed. Broyles, C. J., and Bloodworth, J., concur.</i></p>							
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Citation/Title

115 S.E. 75, 154 Ga. 697, Mitchell v. State, (Ga. 1922)

***75** 115 S.E. 75

154 Ga. 697

MITCHELL

v.

STATE.

No. 3356.

Supreme Court of Georgia.

Dec. 15, 1922.

Syllabus by the Court.

The defendant was indicted and tried for the homicide of Henry Sam Mitchell. The indictment charged that the defendant administered arsenic poison to the deceased, through the mouth, which caused the death of the deceased. The jury returned a verdict of guilty, with a recommendation of life imprisonment. The motion of the defendant for a new trial being overruled, he excepted. The case was here on a former occasion, and the judgment was reversed on the ground that certain evidence was improperly admitted. 152 Ga. 375, 109 S. E. 357. Under the evidence the jury were fully authorized to find that the deceased came to his death from the effects of arsenic poison administered through the mouth as charged; that the defendant had a motive for bringing about said death; that the evidence disclosed no such motive upon the part of any other person; that the defendant had procured insurance upon the life of the deceased; that he was beneficiary under a large policy of insurance obtained from the United States government on the life of the deceased; that the accused had, without authority, signed the names of other persons connected with said insurance and the death of the insured; that the defendant was a physician and therefore possessed some knowledge of chemistry and poisons; that the defendant assigned a cause for the death which was untrue; that the defendant endeavored to influence witnesses as to their evidence; that the defendant was alone with the deceased at a late hour in the night in the drug store of the defendant, immediately preceding the inception of the fatal illness; and that he had opportunity for committing the offense; and the jury were authorized to find that the evidence presented no other reasonable hypothesis save that the defendant was the person who administered the arsenic poison to the deceased which resulted in the homicide. The evidence was sufficient to support the verdict.

One ground of the motion for a new trial is based on alleged newly discovered evidence, to wit, that the defendant has, since the trial, discovered that the proper method for making the Marsh test for the discovery of arsenic is different from that testified by the state's witness (setting out how the test should be made). Attached to this ground is an affidavit of one alleged to be an expert, experienced chemist, and an explanation by said affiant as to the proper method for making such test. It is not insisted that the method set out in this ground of the motion has been discovered by scientists since the trial.

115 S.E. 75, 154 Ga. 697, Mitchell v. State, (Ga. 1922)

That this is not meritorious as newly discovered evidence is settled by previous decisions of this court. Jones v. State, 87 Ga. 525, 13 S. E. 591; Hensley v. McHan, 135 Ga. 834, 70 S. E. 654; Shiver v. Hill, 148 Ga. 616 (2), 97 S. E. 676. Moreover, this ground of the motion is not accompanied by the affidavits of movant, nor by any of his counsel, to the effect that the same was not known prior to the trial and could not have been discovered by ordinary diligence. Civ. Code 1910, § 6086.

None of the other grounds of the motion for a new trial show cause for a reversal, and they are not of such a character as to require that they be dealt with in detail.

Error from Superior Court, Bibb County; H. A. Mathews, Judge.

M. C. Mitchell was convicted of homicide, and he brings error. Affirmed.

CRIMINAL LAW ☞ 938(2)

110 ----

110XXI Motions for New Trial

110k937 Newly Discovered Evidence

110k938 In General

110k938(2) What constitutes newly discovered evidence in general.

Ga. 1922

Defendant's discovery, after his conviction for homicide by poisoning, that the proper method for making a test for arsenic was not as testified by the state's witness, held not newly discovered evidence, where the method had not been discovered by scientists since the trial, especially where the motion was not accompanied by the affidavits required by Civ. Code 1910, § 6086.

HOMICIDE ☞ 250

203 ----

203VII Evidence

203VII(E) Weight and Sufficiency

203k250 Degree of homicide in general.

Ga. 1922

On a trial for homicide by administering arsenic poison, evidence held sufficient to exclude every reasonable hypothesis save that of defendant's guilt.

*76. John R. Cooper, W. O. Cooper, Jr., Clements & Clements, H. F. Strohecker, and Viola Ross Napier, all of Macon, for plaintiff in error.

Chas. H. Garrett, Sol. Gen., of Macon, Geo. M. Napier, Atty. Gen., Seward M. Smith, Asst. Atty. Gen., and Martin & Martin, of Macon, for the State.

