

November, 1948

POPULAR GOVERNMENT

*Storage
Copy*



See Page 1

PUBLISHED MONTHLY BY THE INSTITUTE OF GOVERNMENT
UNIVERSITY OF NORTH CAROLINA
Chapel Hill



the Silent Watchman

DIXIE TANK AND BRIDGE CO.

3523 LAMAR AVE.—P. O. BOX 14

MEMPHIS 1, TENNESSEE

REPRESENTATIVES IN THE FOLLOWING CITIES:

SALT LAKE, UTAH
Box No. 1202
DETROIT, MICH.
Box No. 1423
RALEIGH, N. C.
Box No. 251
SYRACUSE, N. Y.
Box No. 681
BUTE, MONTANA
Box No. 383

GREENVILLE, S. C.
Box No. 1074
TAMPA, FLORIDA
Box No. 1642
RICHMOND, VA.
Box No. 886
NEWARK, OHIO
Box No. 623
FARGO, N. D.
Box No. 1472

COLUMBIA, S. C.
Box No. 472
DALLAS, TEXAS
Box No. 1881
DENVER, COLO.
Box No. 2037
WAUSAU, WISCONSIN
Box No. 682
SAN FRANCISCO, CAL.
Box No. 1445

COLUMBIA, MO.
Box No. 522
SPOKANE, WASH.
Box No. 906
MACON, GEORGIA
Box No. 402
PROVIDENCE, R. I.
Box No. 202

Complete Service for Elevated Water Tanks—

30 Years Experience

BE SAFE

DON'T GAMBLE!

KEEP THE SAFETY FACTOR IN YOUR TANK THE DIXIE WAY

By welding seams, pits and rivets which gives a riveted tank 15% more Safety Factor than it had when built. No rivets removed, water supply maintained while work is in progress. On completely re-conditioned jobs, the painting is guaranteed for five years, repairs guaranteed for ten years, provided the tank is painted every five years. Yearly inspection, making all adjustments, if any, without additional cost.

*Write Us for Free
Copy of Publication*

**SOUND PRINCIPLES OF WATER TANK MAINTENANCE
and TANK TALK, by W. A. RILEY**

—SAFETY—SERVICE—SATISFACTION—

COPYRIGHT 1947

THE LARGEST ORGANIZATION OF ITS KIND GIVING SAFE MAINTENANCE AT LOW COST

**DO YOU WANT
A DEPENDABLE
SEWERAGE
SYSTEM?**

P O M O N A

Vitrified Glazed Clay Sewer Pipe

FOR SANITARY SEWERS

**Pomona Terra-Cotta
Company**

Pomona, N. C.

Phone 7144

Greensboro, N. C.

Subscribe Now . . .



12 Issues--\$2.00



Institute of Government

University of North Carolina • Chapel Hill



The Promise of Tomorrow

Schools of the People

Analysis of the State Education Commission Report

North Carolina has made tremendous economic progress during the decade that has elapsed since the appearance of the report which presented the South as the Nation's Number One Economic Problem. In many respects, the economic progress of North Carolina has exceeded that of the South as a whole. Yet, notwithstanding the progress, there are today only a few respects in which North Carolina compares favorably with the nation as a whole. Today, North Carolina ranks approximately fortieth in per capita wealth. A much higher status is attainable. To the extent that the citizens of North Carolina can be motivated, guided, and educated to achieve full community capacity, will they be in a position to solve their basic problems.

By
W. H. PLEMMONS
Executive Secretary
State Education Commission

That the citizens of North Carolina may realize their potentialities the State Education Commission proceeded with a study that covered the state and the various areas of public education and designed a program which it believes will make North Carolina a pioneer, not only in the fields of education, but also in the fields of agriculture and industry.

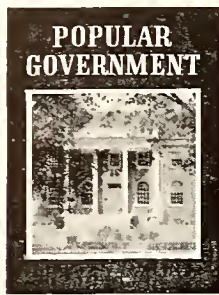
How the Study Was Made

The Commission was authorized by the 1947 General Assembly, which recognized that many problems faced the schools of the state. Governor

Cherry appointed as members of the Commission 18 persons prominent in all walks of life. R. Grady Rankin was named chairman, Jule B. Warren vice chairman, and Mrs. R. S. Ferguson secretary.

The Commission, in turn, appointed W. H. Plemmons as executive secretary.

To finance the work of the Commission the General Assembly appropriated \$50,000. Mr. Knapp of New York, a property owner and one-time resident of North Carolina who has a long record of interest in the welfare of the state became interested in the proposed study. With the expressed hope that the report would provide not only a charter for education in North Carolina but would serve as a "model" for other states,

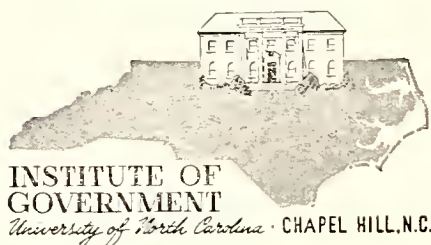


November, 1948 Vol. 14, No. 11

CONTENTS

THE PROMISE OF TOMORROW	1
BOOKS RECEIVED	12
CLEARINGHOUSE	13
ATTORNEY GENERAL RULES	15

POPULAR GOVERNMENT is published monthly by the Institute of Government, the University of North Carolina, Chapel Hill. Editor: Albert Coates; Associate Editors: W. M. Cochran, George Esser, Donald B. Hayman, Henry W. Lewis, J. A. McMahon, Donald W. McCoy, David G. Monroe, Clifford Pace, J. D. Phillips, Jr. Editorial, business and advertising address: Box 990, Chapel Hill, N. C. Subscription: Per year, \$2.00; single copy, 25 cents. Advertising rates furnished on request. Entered as second class matter at the Post Office in Chapel Hill, N. C. Copyright, 1948, by the Institute of Government. All rights reserved.



he made available through the Knapp foundation \$100,000 for use by the Commission. This grant made it possible for the work to be more thorough and comprehensive.

In the fall of 1947 the Commission created fifteen study and advisory committees of about twenty members each—approximately 300 in all—to deal with every phase of public education. Each of these committees, consisting of prominent lay and educational leaders of the white and Negro races from all parts of the state, was advised by well-known out-of-state specialists in the area of that committee's concern. In addition, many officials and thousands of other citizens from all walks of life gave cordial cooperation. It is estimated that some 50,000 to 60,000 citizens

contributed to the study. Committees and consultants visited schools; talked with officials, parents, teachers, and pupils; answered questionnaires and check lists; studied official records; attended meetings; and assisted with the writing of reports.

