HOME RULE IN GEORGIA**

By ERNIE HYNDS*

Many unsuccessful attempts have been made in the past twenty years by civic-minded Georgia legislators to provide self-determination of local affairs for Georgia municipalities. A home rule article has been written into the State Constitution, the article has been amended, and two home rule bills have been enacted by the General Assembly; but as the General Assembly convened for its 1957 session, Georgia was still without an adequate home rule provision. Opposition to municipal home rule has come from some legislators who do not wish to relinquish their present hold on local affairs, from some business interests, and from some municipalities who have achieved adequate local government through general and special laws.

States have at least five choices in providing for urban government: special legislation, general legislation, general legislation involving classification, general legislation providing for an optional charter plan, and municipal home rule.[1] Of the five, home rule seems the most likely to provide adequate government at the least expense to the state as a whole.

There are three principal reasons why home rule is needed in most states: (1) state legislatures do not provide their cities with adequate government, (2) corrupt practices flourish under other systems of urban government, and (3) local government matters monopolize the time of legislatures. Georgia cities could function more adequately under home rule. Corrupt practices easily develop under the present system, and local government matters monopolize the time of Georgia's General Assembly. Approximately half of the legislators' time, at $8,000 a day, is spent handling local matters that could better be handled by local governments.

HOME RULE DEFINED

Rodney L. Mott, a leading home rule authority, suggests that a locality may be said to have home rule when "it has the authority to

*Part time instructor in Journalism, University of Georgia; A.B., 1952 Emory University; M.A., 1956 University of Georgia.

**Municipal home rule was rejected again by the General Assembly in 1957. A bill introduced in the House was voted down 109-75 on January 29 (*Atlanta Journal,* January 30, page 1, col. 5), and the identical bill introduced in the Senate was tabled indefinitely by the rules committee on February 4 (*Atlanta Constitution,* February 5, page 1). The 1957 proposal was virtually the same as the 1956 bill which passed the Senate 28-1, but was defeated in the House.

1. Fordham, *Home Rule—AMA Model,* THE NATIONAL MUNICIPAL LEAGUE'S SYMPOSIUM, NEW LOOK AT HOME RULE 12 (1955).

determine for itself the organization, procedures, and powers of its own government."[2] He points out that no locality can expect to have complete home rule because it must live in a world with numerous other governments—local, state and national. Mott says then that the amount of home rule that a locality has depends "on the extent which interference with it on the part of other governments is reduced to a minimum, on the extent to which it is able to settle important issues for itself, and on the extent to which it has the largest possible amounts of self government."[3] This statement is indicative and also suggests that the definition of home rule in a particular state must be determined by its courts in interpreting the local constitution and statutes. Home rule provisions should as a minimum protect cities against enactment of special or local laws by the state legislature, grant cities authority to frame their own charters, and give cities powers broad enough for them to provide maximum services for their citizens.[4]

The local autonomy suggested by home rule may be obtained in one of three ways:

> (1) legislative home rule wherein the cities rely on the state legislatures to grant them self government,
>
> (2) constitutional home rule wherein the cities obtain from the state constitution a degree of autonomy, including the right to frame their own charters, and
>
> (3) local federalism wherein the cities are related to the states in much the same manner that the states are related to the national government.[5]

Legislative home rule, is opposed for several reasons, but possibly can be made to work. It is generally opposed because there is no protection against legislative meddling, there is a danger that with the normal changeover of legislators even sincere men may not understand the problems of municipalities, and there is destruction of local initiative when the city must beg for its powers.[6]

Constitutional home rule, which has been initiated in 22 states, is generally believed to be the only satisfactory system. There are three types to be considered:

> (1) self executing, wherein municipalities frame and adopt charters free from state enabling legislation,
>
> (2) mandatory, wherein the constitution affirms the principal of home rule for municipalities and directs the legisla-

2. MOTT, HOME RULE FOR AMERICA'S CITIES 10 (1949).
3. *Ibid.*
4. *Id.* at 6-7.
5. *Id.* at 13.
6. *Id.* at 13-14.

ture to enact supplementary legislation defining charter-making procedure, and

(3) permissive, wherein the constitution gives the legislature discretion of granting home rule powers.[7]

Self executing provisions are the safest, but may include too many procedural details.[8] There is a danger that the legislature may not enact "mandatory" provisions, but so far they have not done so.[9] Permissive provisions, such as the one provided in the Georgia Constitution, are the least to be desired from the point of view of the cities because they provide no guarantees that the legislature will act,[10] or that it will not periodically change and undo any actions that it has taken.

