

ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, PASSED AT MILLEDGEVILLE AT AN ANNUAL SESSION, IN NOVEMBER & DECEMBER, 1819.

ACTS OF THE GENERAL ASSEMBLY, OF THE STATE OF GEORGIA, *Passed in November and December, 1819.*

1819 Vol. 1 -- Page: 16

Sequential Number: 014

Type: AN ACT

Full Title: For the organization of a court of Common Pleas, and of Oyer and Terminer, for the city of Savannah, and for repealing the civil jurisdiction given by the laws of this state to the Mayor and Aldermen, or to the Mayor of said city.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That there shall be organized in the city of Savannah, on the last Monday in October next, a court of record, to be styled the court of Common Pleas and Oyer and Terminer, for the city of Savannah, which said court shall have cognizance of civil cases, in assumpsit, debt, covenant, trover, and of actions on the case when the damages or cause of action shall not exceed the sum of two hundred nor shall be less than thirty dollars, and the said court shall have criminal jurisdiction of all minor offences committed within the limits of the city of Savannah, and which do not subject offenders to confinement in the Penitentiary.

§ 2. *And be it further enacted,* That the Judge of said court shall be elected by the Legislature immediately after the passing of this act, and shall hold his office for the term of three years, unless removed therefrom by the

Page: 17

Governor on the address of two thirds of both houses of the General Assembly for that purpose, and the said Judge shall have power and authority to hear and determine all civil cases of which the said court has jurisdiction, and to give judgment and award execution thereon: *Provided always,* that either party in any such cause shall be entitled to a trial by jury upon entering a demand thereof in writing on the docket of the said court before the opening of the court on the first day of the term to which the said cause is returnable, and upon giving security for the payment of the eventual condemnation money and costs, as upon the entry of appeals under the judicial statute of this state.

§ 3. *And be it further enacted,* That the said court is empowered to compel the production of books, papers and writings, in the possession of any party to a suit in said court, containing evidence pertinent to the cause in question, conformably to the sixth section of the judicial statute of this state.

§ 4. *And be it further enacted,* That the process in civil suits in said court shall be conformable to the eighth section of the judicial statute of this state, excepting that the process to all suits in said court shall be annexed by the Clerk of the court, and served by the Sheriff of the same, ten days before the return thereof; and for conducting proceedings in said court, the provisions contained

in the ninth section of the judicial statute shall be in force, to carry to trial any suit in said court, according to the mode prescribed in the second section of this act.

§ 5. *And be it further enacted,* That when any defendant shall have been served with process, he shall file his answer in writing in the terms of the judicial statute, on or before the opening of the court at the term to which the same is returnable; if the defendant shall fail to file his answer in manner aforesaid, the Judge of the said court shall note the default on the docket, and shall in such case and in all cases which are not docketed for trial by a jury in terms of the proviso of the first section of this act, proceed to give judgment and award execution

Page: 18

thereon at the same term, upon due proof of the plaintiff's claim; but in all cases which are so docketed, an imparlance shall be allowed until the next succeeding term.

§ 6. *And be it further enacted,* That in all cases in said court in which bail is required, that the bail and proceedings thereon shall be conformable to the laws of this state, or to such statutes upon the same subject, as may be hereafter enacted by the General Assembly.

§ 7. *And be it further enacted,* That the nineteenth, twentieth, twenty-first, and twenty-second sections of the judicial statute of this state, shall be in force in the said court, excepting that writs of subpoena shall be issued by the Clerk of said court, and served by the Sheriff of the same, a city Constable, or some private person; and that the provisions of the act passed the 16th December, 1811, to alter and amend the twenty-third section of the judiciary law of this state, passed the 16th February, 1799, shall likewise be of full force in said court, excepting that it shall not be necessary to give more than three days notice of an intention to take testimony by commission, which commission it shall be the duty of the Clerk of the said court to issue upon application therefor.