Members of the Commission studied committee reports while they were being prepared and after they were completed; approved, disapproved, or modified the recommendations; and drew from them and their own discussions the official report with its numerous recommendations.

An intensive study was made in nine county and seven city school units in North Carolina, chosen as representative of the state at large. These units included Brunswick county, Wilson county and the cities of Wilson and Elm City, Sampson county and the city of Clinton, Northampton county, Orange county and the town of Chapel Hill, Guilford county and the cities of Greensboro and High Point, Rutherford county, Wilkes county and the city of North Wilkesboro, and Swain county.

On the Credit Side

The Commission found many points in the present school program to praise. Among the "outstanding achievements" in the state's educational program are: a minimum school term of nine months for every child in the state; a twelve-year program of instruction; a state-wide compulsory school attendance law; requirement of a degree from an accredited four-year college or university for a standard teaching certificate; requirement of the possession of a master's degree for high school principals; an equal salary schedule for all teachers with equal training and experience; state retirement system; system of pupil transportation, free textbooks for all children in grades one through eight, and a central state board of education.

However, the Commission declared that what the schools of North Carolina need is not a review of their history, interesting as that may be, nor a listing of achievements, commendable as they are, but a program for the future.

Need for a Better Instructional Program

What do most citizens of North Carolina want of their schools? Thousands of citizens answered and returned a questionnaire which contained questions dealing with this very important area of the Commission's work. The results indicated

POPULAR GOVERNMENT

that they want schools to be free from the kindergarten through the fourteenth year and to be operated by well-prepared teachers, principals, and other personnel. They want school grounds, buildings, buses, and other facilities to be adequate. They want an instructional program that is sufficiently comprehensive not only to give pupils a mastery of the fundamental skills but also to promote healthful living, creative activities, social understanding, and wholesome recreation. They want this program to be broad enough to meet the needs of all children and youth, in school and out, whether these young people will attend colleges or work in homes, on farms, or in industrial plants. They even want provision made so that adults may continue their education.

Offerings Too Limited

They are aware that the offerings and services of too many schools are too limited. Vocational offerings, pre-school services, adult services, provision for out-of-school youth, and care for handicapped children are seriously inadequate. Citizens registered the fact that they particularly wanted more emphasis on reading with understanding, effective study, knowledge of the operations of government, appreciation of art and music, acquisition of moral values, and preparation for marriage and parenthood.

The citizens want all of these opportunities because they realize that the lack of many of them explains why half the children of North Carolina who enter the first grade quit school before they finish the eighth grade, and half of those who enter high school quit before they graduate.

Most citizens are not only demanding a rich instructional program for their own children but they also subscribe to the belief that this program should be equal for all children regardless of race and place of residence within the state.

Inequalities in Educational Opportunities

Tests were given to discover whether equal educational opportunities do in fact exist. The average achievement of urban children was higher than that of rural children, and the average of white children was higher than that of Negro children.

General observation and common sense suggest that much of the difference in achievement between urban and rural and white and Negro children is due to inequalities in educational opportunities. In fact, the Commission found abundant evidence that

urban schools generally are more satisfactory than rural schools and that white schools have better facilities than do Negro schools.

"Vision and bold planning are necessary," the Commission says, "if the educational needs of North Carolina's children and youth are to be met." If planning is to result in placing North Carolina among the top ranking states educationally, it believes far-reaching and courageous steps must be taken to: (a) provide educational leadership of the highest quality at the state, county, and community levels; (b) secure and maintain a thoroughly competent teaching staff for all schools—urban-rural, elementary-secondary, white-Indian-Negro; (c) set up an adequate structural organization of schools; and (d) provide an adequate financial base to support and guarantee a rich instructional program for all children, youth, and adults of North Carolina, regardless of race and place of residence within the state.

How Can We Meet the Needs?

Specifically, the Commission recommends the following:

1. *The schools should provide opportunities for and help pupils to acquire necessary skills and competencies in the fundamental tool subjects—reading, writing, and arithmetic; in healthful living; in understanding of citizenship; in an understanding of family life; in consumer education; in scientific knowledge; in an appreciation of literature, art, music, and nature; in the proper use of leisure time; in the development of respect for other persons; in the development of ability to think rationally; in creative activities; in the use of community resources; in social understanding; and in making a living.* To assist in attaining these goals the schools should make available adequate instructional materials, supplies, and equipment, and a healthful and attractive school environment.

2. *Sufficient supervision should be provided for the operation of an adequate instructional program.* Supervisory instructional leadership should be competent to stimulate the personal and professional growth of teachers, furnish leadership for curriculum improvement, and bring about greater unity and balance in the total curriculum.

3. *The instructional program at all levels should focus greater attention upon the individual pupil.* In many elementary classrooms, especially in large elementary schools, teachers

must teach from forty to fifty children, and, consequently, are forced to neglect the needs of individual pupils. The area of counseling and guidance is particularly needed at the secondary level.

4. *In order to increase the holding power of the schools, the instructional program should be broadened to provide for the needs of each pupil.* The limited program of the small high school in North Carolina, designed largely to meet the needs of pupils who plan to enter college, probably accounts for the tremendous withdrawal of pupils for whom the offerings are inappropriate and ineffectual.

5. *An adequate minimum foundation program of education should be guaranteed to all children throughout the state, regardless of race and regardless of place of residence.* Test results indicate that urban children are achieving at a higher level than rural children, and that white children are achieving at a higher level than Negro children. Insofar as possible, factors responsible for these differences, such as differences in the education of teachers, degree of supervision, variations in attendance, and differences in buildings, equipment, and other facilities available for learning activities should be eliminated.

6. *The offerings and services of the schools should be extended to meet more adequately the needs of children, youth, and adults.* This will involve making plans and ultimately developing provisions for an educational program from the kindergarten through the fourteenth grade as well as for exceptional children, out-of-school youth, and adults.

7. *The school program should be organically whole and not broken into segments, for the learning process is continuous and cumulative.* Elementary education, secondary education, vocational education, education for exceptional children, and adult education are each an integral part of one state educational program.

8. *There should be a longer period of service annually for school employees.* A longer period each year will provide opportunities for remedial work, community services, arts and crafts, music, census taking, improved planning, and study.

