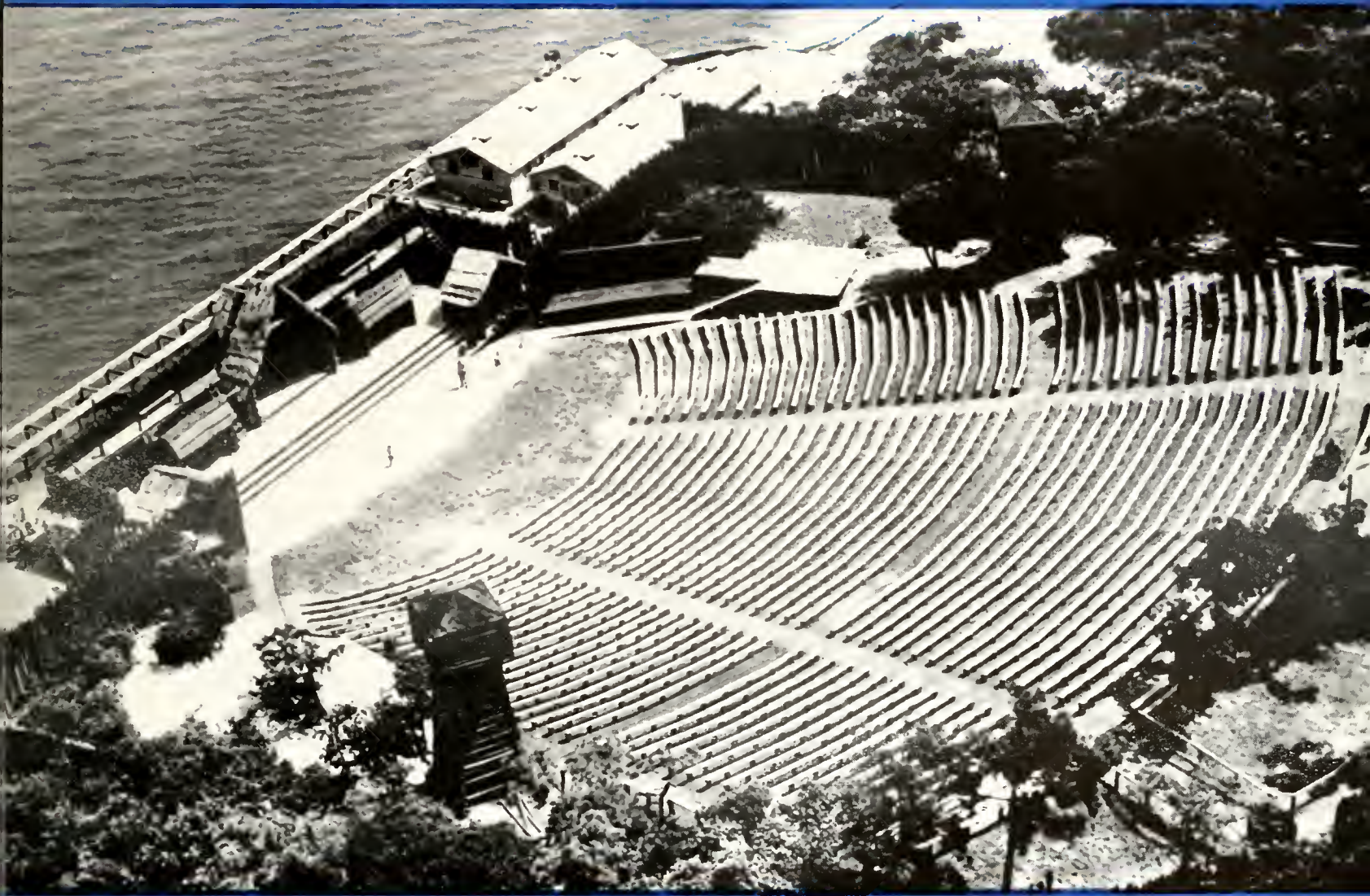


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The Democratic Primary

By HENRY W. LEWIS
Assistant Director of the Institute of Government

The Democrats nominated new candidates to contest three of North Carolina's twelve Congressional seats this year. Two incumbents did not seek renomination; one incumbent was defeated. In the Fifth and Sixth Congressional Districts it took second primaries to confirm the incumbents.

Chatham versus Folger

On March 19th Representative John Folger from the Fifth District told the press that he was seriously considering withdrawing from the race if opposition developed. The next day Thurmond Chatham, the Elkin industrialist, filed and started the ball rolling. In quick succession came Sheriff John Taylor of Stokes, Joe J. Harris of Winston-Salem and Lawrence E. Watt of Reidsville. Watt lost no time in raising an issue. The News and Observer quoted him as saying: "The people of the Fifth District have approved of the way John Folger supported the domestic and foreign policies of Franklin D. Roosevelt. Thurmond Chatham would do all in his power to reverse

those policies. His votes would please the National Association of Manufacturers, but not the people of his district . . . I have offered myself as a candidate so that the people of my district can tell Thurmond Chatham, in no uncertain terms what they think of his kind of politics, and will be able to have in Congress one who will see that the votes of the district, in the future as in the past, are cast for good liberal government." By May 5th it was clear that Folger was in the running. Watt and Taylor left the field.

Mr. Chatham met the issue squarely. He struck out hard and heavy at the politicians for their failure to keep the country free of strikes, lashing out with "It is a tragic fact that, while we could produce for war and death, we cannot keep producing for peace and life." Castigating Folger for his reported C.I.O. support and championing full production as the solution to American and Southern economic ills, he threw the challenge at his opponent as a member of a Congress which

had power to pass laws to protect the country from strikes, transportation tie-ups and the resulting losses in production, and had not done so.

Folger turned full guns on Chatham's record as an officer of the Liberty League, a deserter of the Democratic Party in 1936 and 1940, and worst of all a speaker for Alf Landon. Branding Chatham's plea for more business in government and less government in business as a Republican aphorism harking back to the days of Coolidge and Hoover, Folger stoutly defended his support of administration policies, spoke out for O.P.A., reminded his constituents that he had placed his support behind the G. I. Bill of Rights, and came out flatly for federal aid to schools.

For the first few days after the primary papers could not agree on a winner. One day Chatham would be leading and the next day Folger. Sandwiched in with these reports were sensational stories of charges and countercharges of campaign and voting irregularities. At length



Here are North Carolina's Democratic nominees for Congress: Top row, left to right, Herbert C. Bonner, First District; John H. Kerr, Second District; Graham A. Barden, Third District; Harold D. Cooley, Fourth District; John H. Folger, Fifth District; Carl T. Durham, Sixth District; Bottom row, left to right, J. Bayard Clark, Seventh District; C. B. Deane, Eighth District; Robert L. Doughton, Ninth District; Hamilton C. Jones, Tenth District; Alfred L. Bulwinkle, Eleventh District; and Monroe M. Redden, Twelfth District.

the official count gave Chatham a 59-vote lead, and Mr. Folger called for a run-off.

The second campaign witnessed reiteration of the earlier stands against a background of denials all around of charges brought by both sides at the end of the first campaign. Dr. Ralph McDonald spoke for Folger in Winston-Salem dubbing Chatham the "champion of the dollar mark" while longtime employees of the Chatham Mills published letters denouncing the rumor that they were not well paid. With the results from one precinct missing, the News and Observer on June 24th reported 24,549 votes for Folger to 21,832 for Chatham.

Scarborough-Rives-Durham

Incumbent Carl Durham in the Fifth District was faced with double-barrelled opposition from Judge Earle Rives and D. E. Scarborough. It was conceded that Durham's chief trouble would come from Rives, but organized labor's marked preference for Scarborough made forecasters wary of the outcome murmur predictions of a second primary. Mr. Durham stayed on the job in Washington most of the time, but let it be known that he was standing on his record. Judge Rives stumped the district vigorously and appealed to the Guilford electorate for hometown support while making a play for the anti-Durham votes in Durham County. The district saw marked efforts by non-partisan groups to encourage voting. The official results of the first primary reported by the News and Observer for June 5 gave Durham 17,160, Rives 13,060, and Scarborough 8,176. Rives called for a run-off and shortly thereafter Scarborough, "following his supporters," threw his support to Judge Rives, although Durham supporters thought it "politically amusing" that the labor supporters of Scarborough were willing to be bedfellows with Mr. Rives alleged "capital backers." When the votes were counted, the News and Observer for June 24th credited Durham with 16,386 to 14,588 for Rives.

Other Congressional Races

In the Eighth District C. B. Deane, a Rockingham businessman,

raced with W. E. Horner, a former legislator who edits the Sanford paper. The labor vote was supporting Deane, who had run for Congress unsuccessfully in 1938 and again in 1940. This time his luck was better. The count gave Mr. Deane 18,649 to Mr. Horner's 18,296.

In the tidewater First, Herbert Bonner was challenged by a newcomer, Robert Lee Humber of Pitt. By the 18th of May what politicians thought would be a placid affair was developing into a turbulent campaign. Humber was cited in mid-campaign by the Reader's Digest for his plan for World Federation, but Sheriff Meekins of Dare said he was "something of a crank" and Thompson Greenwood remarked that "Northeastern North Carolina is more interested in its Congressman knowing something about floors and ceilings on Irish potatoes . . . so Bonner will remain in Congress." Greenwood was right. Bonner carried every county in the district except Gates.

In the Second District John H. Kerr, champion of the Bugg Island flood control project, running for the thirteenth time, was opposed by Archie Gay, president pro-tem of the State Senate. When the votes were counted Mr. Kerr had 17,678 to Mr. Gay's 11,203. In the Seventh, incumbent J. Bayard Clark polled 23,684 votes to lead W. S. Britt of Lumberton who took 17,391. In the mountain Twelfth Zebulon Weaver, who had represented the district ever since 1917 except for one term following the Al Smith campaign of 1928, was challenged by Monroe M. Redden, a former State Chairman of the Democratic Party, who was seeking elective office for the first time. Official reports gave Weaver 18,206 to Redden's 27,573.

What Happened?

Precinct meetings were peaceful, so peaceful that one Wilson precinct chairman said "I simply forgot all about it." The County conventions caused little stir. The State Convention was a love feast. The only excitement of the day came from an abortive attempt to insert a plank in the platform endorsing a state-wide liquor referendum. It was be-

ginning to look like a dull season.

Political wiseacres watched registration figures, the best yardstick for measuring campaign vitality. On May 7th Lynn Nisbet said "Reports reaching Raleigh indicate slight registration." Ten days later, Raymond Maxwell, Executive Secretary of the State Board of Elections, made headlines by predicting the possibility of a total vote that might reach the nearly 800,000 cast in the 1944 presidential election.