GILBERT, J.

Judgment affirmed.

115 S.E. 75, 154 Ga. 697, Mitchell v. State, (Ga. 1922)

All the Justices concur.

MITCHELL v. THE STATE.

No. 3356.

SUPREME COURT OF GEORGIA

154 Ga. 697; 115 S.E. 75; 1922 Ga. LEXIS 454

December 15, 1922, Decided

PRIOR HISTORY: [***1] Indictment for murder. Before Judge Mathews. Bibb superior court. July 12, 1922.

CASE SUMMARY:

PROCEDURAL POSTURE: Defendant appealed a judgment from the Bibb Superior Court (Georgia), which, after entering a conviction for murder, denied his motion for a new trial based upon newly discovered evidence.

OVERVIEW: A jury found defendant guilty of murdering the victim by administering arsenic poison. The court reviewed the evidence, which included defendant was the named beneficiary under a large policy of insurance on the life of the victim and that defendant was a physician who possessed some knowledge of chemistry and poisons, and concluded that the evidence was sufficient to support the verdict. The court then reviewed defendant's motion for a new trial, which was based on alleged newly discovered evidence. Specifically, since the trial defendant had discovered that the proper method for making the test for the discovery of arsenic was different from that testified by the State's witness. Although the attached affidavit explained the proper method for making such test, the motion did not insist that the method set out had been discovered by scientists since the trial. The court further noted that the motion was not accompanied by any affidavits by defendant that the method was not known prior to the trial and could not have been discovered by ordinary diligence as required under Ga. Civ. Code § 6086 (1910).

OUTCOME: The court affirmed the trial court's denial of defendant's motion for a new trial based upon newly discovered evidence.

LexisNexis(R) Headnotes

Criminal Law & Procedure > Postconviction Proceedings > Motions for New Trial

[HN1] On a motion for a new trial, Ga. Civ. Code § 6086 (1910) required that the motion be accompanied by the affidavits of movant, nor by any of his counsel, to the effect that the same was not known prior to the trial and could not have been discovered by ordinary diligence.

COUNSEL: John R. Cooper, W. O. Cooper Jr., Clements & Clements, H. F. Strohecker, and Viola Ross Napier, for plaintiff in error.

George M. Napier, attorney-general, Charles H. Garrett, solicitor-general, and Seward M. Smith, asst. atty-gen., contra.

OPINION: [**75] [*697] GILBERT, J. The defendant was indicted and tried for the homicide of Henry Sam Mitchell. The indictment charged that the defendant administered arsenic poison to the deceased, through the mouth, which caused the death of the deceased. The jury returned a verdict of guilty, with a recommendation of life imprisonment. The motion of the defendant for a new trial being overruled, he excepted. The case was here on a former occasion, and the judgment was reversed on the ground that certain evidence [**76] was improperly admitted. 152 Ga. 375 (109 S.E. 357). Under the evidence the jury were fully authorized to find that the deceased came to his death from the effects of arsenic poison administered through

154 Ga. 697, *; 115 S.E. 75, **;
1922 Ga. LEXIS 454, ***

the mouth as charged; that the defendant had a motive for bringing about said death; that the evidence disclosed no such motive upon [***2] the part of any other person; that the defendant had procured insurance upon the life of the deceased; that he was beneficiary under a large policy of insurance obtained from the United States Government on the life of the deceased; that the accused had, without authority, signed the names of other persons connected with said insurance and the death of the insured; that the defendant was a physician and therefore possessed some knowledge of chemistry and poisons; that the defendant assigned a cause for the death which was untrue; that the defendant endeavored to influence witnesses as to their evidence; that the defendant was alone with the deceased at a late hour in the night in the drug-store of the defendant, immediately preceding the inception of the fatal illness; and that he had opportunity for committing the offense; and the jury were authorized to find that the evidence presented no other reasonable hypothesis save that the defendant was the person who administered the arsenic poison to the deceased which resulted in the homicide. The evidence was sufficient to support the verdict.