9. *Research, testing, and other methods should be employed for diagnosis, remedial prescription, and continuous evaluation of the instructional program.* Good evaluation is essential as a basis for determining strength

and weaknesses and planning needed improvements.

10. *High schools should be sufficiently large to include in their programs all necessary services of good secondary schools.* The curriculum of the great majority of high schools of the state is not sufficiently varied to meet the needs found among youth. The curriculum of small high schools is more limited than that of large high schools.

The holding power of large high schools of the state is considerably greater than that of small high schools; that is, a much larger percentage of the students in the large high schools complete their work and graduate. Furthermore, the percentage of seniors who have no definite plans beyond graduation is tragically high in both large and small high schools, but it is much higher in small high schools than in large ones. It is believed that a *minimum* enrollment for a four-year high school should be 300.

State and local authorities should begin to make long range plans for the elimination of all small high schools except those which are definitely isolated. In instances where the elimination of a small high school is administratively impracticable because of isolation or road conditions, comparable services for youth must be provided at the increased cost required.

11. *In addition to the regular allotment of teachers provision should be made for special services by principals, guidance counselors, librarians, supervisors, and special teachers for art, music, and the like.* It is proposed that these be allotted to each administrative unit on the basis of one special service person for every eight teachers regularly allotted by the state.

12. *Provision should be made for clerical services in the schools.* Professionally trained principals and teachers should spend their time in improving the instructional program. A sufficiently competent clerk can be employed for much less salary.

13. *A trained attendance director should be provided for each local school system.*

Wanted: More Teachers

One of the most critical problems facing the state today is that of providing a sufficient number of well-trained teachers for the white elementary schools. The enrollment in programs which prepare for teaching on the elementary level is very small. Only 199 persons preparing to teach in the elementary schools for whites

were graduated from colleges in 1948 and it has been estimated that only about 150 of these actually accepted positions to teach this year.

At least 1500 white elementary teachers are needed annually in order to have a sufficient number to replace those who leave the profession and permit a reduction in the size of classes. If these are added to the more than 2000 persons who are now teaching on sub-standard and emergency certificates, it is evident that the state is faced with the necessity of securing quickly from some source more than 3000 qualified teachers for the white elementary schools.

While the situation in the white high schools is not as critical as in the elementary schools, it is serious nevertheless. There are nearly enough standard certificate holders to fill the need in the fields of English, history, and physical education. The shortage is acute in science, foreign languages, mathematics, and the special fields of vocational education, music, and art.

During the five-year period from 1937-38 to 1941-42, North Carolina made excellent progress in securing better qualified teachers for her schools. World War II seriously interrupted this program, and for the five years following 1941 there was a steady decline in the qualifications of white teachers employed in the state.

The "A" certificate in North Carolina represents the minimum of training desirable for a teacher. A holder of this certificate is a graduate of a college approved for teacher education who has had professional training for the work to be undertaken in the schools. The number of "A" certificates increased from 11,936 in 1937-38 to 15,144 in 1941-42, a gain of 3208. The years following, however, presented a different story: from a high of 15,144 in 1941-42, "A" certificates declined to a low of 12,795 in 1946-47, representing a loss of 2349. There was a gain in 1947-48 for the first time since the war, although the gain was slight.

Low Standard Certification

Who replaced these well-trained and competent teachers? What were the effects on the educational program of this loss of professional personnel? To keep schools open, low-standard certificates had to be issued in increasing numbers. Certificates with requirements less than those of the "A" credential for white teachers rose from 1022 in 1941-42 to 2909 in 1947-48, an increase of 1887. Particularly distressing was the increase in non-standard certificates during the war years. These certifi-

cates were issued to any person, certified by a local superintendent of schools as necessary to keep the school in operation, without regard to educational qualifications. Only five of these were issued to white teachers in 1941-42—but 355 were in force in 1947-48! In some instances persons with no college training whatever found themselves responsible for the education of children they had no basis for understanding and whose educational needs they could not begin to meet.

There is no shortage in the supply of Negro teachers who hold the "A" or higher certificate.

An inquiry was addressed to about one-fourth of the sophomore students in the colleges of North Carolina. Of the 1958 white students replying, only 197, or 10 per cent, indicated that they were planning to teach. Since there are about 9000 white sophomores, this means that only about 900 of these will prepare for teaching. But the annual recruitment needed from this group for several years is at least three times that many. In answering the inquiry the sophomore students stated repeatedly that the major reason they were not preparing to teach was the low salaries paid. This was mentioned 927 times, with other deterrents mentioned as follows: living conditions, 48; teaching load, 74; adult attitude, 41; social restrictions, 50; lack of equipment and facilities, 191; pensions, 106; and working conditions, 48.

Thousands of citizens answered a questionnaire which asked them whether they preferred to overcome the acute shortage of teachers by raising salaries or by lowering standards. The replies indicated that most favored raising salaries. Only about three out of each hundred who answered suggested lowering standards. The average salary suggested by citizens was slightly more than \$2400 per year for ten months of service.

The Commission proposes many steps which it thinks must be taken to provide a well-trained teacher for every child in the state. Among these are: scholarships to induce capable young people to prepare for teaching; increased salaries ranging from \$2400 to \$3900 for ten months of work; reduced class load to 27 to 30 pupils; ten days of sick leave per year without loss of pay; improved living and working conditions; and improved training programs at the various institutions in the state.

The Commission also recommends that the three teachers colleges for whites, the three teachers colleges

for Negroes, and the State College for Indians be placed under the administration of a single board, preferably the State Board of Education if it is reorganized.

School Buses and School Houses

The State of North Carolina daily transports to and from school approximately 347,000 pupils, or about 42 per cent of the total number enrolled in the public elementary and secondary schools of the state, in more than 5500 vehicles, and at a total annual cost of approximately \$5,000,000, representing a per pupil cost of approximately \$14.00. The state operated system of school transportation has resulted in remarkable economies. The per pupil cost of transportation in North Carolina in 1947, less than half the national average of \$29.00, was the lowest of any state. At the same time the percentage of pupils transported was the highest of any state.

The state has assumed nearly all the responsibility for financing the program of pupil transportation, much of the responsibility for setting standards and determining policies, and some of the responsibility for administration of the program. The major part of the responsibility for administration, however, rests with the county administrative unit.