§ 8. *And be it further enacted,* That the twenty-fourth, twenty-fifth, twenty-eighth, twenty-ninth, thirtieth, thirty-first and thirty-second sections of the judicial statute of this state, shall be in full force in said court, excepting that all claims to property made under the provisions of the thirty-second sections aforementioned, shall be returned by the Sheriff of the court to the Clerk of the Superior court of Chatham county, in ten days after the institution of such claim, to be decided upon by a jury at the ensuing term of the Superior court of said county.

§ 9. *And be it further enacted,* That no confession of judgment shall be entered up in said court, unless the defendant resides within the city of Savannah, and unless the cause has been regularly sued out and docketed, nor until such cause is called in order by the court for trial.

§ 10. *And be it further enacted,* That all sales of property taken under execution by the [Illegible Text] of said court,

Page: 19

shall be made conformably to the laws of the state regulating sheriffs sales.

§ 11. *And be it further enacted*, That in all cases in which a verdict shall be returned in said court, the party in whose favour it may be, shall be allowed to enter and sign judgment thereon at any time within three days after the adjournment of the court at the clerk's office, for the amount of such verdict and all legal costs, and no execution shall issue on such verdict until such judgment shall be entered by the party or his attorney.

§ 12. *And be it further enacted*, That the Clerk and Sheriff hitherto of the Mayor's Court of Savannah, shall be the Clerk and Sheriff of the Court created by this act, but such Clerk and Sheriff shall continue to perform all the duties required of them by the ordinances of the Mayor and Aldermen of the city of Savannah, and the said clerk and sheriff are hereby declared to be entitled to the same fees as are by law allowed to the clerks and sheriffs of the Superior and Inferior Courts of this State.

§ 13. *And be it further enacted*, That the recorder of the city of Savannah, shall in the event of the absence of the Solicitor General of the district, prosecute all delinquents for crimes and offences cognizable by said court, and the said recorder, in all criminal prosecutions conducted by him, shall be entitled to receive the same fees as by law are allowed to the Solicitors General of the state, reserving to the Solicitor General of the district the right to conduct such prosecutions, and to receive the same fees as are allowed by law in the Superior courts of this state.

§ 14. *And be it further enacted*, That the clerk of said court shall copy into a book of record to be provided by the Mayor and Aldermen of Savannah, all the proceedings in all the civil cases in said court, which entry of record shall be made within twenty days after the determination of any cause, and the said clerk shall be allowed ten cents for every hundred words of recording such proceedings, to be taxed in the bill of cost; and the said clerk shall keep from day to day, regular minutes of the proceedings of said court, which shall be signed by the Judge.

Page: 20

§ 15. *And be it further enacted*, That all the duties and liabilities attached to the clerks of the superior and inferior courts, and to the sheriffs of the counties, are hereby attached to the clerk and sheriff of this court, and the judge of said court is empowered to exercise the same authority over the clerk and sheriff, as is legally exercised by the judges of the superior courts over the clerks of the superior courts, and over the sheriffs of the counties.

§ 16. *And be it further enacted*, That all persons residing in the city of Savannah, and who are liable to serve as jurors in the superior court, shall be liable to serve as jurors in this court; and it is hereby declared to be the duty of the said court to conform to the laws in force in this state, pointing out the mode of selecting, drawing and summoning jurors for the superior court; and the forty-fourth section of the judicial statute is hereby declared to be in full force in said court; and the oath to be administered to all juries in said court upon the trial of civil causes shall be the same as is by law administered to the petit jurors in the superior courts.