One ground of the motion for a new trial is based on alleged newly discovered evidence, [***3] to wit, that

the defendant has since the trial discovered that the proper method for making the Marsh test for the discovery of arsenic is different from that testified by the State's witness (setting out how the test should be made). Attached to this ground is an affidavit of one alleged to be an expert, experienced chemist, and an explanation by said affiant as to the proper method for making such test. It is not insisted that the method set out in this ground of the motion has been discovered by scientists since the trial. That this is not meritorious as newly discovered evidence is settled by previous decisions of this court. *Jones v. State*, 87 Ga. 525 (13 S.E. 591); *Hensley v. McHan*, 135 Ga. 834 (70 S.E. 654); *Shiver v. Hill*, 148 Ga. 616 (2) (97 S.E. 676). Moreover, this ground of the [HN1] motion is not accompanied by the affidavits of movant, nor by any of his counsel, to the effect that the same was not known prior to the trial and could not have been discovered by ordinary diligence. Civil Code (1910), § 6086.

None of the other grounds of the motion for a new trial show cause [*698] for a reversal, [***4] and they are not of such a character as to require that they be dealt with in detail.

Judgment affirmed. All the Justices concur.

From the Macon Bar Archives**The First Women Lawyers
in Macon**

Mercer Law School first advertised for female law students in August of 1917. The following ad appeared in the Macon Daily Telegraph: "Women have been admitted to practice in Georgia, and the Mercer Law Course is open to them."

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Viola Ross Napier of Macon was admitted to practice in 1920. She became the first woman to argue a case before the Georgia Court of Appeals, and before the Supreme Court of Georgia, in 1922. She was the first female to serve in the General Assembly.

Frank McKenney

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Art Auction Earns Record Breaking Profits for Law Student Scholarships

By Annette A. Idalski

Annette is a Senior Associate at Elarbee, Thompson, Sapp & Wilson, LLP, a labor and employment law firm representing management clients. She served as Chair of GAWL's Art Auction Committee in 2001-2002 and will serve as Co-Chair of the Legislative Committee in 2002-2003.

The seventh annual GAWL Art Auction Gala, held on Saturday, February 16, 2002 at The Fox Theatre, was a raging success. With over 350 guests in attendance, art sales broke all previous fundraising records, making it possible for GAWL to provide \$20,000 in scholarships to outstanding female law students at accredited Georgia law schools.

Hosted by Marlin Art, a New York-based gallery, the live-bid auction featured over 200 works of art from artists around the world. GAWL was also pleased to feature the work of local Atlanta artists: Steve Penley, Jules Burt, Donna Hughes, Timothy Michael, Brian Hayes and David Wells. These amazing artists donated a portion of their sales to the GAWL Scholarship Fund.

Annette Idalski of Elarbee, Thompson, Sapp & Wilson, LLP,

Art Auction Committee Chair, and Jennifer Vala of King & Spalding, Vice-Chair, worked for several months to organize this event and ensure its success. Members of the Art Auction Committee, including: Christine Emmons, Heidi Geiger, Kim Dammers, Michelle LeGault, Amy Hollis, Stacey Kalberman,

With over 350 guests in attendance, art sales broke all previous fundraising records, making it possible for GAWL to provide \$20,000 in scholarships...

and Betsy Geisler were also invaluable in selling tickets and working at the Art Auction. Traci Courville, Vice President of Fundraising, did an excellent job soliciting corporate and individual sponsors to help support the event. 2002 GAWL corporate sponsors include: King & Spalding; Swift, Currie, McGhee & Hiers; Thomas William Malone, P.C.; Alexander Gallo & Associates, Inc.; Alston & Bird,

LLP; Bondurant, Mixson & Elmore, LLP; Butler, Wooten, Fryhofer, Daughtery & Sullivan, LLP; Kirshner & Venker, P.C.; Shapiro, Fussel, Wedge, Smotherman, Martin & Price, LLP; Sutherland, Asbill & Brennan; Weissman, Nowack, Curry & Wilco, P.C.; Elarbee, Thompson, Sapp & Wilson, LLP; Edward Jones; Casey Gilson, Williams & Shingler P.C.; Bull & Associates, Inc.; Litigation Document Services; Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC; American National Lawyers Insurance Reciprocal; Brown Reporting, Inc.; Carter & Ansley; Document Technologies, Inc.; Downey & Cleveland, LLP; Finley & Buckley, P.C.; Lord, Bissell & Brooke; Love, Willingham, Peters, Gilleland & Monyak, LLP; Page, Gard, Smiley & Bishop, LLP; Resolution Resources Corporation; Sterling Legal Search; Trial Graphix/Trial Logix; Decker & Hallman; Format Printing & Graphics, Inc.; Henry D. Green, Jr.; Oates & Courville.