Georgia is a prime example of the dangers inherent in permissive provisions. Despite the fact that 78 per cent of the people voted for home rule in the 1954 general election, home rule bills were blocked in both the 1955 and 1956 sessions of the legislature.

An actual system of local federalism, advanced in theory by Mott and others advocating home rule, has not been tried out in any of the states.

General Versus Special Laws

Since home rule in its broadest sense deals with the rights of self government, any historical study of it must begin with the earliest attempts to curb special legislation and grant authority to local governing bodies.

Movements to curb special and local laws were begun about 1850 in New York, Indiana, Ohio, and Michigan,[11] and they spread rapidly to other states. Some states discovered, however, that this negative approach was not enough, and a positive approach was tried in several legislatures. As early as 1858 the Iowa legislature granted a measure of home rule to its cities.[12] Although a few states had some success with legislative provisions, others turned to their constitutions to gain sounder legal footing. Missouri launched the constitutional home rule movement in 1875 by granting a measure of home rule to the city of St. Louis,[13] and today approximately half of the states have some kind of constitutional provision.

7. Chicago Home Rule Commission, Modernizing a City p. 210 (1954).
8. Mott, Home Rule for America's Cities 18 (1949).
9. *Ibid.*
10. *Id.* at 17.
11. National Municipal League, A Guide for Charter Commissions 4 (1952).
12. Zink, Government of Cities in the United States 121 (1947).
13. Chicago Home Rule Commission, Modernizing a City Government 204 (1954).

The first restrictions concerning general versus special laws in Georgia came in the Constitution of 1861 which provided in article 1, paragraph 19, that general laws should not be varied by special laws in particular cases unless agreed to by all persons affected.[14] This restriction was extended in article 1, paragraph 15, of the Constitution of 1865,[15] and continued in article 1, section 26, of the Constitution of 1868.[16]

Concerning these provisions, it has been stated that "the power of the legislature to pass special laws was almost unlimited at the time of the meeting of the Constitutional Convention of 1877,"[17] but that these restrictions, although slight, "showed a definite trend toward regulation and away from complete legislative freedom."[18]

The present-day language prohibiting special laws was introduced in the Constitution of 1877, a document which although amended 301 times was not revised until 1945. That provision, which was continued intact in the Constitution of 1945 despite recommendations for revision by the Commission of 1943-1944 to revise the Constitution, is included in article I, section IV, paragraph I, reading as follows:

> *General laws, and how varied.*—Laws of a general nature shall have uniform operation throughout the State, and no special law shall be enacted in any case for which provision has been made by an existing general law. No general law affecting private rights (comma inserted here in 1945) shall be varied in any particular case, by special legislation, except with the free consent, in writing, of all persons to be affected thereby; and no person under legal disability to contracts (corrected to "contract" in 1945) is capable of such consent.[19]

It is unfortunate that this provision was not revised and clarified in the 1945 document because the courts have been unable to agree on its meaning. As yet undetermined satisfactorily are (1) what is a general law, and (2) to what extent a general law must cover the field to eliminate the possibility of special laws in the same field. One line of decisions suggests that laws must be of uniform, general application to be general. Another, providing for classification, says that laws are general if they apply uniformly to a particular class which is

14. McELREATH, A TREATISE ON THE CONSTITUTION OF GEORGIA 283 (1912).
15. *Id.* at 299.
16. *Id.* at 321.
17. GREEN, LOCAL LEGISLATION IN STUDIES IN GEORGIA HISTORY 216 (Bonner and Roberts Ed. 1940).
18. *Ibid.*
19. McELREATH, A TREATISE ON THE CONSTITUTION OF GEORGIA 355 (1912); GA. CONST., Art. I, § 4, ¶ 1 (1945), GA. CODE ANN. § 2-401 (1948 Rev.) (1945 provision.) The title of the 1945 provision is slightly different. It reads "General Laws; Uniform Operation; Law Varied."

not designated arbitrarily. One line of decisions suggests that any field touched by a general law, even though superficially, is thereby closed to special laws, while another attempts to provide conditions under which special laws may supplement general laws if they do not conflict with them.[20]