Almost all of the cost of operating the school buses and all of the cost of replacing them is borne by the state. All of the cost of additional new buses, school bus garages, and garage equipment is borne by the counties. Many counties have been unable to obtain sufficient funds to add new buses to the fleet or to provide adequate buildings or equipment for school bus garages.

It is estimated that 3 per cent of the transported pupils must leave home more than 2 hours before school begins, 7 per cent more than 1½ hours, and 20 per cent more than 1 hour. This is the result of using more than one-half of the buses for 2 or more trips. Many of the buses are overcrowded.

The program of school bus maintenance is, in general, excellent. Many counties, however, need more adequate buildings and equipment for maintenance garages and there is need for a few area garages where the more difficult maintenance work may be done.

The State Board of Education carries fire insurance on school buses. During the last five years only about 25 per cent of the premiums paid out have been collected on claims. It would appear that the State Board of Ed-

ucation has sufficient financial resources and that it would be good business for it to act as self insurer for these buses. There is no provision for paying for property damage caused by school buses and at present the only recourse in recovering damages is through a special act of the legislature.

The State Board of Education may pay from funds available to it the cost, not to exceed \$600, of medical or funeral expenses of pupils who are injured by or on school buses. That this provision is inadequate to meet the needs is indicated by the fact that at least 20 counties are now carrying accident insurance on transported pupils, and that every session of the legislature has before it special bills providing for the cost of medical or funeral expenses above the \$600 limit.

State Staff Too Small

The state staff is too small to provide all the supervision which counties could profitably use. Furthermore, the staff in the typical county is not large enough to permit all needed local supervision of the transportation program.

To increase the efficiency of our system of pupil transportation the Commission recommends the following: (a) *The cost of buildings to be used as school bus garages and of the original equipment of the buildings should be financed in the same manner as that recommended for other school buildings.* (b) *The State Board of Education should be given sufficient funds and be authorized to replace or add to the equipment of any garage when it is deemed advisable.* (c) *The State Board of Education should be given sufficient funds and be authorized to purchase new buses needed for the expansion of present bus fleets.* (d) *Except for these changes the present plan of financing transportation in the state should be continued, but a more objective formula should be developed to serve as a basis for the allocations to be made for each county.* (e) *The State Board of Education should work toward the objective of providing sufficient buses so that every child legally entitled to transportation will have a seat on a school bus, and no child will be required to leave home more than one hour before the school session opens, except in very unusual cases.* (f) *Sufficient staff should be provided to enable the State Director of Transportation to make an annual study of the school bus routes in each county.* (g) *The State Highway Department should be provided with information*

concerning changes in bus routes as soon as these changes are made or planned. (h) *The State Board of Education should be authorized, and granted sufficient funds, to set up from two to four area garages to take care of those maintenance jobs which require expensive equipment and special skills but which are needed so infrequently in the average county that the investment in the needed plant and equipment could not be justified.* (i) *The staff of the State Director of Transportation should be sufficiently increased to enable him to give counties adequate assistance in the operation of bus maintenance programs and to operate directly those area garages which are set up.* (j) *A medical examination should be required for school bus drivers.* (k) *The State Board of Education should investigate the possibility of acting as self insurer with respect to fire insurance on school buses.* (l) *The limitation on the amount the state board may pay for medical or funeral expenses should be removed from the law, thus allowing the state to assume all reasonable costs connected with such expenses up to the amounts authorized under the Workman's Compensation Act.* (m) *The State Board of Education should be authorized to include in such payments the costs of special appliances, such as artificial limbs, made necessary by these accidents, and also the costs of any special training which may be necessary as a result of such accidents.* (n) *The coverage of the present provision should be broadened to protect children in the act of boarding or leaving buses, even though they may not be injured by the bus.* (o) *The State Board of Education should be given authority to settle, in its discretion, claims resulting from property damage caused by school buses.*

Some Good School Plants, But—!

North Carolina has some excellent school plants which are well maintained. Most of the school buildings of the state, however, were erected prior to the development of modern ideas concerning an adequate educational program. Many of them are lacking in space for libraries, lunchrooms, health clinics, recreational facilities, rooms for music and dramatic arts, and facilities for science and vocational education. There are many schools in which toilets are obsolete and insanitary. In many schools there are no provisions for washing hands.

In many of the less fortunate counties, the schoolhousing situation is deplorable. Many school plants were

poorly planned and cheaply constructed, and are now obsolete, lacking essential features for modern education and community needs. They are in a poor state of repair, dark, dirty, unsafe, and possessing little or no recreational space. Inspection of representative school buildings revealed a glaring neglect of maintenance programs. It is also evident that many of the schools have very inadequate custodial or janitorial service.

Consolidated Schools

During the period from 1923 to 1930 many consolidated schools were erected. They were fairly satisfactory for the educational programs current at that time. Many good school plants were erected during the 1930's with the assistance of the Public Works Administration and Works Progress Administration. There has been very little school construction, however, since 1940.

Even with the use of obsolete and inferior buildings and classrooms, there is not sufficient space to accommodate the present enrollment. Many classes are being held in such improvised areas as auditorium balconies, gymnasiums, libraries, dark basement rooms, storage rooms, temporary shacks, and old rented residences. All of the counties, including those in the upper economic brackets, are greatly in need of additional facilities to accommodate present enrollments, and it may be expected that enrollments will continue to increase for several years due to high birth rates during the 1940's.

Long-range school plant programs cannot be developed intelligently except in terms of school district reorganization, grade grouping, and needed educational programs and community services. The modern school plant should be a learning and experience laboratory for the growth and development of children, youth, and adults.

The Division of Schoolhouse Planning has been of inestimable value to the schools of North Carolina, but this understaffed and overworked division will have to be materially expanded to keep pace with contemplated building programs and modern school plant trends.

\$150,000,000 Needed

It will require approximately \$150,000,000 to bring the public elementary and high school plants of the state up to an acceptable standard. At least \$100,000,000 of the total need is urgent and immediate. Many of the counties cannot finance their urgently needed plant programs from local sources. State financial assistance is

essential if all of North Carolina's school children are to have adequate, decent, and safe school facilities.

