

POPULAR GOVERNMENT



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Public Installation Of Officials

By Clifford Pace and Henry Lewis
Assistant Directors, Institute of Government

TO THE ONE HUNDRED CHAIRMEN OF COUNTY BOARDS OF ELECTIONS:

Inaugurated fourteen years ago by the Institute of Government, the practice of having public oath-taking ceremonies for newly-inducted public officials has become a permanent institution in North Carolina.

I urge each of you to assist in this program by arranging a short and impressive public ceremony for newly-elected officers of your county at a convenient hour on the first Monday in December. You will find helpful suggestions for such a program together with the texts of the necessary oaths in the accompanying article.

WILLIAM T. JOYNER
Chairman, State Board of Elections

The law provides that public officials shall continue in office until their successors are elected and qualified. So, although the curtain has fallen on the more familiar act, the election of hundreds of local, state and federal officers, there remains to be performed the solemn and important act in which the persons elected must qualify for their offices. This act can be made as significant as the drama of election.

An essential part of qualifying for office is the taking of the oath. Oath-taking is deeply rooted in the tradition of the Common Law. Hereditary kings of England felt obligated to acknowledge publicly their debt to Almighty God and to rule their kingdom in His name. To a God-fearing people it was natural to invoke Divine help and Divine witness to solemn promises to perform faithfully duties assumed for King and for the people.

Through its long history the practice of taking an oath in public before assuming a public office retains its original meaning. The law deems it good practice to provide one solemn moment on the threshold of public office in which the officer reflects on the duties which he is about to assume and promises, in God's name, to bear true allegiance to his country and to perform faithfully the duties of his office.

From the second of December until after Congress has convened in January, officers from the lowest rank and with the least jurisdiction to officers with the greatest prestige and most authority must take oaths of office. This year we do not elect a president, nor do we elect many state-wide officers. But we have elected hundreds of township constables, sheriffs, county commissioners, state legislators, justices of the peace, members of Congress, and members of the North Carolina Supreme Court. Each one of these officers must swear or affirm to perform his duties faithfully.

Oaths of Federal Officials

The Congress — When Congress convenes in January, 1947, North Carolina's twelve Congressmen will proceed to the Capitol of the United States, present their commissions from the Governor, and take the following oath, which is the oath provided by statute for all federal officials other than the President:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, and without any mental reservation or purpose of evasion; and that I

will well and faithfully discharge the duties of the office on which I am about to enter. So help me, God."

If we had elected a new president this year, he would have taken the following oath prescribed by Section 1 of Article II of the United States Constitution:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Vice Presidents take the same oath taken by members of Congress.

GOVERNOR R. GREGG CHERRY

"The first Monday in December following a General Election is the day for installation of local and County officials throughout our State. These officials are selected through our regular constitutional processes. The qualified voters choose certain of their number needed for particular governmental duties; and those called by their fellow men for service ought to be impressed with a deep sense of their responsibility. No matter how important or how inconsequential may be the duties to be performed, if the position carries with it the dignity of an oath of office, it is a definite part of our governmental mechanism for the furtherance of our democratic form of government. . . .

As you, and each of you, subscribe your names to your several oaths, and then lay your left hand on the Holy Evangel and raise your right hand to the Supreme Ruler of the Universe and repeat your pledge to the United States of America and the State of North Carolina and promise to 'honestly and faithfully perform' the duties of your several positions, I am sure that you feel a sincere sense of your official responsibility."

Statement at Induction Ceremonies for Officials of Gaston County, 4 December 1944.

Oaths of North Carolina Officials

The oath of office has been considered of sufficient importance in North Carolina to merit a constitutional provision and a variety of acts by the General Assembly. Although

every voter is eligible to office (with specified limitations), the Constitution requires every person elected or appointed to take an oath to support the Constitution and laws of the United States, the Constitution and laws of North Carolina, and to discharge faithfully the duties of his office before he enters upon his duties.

Pursuant to this constitutional provision, the General Assembly has provided:

1. Two constitutional oaths since 1791:

a. *The oath to support the Constitution and laws of the United States* (G.S. 11-6) :

"I, _____, do solemnly swear (or affirm) that I will support the constitution of the United States; so help me, God."

b. *The oath to support the Constitution and laws of North Carolina* (G.S. 11-7) :

"I, _____, do solemnly and sincerely swear (or affirm) that I will be faithful and bear allegiance to the state of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the constitution of said state, not inconsistent with the constitution of the United States, to the best of my knowledge and ability; so help me, God."

2. *The following general oath of office* to be taken when no oath is prescribed for the particular office (G.S. 11-11) :

"I, _____, do solemnly swear (or affirm) that I will faithfully discharge the duties of my office as _____; so help me, God."

3. *Particular oaths* for various state, county and township offices, which are presented below.

On the first day of January, 1947, according to the Constitution and laws of North Carolina elected and re-elected officials of the State government begin their terms of office. By long custom, however, state officials wait until after the General Assembly has convened (8 January 1947) before taking the oath of office.

State officials take the prescribed oaths to support the Constitution and laws of the State and the United States, and the particular oath for their offices. If no particular oath has been prescribed they take the general oath.

This year the only state-wide officers to be elected are two associate justices of the Supreme Court. They will take the following oath :

"I, _____, do solemnly swear (or affirm) that in my office of justice of the supreme court of North Carolina I will administer justice without respect to persons, and do equal right to the poor and rich, to the state and to individuals; and that I will honestly, faithfully, and impartially perform all the duties of the said office according to the best of my abilities, and agreeably to the constitution and laws of the state; so help me, God."

The following oaths have been established for particular state officers and are used when these officers are inducted:

The Secretary of State:

"I, _____, do swear (or affirm) that I will, in all respects, faithfully and honestly execute the office of secretary of state of the state of North Carolina, during my continuance in office, according to law; so help me, God."

The State Auditor:

"I, _____, do solemnly swear (or affirm) that I will well and truly execute the trust reposed in me as auditor, without favor or partiality, according to law, to the best of my knowledge and ability; so help me, God."

The State Treasurer:

"I, _____, do swear (or affirm) that, according to the best of my abilities and judgment, I will exe-

cute impartially the office of state treasurer, in all things according to law, and account for the public taxes; and I will not, directly or indirectly, apply the public money to any other use than by law directed; so help me, God."

The Attorney General:

"I, _____, do solemnly swear (or affirm) that I will well and truly serve the state of North Carolina in the office of attorney-general; I will, in the execution of my office, endeavor to have the criminal laws fairly and impartially administered, so far as in me lies, according to the best of my knowledge and ability; so help me, God."

Solicitors: Solicitors taking the oath at this time, take the same oath as the attorney-general, above, making the proper substitutions.

Judges of the Superior Court:

"I, _____, do solemnly swear (or affirm) that I will well and truly serve the State of North Carolina in the office of judge of the superior court of the said state; I will do equal law and right to all persons, rich and poor, without having regard to any person. I will not wittingly or willingly take, by myself or by any other person, any fee, gift, gratuity or reward whatsoever, for any matter or thing by me to be done by virtue of my office, except the fees and salary by law appointed; I will not maintain, by myself or by any other person, privately or openly, any plea or quarrel depending in any of the said courts; I will not delay any person of common right by reason of any letter or command from any person or persons in authority to me directed, or for any other cause whatsoever; and in case any letter or orders come to me contrary to law, I will proceed to enforce the law, such letters or order notwithstanding; I will not appoint any persons to be clerk of any of the said courts but such of the candidates as appear to me sufficiently qualified for that office, and in all such appointments I will nominate without reward, hope of reward, prejudice, favor or partiality or any other sinister motive whatsoever; and finally, in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, ac-

THE PURPOSE

"Whereas, lawful oaths for the discovery of truth and establishing right are necessary and highly conducive to the important end of good government; and being most solemn appeals to Almighty God, as the omniscient witness of truth and the just and omnipotent avenger of falsehood, such oaths, therefore, ought to be taken and administered with the utmost solemnity."

Section 11-1 of the General Statutes of North Carolina.

ording to the best of my skill and judgment, do equal and impartial justice to the public and to individuals; so help me, God."

Members of the General Assembly:

On the eighth day of January, 1947, the General Assembly of North Carolina will convene and all members of both houses will take the oath to the United States, and to the State of North Carolina and the general oath to discharge faithfully the duties of their office. After the Speaker of the House has been elected, he will take the same oaths.

Oaths of County and Township Officials

On December 2nd, 1946, in county courthouses from one end of North Carolina to the other, county and township officials will gather to take the oaths and be inducted into office. They, too, must take the prescribed oaths to the United States and the State of North Carolina, and the oath to perform faithfully the duties of their particular office. The oaths for most principal county and township offices are prescribed by statute, as shown below. Other officers will take the prescribed general oath of office.

Register of Deeds:

"I, _____, do solemnly swear (or affirm) that I will faithfully and truly, according to the best of my

THE CEREMONY

"The old practice of installing public officers in private may have given some of us the notion we could act in private. The practice of public installations ought to impress every incoming public official with the fact that public office is a public trust and that he has been put where he is to serve the people and not to serve himself."

Thomas R. Wolfe, former president, State Association, County Commissioners, in radio address at public installation of officials, December 1936.

skill and ability, execute the duties of the office of register of deeds for the county of _____, in all things according to law; so help me, God."

Sheriff:

"I, _____, do solemnly swear (or affirm) that I will execute the offices of sheriff of _____ county to

the best of my knowledge and ability, agreeably to law; and that I will not take, accept or receive, directly or indirectly, any fee, gift, bribe, gratuity or reward whatsoever, for returning any man to serve as a juror or for making any false return on any process to me directed; so help me, God."

County Treasurer:

"I, _____, do solemnly swear (or affirm) that, according to the best of my skill and ability, I will execute impartially the office of treasurer for the county of _____, in all things according to the law; that I will duly and faithfully account for all public moneys that may come into my hands, and will not, directly or indirectly, apply the same, or any part thereof, to any use than by law directed; so help me, God."