HOME RULE MOVEMENT

Joe S. Burgin of Buena Vista, a former representative of Marion County and senator from the 24th district, apparently made the first attempts to introduce "home rule," as the term is used today, into Georgia law. Thomas F. Green wrote in 1940 that Mr. Burgin has been attempting for many years to have an amendment submitted to the voters which would forbid the introduction of local bills and would require the General Assembly to provide for home rule.[21] He wrote that the Burgin bill, as introduced in the extraordinary session of 1937-1938 (Senate Bill No. 73), was passed by the Senate, but not by the House.[22] It provided that paragraph 16 of section 7 of article III of the Constitution be repealed to be replaced by the following:

> Paragraph 16. No local or general bills with local application shall be introduced into the General Assembly, but the General Assembly shall be [by] general laws prescribe how such local or general bills with local application shall be handed in, for or by the several municipalities and counties of this state. Provided that the General Assembly shall, before the passage by it and the approval of an act putting into effect this paragraph, have power existing prior to the ratification of this amendment to pass all local and general bills of local application.[23]

Since Burgin introduced his bill in 1937, a great deal has been said and done, but not much of lasting value has been accomplished to provide for home rule in Georgia.

Following Burgin's unsuccessful attempts, the first concerted proposals for home rule were offered by the Commission of 1943-1944 to revise the Constitution.[24] This group offered some interesting proposals, but much of what they proposed was altered or deleted in the revised Constitution as passed by the General Assembly in 1945. Sev-

20. For more complete discussion of general versus special laws in Georgia see, Saye, *Constitutional Law* 6 MERCER L. REV. 32 (1954) and 7 MERCER L. REV. 37 (1955).
21. BONNER, STUDIES IN GEORGIA HISTORY 230 (1940).
22. *Id.* at 274. (Footnote 93)
23. Senate Bill No. 73, quoted in BONNER, STUDIES IN GEORGIA HISTORY 230-231 (1940).
24. 2 SAYE, RECORDS OF THE COMMISSION OF 1943-1944 TO REVIEW THE CONSTITUTION OF GEORGIA 613-615 (1946).

eral encouraging provisions regarding local legislation were placed in the new constitution, but the "home rule" provision itself was inadequate and of doubtful meaning.

The League of Women Voters pointed up three things in particular which were accomplished in the field of local legislation by the revised Constitution. They were: (1) the provision that not only must notice of local laws be published in advance, but also that the publisher must certify this fact or the author of the bill must provide an affidavit to that effect,[25] (2) the provision that the people of a community by referendum must approve any legislative move to abolish or change the term of office of a locally-elected official, and that the legislature cannot add new officials to elective positions unless they are elected by the voters, and (3) the provision that a majority of voters in the community must favor a local constitutional amendment if it is to become law.[26]

The revised Constitution provided for home rule in article XV, reading as follows:

> Article XV, Home Rule, Section I, Paragraph I. *Uniform systems of county and municipal government.* The General Assembly shall provide for uniform systems of county and municipal government, and provide for optional plans of both, and shall provide for systems of initiative, referendum and recall in some of the plans for both county and municipal governments. The General Assembly shall provide a method by which a county or municipality may select one of the optional systems or plans or reject any or all proposed systems or plans.[27]

The article left home rule very much in question. There was a difference of opinion as to whether its wording meant that the legislature had to draw up a group of charters from which the municipalities and counties could choose one, or whether the General Assembly could authorize local governments to draw up their own plan, providing, of course, it was in keeping with the Constitution and the general laws. The legislators assumed the latter condition to be applicable in preparing the home rule bills of 1947, 1949, and 1951, but the courts took the opposite view when called upon to judge the 1951 law as amended in 1952.

THE 1945 CONSTITUTION GETS A TRIAL

All told, three home rule laws, one designated for counties and two

25. Smith v. McMichael, 203 Ga. 74, 45 S.E.2d 431 (1947).
26. LEAGUE OF WOMEN VOTERS OF GEORGIA, GIVE THE GOVERNMENT BACK TO THE PEOPLE 6-7 (1949).
27. GA. CONST. Art. XV, §1 (1945), prior to its amendment in 1954. GA. CODE ANN. §2-8301 (1948 Rev.).

for cities, were passed before the legislature gave up on Article 15 of the revised Constitution and amended the article itself. The bill for counties, which was amended to apply only to a few counties, still stands. The first bill adopted for cities was of such doubtful constitutionality that it never was employed to any extent, and the second bill for cities was declared unconstitutional.