Studies show that 72 out of the 100 counties do not have sufficient borrowing capacity, based upon a limit of five per cent of the assessed valuation for school bonds, to provide for even their immediate and urgent building needs. Under certain conditions counties can issue school bonds amounting to eight per cent of their assessed valuation for schools. However, the estimate of immediate building needs will have to be increased at least fifty per cent to reduce class enrollments to a reasonable size and to take care of increased enrollments in the next few years as a result of recent high birth rates. Therefore, even if all counties were permitted to issue school bonds up to eight per cent of the assessed valuation, *at least 60 to 70 counties will still not have sufficient borrowing capacity to provide for their immediate building needs and their increasing enrollment.*

To provide the safe, attractive, and sanitary buildings to which all the children of the state are entitled, the Commission believes it will be necessary to abandon 400 white and 1000 Negro school buildings. It estimates that it will require 17,500 new rooms to replace those that should be abandoned and to provide space for the certain increases in enrollment.

The Commission estimates that the necessary facilities, including sites, new buildings, additions, renovations, and equipment, will require \$150,000,000 during the next ten years. At least \$100,000,000 of this amount should be made available during the next six years for the most urgently needed facilities.

A Point of Difference

The means of financing the cost of these classrooms and buildings is the basis for the first disagreement among the members of the Commission. Eleven members, the so-called majority (Miss Bertha Cooper, Mrs. R. S. Ferguson, A. E. Brown, C. S. Bunn, Carlyle Campbell, M. C. Campbell, Chas. F. Carroll, Brandon P. Hodges, H. W. Kendall, J. C. Scarborough, and John W. Umstead) recommended that as much as is practicable and needed for this urgent six year program be provided from state surplus funds, and that a plan which considers the need and ability of each county be developed so that counties will share the costs involved in providing and maintaining adequate buildings.

Seven members, the so-called minority (R. Grady Rankin, Dudley W. Bagley, James J. Harris, Jr., Clar-

ence Heer, Edwin Pate, Richard G. Stockton, and Jule B. Warren) propose that each county shall, as heretofore, be wholly responsible for building schoolhouses, garages, and other structures. As a substitute plan, they propose that the state set aside \$50,000,000 of its unappropriated surplus, or so much thereof as may be available, to establish a permanent loan fund for school construction. The amount which each county would be entitled to borrow from the fund would be based on its needs in proportion to the needs of other counties. Interest rates should be from $\frac{1}{2}$ of 1 per cent to 3 per cent. The ability of the county to meet its needs would determine the interest rate charges. The loans should be long term—30 years—and repayments should be made annually.

All members agree that the location, size, and type of schoolhouses should be determined on the basis of careful surveys and that state aid for the construction of new facilities should be made available only for projects for which the locations and plans have been approved by the State Department of Public Instruction, upon the advice of the Division of Schoolhouse Planning and under the regulations of the State Board of Education. They agree also that planning school houses should be a cooperative undertaking in which the State Division of Schoolhouse Planning, county and local school administrators and supervisors, teachers, custodians, pupils, non-school public agencies, interested lay groups, architects, and engineers would have a part.

Reorganization on the State Level

The Commission's numerous recommendations with respect to state organization and administration together with a brief exposition of each follow:

1. *The State Board of Education should be established as the policy making body of the state for public school education, including education in residential schools for handicapped and delinquents, and teacher education as represented by those institutions whose major or primary function is training of teachers for the public school system.*

All phases of the public school program should, as they are developed,

become integral parts of the total program of the public school system. Certainly there can be no question about the close relationships that must be maintained in the state between the program of education for public school teachers, the education of children in residential schools, and the educational program for children in schools administered by county and city boards.

2. *The State Board of Education should be composed of 10 lay members, not ex-officio, to be appointed by the Governor from the state at large for 10-year overlapping terms and to be confirmed by the General Assembly in joint session.*

A board of 10 members is small enough to permit action by the board as a committee of the whole and large enough to be representative of the people of the state. The number of members must be large enough and the term of office sufficiently long to eliminate the likelihood of one governor appointing a majority of the membership. With 10 members appointed for 10 year overlapping terms (two each biennium) only 4 members will be appointed during each four year period, except in case of death or resignation. This should assure reasonable continuity and consistency in policies. The terms of office of the members of the first board, however, should be as follows: two for two years, two for four years, two for six years, two for eight years, and two for ten years. A member, after having served a 10 year term, should not be appointed to succeed himself.

This recommendation cannot become effective until required constitutional amendments have been adopted.

3. *Representation from the Negro population should be included on the State Board of Education.*

The Commission is gratified at the growth of fine race relations which has resulted in the presence of Negroes on some local governing boards. It recommends the extension of the practice of wider representation of all segments of our population on boards, as conditions warrant. Negro school committees for Negro schools is also a wise recognition of citizenship responsibility of the minority race, and should be in general practice.

Mimeographs and Mimeograph Supplies

Products of A. B. Dick Company

Distributed by

GRAY & CREECH, Inc.

CHARLOTTE

WINSTON-SALEM

RALEIGH

4. *When the reorganized State Board of Education has been established, it should be authorized to appoint the State Superintendent of Public Instruction, who should be designated as the State Superintendent of Education.*

Since this proposal can be effected only after necessary constitutional changes have been authorized, it is recommended that this authorization be made effective by 1953.

The tenure of the chief state educational officer should depend entirely upon professional ability and success in the office, and the remuneration should at least equal that of any other educational officer in the state.

5. *The State Board of Education should have as its executive officer the State Superintendent of Education who should be responsible for carrying out the policies of the board.*

Action should be taken at the earliest possible date to eliminate the existing division of authority. Necessary changes in the present law to effect this proposal should be made at the next session of the General Assembly.

6. *The State Superintendent of Education, as executive officer of the state board, should be the head of the State Department of Education with responsibility, and consequent authority, for the administration and supervision of all phases of the public school program.*

The state superintendent should be responsible for organizing and directing the state department and, in turn, should be expected to authorize, approve, and assume responsibility for all of its acts. The divisional organization of the department should not be fixed by law. Instead the responsibility for effecting this organization should be delegated to the state superintendent with the approval of the State Board of Education. The personnel of the department should be selected "on the basis of merit and fitness by the State Board of Education upon recommendation of the Chief State School Officer."

7. *To help improve and coordinate the textbook and curriculum programs of the state, provision should be made for the appointment of a continuing curriculum committee which would be responsible for making studies and submitting an annual report to the State Board of Education, giving its recommendations for improvements in the curriculum and for changes in textbooks.*

This report should serve as a basis for evaluating textbooks proposed for adoption as well as for further im-

provements in the curriculum of the schools.