§ 17. *And be it further enacted*, That the judge of the said court shall, previous to the adjournment of either of the terms of the same, draw, conformably to the laws of this state, twenty-four persons to serve as an inquest or grand jury for said court and city, and twenty-four persons for the trial of all civil and criminal cases of which the said court has jurisdiction, but no

inquest or grand jury for the said court shall consist of less than eighteen persons; though twelve persons of any grand jury may find a bill or make a presentment; and it is hereby declared that the mode of proceeding and trial in all criminal cases in said court shall be the same as is pursued in the superior courts of this state; and that the oath to be administered to jurors and witnesses upon the trial of criminal cases, shall be the same as is administered to jurors and witnesses in criminal cases in the superior courts.

§ 18. *And be it further enacted*, That the clerk and sheriff of the court created by this act, shall respectively take the oath required by the judicial statute of this state,

Page: 21

to be taken by the clerks of the superior and inferior courts, and by the sheriffs of the counties, excepting that in the clerk's oath, the following words shall be substituted (after the words "and other proceedings") -- of the Court of Common Pleas and of Oyer and Terminer for the city of Savannah," and in the sheriffs oath the same style of the court shall be inserted after the words "as sheriff," and the said oaths the judge of said court or the mayor of the city of Savannah, is hereby empowered to administer.

§ 19. *And be it further enacted*, That there shall be twelve terms of the said court in each year, and that the times of holding the same shall be on the last Monday in each month, and the first term thereof shall be holden on the last Monday in October 1820.

§ 20. *And be it further enacted*, That the salary to be allowed the Judge of the said court shall be thirteen hundred dollars, to be paid quarterly by the Treasurer of the city of Savannah, out of the funds of the corporation of said city; and the said judge before he enters upon the duties of his office, shall take the following oath or affirmation, either before the governor or before commissioners by him for that purpose appointed, to wit: "I do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor, and to the rich, and that I will faithfully and impartially discharge and perform the duties incumbent upon me as Judge of the Court of Common Pleas and of Oyer and Terminer for the city of Savannah, according to the best of my abilities and understanding, and agreeably to the constitution of this State and the constitution of the United States -- So help me God."

§ 21. *And be it further enacted*, That the attorney's fee in each cause brought in said court, shall be one half of the fee allowed upon cases commenced and tried in the superior courts, and upon all cases brought in the said court, there shall be assessed the sum of three dollars, to be paid upon the institution of the same, to the clerk of the court, who shall make quarterly returns of

Page: 22

the fees so received by him, and pay over the amount to the Treasurer of the city of Savannah, under the penalty of five hundred dollars, to be enforced by attachment against the clerk as for a contempt.

§ 22. *And be it further enacted*, That when either party to a cause in said court shall take exceptions to any proceedings in a suit affecting the real merits of the same, it shall be the duty of the said judge to cause to be made and filed of record in said court, a just and true statement of

the facts relating thereto, and of all legal points arising therein, and the said party after a full compliance with the law of the estate, regulating the granting of certiorari, may apply to the judge of the Eastern district for a writ of certiorari, who shall issue the same if he shall deem the exceptions taken to be sufficient.

§ 23. *And be it further enacted*, That all suits and other processes which have been instituted or ordered in the Mayor's Court of Savannah, and which shall remain undecided and unexecuted on the last Monday in October next, shall be transferred to the court created by this act; and it shall be the duty of the court to proceed to the determination and trial of all such suits, conformably to the provisions of this act; and the records of the said Mayor's court are hereby declared to be a part of the records of the court created by this act; and the clerk of this court shall, upon motion first made to the court for that purpose, issue execution upon all judgments which have been or may be obtained in the said Mayor's court.

§ 24. *And be it further enacted*, That all laws or parts of laws of this state, militating with this act, shall be, and they are hereby repealed, so far as the same may operate to defeat the provisions of this act.

DAVID ADAMS,

Speaker of the House of Representatives.

MATTHEW TALBOT,

President of the Senate.

JOHN CLARK, Governor.

Approval Date: Assented to, 18th December, 1819

Source: Galileo Digital Initiative Database

ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, PASSED IN MILLEDGEVILLE, AT A BIENNIAL SESSION, IN NOVEMBER, DECEMBER, JANUARY, AND FEBRUARY. 1853-4. COMPILED, AND NOTES ADDED, By JOHN RUTHERFORD.