Clerk of Superior Court:

"I, _____, do swear (or affirm) that, by myself or any other person, I neither have given, nor will I give, to any person whatsoever, any gratuity, fee, gift or reward, in consideration of my election or appointment to the office of clerk of the superior court for the county of _____; nor have I sold, or offered to sell, nor will I sell or offer to sell, my interest in the said office; I also solemnly swear that I do not, directly or indirectly, hold any other lucrative office in the state; and I do further swear that I will execute the office of clerk of superior court for the county of _____ without prejudice, favor, affection or partiality, to the best of my skill and ability; so help me, God."

County Surveyor:

"I, _____, do solemnly swear (or affirm) that I will well and impartially discharge the several duties of the office of surveyor for the county of _____, according to the law; so help me, God."

Township Constable:

"I, _____, do solemnly swear (or affirm) that I will well and truly serve the State of North Carolina in the office of constable; I will see and cause the peace of the state to be well and truly preserved and kept, according to my power; I will arrest all such persons as, in my sight, shall ride or go armed offensively, or shall commit or make any riot, af-

fray, or other breach of the peace; I will do my best endeavor, upon complaint to me made, to apprehend all felons and rioters or persons riotously assembled, and if any such offenders shall make resistance with force, I will make hue and cry, and will pursue them according to law, and will faithfully and without delay execute and return all lawful precepts to me directed; I will well and truly, according to my knowledge, power and ability, do and execute all other things belonging to the office of constable, so long as I shall continue in office; so help me, God."

THE PENALTY

"Every officer and other person required to take an oath of office, or an oath for the faithful discharge of any duty imposed on him, and also the oath appointed for such as hold any office of trust or profit in the state, shall take all said oaths before entering on the duties of the office, or the duties imposed on such person, on pain of FORFEITING FIVE HUNDRED DOLLARS to the use of the poor of the county in or for which the office is to be used, and of BEING EJECTED FROM HIS OFFICE OR PLACE by proper proceedings for that purpose."

Section 128-5 of the General Statutes of North Carolina

Justice of the Peace:

"I, _____, do solemnly swear (or affirm) that as justice of the peace of the county of _____, in all articles in the commission to me directed, I will do equal right to the poor and the rich, to the best of my judgment and according to the laws of the State; I will not, privately or openly, by myself or any other person, be of counsel in any quarrel or suit depending before me; the fines and amercements that shall happen to be made, and the forfeitures that shall be incurred, I will cause to be duly entered without concealment; I will not wittingly or willingly take, by myself or by any other person for me, any fee, gift, gratuity or reward whatsoever for any matter or thing by me to be done by virtue of my office, except such fees as are or may be directed and limited by statute; but well and truly I will perform my office of justice of the peace; I will not delay any person of common right, by reason of any

letter or order from any person in authority to me directed, or for any other cause whatsoever; and if any letter or order come to me contrary to law I will proceed to enforce the law, such letter or order notwithstanding. I will not direct or cause to be directed to the parties any warrant by me made, but will direct all such warrants to the sheriffs or constables of the county, or the other officers or ministers of the state, or other indifferent persons, to do execution thereof; and finally, in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, and according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals; so help me, God."

OATH-TAKING PROCEDURE

How the Oath Must Be Administered in North Carolina

Perhaps more of the solemnity and importance of taking the foregoing oaths is gained from the manner in which the oaths are required to be administered than from the content of the oaths themselves. Since 1777, in North Carolina, the law has provided that, since "lawful oaths for the discovery of truth and establishing right are necessary and highly conducive to the important end of good government, and being most solemn appeals to Almighty God, as the omniscient witness of truth and the just and omnipotent avenger of falsehood," the oaths ought to be taken and administered with the utmost solemnity.

So, the Legislature of that same year provided that every person taking the oath must lay his hand upon the Holy Evangelists of Almighty God, "in token of his engagement to speak the truth, as he hopes to be saved in the way and method of salvation pointed out in that blessed volume, and further token that, if he should swerve from the truth, he may be justly deprived of all the blessings of the gospel, and made liable to that vengeance which he has imprecated on his own head."

Until 1868, this statute further required that the persons taking the oath should close the oath with the words, "So help me, God," and then kiss the Book. The Code of 1883 re-

moved the requirement that the words, "So help me, God," be spoken. And the General Assembly of 1941, for reasons of sanitation and because the requirement was seldom enforced, repealed the requirement that the Book be kissed. Although the oath-taker must lay his hand on the Bible, he need not kiss it.

Exceptions to the Foregoing Rules

Raising the right hand—When the officer has conscientious scruples against taking the prescribed oath with his hand on the Bible, he is allowed to take it in the following manner: "He shall stand with his right hand lifted up towards heaven, in token of his solemn appeal to the Supreme God, and also in token that if he should swerve from the truth he would draw down the vengeance of heaven upon his head, and shall introduce the intended oath with these words, namely: . . .

"I, . . . , do appeal to God, as a witness of the truth and the venger of falsehood, as I shall answer the same at the great day of judgment, when the secrets of all hearts shall be known (etc., as the words of the oath may be.)"

This oath has remained unchanged since 1777 (c. 108, s. 3). This prescribed method of taking the oath "with. . . .right hand lifted" is likewise unchanged, but the original wording reflected the more flowery times: e.g., "in token of his Solemn Appeal to the Supreme God, whose Dwelling is in the highest Heavens . . ." This surplusage was taken from the statute between 1836 and 1854. A proviso of 1777, omitted beginning with 1854, read: "And it is hereby declared that an oath, thus administered and taken with the right hand lifted up, is and shall be a lawful oath in this state . . . and shall be equally good to all intents and purposes as if the same oath had been taken by the party having lain his hand upon and kissed the holy gospels."

Affirmations—Quakers, Moravians, Dunkers and Mennoites, having conscientious scruples against swearing at all, are allowed to "make their solemn affirmation" and begin the oath by saying, "I affirm" instead of saying "I swear"; and

this affirmation is "effectual to all intents and purposes." (G.S. 11-4)

Atheists and infidels—An atheist, one who denies the existence of an Almighty God, is disqualified from holding public office at all in North Carolina.

An infidel, one who acknowledges the existence of an Almighty God, but who does not conform to the usual religions, must be sworn according "to the form which he holds most sacred and obligatory on his conscience," repeating the oath after the administering officer.

Who Administers the Oaths

In some instances, the law requiring a particular officer to take the prescribed oaths specifies the person before whom the oath must be taken. Judges of the Supreme Court are required to take the oath before the Governor or "some judicial officer"; Judges of the Superior Court may take the oath in open court (presumably before the judge presiding in that court), or before the Governor, or a Judge of the Supreme or Superior Court, or a Justice of the Peace; the Governor "before the General Assembly or before a Justice of the Supreme Court"; the County Commissioners may take the oath before the Clerk of the Superior Court, a judge, a justice of the peace, or other person qualified by law to administer oaths; and the Register of Deeds must take the oath before the County Commissioners.

If the law does not stipulate the particular officer who is to administer the oath, or if the law indicates that the ceremony is to be before "any officer authorized to administer oaths," the oath should be taken before a Judge of the Supreme or Superior Court, a judge of an inferior court, or a justice of the peace. The Clerk of the Superior Court is authorized "to administer oaths and take acknowledgements, whenever necessary, in the exercise of the powers and duties of his office"; but this authority seems to be limited to the performance of his enumerated duties, such as swearing witnesses appearing before him, and does not extend to administering oaths to all officers in general.

(Continued on page 16)

Current Problems In Local Government

Prepared by the Institute of Government Staff

Consolidation of Voting Registrations

PROBLEM: How can city and county voting registrations be consolidated?

DISCUSSION: This situation has been faced and solved in Durham and Wake counties. Special acts passed in 1933 and 1935 authorized the county boards of elections of those two counties to conduct all registrations, elections, and canvasses for the cities of Durham and Raleigh as well as for the counties of Durham and Wake. A consolidated registration must be handled by a single set of registrars. In general elections the law is clear that these must be the precinct registrars appointed by the county board of elections. City registrars could not perform this duty. Furthermore, joint registration presupposes the existence of city voting precincts coterminous with county precincts; this seldom occurs. If the county board of elections were in charge of all city and county elections, this matter could be handled by their administrative action. A central control agency is essential for a consolidated registration, and the proper agency for such control is the county board of elections operating under a special act.

Residence of Officials

PROBLEM: Suppose a town commissioner moves out of town. Is his office automatically vacated or must he resign before there is a vacancy?

DISCUSSION: The governing consideration is the intent behind the commissioner's removal. To be a qualified commissioner he must be a qualified voter of the town. If he leaves town intending to retain his voting residence there and intending to return as soon as the reason for his removal has been eliminated, his removal would be temporary and would not constitute abandonment of his residence in the town. In such a case he would retain the office unless he voluntarily resigned. On the other hand, if the commissioner moves out of town intending to remain outside the town permanently,

he vacates his office. He does not have to resign. While this vacancy is automatic and immediate, the commissioner, as is true of most public officials, holds the office until his successor is appointed or elected and qualified. The basic question concerns the commissioner's voting capacity in the town; his intention as to removal and residence should be determined in accordance with the rules set out in the General Election Law, G. S. 163.

Report of Sheriff's Sale

PROBLEM: How must a sheriff report his sale of confiscated personal property?

DISCUSSION: Two statutes bear directly on this point. G. S. 15-11 requires every sheriff to keep a record of personal property confiscated showing the manner of disposal, the date, and the person to whom delivered, and if sold, the disposition of the proceeds. G. S. 15-15 requires a sheriff making such a sale first to pay the costs and then pay any balance within thirty days after the sale to the treasurer of the county board of education, a position occupied ex officio by the treasurer of the county (G. S. 155-5). The check on this procedure is found in G. S. 115-116. The County Accountant must examine the sheriff's books each month, and he must require the sheriff to give him a monthly statement of money and penalties collected by him.

Adoption of Plan D

PROBLEM: How does a town adopt Plan D, the City Manager form of government?