8. *There should be a definite plan for the coordination of functions and activities of the State Board of Education and the Board of Trustees of the Greater University of North Carolina.*

North Carolina's program of public education, from the kindergarten through the Graduate School of the University, should be planned and administered as a coordinated system. Experience during the past several years has shown the necessity for having in a state one coordinated educational authority to represent the state educational system in educational matters affecting the entire state. Examples of this need are the programs dealing with the distribution of surplus war properties to the schools and colleges, and the education of veterans.

9. *There should be provision for the continued cooperation of state educational agencies with other state and federal agencies whose educational activities affect or involve the public school system.*

A number of state and federal agencies and departments are actively promoting various types of educational programs, many of which provide constructive services to the state and communities. In most instances, such programs should be closely related to regularly organized educational activities. There should be coordination of educational services regardless of the auspices under which they may be developed. Lack of coordination often means duplication of effort and service and consequent unnecessary expense. The State Department of Education should have a leading role in planning such an integrated program.

10. *A comprehensive study of the school laws of the state should be made at an early date as a basis for preparing a revised school code which will eliminate all conflicting and obsolete provisions and provide for a more satisfactory organization of all school laws.* The State Board of Education has already initiated studies along these lines.

Organization on the Local Level

The public schools of North Carolina are administered through 100 county and 72 city administrative units. Except in those counties in which city units are located, the county unit embraces the entire county.

Seventy-five county and sixty-five city administrative units each have a school population of 10,000 or less; of these, 14 county and 35 city units

have school populations ranging from about 1,000 to 3,000.

The number of local school districts per county ranges from one to twenty-one for white schools and from one to fourteen for Negro schools for the 97 county administrative units reporting such districts.

The county boards of education are composed of from 3 to 7 members; the city boards of trustees, of from 3 to 12 members. These boards by law have the duty "to provide an adequate school system for the benefit of all of the children of the county as directed by law."

Members of county boards are nominated biennially in party primaries and appointed by the General Assembly for terms of 2, 4, or 6 years.

Members of city boards are selected either by election by popular vote, by appointment, or by a combination of these two methods, with the exception of a few boards reported as being self-perpetuating.

County and city superintendents are appointed for a two year term by their respective boards, subject to the approval of the state board and the state superintendent. They serve as executive officers of their boards.

County boards depend upon county commissioners for approval of their respective school budgets and for the levying and collecting of such taxes for school purposes as may be necessary to provide required local funds called for in their respective budget requests. City boards are similarly dependent upon city commissioners and/or county commissioners for local school funds. Both county and city boards depend upon the state board for approval of their school budgets.

Local superintendent of schools report a general shortage of, or a limited provision for, professional assistance such as assistant superintendents, supervisors, directors of transportation, caretakers of buildings and grounds (including maintenance), school business officials, attendance supervisors, and lunchroom assistants.

School principals are responsible for administrative, supervisory, teaching, and clerical duties, and for school-community relations. In many instances teaching assignments and routine clerical duties take up too large a part of the principal's official day. Thus, the principal is deprived of the opportunity to give proper attention during the day to problems of school management.

There are more than 950 high schools in operation in North Caro-

lina. Of the more than 700 high schools for whites, more than 550 have an enrollment of less than 200, and about 275 have an enrollment less than 100. Of about 230 high schools for Negroes, more than 175 have an enrollment of less than 200 and 90 have an enrollment of less than 100.

One of the major problems in school administration is that of providing a local educational organization adequate in size and scope, yet flexible enough so that it can be adjusted to changing economic and social conditions and to changing requirements in the educational programs.

Many important recommendations proposing ways and means of improving educational opportunities are feasible only if recommendations set forth below are put into effect.

1. *There should be established a more uniform system of local boards of education as the policy-determining and rule-making authorities in local administrative units.*

The board should have full responsibility for all essential services of the local school system, subject, of course, to the general educational policies of the state.

2. *The local board of education should be composed of 5 or 7 lay members to be selected at large in terms of their fitness for the position, preferably in an independent election, and for overlapping terms of 6 years.*

One means of safeguarding local initiative is to keep the administration of schools close to the people. A local board of education should definitely be the policy determining body for the schools but its members should serve in that capacity only so long as their actions are satisfactory to the electorate. A separate election is not only desirable but necessary if educational interest rather than partisan politics is to dominate. The terms of office must be long enough to assure some consistent continuity in policy. When an entirely new board is elected or appointed at one time, there is always the possibility, if not the likelihood, that there will be an interruption in the program.

A local board of 5 or 7 members is large enough to be representative of the people in the unit and small enough to expect it to function as a committee of the whole. With 6 year overlapping terms, the board membership would be selected in a 2-2-1 or 2-2-3 order in elections scheduled biennially.

3. *Provision should be made by the General Assembly for requiring the local tax levying body of a county to raise the local revenues necessary to*

meet that county's share of the cost of the minimum foundation program of education as defined by the legislature.

4. *The local superintendent of schools should be appointed by the board for a term of 4 years, and should serve as the executive official with responsibility for administering the educational program in accordance with policies and rules of the board.*

One of the principal duties of the local board should be the selection of a well-trained superintendent of schools. The board should be free to consider for appointment for its executive office qualified professional leadership without restrictions of residence requirements; the sole consideration of the board in selecting the superintendent should be professional qualifications. Progressively higher standards for professional qualifications should be established during coming years.

The superintendent should have the responsibility for selecting and recommending for appointment by the board the administrative, supervisory, teaching, and other personnel needed for the efficient operation of the school system. Professional ability should be the sole basis of his recommendations for the appointment and continuance of service of this personnel.

The relationship between the board and the superintendent must be clearly defined. When so defined and adopted by the board as rules of procedure, misunderstanding and confusion are less likely to result.

5. *There should be a definite plan for providing professional assistance in the office of the superintendent of schools.*

The state budget law makes little if any provision for such assistance with the result that, except as a local unit exercises the option through the use of local funds, the superintendent is forced to give so much of his time to details and routine work that he has little time to devote to the professional management and direction of the educational program. Efficiency in local operation and administration can, without question, be improved as soon as provision is made for properly trained professional assistants so urgently needed in the offices of the local superintendents of schools.

6. *Provision should be made for the designation by the reorganized county boards of education of an advisory committee of 3 or 5 members for each local school.*

This provision makes it possible for the people of the area served by a given school to have designated rep-

resentatives who understand local problems and can officially present school needs of the area to their principal and, when considered necessary, to their board of education. There are numerous occasions when the advice of these committees will be most helpful. The duties and responsibilities of these advisory committees should be clearly defined.

