

MANY CHANGES IN LOCAL LAWS PASS IN REVIEW

Last Session Notable One
From Recent Comprehensive Survey

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Following a practice inaugurated in 1933 The Institute of Government presents herewith, for the convenience of local officials and the press, a summary of the new local laws affecting Cherokee County, its cities, towns, subdivisions and citizens. Of course many general laws also affect the County, but space does not permit them to be summarized here. A summary of these general, State-wide laws may be found in the May-June issue of Popular Government. The Institute's main aim in this summary for the County will mention only strictly local laws and general laws from which the County or some part of the County is specifically excepted. No attempt will be made to include bills which were introduced but never became law.

I. LAWS AFFECTING THE ENTIRE COUNTY.

A. Tax Laws.

1. Chapter 265, Public-Local Laws validates all sales and tax certificates issued by the County or any municipality in the County for the years 1927-1933. It extends to October 1, 1935, the time within which tax foreclosure suits may be instituted for taxes due in 1927-1932. Where such tax foreclosures had already been instituted, but summons had not been served, either by personal service or publication, or alias or pluries summons had not been issued at the proper time, the Chapter allows until October 1, 1935, to perfect service of summons in whatever manner may be necessary. It also validates such service of summons as had already been made at improper times, and provides that costs in all such foreclosure suits should be governed by the laws in force at the time such suits were instituted. (To the extent that this provision might authorize taxing as costs any attorney's fee exceeding \$2.50 it was probably repealed by a subsequently passed general law). Finally, the Chapter provides that where tax certificates have not been sold for 1927-1933 taxes, they may be sold on the first Monday of any month before July 1, 1935.

2. House Bill 1035, ratified May 10, 1935, canceled all unpaid penalties and interest on tax sale certificates for 1927-1932 taxes held by the County or its municipalities. However, any costs incurred in tax foreclosure proceedings were not canceled. Where such certificates are owned by someone other than the County or a municipality, the taxpayer is allowed to redeem his property by paying to the certificate holder the amount the latter paid for the certificate, any expenses incurred by him, and 6% interest. Such payments must be made to the certificate holder prior to foreclosure. All provisions of the Chapter so far mentioned must be taken advantage of by the taxpayer by paying the certificates on or before Sept. 1, 1935. Finally the Chapter authorizes governing authorities holding certificates to refuse to foreclose where the amount of taxes involved is, in their opinion, too small to justify the cost involved in the foreclosure proceeding.

B. Election Laws.

1. Senate Bill 492 divided the County into 3 districts from each of which one County Commissioner is to be nominated and elected, solely by the voters of the district. The three districts are: 1—Valleytown Township; 2—Tomotla Precinct, Murphy, North and South Wards, and Brasstown, Peachtree and Burnt Meeting House Precincts; 3—all other precincts.

2. Chapter 434, Public Laws, limits the privilege of absentee voting to Federal and State employees necessarily absent from the County in the discharge of their duties. The Chapter applies only to voting for County officers, including members of the House of Representatives, but is applicable to both primaries and general elections.

3. Senate Bill 691 repealed Chapter 470, Public-Local Laws of 1927, which allowed one official, known as the Registrar, to be appointed by the Republican and one by the Democratic Judge. (4) Chapter 461 Public Laws, exempts Cherokee from that part of the general election laws which provides for assistance to voters by official markers.

The Chapter provides that in Cherokee when an elector requests assistance in marking his ballot the Registrar shall require him to take oath or affirmation that he is unable to read or write or, by reason of physical infirmity or some other good reason, is unable to mark his ballot. If the oath or affirmation is satisfactory to the Registrar then the Registrar may assist the elector or may appoint a poll holder of the same political party as the elector to assist the elector in marking his ballot. The Chapter also authorizes each Registrar to appoint as many clerks or assistants as he deems necessary, not exceeding one for each 150 qualified voters in the precinct, to perform the duties assigned by the Registrar; but no such clerk or assistant is allowed to go in the voting booth with the voter or to give a voter an assistance in preparing a ballot.

C. Assumption of Township and District Debts by County.

House Bill 968 authorizes Cherokee County to assume the bonded indebtedness of certain townships and a road district if such assumption is approved by the voters at a special election called to decide the question. The townships and district listed in the Bill are: Valleytown and Marble Road District Murphy, Notla, Shoal Creek, Beaver, dam and Hothouse, and the Bill

states that Valleytown has both road and railroad bonds. The Bill expressly would not authorize assumption of any part of these debts without assumption of all of them. Once the election has been held, no action to contest its validity may be brought unless brought within 30 days after publication of the election results. If the bonds are assumed by the County the Commissioners are empowered to adjust and settle and refund the bonds on any basis on which an agreement may be reached with the bondholders. They are also authorized to use certain County funds to purchase bonds on the market which are in default, at least as to interest. In connection with any refunding plan, the Commissioners may hire experts to assist them and pay such experts an amount approved by the Local Government Commission. The Bill contains numerous other provisions concerning the conduct of the election and the handling of any refunding plan.

D. Laws Affecting Appointment, Compensation or Duties of County Officers.

(1) Chapter 163, Public-Local Laws provides that W. T. Moore shall serve out his unexpired term on the County Tax Commission and appointed J. W. McMillan and W. W. Barton to serve on the Commission for 4 years from December 1, 1935, the last named to serve out the unexpired term of Walter Anderson, resigned. The Chapter also provides that the Register of Deeds shall receive not more than \$1000 per year for his services in the preparation of the tax books and receipts.