GAWL sincerely thanks all of our sponsors and those who made this fundraiser the biggest success ever! Scholarship awards will be presented to recipients at the GAWL Annual Dinner on June 5, 2002.

CALENDER OF UPCOMING EVENTS

- Lunch N' Learn - TBA Wednesday of every month @ 12:00 @ Atlanta Bar Association
- Board Meeting - July 23rd at 12:00 @ Atlanta Bar Association
- GAWL sponsored Estate Planning Seminar - TBA
- Strategic Planning Retreat @ Stone Mountain for Board members - August 16-17

Check out our website for more information - www.GAWL.org

Announcement

We need your opinions! As part of the strategic planning process, every GAWL member will receive a survey this summer. Your input is important - please make time to respond to the survey.

A Glimpse at Our History

By: Zahra S. Karinshak, GAWL Historian

Zahra is currently the Deputy Executive Counsel to Governor Roy E. Barnes. She has served as GAWL's Historian for the past two years and will head the GAWL Scholarship Fund this year.

Serving as Historian for the past two years has proven to be very rewarding, as I read numerous scrapbooks and clippings to discover some fascinating tidbits that I felt compelled to share with you:

The Georgia Association of Women Lawyers (GAWL) was founded, in October 1928 by Mrs. Minnie Hale Daniel.

Mrs. Daniel was the first woman in Georgia to receive a law degree. Mrs. Daniel graduated from the Atlanta Law School in 1911, and when she presented

her application to the court for permission to be admitted to the Bar, her application was refused. Thus began a fight that was to bring Mrs. Daniel statewide fame and to prepare the way for all women who now practice law in Georgia.

Five years passed before Mrs. Daniel was able to gain ground in the Georgia legislature. The "Woman Lawyer Bill," drafted by Mrs. Daniel, passed the General Assembly on August 19, 1916 and stated: "An Act to permit females to practice law in this State, under the same terms and qualifications as are now provided for males." Governor Nat Harris signed the bill into law.

On March 25, 1922, women were present at a meeting of the Atlanta Bar Association for the first time in the history of the Association. These women were Mrs. Irene L. Bell and Mrs. Marie C. Anderson.

In 1930, Mrs. Minnie McDowell Johnson became President of GAWL. She was the first woman in the South to be appointed as Assistant District Attorney in the United States Courts.

In 1933, GAWL honored the Ladies of the Georgia General Assembly at a dinner. The honored guests were Senator Susan Tillman Moore, the first woman State Senator (elected in 1932), and Representatives Helen W. Coxon and Wheeler Tolbert.

Sadly, September 11, 1941 marked the passing of Mrs. Clara Bovard, one of the more notable GAWL members of the early years. Clippings from the GAWL scrapbooks describe Mrs. Bovard as probably the first woman lawyer to actively practice in a Georgia court, her first case resulting in a \$20,000 verdict in favor of her client. It was stated: "Mrs. Bovard was a woman of striking beauty, poise and charm. Her appearance

changed things considerably in the courtroom. Cigarettes were cast aside and cigars were 'choked'."

At a "Victory Dinner" in November, 1945 honoring the judges of Georgia and the seventeenth anniversary of GAWL, the Honorable T.S. Candler of the Georgia Supreme Court, guest speaker for the occasion, stated: "The enfranchisement of women has done more to purify politics in the State of Georgia than any other one event..."

Not only were women making their presence known as lawyers, but women also began branching out into other legal areas. Mrs. Velma Setzer, President of GAWL from 1948-49, officiated as one of the few women Federal Court Reporters of the nation, being a reporter for the United States District Court for the Northern District of Georgia.

See HISTORY, Page 4B

28 Ga. App. 460; 111 S.E. 688; 1922 Ga. App. LEXIS 599
13244.

April 11, 1922, Decided

3-6-1922

Editorial Information: Prior History

Indictment for larceny; from Fulton superior court -- Judge Blair presiding. December 17, 1921.

Counsel Irene L. Bell, Ernest C. Bell, Tillou Von Nunes, for plaintiff in error.
John A. Boykin, solicitor-general, E. A. Stephens, contra.