**PART II.--PRIVATE AND LOCAL LAWS.
CITY COURT OF SAVANNAH.**

1853 Vol. 1 -- Page: 281

Sequential Number: 304

Law Number: (No. 215.)

Full Title: *An Act to amend the several Acts relating to the Court of Common Pleas, and of Oyer and Terminer of the City of Savannah, and for other purposes.*

SECTION I. *Be it enacted* by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of January next, the name and style of the Court of Common Pleas, and Oyer and Terminer of the City of Savannah, shall be the "**City Court of Savannah.**"
[Sidenote: Name changed.]

SEC. II. *Be it further enacted* by the authority aforesaid, That the jurisdiction of the said Court, shall, from and after the first day of January next, be extended to the sum of five hundred dollars, exclusive of interest.
[Sidenote: Jurisdiction extended.]

SEC. III. *Be it further enacted* by the authority aforesaid, That the Mayor and Aldermen of the City of Savannah, and hamlets thereof, shall, at their first meeting in December, eighteen hundred and fifty-six, and every three years thereafter, elect by ballot, a Judge of said Court, who shall hold his office for three years, unless sooner removed by the Governor, on the address of two thirds of both branches of the Legislature, for that purpose.
[Sidenote: Judge, how elected, his term, &c.]

SEC. IV. *And be it enacted* by the authority aforesaid, That the Judge of said Court shall have a salary that shall not be increased or diminished during his continuance in office, which salary shall be fixed and determined by the Mayor and Aldermen of the City of

Page: 282

Savannah: *Provided*, The salary shall not be less than six hundred dollars.
[Sidenote: Salary.]

SEC. V. *And be it further enacted* by the authority aforesaid, That the said Judge shall be commissioned by the Governor, as now provided for by law, on the proof of his election, under the hand and seal of the Clerk of Council, of the City of Savannah.
[Sidenote: Commissioners by Governor.]

SEC. VI. *And be it further enacted* by the authority aforesaid, That the Judge of the said Court, in the absence of the Solicitor General of the circuit, shall have the power to appoint a Solicitor General *pro tempore*, who shall receive the same fees as are allowed by law to the Solicitor General in all cases conducted by him.

[Sidenote: Solicitor.]

SEC. VII. *And be it further enacted* by the authority aforesaid, Should the said Mayor and Aldermen fail to elect a Judge according to the provisions of the 5th Section of this Act, it shall be lawful for them to elect at their next regular meeting.

SEC. VIII. *And be it further enacted* by the authority aforesaid, That the Attorney's fees in said Court shall be five dollars, to be taxed in the bill of costs.

[Sidenote: Attorney's Fees.]

SEC. IX. *And be it further enacted* by the authority aforesaid, That should a vacancy occur in the office of Judge of said Court, by death, resignation or otherwise, before the first meeting of the Mayor and Aldermen of the City of Savannah, in December, eighteen hundred and fifty-six, the said Mayor and Aldermen of the City of Savannah shall, at their first regular meeting after such vacancy shall have occurred, proceed to elect a Judge to fill such vacancy; and whenever a vacancy shall occur thereafter, either by death, resignation or otherwise, the Mayor and Aldermen of the City of Savannah and the hamlets thereof, shall, at their first meeting, elect a Judge to supply such vacancy.

[Sidenote: Vacancies, how filled]

SEC. X. *And be it further enacted* by the authority aforesaid, That all laws applicable to the Court of Common Pleas and Oyer and Terminer, for the City of Savannah, not conflicting with this Act, shall be applicable to the "**City Court of Savannah**;" and all officers of said Court now in office, or who may have been elected before the passing of this Act, shall hold their offices as if this Act had never been passed.

[Sidenote: Laws and officers of old Court to continue.]

