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POWER COMPANY APPEAL FOR 1931 IS UNSETTLED

Former County Attorney Asked For Brief of 1931 Appeal By State Authorities

The fact that an appeal of the Southern States Power Company from the assessment of its property in Cherokee county, filed in 1931, is still unsettled and pending before the State Board of Assessment at Raleigh came to light here last week when the state authorities requested Don Witherspoon, county attorney during 1931 and 1932, to submit a brief of the questions in dispute and the appeal argument used then by the county commissioners in their efforts to have the assessment of the power company's lands sustained.

Two weeks ago, the Southern States Power Co., owner of the development furnishing power and lights for the town of Murphy, and holder in eminent domain of the riparian rights of the Hiwassee river in Cherokee county, and the Cherokee Land & Development Co., a subsidiary company organized for holding the lands acquired above the water line, served notice upon E. C. Moore, chairman of the county Commissioners, through their attorneys, Martin & Martin, of Asheville, that they were appealing from the assessment valuation placed upon their lands by a recent order of the board.

When the new appeal of the power company was submitted, the State Board of Assessment, discovering that it had never rendered a decision in the appeal of the 1931 assessment, made the request upon the former county attorney.

The appeal of the Southern States Power Company from an order of the board of equalization of Cherokee county, dated June 15, 1931, was a 20 per cent. increase in the assessed valuation of its property in the county.

E. L. Padgett, register of deeds and clerk of the board of county commissioners, said the records showed the power company had paid taxes upon its property for the years 1931 and 1932, with the exception of the 30 percent increase. He said the question of the increase was still unsettled and pending before the state authorities.

An affidavit of E. L. Townson, L. M. Shields and J. M. Lovinggood, members of the board of county commissioners in 1931, when the former appeal was taken, shows that the power company paid \$10, \$84 and \$100 an acre for some of the lands it has acquired by condemnation proceedings.

The Southern States Power Company, formerly known as the Carolina-Tennessee Power Company, the affidavit recites, owns 6 available dam sites on the waters of Cherokee County. Two are located on the Hiwassee river, between Murphy and the Tennessee line, a distance of about 25 miles. Two others are located on the Hiwassee river above Murphy, one known as the Axley dam site, and the other as the McCombs site. Two more are located on the Nolita River, one known as the Fox dam site, and the other is the site of the present dam and power house which furnishes electrical energy for the town of Murphy. This latter development was originally constructed by the town of Murphy as a municipal plant, but was later sold to the Carolina-Tennessee Power Company, and is now owned by its successor, The Southern States Power Company.

The affidavit further recites that when the lands of the power company were listed and assessed for taxation in 1927, although the Machinery Act of that year required the county supervisor of taxation and the assessors, in making valuation of property, to "consider each piece or parcel, its advantages as to location, quality of soil, quantity of standing timber, water privileges, water power", etc., yet the "water power privileges and water power adaptabilities" were not taken into consideration in making the valuation for general assessments for that year.

Because of the failure of the county officials in 1927 to comply with the provisions of the machinery act relating to water power valuation, the affidavit alleges, considerable comment was caused among the citizens of the county, who generally felt that the burden of taxation had not been distributed equally between the power company and other tax payers. As a result, in 1928, the

PARENT-TEACHER ASS'N ORGANIZED AT PEACHTREE 15

Apparent-teacher association was organized last Friday afternoon at Peachtree, with Mrs. W. C. Witt, president; Mrs. Irene Grant, vice president; and Mrs. R. T. Lovingood, secretary-treasurer.

R. C. Pipes, principal had charge of the program rendered by pupils of the various grades. He introduced Mrs. H. Bueck, Mrs. J. H. Hampton, a past president, and Mrs. Thomas S. Evans, all of the Murphy Parent-Teacher Association, who made short talks prior to the organization.

Mrs. Bueck explained the purposes and principles of the association. Mrs. Hampton told of some of the work done at Murphy, and Mrs. Evans extended an invitation to those present to visit the Murphy association.

About fifty parents were present and affiliated with the new organization. Peachtree is located about 7 miles southeast of Murphy and is one of the most progressive communities of the county. It has a consolidated school with six teachers housed in a modern fire proof building.

