

POPULAR GOVERNMENT



PUBLISHED MONTHLY BY THE



INSTITUTE OF GOVERNMENT
UNIVERSITY OF NORTH CAROLINA

POPULAR GOVERNMENT

VOLUME 13
NUMBER 1

PUBLISHED BY THE INSTITUTE OF GOVERNMENT
THE UNIVERSITY OF NORTH CAROLINA
CHAPEL HILL

FEBRUARY
1947

Albert Coates, Editor; W. M. Cochrane, Managing Editor
Assistant Editors: Peyton B. Abbott, Louis A. Cherry, Samuel R. Leager, Henry W. Lewis
Clifford Pace, Terry Sanford, David H. Scott

TABLE OF CONTENTS

I. THE 1947 GENERAL ASSEMBLY	Page One	COVER PICTURE "Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives." (Constitution of North Carolina, Article II, Section 24.) The Senators shown in the cover picture with one hand on the Bible and the other upraised took the oath of office for the two year terms for which they were elected last November, before Associate Justice A. A. F. Seawell of the North Carolina Supreme Court. (Cover photograph, and all other legislative photographs, by <i>News and Observer</i> photographers.)	IV. THE CLEARING- HOUSE	Page Ten
II. CRIMINAL INVESTIGATIVE TECHNIQUES SCHOOL	Page Seven		V. TRAFFIC LAW ENFORCE- MENT SCHOOL	Page Twelve
III. TRAFFIC ENGINEERING INSTITUTE AND CITY STREET SUPERINTENDENTS SCHOOL	Page Eight		VI. THE ATTORNEY GEN- ERAL RULES	Page Sixteen

The 1947 General Assembly

By W. M. COCHRANE

Assistant Director
Institute of Government

The kind of political color that livens up the scene in a determined fight for the Speakership of the House of Representatives was lacking when the General Assembly of 1947 convened in Raleigh, that question having been settled long before. But even so, and in early confirmation of the predictions of all observers, it was quickly apparent that there was still room for difference of opinion on Capitol Hill.

The battle lines of opposing philosophies of public spending were hinted at even before the Legislature officially convened, when the Democratic majorities of House and Senate met separately in caucus to elect officers. The nominating and seconding speeches in the House were long and revealing of love for the nominees and something else: Former Speaker Mull of Cleveland, in nominating Tom Pearsall of Rocky Mount for the Speakership, used the phrase "the barrel" in describing the place where he hoped a sizeable chunk of the State's surplus would go, before much spending was done. Others, in seconding the nomination, made it clear that "the barrel" might have to give way to what they considered pressing needs in the State.

Opening Day

The Senate's opening sessions were quiet affairs compared with those of the House. Unanimously-elected Speaker Pearsall presided over a stormy House chamber his very first day, as the customary motion to adopt temporarily the 1945 House rules was made. Representative Umstead of Orange, who had led similar fights in previous sessions, was out to eliminate the so-called "Gag Rule," first adopted during the last three days of 1941 when Mull of Cleveland was Speaker.

Two House rules were involved in this year's struggle. Rule No 71 states in part: "When a bill shall be reported by a committee with a recommendation that it be not passed, but accompanied by a minority report, the question before the House shall be 'The adoption of the minority report,' and if failing to be adopted by a *two-thirds* vote, the

bill shall be placed upon the unfavorable calendar. . . . In the event there is an unfavorable report with no minority report accompanying it, the bill shall be placed upon the unfavorable calendar. To take a bill from the unfavorable calendar, a *two-thirds* vote shall be necessary." And Rule No. 57 states in part: ". . . No bills shall be withdrawn from the committee to which referred except upon motion duly made and carried by a *two-thirds* vote."

It was the two-thirds majority requirement in these two rules that caused the trouble, with the effort being to replace "two-thirds" with "majority."

Opponents of the rule argued that it was undemocratic in nature, that it could enable a few men to defeat the will of the majority of the House. Its friends maintained that without it the committee system would be less effective as a means of doing legislative business, that the House would be long delayed in its

progress toward adjournment if the rule were changed, because many Representatives would seek to have their unfavorably reported bills considered by the House after having already been considered and found wanting by the committees.

Tempers flared and arguments were hot, but no non-healing wounds were apparent when it was all over. There was temporary adoption of the rules by voice vote, with a gentleman's agreement that when the time came to adopt permanently, the two-thirds rule would not apply, but the question would be settled on a simple majority basis. And a few days later, when the time did come, a quiet roll-call showed friends of the two-thirds rule to be in the majority, by over two-thirds. Meanwhile, there had been many protestations on the floor that liquor had nothing to do with individual stands on the matter of the rule. And all this time much of the numerical strength in the galleries came from the other side of the Capitol, for in nearly every session the Senate matched its minutes with the House's hours, electing Senator



Immediately after the Democratic caucus which nominated him unanimously for the 1947 House Speakership, Representative Thomas Jenkins Pearsall of Nash received congratulations from three former Speakers, all of whom are now serving in the House. Left to right are Odus Mull of Cleveland, Speaker in 1941; Reginald Harris of Person, Speaker in 1933 and Lieutenant Governor from 1941 to 1945; John Kerr of Warren, Speaker in 1913; and Speaker Pearsall, who was elected unanimously next day when the House convened officially. In the background is Arch T. Allen of Wake, Chairman of the House Appropriations Committee.



Representative John Umstead of Orange, leader in the fight against the two-thirds rule in the House, as he rose to speak during one of the spirited debates on the question.

Blythe of Mecklenburg president pro tem and adopting its temporary and permanent rules without a hitch.

The Governor's Program

At high noon on the second legislative day, meeting in joint session in the House chamber, the General Assembly heard Governor Cherry outline his proposals and recommendations, most of which had to do with money. The Governor recognized the high cost of living and recommended: a 20 per cent increase in salary for school teachers and state employees, emphasizing that the money should come from current receipts; \$60 millions for public schools each year of the biennium, including the 20 per cent raises; increase of the postwar reserve fund from \$20 millions to \$30 millions; creation of a Permanent Building Fund out of which would come the money requested by institutions of higher learning (over \$56 millions), by charitable and correctional institutions (over \$20 millions), and by Buildings and Grounds and other agencies (\$11 millions), with expenditures therefrom to be made only with approval of the Governor and Advisory Budget Commission, and with priority to be given to

building programs of seriously overcrowded mental, charitable and correctional institutions; adoption of the Medical Care Commission's report, which would be submitted later with the Governor's approval of the majority report, including a four-year medical school and teaching hospital at Chapel Hill and hospitals and medical centers in several counties; repeal of the law authorizing application of sales tax to proceeds of gasoline tax collection, because the Highway Commission's ten year secondary road program, calling for surface-treating 3000 miles yearly, will about exhaust highway funds and hence there should be no diversion into other channels; a highway safety program calling for (1) more patrolling on the 12,000 mile primary road system, which may make necessary an increase in the present highway patrol force of 212, (2) drivers' licenses to be re-issued upon examination, (3) some form of driver's financial responsibility law, (4) provision for periodic examination of motor vehicles and (5) consideration of driver training in high schools; more personnel for the Motor Vehicle Bureau, in view of its constantly increasing work load; increase in both the State's and employee's contribution to the retirement fund from 4 per cent to 5 per cent each, to provide a 25 per cent increase in retirement benefits, at a cost to the state of \$2 millions for the biennium; some increase in appropriations for the biennium for grants to the needy aged and to dependent children, together with

some revision of the Public Assistance Statutes of 1945, made necessary because of changes in the Federal laws, so that the State will receive full benefits from available Federal funds; consideration of the four-year study of insurance laws made by the Insurance Commission suggesting changes to modernize the statutes, and re-examination of the Building Code and of enforcement of its laws; some minor changes in the original 1936 laws affecting the Employment Service, made necessary since the Federal Government has returned the Service to the State and it is now affiliated with the Unemployment Compensation Commission; encouragement of the campaign being carried on by the Conservation and Development Department to attract new industries to the State, and encouragement of small rural industries; every possible assistance to the agencies concerned with better farm production, seed and fertilizer inspection, plant and livestock diseases, and soil analysis, and increase by 25 per cent during the next two years in the present percentage of 45 per cent of farms having electric service; reasonable increase in compensation of those who teach in and administer the policies of the State-supported institutions of higher learning, and action on the recommendations already made for long-needed permanent improvements in their physical plants when building is expedient; elimination of the State's 7 remaining cage-type prison camps as soon as materials for re-construction are



Senator Joe L. Blythe of Mecklenburg and the 20th Senatorial District is shown here taking the oath of office as President Pro Tem of the Senate before Associate Justice A. A. F. Seawell of the Supreme Court. Left to right are Lieutenant Governor and Senate President L. Y. Ballentine of Varina; Justice Seawell; Senator Blythe; and Senator R. Grady Rankin of Gaston and the 26th Senatorial District.

available; increase in the personnel of the Department of Revenue, whose cost of tax collection during the last fiscal year was only .7 per cent; no serious changes in the Revenue Act, and no major reductions in present tax policies because revenue requirements arising from State support of schools are so great that cuts cannot be afforded, but the tax structure should be re-examined to remove any inequalities, inequities and discriminatory or punitive taxes, with a study of the non-competitive position of the State because of its higher income and franchise rates than those in adjoining states; and making the department of Tax Research independent of all other agencies and a part of the Executive Office.

In his summary of his recommendations, the Governor called for a supplemental appropriation bill for 1946-47 which would provide additional emergency salary increase, effective as of January 1, for all teachers and state employees, at a rate approximating 20 per cent, and asked that the same increase rate apply to appropriations for the next biennium.