Two of the home rule laws were passed in 1947. Representative Garland of Butts County introduced a bill[28] applying to counties, but when he could not get it out of committee, he amended it to apply only to Butts County. It was amended to include Clinch and Chattooga counties,[29] passed, and its constitutionality had not been challenged through October, 1956. Inquiries to county ordinaries indicated that with the possible exception of Butts, none were availing themselves of the law.

Representative Charles Gowen of Glynn County introduced a general bill in 1947 to provide for municipal home rule, but before final passage it was amended so that only 144 counties were included.[30] Because there was some question as to whether a law which excepted specific counties was a "general law," only a handful of cities adopted it immediately following the session.[31] Attorney General Eugene Cook, among others, said that in his view the 1947 law was unconstitutional.[32] It is probably for this reason that the act's constitutionality was never carried to the appellate courts from the time of its passage until it was either repealed outright or superseded by the Municipal Home Rule Law of 1951.[33]

Mr. Gowen introduced a similar, but stronger, home rule law in 1949 which passed the House, but was defeated in the Senate.[34] A resolution was introduced in the House in 1950 proposing to submit to the qualified voters an amendment providing for home rule.[35] It was referred to the Committee on Amendments No. 2 and on February 1, 1950, was favorably reported, and read the second time.[36] On February 3, the Committee on Rules reported it on the calendar,[37]

28. Ga. Laws, 1947, pp. 1051-1505. GA. CODE ANN. § 2-8301 (supp. 1955).
29. LEAGUE OF WOMEN VOTERS OF GEORGIA, GIVE THE GOVERNMENT BACK TO THE PEOPLE 8 (1949).
30. Ga. Laws, 1947, pp. 1118-1130.
31. LEAGUE OF WOMEN VOTERS OF GEORGIA, GIVE THE GOVERNMENT BACK TO THE PEOPLE 8 (1949).
32. GEORGIA LOCAL GOVERNMENT JOURNAL 18 (Jan. 1951).
33. Ga. Laws, 1951, pp. 116-117, GA. CODE ANN. § 69-1001 *et seq.* (Supp. 1955).
34. Ga. Senate Journal, Extra Session 1948 through Regular Session 1950, p. 1362.
35. Ga. House Journal, Extra Session 1948 through Regular Session 1950, p. 1362.
36. *Id. at* 1413.
37. *Id. at* 1585.

but is is not mentioned again in the 1950 Journal,[38] and apparently did not come up for discussion or vote.

In 1951 Mr. Gowen introduced another Municipal Home Rule bill[39] which passed with only two important amendments. The number of signatures necessary for a recall petition was changed from twenty per cent to thirty per cent, and Atlanta was exempted from the annexation procedure prescribed in the law.[40] Before the introduction of this bill, Attorney General Cook stated that he believed a bill along these lines would stand up in court.[41] The Act was amended slightly in 1952,[42] was greeted with some enthusiasm, and by May, 1953, twenty-two cities were operating under its provisions.[43] Surveys conducted in early 1953 by the *Atlanta Journal-Constitution* and the *Georgia Local Government Journal* both indicated that a majority of the towns which had adopted home rule were in favor of it. The *Journal-Constitution* survey, conducted in January,[44] showed some discontent in Manchester and East Point, but the *Local Government Journal* survey, conducted in March,[45] indicated that it was working out satisfactorily in those towns as well as the others.

THE ACT OF 1951 HELD VOID

The success of the home rule bill of 1951 was to be short-lived, however, because on May 23, 1953, Judge Jessie M. Wood of the Fulton Superior Court declared the law unconstitutional in that it did not follow the provisions for home rule specified in article XV of the Constitution as revised in 1945. On September 15, 1953, the State Supreme Court upheld the ruling.[46] One local authority, in commenting on the decision, said: "The specific ruling was on the provisions of the act authorizing a municipality to extend its boundaries, but the language used by the chief justice, speaking for an undivided court, leaves no doubt that the justices consider the act void in its entirety."[47]

Municipal officials were not too upset by the court's decision, however, because most cities had moved cautiously since adopting home rule and had not gone too far afield in their local legislation.[48] The

