MAYOR PROTEM. VIOLATED OATH, ATTORNEY SAYS

Be Heaped Upon Official for Liberating 273
City Prison Inmates.

MANY PRISONERS

ARE BACK IN TOILS

Criticism Continues To

Alderman Millican To Confer With Mayson on What Steps City Council Can Take in Matter.

Mayor Pro Tem. J. Allen Couch,

who, as acting mayor of Atlanta,

Thursday ordered the release of 273

prisoners from the Atlanta negro prison and city dairy farm, is subject to impeachment under a ruling of City Attorney James L. Mayson Saturday.

As criticism continued to be heaped upon the mayor pro tem for what was termed his "unwise action" in order-

ing every one of the city prisoners

incarcerated in the various places of

detention released as a "Fourth of July

present," many of the released again found themselves within the toils of the law, several were en route to the farms again and two were back at the stockade serving new sentences.

"Release of many of the prisoners was in violation of the law and as such constitutes a violation of the oath of office Mr. Couch took," Mr. May-

son declared when asked for a ruling

"He is, therefore, subject to im-

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peachment for violation of his oath,

on that point.

on the situation.

steps.

member of council. If a private citizen were to file a complaint against him asking impeachment, the charge would, according to the law, have to be sworn to."

Alderman Ed A. Gilliam Saturday night declared that the ruling of City Attorney Mayson put a different face on the matter and that council could hardly afford not to take some action

He said that he was not prepared

to say just what action would be

taken but that he will confer with

other members of council by telephone

today to get their ideas of the proper

Mayor Displeased.

Mayor I. N. Ragsdale, on his return to Atlanta, issued a statement Saturday in which he refrained from any criticism of Couch but in which neset out his attitude in the matter, declaring it has been his custom always to consult the trial judge.

Text of the mayor's statement fol-

"During my term as mayor I have

refused to grant requests for pardons

from any persons who had been sen-

tenced by recorders or recorders pro

ordinance without first consulting the trial judge.

"The judges are elected by voters of our city to try offenders and they hear the evidence. I assume they are fair. In a very few instances, where the families of offenders were in extreme need, I have appealed to the recorders to send me recommendations for

a change of sentence, which, on their

ers this courtesy. I have taken the

position I should not meddle with

sentences imposed by the authorized

"I believed I was due the record-

recommendation, I approved.

criticized Couch's action.

itself.

Alderman G. Everett Millican, provisional mayor pro tem., declared he would confer with Mr. Mayson to ascertain just what rights council had in the matter.

Previously Mr. Millican, atong with several other members of council, had

At the same time Recorder Murphy

M. Holloway, judge of the second divi-

sion, threw the matter squarely up to

council in stating that it is an execu-

tive matter and should be handled by

the executive department or by council

A check of the list of those pardened by the blanket order, which has been termed a "wholesale jail delivery," shows that 175 of those who were turned out were released illegally.

Mayor's Authority.

Under the law the mayor has au-

thority to pardon those whose fines

exceed \$50 or who are sentenced for

the law pardon a person whose fine is less than \$50 or whose sentence is less than \$50 or whose sentence is less than 30 days without a recommendation from the judge who sentenced the individual.

Acting Mayor Couch did not consult either of the recorders before issuing the order.

It also developed Saturday that liberation of the prisoners will cost

and they also assisted in cleaning up about the station house, etc. All this

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Atlanta about \$50,000 before enough

prison labor will be available to con-

tinue work on several major improve-

ments. The construction department

MAYSON SAYS COUCH

Continued from First Page.

of next week before such activities hended thus far this year. can be resumed.

Holloway's Statement.

regarding the matter follows:

"In passing originally upon the driving. cases of many of the defendants re- | "When Mr. Couch wrote that order | leased under the blanket order of Act- releasing all those prisoners he had a ing Mayor Couch on July 3, their sen- written opinion from Assistant City l tences were molded as ' me seem de- | Attorney Jack Savage telling him just i manded by the law and the evidence, how far he could go, but he exceeded ! and in each instance I feel that I have his authority knowing at the time he

done my complete duty.

"The unfortunate affair is not one | "I feel that if council has any aufor correction by the court. If the general release order was executed in violation of legally vested executive authority, and the records are available for the determination of this fact, then the whole problem devolves upon the whole problem devolves upon partments seems proper.

closed incident.

Couch's amnesty order but it was point of continuous service. learned that members of his statf!

of the prisoners," a member of the charges to 51.

have violated no state law." Callaway "Hands Off."

l'eil to decide.

City, and arrived there half an hour after she had died.

MAY BE IMPEACHED to the state courts were held until they furnished the state bond.

166 Arrested on Fourth.

A total of 166 persons were arrestwork has been suspended and it is ed Friday, the Fourth of July, makestimated that it will be the middle ling the largest number to be appre-

Among those who fell afoul of the law were 37 drunk on the streets, 21 Text of Judge Holloway's statement | drunk and disorderly, 11 driving while | drunk and 13 charged with reckless i

was doing it." Mr. Millican said.

then the whole problem devolves upon the executive department and general council for such action as to these dewould feel repaid for what he termed! "With me the entire matter is a a desire to do a charitable act before leaving public life. He retires from Solicitor-General John A. Boykin council January 1, of next year, the Saturday had no comment to make on oldest man in the city government in.

One New Arrest.

spent part of the day searching the | One new arrest was made Saturday statutes in an attempt to find if the out of the 258 prisoners released to mayor pro tem. had violated any law from the city stockade by order of i in releasing the prisoners. | Acting Mayor J. Allen Couch Thurs-"It appears that this office is un- | day, bringing the total number of the ! able to do anything about the release freed prisoners to be arrested on new |

Boykin staff said. "Couch appears to This last arrest was of B. F. Adkins, 28 East Alexander street, who was given a sentence of 30 days on Judge A. W. Callaway, of the first division of the recorder's court, also declared he would not order the rearrest of any of the prisoners, stating any action which is to be taken in the matter is a matter for council to decide.

was given a sentence of 30 days on June 20 and was released on the order of Couch. Saturday he was arrested on a charge of drunkenness and reckless driving, and arraigned before Recorder Murphy M. Holloway. On the charge of drunk Adkins was given About 50 of all those who received a straight sentence of 30 days in the the amnesty were back in the toils stockade and ordered held under a Saturday and others continued to be \$300 bond for the higher courts on t jailed for new offenses. None of a charge of operating a car while! them was rearrested because of the intoxicated. There were 13 other lillegality of the amnesty, although sev- "freed prisoners" who were sent to the eral of those who were bound over stockade Saturday for new offenses.