DISCUSSION: There is no minimum population requirement for a town seeking to adopt Plan D. The initial step is for 25% of the qualified voters of the town at the last election to file a petition with the County Board of Elections requesting that an election be conducted in the town on whether the town shall adopt the City Manager Plan or retain its present form of government. The proper form of this petition is found in G.S. 160-297.

Upon receiving such a petition, properly drawn and signed, the County Board of Elections must call an election in the town and conduct it according to the provisions of Article 21, Chapter 160, of the General Statutes. In such an election, the plan or form of government that receives a majority of the votes cast is the plan adopted. In other words, the people do not vote against the registration.

Should Plan D be adopted by the voters, the law requires that it continue in force for a period of at least two years after the beginning of the term of office of the officials elected under that plan.

The government of the town and the control of all its affairs under Plan D are vested in the city council. This council consists of five members who are elected at large by the qualified voters of the city for a term of two years. The council is the supreme legislative authority of the city.

Under Plan D, the mayor of the town is not elected by the people. One of the first duties of the city council is to elect one of its own members as mayor of the town, to serve for the same term for which he has been elected to the council. Under this plan of government, salaries for the mayor and for the council are fixed by the council, but the mayor's salary cannot exceed \$700 a year and that of the councilmen may not exceed \$200 a year for each.

The city council must appoint a city manager who serves as the administrative head of the city government, responsible to the council for the administration of all of the departments of that government. The law requires that he be appointed for his ability and merit only, and that he need not be a resident of the city when he is appointed. The law further requires that he "shall hold office during the pleasure of the city council, and shall receive such compensation as it shall fix by ordinance." The city manager must:

(Continued on Inside Back Cover)

The Energies of Peacetime

By R. B. HOUSE

Chancellor of the University of North Carolina at Chapel Hill

Aunt Mary, who directs my spiritual reading when I go to Warrenton, North Carolina each summer for my vacation, was this year concentrating on one small essay in a Canadian study club pamphlet which a neighbor had given her. It was entitled "Today is a New Beginning." It was a fresh treatment of an old theme of practical religion; namely, to rise each morning with no carry-over of remorse from the mistakes of the past and with no fear for the future; to look at the day with eyes of hope and no concern except to make of it an artistic unit of love, thought, and action; to work on the duty at hand with good will, to enjoy a moment of relaxation, and to round it with a sleep. Aunt Mary had put the point of her meditation into her own saying: "Today and this duty are mine; tomorrow is God's."

Wordsworth calls duty the stern daughter of the voice of God, and she is certainly speaking to each one of us and telling us to go to work. There can be no doubt that productive work is our prime need. Too much good stuff has been blown up in this war for us to overcome essential shortages except by producing more. And over and above the war, there have been shortages for centuries. Bishop McConnell tells us that since the birth of Christ over one-half of the people in the world have gone to bed cold, hungry, and sick. Not even a miracle of control and distribution can overcome these shortages. The only solution is to produce. Even our soil is becoming depleted. Hugh Hammond Bennett tells us, depleted by erosion; and the erosion is increasing with the depletion of our forests. Our work from the ground up must be more vigorous and more intelligent. Tolstoi points out in *War and Peace* that war is really a colossal period of loafing in the essential business



of getting the world fed, clothed, housed, and doctored. All work goes into fighting and waiting around to fight; and all energy is mobilized to fight. As a result, when peace comes the very minds of men are set toward a fight as the only solution of a problem. We need to resume a peace-time rhythm and don't know how.

Consequently we need also to go to play. There is a lot of difference between wartime excitement, amusement, and dissipation, things people do in an effort to do anything to divert their minds for a moment from horror, and recreation, the peace-time, constructive use of leisure. Homer Saint Gaudens, in a lecture on Art in Raleigh twenty-five years ago, said that the trouble with our amusements such as thrill-seeking, movie-going, stadium athletics, and the like, is that they exercise the imagination, the mind, and the will in exactly the same areas in which business and fighting have already tired them. We need a change of pace and don't know how to make it. Our habits of competitive work and competitive play are eroding our culture. We need more personal creative leisure with books, music, nature, and the spirit.

And certainly we need rest, above all the quiet confidence that will let us sleep. Charles Peguy in "Sleep" says:

"I don't like a man who doesn't sleep, says God.

Sleep is the friend of man.
Sleep is the friend of God.
Sleep is perhaps the most beautiful thing I have created.

And I myself rested on the seventh day.

But they tell me that there are men

Who work well and sleep badly,
Who don't sleep. What a lack of confidence in me."

We need to restore the Sabbath day to the rhythm of things. I am beginning to doubt the various projects of business or pleasure or even of social welfare which can find no time for their operations except by Sunday meetings and expeditions.

We need to reconsider rhythm in life. It is the most wonderful way of the universe. The emotions express themselves in rhythm, and when they are perfectly expressed they become poetry and music. The mind works in rhythm, taking in ideas, digesting them, giving them forth in new combinations. The will gathers itself for action, does its office in work or play, and then rests if it is healthy. The sea seems to be ceaselessly tossing, but there is always a pause of the wave on the beach before it reverses itself and returns to the deep. It is hard to tell just when day turns into night or night into day, but there is always a moment of twilight and of dawn infinitely rewarding to those who regard it. The year moves in rhythm through the procession of the seasons. Eternity is a rhythm of time and timelessness.

All things, all experience, all insight into God, Man and Nature informs us, if we are wise, that our energies will be more constructive if we allow them to find their rhythm of work, play and rest.



Traffic Law Enforcement School

October 13-December 7

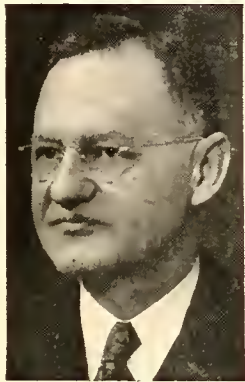
Conducted by the Institute of Government for the State Highway Patrol, preparing applicants to qualify for positions as Highway Patrolmen.

The end of the war brought to an end gas and tire rationing, and an end of rationing brought to an all-time high highway traffic fatalities. Acting to curb these increasing

officers was conducted by the Institute of Government, an increasing amount of time has been devoted to training in traffic law enforcement. At the first school it was one hour of a three-day program of instruction. This was expanded to a day, then to two days within a school of general law enforcement; in 1944 to a two-week school devoted exclusively to traffic law; and finally, opening on October 13, a full and comprehensive course of eight weeks training in traffic law, accident investigation, and traffic control.

From the beginning in 1929, when the State Highway Patrol was organized, members of the Patrol have attended every police school con-

ducted by the Institute of Government, and have played a substantial part in the growth of the Institute of Government and the development of its department of police training.



**T. BODDIE
WARD**

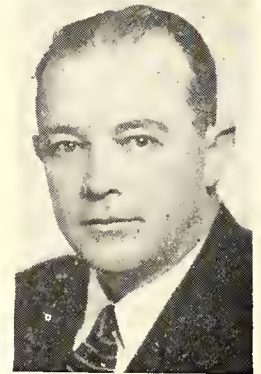
Commissioner
of
Motor
Vehicles

deaths, T. Boddie Ward, Commissioner of Motor Vehicles, moved to mobilize all the resources of his office to remove from the highways all causes of accidents, and as a part of his program he authorized and instructed the State Highway Patrol to obtain and train immediately a sufficient number of officers to bring the Patrol up to its pre-war strength. Colonel H. J. Hatcher, Commanding Officer of the State Highway Patrol, called on his officers to obtain the best possible applicants, and called on the Institute of Government, the official school teacher for the Highway Patrol, for the organization of a Traffic Law Enforcement Training School of eight weeks duration.

From the beginning in 1929, when the initial school for law enforcement

**HOWELL J.
HATCHER**

Commanding
Officer
State Highway
Patrol

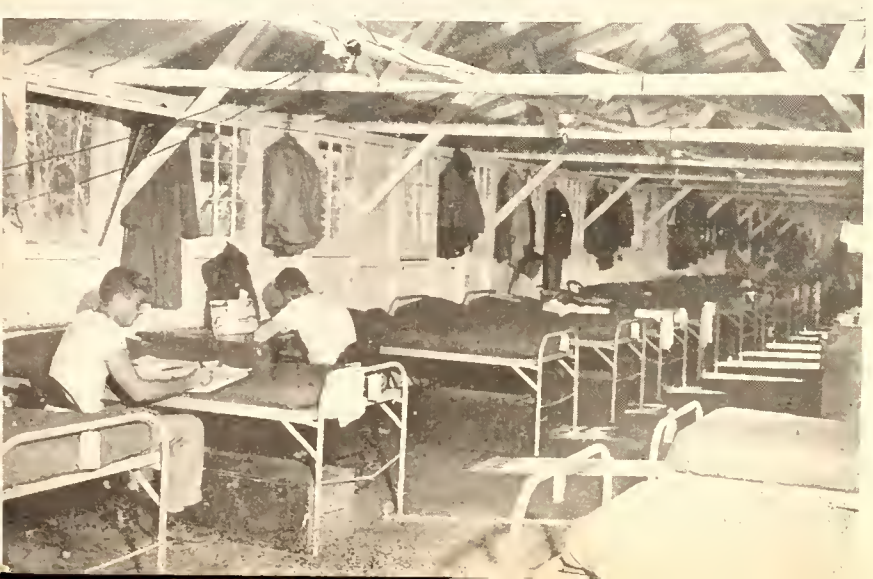


Thus, growing together, the Institute of Government and the State Highway Patrol have developed a plan of training that makes it possible for the new patrolman to begin his duty well-trained in the handling of the problems he will face in enforcing the North Carolina Motor Vehicle Law, and well-equipped for his duty of protecting the highways of the State.