The Reaction

To some of the legislators in the 1947 General Assembly the Governor's program, calling for the greatest spending in the history of the state, was a goal to shoot for; to others, who wanted to spend even more, it was a target to shoot at. First tests of strength came when the Administration-supported teachers' and state employees' pay increase bill for the last six months in this biennium was introduced in the two houses. The Senate passed it in short order, but the House bucked. Without apparent concert in advance organization to line up supporters of a greater increase than the original bill offered, the movement showed surprising and solid strength on the floor of the House as Representative Barker of Durham worked out his amendment on the spot, re-drafting it with help from others while the House recessed for a moment, and sending it forward to see it adopted by a majority of over two-thirds. The original bill provided for pay increases approximating 20 per cent on annual sal-



As Governor R. Gregg Cherry delivered his biennial message to the General Assembly, calling for the greatest spending program in the history of the State, the Hall of the House, its lobbies and galleries were jammed with Senators, Representatives and visitors eager to hear his recommendations, particularly those dealing with issues which promised to be controversial.

aries up to \$2,700, and graduated down to 8 per cent on those over \$2,700, with actual monthly increases for the brackets shown as follows: \$1,200 or less, \$20 monthly; \$1,201 to \$1,380, \$22; \$1,381 to \$1,560, \$25; \$1,561 to \$1,740, \$27; \$1,741 to \$1,920, \$30; \$1,921 to \$2,100, \$33; \$2,101 to \$2,400, \$37; \$2,401 to \$2,700, \$42; and \$2,701 to \$6,600, \$45. The Barker amendment would have increased salaries up to and including \$1,200 by 30 per cent, salaries between \$1,201 and \$2,700 by 25 per cent, and salaries between \$2,701 and \$6,600 by a flat \$45 monthly.

Senate Stands Pat

The eyes of the State turned toward the Senate, as the House-amended bill came back from across the Capitol, thus dimming any hope for action on the pay increase in time for it to be reflected in January pay checks. The Senate refused to concur in the House amendment, and appointed a two-man conference committee to strive with a three-man House committee toward composing the differences between the two houses. A day later the conference report was up for consideration, destined to be adopted by a Senate still tractable and rejected by a House still determined to force

a higher raise for teachers and state employees. The conference report would have provided increases as follows: salaries up to and including \$1,200, \$20 monthly; \$1,201 to \$1,380, \$22; \$1,381 to \$1,560, \$25; \$1,561 to \$1,740, \$27; \$1,741 to \$1,920, \$30; \$1,921 to \$2,100, \$33; \$2,101 to \$2,400, \$37; \$2,401 to \$2,700, \$42; and \$2,701 to \$6,600, \$45. In addition it would have made the increase applicable to December, 1946, as well as to the first six months of 1947.

At this point in the struggle it became apparent that there would be no chance for getting the bill through in time for it to affect January checks. A new and enlarged conference committee was appointed in each House, including all the members of the first one and having 9 Representatives and 5 Senators, and the matter was held over a long week-end as they thought it over. The fruit of their labors seemed acceptable to all sides of the controversy when they brought it in January 23, and their report was adopted in both Houses without a dissenting vote. It deleted all reference to "emergency salaries," and substituted the words "emergency bonus," in concession to those who had made great point as to whether or not the increase for the last six

months of this biennium was to set the pattern for the 1947-49 salary increases. It eliminated the salary scale in the original bill as amended by the House, and substituted bonuses as follows, one-half of bonus to be paid with February check and the rest to be prorated over the remaining months until June 30: annual salaries up to and including \$1,200, \$144; \$1,201 to \$1,380, \$162; \$1,381 to \$1,560, \$180; \$1,561 to \$1,740, \$198; \$1,741 to \$1,920, \$216; \$1,921 to \$2,100, \$234; \$2,101 to \$2,400, \$246; \$2,401 to \$2,700, \$258; and \$2,701 to \$6,600, \$270. The bonus will be paid to all teachers and state employees in service on November 1, 1946, who continue in service until February 25, 1947, and persons entering state employment between these days will receive the proratable portion of the first half of the bonus with their February salary checks, and the remainder monthly as for others.

Final agreement on the supplemental appropriation left for a later date in the session another struggle on the appropriation for 1947-49, so far as teachers' and state employees' pay was concerned, and indications were that the effort to raise the increase higher than administration recommendations would be even more determined. Al-

though many observers agreed that the compromise was a victory for all and a defeat for none, not all teachers and their spokesmen were satisfied with their gains, especially if the emergency bill be taken as a pattern for increases for the new biennium. One point of view was expressed by Walter E. Abernethy, Shelby superintendent of schools, who was quoted in the Greensboro Daily News as calling the supplemental appropriations bill "the great saving act of 1947," which he amplified by saying "The Governor saved his face, Oscar Barker and the House of Representatives saved the day, Bob Deyton saved the State several million dollars, teachers will be able to save very little, and only the Lord can save the school children."

Toward the end of January HB 194, introduced by Representative Wilson of Caldwell, indicated the line of attack of those supporting the so-called South Piedmont Plan for teachers' pay. It would set pay scales ranging from \$1,560 to \$3,000 per nine-month school year for holders of "A" certificates, and from \$2,000 to \$3,600 for holders of "Graduate" certificates. The bill was referred to the Appropriations Committee.

The Wildlife Controversy

As the echoes of the emergency pay scrap died away, and on the heels of a meeting in Raleigh of hunting and fishing sportsmen from all over the State, into the hoppers went HB 133 and SB 66, being identical bills and having the aim of divorcing from the State Department of Conservation its Division of Game and Inland Fisheries, to create in its place an independent North Carolina Wildlife Resources Commission. The House bill had 70 signers, more than a majority, and the Senate bill had 17 signers, less than a majority. If it be assumed that sponsors of the bill got all the signatures they could in each house, then the lack of a majority in the Senate might conceivably result in another stalemate which, like the emergency pay bill, might have to be resolved by some sort of compromise.

Postwar Reserve Fund

Meanwhile, in the Joint Appropriations Committee, legislators interested in larger salaries for state employees and larger appropriations for state institutions succeeded in a drive to postpone consideration of the bill to increase the reserve fund to \$30 millions by transferring \$9,300,000 from the General Fund surplus. It remained to be seen whether this Administration measure would survive the spending days ahead, but there were those who were determined to salt it away in the "barrel" against the possibility of a slight business recession in the next biennium, with resultant lowering of state revenues. "I think it would be a very dangerous thing to freeze this money when there are so many needs in the State," said Senator Penny of Guilford, a member of the Committee, as reported by the Associated Press. "I think if we set up a reserve fund, it would make us a little more conservative in the things we want to do," said Senator O'Berry of Wayne, also a committee member.

Bills Passing Both Houses

By the last day of January comparatively few public bills had made their way successfully through both Senate and House, and, excepting the teachers' and state employees'



Shown here is the original conference committee which tried and failed to iron out the differences between Senate and House on the emergency pay increase question. Members were (in addition to Representative Oscar Barker, not present for the picture, whose amendment to the pay bill passed the House overwhelmingly but failed in the Senate): Left to right, Representative F. E. Wallace, Senator Wade Barber, Representatives Arch T. Allen and Reginald Harris, Senators Wade E. Brown and Willie Lee Lumpkin, and Representative W. Frank Taylor. After the House had rejected this committee's report, the above conferees were re-appointed and added to them were Senators John C. Rodman and O. B. Moss, Representatives E. T. Bost, Jr., Roy A. Taylor, Fred S. Royster, and Frank K. Sims, Jr. The report brought out by the second committee was adopted in both houses, thus ending the pay increase dispute for the time being—until the question comes up again with reference to the coming biennium.



Studying the 1947-49 budget recommended by the Advisory Budget Commission are the chief "money men" of the General Assembly—the chairmen of the Joint Appropriations and Finance Committees. They are (left to right): Senator Wade Barber of Chatham and the 13th Senatorial District, Chairman of the Senate Appropriations Committee; Representative Kerr Craige Ramsay of Rowan, House Finance Committee; Representative Arch T. Allen of Wake, House Appropriations Committee; and Senator Gordon Gray of Forsyth and the 22nd Senatorial District, Senate Finance Committee.

pay increase bill, none of them caused any serious controversy. Of greatest interest to the cities and towns of the state among bills which had run the gamut in both Houses was HB 5, which authorizes towns under 20,000 population to install parking meters under the provisions of G.S. 160-200 (31), which formerly applied only to cities over 20,000 in population. Others were: HB 7, which places restrictions on location and size of billboards outside corporate limits of cities and towns and within 200 feet of point where any walk or drive from a church, school or other public institution enters a public highway; HB 52, which empowers the Governor to appoint four special Superior Court judges, two from the Eastern and two from the Western Judicial Divisions, and to appoint four more if he deems it necessary; HB 77, which extends the jurisdiction of the Superior Court by authorizing court at criminal terms to enter consent orders and consent judgments, and to try uncontested civil actions and uncontested divorce cases; House Resolution 75, which memorializes

the North Carolina Congressional delegation to lend their immediate assistance in obtaining tobacco flue sheets for the tobacco growers of the State; and SB 5, which amends G.S. 11-11 by deleting the requirement that jury officer swear he will give jurors no meat and drink, and by requiring him to swear that he will keep the jury in a "private and convenient place."