(2) Chapter 295, Public Laws, appointed the following Justices of the Peace for Cherokee, each to serve for 6 years: Notla Township—J. W. Kilpatrick; Beaverdam Township—U. S. G. Phillips; Shoal Creek Township—Lon Raper; Murphy Township—S. D. Akin, J. D. Mallonee, Jr., and J. W. Odell; Valleytown Township—J. H. Bryson and W. W. Ashe.

(3) Chapter 296, Public Laws, appointed Fred Martin, W. S. Dickson and R. H. King to serve on the County Board of Education, each for two years.

(4) Chapter 148, Public-Local Laws, appointed Harve Whitaker of Andrews, Tom King of Ranger and Bascomb Carroll of Murphy to succeed themselves as the County Jury Commission and serve for 2 years from March 10, 1935. It was also provided that in March 46 instead of 46, qualified jurors be drawn, from which a grand jury is to be selected

at the April term, the remainder to serve as petit jurors for the first week of that term.

(5) House Bill 1315 authorizes any duly appointed and qualified deputy sheriff in Cherokee to serve in the Sheriff's stead in laying out a homestead. (6) Chapter 259, Public-Local Laws, authorizes the County Commissioners, in their discretion to relieve ex-Sheriff N. W. Abernathy of liability for money recited to have been lost in the failure of banks in which the Commissioners required him to deposit funds. The preamble to the Chapter states that the amount involved is \$1535.

E. Game Laws.

(1) and (2) Chapter 107, Public Laws, as amended by Chapter 238, Public Laws, fixed special game seasons in 9 western counties—namely, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Swain and Transylvania. The seasons fixed are as follows: squirrel Sept. 15 to Dec. 15; rabbits Nov. 20 to Feb. 1; quail Nov. 20 to Feb. 1; fox—year round open season for hunting foxes with dogs only, and no change in seasons for other types of fox hunting. The Chapter

also makes it a misdemeanor, in these Counties, punishable by not more than \$50 fine or 30 days in jail, to sell squirrel to any hotel, restaurant or other buyer for the market or otherwise. In so far as these game regulations may be in conflict with the general game law (Chapter 486, Public Laws), subsequently passed, they are probably repealed.

(3) Chapter 28, Public Laws, applicable only to Cherokee, extended the season for hunting quail and rabbits to Feb. 20, applicable in 1935 only.

(4) House Bill 734 makes it a misdemeanor, punishable by not exceeding \$50 or 30 days, to take fish in any manner, either by rod, seine, gig, trap or by shooting of dynamite, in Shuler's Creek or any of its tributaries within 2 years after passage of the Chapter. (5) House Bill 1336 continues in effect the prohibition against fishing with trot line or basket and snooting sucker, carp and red horse fish in the Valley River so far as that part of the River above Andrews is concerned, but permits such fishing below the Town.

F. Other Laws.

(1) Chapter 25, Public Laws, which applies to Cherokee, Graham, Haywood and Madison Counties, provides that when the records of any court have been burnt, lost, des-

trayed or stolen, and a copy of any part of such records is in existence, duly certified by a former clerk of the court (with or without seal), the clerk of any court shall, upon presentation of such certified copy and the payment of his lawful fees, record the copy upon the minutes or records of the court. The record so made is given the same force and effect as the original records. The certified copy from which the record is so made, on file in or constituting a part of the records of another court, is to be turned to the court from which it came and need not remain in the custody of the clerk recording it.

(2) Chapter 49, Public Laws, increase the permissible punishment for public drunkenness in Cherokee to not more than \$50 or 30 days, and authorizes Justices and Mayors to sentence prisoners for these offenses to 30 days on the State roads, requiring the Highway Commission to accept them. (3) Chapter 304, Public Laws, places the names of Mrs. Quincy Whitaker and Mrs. Clementina Phillips Pierce on the Confederate widows' pension roll, subject to approval by the State and Cherokee Boards of Pensions.

(4) Chapter 92, Public Laws, applying to Cherokee and Graham Counties, provides that when it appears from the records in the office of the Register of Deeds that any instrument allowed by law to be recorded has been registered prior to Jan. 1, 1920, without or with defective probate, acknowledgement, proof, privy, examination, adjudication and order of registration, such instrument may nevertheless be read in evidence in any court if otherwise competent. The Chapter does not apply to creditors and purchasers for value or to pending suits.

(5) Cherokee, along with some twenty-eight other counties, is excepted from the provisions of Chapter 362, Public Laws, which provides that, beginning with the terms of those elected in the general election of 1936 Registers of Deeds shall serve for four instead of two years.

II. LAWS AFFECTING TOWNS IN CHEROKEE

A. Murphy.

Chapter 155, Private Laws, redefined the boundaries of the Town, the recited purpose being to exclude some territory included in 1911 which has never received any benefits from being included in the corporate limits.

B. Andrews.

Chapter 80, Private Laws, recites Continued on back page



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needs Balance—*

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Chesterfield are carefully balanced
one against the other... not too
much of one—not too little of
another.

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land and Turkish.

*It is this balancing of tobaccos
that makes Chesterfields milder
and makes them taste better.*

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Chesterfield... the cigarette that **TASTES BETTER**

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All Accessories for
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Drive in and let us ser-
vice your car with those
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