Aside from the Congressional races, 193 Democrats were seeking nomination to 120 seats in the House and 75 Democrats were seeking nomination to 50 seats in the State Senate. There was more chance that new blood would flow into Raleigh and Washington than in many years before.

The Kinston Daily Free Press thought the campaign had been "free from mud-slinging," but from Martin County came a different story: "Without a doubt, the congressional campaign was marked by the cheapest and most underhand methods employed by politicians in many years. Some observers were actually expecting John L. Lewis to enter the county on election day."

Early election day reports failed to support Maxwell's prediction. Kinston reported that farmers were having their first fair day in over a week and were showing more interest in getting in their cotton than in getting in the polls. But up in Person County voting was heavy. Citizens from all over the county sweltered in Roxboro's 85-degree heat. "Many wore bright red poppies, made by disabled veterans of World War I and II . . ." And although hundreds stayed in town until late at night to get the results, people took their politics too seriously "to fool with 'Ol' Man Booze" on primary day! In all this the Durham Herald saw not only a rising interest in government, but a "fair warning that the next general elections will see more Americans than ever eager to express their preference."

The Women

"Many women vote, but the records indicate that their votes usually are cast for the same candidates favored by their husbands or other

male members of their families." Yet matters concerning youth, education, and social welfare need the remedial touch of "determined feminine hands." That was the gist of what the Winston-Salem Journal had to say on May 24th. The outburst appeared in an editorial concerning Mrs. R. S. Ferguson, one of the two women running for the State Legislature in the Democratic Primary. Mrs. Ferguson had stated that it is high time the women were organizing to assert themselves politically. Her program was to foster "A dynamic, enthusiastic attempt to secure the recognition and influence which is their due." Mrs. Giles W. Cover, the other woman running for the Legislature, made her third run uncontested. And Mrs. Ferguson was successful.

If feminine candidates were slow to come forward, the masculine aspirants did not underestimate the value of female persuasion. Herbert Bonner and Robert Lee Humber persuaded nine hundred and five women respectively to endorse them in fullpage political advertisements. Reporting activity at the polls in Greensboro, the Daily News said: "An unusual note was introduced by the silent supporters of Carl Durham Attractive young women held large placards boosting the Chapel Hillian well beyond the 50-foot limits from the ballot boxes Smiling but 'tired from this heat' Mrs. Edgar Norris, Country Club apartments, relaxed for a moment from passing out cards urging votes for her brother, Charles T. Hagan, Jr., for solicitor. She had 'worked' since 6:30 a. m. yesterday at the Goodrich polling place The women were working at all the local polling stations. Men were scarce. Women, young and middle-aged, distributed cards for the various candidates."

And in the one bi-partisan election of the day in the Eighth Congressional District, Miss Jane Pratt, the Democratic nominee, swamped her Republican rival, H. Frank Hulin, to become North Carolina's first congresswoman.

Labor

"Organized labor in both C. I. O. and A. F. of L. groups shows more inclination to vote en bloc than has been the case in this State." That

was from Lynn Nisbet four days before the Primary. Things were popping. Both the major labor camps had initiated full-fledged campaigns to unionize the South. Reaction to this was uncertain. The country was in the middle of a railway strike and there were loud rumblings of coal

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and maritime strikes. In the Sixth Congressional District Scarborough was known to have the stamp of approval of the unions. It was generally believed that the C. I. O. had approved Deane in the Eighth and Folger in the Fifth. In other words, organized labor was taking a part and people knew whose it was. Tom Bost on May 24th, recalling North Carolina's aversion to strikes, thought that popular reaction would help the outs in their challenge to the ins and damage those aspirants whose candidacy had been endorsed by organized labor.

Results outside the Fifth, Sixth and Eighth Districts shed little light on labor's strength. In the Fifth, however, Chatham, who had made "ferocious assaults" upon the C. I. O., led by 59 votes and Folger had called a run-off; in the Eighth Deane, with C. I. O. approval, took the lead; in the Fifth where a second primary had also been called, the remaining candidates were seeking to split if not corner the 8,000 vote labor bloc polled by Scarborough.

Negroes

Negro registration in the Democratic Primary was up this year. Traditionally the heaviest vote from them is polled in Raleigh, Durham and Charlotte, but reports from other sections indicated a larger negro registration all over the state than in former years. Vigorous activity by the Committee for North Carolina of the Southern Conference for Human Welfare, and simi-

lar groups, in attempting to encourage all qualified citizens to vote was credited with arousing negro interest in the ballot. In Durham County where a joint white-colored group participated in a large rally in the interest of getting out the voters there was an additional incentive. Two negro candidates had filed for county commissioner and for county prosecuting attorney. Although they were unsuccessful, the Durham Sun reported that "The negroes, voting in unprecedentedly large numbers, gave strong support to E. R. Avant and John Holloway, members of their race . . ." But while the negro vote in Greensboro and a few other cities was large, little or no evidence of strong negro voting in rural areas was found in the state press.

Veterans

Lynn Nisbet prophesied that the most potent and most uncertain factor in the primary would be the ex-service personnel vote. Veterans were seeking office all over the state, but Buncombe County furnished a barometer for measuring their pressure. A group of G. I.'s up there organized themselves and presented the astonished Democrats with an all-veteran slate. Facing what the News and Observer called "the most compact organization in any county in the State, headed by Deacon Greene and Don Elias" the Buncombe boys caught the political eye of the whole state. Not being able to secure a building for their headquarters the veterans pitched their tent across the street from the courthouse in Asheville and started to work. The fastest race was for the State Senate. Veteran Frank Parker, a newcomer, challenged incumbent Brandon Hodges, an able legislator with Deacon Greene's full backing.

On May 26th results flooded the press. Veterans Winfield Blackwell and James M. Hayes, Jr. won nomination for the House in Forsyth; Robert Pleasants, a young veteran new to politics whipped two seasoned candidates for sheriff of Wake County; and these were only samplings. The Associated Press story on May 27th scattered the doubts: "Defeat of Senator Brandon Hodges by the young war veteran,

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THE CLEARINGHOUSE

News of Developments Here and There

Airports

"After all, airports are constructed by municipalities," said Nevada's Senator McCarran, when he explained to the Senate why the conference report on the Federal Aid Airport Bill provided that federal funds could go directly to municipalities willing to match them dollar for dollar for airport purposes. The conference report was signed into law by the President on May 13, ending a struggle lasting over a year between those who thought all such funds should be channeled through state agencies to local units, and those who sought to allow cities and counties to apply directly to the federal Civil Aeronautics Administration for federal aid to local airport programs.

The result is a compromise between the contending factions, however, in that any state may by state law require that its local units make application for federal airport aid through state agencies. But in the absence of such restrictions, any state, county, city, or other political subdivision of a state may apply directly to the C.A.A. for federal funds to match its own.

The measure authorizes the government to spend \$500 million in the next six years for this purpose, but not over \$100 million in any one year. Seventy-five per cent of the sum annually appropriated is set aside for apportionment among the states, half in the proportion which each state's population bears to the total population, and half in the proportion which each state's area bears to the total land and water area of the country. The C.A.A. has estimated that North Carolina's share of this part will approximate nearly \$8 million.

The remaining twenty-five per cent is to go into a "discretionary fund," which may be spent for projects in any state which the Administrator of the C.A.A. deems neces-

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sary for carrying out the national airport plan, regardless of the amount already apportioned to the particular states involved.

A condition precedent to receiving federal aid for any airport is that the airport be included in the C.A.A.'s national airport plan. The Administrator is directed to prepare such a plan and revise it annually, including projects considered necessary "to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics." The C.A.A. has indicated that it will channel the money primarily to small fields suitable for private flying and feeder airlines.

At present there are about 120 airports and 10,000 licensed pilots in North Carolina. Many of the airports were built or enlarged for war purposes by the federal government, and it is expected by the State Aeronautics Commission that approximately \$20 million worth of airport property will soon be turned over to city and county authorities to serve as a nucleus for the state's own airport development program.

Roads

On July 1 a half-billion dollar allotment of federal funds to assist the states in their highway programs will be available, and the Federal Works Agency has announced that North Carolina's share will total \$11,376,902.

Highway construction in the state will call for \$5,431,717 of this sum, secondary or feeder roads for

\$4,452,710, and work on city streets for \$1,492,475.

This is the second of three half-billion dollar allotments to the states, the first of which was made last October, with the next one scheduled for next year. The federal government's contribution of a billion and a half dollars over this period is being matched by similar amounts by the states, to provide the nation with three billion dollars worth of new highways.

Parking Meters

Penny parking meters are being considered by Winston-Salem's board of aldermen, who last month authorized the installation of 500 meters on a six-months' trial basis. The penny meter, using the coin which is always plentiful in sales-tax states, handles from one to ten pennies, giving twelve minutes parking time for each penny. Winston-Salem's parking meter ordinance permits use of meters taking either pennies or nickels, depending on the change the parking citizen finds in his pocket.

Hendersonville's new parking meters, which went into use on May 27, are of this type, taking pennies or nickels. They will be in operation daily from 8 a. m. to 6 p. m., but not on Sundays.

High Point is also considering what type of parking meters should be installed there, and a move was on foot to call a meeting of representatives of High Point, Greensboro and Winston-Salem to study the advisability of purchasing the same kind of meters for each of those cities, to cut down possible confusion and irritation on the part of visiting citizens.

Veterans

A home or an education, or both, are still the major concerns of veterans in North Carolina and else-

where. Community and civic groups throughout the state are increasing their activities in meeting the housing need. In Wilkes the county commissioners have agreed to sell a part of their county home farm property for a veterans' home building project, and the Wilkes Post of the American Legion has formed a non-profit corporation, which will sell the building sites to veterans at cost. To eliminate possible speculation, each veteran-buyer must contract to erect a residence on the property he purchases.

Under supervision of vocational agriculture teachers at Balls Creek, Sherrills Ford and Startown, fifty Catawba county veterans are taking on-the-job farm training under the G. I. Bill of Rights. Since late March, when the Veterans Farmer Training Program began to get underway in this state, many counties having vocational agriculture classes in their school have made this training available, including Wayne, Wilson and Harnett. Training under the G. I. Bill may be had by farmers owning or operating their own farms, or by farmers working for employer-trainers. Subsistence allowance of \$65 monthly for single men, \$90 for married ones, is payable to the trainees, and certain payments to cover training expenses will also be paid by the Veterans' Administration. Full information can be obtained from any local veterans' service officer.

Institute of Government Instruction Program for Veterans

Veterans' Service Officers School.