Bills Passing the Senate

Among the few public bills which had received the blessing of the Senate but had not yet been acted on by the House were: SB 39, which would authorize boards of county commissioners to postpone revaluation and assessment of real property for the years 1947 and 1948; SB 33, which would supplement G.S. 105-342 by providing that all disabled World War II veterans claiming poll tax exemption must have served at least 90 days between September 29, 1940, and December 31, 1946; SB 34, which would amend G.S. 128-15.1 by extending 10 per cent veterans preference rating in examinations for state jobs to cover members of the Coast Guard and Coast Guard Reserve; and SB 22, which would increase the maximum penalty for assault with intent to commit rape from 15 to 30 years imprisonment.

Bills Passing the House

Among the major bills finally disposed of by the House, still to be acted on by the Senate when January had ended, was HB 4, which would submit to the voters at the next general election the question of amending Article VII, Section 7 of the Constitution to permit debt contracting and tax levying by municipalities upon vote of the majority of those voting. The bill passed the House almost unanimously after a short but spirited debate with Mull of Cleveland leading the opposition.

Other bills passed by the House were: HB 26, which would authorize counties to issue bonds and levy taxes for the acquisition and improvement of lands and the erection of buildings thereon to be used as civic centers and as living memorials to veterans of World War I and World War II; HB 167, which would strike out the portion of G.S.

5-8 which requires the plaintiff in a divorce case to state in his affidavit that the complaint is not made out of levity or by collusion with his spouse, and that it is not for the mere purpose of being separated from one another; HB 106, which would provide that G.S. 52-12 (dealing with and controlling contracts between husband and wife affecting corpus or income of wife's estate) would not apply to a consent judgment of the Superior Court which constitutes a contract between husband and wife; HB 131, which would authorize the State Board of Law Examiners to provide for additional bar examinations commencing the first Tuesday in March of 1947, 1948 and 1949; HB 93, which would make numerous amendments to G.S. Art. 3, Ch. 20, relating to the Motor Vehicle Law; HB 120, relating to deeds of revocation of conveyances of future interest; HB 89, which would amend G.S. 113-54 and G.S. 113-56 to relieve counties of liability for any part of the expenses of fire patrol work by forest wardens unless such liability is specifically authorized by the board of commissioners under a prior written agreement with the State Forester; and HB 44, which would amend G.S. 47-41 so as to authorize vice-presidents of corporations to sign corporate conveyances.

Unfavorably Reported

Only important public bill to receive an unfavorable report was HB 154, which would have rewritten G.S. 153-13 to increase the compensation of county commissioners from the present \$2 per diem limit for all members, to \$15 per diem for the chairman and \$10 per diem for the other members, plus mileage of 5 cents. This bill was reported unfavorably by the House committee on Salaries and Fees.

Other Major Bills

Most of the other important bills introduced by the end of January were still being studied by the committees. The major money bills—the biennial appropriations bill, the budget revenue bill, the permanent improvements fund bill, and the postwar reserve fund bill were still in the Joint Appropriations Committee. Other important bills which had not yet been debated in either

house would: call for a vote of the people at the next general election on a proposal to permit persons over 18 years of age to vote; set age of lawful majority at 18 years, for all civil purposes; amend the Revenue Act so as to exempt from the sales tax sales to non-profit educational institutions; lower certain franchise and privilege license taxes, intangible taxes, and make changes in the income, inheritance and gift tax laws; amend G.S. Ch. 108 relating to old age assistance and aid to needy children; control possession and transportation of dynamite; repeal the Fur Dealers' License Act (G.S. 113, Art. 10); provide for segregation of youthful first offenders in state prison or jails; require payment of school teachers and principals in 12 equal monthly installments; define and prohibit disorderly conduct at airports; amend G.S. 105-147 to allow teachers an income tax deduction for ordinary, necessary expenses incurred in attending summer school; amend Ch. 1045, Session Laws of 1945, relating to the arbitration service of the Department of Labor; allow state income taxpayer to deduct from his gross income the sum of \$600 or the amount of Federal income tax actually paid or accrued during the income year, whichever is smaller; amend G.S. 105-422 to bar tax liens for 1936 and prior years, upon which no foreclosure proceedings have been instituted, held by counties, municipalities or other governing agencies (would not apply to liens for street or sidewalk improvements); provide for giving of proof of financial responsibility and security by certain owners and operators of motor vehicles, and for mandatory revocation of driver's license, in certain cases involving conviction of specified offenses; rewrite G.S. Ch. 48 relating to adoptions; amend G.S. Ch. 110, Art. 4, relating to interstate transfer of children; exempt from the sales tax sales of fuel to farmers to be used in curing tobacco;

Amend G.S. 105-446 to allow refund of five cents of the six cent gallon tax paid by municipalities for motor fuels purchased; amend G.S. 116-143 to provide free tuition for students in state-supported institutions of higher learning who prom-

ise to teach in the public schools upon graduation; amend G.S. 50-5, relating to grounds for absolute divorce, by providing that conviction of either spouse of a felony would be grounds for absolute divorce on the complaint of the injured party; allow separation of jurors in capital and other felony cases; amend G.S. 9-1 relating to making up jury lists and drawing jurors, so as to permit use of names of persons not taxpayers who are otherwise qualified, and so as to permit use of any reliable source of information as well as tax returns in making up jury lists; amend G.S. 9-19 to authorize judge to exempt practicing nurses and practicing attorneys from jury duty, and to authorize judge to exempt women from jury duty when facilities at county seat are not adequate for both sexes, and to provide that no woman may be compelled to serve on a jury against her will; make a series of amendments to G.S. Ch. 163, relating to the election laws; provide for free summer school tuition for school teachers; amend G.S. 105-169 (b) so as to relieve the Highway Fund of the present contingent liability to the General Fund for a portion of the gasoline tax in lieu of the imposition of an additional sales tax; amend G.S. Ch. 20 so as to require the printing of gross licensed weights on trucks and trailers; rewrite G.S. 108-80 through G.S. 108-90 relating to the regulation of organizations and individuals seeking public alms; amend G.S. 14-319 to make it a misdemeanor to marry a female under 16 years of age (present law: 14); amend G.S. 51-2 to set minimum marriage age without parental consent for both males and females at 18 years (present law: 16), and to set minimum marriage age for females under special license at over 16 and under 18 years of age (present law: over 14 and under 16); amend G.S. 51-3 to make void marriages of males under 18 and females under 16 (present law: males under 16, females under 14); amend G.S. 153-49 relating to maintenance of jails, including provision to give Superior Court judges power to refuse to allow prisoners to be placed in sub-standard jails;

Create a special equalization fund to be distributed among the hun-

dred counties of the State as grants-in-aid for school plant repair and construction (Senate Bill 55 would appropriate \$10 millions for the purpose, and require the Budget Advisory Commission to determine General Fund surplus every six months of the next biennium, and, after proportionate part of General Fund obligations have been satisfied, to appropriate such surplus not exceeding \$15 millions for the biennium, to the equalization fund; the State Board of Education with the consent of the Governor and Advisory Budget Commission would allocate the fund to the counties on the basis of proportionate need, and the Board could use a maximum of \$1,500,000 for new school busses to be allocated to the counties on the basis of need; HB 118 would appropriate \$11 millions from the General Fund to a Special Building Fund, to be allocated for the same purposes as above, on the basis of need, but with different bases set up for determining such need; and would authorize the Board of Education to allocate not over \$1 million to new school busses);

Amend the unemployment compensation law (G.S. Ch. 96); provide for appointment of acting solicitor in case of absence of regular solicitor because of illness or injury; re-state the provisions of G.S. Ch. 62, Art. 6, relating to motor carriers, so as to define, classify and regulate motor carriers of property; rewrite G.S. 106, Art. 1, Part 5, so as to amend the farm census law; exempt sales of farm machinery from the sales tax; create a board of examiners for licensing funeral directors; provide that marriage license fees be set at \$4 each, the whole to be paid into the county general fund; require the register of deeds to index and cross-index as grantors immediate prior owners of land sold under foreclosure; provide for a legislative investigation into administration of the state barber law; amend G.S. Ch. 90 relating to the practice of nursing; amend G.S. 114-15 to declare evidence and records of investigations compiled by the State Bureau of Investigation to be not public records, within meaning of G.S. 132-1 defining public records, and to be not available to the public, except on court order.

Criminal Investigative Techniques School

Conducted at the Institute of Government January 19 - February 1



Officers attending the School in Investigative Techniques are shown above, left to right: M. E. Corbett, Detective, Greenville; Perry Smith, Duplin County Deputy Sheriff, Kenansville; Kelly E. Eminisor, Mecklenburg County Patrolman, Charlotte; N. A. Monroe, Detective, Fayetteville; James I. Waller, Special Agent of F.B.I., Charlotte; Terry Sanford, Assistant Director of Institute of Government, Chapel Hill; Walter Anderson, Director of S.B.I., Raleigh; William C. Burton, Detective, Winston-Salem; J. W. Jessup, S.B.I., Concord; Leonard T. Rollins, Patrolman of Police Department, Laurinburg; E. Banks Mayhew, Patrolman of Mecklenburg County Police Department, Charlotte; Emerson Hall, Detective, Fayetteville; W. S. Kennedy, Detective, Kinston; W. C. Owens, Sergeant of Police Department, Elizabeth City; H. W. Zimmerman, S.B.I. Agent, Lexington; W. C. Johnson, Captain of Detectives, High Point; Claude Ralph Eudy, Patrolman, Durham; Dwight P. Whitaker, Deputy Sheriff, Raleigh; Herman T. Bailey, Deputy Sheriff, Wake County, Raleigh; Charles L. Nicholson, Deputy Sheriff, Duplin County, Kenansville; W. D. Blake, Assistant Chief, Chapel Hill; R. A. Allen, Special Agent of S.B.I., Reidsville; H. H. Layden, Sergeant, Police Department, Elizabeth

City; William P. Hilliard, Detective, Burlington; L. A. Teague, Sergeant, Police Department, Wilmington; Horace L. Shaw, Superintendent of Columbus County Bureau of Identification, Whiteville; N. H. Byrd, Detective, Kinston; Walter Speas, Deputy Sheriff, Forsyth County, Winston-Salem; A. B. Ray, Patrolman, Police Department, Durham; R. E. "Bob" Goodwin, Captain of Detectives, Raleigh; E. O. Gray, Sergeant, Police Department, Asheboro.

