

ACTS AND RESOLUTIONS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA.

1908.

COMPILED AND PUBLISHED BY AUTHORITY
OF THE STATE



ATLANTA, GA.
CHARLES P. BYRD, State Printer
1908.

Between, Town of, Incorporated.

and the several Acts amendatory thereof, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of Georgia and it is hereby enacted by the authority of same, That an Act entitled an Act to incorporate the town of Battle Hill in the county of Fulton, and provide a government therefor, approved December 16th, 1895, and the several Acts amendatory thereof be, and the same are, hereby repealed, and all authority and jurisdiction vesting in said Acts are hereby withdrawn.

Battle Hill,
town of,
charter
repealed.

SEC. 1 (a). That this Act shall not become effective nor the repeal provided in Section 1 of this Act enforced until January 1st, 1910, at which time the limits of the city of Atlanta are to be extended so as to include the territory heretofore incorporated as the town of Battle Hill.

SEC. 2. Be it further enacted by the authority aforesaid, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved August 17, 1908.

BETWEEN, TOWN OF, INCORPORATED.

No. 559.

An Act to incorporate the town of Between in the county of Walton, and to define its limits; to provide for a mayor and council and other officers of said town and prescribe their powers and duties; to provide for all matters of municipal concern; and empower the mayor and council of said town to enact ordinances preventing the delivery of, and receiving intoxicating liquors and whiskies within the limits of said town; to provide

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a penalty for violating same; to provide for the seizure and disposition of said intoxicants, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Georgia, That the inhabitants of the territory embraced within the limits of half a mile in every direction from a point in center of Monroe and Loganville road directly in front of the store-house of B. P. Briscoe, in the county of Walton, be incorporated under the name and style of the town of Between and said town is hereby incorporated.

SEC. 2. Be it further enacted by the authority aforesaid, That P. D. Briscoe be, and is, hereby appointed mayor, and J. B. Upshaw, G. W. Blonchett, W. P. Briscoe and B. P. Briscoe be, and they are, hereby appointed councilmen of said town of Between, to hold their offices from the date of the approval of this bill until the first annual election as herein provided.

SEC. 3. Be it further enacted, That on the first Saturday in December, 1909, and biennially thereafter on the same day, an election shall be held in such place in said town as shall be designated by the council of said town, for mayor and four councilmen, who shall hold their offices for two years and until their successors are elected and qualified; but no one shall vote for or be eligible to the office of mayor or councilman of said town who is not a resident of said town, and who has not been a resident of the State of Georgia twelve months, of the county of Walton six months and of the town of Between three months. Said election shall be held and conducted in the same manner as elections for county officers in this State, and the certificate of the managers shall be sufficient authority to the persons elected to enter on the discharge of the duties of the offices to which they have been elected.

SEC. 4. Be it further enacted, That before entering on the discharge of their duties, the mayor and each

Between, town
of, corporate
limits.

First mayor
and council-
men.

Election of
officers.

Oath of
officers.

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councilman shall subscribe to the following oath, which may be administered by any person authorized by the laws of this State to administer oaths: "I do solemnly swear that I will faithfully discharge all duties devolving on me as mayor or councilman as the case may be, of the town of Between, according to the best of my ability and understanding; so help me God."

Marshal,
clerks, etc.

SEC. 5. Be it further enacted, That said mayor and councilmen shall have power and authority to elect such marshals, clerks and other subordinate officers as may be necessary for carrying into effect the powers herein conferred upon them, to prescribe the fees and duties of such subordinate officers and require such bond for the faithful performance of their duties as they may deem necessary and proper.

Mayor,
powers of.

SEC. 6. Be it further enacted, That the mayor shall be ex-officio a justice of the peace, and shall have full authority to issue warrants for any offense committed within the corporate limits of said town, and shall have power to compel the attendance of witnesses; to examine under oath, to admit and offender to bail or commit him to jail for violation of the laws of the State and to admit to bail or commit to the guard house for violation of the ordinances of said town.

Mayor and
councilmen,
powers of.

SEC. 7. Be it further enacted, That said mayor and councilmen shall have full power and authority to pass all ordinances and by-laws that may be necessary for the government of said town not repugnant to the Constitution and laws of this State or the United States.

Taxes, how
levied.

SEC. 8. Be it further enacted, That said mayor and councilmen shall have power to levy and collect a tax, not exceeding twenty-five cents on every hundred dollars, upon all the property, both real and personal, within the corporate limits of said town. They shall also have power to require all persons within said corporate limits, who are subject to road duty, under the laws of this State, to work on the streets of said town, or they may

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prescribe a commutation tax, which may be paid in lieu of work on the streets; *provided*, that the corporate limits shall extend only as prescribed in Section 1 of this Act, for the purpose of raising the said tax of twenty-five cents on every hundred dollars.