—Last November the Institute of Government conducted a week-long training school for local veterans' service officers, at the request of the North Carolina Veterans' Commission. Eighty-five city, county, district and state service officers attended the school, and officials of the Veterans' Administration, together with experienced state and local service officers, joined the instruction staff of the Institute of Government in teaching the classes.

Statewide Law Refresher Courses.

—The Institute's program of training affecting veterans expanded in February, with the first of a series

of monthly refresher schools for lawyer-veterans, conducted at the request of the North Carolina Bar Association and the State Bar, and sponsored by the Bar Association. Joining the Institute of Government instruction staff for these courses were leading members of the bench and bar of North Carolina, and members of the faculties of the law schools of the University of North Carolina, Duke University, and Wake Forest College. A total of 151 young lawyers attended one or more of these sessions in February, March, April and May, and a large number are expected at the final school scheduled for July 12, 13 and 14, which is being held primarily for those whose late release from the armed services kept them from some of the earlier meetings.

District Law Refresher Courses.

—As a logical and necessary continuation of this service to lawyers returning to practice, and as a means of reaching many who would be unable to leave their offices to attend further state-wide schools at Chapel Hill, the Institute is inaugurating law refresher courses for veterans to be given in district schools throughout the state. A survey is now being made to determine the centers of instruction, which will be arranged for the convenience of the greatest number, with the aim being that no veteran will have to travel over 50 miles to meet his classes. Commencing in September and extending through October and November for a twelve-week period, regular classes will be held in each center for a period of four hours weekly. Instruction will be given in problems in: (1) the Criminal Law and Its Administration; (2) the Argument of Cases in Trial and Appellate Courts; (3) the Trial of Civil Cases; (4) Drafting Legal Instruments; (5) Credit Transactions; (6) Business Organization; (7) Administrative Tribunals; and (8) Taxation and Accounting.

As was the case with those attending the statewide classes at Chapel Hill, the expenses of veterans (eligible for training under the G. L. Bill of Rights) who attend the district schools will be paid by the Veterans' Administration, including costs of tuition, books and other ex-

penses, but not including subsistence.

Highway Safety

Recognizing that mechanically defective automobiles contribute mightily to the highway death toll, the 1945 legislature authorized appointment of a committee to recommend whether it should enact a law requiring mandatory inspection of all motor vehicles and periodic re-issuance of drivers' licenses.

This committee was duly appointed, and is currently engaged in studies of the laws of nearby states involving car inspection. In May it visited South Carolina for that purpose, and its plans for June include a tour of inspection to study the laws of Virginia, New Jersey, Maryland, Pennsylvania and the District of Columbia.

Announcement of the committee's study is coincident with release of a report by the International Association of Chiefs of Police, revealing that more than a third of 163,567 vehicles examined in 23 states during the recently begun nation-wide safety check were mechanically defective. The report showed that 57,804 of the vehicles checked up to May 26 had faulty brakes, tires, other parts. About one-sixth of them lights, horns, windshield wipers or had defective brakes, and nearly one-fourth had faulty headlights.

In North Carolina T. Boddie Ward, commissioner of motor vehicles, reported that of the 15,422 persons convicted in this state between January 1 and May 31, 2,011 were charged with driving with faulty equipment and 1,478 with having improper lights.

It is logical to expect that the proportion of traffic accidents due to defective vehicles will continue to rise as old cars get older and until new cars are available to take their place on the highways.

Recreation

"In North Carolina we believe in recreation," was the message the Governor sent last month to a Senate subcommittee studying a proposal to create a federal recreation service. In his endorsement of the idea that the federal government

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The Energies of Peacetime

By R. B. HOUSE

Chancellor of the University of North Carolina at Chapel Hill

"A little learning is a dangerous thing;
Drink deep or taste not the Pierian
spring."

These words of Pope's apply particularly to our day in which press, radio, and movie toss out interesting hints about God, Man, and Nature, which we ought to take gratefully as starting-points for deeper study and patient consideration. It will require a great deal more than this easy flow of words to bring us to a knowledge sufficient to our day; but I fear most of us content ourselves with ready made slogans and formulas.

All of this is especially true of study about religion. Most of us learn the essentials of our faith at home in childhood. This sort of learning is strong on moral preference illustrated and reinforced with simple and beautiful stories and poems. It is weak on scientific and historical knowledge. In school and college we learn enough science and history to criticise our childhood learning, and in this critical attitude we lose also the naive religious faith which has been illustrated in our childhood learning. Most of us fail to press on to deeper knowledge which seems in the longer run to restore what shallow acquaintance with more perfect knowledge seems to take away. For the most subtle religious minds do seem to digest enormous learning and to keep it inspired with a faith as simple as that of childhood, albeit such faith is no longer naive.

I have been impressed with the ability of science to confirm religion, provided scientific learning goes deep enough, in Julian Huxley's essay *Religion and Science: Old Wine in New Bottles*, to which I was introduced by W. Somerset Maugham in an anthology compiled by him which he calls *Traveller's Library*. It is published by Garden City Pub-



lishing Company, Garden City, New York. It was written in the bump-tious period following World War I. It's counsel will perhaps be more fruitful after the discipline of World War II. I record here none of the substance of this essay. It ought to be read in full and over and over. I record the simple fact that here is a scientist, skilled in all the knowledge which seems to make so many of us doubt, who finds in his knowledge, support for his religious faith.

I have also been impressed with the ability of philosophy to confirm religion by reading George Santayana's *The Idea of Christ in the Gospels*. It is published by Charles Scribner's Sons, New York. I shall certainly not try to present any summary view of Mr. Santayana's book. It is a religious and philosophical meditation, suited for long, repeated reading and re-reading. I have long read and re-read everything of Mr. Santayana's I could find, and about all I could say positively about him is that no one, not even himself, could put him in a summary statement. He certainly possesses one of the most learned and subtle minds of his day. He has always been deeply interested in religion, a fearless critic, and he has experienced and expressed every doubt I ever had and at times has seemed to suggest new ones to me, though I could tell that he, himself, never had lost his religious faith. Now, when he is

over eighty years of age, he brings out his greatest single book. It is consistent with everything he has written, but it is deeper, simpler, and wiser in tone and quality. It seems to me to be a book of devout meditations on Christ such as one of the Apostles might have written had he lived into the twentieth century. And indeed the sympathy and learning of Mr. Santayana, his knowledge of the history of religion and of religious thought and belief, equip him to traverse religious literature from Genesis to the present day.

It is inspiring to such religious tenacity as I may have myself to see so learned, so subtle a spirit come home to rest, as it were, in the arms of childhood faith. The question may arise, Why go so long a way around? Why not stay at home? Why not adopt the mountain preacher's view: "O Lord make me ignorant as a mule?" The answer is that we cannot help it. We must make our separate journeys. My point is that some of us lose our faith that home is there any more. It heartens us to learn from such experienced travellers that we take it with us all the time.

The Clearinghouse

(Continued from page 5)

should take more interest in public recreation, the Governor also pointed out that "... the North Carolina legislature of 1945 established ... the North Carolina Recreation Commission, which is the first commission of its kind in the United States."

During the same week the Governor told the State Board of Conservation and Development that recreation is now the biggest business in the world, and called on it to develop

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Institute Answers to Official Inquiries

JURISDICTION OF JUVENILE COURTS

A juvenile judge, asked to sign an order rescinding a previous order which committed a child under sixteen to an orphanage, and thereby reassume the responsibility for planning for the child's care until it became twenty-one, was not sure that he had jurisdiction to issue the order. He could not find, in the statutes creating the juvenile courts of the State and defining their jurisdiction, a categorical statement of the *continuing jurisdiction* of the court. He found, instead, that the statutes leave principally unanswered the question, "When is a child not a child?"

The situations in which this question can arise are numerous. Initial jurisdiction in the juvenile judge is certain and unquestioned when a child 15 or under is charged with a criminal offense less than a felony (except motor vehicle violations) or, on the non-criminal side, is neglected, orphaned, abandoned, etc. But, when the orders have been issued in these cases, there is not always an end to the matter. A child committed to an orphanage may prove to be incorrigible and require commitment to a correctional institution; the operator of a child-care home may die and children committed to the home will then have to be otherwise provided for; a guardian appointed by the court may die or prove unfit to serve, and the appointment of a new guardian would be necessary—*and after the issuance of the original orders and before the necessity for further orders arises, the child may pass its sixteenth birthday.*

The last paragraph of G.S. 110-21 provides that jurisdiction of the court, having once been obtained as indicated above, continues during "the minority of the child" unless a court order is issued to the contrary or unless the child is committed to an institution which is supported and controlled by the State. G.S. 110-23 defines "child" to mean "any minor less than sixteen years

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of age" and provides further that "adult" shall mean "any person sixteen years of age or over." Does the language of these statutes mean that passing the sixteenth birthday defeats the jurisdiction of the court, and that whatever action is taken by the court must be taken before the child reaches the age of sixteen? That a child becomes an adult on his sixteenth birthday so far as the State is concerned? And that if he commits a criminal offense thereafter he must be amenable to the processes of the law as an adult? Or, if he requires the attention of the State through a court in a matter other than criminal, that attention must come from the Superior Court?

There are no decisions of the Supreme Court which interpret these particular sections to give a direct answer to these questions. In the absence of direct judicial authority, the best answer is the opinion of the Attorney General, given in response to an inquiry in this matter from the State Board of Public Welfare.

The Attorney General expressed the opinion that "minority" as used in our statute should be given its usual and accepted meaning; i.e., that period of time during which a person is, in contemplation of law, an infant, less than twenty-one years of age. It was his opinion, after examination of numerous authorities, that the jurisdiction of the juvenile court, once properly acquired, continues in the proceeding in which it was acquired until the minor in question reaches his or her twenty-first birthday. The Attorney General viewed G.S. 110-23 as giving a definition of "child" and *not* a definition of "minority;" it was his thought that the statute

simply measures the number of years of a minor's life which must elapse before the child will be considered an adult for purposes of *initial* jurisdiction of the court, and does not operate in any way to divest the court of jurisdiction once properly acquired.

Since this is a matter which affects the work of a large number of local officials and the lives of a large number of juveniles, and since the statutes at least leave room for honest doubt in honest minds as to their meaning, it is suggested that steps should be taken for clarification by legislative action.

REGULATION OF TAXICABS

Issuance of Certificates

Inquiry: Our governing body is of the opinion that the town now has the maximum number of taxicabs needed. Going by the rule of one cab for every 500 residents, the Board has fixed the maximum and now wishes to refuse to issue certificates of convenience and necessity for further cabs. Does the Board have authority to do this?