Roy H. Mitchell, Sergeant of Police Department, Reidsville; W. E. Perdue, Sergeant of Police Department, Asheboro; L. C. Rivers, Forsyth County Deputy Sheriff, Winston-Salem; G. C. Wilson, Detective, Winston-Salem, who attended the school, were not present at the time the picture was taken.

This school was designed primarily for detectives and members of sheriffs' departments concerned with the solution of the school, were not present at the time rape, burglary, and robbery. Fred T. McIntyre of the Federal Bureau of Investigation, shown at bottom left, conducted the investigation of a "major case," which lasted a week, and covered all the elements of an investigation, beginning with

(Continued on page 13)



FRED T. McINTYRE



STANHOPE LINEBERRY

Traffic Engineering Institute

Conducted by the INSTITUTE OF GOVERNMENT in cooperation with the STATE HIGHWAY AND PUBLIC WORKS COMMISSION and the YALE BUREAU OF HIGHWAY TRAFFIC — January 26-30

City Street Superintendents School

Conducted by the INSTITUTE OF GOVERNMENT in cooperation with the STATE HIGHWAY AND PUBLIC WORKS COMMISSION — January 30-31



First row, left to right: Clifford Pace, Assistant Director, Institute of Government; H. W. Kueffner, Director Public Works, Durham; N. J. Cromer, District Engineer, SH&PWC; A. H. Graham, Chairman of the Highway Commission; R. W. Flack, Durham City Manager; R. V. Biberstein, District Engineer, SH&PWC; B. W. Davis, Maintenance Engineer, SH&PWC; James P. Dodge, Safety Director, SH&PWC.

Second row: M. C. Croom, St. Supt., Kinston; Frank L. Dieter, Planning Director, Durham; H. B. Christie, Ass't. Engineer, Durham; J. S. Burch, Engineer of Planning and Statistics, SH&WC; H. H. Weaver, District Engineer, SH&PWC; Captain C. M. Stutts, Police Dept., Winston-Salem; F. H. Brant, Landscape Engineer, SH&PWC; J. B. Cutchin, District Engineer, SH&PWC.

Third row: J. W. Taylor, District Engineer, SH&PWC; Frank Cothran, City Engineer, Rocky Mount; H. M. Burgin, District Engineer, SH&PWC; George L. Bailey, Public Works Dept., Raleigh; James H. Findlay, City Engineer, Gastonia; C. F. Misenheimer, St. Supt., Brevard; L. H. Gunter, District Engineer, SH&PWC; Fred A. Hurd, Yale Bureau of Highway Traffic; R. A. Burch, Traffic Engineer, SH&PWC.

Traffic Engineering Institute

Yesterday's "post-war" traffic problems have become today's traffic headaches, and with a vengeance. Traffic moving at higher speeds is increasing on roads and streets

which were designed to handle less traffic at lower speeds. Material, equipment and personnel shortages have necessarily delayed the repair and rebuilding of those roads and streets and have prevented the con-

struction of new ones. The on-street parking space we have been accustomed to is having to disappear in favor of loading zones and building sites. Drivers and pedestrians alike are exercising without stint the



Carl Seashore, Institute of Safety Education, Pennsylvania State College.

cherished American tradition of regarding lightly the traffic regulations and directions that are provided for their own protection.

In an effort to throw some light on these and other traffic engineering problems for city and State traffic officials, the Institute of Government called on the State Highway and Public Works Commission and the Yale University Bureau of Highway Traffic to cooperate with it in planning and conducting another 5-day Traffic Engineering Institute.

Responsible for the major por-

tion of the planning and conducting of the Institute were the following: from the Yale Bureau, Wilbur S. Smith, Assistant Director, and Fred A. Hurd; from the Highway Commission, Robert A. Burch, Traffic Engineer, and James S. Burch, Engineer of Planning and Statistics; and from the Institute of Government, Albert Coates, Director, and Clifford Pace, Assistant Director. Key persons in the traffic field from this and other states were invited to participate in the program.

J. S. Burch and Wilbur Smith opened the session by outlining the traffic problems to which the meeting would be devoted, as indicated above, and pointed out where the responsibility for coping with these problems must be assessed. Stressing the need for facts as the only sound basis for attacking the problems, Fred Hurd and J. S. Burch outlined some techniques and methods of planning and conducting traffic surveys and studies. Frank L. Dieter, Planning Director of the City of Durham, presenting the traffic planning experience of Durham, described and illustrated what can be accomplished on the city level

through the intelligent acquisition of traffic facts, interpreted by trained personnel.

The place of safety education, of driver training and driver testing in traffic engineering was discussed by Carl Seashore, of the Staff of Pennsylvania State College's Institute of Safety Education. Mr. Seashore supplemented his instruction with films and with demonstrations of latest driver testing devices, efficient but inexpensive.

Engineering developments in the field of traffic control devices and traffic signs and markings were described by R. A. Burch, and B. W. Davis, Maintenance Engineer, State Highway and Public Works Commission, led a discussion following Mr. Burch's presentation. Evincing particular interest, because accident records are indicating that too many of our accidents now grow out of excessive speeds, was a panel on speed control participated in by Wilbur Smith, Captain C. G. Rosemund head of the Durham Police Department's Traffic Division, R. A. Burch and Clifford Pace. North Carolina's traffic laws from the
(Continued on page 14)



TRAFFIC ENGINEERING INSTITUTE

First row, left to right: N. L. Fugate, Highway Safety Engineer, Georgia Highway Dept.; D. Grant Mickle, Director of Traffic Planning, Automotive Safety Foundation; Wilbur S. Smith, Assistant Director, Yale University Bureau of Highway Traffic; James S. Burch, Engineer of Planning and Statistics, SH&PWC; Coleman W. Roberts, Chairman, State Traffic Safety Committee; Wortham W. Dibble, Traffic Engineer Consultant, Columbia, S. C.; Fred A. Hurd, Yale Bureau of Highway Traffic; Robert A. Burch, Traffic Engineer, SH&PWC; Clifford Pace, Assistant Director, Institute of Government.

Second row: H. M. Burgin, District Engineer, SH&PWC; W. S. Derrick, Traffic Dept., Georgia Highway Dept.; N. J. Cromer, District Engineer, SH&PWC; J. W. Taylor, District Engineer, SH&PWC; Frank Cothran, City Engineer, Rocky Mount; Captain C. M. Stutts, Police Department, Winston-Salem; H. H. Weaver, District Engineer, SH&PWC; R. V. Biberstein, District Engineer, SH&PWC; Karl L. Ponzer, Assistant Engineer, City of Greensboro; J. C. Cutchin, District Engineer, SH&PWC.



STREET SUPERINTENDENTS SCHOOL

First row, left to right: Clifford Pace, Assistant Director, Institute of Government; W. E. Hawkins, Construction Engineer, SH&PWC; S. C. Austin, Equipment Engineer, SH&PWC; C. E. Proudley, Materials Engineer, SH&PWC; B. W. Davis, Maintenance Engineer, SH&PWC; Frank H. Brant, Landscape Engineer, SH&PWC; E. D. Gill, Associate Bituminous Engineer, SH&PWC.

Second row: W. M. Garrison, City Engineer, Burlington; H. W. Kueffner, Director of Public Works, Durham; H. B. Christie, Ass't Engineer, City of Durham; Frank Cothran, City Engineer, Rocky Mount; Arnold Peterson, Director of Parks and Recreation, Burlington.

Third row: W. P. Petty, Street Dept., Durham; J. L. Pickett, Street Department, Durham; W. C. Stallings, Street Dept., Durham; W. E. Love, Street Supt., Burlington; C. F. Misenheimer, Street Supt., Brevard.

THE CLEARINGHOUSE

Legislation Affecting Counties, Cities and Towns

Expanding City Limits

By the end of January, three public-local bills to expand the limits of various cities and towns had been introduced in the General Assembly. One of them, to extend the corporate limits of Monroe, had been passed by the Senate, and the others, which would affect Gastonia and Mooresville, had not yet been acted upon by either house. The Gastonia bill would require a special election to be held at call of the city council within two years from ratification of the Act, and the new boundaries would become effective on December 31, 1948, if favored by a majority of the qualified voters in the present city and the area to be annexed. The bill provides for conducting registration and election, making a new registration optional except in the new area.

But obviously there were more bills of this nature to come. Local newspapers for the last several months have been full of discussion of plans for extending the limits of other cities and towns in the State, with the proposal meeting objections in some cases and approval in others. Senators and Representatives of counties in which the following municipalities are located may be asked to introduce extension bills before the Assembly adjourns: Wilson, Mt. Airy, Newton, Laurinburg, Charlotte, Chapel Hill, Tarboro, Mt. Holly and Whiteville.