SEC. XI. *And be it further enacted* by the authority aforesaid, That all laws and parts of laws militating against this Act, be and the same are hereby repealed.

Approval Date: Approved, December 9th, 1853.

Source: Galileo Digital Initiative Database

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA. 1880-81.

Part III.--Local Laws.

TITLE IV. COUNTY AND CITY COURTS.

1880 Vol. 1 -- Page: 571

Sequential Number: 380

Short Title: CITY COURT OF SAVANNAH, ITS JURISDICTION AND JUDGE.

Law Number: No. 209.

Full Title: An Act to enlarge the jurisdiction of the **City Court of Savannah**, to prevent the Judge thereof from practicing law, and for other purposes.

Section. I. *The General Assembly of the State of Georgia hereby enacts*, That, from and after the passing of this Act, the jurisdictional limits of the **City Court of Savannah** shall embrace the whole county of Chatham, and the said court shall, within those limits, have jurisdiction concurrent with the Superior Court of the county of Chatham of all civil causes, without regard to the amount involved, except those of which jurisdiction is exclusively given to the Superior Court by the constitution and laws of the State; *Provided, however*, that in any cause which might have been commenced in the court of a Justice of the Peace, the losing party shall not be charged with more costs than would have necessarily accrued if such cause had been before a Justice of the Peace. The criminal jurisdiction of the said City Court shall remain as now provided by law, and the Judge of the said City Court shall have the same powers as the Judge of the Superior Court of Chatham, except such as are exclusively given to the latter by law.

[Sidenote: Jurisdiction of **City Court of Savannah** in civil cases]

[Sidenote: In criminal cases.]

Page: 572

Sec. II. *And it is further enacted*, That any defendant in any cause in said City Court may set up equitable defenses, and if, by reason thereof, it becomes necessary to make other persons parties to the cause, it may be done in the same manner as in the Superior Courts; and it shall be within the power of the said City Court, in a proper case, to mould the verdict at law so as to do full justice to the parties, and in the same manner as a decree in equity, and the judgment and execution shall conform to the verdict.

[Sidenote: Equitable defenses may be pleaded.]

[Sidenote: Verdicts moulded.]

Sec. III. *And it is further enacted*, That the Judge of the said **City Court of Savannah** shall hereafter be appointed by the Governor of this State, with advice and consent of the Senate, and for the term of four years, and until his successor is duly appointed and qualified. Such appointment shall be made during the session of the General Assembly next preceding the expiration of the term of the then incumbent, to take effect at the expiration of that term; and should a vacancy occur during the present, or any future term, while the General Assembly is not in session, the Governor shall appoint a Judge for the unexpired term, subject to the action of the

Senate at its next meeting thereafter, and no person shall be appointed Judge of the said court who shall not have been a citizen and resident of said county of Chatham for four years next preceding his appointment, and have practiced law for four years.

[Sidenote: Judge of said court appointed by Governor and confirmed by Senate.]

Sec. IV. *And it is further enacted*, That the Judge of the said City Court shall not practice law in any way or in any court of this State, or of the United States, during his continuance in office; but this section shall not go into effect during the continuance in office of the present Judge under his present commission.

[Sidenote: Judge of said court shall not practice law.]

Sec. V. *And it is further enacted*, That the Judge of the said City Court shall have an annual salary of three thousand dollars, to be paid him in monthly installments out of the treasury of the county of Chatham by the Treasurer of said county, without the intervention or order of the County Commissioners, or any other county officer, but this section shall not go into effect during the continuance in office of the present Judge under his present commission.

[Sidenote: Salary of Judge, \$3000]

Sec. VI. *And it is further enacted*, That the costs in said court known as the city tax fee and the attorney's fee are hereby abolished; and that in every case commenced in said court the Clerk may require of the plaintiff a deposit of costs to an amount not exceeding five dollars, unless such plaintiff shall file with his declaration an affidavit that he has been advised by his counsel in the case and believes that he has a good cause of action, and that by reason of his poverty he is unable to make such deposit.