Crop Loan Supervisor To Be in Cherokee, Clay

S. S. Williams, Field Supervisor for the Crop Production Loan Office, has announced the following schedule for Cherokee and Clay Counties.

Monday September 25th, Andrews, Post Office, 9 to 9:30 A. M. Marble Post Office, 10 to 10:30. Murphy, County Agents Office, Court House, 11 to 12:30 AM. Cullerson, Hyatts Store, 2 to 2:30 PM.

Tuesday, September 26th; Brass-town, Scroggs Store, 9 to 9:30 A. M. 10:30 to 12 A. M.; Shooting Creek, Post Office 1 to 1:30 P. M. All the above are on Eastern time.

See the Field Supervisor at the most convenient place and time, as your meeting with him will be to your advantage.

90 CENT TAX RATE FOR 1933 FOR CHEROKEE

Lowest County-Wide Rate in Many Years—\$2.00 Set For County-Wide Poll

A tax rate of 90c per \$100 valuation was fixed as the county-wide levy for Cherokee by the Board of County Commissioners, composed of E. C. Moore, chairman; F. O. Scroggs and T. T. Johnson, at an adjourned meeting here last week. The levy lists 40c for debt service, 19c for schools, and 31c for general or current expenses.

This represents the lowest county-wide rate levied in several years, and is made possible by the strict economy policy adopted by the board when it was induced into office last December. The commissioners have succeeded in cutting by fifty per cent the general operating expenses of the county.

Additional levies for special districts range from 15c in Valleytown township to \$1.10 in Hothouse township, while an extra levy was made in Nolita township. The additional levies include: Murphy township, interest and sinking fund for road bonds, 40c; Valleytown township, interest and sinking fund for railroad bonds, 15c; Beaverdam township, road debt service, 60c; Shoal Creek township, road debt service, 65c; and Hothouse township road debt service, \$1.10. A county-wide poll of \$2 was levied.

The assessed valuation of the county this year is off nearly three-quarters of a million dollars, according to figures compiled in the office of E. L. Padgett, register of deeds, who is now working on the tax books for 1933, preparing them for turning over to the tax collector.

The total real and personal property listed this year amounts to \$5,530,019, with corporation firms yet to be added. This latter item last year, Mr. Padgett said, amounted to \$2,413,760, and information from the State Corporation Commission said this item would be off about 20 per cent. If the estimated figures of the corporation commission are correct, this will give the county a total assessed valuation of \$7,381,827 for 1933, as compared with \$8,063,071, the total amount for 1932.

REGISTRARS AND JUDGES ARE NAMED

Candidates For Referendum Must Be Certified By Midnight October 7th

Registrars and judges of election for the 24 precincts in Cherokee were named here Monday by the county board of elections for holding the election on November 7th. The election board is composed of Josh Johnson, of Murphy, chairman; E. B. King, of Topton, and B. B. Morrow, Violet, Mr. Morrow was not present at Monday's meeting of the board.

Registrars were appointed at a meeting held last week, and Monday met with the election board and appointed the judges of election. The registration books for the county will be open only one day, Saturday, October 28th, Josh Johnson, chairman of the board, said and Saturday, November 11th, was set as challenge day.

Mr. Johnson said it was mandatory under the law that the candidates bearing the standards of the repealists and drys be certified to the board of elections by midnight, October 7th.

The Murphy north ward precinct was ordered removed to the court house for the November election, and voters of that ward will cast their ballots there. The north and south wards will occupy separate rooms in the court house, and Mr. Johnson said this move was made to save the extra rent expense which had heretofore been incurred by holding the north ward balloting down town. The Cullerson precinct voting place was removed from the old place to the Harley Shields building.

Several of the precincts have vacancies in the judges of election, and Mr. Johnson said these would be filled by the registrar for the precinct where the vacancies occur. The election officials follow:

Andrews, south ward, Mrs. Dan Tatham, registrar; John Barker and G. B. Hobbittell, judges.

Andrews, south ward, Chase Tatham, registrar; W. W. Ashe and F. W. Swan, judges.

Brasstown, Voyd Hogan, registrar; John Mason and Ben Chastain, judges; Beaverdam, Luther Waldroup, registrar and W. M. Roberts, judges.