Climaxing these eighteen years of development, the Institute of Government has obtained and erected a court of seven buildings that will serve as training quarters for this and future law enforcement schools. These buildings, pictured above, were formerly Army barracks, and were moved from Camp Mackall to their present location on the Raleigh



As a part of the Institute of Government training program in traffic law enforcement, letters have already been sent to city and county departments announcing: (1) A two-week school in traffic control and accident investigation to begin at Chapel Hill January 5, 1947; (2) Local schools in the same subjects to begin in forty communities on February 4, 1947.



Road in Chapel Hill. These buildings, with the Institute of Government Building on Franklin Street, make it possible now for the housing and instruction of more than two hundred public officials at one time.

The present school now has 70 students, selected from 5,000 applicants after thorough investigations and mental and physical examinations. Those successfully completing the course of instruction will receive certificates from the Institute of Government, and from those receiving certificates 44 will be selected by the State Highway Patrol and awarded commissions by Governor Cherry on December 6; the remainder will be qualified for positions as traffic law enforcement officers on city and county departments, and eligible for admission to the State Highway Patrol as vacancies occur

Faculty

To represent the State Highway Patrol in the conduct of the school, Colonel Hatcher appointed Lieutenant Lester Jones, Commanding Officer of Troop "A" at Greenville, and Lieutenant Jones selected as his faculty eight non-commissioned officers representing a total of 110 years experience on the State Highway Patrol.

To head the school for the Institute of Government, Director Albert Coates designated Terry Sanford, former Special Agent of the Federal Bureau of Investigation and now Assistant Director of the Institute, and Clifford Pace, also Assistant Director of the Institute, specializing in the field of North Carolina Motor Vehicle Law. Shown at top left are members of the school faculty; from left to right, Corporal E. B. Quinn, Jr., Sergeant Thomas B. Brown, Albert Coates, Terry Sanford, Lieutenant Lester Jones, Clifford Pace, Corporal John Laws, Sergeant Thomas Sandlin, Louis Cherry, Patrolman Oscar Dean, David Scott, Corporal W. S. McKinney, W. M. Cochrane, Sergeant S. L. Willard, Henry Lewis, Sergeant W. C. Carter, Samuel R. Leager. In addition to the above instructors, representatives of the Federal Bureau of Investigation, the State Bureau of Investigation, the Traffic Institute of Northwestern University, and the Center for Safety Education of New York University are serving as members of the instruction staff, but were not available at the time this picture was made.

Instruction

Instruction begins in the classroom with a thorough study of the Motor Vehicle Law, North Carolina criminal law, the law of arrests, searches and seizures, the law of evidence, the methods of investigation, and the methods of traffic control. Classroom study is followed with the investigation of mock accidents to determine

the manner in which they occurred, the criminal guilt and liability of the drivers, and for practice in the correct methods for the gathering and preservation of evidence for trial. Saturday football games at Duke University and the University of North Carolina afford an opportunity to observe and practice actual traffic control. Trucks are stopped on the highway in front of the school for weighing, and automobiles are stopped for equipment checks.

The program of instruction covers a strenuous day of sixteen hours, beginning with calisthenics at 5:45 in the morning and ending at 10:00 at night after a two-hour compulsory study period.

Shown in the picture at top right is Sergeant Brown, first sergeant of the school, instructing in the proper method for removing a driver from his automobile. Methods of self-defense, judo, and methods of arrest and search are also taught by Sergeant Brown.

Firearms expert of the State Highway Patrol, Corporal John Laws, is shown giving instruction on the Institute of Government's pistol range. Qualification with the .30 calibre revolver and the sub-machine gun is a requirement for successful completion of the course.

Ellis Fysal, the American Red Cross Field Representative in North Carolina, is shown instructing in the proper method of removing an injured man from one of the many positions in which the Highway Patrolman may expect to find the victim of a traffic accident.

Federal Bureau of Investigation

No account of an Institute of Government police school would be complete without mention of appreciation to the Federal Bureau of Investigation for its help in planning and conducting the program of instruction. This school is no exception; the Federal Bureau of Investigation sent Special Agent Foster M. Kunz, nationally recognized authority on traffic control and accident investigation, to the Institute of Government for two full weeks of instruction. Mr. Kunz is well known to North Carolina law enforcement officers who have received the benefit of his instruction at earlier Institute of Government Schools, and his assistance in planning future traffic law enforcement schools for North Carolina officers will be a substantial factor in their success. Mr. John C. Bills, Special Agent in Charge of the Charlotte office of the F.B.I., Dr. F. M. Miller of the Bureau's technical laboratory at Washington, and several other specialists from the Federal Bureau of Investigation also assisted in carrying on the program of instruction. Without the assistance of the Federal Bureau of Investigation the program of this Traffic Law Enforcement School would have been completely inadequate.



THE CLEARINGHOUSE

News of Developments Here and There

Public Finance

Materials are short and prices are high, but the public demand for more and better facilities and services from local government is forcing many of North Carolina's cities, towns and counties to dig deep for the money needed. Durham and Charlotte are among the municipalities which have had to dip into capital reserve funds to cover deficits for current expenses. Durham drew upon its capital reserve fund for \$100,000, with half that amount to go for street openings, grading and drainage, and the other half for extending and improving water lines. Charlotte's annual reserve for emergencies was nearly two-thirds spent in October, nine months before the end of the fiscal year, because of salary increases, high cost of police and fire uniforms and other equipment. City Manager Henry A. Yancey announced that "the local government, though crippled by equipment shortages, is not in the market for machinery offered at highly inflated prices," according to the Charlotte Observer. Funds budgeted back in May were reported as being nearly always inadequate to cover purchase price of needed items.

The increases everywhere noted in the cost of municipal government are reflected in the annual audit of the city of Wilmington, released in October, which shows that expenditures for the fiscal year ending in June were half again as much as for the same period in 1941-42. But the rising cost there matched a 42.6 per cent rise in population during the five-year period, although there were also sharp advances in the cost of police and fire protection, parks and playgrounds, and water and sewer services, according to the Wilmington Morning Star. New municipal services, such as city planning, also contributed to the increase.

W. M. COCHRANE

Assistant
Director
Institute of
Government



Bond Issues

A good part of the funds to finance improvements is going to continue to come from bond issues, of course. Recent bond elections in which bond issues were favored by the voters were held in: Thomasville, \$400,000, for city streets, new fire station, new recreation park, and extension of water supply and sanitary system; Graham, \$300,000, for extending the water supply system; Granite Falls, \$150,000, for sewer and water, street, sidewalk and lighting improvements; and Matthews, \$50,000, for a water-works system.

Bond elections were scheduled in: Mount Airy, \$450,000, for opening a new street to run parallel to the main street, repairs to the city hall, extension of sewer facilities, and improvement of the water system; Scotland County, \$454,000, November 5, for school improvements; West Jefferson, \$50,000, November 26, for extending the sewer system, and enlarging the water supply; Transylvania County, \$310,000, December, for school improvements.

Tax Collections

One of the bright spots in the municipal and county financial picture is the continuing high percentage of taxes collected when due. Wadesboro's 1945 real property taxes were paid 100 per cent by the middle of August. By the middle of September Lenoir had collected slightly over 98 per cent. Reports from the counties in October were similar: Caswell,

over 95 per cent; Transylvania, 95 per cent; Warren, 94.52 per cent; Harnett, 93.68 per cent; and Mecklenburg, 68.25 per cent (because of a revised levy—on the original levy, 80 per cent had been collected). Winston-Salem and Forsyth County taxes were 98.72 per cent collected, and there a protest was made against continuation of prepayment discounts, elimination of which is one of the planks in the League of Municipalities' 1947 legislative program. Tax collector Walter Mickle reported that the amount lost by city and county through prepayment discounts this year was \$44,481.72.

Pay Raises

Local governing boards have found it increasingly difficult to employ capable men, because governmental pay scales have not been able to keep up with those of private business. The resulting pressure has forced pay raises for county and city employees throughout the state this year. Recent pay increases were granted by: Wilmington, to practically all city employees, with increases of \$10 monthly to department clerks and to the juvenile court judge and secretary, \$17.50 to policemen and firemen, \$20 to the juvenile court clerk, \$45 to the police and fire chiefs and to the city engineer, \$65 to the city accountant, \$90 to the city building inspector, and \$780 (annual) to the city manager; Charlotte, with increase of \$1,164 to the revenue collector, bringing him up to the \$6,000 level set last July for the water works superintendent, city engineer, assistant engineer, accountant, treasurer, and superintendent of building inspection; and Statesville, to all policemen and firemen, \$10 per month, with the police chief getting a \$30 raise.

City Managers

The 1946 edition of *The Municipal Year Book* lists 26 cities and towns

in North Carolina as having city managers, but there are at least 14 more which now operate under that form of government. The *Year Book's* listing shows this state as being tenth in the nation in this respect, with first cities and towns to adopt the plan being Hickory and Morganton in 1913, Thomasville and High Point in 1915, and Durham and Goldsboro in 1917. The population of units having city managers now ranges from below 600 to over 100,000.

During the war years changes to the city manager plan were not too frequent. Wilmington employed a city manager in 1941, Asheboro in 1942, and Burlington in 1945. Few, if any, of the communities once having made the change have changed back. But the principal difficulty has been the lack of men trained for the job.

The town of Whiteville seems likely to replace Roxboro as the newest addition to the list in North Carolina. Recently the town commissioners, in response to considerable local interest and enthusiasm, voted unanimously in favor of the change, and called on the citizens to sign and submit petitions to the county board of elections to call an election on the question as soon as possible. (See **CURRENT PROBLEMS IN LOCAL GOVERNMENT**, page 5, this issue, for a discussion of the procedure involved in making this change.)

Ordinances

The city of Wilmington will have a new municipal code beginning December 2, as a result of action taken by the city council in October, adopting a revised codification prepared for them by the Michie Publishing Company. A number of obsolete ordinances were thus repealed, such as one limiting street cars to 15 miles per hour, and requiring their drivers to reduce speed still further when horses are frightened thereby. The new code will contain 150 pages, and the city plans to have about 100 copies printed, along with 300 copies of the chapter containing motor vehicle and traffic regulations.