[Sidenote: Costs of said court.]

Sec. VII. *And it is further enacted*, That the Sheriff of the said City Court and his deputies may serve the process of the court in any part of said county of Chatham.

Page: 573

Sec. VIII. *And it is further enacted*, That it shall be the duty of the Clerk of the said City Court to prepare and file in his office copies of the grand jury list and traverse jury list of the Superior Court of Chatham county as provided from time to time for such Superior Court, and grand and traverse jurors shall be drawn therefrom in the manner provided by the Act regulating the selection of jurors for City Courts, approved December 17th, 1878, which said Act, save in so far as it may conflict herewith, is hereby continued in force as to said **City Court of Savannah**; *Provided*, that nothing herein contained shall affect the selection of jurors already made for the next term of said **City Court of Savannah**.

[Sidenote: Juries in said court.]

Sec. IX. *And it is further enacted*, That all laws and parts of laws militating against the provisions of this Act are hereby repealed.

[Sidenote: Repealing clause.]

Approval Date: Approved September 15th, 1881.

Source: Galileo Digital Initiative Database

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1970**

**ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF
GEORGIA 1970**

1970 Vol. 1 -- Page: 679

Sequential Number: 250

**Short Title: PRACTICE AND PROCEDURE, ETC. IN CERTAIN COURTS BELOW
SUPERIOR COURT LEVEL.**

Law Number: No. 1287

Origin: (House Bill No. 867).

Full Title: An Act to provide for the organization, jurisdiction, venue, **practice and procedure** of certain courts which are below the Superior Court level; to provide for determining the courts governed by this Act; to provide for a uniform name for such courts; to provide for court-reporting personnel; to provide that such courts shall keep certain records; to provide for trial by jury and all matters relating thereto; to provide for divisions for such courts; to provide certain qualifications for the judges and solicitors of such courts; to provide an effective date; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. This Act is intended to implement Article VI, Section II, Paragraph IV and VIII of the Constitution of the State of Georgia and to promote the just and prompt disposition of litigation by:

[Sidenote: Intent.]

- (a) Declaring that all courts coming under the provisions of this Act, whether declared in the specific Act or Acts creating each of said courts or not, shall hereafter be considered and held as "like courts" to the city courts of Atlanta and Savannah, as same existed on August 16, 1916, as stipulated in said Paragraphs of the Constitution of Georgia;
- (b) Amending certain laws with respect to the said courts to conform them to the laws set forth in this Act, to the end that each said court may be a harmonious part of the trial courts of the State of Georgia;
- (c) Providing for the organization, jurisdiction, venue and procedures necessary for the operation of said courts;
- (d) Providing for the natural support of certain officers of said courts, and for uniformity in the records to be maintained in said courts;

(e) Effectuating other purposes incidental and supplemental to the foregoing enumerated purposes; and

(f) Repealing provisions of certain laws by implication which are inconsistent with the foregoing purposes.

Section 2. The provisions of this Act shall apply to and govern all courts in this State that are below the level of superior courts and have concurrent jurisdiction with superior courts to try misdemeanor cases by a jury trial or have civil jurisdiction unlimited in amount and concurrent with the superior courts in all matters, except those matters which are vested exclusively in the superior courts or have both of the above jurisdictions. In cases involving injury to the person and reputation, such courts shall have concurrent jurisdiction with the Superior Court provided the original Act creating said court and the amendments thereto vested such jurisdiction in said court.

[Sidenote: Courts covered by Act.]

Section 3. The name of the above courts shall be the "State Court of (whatever county in which the court is located) County." In the Acts creating said courts or amendatory thereof the name of court is hereby stricken if in conflict herewith and the above name substituted therefor.

[Sidenote: Name of Courts.]