Opinion

LUKE, J. The conviction of the offense of larceny was authorized by the evidence.

The special grounds of the motion for a new trial based upon the court's rulings upon the admissibility of evidence do not show what objections were urged at the time to the evidence complained of. These grounds of the motion for a new trial fall within the rulings announced in *Wynne v. State*, 123 Ga. 566 (1) (51 S.E. 636), and *McKee v. Hurst*, 21 Ga. App. 571 (2) (94 S.E. 886).

The charge of the court was full and fair and adjusted to the evidence. There is no merit in the assignments of error attacking the charge. It was not error to overrule the motion for a new trial.

Judgment affirmed. Broyles, C. J., and Bloodworth, J., concur.

746-3476

WERBER v. WERBER.
SUPREME COURT OF GEORGIA
165 Ga. 112; 139 S.E. 801; 1927 Ga. LEXIS 314
Nos. 5882, 5883.
October 13, 1927, Decided

Editorial Information: Prior History

Attachment for contempt. Before Judge Pomeroy. Fulton superior court. January 12, 1927.

Counsel Ernest C. & Irene L. Bell, for plaintiff in error.
Colquitt & Conyers and Jerome Jones Jr., contra.

Opinion

{165 Ga. 112} BECK, P. J. By a final verdict in the case of A. C. Werber v. Mary Lee Werber a total divorce was granted between the parties. A decree was rendered whereby A. C. Werber was ordered to pay to Mary Lee Werber \$ 25 per month as alimony. He paid \$ 25 under this decree on April 1, 1913, and made no further payment. In a short time after making this payment he married again and removed from the State of Georgia, as the court was authorized to find from the testimony. Mary Lee Werber likewise remarried about nineteen months after the verdict and decree. On September 15, 1913, before her remarriage, she filed a petition showing the facts above recited, and prayed that A. C. Werber be brought before the court for contempt of its decree. On September 18, 1913, an order was passed, requiring the sheriff or deputy sheriff to bring him before the judge, to be tried as for a contempt of court. This order seems not to have been executed, but on November 2, 1926, it was reaffirmed; and the respondent was arrested and brought before one of the judges of the Atlanta circuit on January 12, 1927. At the hearing evidence was submitted which authorized the court to find that, except for certain visits and holidays, the defendant had been continuously absent from the State of Georgia from March or April, 1913, until sometime in the year 1926. The defendant himself testified that he did not leave the State to avoid paying alimony, but because he had a better business opportunity elsewhere; and that he had returned to Atlanta on various occasions for vacations and holidays. The court adjudged the respondent in contempt of court, and permitted him to purge himself of contempt by paying the sum of \$ 450 in monthly installments, this being the amount due for the unpaid installments of alimony up to the time of the remarriage of the petitioner. The respondent excepted. *Held:*

The court did not err in rendering the judgment excepted to upon the ground that "the court should have held that the judgment and decree for alimony in the case was barred by the statute of limitations and the respondent was not in contempt of court." See the case of *Bales v. Bales*, 156 Ga. 679 (119 S.E. 635), and cit.

The evidence authorized the finding of the court upon the issues of fact.

Judgment affirmed on the main bill of exceptions; cross-bill dismissed. All the Justices concur.

KING v. THE STATE.
COURT OF APPEALS OF GEORGIA

Napier - ~~2-13-22~~

2-13-22 - Signed Posters

1-16-22 - Jones v. State

Bell

2-21-22 - Signed Posters

3-6-22 - King v. State

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Content of Act/Resolution

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1920

PART I.--PUBLIC LAWS

TITLE VI. Miscellaneous Civil AND Penal Laws.

1920 Vol. 1 -- Page: 237

Sequential Number: 101

Short Title: REPORTS OF DECISIONS; PUBLICATION, ETC.

Law Number: No. 777.

Full Title: An Act to provide for the publication of the Reports of the Supreme Court and **Court of Appeals**, and for other purposes.

Section 1. Be it enacted by the General Assembly of Georgia, and it is enacted by the authority of the same, That the Reports of the Supreme Court and of the **Court of Appeals** of this State shall hereafter be published in the manner hereinafter pointed out.

[Sidenote: Reports.]