An advisory committee should have the right to reject by unanimous agreement any teacher recommended for its school. The responsibility for making recommendations for appointment of instructional and other personnel should rest with the superintendent and principals.

7. *Legislation should be enacted to place on the State Board of Education responsibility with the assistance of county committees on reorganization, for making and carrying out a plan for determining, on a state wide basis, the number of local school administrative units and the number of school attendance areas that can satisfactorily provide the educational program of the future.*

A satisfactory administrative unit can and should provide specialists in such areas and fields as school library, vocational education, guidance, music, art, health and physical education, special education, pupil transportation, and attendance, as well as a competent staff of administrative, supervisory, and clerical personnel. It should also provide, in cooperation with other agencies, such services and aids as health clinics, school lunches, community libraries, recreation, and audio-visual aids. A satisfactorily organized school should have enough pupils to justify at least one teacher per elementary grade and twelve teachers for the high school grades.

The State Board of Education should (a) develop standards of local unit organization to be used by county committees; (b) work out procedures for making essential studies of existing situations; (c) provide professional assistance to county committees; (d) review proposed plans of county committees as the basis for recommending improvements; and (e) disapprove unsound proposals.

The County Committee should (a) make local studies with assistance from the state to determine the need for reorganization in accordance with standards and procedures of the state board; (b) prepare, on the basis of studies, a tentative plan of local unit reorganization for the area involved, setting forth proposed unit boundaries, arrangements on bonded indebtedness, disposition of school build-

ings, and need for and approximate location of permanent school centers; (c) secure active cooperation of the lay public through public hearings on the proposed plan; and (d) submit this proposed plan of reorganization to the state board for review.

8. *Since a local administrative unit should be sufficiently large to warrant the provision of all essential and desirable administrative and supervisory services, except those provided by the state, local units of school administration, established in the future, should be organized so as to assure in the unit an absolute minimum of 3500 to 4000 school population and a desirable minimum of 9000 to 10,000 school population.*

One of the functions of the administrative unit is to furnish, either at local or state expense, or both, at a cost that bears reasonable relationship to the total current cost of the educational program, those administrative and supervisory services necessary to facilitate the operation of the whole educational program. Such services are concerned with educational and business administration, supervision of instruction, health supervision, and census and attendance supervision.

If an administrative unit has a very small number of pupils, it can offer a good program only at an increased cost per pupil. The nearer the number of pupils approaches 9,000 or 10,000, the broader the program it can offer at a reasonable cost.

9. *Except as it is found to be administratively impractical, secondary schools should be established so as to assure an absolute minimum enrollment of 300 pupils and a desirable minimum of 500 to 600 pupils. Junior-senior or 6 year high schools should have an absolute minimum of 450 to 500 pupils and a desirable minimum of 600 to 700 pupils. A four year secondary school, including the 13th and 14th years, should have an absolute minimum of 600 to 700 students and a desirable minimum of 900 to 1000 students.*

If secondary schools are organized with much smaller number of pupils than those recommended here, their several programs of offerings either will have to be restricted or provided at increased per pupil cost. When secondary schools of smaller sizes have to be authorized because of isolation, comparable services should be provided at the necessary cost.

The Financial Program

Contrary to general and popular belief, the state school system does not provide or claim to provide a complete foundation program for every

child. Instead, some essentials are dependent entirely upon local initiative and ability which vary widely. The combined state and local finance plan should be designed so that the North Carolina program will be a complete foundation program of public education at the level of the state's financial ability. The plan should include all items of current expense. Capital outlay is an essential part of the basic program.

The local community, too, should help to support all elements of a foundation program, and should do so in proportion to its taxpaying ability. For a time the state required the local application of a uniform tax rate for school support. Uniformity still exists in so far as state tax rates are concerned. However, some local school support is now compulsory without any measure of uniformity. For example, the maintenance of school property is assigned to local units. Likewise, the capital investment in school buildings must be made locally without any consideration being given to the financial capacity of the local unit to make this investment.

State school funds are now improperly allocated to certain specific items of school expense. State money will supply coal to heat a school building, but even if the furnace grates are broken or a windowpane is out so that more fuel is wasted than the repair would cost, state funds cannot be used for the repair, since maintenance is financed, if it is financed at all, by the local unit. Whatever justification there is for the earmarking of state appropriations, it cannot be extended to cover the favoring of one essential element of school expense to the complete exclusion of an equally essential element. The state should use state support to reinforce and strengthen every element that is recognized as essential to a complete foundation program.

Fiscal policy should promote efficiency and economy and should discourage waste in the operation of public education. Present practices in the allocation of teachers subsidize the maintenance of small weak high schools, and discourage further progress in the reorganization of school centers. Furthermore, a charge against the regular teacher allotment for the services of a non-teaching principal is not only an impediment to more efficient administration but it actually deprives the school of the special services of guidance, leadership, and the like, if the principal is not provided. If the principal is provided, the pupil load of teachers is increased or the expenditure of local

funds for an extra teacher is required. The state should use the mechanics of distributing state funds in such a way as to encourage efficiency and economy in the school enterprise. It may be necessary to continue to use state funds for small weak schools where it is not feasible to reorganize them, but the use of state funds should not perpetuate them beyond the point of necessity.

The minimum foundation program of education is comprised of the "educational decencies" which every child in the American democracy has a right to expect. It is made up of those basic essentials of education which should be made equal for every child in the state regardless of his race or where he lives. The state can and should provide equal opportunity for all children insofar as the minimum foundation program of education is concerned.

The state should also equalize the total tax effort from both state and local sources for financing the minimum foundation program. The present North Carolina plan of financing equalizes the tax effort for teachers' salaries and transportation but it does not equalize the tax effort for the foundation program of buildings and building maintenance.

The state cannot and should not attempt to make the total educational program exactly identical for all children. For instance, it would be impossible to teach all children in school buildings of exactly the same size. Differences in density of population alone will prevent that. But regardless of whether a child lives in a mountain cove or a modern city, the state can provide that child with the basic essentials of an adequate minimum foundation program of education.

The foundation program should consist of those educational opportunities which ought to be maintained equitably throughout the state. Communities able and willing to operate a higher level educational program than the foundation provides should be permitted and encouraged to do so. The more fortunate areas having greater concentrations of wealth not only have a proportional part of the total cost of schools and other governmental services to bear, but they generally provide opportunities for experimentation, developing improved practices, and exercising leadership that eventually effect improvements in the state system. The privilege of units at the local level to supplement the foundation program should be preserved.