(Continued on Inside Back Cover)

NEW LOCAL OFFICIALS

(Note: This feature in **POPULAR GOVERNMENT** carries announcement each month of recent additions to the ranks of local governing officials in North Carolina which are of general interest, as noted in communications to the Institute of Government, and from newspaper stories. Officials are invited to notify **POPULAR GOVERNMENT** about such changes as they occur.)

MUNICIPAL OFFICIALS

Mayor—Maxton: Fred C. Frostick, member board of aldermen, appointed to serve out the remainder of the term of W. H. Hasty, deceased. Wrightsville Beach: Dr. Sidney W. Allen, member board of aldermen, appointed to serve out the remainder of the term of J. Russell Wood, resigned.

Town Board of Aldermen—Columbia: Robert L. Mitchell and D. A. Simmons, filling two of three vacancies caused by resignation of Floyd E. Cohoon and others. Maxton: M. P. James, replacing Fred C. Frostick, resigned to become mayor. Wrightsville Beach: Lawrence C. Rose, replacing Dr. Sidney W. Allen, resigned to become mayor.

Assistant City Attorney—Durham: Egbert L. Haywood, replacing C. B. Oliver, resigned.

City Engineer—Laurinburg: L. W. Hall of Conway, S. C. Washington: Henry E. Thompson, II, for many years Superintendent of Utilities for the University of North Carolina Service Plant; replacing Dan T. Smith, resigned after 24 years with the city, nine years as superintendent of the municipal water and light department.

Superintendent City Sanitary Department — Statesville: H. S. Douglas, superintendent of the street department, took over the duties of J. Will Mills, retired after 40 years with the city, 24 years as chief of the sanitary department.

Chief of Police—Hazelwood: Hugh Browning, acting chief pending selection of a successor to J. G. Woodard, resigned. Jonesboro:

Ralph Matthews, replacing W. Garner McLeod, resigned.

Maxton: J. A. Thompson, former night policeman, replacing T. A. Fisher, resigned after 15 years in law enforcement in the town, five years as chief. Siler City: F. A. Smith, resigned after 11 months as chief, to join the Greensboro police department.

Zoning Board—Clinton: H. B. Barwick, Dr. Glenn E. Best, F. L. Turlington, C. W. Boney and Joe Reynolds.

Recreation and Park Commission—Marshall: H. E. Roberts, appointed for three years; Hoyt Shore and J. H. Sprinkle, two years; and the Rev. A. Ray Howland and E. C. Teague, one year.

COUNTY OFFICIALS

Board of County Commissioners—Pasquotank: Sidney G. Etheridge, retired Elizabeth City druggist, replacing Noah Burfoot, resigned.

County Attorney—Chowan: J. N. Pruden, replacing his uncle, W. D. Pruden, deceased.

Prosecutor, Recorder's Court—Chowan: Weldon A. Holloway, replacing J. N. Pruden, resigned to become county attorney.

Deputy Register of Deeds—Stanly: Alline Cashatt, replacing Mrs. Margaret Crawley, resigned.

Veterans' Service Officer—Henderson: William E. Jamison, replacing Jonathan W. Jackson, resigned to practice law in Hendersonville.

Welfare Superintendent — Buncombe: George H. Lawrence, associate professor of social work in the University of North Carolina, replacing E. E. Connor, deceased. Granville: Madeline E. Hall, replacing Ina V. Young, resigned.

Deputy Sheriff—Harnett: B. E. Sturgill of Dunn, appointed to fill the vacancy created by himself when he resigned some time ago to become city policeman in Dunn.

Tax Collector—Anson: William C. Hardison, replacing W. C. Mangum, resigned after seven years' service. Franklin: Kenneth A. Braswell, replacing S. O. Wilder.

THE MUNICIPAL YEARBOOK

By W. M. COCHRANE

Assistant Director, Institute of Government

Municipal Year Book. Edited by Clarence E. Ridley and Orin F. Nolting. Chicago: The International City Manager's Association, 1946. Price \$8.50. Pages x, 593.

Chief purpose of the MUNICIPAL YEAR BOOK, as stated by the editors of its thirteenth annual edition, is "to provide municipal officials with discussions of the current problems of cities . . . , with facts and statistics on individual city activities, and with analyses of trends by population groups."

This three-fold purpose is well served in both the plan and substance of the 1946 edition. The book is divided into five main parts: Governmental Units; Municipal Personnel; Municipal Finance; Municipal Activities; and Directories of Officials. And these five parts are broken down into subjects which are opened with discussion by leaders in every field of municipal government; supplemented by statistics gathered from data supplied by nearly 5,000 municipal officials, by 48 state correspondents and by the United States Bureau of the Census; and analyzed and interpreted by editorial consultants in their special fields with respect to trends and developments during the past year.

The discussions, statistics and analyses covering each subject are rounded out section by section with a listing of sources of information, including sources of statistics, selected standard references, new books and pamphlets, and selected periodicals.

So much for the plan. The 1946 edition contains the substance of previous editions brought up to date, including data on: units of municipal government, metropolitan districts, sources of municipal revenue, annual municipal reports, typical utility bills, city planning, directories of city officials, model ordinances, court decisions, assessed

valuations and tax rates, gross and net debt, and fire and police activities. It contains much new substance, reflecting the transition in municipal government from wartime to peace-time interests including data on: municipal personnel administration, long-term planning, airports, parking facilities, new state enabling legislation, statewide retirement plans for municipal employees, municipal reserve funds, control of land subdivisions, urban redevelopment, and the economic base of metropolitan districts.

Governmental Units—There were 155,116 governmental units in operation in the United States in 1942, according to the Bureau of the Census: 1 national government; 48 state governments; 3,050 county governments; 18,919 subdivisions of counties, such as townships; 16,220 incorporated cities, towns and villages; 108,579 school districts; and 8,299 special districts. The table enumerating governmental units by states lists North Carolina as having 603 units: 100 counties; 431 municipalities, of which 76 are classed as "urban" (incorporated places having more than 2,500 inhabitants) and 355 are classed as "rural"; and 71 special districts.

This division of the 1946 YEAR BOOK contains more of this sort of data on smaller cities than have previous editions. Basic governmental data for the 2,042 cities over 5,000 in population are set forth, with respect to: form of government; method of selection, voting and veto power, and terms of office of mayors; number, type and method of election, terms of office and salaries of councilmen; municipal elective officers other than mayor and council; and ownership and operation of utilities.

Tables giving governmental and economic data for the 1,077 cities over 10,000 population classify cities according to: 1940 population;

percentage of increase since 1930; metropolitan status; rent level; economic base; employment-residence and manufacturing ratios; form of government; method of mayor selection, term and veto; number, term, type of election and salary of city councilmen; status of other elective officers; and utilities owned and operated.

Municipal Personnel—The people who man the posts in the myriad of municipal governmental units saw their number increase with the end of the war, as contrasted with reductions in the ranks of those in the federal service. State and local governments had been handicapped by sometimes severe reductions in necessary personnel during the war years, and returning veterans were filling many of the gaps. And like the federal government, some states and cities reverted to shorter work hours and a shorter work week.

The YEAR BOOK reports no major strikes or work stoppages in the public service during the year; resumption of examination activities which had been suspended during the war-caused personnel shortage; installation of position-classification plans in many cities; a tendency on the part of municipal governments to lag in the matter of wage and salary increases, as contrasted with the action of 23 states increasing pay for their employees; marked growth of in-service employee training programs; addition of nine states to the roll of those providing retirement systems for municipal employees, bringing the total to 22; and new civil service legislation in Oregon and Nebraska, with Georgia and Missouri revising their state constitutions to allow enactment of such laws.

Statistical data given affecting personnel included: comparison of state administered retirement systems; salaries of officials in cities over 10,000, and trends in average

salaries; colleges and universities offering programs of educational preparation for public administration; hours per work week, Saturday work schedule, and methods of overtime pay for city hall employees; vacation and sick leave policies; employees' organizations; and veteran preference and civil service policies.

Municipal Finance—"There was more constructive discussion of municipal revenues in 1945 than there had been for two decades." The reason is given as the realization at both state and local levels that municipal revenues under existing arrangements are not adequate to meet demands by citizens for increased municipal services. However, municipalities are reported as being generally free from worry about debt, because of low rates of interest prevailing, and the continued reduction of state and local debt; and municipal reserve funds for capital improvements were continuing to build up.

New sources of revenue tapped included: local admissions taxes, by one New Jersey and three California municipalities; gasoline taxes, by two Alabama cities; a 5 per cent consumer's utility tax on all gas, electric, telephone and water bills, by one Ohio city; and authority to tax anything it saw fit was given the city of Baltimore.

The proportion of state revenues shared with cities was increased in Iowa, which added one cent to its gasoline tax with 40 per cent of the return to go to municipalities; Pennsylvania, where cities will receive part of the gasoline tax for the first time; Michigan, which revised its intangibles tax to share with local units, decided to share the sales tax on liquor and to reimburse municipalities for the \$2000 real estate exemption granted to veterans; South Carolina and South Dakota, which are sharing their liquor and beer revenues; and New York, which gave \$18,000,000 from the two per cent emergency state tax on utilities, and \$5,000,000 to reimburse municipalities for unusual snow removal expense during 1944.

Statistical and other information complete the YEAR BOOK's picture of municipal finance, covering: Municipal budgeting, assessment administration, purchasing, reserve funds, assessed valuations and tax rates in cities over 30,000, and debt situations at end of 1944 in cities over 25,000.

Municipal Activities — During 1945 there was no report of a complete municipal reorganization affecting all city departments and functions, says the YEAR BOOK. But there were numerous instances of partial reorganization for the carrying out of specific functions, "Among the staff functions, finance, personnel and planning received the most attention and among the operating or service functions the greatest activity centered on airports and veterans' service agencies."