Answer: Ch. 564 of the 1945 Session Laws does not *expressly* provide that a town governing body has authority to refuse to issue a certificate of convenience and necessity for taxicabs. The language of the act provides that no State license may be issued for a taxicab until the governing body of the town in which the cab is to be operated principally has issued a certificate showing "that the convenience and necessity of the public requires the operation of such taxicab." (Cabs validly operating on January 1, 1945, were excepted.) It seems that the clear implication of this language necessarily is that the taxicab operator **MUST** secure a certificate from the town governing body before he can secure a license for the cab from the State Department of Motor Vehicles. This provision, coming as an amendment to the Motor Vehicle Laws, seems to say to the Department, "You may not issue license

(Continued on page 10)

1946 WATERWORKS

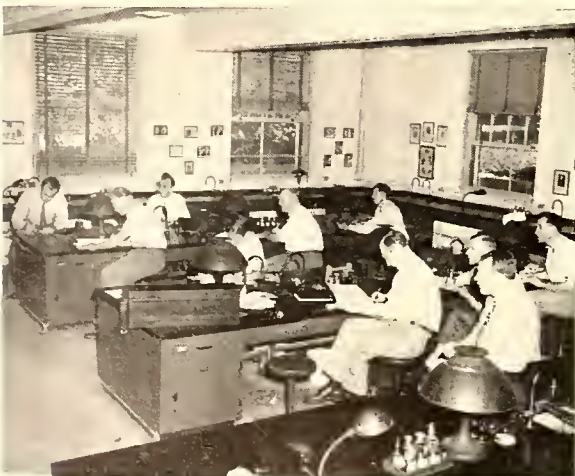
Conducted by the Institute of Government



Anyone can register for and take the initial course for waterworks operators. Successful completion of the course gives the applicant a "C" certificate from the Association and entitles him to try for the "B" certificate and then the "A". Lectures by experts in the various subjects covered account for a large portion of the week's course.



With a pump dismantled to expose its mechanism, an instructor proceeds with a session on the mechanics and operation of pumps. Success in getting across to the students is practically assured when the instructor can demonstrate with the subject of his talk itself instead of a blackboard diagram.



Into the laboratory for work with and demonstrations of some of the refinements in the principles of waterworks operation goes the advanced group of operators, those who already hold the "A" certificate from the Association.



Pictured above are the seventy-five waterworks superintendents and operators from city and industrial waterworks systems all over the State who attended the 1946 School for Waterworks Operators conducted for the North Carolina Waterworks Operators' Association by the University's School of Public Health in cooperation with the Institute of Government in Chapel Hill June 10 through June 14. Each year the Operators' Association, through the cooperation of the Institute of Government, the School of Public Health and other agencies concerned with the in-service training of local officials, arrives a few steps closer to its goal: to guarantee that an adequate supply of pure water will be delivered to every citizen by men professionally capable of performing this service.

Shown seated with the operators are Max D. Saunders of the 1946 Program Committee, Professors W. Brewster Snow and Emil Chanlett of the School of Public Health, E. R. Tull and H. D. Fesperman, Association officers, and Clifford Pace, Assistant Director of the Institute of Government.

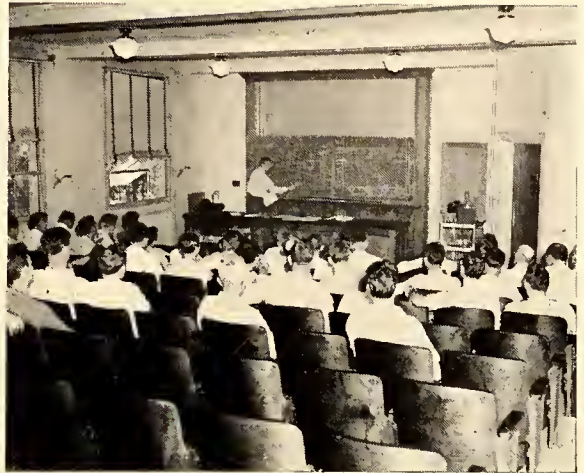
Registering for the 1946 School were the following: C. M. Abbitt, Roxboro; W. W. Adkins, Asheboro; W. F. Ainsley, Hertford; John T. Alderman, Burlington; Allen Y. Alexander, Camp Butner; Otis Alexander, Wadesboro; Hoyt G. Bailey, Laurinburg; Fred Beamguard, Gastonia; Angus Benton, Charlotte; Stanley S. Betts, Fayetteville; W. W. Blalock, Jr., Fort Bragg; D. York Brannock, Rocky Mount; Earl I. Brown, Sanford; W. G. Brown, Durham; Thad C. Burnett, Asheville; R. K. Calfee, Durham; W. F. Carswell,



Institute of Government

OPERATORS SCHOOL

operating with the School of Public Health



Films illustrating the types of bacteria which must be combated in the operation of waterworks systems, along with the methods of combating them, were shown. With blackboards pulled up in front of the screen, instruction in the principles of waterworks operation continues.

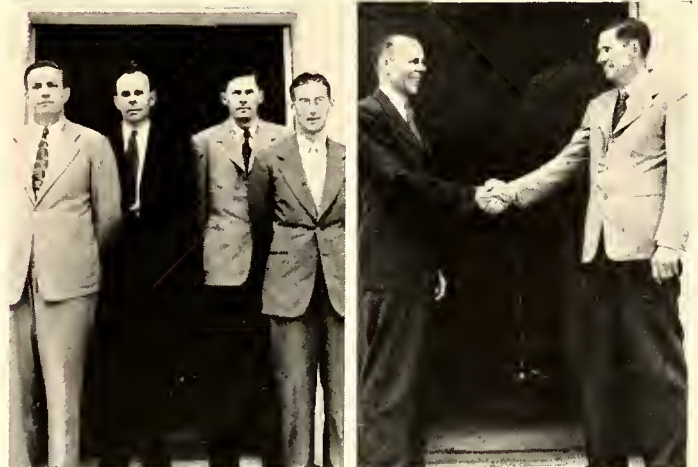


Pursuant to its plan of operation, the Waterworks Operators' Association prepares and conducts examinations for each group of applicants for certificates. Shown supervising an examination is T. E. Witty, Thomasville superintendent, who is Chairman of the Association's Board of Examiners. The perplexed expressions were NOT posed.

Newton; D. C. Craig, Cramerton; W. L. Dunlap, Durham; James F. Ellis, Statesville; A. J. Farmer, Marshall Field Co., Leaksville; C. T. Farrell, Chapel Hill; Leroy Faulkner, Fayetteville; H. D. Fesperman, Albemarle; F. E. Floyd, Ecusta Paper Corp., Pisgah Forest; J. F. Gamble, Shelby; James L. Gardner, Mount Airy; John W. Glenn, Monroe; Andrew Gutierrez, Camp Butner; Stanford E. Harris, Lenoir; W. D. Hines, Drexel; Walter J. Holt, Sanford; J. W. Honeycutt, Cliffside; J. A. Houston, Valdese; Donald T. Howell, Concord; R. S. Hunt, Brevard; W. B. Hurst, Jacksonville; Carl Jamison, Fontana Dam; Geo. M. Johnston, Smithfield; Leon A. Justice, Camp Lejeune; John N. Leslie, Jr., Salisbury; M. P. Lloyd, Hillsboro; H. L. Lyon, Oxford; W. M. Mabe, Mt. Airy; J. R. Malone, Durham; L. S. McMillan, Raeford; James P. Morrow, Ecusta Paper Corp., Pisgah Forest; George W. Moss, Kings Mountain; Brady W. Mullinax, Kernersville; Marshall Palmer, Southern Pines; Ross E. Pitts, Blowing Rock; Brent M. Quinn, Cherryville; G. R. Reynolds, Leaksville; C. M. Ritchie, Albemarle; Coy J. Roberson, Gastonia; R. M. Rodgers, Winston-Salem; Max D. Saunders, Chapel Hill; J. Albert Scott, Kinston; E. A. Shook, North Wilkesboro; Waymon Smith, Marshall Field Co., Spray; Herman Snipes, Hickory; Joe C. Stowe, Hamlet; J. W. Taylor, Tryon; R. H. Teeter, Mount Holly; M. R. Tolar, St. Pauls; Virgil Truitt, Reidsville; Edward R. Tull, Rockingham; P. G. Turner, Wilson; James L. Whichard, Greenville; Harold S. Wilson, Southern Pines; T. E. Witty, Thomasville; Osborne Wright, Spindale; J. V. Yount, Granite Falls.



School of Public Health



On the steps of the Institute of Government Building as the 1946 School came to an end are the outgoing and incoming officers of the Association. Left to right in the first picture are Joe C. Stowe, 1947 Vice President, E. R. Tull, 1946 President, H. D. Fesperman, 1946 Secretary-Treasurer, and Max D. Saunders, 1947 Secretary-Treasurer. In the second picture, E. R. Tull wishes H. D. Fesperman, 1947 President, best luck.

Institute Answers

(Continued from page 7)

for a taxicab until you are shown that a certificate of convenience and necessity has been granted for that cab by the governing body of the town in which it will be operated principally."

This appears to be a perfectly valid exercise of the police power. The State has undoubted power to enact reasonable regulations with respect to the licensing and operation of taxicabs, and it can delegate this power to cities and towns. *Sud-dreth v. Charlotte*, 223 N.C. 629 (1943). Too many cabs operating in the busy section of town may create a traffic hazard and endanger the public safety; if more cabs are licensed than the normal legitimate requirements of the community warrant, the excess are likely to engage in the various illicit activities often associated with irresponsible taxicab operation and thus endanger the public morals. Both of these lines of reasoning constitute reasonable and logical pegs on which to hang a holding that this statute is a valid exercise of the police power.

Though the power to refuse to issue the certificate validly exists, still it must be applied and exercised in a reasonable manner. A flat rule that one cab for every 500 residents of a town is sufficient is too arbitrary. Some such rule might serve as a guide, but the statute seems to demand a reasonably exhaustive consideration by the board of all the circumstances existing at the time of application. The finding as to public convenience and necessity would be much more likely to defeat attack if it reflected reports from citizens as to the length of time generally required to get a cab, particularly during rush periods, and reports from the police department as to any traffic and law enforcement problems which cabs are creating, for example. Such a flat rule based on population would not allow for new taxi business which would come about as a result of new growth and development of business just outside the town limits.