Upper Beaverdam, John Walker, registrar; Fred Radford and Leonard Walker, judges.

Burnt Meeting House, J. W. Hatchett, registrar; J. L. King and Clyde McNabb, judges.

Cullerson, O. C. Shields, registrar; E. B. Barber and Frank Silvey, judges; Ebenezer, Lola McDonald, registrar; Joe Allen judge, (another to be named).

Grape Creek, George Rogers, registrar; Joe Allen judge, (another to be named).

Hangingdog, Rollin McDonald, registrar; A. E. Palmer and Dewey Kephart, judges.

Hothouse, John Newman, registrar; Harley Shields and Tom Cole, judges; Liberty, W. F. Hill, registrar; (two judges are to be named).

Long Ridge, Mrs. B. B. Morrow, registrar; Fred Gramam and A. J. Morrow, judges.

Murphy, south ward, Mrs. W. T. Cooper, registrar; Arthur Akin, judge (another to be named).

Murphy, north ward, Mrs. J. V. Brittain, registrar; Noland Wells and Sam Akin, judges.

Marble, J. H. Bryson, registrar; S. H. Parker and Algia West, judges; Ogreeta, Fred Martin, registrar; J. P. Johnson and W. J. Taylor, judges.

Peachtree, W. E. Moore, registrar; H. B. Elliott and Walter Witt, judges; Shoal Creek, W. W. Barton, registrar; Oscar Taylor and Walter Anderson, judges.

Tomota, John Keener, registrar; J. H. Carper and G. G. Stiles, judges; Topton, Mrs. E. B. King, registrar; D. B. Wright and Frank Conley, judges.

Vests, Willis Floyd, registrar; (two judges to be named).

Walker School House, J. W. Kilpatrick, registrar; Homer Davidson and C. A. Kilpatrick, judges.

Boiling Springs, Will Mintz, registrar; Bonnie Davis and Floyd Arms, judges.

ARTICLES OMITTED

A number of articles had to be omitted this week because they could not be set in time to let us get the paper out on schedule. They will be carried next week.

FUNERAL RITES HELD FRIDAY, 15, FOR T. R. ALLEN

Funeral services for Tolliver Robert Allen, 66, prominent Murphy citizen, were held last Friday afternoon at 2:30 at the Baptist church, the Rev. T. F. Higgins, pastor of the Methodist Church, officiating. Interment was in Sunset cemetery.

Mr. Allen, better known as "Bud", died at his home at 6 o'clock Thursday morning of intestinal flu. He had been ill about a year, and some five weeks ago his condition became serious. He was carried to the hospital but was informed his condition was beyond the aid of medical science, and was brought home about ten days before his death.

Born in Madison county, June 24, 1867, Mr. Allen moved to Murphy county, June 24, 1867. Mr. Allen moved to Murphy about 29 years ago. He was engaged in buying and marketing poultry, and did quite an extensive business in this line.

He was married three times, and is survived by his wife, a son, Corbett Allen of Coronolis, Pa.; a step daughter, Pauline Allen of Murphy.

Dr. Hill Receives Letter From Jeffress

Dr. J. N. Hill, prominent Murphy physician and civic leader, has received a letter from Chairman E. B. Jeffress, of the State Highway and Public Works Commission, relative to the Cullerson-Georgia connection. The letter, in part, says: "I hope shortly to forward a court house map on route 28 between Ranger and Cullerson, and we expect to go forward with this project at the earliest possible moment."

The letter concludes with the statement from Mr. Jeffress that he hopes later to come to the western part of the State and will certainly come to Murphy.

PATMAN ADMITS LEGION POLICY IS RIGHT ROAD

Texas Congressman and Famous Veteran's Exponent Comes Out in Support Of Legion Policy

Washington, Sept. 21. (Special)—Wright Patman, member of Congress from Texas, American Legionnaire and outspoken critic of the policy of moderation which the American Legion adopted following the passage of the Economy Act, makes an "honest confession of error" in an article to be published in the October issue of The American Legion Monthly.