Sec. 2. For the purpose of this Act, the following words, as used herein, shall be construed to have the following meaning: The word "reporter" shall mean the reporter of the Supreme Court. The word "Reports" shall mean the official Reports of the decisions of the Supreme Court or of the **Court of Appeals** as the case may be, together with the usual title pages, indexes, etc. The word "publisher" shall mean the State Publisher of Court Reports as defined in this Act.

[Sidenote: Definitions.]

Sec. 3. The reporter, acting with the advice of the Governor, shall from time to time as the occasion may require, prepare and outline a proposed contract conforming to the provisions of the Act in general detail but leaving blanks to be filled where necessary from the bids to be submitted as hereinafter provided for and shall file the same in the office of the Governor for public inspection. The Governor shall thereupon advertise for bidders under said contract. Said advertisement shall be published twice, in separate weeks, in some daily newspaper of said State and shall designate the time, place and manner in which bids will be received. The right to reject any and all bids shall be reserved. The Governor and reporter to contract with such lowest bidder in the event such contractor complies with the terms of this law.

[Sidenote: Contract.]

[Sidenote: Bidders.]

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Sec. 4. The person to whom the contract is awarded shall give bond with adequate and satisfactory security in the sum of not less than \$10,000.00 to be payable to the Governor and to be approved by him and to be conditioned that he will promptly and faithfully perform his contract and carry out all the provisions of the Act so far as they relate to the duties arising from said contract.

[Sidenote: Bond.]

Sec. 5. The person to whom said contract shall be awarded shall, upon the giving and the approval of the bond above referred to, become and be known as the State Publisher of Court Reports.

[Sidenote: State publisher.]

Sec. 6. The reporter shall furnish to the publisher the manuscript of the decisions and of the index and shall supervise the printing in substantially the manner as provided in Sections 6127 to 6131, inclusive, of the present Civil Code of Georgia, and it shall be the duty of said publisher to cause the Reports to be printed and bound promptly and within such limit as shall be set out in the contract. Should there be delay in such printing or binding beyond the time set, the reporter shall notify the Governor and the Governor shall, upon notice to said publisher, declare said contract broken and said publisher shall forfeit to the State a sum to be assessed by the Governor not exceeding one hundred dollars per week for each week that said delay continues, unless it appears to the Governor that such delay arose from providential, unavoidable or excusable cause; and if the delay is flagrant or continues more than sixty days the Governor may, in addition, declare the contract forfeited and ended. The bond given by said publisher shall be liable for any sum so assessed and an action shall be thereon in behalf of the State for said amount.

[Sidenote: Printing.]

[Sidenote: Delays.]

Sec. 7. The printing and binding of the Reports shall be done substantially in the same manner and in the same style and quality as now used in the publication

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of said Reports, and no variance therefrom shall be made without the consent of the reporter on such terms as shall be set by him with the approval of the Governor.

[Sidenote: Style and quality of books.]

Sec. 8. As said Reports are printed, matrices of the type pages shall be made according to specifications to be furnished by the reporter and to be stated in the contract, and as each volume is printed these matrices shall be carefully packed and boxed and delivered to the State Librarian or to such other custodian as shall be designated by the Governor, free of cost to the State; and these shall be carefully preserved for future printing if necessary. In the discretion of the reporter, with the approval of the Governor, the publisher may be required to furnish stereotyped plates, instead of the matrices, at the actual cost of having the same made from the matrices or type pages. The publisher shall also carefully preserve an additional set of the matrices of each volume he publishes, and shall, upon his contract expiring, deliver them to his successor in office, the title to the same to be in the State at all times.

[Sidenote: Matrices of type pages.]

Sec. 9. On or before the time each Report is printed and bound the State Librarian shall furnish to the publisher a statement of the number of volumes needed by the State for the purpose of distribution and exchange as provided in Sections 178 and 183 and for other public uses of the State, and, as soon as the Reports are printed and bound, the supply called for by the requisition of the State Librarian shall be delivered to the State Librarian; and the publisher shall be paid therefor at the price set out in the contract, to be paid as is hereinafter provided, and if the original requisition proves inadequate further requisitions may be made from time to time and the volume called for shall be delivered and paid for as stated above. In addition to the copies so to be furnished for use of the State the publisher shall at all times during his contract keep

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on hand at the Capital City of the State an adequate supply of the Reports on and after the day of publication shall sell the same to the State and citizens of this State at a price not exceeding that to be set in the contract.