38. *Id. passim* 1585-1880.
39. Ga. Laws, 1951, pp. 116-127. GA. CODE ANN. § 69-1001 *et. seq.* (Supp. 1955).
40. Collins, in GEORGIA LOCAL GOVERNMENT JOURNAL 3 (1951).
41. *Id.* at 7.
42. Ga. Laws, 1952, pp. 46-53, GA. CODE ANN. § 69-1003 *et. seq.* (Supp 1955).
43. Atlanta Journal-Constitution, May 24, 1953, § A, p. 17, col. 1.
44. *Id.* col. 5.
45. GEORGIA LOCAL GOVERNMENT JOURNAL, 10 (March 1953).
46. Phillips v. Atlanta, 210 Ga. 72, 77 S.E.2d 723 (1953).
47. SAYE, in NATIONAL MUNICIPAL REVIEW 462-463 (Oct. 1953).
48. Atlanta Journal-Constitution, May 24, 1953, § A, p. 17, col. 1.

twenty-two cities operating under the Act when it was declared unconstitutional were Ashburn, Athens, Brunswick, Calhoun, Canton, Chipley, Cornelia, Dahlonega, Dalton, Decatur, Douglas, Eastman, East Point, Gainesville, Griffin, Hapeville, Helen, Jenkinsburg, Manchester, Milledgeville, Sylvania, and Whigham.[49]

The Constitution Is Changed

In November, 1953, Mr. Gowen introduced a constitutional amendment to replace article XV with a home rule provision which eliminated any doubts as to the right of the legislature to grant home rule to municipalities. This resolution passed the General Assembly by an overwhelming majority and was ratified in the 1954 election by a 78 per cent majority of the voters. [50] The resolution, which authorized the General Assembly to provide for self government of municipalities, provided that article XV, section I, paragraph I of the Constitution relating to home rule be amended by striking out the provisions of Paragraph I (the whole article) in their entirety and inserting the following provisions:

> Paragraph 1. The General Assembly is authorized to provide by law for the self-government of municipalities and to that end is hereby expressly given the authority to delegate its powers so that matters pertaining to municipalities upon which, prior to the ratification of this amendment, it was necessary for the General Assembly to act, may be dealt with without the necessity of action by the General Assembly. Any powers granted as provided herein shall be exercised subject only to statutes of general application pertaining to municipalities.[51]

In the 1955 session of the General Assembly, two home rule bills were introduced based on the new amendment. House Bill 309, which was very similar to the old Gowen bill and introduced by Representative B. N. Nightingale of Gynn County, never got out of committee. Senate Bill No. 69, which was introduced by Senator C. Ernest McDonald of the 43rd District, passed the Senate about midway of the session and was sent to the House. It was not reported out of House committee until the final week of the session, however, and did not come up for a vote until the last day of the session, when it was defeated 104-43. The bill provided for procedures similar to the Nightingale bill and the old Gowen law, but was much shorter in that it did not list the many special grants of authority.[52]

49. *Ibid.*
50. *Steps Toward Home Rule,* Georgia Voter, 3 (April 1953).
51. Ga. Laws, Nov.-Dec. Sess. 1953, p. 504, Ga. Code Ann. § 2-8301 (Supp. 1955).
52. *Steps Toward Home Rule,* in Georgia Voter 3 (1953).

HOME RULE DEFEATED AGAIN

Before adjourning, the General Assembly passed a resolution creating a six-man committee to study the question of home rule and report back to the 1956 session. It was composed of three members appointed by the Speaker of the House and three appointed by the President of the Senate.[53] Senate members included C. Ernest McDonald (chairman), 43rd district; Charles H. Dews, 9th district, and Dorsey R. Matthews, 47th district. House members were B. N. Nightingale, Glynn County; Arthur K. Bolton, Spalding County and Carl E. Sanders, Richmond County.

This committee studied the matter and prepared a bill which it submitted for suggestions and recommendations to other members of the General Assembly, the law schools of the state, the Institute of Law and Government of the University of Georgia, the League of Women Voters of Georgia, the state and local chambers of commerce, the Georgia Municipal Association and its member municipalities, and other individuals and organizations.