Requirement of Liability Insurance

Inquiry: As city attorney I want to draw an ordinance requiring lia-

bility insurance or surety bond for each taxicab operating in our town. The surety company has a standard policy providing a \$5,000 maximum liability for injury to one person, \$10,000 maximum liability for injury to two or more persons in the same accident, and \$5,000 maximum liability for property damage growing out of one accident, and excluding injuries to employees of the taxicab operator. G.S. 160-200 (35) authorizes cities and towns to require insurance or bond "in such amount as may be fixed by the governing body, not to exceed the sum of ten thousand dollars, and to be conditioned on such operator responding in damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation" of the cab. The surety company feels that an ordinance in the exact wording of this statute might mean that the minimum amount of liability required is \$10,000 for each person injured in an accident, no matter what number of persons is injured in a single accident, and might include injuries to employees of the operator. How can I prepare an ordinance that will both satisfy the requirements of the surety company and comply with this statute?

Answer: The first step is to settle on the amount of liability coverage you are going to require per vehicle and specify the amount as to one person, as to two or more persons, and as to property, in the ordinance. The total maximum liability need not exceed \$10,000 if you so word the ordinance. The ordinances of many towns fix the amounts at \$2,500 for injury to one person, \$5,000 for injury to two or more persons in one accident, and \$500 for property damage. The amounts could be \$4,500, \$9,000 and \$1,000 and still stay within the \$10,000 total maximum liability which G.S. 160-200(3) apparently fixes. The wording of this statute produces some vagueness in meaning, and it has not been interpreted by the Supreme Court; but I think that it is the intention of this statute to allow towns to require \$10,000 total liability for one vehicle for one accident, no matter how many people

are injured or how much property is damaged.

The \$10,000 total would not fit the standard policy of the insurance company, for their policy provides a total maximum of \$20,000. But the \$10,000 limit does not prevent the operator from contracting with the company for higher coverage than is required; if he took out a standard policy, the requirements of the ordinance would certainly be satisfied. If you are interested in requiring a higher total maximum, you might consider the provisions of Ch. 564, Session Laws of 1945. This act amends the Motor Vehicle Laws to provide that license shall not issue for a cab until the city governing body has issued a certificate showing that liability insurance or other form of indemnity has been provided for the cab "in such amount as required by the city or town" in which it is to be operated. It is at least arguable that this provision, being later in date and containing the usual repealing clause, repeals G.S. 160-200(35) insofar as the latter is in conflict and thus removes the specific \$10,000 limit. The Court has not, of course, passed on this point.

The exclusion by ordinance of injuries to employees in the coverage of the insurance or bond would hardly invalidate an ordinance as discriminatory and violative of equal protection of the laws; such persons would be covered by the workmen's compensation law in most instances. It is possible that the Court would rule that the language of the new insurance provision (Ch. 564, Session Laws of 1945) requires the inclusion of injuries to employees in the coverage since it provides without qualification that indemnity must be furnished for injury to person resulting from the operation of the taxicab; i.e., that this language means any injury to any person. But I think the Court would probably sustain the basic theory of this law—i.e., that it is intended for the protection of the general public—and would uphold a contract of insurance which excluded injuries to employees. The ordinances which I have examined are silent as to injuries to employees.

Governmental Laboratory and Library

One of the basic purposes of the Institute of Government is to serve as a clearinghouse of information for city halls, county courthouses and state and national capitols in order to keep officials, citizens and schools informed of new developments in government. Just as the clearinghouse service is one of the pillars in the structure of the Institute and a basic support for all its services, so its library is one of the underpinnings of the clearinghouse, since from its resources comes general and specific information for the consulting service covering any phase, problem or question in the work of any governmental unit's officials. The information in its resources is here for every public official in North Carolina, and the Institute of Government is the means through which *official* and *information* are brought together.

The material in this library is in several different forms. For each field of governmental activity there exist laws and legislation, Attorney General's rulings, Supreme Court decisions, official departmental reports, comparative studies of specific practices and procedures followed elsewhere, periodical literature, and both general treatises and specialized bulletins and studies.

One of the busiest activities of governmental units at present—be it at the Federal, state, county or local level—is in the field of service to veterans: insuring that they receive all their stipulated rights and benefits, as well as general aid to ease their return and readjustment to civilian life. The Institute of Government has a collection on its library shelves which is there for the purpose of assisting the veteran himself, his service officer, any official in any governmental unit, any citizens' organization, and any public school.

All phases of veterans' problems are covered in this collection. Sup-

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pose a town decides to set up a veteran's information center and appoints a person or a group to carry out its plan. Why should they experiment and go forward on a trial and error basis, when the Institute's library shelf is bulging with practical suggestions based on the actual experiences of other centers that will ease their job of organization by helping them to avoid pitfalls already bypassed by others. Proven forms and blanks are better than slipshop slips that time will show need to be revised, and success stories of the growth and expansion of the services of service centers by the aid of citizen committees, cooperating local organizations, successful financing, and workable, efficiently planned quarters will result in a happier ending than if one were set up which had to suffer too many growing pains.

But once the organization is tuned up and clicking with perfection, the service officer or information clerk, freed of the need of working on the machinery since it should be working for him, will still find that human problems arise that only he can solve. The veteran might want a house first, but after he gets help from his service center and moves in, he will be back for more help and information. The collection of information at the Institute of Government is here to help both the veteran and his service officer with whatever questions might come up. The tools to aid them include

some 100 general and comprehensive items on the rights and benefits of veterans; some 50 on the activities and procedures of service officers and information and service centers; 100 on reemployment rights and business opportunities; and 100 on vocational rehabilitation privileges, including education and on-the-job training. Other subjects included run all the way from descriptive information about all organizations, official and unofficial, engaged in rendering assistance to the veteran, to special studies of specific benefits for veterans in all fields, from the discharge certificate, readjustment allowances and unemployment compensation insurance (both U. S. Government and National Life), the acquisition of surplus war property, and loans, to medical care (including hospital treatment, domiciliary care and dental treatment), disability compensation and pensions, death compensation and burial allowances, and dependent's benefits. Federal and state laws and practices are included for study and comparison.

The materials range all the way from books and legal studies of hundreds of pages, to general, readable accounts of all the rights and benefits of veterans, their historical, social and psychological problems, and small guides, pamphlets, administrative regulations, and bulletin sheets of interpretative information. They represent all types of publishers—from the official War Department and Veterans' Administration, and the technical Commerce Clearing House and Prentice Hall, Inc., to the Metropolitan Insurance Co., the Planters Peanuts business and the Caterpillar Tractor Co.

POPULAR GOVERNMENT will carry reports in future issues on other special collections which make up the library of the Institute of Government, with the hope that interested officials will call on its clearinghouse facilities for help in meeting their problems.

Recent Supreme Court Decisions

Of Interest to City and State Officials

"Ignorance of the law excuses no one."

Many of the questions arising in city halls, county courthouses and state departments go beyond the inferior and Superior Courts and on to the Supreme Court for final adjudication. This Court of last resort may find it unnecessary to pass upon particular questions in the form in which they are presented; it may refuse to consider them as unnecessary to the disposition of the cases at hand; or it may meet them squarely and blaze new trails for the guidance of officials.

The Supreme Court of North Carolina has recently:

Decided that a municipal Board of Adjustment, created under and pursuant to G. S. 160-178 in connection with the administration of zoning ordinances, has no authority to order the issuance of a permit to erect a nonconforming building or a building for a nonconforming use. In *Lee v. Board of Adjustment*, 226 N. C. 107 (February, 1946), a holder of an option to purchase a lot located in a district zoned for residential use applied for permit to build thereon buildings suitable for a grocery store-service station. Permit was refused by the building inspector and applicant appealed to the Board of Adjustment, which ordered the building inspector to issue the permit on the ground that "to reject this permit would work a great hardship on the applicant, and that no damage would be sustained by adjoining property owners if the permit were granted." On *certiorari* to the Superior Court, the order was sustained, but reversed on appeal to the Supreme Court. Said the Court: "The plain intent and purpose of the statute is to permit, through the Board of Adjustment, the amelioration of the rigors of necessarily general zoning regulations by eliminating the necessity for a slavish adherence to the precise letter of the regulations where, in a given case, little or no good on the one side and undue hardship on

the other would result from a literal enforcement." But "the new building and its use must harmonize with the spirit and purpose of the ordinance," and "when such substantial changes become advisable they must be made by the legislative body of the municipality which alone can change the map and allow a business center in a residential section."

Held that bonds of a county, in order to be counted as a reduction of indebtedness during a particular fiscal year as a basis for issuing new bonds under N. C. Constitution Art. V, sec. 4, must be actually paid and retired during such fiscal year, and that it is not sufficient merely to have payment arranged or provided for. In *Coe v. Surry County*, 226 N. C. 125 (February, 1946), the county forwarded checks to New York banks, at which \$65,000 of county bonds were payable, which were sufficient to pay said bonds. The checks were sent on June 20, 1945 and received two days later and were charged to the county's account on the day sent. The bonds were due and payable on July 1 and were actually paid and cancelled by the banks during July and August, presumably as presented by the bondholders, and surrendered to the county. During the fiscal year beginning July 1, 1945 the county attempted to issue \$55,000 in school building bonds without a vote of the people, contending that the payment of the \$65,000 of bonds for which funds had been made available in June should be counted in computing the amount of the indebtedness retired during the preceding fiscal year ending June 30, 1945. The Superior Court, however, enjoined the issuance of the bonds and the order was affirmed by the Supreme Court which held that the \$65,000 bonded indebtedness was still "outstanding" at the close of the preceding fiscal year on June 30.

Of interest to North Carolina is a recent *United States Supreme Court decision: United States ex rel. Tennessee Valley Authority v. Welch*

By

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et al., 66 S. Ct. 714, decided March 25, 1946. Pursuant to Congressional authorization, the T. V. A. constructed Fontana Dam—one of the world's largest—on the Little Tennessee River, thereby creating a reservoir 29 miles long. Between the reservoir and the Great Smoky Mountain National Park are 44,000 acres of mountainous land which was occupied by 216 families. The only practical means of ingress and egress was State Highway 288, about 50 miles long, and the waters backed up by the dam would cover most of the road. The T. V. A. was therefore faced with three choices: (1) the relocation of the road, (2) the payment of damages to the State and to individual owners of property in the area, or (3) the condemnation of the entire area. Interested parties were the T. V. A., the State of North Carolina, Swain County (which still had bonds outstanding for the construction of the road), the individual property owners and, to a lesser extent, the National Park Service and the War Production Board.

The State objected to the mere payment of damages for the destruction of the road, as the State did not feel that it should be called upon to build a new road which would be very costly, would carry no through traffic, and would serve so few citizens, but that it would impose a severe burden on the State and county to attempt to provide schools, police protection, health services, etc. in the isolated area with no adequate roads. The T. V. A. did not feel justified in spending the \$1,400,000 it would cost to relocate even the old type road, the State did

not feel like adding the considerable difference it would cost to provide a modern type road, and the War Production Board did not feel that the road was sufficiently essential to justify the diversion of manpower and materials its construction would require.