Form of Municipal Government

Several new names will probably be added to the roster of cities and towns in the State operating under the city manager plan of government, by the time the Legislature adjourns. HB 54, which had already passed the House by the end of January, would provide for an election in New Bern by March 6 on city charter amendments relating to appointment of a city manager and his duties, establishment of a municipal recorder's court, provid-

By

**W. M.
COCHRANE**

Assistant
Director
Institute of
Government



ing one alderman per ward, participation in the State Retirement System, and establishment of a civil service board affecting the police department. The committee substitute for HB 121, which was passed in the House, would call for an election in Fayetteville on the second Tuesday in March on the question of adopting the city manager form of government, and would require approval of a "majority of votes cast by the qualified voters." In the event that such a majority favor the city manager form, (Plan "D," with mayor, city council, and city manager), candidates nominated and elected in the next municipal primary and election would serve under that form of government.

SB 68 would authorize a special election in Raleigh, to be called by the county board of elections within five days and to be held within 40 days after the ratification of the Act, on the question of adopting Plan "D." The new form of government would take effect on July 1st, if the voters approve. The Raleigh bill contains some variations from Plan "D" as that plan is set up in the General Statutes. Under the bill the city council would be given power to appoint, employ, discharge and remove the treasurer, auditor, public accountants, prosecuting attorney, substitute judge and clerk of city court, whereas G. S. 160-350 gives the power of appointment and removal of city employees to the city manager. And the Raleigh variation would require a city council

of seven members, whereas G. S. 16-340 calls for five under Plan "D."

Four towns, Sylva, Franklin, Highlands and Andrews, would be affected by similar bills introduced in the House to exempt them from application of G. S. 160-25, which requires that certain officers of cities and towns be qualified voters therein. HB 27, HB 83 and HB 152, applying to Sylva, Franklin and Highlands, would provide that their town marshalls, town clerks, fire chiefs, deputy marshalls and all other officers or employees except the mayors and boards of aldermen need not be qualified voters in the towns. HB 152, affecting Andrews, and having the same effect, would exempt all employees and officials of the town except the mayor and aldermen from the statutory requirement that they be qualified voters of the town.

Salaries and Fees

Adjustment of the salaries of local officials to fit the times has been the subject of much local interest and even concern during the past year, although perhaps the matter has not had the publicity accorded the cause of teachers and state employees. Since compensation of many city and county officials is set by statute, city governing boards and county commissioners have had to await legislative action in most cases.

By the end of January a large number of local bills had been introduced in one house or the other of the General Assembly, and some of them had been ratified into law, affecting the salaries and fees of various local officials. Meanwhile both editorial and news columns in many places in the State were commenting on the inconsistencies apparent in situations where the pay of one group of county officials, for instance, is set by the General Assembly, while that of another group

or in another county is set by the county commissioners.

Bills affecting county officials were: Pender, to increase coroners' fees from \$5 to \$10 per inquest; Alleghany, to authorize \$500 annual travel allowance for the sheriff; Buncombe, to place the Commissioners of Public Highways and of Public Institutions on a \$10 per diem basis for each meeting of the board of county commissioners they attend, for a maximum of 75 meetings per year (ratified January 31); Jackson, to direct the commissioners to transfer the sheriff's tax collection duties to the county accountant not later than October 1, to set the accountant's salary at not less than \$1500, to take the sheriff off the fee basis and set his salary at \$3600 with \$1000 annual travel allowance plus five cents per mile for travel outside the county, to fix the salary of the chairman of the board of county commissioners, as Finance Commissioner, at \$3000, and of the other commissioners at \$10 per diem plus five cents per mile traveled, and to supplement the salary of the clerk of court by \$75 monthly, for services as juvenile judge (ratified January 31); Bladen, to fix annual salaries of the clerk of superior court (also serving as *ex officio* clerk of recorder's court) at \$3000, of the register of deeds at \$2400, of the recorder's court judge at \$1800, of the recorder's court prosecutor at \$1800, and of the sheriff at \$3000 plus \$50 monthly for travel expense; Graham, to fix salary of the sheriff at \$3600 in addition to any other fees or compensation paid him, to make the county accountant the tax collector and to fix his total salary at \$2000; Mecklenburg, to set recording fees for regular form deeds and deeds of trust at \$1.25, for standard form deeds of trust used by building and loan associations and Federal savings and loan associations at \$1.25, and for statutory chattel mortgage forms at \$0.50; Lenoir, to raise expense allowance of the clerk of superior court from \$151.66 to \$325 monthly, for clerical help, of the register of deeds from \$175 to \$325 monthly for the same purpose, and to raise monthly salaries of the recorder for LaGrange and Moseley Hall townships from \$75 to \$100 monthly, and of the chairman and members of the board of county

commissioners from \$25 plus mileage monthly to \$50 plus mileage; Columbus, to appoint W. D. Brooks as county auditor for such term as the board of county commissioners shall determine, with additional duties as tax supervisor and collector, purchasing agent and supervisor of operation and maintenance of the county home and farm, with his salary to be set by the commissioners (ratified January 31); Beaufort, to empower the county commissioners to increase salaries of county officials by not over 15 per cent of amounts now fixed by statute; Brunswick, to abolish the rural police, to provide that the sheriff's salary be set by the county commissioners at not less than \$2700 nor more than \$3000, with not less than \$700 nor more than \$900 yearly reimbursement for travel within the county, plus a 50 cent process fee for sheriff and deputies for each person served with summons in cases where the county or one of its subdivisions is plaintiff; Vance, to fix the annual salary of the deputy clerk at \$1500, of the chairman of the board of commissioners at \$1200, and of other commissioners at \$300, and to empower the board to increase salaries of all county officials and employees a maximum of 20 per cent of the amounts now fixed by statute, as of January 1, 1947; Graham, to fix the annual salary of the register of deeds at \$2000, and of the clerk of superior court at \$2400, in addition to all legal fees to which they may be entitled; and Davidson, to raise the salaries of the judge and solicitor of the county court to \$3600 and \$3200 annually, respectively.

Wine and Beer

HB 8, which would order a referendum in Cleveland County on May 10 on the question of prohibiting sale of wine and beer in that county, was introduced on the first day of the legislative session, and proved to be a harbinger of things to come. During the rest of January many more such bills had been introduced in one house or the other, with their fate depending probably on what general attitude the 1947 General Assembly is going to take toward the perennial problem of wine, beer and liquor control.

January's crop of wine and beer bills took several forms. HB 38

(Cherokee), HB 45 (Clay), HB 47 (Macon), HB 117 (Avery) and HB 179 (Alleghany) would call for elections in those counties on May 10 on the question of prohibiting sale of wine and beer, but they differed otherwise from the Cleveland County bill in that they would provide that in the event of a majority vote favoring such prohibition, the Turlington Act (G. S. Ch. 18, Art. 1) and miscellaneous regulations contained in G. S. Ch. 18, Art. 2, would be re-instated in full force 60 days after the vote is canvassed.

Under HB 70, Bladen County's board of elections would be required to call a referendum election on the question, on request of the board of county commissioners, or on petition of 15 per cent of the total vote in the last gubernatorial election. If a majority of those voting disapprove of wine and beer, the Turlington Act and G. S. Ch. 18, Art. 2, would take effect in the county again, 60 days after election.

SB 24 (Montgomery) and SB 70 (Harnett and Hoke) would authorize the county commissioners in each of those counties, and/or the governing bodies of any municipalities within their borders, to decline to issue any license authorized under G. S. Ch. 18 for sale of beer.

Sale of beer for "on-premises" consumption in Columbus County would be restricted to bona fide cafes and restaurants by SB 62, but the bill would not affect present law as to sales for "off-premises" consumption.

Sale of wine and beer in Lincoln County would be prohibited within 200 yards of any public school, under SB 75, and the county commissioners would be authorized to extend the distance not exceeding 400 yards, to refuse to issue and to revoke licenses within such areas. And Bethania Township, in Forsyth County, would become dry territory as far as the legal sale of wine and beer is concerned, if HB 172 should be enacted.

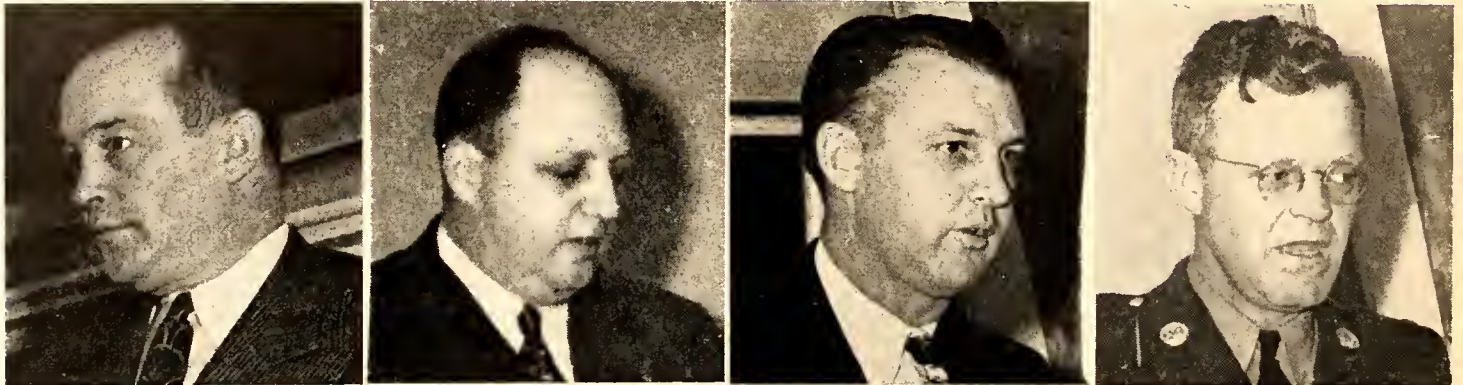
Liquor

Running counter to the main stream of local wine and beer prohibition bills was HB 180, which would authorize the board of aldermen of the City of Hickory, on its own motion or on petition of 15 per cent of the city's registered voters,

(Continued on page 15)

Traffic Law Enforcement School

Conducted at the Institute of Government January 5 - 18



Traffic experts, serving as members of the instruction staff for the two-week school in traffic and motor vehicle law, traffic control, and accident investigation were, in addition to staff members of the Institute of Government: (shown from left to right above) Colonel H. J. Hatcher, Commanding Officer of the State Highway Patrol; Captain Lloyd W. Henkel of the Charlotte Police Department; Special Agent Tullis Easterling of the F.B.I.; Lieutenant David T. Lambert of the State Highway Patrol; (second row) Lieutenant J. R. Smith of the State Highway Patrol; Lieutenant D. A. Gay of the Raleigh Police Department; Sergeant Thomas W. Davis of the Winston-Salem Police Department; Lieutenant Lester Jones of the State Highway Patrol; and (shown below) Special Agent Roy K. Moore, traffic specialist of the F.B.I.; Frank L. Dieter, Planning Director for the City of Durham; and Lieutenant B. L. Lloyd and Captain C. G. Rosemond, both of the Durham Police Department.