The trend toward the centralization of finance administration continued. Activity in the field of personnel administration included increased employment of outside consultants to improve methods including preparation of position, classification and pay plans, civil service plans, and retirement and pension plans. Many cities added or increased the scope of city planning agencies. Rapidly expanding municipal interest in airports caused many cities to create or revamp airport departments, boards or commissions. Leading changes in organization and functions of veterans' service agencies recognized the necessity of shift in emphasis from services to servicemen to guidance and assistance to veterans needing jobs, homes or training. Marked increase in interest in municipal recreation was reported, with resulting widespread organizational changes and staff enlargement. Police administration reorganization was mainly concerned with establishment of new units and offices to perform specialized police functions, including police radio communications, identification bureaus, traffic bureaus, and juvenile probation divisions. Public health departments were added in a considerable num-

ber of cities. On the other hand, most cities abolished their war-time civilian defense agencies, although a few retained for recreational, welfare and veterans' service purposes the citizens organizations originally set up for civilian defense.

County government throughout the country saw little structural improvement in 1945, with county government in Missouri being a notable exception. There the new state constitution removes the requirement of rigid uniformity in county government, allowing the more populous counties to adopt home rule charters, and permitting the legislature to establish not more than four other differing classes of counties, with alternative forms of government in each class from which the voters may choose.

Changes in the form of municipal government came about in 28 cities, which adopted the council-manager plan of government, bringing the total of such changes during the last five years to 119, and the total of cities operating under the plan at the end of 1945 to 637.

Municipal activities were discussed in detail as follows, with numerous statistical data and analyses thereof: Planning, welfare, health, housing, public works, utilities, fire, police, traffic, recreation, education, libraries, law and courts, and model ordinances.

Directories of Officials — The YEAR BOOK reports more city manager appointments in 1945 than in any previous year, but adds that more managers left to enter private business than ever before. The directory of city managers shows that on March 20, 1946, there were 653 approved council-manager cities and city managers. Of these 26 were in North Carolina.

Other directories as of early 1946 included in this final division of the YEAR BOOK: officials in cities over 10,000 (mayors, city clerks, chief finance officers, public works directors, fire chiefs and police chiefs;) mayors and clerks in all cities 5,000 to 10,000; and chief personnel officers in all cities over 10,000.

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 Tax Listing and Assessing

110. Listing of personal property

To T. C. Hoyle

Inquiry: A resident of Guilford County owns several "juke boxes" which are located in cafes and restaurants in other counties. Profits from the machines are split between the owner of the machine and the owner of the restaurant where the machine is located. Should the machines be listed for taxation in Guilford County or in the counties in which they are located?

(A.G.) G. S. 105-302 requires all tangible personal property to be listed at the residence of the owner except as otherwise provided in the statutes. Subsection 4 requires all personal property other than that described in subsection 2 to be listed at the place where such property is situated if the owner hires or occupies a store, shop, office, etc. for use in connection with such property. It seems that these musical instruments would be listed at the residence of the owner unless the placing of such instruments in the cafes and restaurants can be construed as a rental of at least a portion of the premises for use of the instruments. The contract between the owner of the instrument and the owner of the cafe or restaurant should throw some light on this question.

III. COUNTY AND CITY LICENSE OR PRIVILEGE TAXES

A. Levy of Such Taxes

13. Motor advertisers

To Edwin Gill

Inquiry: Where an individual, resident of South Carolina, makes one trip to North Carolina with a sound truck, for the purpose of advertising a horse race to be held in South Carolina, is he liable for the privilege license tax levied in Sec. 151½ of the Revenue Act (G.S. 105-87)?

(A.G.) Under these circumstances, I do not believe the individual would be liable. The wording of this section seems to make it applicable only to those who advertise their "own products or those of others." The word "product" imports an article which is made of something, and which, when made, has characteristics which are apparent to the senses. Since the individual about which you inquire is not advertising a "product," as so defined, I do not think he would be liable to taxation under Sec. 151½.

47. Slot and vending machines

To Edwin Gill

Inquiry: What is the taxable "machine," under Sec. 130 of the Revenue Act (G.S. 105-65), levying a license tax on music machines, where several loudspeakers, each operated by the insertion of a coin, audible only within the immediate area



HARRY
McMULLAN

Attorney
General
of
North
Carolina

the authority of G. S. 160-56, an ordinance drawn to tax the business under consideration, and not just those businesses taxed under Sec. 133, would probably be valid and would cover the business about which you inquire.

IV. PUBLIC SCHOOLS

C. Powers and Duties of City Administrative Units

3. Apportionment of funds

To George E. Welch

Inquiry: Should a city administrative school unit receive any part of the intangibles tax collected by the State and returned to the counties and municipalities pursuant to Art. 7 of G. S. Ch. 105?

(A.G.) The answer to your inquiry is, in my opinion, found in the last sentence of G. S. 105-213, which provides: "The amounts so allocated to each county and municipality shall be distributed and used by said county or municipality in proportion to other property tax levies made for the various funds and activities of the taxing unit receiving said allotment." It is my belief that by this provision the General Assembly intended for the intangibles tax to be a source of revenue which was to be applied to budgetary needs in the same proportion that other property taxes levied are applied to those needs.

F. School Officials

41. School attendance

To H. B. Smith

Inquiry: The following excerpt is found among the rules and regulations of the city school board: ". . . No pupil may spend more than 16 school months (two school years) in any one grade of the . . . High School. Going over a course more than twice is useless and an unjustifiable expense. . . ." Is this regulation enforceable by the courts?

(A.G.) The enforceability of this regulation is doubtful unless the school board goes further and finds that the presence of the particular pupil in the class, after having failed to complete the work within the specified time, constitutes a menace to the school. Each case would have to be considered on an individual basis.

50. Principals and teachers—election and contracts

To C. Reid Ross

Inquiry: Where a school teacher, properly elected to the position, reports for work at the opening of school, but, after working for a week and before signing a contract, leaves the school without the permission of the principal or superintendent, to accept another teaching position in another school, is the employment of the teacher by the first school binding to the extent that he may not accept a position with another school?

of the speaker, and connected with a "master power supply unit" from which music is transmitted over the loudspeakers, are placed in booths or along the counters of a restaurant or similar establishment? The master power supply unit is located in the restaurant.

(A.G.) Since the individual loud speaker, which operates only upon the insertion of a coin, has no power except that derived by direct wire connection from the "master power supply unit" in the establishment, and all these devices in a single establishment are connected with the "master power supply unit" in that establishment, I believe that the taxable "machine" under Sec. 130, is the "master power supply unit" and that the individual coin-operated loud speakers on the counters and in the booths are not separate music machines within the meaning of the statute.

99. Miscellaneous privilege license taxes

To Irving E. Carlyle

Inquiry: Is an individual (who maintains an office within a city, calls on jobbers and others and takes orders for sugar, canned goods, etc., sends the orders to the manufacturer who ships direct to the purchaser and collects the purchase price and pays a commission to the person who solicited the orders) subject to taxation under a city ordinance levying a license tax on all "cotton buyers, and sellers on commission and brokers in cotton, grain, provisions, or other commodities"?

(A.G.) No. The ordinance, by its wording, is a tax levy under Sec. 133 of the Revenue Act (G.S. 105-68), which levies a tax on "every person, firm, or corporation who or which engages in the business of buying and/or selling on commission any cotton, grain, provisions, or other commodities, either for actual, spot, or instant delivery." This office has previously held that Sec. 133 does not apply to sales made in the manner outlined above, but applies only to those who buy and sell on commission in their own name and upon their own responsibility, and not to those who solicit orders for one or more principals, the business being carried on in the name and upon the responsibility of such principal. However, under

(A.G.) No, since the statutes seem to require that a teacher's contract be reduced to writing before it is binding. G. S. 115-112 says, ". . . and no superintendent shall approve the selection of any teacher or principal for a given school year who has wilfully broken his or her written contract. . . ." G. S. 115-119, 115-120, 115-142 and 115-354, all refer to written contracts. From the language employed in G. S. 115-112, it would seem that a teacher could not be barred from accepting employment in another school unless his first contract was reduced to writing.

VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES

D. Liability for Tortious Acts and Negligence

To J. C. Grayson

Inquiry: Is a county liable for damages resulting from destruction of livestock by dogs owned by citizens of the county?

(A.G.) It would seem so. Note G.S. 67-13 which says in part: "It shall be the duty of the county commissioners, upon complaint made to them of injury to person or injury to or destruction of property by any dog, upon satisfactory proof of such injury or destruction, to appoint three freeholders to ascertain the amount of damages done, including necessary treatment, if any, and all reasonable expenses incurred, and upon the coming in of the report of such jury of the damage as aforesaid, the said county commissioners shall order the same paid out of any moneys arising from the tax on dogs as provided for in this article. And in cases where the owner of such dog or dogs is known or can be ascertained, he shall reimburse the county to the amount paid out for such injury or destruction. To enforce collection of this amount the county commissioners are hereby authorized and empowered to sue for the same."

VII. MISCELLANEOUS MATTERS AFFECTING CITIES

B. Matters Affecting Municipal Utilities

5. Rates and charges

To Emmett H. Bellamy

Inquiry: May a municipality, operating its own water system, require consumers to install meters and to pay an installation and servicing charge?

(A.G.) I believe that under G. S. 160-255, 160-256, and 160-257, authorizing municipalities to establish and maintain water and light plants and to fix and enforce rates for services supplied by such utilities, a municipality may require consumers to install meters and to pay for their installation and servicing. I believe this could be done by requiring the consumer to pay an installation charge, or, under G. S. 160-256, by establishing uniform rates sufficient to eventually take care of the installation and servicing charge.

N. Police Power

10. Building permits

To T. K. Carlton

Inquiry: What authority does the governing body of a town have to prevent the construction of cheap shacks in a residential district, constituting an eyesore to adjoining property owners?

(A.G.) I know of no statute which specifically authorizes a city to limit the

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cost of a residence to any particular sum or to prevent the construction of one solely on the ground that it constitutes an eyesore to adjoining property owners. However, I suggest for your consideration G. S. Ch. 160, Art. 15, which authorizes a municipality to exercise its police power to govern the construction or demolition of dwellings which are unfit for human habitation, due, among other causes, to increasing fire hazards, accidents, lack of sanitation, or to other conditions rendering such dwellings unsafe or insanitary or dangerous to the health, safety, or morals of the residents of the municipality.