[Sidenote: Number of volumes.]

Sec. 10. The price at which such Reports shall be furnished to the State or sold to the citizens of the State shall not exceed the cost price to the State as fixed by the contract with the publisher herein referred to.

[Sidenote: Price.]

Sec. 11. The publisher shall print such number, not less than 1,000 copies, of each current volume of the Reports as shall be specified in the contract herein provided for.

[Sidenote: Printing.]

Sec. 12. Upon the expiration of his contract the publisher in the event he does not become his own successor may sell to his successor all his unsold copies provided he and his successor can agree upon satisfactory terms therefor, but if no satisfactory trade is made to his successor the publisher may hold said unsold copies for the purpose of sale, and the price of any such unsold copies shall remain the same as fixed by the contract under which said unsold copies shall have been published.

[Sidenote: Unsold volumes.]

Sec. 13. The reports shall be copyrighted and the copyright shall belong to the State of Georgia.

[Sidenote: Copyright.]

Sec. 14. Should the work of printing and binding the Reports or any part of them be improperly done the Governor shall have the power to require the same to be re-executed or in his discretion he may, in lieu thereof, require the publisher to sell the same to the State and the citizens of the State at a reduced price to be fixed by the Governor. This provision shall in no way effect the liability upon the bond herein provided for.

[Sidenote: Improper work.]

Sec. 15. Except when the State shall have on hand for the purpose of sale twenty-five or more copies of

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any volume of the Reports of which the State may have matrices, or electrotyped, or stereotyped plates, whether such matrices or plates were obtained by the State under the provisions of this Act or

any prior existing law, or otherwise, the publisher shall have the right at any time to call on the State Librarian or other custodian for the matrices or plates for such volumes for the purpose of printing therefrom additional copies, and also it shall be the duty of the publisher, upon demand being made upon him by the reporter, with the approval of the Governor, to make such reprints as may in the judgment of the reporter, with the approval of the Governor, be necessary to meet the needs of the State or of the citizens of the State and to keep such volume or volumes on hand for sale to the State and to the citizens of the State. The terms on which the publisher shall have the use of such matrices and plates and the prices at which the reprints shall be sold to the State and to the citizens of this State shall be stated in the publisher's contract. Provided, nevertheless, that where an ex-publisher has on hand, unsold, not less than twenty-five copies of any volume of the Reports, which he stands ready to sell to the State or to the citizens of this State at the price named in the contract under which such volume was printed, no succeeding publisher shall be allowed to reprint that volume of the Reports and sell the same in competition with the ex-publisher. Provided that this exception in favor of the ex-publisher shall expire at the end of six years from date of the expiration of his contract under which the volume in question was published.

[Sidenote: Reprints.]

[Sidenote: Ex-publisher's right.]

Sec. 16. So much of Section 187 of the Civil Code as relates to the publication of the early reports by the State Librarian is superseded by this Act, but such republication shall be provided for in letting the contract with the publisher.

[Sidenote: C. C. § 187 partly superseded.]

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Sec. 17. The expense attendant on advertising and letting the contracts shall be paid from the contingent fund, or other funds not otherwise appropriated, on warrant of the Governor. The purchase price of books bought under the provisions hereof for the use of the State and the cost of making stereotypes, if required, and such other things as are properly chargeable to the State in the carrying out of the provisions of this Act, and not otherwise provided for, shall be paid out of the printing fund or any other fund in the Treasury not otherwise appropriated, to be drawn on warrant of the Governor.

[Sidenote: Payments. by State.]

Sec. 18. So much of the law now contained in the Code of 1910, tenth title, chapter six, as is not necessarily superseded by the terms of this Act, is hereby retained in force.

[Sidenote: Existing law.]

Sec. 19. All conflicting laws and parts of laws are repealed.

Approval Date: Approved August 17, 1920.

Women Attorneys Will Defend Man At Murder Trial
The Atlanta Constitution; Feb 6, 1921; pg. 1, 1

Other 4 -- No Title
The Atlanta Constitution; Mar 7, 1922; pg. 4, 1

Other 5 -- No Title
The Atlanta Constitution; Mar 8, 1922; pg. 4, 1

Other 5 -- No Title
The Atlanta Constitution; Mar 10, 1922; pg. 6, 1