Two guidebooks published by the Institute of Government were used for study: "Traffic Control and Accident Investigation"



prepared by the Federal Bureau of Investigation, and "Traffic and Motor Vehicle Laws," prepared by the Institute of Government.

Officers receiving certificates for the successful completion of the school were:

Guy E. Barringer, Lieutenant of Traffic, Hickory; Harold E. Bowles, Patrolman, Durham; Luther H. Boyd, Traffic Officer, Recky Mount; George W. Burgess, Sergeant, Reidsville; T. W. Davis, Traffic Sergeant, Winston-Salem; H. W. Dunn, Traffic Officer, Laurinburg; Coy E. Durham, Patrolman, Chapel Hill; Daniel W. Early, Greenville; Edward R. Evans, Sergeant, Kinston; Donnie A. Gay, Lieutenant, Raleigh; Paul Gough, Waynesville; Charles C. Harris, Assistant Chief of Police, Waynesville; Charles C. Harris, Assistant Chief of Police, Henderson; Roy W. Harris, Greenville; A. J. Hayes, Identification Officer, Wilson; J. Herbert Hayes, Lieutenant, Raleigh; C. F. Hodge, Salisbury; Alvin G. Hurdle, Elizabeth City; Robert T. Johnston, Patrolman, Wilson; R. C. Kirchin, Sergeant, Salisbury; George B. Livingston, Jr., Patrolman, Charlotte; Wilbur C. Lovette, Lumberton; N. H. McCullers, Jr., Motorcycle Officer, Durham; T. S. Weeks, Chief of Police, Leaksville; Dewey L. Merritt, Patrolman, Kinston; Jackson E. Moore, Patrolman, Wilmington; W. E. Parrish, Captain, Asheboro; J. H. Rogerson, Patrolman, Elizabeth City; E. C. Selvey, Lieutenant, Charlotte; Edgar A. Smith, Sergeant, Hickory; R. J. Stroup, Sergeant, Gastonia; J. R. Teague, Captain, High Point; W. R. Wiggs, Chief of Police, Wrightsville Beach.

The traffic school was followed by a conference of Judges, Solicitors, and Chiefs of Police, meeting for the purpose of planning local schools to be held throughout the state, covering the same topics and using the same guidebooks. The legal topics will be covered by local judges, solicitors and attorneys, and the traffic control and accident investigation topics by traffic specialists of the Federal Bureau of Investigation. During the conference the judges and solicitors each organized an association for the purpose of working with the Institute of Government to bring legal training to law enforcement officers. Plans were also laid for future meetings of these associations for the discussion and study of mutual problems.

Criminal Investigative Techniques School

(Continued from page 7)

the receipt of the complaint, developed through the interview of witnesses and suspects, the collection, preservation and preparation of evidence, and culminating with a raid on the premises of the suspect, and the trial by mock court. This method of police instruction, developed by the F.B.I., has received wide acclaim from educators and from officers attending the National Police Academy.

Stanhope Lineberry, Chief of the Mecklenburg County Police Department, whose department was represented by two officers at the school, made the closing address to the school, emphasizing the theme that training in police methods must be continued year after year by officers who would move forward with the profession of law enforcement.



Officers of the Association of Municipal and County Judges, shown above, left to right, are H. Winfield Smith, Judge, New Hanover Recorder's Court, Wilmington, and Albert Cowper, Judge, Recorder's Court, Kinston, members of the Executive Committee; Paul F. Smith, Judge, City Court, Raleigh, president; J. W. H. Roberts, Judge, City Court, Greenville, vice-president; A. R. Wilson, Judge of Recorder's Court, Durham, was elected vice-president, but was not present at the time the picture was taken.

Officers of the Association of Municipal and County Solicitors, shown below, are: Alfonso Lloyd, Prosecuting Attorney, City Court, Raleigh, vice-president; C. F. Burns, Solicitor, Municipal Court, Winston-Salem, president; Frank N. Patterson, Jr., Solicitor, Stanly County, Albemarle, vice-president. Members of the steering and organizational committee, standing left to right, are: James C. King, New Hanover County, Wilmington; I. Murchison Biggs, Solicitor, Lumberton; Eli Bloom, Solicitor, Greenville; Archie Ruffy, Solicitor, Salisbury; Bynum E. Weathers, Solicitor, Shelby; Phillip H. Crawford, Jr., Solicitor, Kinston; Walter W. Cohoon, Solicitor, Elizabeth City.



Street Superintendents

(Continued from page 9)

standpoint of the traffic engineer were discussed by Mr. Pace, with particular reference to proposed and needed changes in the law.

Traffic results which can grow out of certain engineering techniques were shown by the following discussions: One-way Streets, by Wortham W. Dibble, Traffic Engineer Consultant, Columbia, S. C.; Intersection Channelization, by Fred Hurd and A. G. Hampton, Highway Engineer, U. S. Public Roads Administration, and Traffic Design, by Fred Hurd and Robert Burch.

D. Grant Mickle, Director of the Traffic Engineering Division of the Automotive Safety Foundation and one of the country's outstanding traffic engineers, brought to the meeting the benefit of his nationwide experience in handling and studying traffic problems. As downtown property values decrease with the disappearance of parking space (studies reveal that there is a very low maximum distance that customers will walk to trade at a particular place and "cruise" for many blocks to find a nearby space or go to the outlying areas to buy the goods

or services they are seeking), cities and towns find themselves desperately seeking methods of utilizing to the utmost all available curb-parking facilities. Procedures developed in other sections of the country to deal with this problem were set out by Mr. Mickle, and George W. Franklin, Attorney-Consultant of the North Carolina League of Municipalities, localized the problem by pointing out some of its particular ramifications for North Carolina cities and towns. Accident records and their use as a tool by the traffic engineer were discussed by Mr. Mickle.

The plans of the State Traffic Safety Committee, which is the North Carolina outgrowth of the President's 1946 Highway Safety Conference, to reduce traffic accidents were outlined by Coleman W. Roberts, Chairman of the Committee and Manager of the Carolina Motor Club. Following Mr. Roberts' discussion, a panel consisting of Mr. Roberts, Mr. Mickle, Mr. Smith and Lt. David T. Lambert, Commanding Troop C of the State Highway Patrol, examined ways and means of coordinating all traffic control to the end that engineer, enforcement officer and citizen can bend their

efforts together rather than apart.

In a paper prepared for the meeting by W. Vance Baise, State Highway Engineer, Mr. Baise revealed some of the modernization needs for North Carolina's highway system and the adoption by the State of new design standards for its roads. Mr. Baise pointed out that what was once regarded as one of the nation's most advanced highway systems has, through lack of funds and wartime curtailment of construction, become one of the most obsolete in the nation. Because most of our roads were built in years too early to anticipate the tremendous increase in vehicles, and larger and faster vehicles at that, and too early for modern design standards to exist, and because primary emphasis was then placed on "getting out of the mud," we now have a highway system wholly inadequate to meet our needs, with widths, sight-distances and safety features not conducive to the welfare of our citizens. Extensive widening of existing roads, replacement, relocation and modernization of our trunk-line system, which is the very heart of the entire system of roads, provision of an adequate system of bridges are in the roads future of the State.

An address by A. H. Graham, Chairman of the State Highway and Public Works Commission concluded the Traffic Engineering Institute and opened the Street Superintendents School which immediately followed it. Mr. Graham discussed the Federal Highway Act as it affects North Carolina and its cities and towns, and a forum led by R. W. Flack, Durham City Manager, followed his discussion.

City Street Superintendents School

For officials concerned with our streets from the surface down rather than from the surface up, the Institute of Government again this year turned to the State Highway and Public Works Commission to cooperate with it in conducting a street maintenance and construction school for City Street Superintendents. Material, equipment and personnel shortages that hampered repair and construction throughout the war years continue now to harass street superintendents, city engineers, directors of public works and

Inspector L. A. Hince, of the Federal Bureau of Investigation, who spoke at the closing banquet held at the Carolina Inn by the officers attending the Traffic Law Enforcement School, and the opening session of the Conference on Judges, Solicitors, and Chiefs of Police. Mr. Hince is well known by North Carolina law enforcement officers for his pioneering in police training, and at this meeting was representing the Director of the F.B.I. in working out the plans for local police schools to be conducted in cities all over the state, bringing training to some 1500 local officers each year.