Declaring frankly that "I was wrong and National Commander Johnson was right," Representative Patman now gives his unqualified endorsement to a policy of moderation. Only that policy, he says, made possible the revisions in the Economy Act which restored to disabled veterans and dependents of deceased veterans many of the benefits which were to be taken from them.

"It was the sportsmanlike thing to do, the patriotic thing to do, as we see it now in the full light of all later circumstances," he says.

Future Safeguard

Mr. Patman adds that the continuation of that policy will keep the door open to the Legion to prevent future injustices and cruelties to disabled veterans and dependents through regulations promulgated under the Economy Act.

"I actually believed that first report which said that National Commander Louis Johnson had not only endorsed the Economy Act but had pledged the full support of The American Legion in its enforcement," Mr. Patman writes, adding: "I was furious. I voted against the bill, believing that it was a brutal and an unmerciful proposal and that its enactment would be a monumental mistake."

Mr. Patman continues: "I was still hot under the collar when I began to realize the truth. Out of the smoke of rumors I got the truth in the Commander's own words, the statements he issued at the proper time. Mr. Johnson did not endorse the Economy Act. He opposed it and the entire Legion organization opposed its enactment. It was only after the

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COOPER AND BIRCHFIELD ENTER RACE

Murphy Men Being Put Forward As Candidates On Referendum November 7th

Harry P. Cooper, World War veteran and prominent Murphy lawyer, and D. M. Birchfield, widely known law enforcement officer and game warden for Cherokee, Clay and Graham counties, both leading Democrats, are being put forward by their friends as opposing candidates for nomination by the repealists and drys respectively, on the prohibition and convention referendum November 7, and petitions are being circulated in the county advocating their selection.

Several other candidates are being mentioned for the nomination by the repealists, prominent among which are G. W. Cover Jr., of Andrews, Democrat and representative from Cherokee in the last session of the General Assembly, and N. W. Abernathy, of Marble, a leading Republican and former sheriff of the county. However, only Mr. Cooper and Mr. Birchfield have definitely been put forward by their friends for the nominations.

Mr. Cooper, present district commander of The American Legion, has long been an advocate of the repeal of the 18th Amendment. He was formerly mayor of Murphy for two terms. As county campaign manager for Senator Robert R. Reynolds during the run-off primary last July and the general election in November, he was instrumental in helping carry Cherokee county for the Democratic ticket for the first time in more than fifty years.

Following the election, Senator Reynolds appointed Mr. Cooper as his Washington Representative, and after several months service, he resigned and resumed his law practice at Murphy.

Mr. Birchfield, an ardent advocate of the prohibition law, was chief of police of Murphy for many years, and was sheriff of Cherokee county for two years. For several years following the World War, he was criminal investigator and inspector for the Southern Railway, and is at present game warden for the three most western counties of the state.

While he was sheriff of the county, Mr. Birchfield was a terror to the bootlegger and blockader alike, and has probably done as much if not more than any other man in the county to stamp out the illicit liquor traffic in Cherokee.

The petition being circulated will require approximately 130 names of qualified voters to make the nominations legal, and it is estimated that this number will be easily secured. However, if other candidates enter the field, it is understood the candidates receiving the largest number of qualified voters will be declared the nominees. Candidates have until midnight of October 7th to certify to the election board, and this board will declare the opposing nominees.

Legal Separation Agreement Filed By Dr. and Mrs. Adams

An agreement of legal separation was filed here this week between Dr. Edward E. Adams, prominent Murphy physician, and his wife, Mrs. Lilla Adams, who have been living apart since September, 1932. They were married in Knoxville, Tenn., home of Mrs. Adams, in April, 1925.

The agreement specifies certain sums of money are to be paid Mrs. Adams instead of alimony, and are to be discontinued after a period of two years. They relinquish all personal and property rights and claims upon each other which may have been acquired under the law by reason of their marriage.

Custody of their only child, Edward Jr., was given to Mrs. Adams, with the understanding that he can visit his father for alternate monthly periods during the summer when he is not in school, and during the time he is visiting his father is to be taken care of by some competent woman agreeable and acceptable to Mrs. Adams. The father is to support his son and provide for his education, and has the right to designate the college to which he may go.

The reason given in the covenant for separation is that they could not live together aimably, and the covenants of the legal separation were mutually agreeable to both.