It was finally agreed between the major interested parties that the T. V. A. should acquire the entire area, either by purchase or condemnation, and turn it over to the National Park Service for inclusion

in the Great Smoky Mountains National Park, reserving to T. V. A. all rights required to carry out its program. The State agreed to chip in \$100,000 toward the acquisition of the land, as it would be relieved of the responsibility of building and maintaining roads in the isolated area and its citizens would have the benefit of the extended park, and T. V. A. agreed to pay Swain County \$400,000 to help it retire its road bonds. Pursuant to the agreement, T. V. A. purchased all of the land

in the area except that owned by Welch and five others who refused to sell. Condemnation proceedings were thereupon instituted in the Federal District Court.

The proceedings were dismissed by the District Court on the ground that T. V. A.'s powers of eminent domain were subject to the common law rule of strict construction, which meant that it could condemn only such land as was necessary for the

(Continued on page 15)

Report on Municipal Finance Officers Fortieth Annual Conference

At the fortieth annual conference of the Municipal Finance Officers Association, held at the Hotel John Marshall, Richmond, Va., from June 10th to 13th, the subjects of discussion which seemed to arouse the most interest were those dealing with post-war public works programs, means of financing them, means of stabilizing municipal financial programs, and sources of revenue other than the real property tax. Also receiving considerable attention were salary and wage matters, accounting procedures, and public employee retirement.

The biggest problem which municipalities now face, as it was brought out at the conference, is that of repairing and replacing worn out and obsolete equipment, buildings, streets, sewers, utilities plants, etc., and of constructing new facilities to take care of population increases. The problem is made more difficult by constitutional debt limitations, limitations on the taxing power, the trend toward suburban residence (which cuts down revenue sources), and rising costs. Many cities have been setting up reserves to take care of the post-war contingency, but rising costs and other factors will, in many instances, necessitate supplementing the reserves to take care of the needed public works.

The problem, aside from the aspect of difficulty in getting materials, is essentially one of financing,

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which can be done by increasing revenues or by borrowing, or both. Some of the new techniques for increasing and stabilizing municipal revenues which were discussed were: the New York State plan for sharing state revenues with the municipalities on the basis of a formula considering both need and population; the Philadelphia income tax and the Toledo payroll tax; admission taxes; local cigarette and gasoline taxes; luxury taxes; sales taxes; taxes on hotel room rentals; taxes on utilities bills; and pari-mutuel taxes. Of course, none of these is now available to North Carolina municipalities, but the trend toward more diversification is apparent. The New York State plan for sharing taxes has much to commend it, not the least of which is its stabilizing effect on municipal finances. Also prominently mentioned as a source of funds was federal aid, which, it was pointed out, is in most cases allotted to the states, which in turn distribute it to the municipi-

palities. One of the exceptions to this general method of distribution is in the case of housing, where the federal government and the municipalities deal directly with each other.

As to borrowing, which may be unavoidable in many instances, the delegates were urged to proceed with the utmost care and to work out carefully their long-term debt programs so that they would be geared to an over-all, well-determined financial plan. The necessity for regular, complete annual financial reports, audited by a nationally recognized auditor, was stressed, as a means for improving a poor credit standing or maintaining a good one. For those cities which have reached their debt limitation, the use of revenue bonds, in which the revenue obtained from the facility constructed is used to pay off the bonds, was discussed. Such bonds are being increasingly used for such things as community buildings, swimming pools, sewer systems, airports, etc. The need for a competent engineering survey, with a careful estimate of the revenue which may reasonably be expected, was stressed.

In summary, the keynote of the conference was that municipalities are now entering an era where the need for additional operating and capital funds will test their ingenuity in devising new taxes and their care and soundness in mapping long-term financial programs.

Democratic Primary

(Continued from page 3)

Frank M. Parker, in Buncombe County was the sensation of the scores of races in Saturday's primary . . . Buncombe's widely-heralded G. I. slate of candidates also was successful in winning two out of three seats in the House of Representatives." In the words of Noel Yancey, "Politicians are now sure of something they had strongly suspected." Although the writer of Under the Dome attributed some of the veterans' success in Buncombe to a split in the Greene machine, editors throughout the state agreed that the lesson was that veterans could overcome the hurdles of old guard opposition when united, and that "the old-line politicians had just as well recognize a thing or two and make adjustments accordingly."

The Ingle Case

John J. Ingle of Winston-Salem and H. F. Seawell, Sr. of Carthage were nominated by the Republicans in convention to run for the supreme court seats of Justices Barnhill and Winborne that must be voted on this year. One minute before the filing deadline the State Board of Elections received Mr. Ingle's notice of candidacy. As Mr. Seawell had done earlier, Mr. Ingle failed to designate the seat he desired to contest. In Mr. Seawell's case the State Board had asked him to file such a notice and he had complied. In Mr. Ingle's case there was no time for this courtesy. A statute on the books since 1921 stated that in a primary where two or more vacancies "for chief justice and associate justices of the supreme court" are to be filled, candidates must file a notice designating the vacancy to which they ask nomination at the same time they file notice of candidacy with the State Board. Backed by Attorney General McMullan, the State Board ruled Mr. Ingle's application fatally defective and indicated that his name would not appear on the November ballot. Mr. Ingle filed suit in Wake County for mandamus to compel the State Board to put his name on the general election ballot arguing that the statute required

differentiation between chief justice and associate justice, not between places among the associates, that the law applied only to primaries and, furthermore, that he had already been nominated by the Republican Convention. Superior Court Judge W. C. Harris refused the mandamus and Ingle appealed. The Supreme Court, Justices Barnhill and Winborne not sitting, acted quickly. Chief Justice Stacy, author of the statute being construed, wrote the opinion. Saying that the law is clear on its face, he continued, "Mandamus lies only to enforce a clear legal right and not a doubtful one . . . It is rarely, if ever, proper to award a mandamus where it can be done only by declaring an act of the Assembly unconstitutional." Mr. Ingle's name will be missing from the November ballot.

The Indian Case

As the registration books were closing, the Steve Youngdeer American Legion Post charged that certain residents of the Cherokee Indian Reservation were being denied the privilege of registering in Swain and Jackson counties. They alleged that precinct election officials told Indian applicants that they were under orders not to register any Indians. The chairmen of the two county boards of elections denied issuing such instructions. Upon appeal to the Attorney General the Indians were instructed that the proper remedy for an unconstitutional denial of the right to vote is to seek a mandamus from the Superior Court to force the registrars to register them. Col. William T. Joyner, Chairman of the State Board of Elections, agreed but showed them that the remedy of mandamus would be of no help. Registration was over and before the writ could be obtained the election would have been held. He did advise them, however, that Indians who had appeared for registration in apt time and in whose cases the registrars had made no final decision might be registered on election day on the ground that the registrars might correct a mistake which they or their predecessors made in failing to register properly a duly qualified

person who had presented himself during the regular registration period. At its meeting in Raleigh after the Primary, the State Board further advised the Indians that under the law formal complaints to their county election boards must first be made, and then to the State Board if they so desired.

Popcrackers

On May 11th a precinct registrar in Surry county resigned after being charged with placing a bet on the outcome of the local sheriff's race. The day before the primary the clerk of court in Surry, himself a candidate, was charged with having possession of all the ballots. Denying this, the county elections board chairman stated that actually the ballots were being kept by the board's secretary, who happened to be the clerk's wife, in a place apart from her husband's office. On the same day a Mount Airy businessman showed the press a handful of marked official ballots, saying that he had picked them up off the streets of the town. The board chairman explained that they came from a bundle broken open when the ballots were being delivered, and that the marking could only have been done by mischievous individuals who desired to discredit some of the candidates.

At 1 A.M. on Sunday morning, May 26th, the tabulators in Moseley Hall township of Lenoir County stopped counting and asked Police Chief Dawson to lock the ballots in the La Grange jail overnight for safekeeping. The next morning tongues were wagging. Charges that the election officials "had been drinking" were heard all around, but Lee Alphin, a member of the Lenoir County Board of Elections declared that "all candidates were satisfied. The tabulators just got tired and went home to bed."

Another squabble occurred in Johnston County. In Recorder's Court four days after the Primary, Fulton Surles, registrar of South Banner precinct, was fined \$10.00 and costs for assaulting Matthew Raynor, Republican judge of elections, after the polls closed on Saturday night.

Babywaker

The big news broke on May 29th in the Fifth District. Mr. Chatham challenged the entire Stokes County vote, charging (1) that in at least one precinct ballot counting had not been continuous from the closing of the polls until complete, (2) that the registrar and judges did not remain together as required by law, (3) that one person was left alone with the ballot box after the polls were closed, and (4) that Chatham "watchers" were denied access to the polling place. Challenging the conduct of the primary in Dobson precinct of Surry County, Chatham complained (1) that illegal ballots were stuffed into the congressional box, (2) that other unsuccessful attempts were made to do the same thing, (3) that no registration book was present at the polls or referred to by the registrar, and that any person presenting himself was allowed to vote, (4) that the poll book was improperly kept, and (5) that various persons were allowed to mark ballots for others contrary to the State Election Law. A little later Mr. Chatham charged that a county school superintendent had fired three teachers because of their support of him.

Folger countercharged (1) that non-residents and known Republicans had been allowed to register and vote in Elkin, (2) that an official of the Chatham Manufacturing Company sat in the voting arena at the Elkin polls where "by his presence he was able to influence hundreds of voters to cast their votes for Thurmond Chatham," (3) that two members of the State Highway Commission had used the weight of their office to turn votes to Chatham, and as a climax (4) he announced "I contend . . . that Thurmond Chatham and those supporting him have expended . . . throughout the Fifth Congressional District from \$150,000 to \$200,000 to influence and debauch voters."

Denials from both sides came thick and fast. The failure of either candidate to protest the official canvass of the county board astonished observers. The same issue of the Winston-Salem Journal that reported the story from Surry county spoke editorially: "Public opinion should, and we are confident, does

demand a thorough investigation that will result in bringing all the facts to light." The Greensboro Daily News and the Raleigh News and Observer were quick to adopt the same position. Meeting in Raleigh for its official canvass a few days later, the State Board emerged from an executive session to announce that it would investigate on its own motion.