The F.B.I. has assigned to North Carolina four Special Agents, all specialists in traffic control and accident investigation, who will instruct for a period of eight weeks in the training schools being conducted by the various local police departments.



other city officials responsible for maintenance and construction work.

Officials attending the Superintendents School joined officials attending the Traffic Engineering Institute for the address of A. H. Graham, Chairman of the State Highway and Public Works Commission, on the effect of the Federal Highway Act on North Carolina and its cities and towns, and for the forum led by R. W. Flack, City Manager of Durham, following Mr. Graham's discussion.

Proceeding as an informal conference for the discussion of street problems in which city officials had indicated greatest interest, the meeting heard Robert A. Burch, Traffic Engineer of the Highway Commission, in a discussion of traffic signs and signals and pavement markings. B. W. Davis, Maintenance Engineer of the Highway Commission, served as chairman for a session on patches and service cuts, assisted by C. E. Proudley, Materials Engineer, and E. D. Gill, Associate Bituminous Engineer.

Leading a discussion of street drainage problems in general, C. L. Barnhardt, Raleigh City Engineer, also brought to the meeting a summary of some extensive experimentation conducted under the auspices of Raleigh public works officials to determine the most successful types of inlets and catch-basins.

W. E. Hawkins, Construction Engineer of the Highway Commission, led the discussion on street bases, assisted by Mr. Proudley, Mr. Davis and Mr. Gill; all types of bases were considered, and emphasis on the importance of a good base was reiterated. Mr. Proudley led the discussion on materials, recommending for the favorable consideration of city officials the importance of inspection and testing of materials. He pointed out that equipment for minimum testing is quite inexpensive, and that the State's experience has been that expenditure for testing, even if the various commercial testing services must be utilized, is money well spent.

As in past years, street plantings—their good points and bad—served to engender a lively discussion in the meeting. Frank H. Brant, Land-

scape Engineer of the Highway Commission opened up some of the problems connected with plantings, and Arnold Peterson, Director of Parks and Recreation in Burlington, led a discussion on the points raised by Mr. Brant. Chief among the conclusions reached, other than that plantings are a very desirable nuisance, were: (1) there is a definite need for a plantings ordinance if plantings are to be properly regulated, and (2) supervision and regulation of plantings should properly be separated from the duties of the street superintendent.

Concluding the Street Superintendents School was a discussion of maintenance and construction equipment, led by S. C. Austin, Equipment Engineer of the Highway Commission, with particular emphasis being on recent developments in the equipment field.

The Clearinghouse

(Continued from page 11)

to call an election within 60 days from receipt of the petition, on the question of establishment of city liquor control stores. The bill was introduced by Representative Vanderlinden at the formal request of the board of aldermen, and it is being watched with interest in many other parts of the State.

It provides that if a majority of those voting favor liquor stores, the board of aldermen would be authorized to create a three-man Alcoholic Beverage Control board, with the same powers and duties imposed by G. S. 18-45 on county ABC boards, and subject to the authority of the State ABC board as county boards now are under G. S. 18-39. All provisions of G. S. Ch. 18, Art. 3, affecting county ABC boards, would apply to the Hickory board.

Profits of the stores would be turned over to the city general fund for appropriation for any city governmental purpose, and/or for parks and playgrounds, supplements to local school teachers' salaries, operation of schools at higher stan-

dard than is now provided by county or State support, airports, and public hospitals.

The Hickory bill, along with all the other bills which would regulate or prohibit the sale of intoxicating beverages, was referred to the Finance committee, and had not been heard from as the month ended.

Recreation

The decision of the State Supreme Court in *Purser v. Ledbetter*, 227 N. C. 1, filed December 11, 1946, that levying taxes or spending tax-derived funds for municipal parks and recreational facilities is not for a "necessary municipal expense," and that consequently, under Art. VII, Sec. 7 of the State Constitution, no such tax may be levied by a municipality except upon approval of a majority of the qualified voters voting on the question, has posed a problem in many of the cities and towns of the State.

The problem of finding public funds which may be spent legally for recreation purposes involves, in the light of the recent decision, use of non-tax municipal revenues, unless an election is held, and in many places there is not much room left at the non-tax revenues trough for new municipal needs which are public purposes, but not "necessary expenses." Two public-local bills introduced in the House in January were apparently aimed at serving the double purpose of better parking regulation and furnishing non-tax revenues to municipal recreation systems. HB 50 would authorize Shelby to establish a parking meter system, requiring deposits of not over five cents an hour, and to use the proceeds for maintenance and operation of recreational facilities. HB 156 would give substantially the same authority to Laurinburg, except that proceeds could be used for other municipal purposes as well as for recreation. As the month ended, the Sanford bill had passed its second reading in the House, the Shelby bill had passed three readings and been sent to the Senate, and HB 5, extending the parking meter authority to all cities and towns, had already become law on January 30.

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

12. Exemptions—veterans

To C. D. Taliaferro.

Inquiry: Are automobiles given to an amputee veteran by the government exempt from ad valorem taxation under G.S. 105-344 as amended?

(A.G.) The automobile provided for the wounded veteran is exempt from ad valorem taxation under G.S. 105-344. It is given by the Federal Government as compensation for the disability suffered while in the armed services of our country in World War II and, in my opinion, comes within the purview of this section.

25. Revaluations

To C. W. Jones.

Inquiry: Is it mandatory that revaluation of county property be made in 1947 when 1947 is the year for revaluation?

(A.G.) No provision has been made for postponement during 1947. The county commissioners could postpone the revaluation, but they should have their representative enact special legislation validating any such action, if no state-wide act on the subject is passed.

30. Situs of personal property

To Thomas C. Hoyle.

Inquiry: Is a taxpayer under a duty to list personal property for taxation in the county of his residence if he has not listed it elsewhere, even though the equipment is used in a business in another county?

(A.G.) G.S. 105-302 requires that all intangible personal property be listed at the residence of the owner except when the tangible personal property is used in connection with property in another county. The property should be listed in the county of the residence of the taxpayer, thus placing the burden on the taxpayer of proving that the property had another situs for taxation.

110. Listing of personal property

To Taliaferro and Clarkson.

Inquiry: Should motor vehicles of telephone companies be returned to the State for tax purposes and apportioned out to the counties?

(A.G.) G.S. 105-358 means that all personal property owned by telephone companies should be reported to the State Board of Assessment for assessment and certification back to the several counties for local taxation.

B. Matters Affecting Tax Collection

10. Penalties, interest and costs

To Louis C. Allen.

Inquiry: Does the one-half of one per cent penalty on taxes levied by counties from April 2 apply to certificates of sale issued on 1942 and prior taxes, and does it apply to personal property taxes for 1942 and prior years?

(A.G.) G.S. 105-345 fixes the penalties and discounts for nonpayment of taxes



HARRY
McMULLAN

Attorney
General
of
North
Carolina

levied by counties. After the penalty of 2% has been added in February and March, and after April 1, all taxes bear interest at the rate of 1/2 of 1% per month until the tax liens are sold and tax sale certificates are issued, or notations of sales are made on the tax records as prescribed in G.S. 105-388, when the interest is increased to 8% per year on the amount bid by the unit from the date of sale. On personal property not included in the tax sale certificate, the interest is 6% per annum. Rates apply to 1942 taxes and all prior years.

75. Tax collection—to what property lien attaches

To Marshall Spears.

Inquiry: Does a lien of a city for paving assessments attach to the property for its entire depth where the paving abuts on a tract of land of considerable acreage rather than on lots in a subdivision?

(A.G.) G.S. 160-88 provides that from the time of the confirmation the assessments are a lien on the real property against which the same are assessed. G.S. 160-85 provides that the assessment be upon lots and parcels of land abutting directly on the improvements. There is no limitation as to depth in the statute. When it is determined that the abutting property constitutes one lot or parcel of land, the lien attaches to the property for its entire depth.

To C. R. Vogler.

Inquiry: Since women were given the privilege to serve on the jury in 1946, what is the method of drawing?

(A.G.) The jury lists are to be revised in June of this year as provided in G.S. 9-1, 9-2. At that time the Board of Commissioners should include the names of women found on the tax scrolls as provided in this section. There is no statute which would authorize the changing of the jury lists at any time prior to the date fixed by the statute.

III. COUNTY AND CITY LICENSE OR PRIVILEGE TAXES

A. Levy

2. Exemptions—veterans—how obtained

To J. I. Arledge.

Inquiry: Are veterans liable for payment of poll taxes?

(A.G.) G.S. 105-341(4) exempts members of the armed forces and merchant marine, and not former members of such organizations, from payment of poll taxes.

60. License tax on laundries

To Edwin Gill.

Inquiry: Is a taxpayer liable for a privilege tax when he permits people to come to his establishment and rent his washing machines by the hour?

(A.G.) The taxpayer operates a business where clothes are washed. This is engaging in the business of operating a laundry, and the taxpayer is liable for the tax despite the fact that he furnishes none of the labor. He is not engaged in the business of renting washing machines as that phrase is used in Section 119 of the Revenue Act. That section refers to a type of business which serves as a substitute for a sale of the products enumerated. Taxpayer is liable under Section 150 of the Revenue Act.

63. License tax on dealers in auto accessories

To Ned R. Stuart.

Inquiry: May a municipal corporation levy a license tax on motor vehicle dealers in excess of the tax levied by the State?

(A.G.) Motor vehicle dealers are taxed by subsection 4 of Section 153 of the Revenue Act, paragraph (e) providing that counties, cities and towns may levy a license tax on each place of business located therein, not in excess of one-fourth of that levied by the State, with the exception that the minimum tax may be as much as \$20.00.