SEC. 9. Be it further enacted, That the mayor and council of said town shall have power to pass any ordinance to prohibit the storage or keeping of wines, beer, white-hops, malt, alcoholic or intoxicating liquors of any kind, for any illegal purposes within the corporate limits of said town, to prevent the sale or keeping for sale the same and to punish any person for violating the said law or ordinances. ^{Wines, beer, etc.}

SEC. 10. Be it further enacted, That said mayor and council are further authorized and empowered, in the exercise of police power of said town, to enact ordinances preventing the delivery within the corporate limits of said town, of wine, beer, whiskey or other intoxicating liquors, by any corporation, company, partnership, or by any other person or persons, directly or indirectly, and to enact ordinances providing for a penalty for so doing; to enact ordinances preventing any company, corporation or person from receiving such intoxicants within the corporate limits of said town from any corporation or person whomsoever, and to provide for a penalty for so doing; to enact ordinances to provide for the seizure and forfeiture to the town of said intoxicants within the corporate limits of said town and for the disposition of the same by sale or otherwise, in the hands of any corporation, company or person whatever. Said mayor and council is further authorized and empowered in the exercise of police power to provide for and enact ordinances for the regulation, suppression, or prohibition of the liquor traffic, legal or otherwise, within the corporate limits of said town; *provided*, that the provisions of this Act shall be held and construed to apply to domestic commerce and intra-

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state shipments as distinguished from shipments from beyond the State and interstate commerce.

Nuisances.

SEC. 11. Be it further enacted, That said mayor and council shall have power to remove or abate any nuisance in any part of said town, whether on the streets or elsewhere, under such rules and in such manner as they may prescribe by ordinance.

Chief executive officer.

SEC. 12. Be it further enacted, That the mayor of said town, and in his absence, the mayor pro tem. who shall be elected by the councilmen from their own number, shall be the chief executive officer of said town. He shall see that ordinances, by-laws, rules and orders of the council are faithfully executed. He shall have control of the police of said town, and may appoint special police whenever he may deem it necessary, and it shall be his duty especially to see that the peace and good order of the town are preserved and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons in said town. He shall have power to issue execution for all fines, penalties and costs imposed by him or he may require the immediate payment thereof, and in default of immediate payment thereof he may imprison the offender in the guard house of said town not exceeding fifty days or may order the offender to work not exceeding fifty days on the streets of said town under direction of the marshal of said town; *provided*, that no fine shall exceed fifty dollars for any offense, but the mayor is hereby invested with full power and authority to inflict for any such offense either one or more or all of said penalties in the discretion of the mayor.

Fines, etc.

Vacancies.

SEC. 13. Be it further enacted, That if at any time the office of mayor or councilman shall become vacant by death, resignation or otherwise, the remaining members of the council may fill such vacancy by appointment

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from among the citizens of said town eligible to such office, under the provisions of this charter.

SEC. 14. Be it further enacted, That the municipal ^{Corporate name and seal.} government shall be styled the "mayor and council" of the town of Between and by that name are made a body corporate; as such they shall have perpetual succession, shall have a common seal, may contract, hold, possess, sell and convey for the use of said town, real or personal property; may sue or be sued.

SEC. 15. Be it further enacted, That in the meetings ^{Mayor votes when.} of said council the mayor shall not be allowed to vote except in cases of elections and of a tie vote of the council.

SEC. 16. Be it further enacted, That said mayor and ^{Business, professional tax, etc.} council shall have power to fix and collect a special tax or license upon all kinds of business, calling, profession or occupation carried on within the corporate limits of said town; they shall have power to tax license, control and regulate all opera houses, livery stables, auctioneers, shows, circuses, and exhibitions of all kinds, peddlers and all itinerant traders, save such as are excepted by the laws of said State, every keeper of a shooting gallery, or ten-pin alley, or the keeper of any table, place or stand for the performance of any game or play, whether played with sticks, balls, rings or other contrivance, bicycles or skating rinks for gain; they shall have power to fix penalties against any and all persons carrying on any of said occupations, or exercising any of such privileges, without having first obtained said licenses and paid tax therefor.

SEC. 17. Be it further enacted, That in case any taxes, ^{Fines, taxes, etc., how collected.} fines, commutation taxes or license fees are not paid when due the mayor of said town shall issue an execution against said delinquents, which execution shall be directed to the marshal of said town and his deputies, and it is hereby made the right and duty of said marshal

and his deputies to proceed to levy and collect such fi. fas. as in case of fi. fas. issued for State and for county taxes.

Streets. SEC. 18. Be it further enacted, That said mayor and council are vested with power to lay out and open new streets or alleys, to widen or straighten any of these streets, sidewalks or alleys of said town, and to assess any damage that property-holders may incur thereby in the manner now prescribed by law, which damage shall be paid out of the town treasury. They may prohibit or remove all obstructions or encroachments on the streets or sidewalks and they shall have power to regulate and control a location of cemeteries and burial of the dead within the corporate limits of said town.

SEC. 19. Be it further enacted, That all laws and parts of laws in conflict with this Act be, and the same are, hereby repealed.

Approved August 17, 1908.