On November 15, 1955, a public hearing[54] was held in Atlanta at which many of these groups presented their suggestions, and the matter was discussed. Following this hearing the committee met and revised its proposed bill, taking into consideration the opinions expressed. In January, 1956, the revised bill was introduced into the Senate, amended regarding several minor points, and on January 25, passed that body by a vote of 28 to 1.[55] The bill then went to the House where its provisions were studied first by the Special Judiciary Committee. On February 9, this group reported it out of committee and recommended its passage by the House.[56] In due time the matter came before the House and on February 16, acting on a motion by Representative Hugh Gillis of Treutlen County, the representatives voted 85-76 to table the bill.[57] Representative Nightingale, one of the bill's authors, got it reconsidered the next and final day of the session, but it failed to pass by 17 votes.[58]

PROVISIONS OF THE 1956 BILL

The proposed bill had 12 sections including the first which provided that the act be known as "The Municipal Home Rule Law," and the second which defined "municipality," "governing authority," and

53. Ga Laws, 1955, pp. 679-680.
54. Atlanta Constitution, Nov. 16, 1955, p. 1, col. 2.
55. Athens-Banner-Herald, Jan. 25, 1956, p. 1.
56. Atlanta-Constitution, Feb. 9, 1956, p. 16, col. 3.
57. *Id.* Feb. 17, 1956, p. 1, col. 7.
58. *Id.* Feb. 18, p. 8, col. 1.

"qualified voters."

Section three provided for a general grant of powers to municipalities, and also listed the powers which the General Assembly reserved to itself. These reserved powers included annexation, merger of municipalities, power to exercise authority outside the territorial limits of a municipality, granting of original charters, and revocation of charters.

Section four provided that "No municipality shall be affected by the passage of this Act unless it first shall come under the provisions of this Act as hereinafter provided."

Section five provided the means of coming under the act: this question might be submitted to the qualified voters by the governing authority on its own motion or as the result of a petition signed by twenty (20) per cent of the voters. This section provided that a vote be taken on the matter at the next general election if one were to be held not less than 60 or more than 90 days hence, or at a special election not less than 60 or more than 90 days from the date of the resolution or petition as the case might be. The section also provided for the publication of the bill, the procedure for marking the ballot, and the procedure for adoption if a majority of the voters voted in favor of coming under the provisions of the act.

Section six provided for an amending process similar to the original adoption procedure, the principal difference being the time specified for submission of the question to the voters. The amendment would be submitted at a general election if one occurred within a year from the date of the filing of the petition or governing authority resolution. If there were no such election within a year, then the amendment would be submitted at a special election not less than 60 days or more than 90 days hence.

Section seven provided that (1) if the municipality voted against coming under the law, the question could not be submitted again for one year, (2) if the municipality voted to come under the law, it could not vote to come from under it for a period of two years, (3) if an amendment was disapproved at an election, it might not be submitted for a period of one year, and (4) if an amendment was approved its repeal might not be submitted for at least a year. This section also provided the means by which a municipality might come from under the act.

Section eight provided that municipalities' election laws not in conflict with this act should stand, and section nine provided for an appeal by any qualified voter from the decision of the governing authority

as to the sufficiency or insufficiency of any petition provided for in the act.

Section ten provided that if any part of the act be found unconstitutional, it should not affect the remainder of the act. Section eleven provided that the act should become effective April 1, 1956, and section twelve provided that all laws and parts of laws in conflict be repealed.

HOME RULE EXPONENTS' VIEWPOINT

Senator McDonald issued a statement following the bill's defeat which sums up the feeling of many home rule exponents. His statement was as follows:

> Since the home rule bill was drafted and sent to all members of the General Assembly for study, and suggestions of desired changes, and since no suggestions of changes have been made, and since no criticism has been offered on the floor of either house, it must be presumed that the bill, as drawn, is technically correct, and provides home rule in the most desirable manner, and that any vote against the bill was so cast because the legislator involved was opposed to the principle of 'home rule,' and takes this position in spite of the fact that 78 per cent of the voters of Georgia expressed a desire for 'home rule' in adopting 'home rule' provisions in our constitution in the general election of Georgia in 1954.
>
> Since the proposed home rule bill provides only permission to the people to avail themselves of home rule, if they so desire, it is also clear that those legislators voting against the bill are saying to their people that you shall not be accorded the right to decide this matter yourself and I shall retain it myself and make your decision for you r e g a r d l e s s of your expressed desire to exercise it yourself.[59]

59. *Ibid.*

MERCER LAW REVIEW

Member of Southern and National Law Review Conferences

VOLUME 8 | SPRING, 1957 | NUMBER 2

The MERCER LAW REVIEW *is published in the Fall and Spring of each academic year by the students of the Walter F. George School of Law, Mercer University, Macon, Georgia.*