IV. PUBLIC SCHOOLS

C. Powers and Duties of City Administrative Units

20. Erection of buildings

To B. D. Bunn.

Inquiry: May a contract containing a cost plus a fixed fee clause be entered into for the construction of a school building?

(A.G.) G.S. 143-129 requires advertisement for bids on contracts involving the construction of public buildings. After this section is complied with, and if no satisfactory bid is submitted, it seems that you might advertise then for bids calling for submission of a contract containing a cost plus a fixed fee provision; however a sum beyond which cost and fixed fee cannot exceed should be contained in the contract and such sum should not be in excess of the funds appropriated and available for the project.

D. Powers and Duties of Present School Districts and Agencies
8. Authority over pupils

To Mrs. F. L. Walker, Jr.

Inquiry: Do school officials themselves have the obligation of enforcing the Compulsory School Attendance Law by bringing into Recorder's Court parents who violate this law?

(A.G.) G.S. 115-302, *et seq.*, deals with this subject. If the county has an attendance officer, it is his duty to prosecute violations of this law. If not, it is incumbent on the school authorities themselves to report such violations to the Solicitor of the Recorder's Court. G.S. 115-306 provides that the county superintendent of public welfare or chief school attendance officer or truant officer shall investigate and prosecute all violators of the compulsory school attendance law.

F. School Officials

3. County board of education — powers and duties

To F. W. McGowen.

Inquiry: Under G.S. 153-29, does the Board of County Commissioners have the duty of providing for the regular inspection of school property, buildings, etc.?

(A.G.) This duty is imposed upon the County Board of Education and trustees of city administrative units by G.S. 115-90 and other sections found in Article 10 of Chapter 115 of the General Statutes, and the Board of County Commissioners is not required by G.S. 153-28 to make inspection of and care for this property.

M. School Entertainments

To F. M. Mason.

Inquiry: Is there a tax on a play given by local talent in a school?

(A.G.) Section 108 of the Revenue Act exempts entertainments produced exclusively by local talent and for the benefit of religious, charitable, benevolent, or educational purposes from the state license tax, if no compensation is paid to such local talent.

VI. MISCELLANEOUS MATTERS AFFECTING COUNTIES

X. Grants and Contributions by Counties

13. Hospitals

To Bennet H. Perry.

Inquiry: May a county make a contribution to the cost of expanding the facilities of a private hospital which is a non-profit, non-stock corporation?

(A.G.) Under G.S. 153-152 a Board of Commissioners would be authorized to appropriate a sum not to exceed \$10,000 a year for a period not to exceed thirty years, to provide for the medical treatment and hospitalization of the sick and afflicted poor of the county. This statute was upheld in the case of *Martin v. Board of Commissioners*, 208 N. C. 354.

VII. MISCELLANEOUS MATTERS AFFECTING CITIES

C. Police and Fire Protection

25. Electrical inspection

To J. E. Butler.

Inquiry: Where a municipality has appointed an electrical and building inspector for the town, has the county inspector the right to come into the corporate limits of the town, make an additional inspection and charge a fee therefor?

(A.G.) Municipalities are authorized to appoint local electrical and building inspectors (G.S. 160-115). But G.S. 160-122 provides that the county commissioners of each county may appoint one or more

Digest Prepared

By

LOUIS A. CHERRY

Assistant
Director
Institute of
Government



electrical inspectors whose duty it shall be to inspect the installation of all wiring and other electrical installations in any town of one thousand population or less and/or those buildings located outside the corporate limits of all cities and towns not otherwise included in this article.

K. Grants by Cities and Towns

4. Recreation facilities

To J. R. Davis.

Inquiry: May revenues received from the water and light departments and from tax levies, be used by a city for recreational purposes?

(A.G.) Tax levies may not be used for recreational purposes of a city without a vote of the people. *Purser v. Ledbetter*, decided in Dec., 1946. There is no objection to using the surplus funds for the purpose proposed, however.

N. Police Power

15. Regulation of taxicabs

To Luther V. Dixon.

Inquiry: May a company station its taxicabs outside the town limits and operate the cabs over the streets of the town without a permit?

(A.G.) G.S. 160-200 (36a) authorizes municipal corporations to require that drivers and operators of taxicabs "engaged in the business of transporting passengers for hire over the public streets of any city or town" apply for and secure from the governing board of such city or town a driver's or operator's permit before operating or driving such vehicle. In my opinion this section authorizes the municipal corporation to require a permit before the streets of the corporations are used, regardless whether the headquarters of the cab company are within or without the municipal limits. See also G.S. 20-37.

21. Sale of wine and beer

To E. L. Brooks.

Inquiry: Is there any authority to close and padlock a place where beer is sold, which is situated within 162 feet of a church in a town?

(A.G.) G.S. 18-76 provides that no license shall be granted to sell beer and wine within 300 feet of any church building *outside* the corporate limits of cities and towns. G.S. 18-77 provides that no person shall dispense wine and beer within 50 feet of a church building in any incorporated town, or in a city having police protection, while religious services are being held in the church. If the business and church are both within the corporate limits of the town and the operator of the business is licensed, there is no way to put the person out of business by padlocking the building.

To Joe M. Cox.

Inquiry: What right of appeal does a

licensee have under G.S. 18-78 when a beer license is revoked by the municipality?

(A.G.) No appeal lies from revocation of license by municipality under G.S. 18-78. It is reviewable only by certiorari.

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS

C. Sheriffs

20. Bond for tax collections

To James P. Bunn.

Inquiry: Should a sheriff give a new bond each year before the new tax books are delivered to his office, or is the renewal of the old bond sufficient?

(A.G.) Only one bond has to be given by the sheriff covering his whole term of office; he does not have to give a new bond each year when the new tax lists are placed in his hands for collection. G.S. 109-5 provides that the bonds of officers named in G.S. 109-3, which includes the sheriff, shall be carefully examined on the first Monday in December of every year and, if it appears that the security has been impaired or for any cause has become insufficient to cover the amount of money or property or to secure the faithful performance of the duties of the office, then the bond shall be renewed or strengthened.

D. Register of Deeds

4. Books and records

To S. Page Higginbotham.

Inquiry: Is it necessary to record a lien on an automobile on the certificate of title for the same to be valid?

(A.G.) A lien is sufficiently recorded if it is recorded in the office of the Register of Deeds of the county in which the owner of the motor vehicle resides. G.S. 20-52 and 20-57 provide for recording liens on a motor vehicle on the certificate of title issued therefor. The failure to do so does not invalidate the same. See also *Finance Co. v. Hendry*, 189 N. C. 549, 553, and *Corporation v. Motor Co.*, 150 N. C. 157. Proper county registration is sufficient.

L. Local Law Enforcement Officers

43. Public drunkenness

To John E. Badgett.

Inquiry: Has an officer the right to go into a restaurant and make an arrest for public drunkenness when the proprietor of the restaurant asks or requests that the officer not make the arrest?

(A.G.) G.S. 14-334 makes it an offense to be drunk and disorderly in any public place or on any public road or street. I find no North Carolina case deciding whether or not a restaurant is a public place within the meaning of our statute, but courts in other states have held that inns, restaurants and public eating places were public places within the meaning of such statutes. Such being the case, the officer would have a right to make an arrest for a violation of a State statute, if the person is drunk and disorderly and such arrest could be made without a warrant if the offense was committed in the presence of the officer, notwithstanding the fact that this may be against the wishes and orders of the proprietor. Whether or not the person could be arrested for drunkenness without any accompanying disorderliness may depend upon a municipal ordinance. Many towns have ordinances making public drunkenness alone a violation of the ordinance.

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.

MARCH

(A) (see footnote)

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	Tax Supervisor, List Takers and Assessors	Last day to which tax listing period may be extended.	105-311
On or before 1st	County Board of Education, Board of Trustees	File with Comptroller of State Board of Education certified statement of expenditures, salaries and other obligations due and payable during the month.	115-367
1	Sheriff or Tax Collector	Last day for penalty of 1% on 1946 taxes [1]	105-345(3)
2	Sheriff or Tax Collector	Begin penalty of 2% on 1946 taxes [1]	105-345(4)
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 February.	130-99
7	Tax Supervisor, County commissioners	Last day for first publication of notice of meeting of Board of Equalization and Review.	105-327 (b)
10	Coroner	Report to Department of Motor Vehicles the death of any person during the preceding calendar month as result of accident involving motor vehicle and circumstances of such accident.	20-166 (g)
On or before 10th	Clerk of Superior Court	Make monthly inheritance tax report to Commissioner of Revenue	105-22
On or before 15th	County ABC Board	Report and pay State tax on wine and liquor sales for the month of February.	18-85; 105-170
17	Tax Supervisor, List Takers and Assessors	Last day on which to meet with each List Taker and review abstracts (before meeting of Board of Equalization and Review.)	105-322
17	County Commissioners	Meeting as Board of Equalization and Review starts today.	105-327(5)
22	County Board of Education, City Board of Trustees	Publish notice of meeting to elect County Superintendent of Schools, City Superintendent [2]	115-353

[1] Exceptions in: Camden - S.L. 1943, c. 705; Franklin - S.L. 1943, c.293, s.5 (only towns of Louisburg, Bunn and Youngsville); Iredell, - P.L. 1941, c.332; Surry - S.L. 1943 s.5 (also towns of Mt. Airy and Elkin.)

[2] Exception in: Currituck - S.L. 1945, c.899

A) For special exceptions in Yancey County, see footnote [2] in June-