Section 4. Said courts shall be deemed always open for the disposition of matters properly cognizable by them, but all trials on the merits shall be conducted at trial sessions regularly scheduled by acts of the General Assembly creating said individual courts or amendatory thereof.

[Sidenote: Courts open at all times.]

Section 5. All trials on the merits shall be conducted in open court and so far as convenient in a regular courtroom. All other proceedings, hearings, and Acts may be done or conducted by a judge in chambers in the absence of the clerk or other court officials. The judge of said court may hear motions and enter interlocutory orders in all cases pending in the court over which he presides, in open court or in chambers.

[Sidenote: Hearings.]

Section 6. (a) Court-reporting personnel shall be made available for the reporting of civil and criminal trials in said

Page: 681

courts, subject to the laws governing same in the superior courts of this State.

[Sidenote: Reporting of trials.]

(b) Reporting of any trial may be waived by consent of parties.

(c) Appointment of a reporter or reporters for court proceedings in each said court shall be made by the judge thereof, and the compensation and allowances of reporters for said courts shall be the same as that for the superior courts of this State.

Section 7. The courts shall have jurisdiction within the limits of the county in which they are located concurrent with the superior courts of such counties to try and dispose of all civil cases

or proceedings of whatever nature, whether arising ex contractu or ex delicto except in ex delicto action where the original Act creating said court or any amendment thereto limited or excluded said jurisdiction under the common law or by statute. Said courts shall have criminal jurisdiction in the county over all misdemeanor cases, but shall not have any jurisdiction over felony cases. The accused in criminal proceedings in said court shall not have the right to indictment by the grand jury of the county.

[Sidenote: Jurisdiction.]

Section 8. The rules of appellate **practice and procedure** that are applicable to cases appealed from the superior courts of this State shall be the rules which govern appeals from the courts which come under the provisions of this Act. The rules of **practice and procedure** that are applicable to the superior courts of this State shall be the rules which govern **practice and procedure** of the courts which come under the provisions of this Act.

[Sidenote: **Practice and procedure.**]

Section 9. The courts shall be courts of record, and shall have a seal, and the minutes, records and other books and files that are required by law to be kept for the superior court shall, in the same manner, so far as the jurisdiction of said courts may render necessary, be kept in and for said courts.

[Sidenote: Courts of record.]

Page: 682

Section 10. All laws with reference to the qualifications, empaneling, challenging, and compensation of jurors in superior courts now of force or such as may hereinafter be enacted in this State shall apply to and be observed in said courts, except where in conflict with the terms of the Act creating said courts.

[Sidenote: Jurors.]

Section 11. (a) Any court coming under the provisions of this Act that has exclusive civil or exclusive criminal jurisdiction shall continue to have such exclusive jurisdiction, but shall be merged into one court and known as the civil or criminal division of the State Court of (whatever county in which the court is located) County.

[Sidenote: Jurisdiction.]

(b) Any other court coming under the provisions of this Act may be split into a civil division and a criminal division pursuant to legislation providing for such divisions.

(c) Any court coming under the provisions of this Act which is composed of a civil division or criminal division as provided for in subsection (a) or (b), the judges of such courts are hereby authorized to preside over cases in both divisions of the court.

Section 12. The judge and solicitor of said courts shall be members of the State Bar of Georgia and shall have been in the active practice of law for at least three years prior to the date of taking office as judge or solicitor.

[Sidenote: Judges and solicitors.]

Section 13. The provisions of this Act are not intended to repeal any local Act creating a court which comes within the provisions of this Act. However, in all those cases in which there is a conflict between the provisions of this Act and such local Acts, this Act shall take priority and be controlling.

[Sidenote: Intent.]

Section 14. This Act shall become effective July 1, 1970.

Section 15. All laws and parts of laws in conflict with this Act are hereby repealed.

Approval Date: Approved March 24, 1970.

Source: Galileo Digital Initiative Database