In the middle of the squabble, Drew Pearson received caustic denunciation from Chatham for suggesting in a radio broadcast that the House Election Committee investigate charges of excessive expenditures by Chatham forces. The solicitor of the judicial district of which Surry is a part stated his intention of investigating the charges and the S.B.I. announced that it would be willing to help. The next day, however, on the Attorney General's advice, Walter Anderson, S.B.I. chief, announced that they would do no work until after the second primary, a more appropriate time for investigation, in order to dispel any charges of partisan prejudice. The News and Observer was astounded at this decision, maintaining that "the 'appropriate' time is as soon as possible after the offense is alleged to have been committed." On June 13, Col. Joyner, Chairman of the State Board of Elections, summarized the results of the board's three-day investigation: "The situation is not so bad as the parties, in their excitement, have pictured it. Certainly there was some loose handling of some election matters. I think that correction will be made in the second primary." Two days later the Board issued supplemental instructions for conducting the second primaries, spelling out in careful detail proper procedures for voting, for recording names in poll books, for inspection of ballot boxes, and for counting and certifying returns.

The Clearinghouse

(Continued from page 6)

"more adequate parks, on our fields and along our streams."

Meanwhile federal and state officials have not been alone in their recreation planning efforts. It would be difficult to find a newspaper in this state which has not recently

carried news about community recreation projects. With summer coming on apace in "Variety Vacationland," as North Carolina has come to be called, editors and preachers have been calling for action. "The sermon delivered by the Rev. Oscar Creech . . . in which he . . . decried the lack of a recreation program must be answered," exclaimed the editor of an Ahsokie paper. In an essay contest conducted to get suggestions as to the town's urgent needs, a young lady in Williamston won first prize with her paper calling for a Youth Center for recreation purposes. "The young people have no place to go," she wrote. The City Recreation Department of Durham is making a survey of recreation departments in 35 towns in this and neighboring states, to compare Durham's standing in recreation with that of other places.

Supreme Court

(Continued from page 13)

dam and the reservoir proper. The Circuit Court of Appeals affirmed the dismissal, but on a slightly different ground: T. V. A. sought to acquire the lands, not for the purpose of devoting them to a "public" use, but in order to avoid the necessity and attendant expense of relocating the road. This, said the Circuit Court, constituted a "private use," or at best a "public use" not authorized by statute.

On *certiorari* to the Supreme Court, the lower courts were reversed. The Court pointed out that the act itself provided that it should be liberally construed to carry out the purpose of T. V. A. As to the contention that the land sought to be condemned was not to be used by T. V. A. in the promotion of its functions, but was merely to be eliminated by removing it from private ownership, the Court pointed out that the solution decided upon would result in several hundred thousand dollars less cost to the government than would be entailed in relocating the road. "The cost of public projects," said the Court, "is a relevant element in all of them, and the government, just as anyone else, is not required to proceed oblivious to the elements of cost. * * * The United States is not barred from the exercise of good business judgment in its construction work."

The Attorney General Rules

Digest of recent opinions and rulings by the Attorney General of particular interest to city and county officials.



I. AD VALOREM TAXES

A. Matters Relating to Listing and Assessing

30. Situs of personal property

To C. D. Taliaferro.

Inquiry: For purposes of taxation, what is the situs of the gas containers referred to in the following facts? The X Oil Co., a foreign corporation domiciled in North Carolina with its principal office or domicile in County A, distributes over the whole state metal containers filled with gas for domestic use, either by its own agents or through independent dealers. In both instances the empty cans are returned to the X Co. The cans are filled in County B and part of them are distributed from there; the X Co. also maintains a warehouse and distributing point in County C from which cans are distributed.

(A.G.) Under G.S. 105-302, cans actually in County B and used in connection with that plant on January 1 are taxable in County B; those actually in storage in County C or used in that county, or by distribution therefrom, on January 1 are taxable in County C. All others not used in connection with a store, mill, dockyard, piling ground or other place for sale of property, shop, farm, place of storage, manufactory, or warehouse in another county, would be taxable in County A, as provided in G.S. 105-302, subsection (4).

IV. PUBLIC SCHOOLS

D. Powers and Duties of Present School Districts and Agencies

4. Contractual powers

To H. M. Robins.

Inquiry: Does a district board of education have the right to accept bids and to enter into contracts pursuant thereto, containing an escalator clause permitting adjustment of the contract price to conform with the seller's price in effect at time of shipment, but not in excess of OPA ceiling price at that time?

(A.G.) Since G.S. 143-129, providing procedure for letting public contracts, contains nothing which would prevent the inclusion of such a clause, I believe our courts would probably sustain it in view of the current difficulty in obtaining desirable bids, notwithstanding that the section seems to contemplate a specific contract and definite bid permitting the public agency to know the amount of money involved. However, in view of G.S. 153-130, requiring sufficient appropriations to cover warrants issued by the county accountant, the board should not accept a contract which might exceed the total fund available, and should provide a maximum amount beyond which the contract price could not go, and which would be within available funds. It is possible that the courts would construe the pertinent statute strictly, however, and hold void any contract not meeting the requirements. See *Raynor v. Commissioners of Louisburg*, 220 N.C. 348.

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F. School Officials

50. Teachers and principals—election and contracts

To S. F. Horton.

Inquiry: Where county superintendent of public schools, who was inducted into the military services, returns, and where superintendent who succeeded him offers his resignation on condition that returning former superintendent accept and qualify for the office, and where returning former superintendent will not accept or qualify for the office, what procedure is necessary to withdraw resignation and would favorable vote of the Board be required to permit such withdrawal?

(A.G.) I know of no statute covering the situation, but since resignation was conditional it seems that with cessation of the condition resignation would become voidable and would require no action by the Board. I suggest that resignation be withdrawn in writing. If Board has already accepted, it could permit withdrawal without difficulty, since resignation was conditional in the first place.

H. School Health Laws

5. Compulsory vaccination

To T. C. Wright.

(A.G.) Our laws in regard to immunization against smallpox, diphtheria and whooping cough have been rewritten by the 1945 General Assembly and they will be found in Sections 130-183, 130-190 and 130-190.1 of the 1945 Cumulative Supplement to the General Statutes. Each one of these sections dealing with immunization contains a proviso which reads as follows: "Provided this section shall not apply to children whose parent or parents or guardian are bona fide members of a recognized religious organization whose teachings are contrary to the practices herein required, and no certificate for admission to any public, private, or parochial school shall be required as to them."

M. School Lunch Rooms

5. What may be sold

To Mrs. Frank H. Crowell.

Inquiry: Is the sale of soft drinks and nick-nacks prohibited in the public schools of North Carolina?

(A.G.) I do not find any statute which prohibits the sale of soft drinks, ice cream, etc., in lunch rooms operated as a part

of the functions of the public schools. G.S. 115-381 authorizes the establishment and operation of lunch rooms and this section, as amended by Section 9 of Chapter 970 of the Session Laws of 1945, provides that lunch rooms shall be operated on a non-profit basis and the earnings shall be used for the purpose of reducing the cost of meals served therein. This office has heretofore expressed the opinion that ice cream, soft drinks, etc., could probably be sold in school lunch rooms, though there is no authority for the school operating a store for the sale of pencils or other kinds of merchandise.

VII. MISCELLANEOUS MATTERS AFFECTING CITIES

J. What Constitutes Necessary Expense

1. Public Parks

To J. W. Jennette.

Inquiry: May a city purchase and erect flood lighting equipment for a municipally owned ball park in the city without a vote of the people?

(A.G.) Since the ball park is owned by the city, the city would have the authority to make this expenditure as an improvement of the property used as a ball park for the use of the citizens of the city, which would not involve levying any special tax or pledging the faith and credit of the city. This could be done from any funds available to the city which have not been otherwise appropriated. G.S. 160-158 (1945 Cumulative Supplement) and G.S. 160-282 make the operation and maintenance of parks and playgrounds a public expense for municipalities, for which they are authorized to appropriate available funds without a vote of the people, unless it involved the levy of a special tax or pledging of the faith and credit of the town.

N. Police Power

7. Parking meters

15. Regulation of taxicabs

To R. R. Kinney.

Inquiry: Has a city the authority to adopt an ordinance which would require public chauffeurs and drivers of taxicabs to pay \$5 for a driver's permit?

(A.G.) Yes. By G.S. 20-97 the maximum privilege license tax which may be charged by the municipalities for the use of taxicabs is \$16 (\$1 for an ordinary driver's license, and up to an additional \$15 for taxicab drivers' licenses).

To P. M. Shore.

Inquiry: Where a municipal corporation requires a driver's or operator's permit for taxidrivers, what penalty may it impose on drivers of cabs without permits who solicit business within the city?

(A.G.) Such an unlicensed operator is guilty of a misdemeanor and subject to a fine of not more than \$50 or imprisonment for not more than 30 days. G.S. 14-4. It is immaterial that the city ordinance fails to declare that one who violates it is guilty of a criminal offense for the vio-

lation is made a criminal offense by state law. *State v. Razook*, 179 N.C. 708. The ordinance may contain a provision making a violator subject to a fixed penalty. If so, the penalty may be recovered in a civil action. *Board of Education v. Henderson*, 126 N.C. 689.

21. Sale of wine and beer

To George M. Banner.

Inquiry: Does the governing body of a town have a right to refuse to issue a retailer's license to the wife of a man whose license has been previously revoked for violation of the prohibition laws?

(A.G.) G.S. 18-77 requires the governing body of county or municipality to issue a retailer's license to only those persons who have complied with G.S. 18-75, and if the governing body should find that the wife is not in fact applying for the license for herself but is acting as the agent and representative of her husband, and for all purposes in effect will be subservient to him in the operation of the business, and that the issuance of the license to her is merely a ruse and subterfuge to enable her husband, whose license has been heretofore revoked, to continue to sell beer at retail, I am inclined to the opinion that the Board would be justified in refusing to grant a license to her. Of course, I would conduct a hearing and make a finding of fact based on the evidence presented at the hearing.

To Marsden Bellamy.

Inquiry: May a native of Greece who has been a bona fide resident of North Carolina for three years without being naturalized qualify to obtain a license to sell beer?

(A.G.) Prior to the passage of section 6, Chap. 708, Session Laws of 1945 amending G.S. 18-75, I think that such a person would have been entitled to a beer license. In view of the following quotation from the cited statute I am of opinion that he is not now entitled to a license: "Neither the State nor any county or city shall issue a license under this article to any person, firm or corporation who has not been a bona fide resident of North Carolina and a citizen of the United States for one year."

To Henry Whitfield.

Inquiry: May a local post of the American Legion sell beer at the Legion Hut?

(A.G.) In order to engage in this, it is necessary for the Legion to obtain a retailer's beer license, as there is no provision in the law which exempts an American Legion Post from the requirements of our statutes found in Beverage Control Act of 1939, G.S. 18-63, et seq.