25. Police regulations

To J. W. P. Smithwick

Inquiry: Is there any law which specifies at what height high tension wires should be erected and maintained above the ground, and which requires that high tension wires be covered with insulating material?

(A.G.) I have been unable to find any law which answers your question specifically. Of course, the governing body of a municipality has the power, by ordinance, to require power companies so to construct or erect their power lines as not to endanger the lives of the citizens of the municipality. G. S. 160-222. I also refer you to G. S. 160-141, prescribing regulations for the installation and maintenance of wiring in buildings in municipalities.

T. City Health Matters Other Than School Health

7. Operation of abattoir

To J. C. Baskerville

Inquiry: Is there any statutory authority for a county and a municipality to jointly construct an abattoir?

(A.G.) Under G. S. 160-167 to 160-171, the governing bodies of the two units may jointly establish a market house and may maintain slaughter places or abattoirs incidental thereto. Special municipal and county taxes may be levied for this purpose under G. S. 160-170. Inasmuch as the N. C. Supreme Court has held an abattoir to be a necessary expense in *Moore v. Greensboro*, 191 N. C. 592, 132 S.E. 565 (1926), no vote of the people of the city and county would be required under Art. VII, Sec. 7 of the N. C. Constitution.

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS

B. Clerks of the Superior Court

6. Witness fees

To William Y. Bickett

Inquiry: Under what circumstances is a court required or authorized to tax a defendant's witnesses' fees against the county, in the event of acquittal?

(A.G.) Payment is apparently limited to circumstances when:

1. The prosecutor could be taxed with the costs;

2. The judge is of the opinion that there was not reasonable ground for the prosecution, or that it was not required by the public interest; and

3. The judge—in his discretion, which is not reviewable—so orders. The above is based on a study of G. S. 6-59 in its relation to G. S. 6-36, 6-49 and 6-20.

7. Jury fees

To W. G. Mordecai

Inquiry: Are county officers and/or agents entitled to receive the regular fees for serving as jurors?

(A.G.) I have been unable to find any statute which would prohibit or forbid county officers and agents from receiving their fees as jurors when called for jury service, and I conclude that they are entitled to receive the same fees for such service as a private individual. This is supported by G. S. 9-19, which, in listing exemptions from jury duty, does not include county officers as such.

C. Sheriffs

37. Prisoners

To W. P. Kelly

Inquiry: If a prisoner is sentenced to serve a term in the county jail and not assigned to work, but through arrangements between himself and the jailer the prisoner does work at the jail, has the jailer a right to allow the prisoner any time off for such work?

(A.G.) No. G. S. 153-195 plainly applies to a situation where the person convicted has been sentenced to work on the public roads of the county, and therefore the section is not applicable to the problem raised by the inquiry. There is no statute that would authorize the jailer to allow the prisoner in question any time off for work performed.

Veterans—Tax Penalties—Certified Copies of Discharge

To William P. Johnston

Inquiry: 1) Are veterans exempt from the payment of tax penalties which have been incurred by them during the war?

2) Is a Register of Deeds, paid on a fee basis, required by law to furnish a veteran one certified copy of his discharge without cost to the veteran?

(A.G.) 1) From the language of G. S. 105-345(7) it would seem that it is within the discretion of the governing body of a county or a municipality whether members of the armed forces may be relieved of interest or penalties on delinquent ad valorem taxes assessed against their property.

2) G. S. 47-110 requires the Register of Deeds to record, without charge, upon its presentation to him, any official discharge from the armed forces of the United States. G. S. 47-113 also requires the Register of Deeds to furnish certified copies without charge, at the veteran's request.

L. Local Law Enforcement Officers

38. Automobile drivers' licenses

To H. J. Hatcher

Inquiry: Where a court orders that a defendant's license be turned in to the Clerk and that the defendant not operate a motor vehicle for a period of twelve months, and, after date of trial but before official revocation has been served by Dept. of Motor Vehicles, said defendant is caught driving a motor vehicle, is he guilty of operating after revocation of license?

(A.G.) No. G. S. 20-24 provides that the court in which conviction of an offense making revocation of driver's license mandatory is had shall require the surrender to it of the license and shall thereupon forward the same, together with a record of the conviction, to the Department of Motor Vehicles. The power of revocation rests entirely with the Department, and I therefore conclude that a person would not be guilty of operating a motor vehicle without a license, or after his license had been revoked, until his license had been actually revoked by the Department of Motor Vehicles. See G. S. 20-17 and *State v. McDaniels*, 219 N. C. 763, 14 S.E. (2d) 793 (1941) and *State v. Wilson*, 224 N. C. 100, 29 S.E. (2d) 18 (1945).

100. Witness fees and rewards

To C. G. Moore

Inquiry: May police officers, hired by small towns in this state, and paid on a salary basis, but who are not paid anything by the state or county, be forced to leave their jobs for a day or more to attend state or county courts at their own expense?

(A.G.) According to the provisions of G. S. 6-52, any police officer who receives a salary or compensation for his services from any source or sources other than the collection of fees shall receive no fee as a witness for attending as same at any superior or inferior criminal court sitting within the territorial boundaries in which such officer has authority to make an arrest. Thus, they could receive no witness fees for attendance at a court within their town, but if they are required to attend court outside the town, no legal reason is seen why they would not be entitled to witness fees, even though they are paid on a salary basis by the town which employs them.

P. Officials of Recorders' and County Courts

15. Jurisdiction and powers

To John F. Matthews

Inquiry: May the judge of the county recorder's court, in his discretion, refuse to grant a jury trial when the same is requested by the prosecuting attorney?

(A.G.) No. G. S. 7-228 provides that "In all trials in county recorder's courts, upon demand for a jury by the defendant or the prosecuting attorney representing the state, a jury shall be had in the same manner and under the same provisions as are set forth in this subchapter in reference to municipal courts, so far as the same may be practically applicable to a county court." The section applicable to municipal courts provides that upon demand for a jury by the defendant or the prosecuting attorney, the recorder shall try the same as is now provided in actions before justices of the peace where in a jury is demanded.

To J. W. H. Roberts

Inquiry: What is the authority of the judge and clerk of a municipal recorder's court, organized under G. S. Ch. 7, Subch. 6, to issue peace warrants?

(A.G.) A peace warrant is issued in apprehension of the commission of a crime and not as a means of arresting a person charged with a crime already committed. G. S. 7-202 vests the clerk with all authority now conferred upon justices of the peace to issue warrants for the arrest of persons charged with the commission of offenses and with authority to issue subpoena and other process, but this does not include authority to issue peace warrants, as they are defined above. I believe that G. S. 15-28 is sufficient authority for the judge of a municipal recorder's court to issue peace warrants, and I do not believe that G. S. 15-32 is in conflict with such a conclusion.

S. Mayors and Aldermen

4. Jurisdiction of mayor's court

To John H. Blalock

Inquiry: Does the mayor of a town have the right to delegate his authority as a court to a justice of the peace, and thereby prevent the removal of a cause from that justice to another justice?

(A.G.) No. A mayor cannot employ a justice of the peace and delegate to the justice of the peace the mayor's jurisdiction and functions as a court given him by statute. By G. S. 160-13 the mayor of every city or incorporated town is constituted an inferior court. In the case of *State v. Joyner*, 127 N. C. 541, 37 S.E. 201 (1900), proceedings before a mayor for violating a town ordinance are not removable to a justice of the peace as provided by G. S. 7-147.

Any case tried before a justice of the peace must by law be tried by him because of the jurisdiction granted to him as a justice of the peace and not because of any power that the mayor may have attempted to confer upon him. In a proper case, as described by G. S. 7-147, removal of a case from one justice of the peace to another justice of the peace is a matter of right and does not require the permission or consent of the first justice.

XI. GENERAL AND SPECIAL ELECTIONS

A. Who May Vote

5. Indians

To Frank O. Crisp

Inquiry: Is it legal for native Indians to vote?

(A.G.) This office has previously expressed the opinion that Cherokee Indians are citizens of North Carolina and are entitled to the same right to vote under our State laws as any other citizen. But such Indians must possess and meet all of the qualifications prescribed by N. C. Const., Art. VI, including the educational qualifications set out therein. This is the same test that all other citizens of the State must meet, unless registered under the so-called grandfather clause. See *State v. Wolf*, 145 N. C. 440, 59 S.E. 40 (1907), and *State v. McAlhaney*, 220 N. C. 387, 17 S.E. (2d) 352 (1941).

B. Ballots

6. "Write-in" Votes

To C. A. Priest

Inquiry: How can one whose name does not appear upon the printed ballot but

who desires to enter the race for an office in the general election, be voted for in such election?

(A.G.) Only the names of those who have been legally nominated may be printed upon the official ballot, but the election law requires that a space be left on each ballot for each office sufficient to enable any person who wishes to do so to write in the name of another as his preference for the office being voted on. Such a "write-in" would in all respects be a vote for the person whose name is written in. No notice of any kind is required with respect to a person becoming a candidate for an office in this way.

10. Absentee ballots

To A. J. Hembree

Inquiry: May a person who has voted an absentee ballot, believing in good faith that he will be out of the county on election day, but who is in the county on that day, pick up his absentee ballot and vote in person?

(A.G.) G. S. 163-61 provides in part that absent voters ballots "shall be deemed to be voted when delivered to the precinct officials." I believe that until such delivery is made, the voter can withdraw his ballot and vote in person. If the delivery has been made, the vote has been cast and cannot be withdrawn.

C. Registration

6. Person temporarily away from state

To Frank Hepler

Inquiry: In connection with a special election on the issuance of bonds for city improvements:

1) May a person register by proxy or must he appear in person?

2) May a voter who has registered for a special election appear before the registrar in person and have his name removed from the registration book on the ground that he will not be present on the day of the election?