If the Legion acts otherwise than as a mere agent for purchasing for individual members of the Legion, it would be, in my opinion, engaging in the retail beer business and would be required to have a license.

To Wade H. Lefler.

Inquiry: May a town with a population of less than 20,000 legally install parking meters?

(A.G.) In view of G.S. 160-200, subsection (31), I think the answer to this question is in the negative. In the case of *Rhodes, Inc. v. Raleigh*, 217 N.C. 627, it was held that the law as it then stood did not authorize municipal corporations to

install parking meters. The statute referred to above was enacted subsequent to this decision for the purpose of authorizing cities of a population of over 20,000 to install them.

VIII MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS

B. Clerks of the Superior Court

24. Duties with reference to mentally disordered

To G. L. Mewborn, Jr.

Inquiry: What is procedure to be followed by Clerk of Superior Court if, after having forwarded papers to the superintendent of a state hospital and while waiting for notification as to when the patient

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may be admitted, the patient's condition improves to the extent that treatment is deemed unnecessary?

(A.G.) This is covered by G.S. 122-66, requiring board of county commissioners to discharge any ascertained mentally disordered person in their county, not admitted to the appropriate hospital, upon certificate of two respectable physicians and chairman of board that such insane person ought to be discharged if in a hospital.

J. Veterans Service Officer

3. Donations to support

To Kelly Jenkins.

Inquiry: Can the Board of County Commissioners donate public funds to a veterans' organization for the employment of two service officers and the maintenance of offices operated by them, the service officers to be employed by the veterans' organization and the offices to be under its sole control and supervision?

(A.G.) No, since such officer or officers would not be employees of the county. However, if the county wishes to employ its own service officer, or wishes to do this in collaboration with the city, it may do so under G.S. 165-6(b).

5. Veterans educational benefits

To Colonel Wiley M. Pickens.

Inquiry: Does G.S. 116-147, providing that education benefits to children of partially disabled veterans shall be limited to not more than five new scholarships a year, mean that five new scholarships may be awarded each year, each scholarship extending up to four academic years?

(A.G.) In regard to the statutory limitation on the number of scholarships available to children of veterans qualifying under the terms of G.S. 116-147, I am of the opinion that not more than five scholarships may be granted in any one year to the particular class of beneficiary

set up under this section. I am further of the opinion that these educational benefits were extended for the actual children of veterans, and that the existing statutes could not properly be construed to include illegitimate children, stepchildren, or adopted children.

L. Local Law Enforcement Officers

38. Automobile drivers' license

To T. Boddie Ward.

Inquiry: Must an employee of the Federal government have a North Carolina driver's license while he is engaged in official business?

(A.G.) While our law contains no specific exemption in this case, the Supreme Court of the United States has held that a state does not have the constitutional power to require Federal employees to comply with the Uniform Driver's License Act in the operation of an automobile in conduct of Federal business. *Johnson v. Maryland*, 254 U.S. 51.

Needless to say, if the employee uses the automobile to any extent for personal reasons or for any reason other than the conduct of Federal business, he will immediately become liable to secure a state driver's license. The above decision of the Supreme Court grants immunity from the Driver's License Act only where the Federal employee is engaged strictly and exclusively in the operation of the vehicle for the prosecution of Federal business.

U. Notary Public

3. Powers and duties

To D. B. Teague.

Inquiry: When a female notary public marries, should she continue to use the seal containing her maiden name, and also how should she sign in her official capacity?

(A.G.) I believe that she could continue to use her original seal. She should sign her name as it appears on the seal and add her husband's family name after her maiden name. This would be sufficient identification of the Notary Public as being the one commissioned for that purpose. If after being married, she renews her commission, it may be desirable to change the seal to correspond with her signature completely.

XI. GENERAL AND SPECIAL ELECTIONS

H. Municipal Elections

33. Time for holding elections

To J. P. Crumpler.

Inquiry: Assuming that town charter provides for biennial election of officials and town commissioners fail to call election at proper time, may they call one in a year not authorized by the charter or must the incumbents retain office until the proper time for a new municipal election?

(A.G.) This question has not been definitely decided by the North Carolina Supreme Court. In *Grady v. Commissioners*, 74 N.C. 101, court said: "This problem is not directly before us. . . but we have considered it, and incline to the opinion that as time was not *essential* and the failure to observe it was *unavoidable*, and as the *public good* may require the offices to be immediately filled, the Commissioners may order an election upon reasonable notice." See also *McCormac v. Commissioners*, 90 N.C. 441, 450, and cf. *Battle v. Rocky Mount*, 156 N.C. 329.

CALENDAR OF DUTIES

FOR CITY AND COUNTY OFFICIALS

Prepared by the Staff of the
INSTITUTE OF GOVERNMENT

This Calendar outlines the principal duties required by statute to be performed on definite dates; it does not include certain duties where the exact time for performance is not specified by statute.

References to local modifications are those found in the General Statutes. There may be others which are not listed on this Calendar.

JULY, 1946

DAY	OFFICIAL	DUTY (Numbers in brackets refer to footnotes)	REFERENCE TO LAW (To General Statutes, including the 1945 Supplement.)
1st meeting of Governing Body	Governing Body	Appropriations resolution may be adopted for interim between July 1 and adoption of year's appropriation resolution on July 22.	153-128, 160-409 and 160-410
Each regular meeting of Governing Body	Sheriff or Tax Collector	Report to Governing Body concerning taxes collected.	105-375
1	Official Collecting prepaid Taxes	2% discount period for 1946 taxes ends today. [1]	105-345 (6)
On or before 1st	County Board of Education, Board of Trustees	File with Comptroller of State Board of Education certified statement of expenditures, salaries and other obligations due and payable during the month.	115-367
1	Officials having charge of sinking funds and other local funds.	Make report to the Director of Local Government Commission.	159-27, 29
1	Sheriff or Tax Collector	Schedule B license taxes for 1946-47 become due today if Governing Body has adopted July 1st to June 30th as license tax year.	105-33 (b)
1	Sheriff or Tax Collector, Governing Body, Accountant	Day for complete settlement for all taxes if tax certificates sold in May or June. [2]	105-390 (a) (3), (b)
1	Sheriff or County or District Tax Collector	Day for tax certificate sale if advertising done in June. [3]	105-387 (b)
1	Clerk of Superior Court	Make quarterly report and remittance on State process tax collected.	105-93 (f)
1	Register of Deeds	Make quarterly report and remittance to the State for marriage licenses issued.	105-95
As soon as practicable after 1st	Accountant	Submit supplemental budget estimates to Governing Body. Make public statement of financial condition, showing valuation, debt, deficits, miscellaneous income, uncollected taxes, tax sales, unencumbered balance and comparative tax rates. [4]	153-122, 123; 160-409, 410
1	Accountant	Last day to submit budget estimates for the ensuing fiscal year to the Governing Body. [4]	153-118; 160-409, 410
2	Official Collecting Prepaid Taxes	1 1/2% discount period for 1946 prepaid taxes begins today. [1]	105-345 (6)
2	Governing Body	Last day for filing 1946-47 budget estimate in office of clerk of the board for public inspection; publish summary of budget estimate; furnish budget estimate to newspapers.	153-119; 160-409, 410
5	Police department	Forward to department of motor vehicles all reports (on approved form) received during preceding calendar month of accidents involving property damage of \$25 or more or resulting in injuries or death to any person	20-166(d)
5	Local Registrar of Vital Statistics	Transmit, to State Registrar of Vital Statistics and County Register of Deeds, all birth certificates registered during June.	130-99
8	Sheriff or County or District Tax Collector	Begin advertising for four weeks, if certificates to be sold in August. ** [5]	105-387 (c)
8	City Tax Collector	Day for tax certificate sale if advertising is done in June.	105-387 (b)
10	Coroner	Report to Department of Motor Vehicles the death of any person during preceding calendar month as result of accident involving motor vehicle and circumstances of such accident.	20-165(g)
On or before 10th	Clerk of Superior Court	Make monthly inheritance tax report to Commissioner of Revenue.	105-22
On or before 10th	Tax Levying Authorities	Report action taken on request for supplemental funds for school purposes.	155-363 (c)
On or before 15th	County ABC Board	Report and pay State tax on wine and liquor sales for the month of June.	18-85; 105-170
15	City Tax Collector	Begin advertising for four weeks, if tax certificates to be sold in August. ** [6]	105-387 (c)
15	Sheriff or County or District Tax Collector, Governing Body	Report on sale and concerning insolvents, to Governing Body, if tax certificate sale held in July. [7]	105-390 (a)(1),(2)
On or before 20th	Tax Levying and Local School Authorities	Report action on school budget from local funds to State Board of Education.	115-363(c)
22	Governing Body, Accountant	Last day to adopt and record appropriation resolution for ensuing fiscal year. File copies with Treasurer or Financial Agent, and Accountant. [8]	153-120, 121; 160-409, 410
22	City Tax Collector, Governing Body	Report on sale and concerning insolvents, to Governing Body if tax certificate sale held in July.	105-390 (a)(1),(2)
31	Official Collecting Prepaid Taxes	1 1/2% discount period for 1946 prepaid taxes ends today. [1]	105-345 (6)

[1] Exceptions in: Bladen - S.L. 1945, c. 335; Cumberland - S.L. 1945, c. 108 (city of Fayetteville also); Franklin - S.L. 1943, c. 293, s. 3 (only towns of Louisburg, Bunn and Youngsville); Surry - S.L. 1943, c. 710, s. 3 (towns of Mt. Airy and Elkin also).

[2] Exceptions in: Cumberland - P.L. 1941, c. 44, s. 1(e); Mecklenburg - S.L. 1945, c. 16, s. 6

[3] Exception in: Mecklenburg - S.L. 1945, c. 16, s. 5.

[4] Exception in: Mecklenburg - P.L. 1941, c. 38.

[5] Exceptions in: Mecklenburg - S.L. 1945, c. 16, s. 5; Wayne - P.L. 1941, c. 40, s. 1.

[6] Exception in: Wayne - P.L. 1941, c. 40, s. 1.

[7] Exceptions in: Cumberland - P.L. 1941, c. 44, s. 1(d); Mecklenburg - S.L. 1945, c. 16, s. 6.

[8] Exception in: Mecklenburg - P.L. 1941, c. 38, s. 4.

**G. S. 1-595 provides that whenever a statute requires that advertisement appear a stated number of weeks, publication once a week for the number of weeks is sufficient compliance. It is suggested that posted notices be dated and posted not later than the Saturday preceding the week of the first newspaper advertisement.