(A.G.) 1) I think the intent of G. S. 163-29 is to require a person to appear in person before the registrar for registration since the section requires the applicant to be sworn and to furnish such information as the registrar may require before entering his name upon the registration book.

2) In *Williams v. County Commissioners*, 176 N. C. 554, 97 S. E. 478 (1918), a case involving a similar question, the court held that the registrar has no power himself to erase names from the registration list nor to do so at the mere wish of the registrant, but that a public record of the character of a registration list should only be changed in some way and by some method provided by law. At the time of that case the power to order a new registration or to revise the "polling book" of voting precincts was conferred by the statute on the county board of elections. We think this case decisive of your question.

PUBLIC INSTALLATION

(Continued from page 4)

Subscribing the Oath

After the officer takes the prescribed oaths to support the Constitution and laws of the United

States, to support the Constitution and laws of North Carolina, and to discharge faithfully the duties of his office. the oaths must apparently be reduced to writing and subscribed by the officer. Article VI, Section 7, of the North Carolina Constitution requires that the oath presented there (combining all three of the oaths above) must be taken and subscribed. The taking of the three prescribed statutory oaths seems to furnish full compliance with this constitutional provision if the oaths are subscribed. The statutory oath to the State is specifically required to be subscribed in the statute itself. It has been held in another jurisdiction, with an identical constitutional provision, that a "taking of the oath without subscribing thereto is not a compliance with the Constitution."

After the oaths are written and signed, they should be filed in some permanent place. The statutes specify in some instances where the oath is to be filed; for example, Judges of the Supreme Court and Judges of the Superior Court are required to file their oaths with the Secretary of State, the County Commissioners with the Clerk of the Superior Court, and the Clerk of the Superior Court with the Register of Deeds.

CLARK'S COMMENT

3 December 1933

"... In the final analysis it will depend on the spirit in which the official takes the oath as to its effect on him. . . . Much good may be hoped for and no harm done by putting a little more dignity into the oath taking. Ordinarily the oath is rattled off by somebody who lacks the spirit that should accompany the solemn affirmation, and that tends to the taking of the oath in the same spirit. It is something that has to be done, something required for these occasions. But to most people it is a formality that has nothing of the spirit that should pervade an occasion when God is called to witness that it is the solemn purpose to live up to the obligation taken. A different atmosphere may turn the thought of those who are thus sworn to the seriousness of the obligation. With that taking hold the declaration would become more binding. Instead of regarding it lightly and its evasion as of no consequence so long as trouble can be avoided, the strength of the solemn promise would be increased and with that increased desire to give the best possible service, in the spirit as well as the letter of the requirement."

The practice varies. The State officers ordinarily sign an "Oath Book" kept in the Governor's office. In some counties, the oaths of all county officers are subscribed and filed in the office of the Clerk of Court.

CURRENT PROBLEMS

(Continued from page 5)

1. Be the administrative head of the city government;
2. See that within the city the laws of the state and the ordinances, resolutions and regulations of the council are faithfully executed;
3. Attend all meetings of the council and recommend for adoption whatever measures he thinks expedient;
4. Make reports to the council from time to time upon the affairs of the city, keep the council fully advised of the city's financial condition and its future financial needs;
5. Appoint and remove all heads of departments, superintendents, and other employees of the city.

In connection with this last duty, the city manager is required to report every appointment and every removal that he makes to the city council at its next meeting following any such appointment or removal. Officers and employees of the city are charged with performing such duties as the city manager may require of them, operating under general regulations passed by the city council.

PROBLEM: When do Acts of the General Assembly of North Carolina become effective?

DISCUSSION: There is no Constitutional provision relating to the time when Acts of the General Assembly become effective. The procedure in North Carolina is for each Act to fix its own effective date. The vast majority of our Acts have a section providing that they shall be in full force and effect from and after ratification. In some instances they fix a specific date subsequent to ratification upon which they are to become effective. Ratification takes place as soon as a bill has been passed by both houses in final form and has been signed by the presiding officers of both houses.

THE CLEARINGHOUSE

(Continued from page 11)

Legislative Programs

In addition to the six-point legislative program of the North Carolina League of Municipalities, and the seven-point program of the North Carolina Association of County Commissioners (which were outlined in the October issue of POPULAR GOVERNMENT), the General Assembly will be met with numerous suggestions direct from individual cities, towns and counties when it meets in January. Some local units have committees already at work drafting legislation they hope to see enacted. In Charlotte Mayor H. H. Baxter's legislative committee was studying suggestions calling for: a full-time legal department; a paid lobbyist to look out for local interests in Raleigh; revision of the paving assessment rule to require the city government to bear one third of street improvement costs; and consolidation of city and county health departments.

City-County Merger

City-county governmental merger proposals were being discussed in Charlotte and Mecklenburg County, as well as in Wilmington and New Hanover County. In Charlotte the case for merger was presented in a series of six articles, by Burke Davis in the Charlotte News. In Wilmington opinion on the proposal was sharply divided, with proponents saying the measure would save money for the taxpayers and provide better government for both city and county, and with opponents denying the economy claim and recalling that in 1933 the citizens of the two units voted the proposal down by a margin of four to one. It was noted by both factions that complete consolidation would be made difficult, because the state constitution calls for a county sheriff.

The question has also come up from time to time in Durham and Durham County, as well as in other communities in the state where the metropolitan area contains most of the population of the county as a whole. Although no city-county merger has ever been consummated in North Carolina, plenty of precedents exist in other states in this country, notably in Virginia, and in Great Britain.



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.

NOVEMBER, 1946

DAY	OFFICIAL	DUTY (Numbers in brackets refer to footnotes)	REFERENCE TO LAW (To General Statutes, including the 1945 Supplement.)
Each regular meeting of Governing Body	Sheriff or Tax Collector	Report to Governing Body concerning taxes collected.	105-375
1	Sheriff or Tax Collector	1/2% discount period for 1946 taxes ends today. [1]	105-345 (1)
On or before 1st	Register of Deeds	Transmit, to State Board of Assessment, duplicate list of tax exempt property.	105-312
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
2	Registrar of Elections	Attend polling place with books open for inspection and challenge of any elector. Appoint time and place before election when he and Judges will decide objections.	163-78
Before Election	Registrars and Judges of Elections.	Hear and decide challenges, after notice to challenged electors.	163-78
2	Chairman, County Board of Elections	Last day for receiving applications for absentee ballots for general elections.	163-55; 163-2
2	County Board of Elections.	Deliver ballot boxes and ballots to registrar of each precinct and obtain receipt. Same as to poll book and other supplies furnished.	163-160
2	Sheriff or Tax Collector	Period for paying taxes at par begins today. [2]	105-345 (2)
4	Chairman, County Board of Elections.	Make list, in triplicate, of all applications received by him from voter to whom he has issued absentee ballots. Mail said list, with original of all applications, to Chairman, State Board of Elections; post one copy on court house door. [3]	163-59
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 October.	130-99
5	Chairman, County Board of Elections	Deliver to Registrar a list of all absentee ballots issued for each precinct.	163-60
5	Registrar and Judges of Elections	Before election, check voting place, booths, ballots, supplies, etc.; take oath.	163-164
5	Registrars, Judges, and Election Assistants	Open polling places, conduct election, from 6:30 A. M. to 6:30 P. M. Eastern Standard Time. At conclusion, tally ballots, make duplicate returns, mailing one copy immediately to Chairman Board of Elections, giving the other copy to Registrar or Judge to deliver to the Board with other supplies at County Canvass.	163-164; 163-85; 163-179.
5	Registrar of Elections	Post list of absent voter's ballots in public place at polls, by twelve noon.	163-60
5	Chairman, County Board of Elections	Deliver to registrar all absent voter's ballots received for each precinct.	163-60
5 (3:00 P. M.)	Chairman, County Board of Elections	Latest time at which absentee ballots may be received [3]	163-58
7	Registrars and Chairman, County Board of Elections.	Deposit registration and poll books with Chairman of County Board of Elections.	163-47
7 (11:00 A. M.)	County Board, Registrar or Judge of Elections.	Meet at courthouse for purpose of canvassing precinct returns, tabulating votes for county as a whole, and announcing results	163-85
On or before 11th*	Clerk of Superior Court	Make monthly inheritance tax report to Commissioner of Revenue.	105-22
11*	County Board of Elections	File original abstracts, precinct returns, etc., with Clerk of Superior Court. Within 5 days after election necessary copies to be mailed to State Board of Elections so as to be received within week after election.	163-89; 1-593
11*	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	20-166(g), 103-5
Two days after County Board of Elections files abstracts	Clerk of Superior Court	Certify and mail to Secretary of State statement of county vote for all National, State, District and County offices and for any Constitutional Amendments.	163-90
On or before 15th	County ABC Board	Report and pay State tax on wine and liquor sales for the month of October.	18-85; 105-170
15	Chairman, County Board of Elections	Within 10 days after election, issue certificates of election to successful candidates for General Assembly, and for county and township offices.	163-92
26 (11:00 A. M.)	State Board of Elections	Meet in Raleigh for purpose of canvassing votes cast in all the counties for National, State, and District offices, preparing abstracts, determining and announcing official results	163-94

* Exceptions in: Blaine, S. L. 1945, c. 355; Cumberland, S. L. 1945, c. 108 also City of Fayetteville; Franklin, S. L. 1943, c. 293, s. 3 only Towns of Louisburg, Bunn and Youngsville; Surry, S. L. 1943, c. 710, s. 4 also Towns of Mt. Airy and Elkin.
 2. Exceptions in: Cumberland, S. L. 1945, c. 108 also City of Fayetteville; Franklin, S. L. 1943, c. 293, s. 4 only Towns of Louisburg, Bunn and Youngsville; Surry, S. L. 1943, c. 710, s. 4 also Towns of Mt. Airy and Elkin.
 3. Exceptions in: Sampson, S. L. 1947, c. 167.
 4. G. S. 104-5 provides that where the day of the last day for doing an act required or permitted by law to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular business day.