Other Points of Difference

Consideration of the foregoing led eleven members of the Commission to make the following recommendations:

1. *The state finance plan should have as its objective the guaranteeing of equality of educational opportunities in the minimum foundation program for all children in North Carolina, whether white, Indian, or Negro; rural or urban; rich or poor.*

2. *The foundation program should include adequate financial provision for such major items as instructional salaries, transportation, other current expenses, capital outlay, and debt service.*

Due to the fact that North Carolina has demonstrated that a state-operated system of transportation has many inherent advantages over locally-operated systems of school transportation, it is recommended that the state continue this system and pay the entire cost of the foundation program of school transportation, including the purchase of original buses for additional routes. It is recommended that the state define the cost of an adequate foundation program for instructional salaries, other current expenses, capital outlay, and debt service, and that from 70 to 90 per cent of the cost of the foundation program for these items be provided from state funds and from 10 to 30 per cent from local taxes levied by the local units in proportion to taxpaying ability.

3. *The cost of the foundation program, to be financed jointly from state and local sources, should be bas-*

ed upon the number of state-allotted teachers determined from average daily attendance.

Teachers should be allotted for at least the following instructional services.

(a) *Basic teaching units or state allotted teachers determined by a scale which provides the same basic pupil load per teacher in elementary and high schools of the same size.* Such a scale should provide for a smaller pupil load per teacher in small schools in sparsely settled areas which cannot reasonably be consolidated with larger schools. The state should determine by survey how many small schools are necessary, and no adjustment in the pupil load per teacher should be made for unnecessary small centers. The maximum load per teacher provided by this scale should not exceed 27 to 30 pupils in average daily attendance.

(b) *Additional units for vocational education determined by the vocational needs of the secondary schools.* Such needs should be evaluated by surveys made by the state, and vocational units should be provided where the demands for any type of authorized vocational training are such that a minimum teacher pupil load for the vocational unit will be at least half the load of the basic instruction unit for that school. The nature of vocational instruction is such that it is not practicable to require as heavy an attendance per vocational unit as the basic instruction unit.

(c) *Additional units for teachers of adults determined upon the basis of the number of pupil hours taught in adult classes. One adult instruction unit should be provided for approximately 13,500 adult pupil hours taught per school year.*

(d) *Additional units for teachers of handicapped children who cannot be properly taught in regular classes determined by the number of such children at a school center certified by a qualified physician, psychologist, or psychiatrist. One teacher should be allotted for a minimum of ten such children at a school center.*

(e) *Additional units for the administration of instruction and special instructional services determined upon the basis of approximately one-eighth of the total instruction units included in (a) to (d) above.*

4. *The total cost of the foundation program to be jointly financed by state and local funds should be determined as follows:*

(a) *Instructional salaries—multiply the different types of instruction units or state allotted teachers indicated above by the state salary schedule or*

schedules. The present state salary schedule will have to be greatly increased if North Carolina attracts to and holds in the profession a sufficient number of trained teachers to staff the schools.

(b) *Other current expenses—multiply the total number of state-allotted teachers by at least \$300 and preferably \$400—assume \$300.*

(c) *Capital outlay—multiply the total number of state allotted teachers by \$340 in order to amortize plant costs over a thirty year period.*

(d) *Transportation—this should be about \$7,000,000 for the first year.*

Total cost—the sum of items (a) to (d) above.

The foregoing is shown in Table I. Actually if the money were made available it would not be possible to employ 28,200 trained teachers. And if enough teachers could be employed to reduce classes to 27 pupils in average daily attendance, there are not enough classrooms to house them and their pupils. So the right half of the table shows the operating cost for 33 pupils per teacher—the ratio used in 1948-49. This gives a total operating cost of \$108,178,000. The actual budget for 1948-49, including, both state and local funds is about \$85,000,000.

Since it will require about four years, with the state doing its utmost, to train and house enough teachers to reduce class size to a desirable 27 pupils in average daily attendance, it is reasonable to expect the state to move one-fourth of the way toward the goal each year. An operating budget of \$111,000,000 is therefore proposed for 1949-50, since that is the amount necessary to include about one-fourth of the difference between \$108,178,000 and \$120,223,000.

Until the proposed ratios are applied to every county and until the personnel actually employed are tabulated on the proposed salary schedule in terms of their qualifications, an exact determination of the funds required cannot be made.

5. *The amount of state funds to provide for the foundation program should be determined by multiplying the total cost of the jointly supported foundation program by 70 to 90 per cent, and the total local effort should be determined by multiplying the total cost by 10 to 30 per cent.*

6. *The local effort required of each county should be determined by an objective index of taxpaying ability. This index should be composed of factors not subject to manipulation or discretionary interpretation, such as (a) volume of retail sales, (b) value of farm products, (c) state income*

N. C.
PRODUCTS, INC.

Plain and Reinforced
CONCRETE PIPE
 12 through 60 inch

Home Office and
 Raleigh Plant
 Pershing Road
 Phone 2-0283

Kinston Plant
 Olive Street
 Phone 2514

TABLE 1

Calculation of the Operating Cost for 1948-49 Had the Recommended Finance Plan Been in Use with One Teacher Per 27 pupils and with One Teacher Per 33 pupils

	27 PUPILS PER TEACHER			33 PUPILS PER TEACHER		
	Number	Average Cost	Total	Number	Average Cost	Total
Teachers	28,200	\$3000	\$ 84,600,000	25,200	\$3000	\$ 75,600,000
Service Personnel	3,525	3600	10,575,000	3,150	3000	9,450,000
Current Expense	28,200	300	8,460,000	25,200	300	7,560,000
Capital Amortization	28,200	340	9,588,000	25,200	340	8,568,000
Transportation			7,000,000			7,000,000
Total			\$120,223,000			\$108,178,000

tax returns, (d) number gainfully employed in industry, and (e) utility valuations. Data should be secured from the most recent state and federal reports. The index for each county would show the proportion of wealth in the county to the total wealth in the state. The proportionate part of the total required local effort which is to be made by each county should be determined by multiplying its index by the total local effort required of all counties. The General Assembly should require the tax levying body of each county to raise the revenue necessary to meet that county's part of the total required local effort as defined by the General Assembly.

7. *The tremendous accumulation of need for plant facilities and the pending sharp increases in need from increased enrollment should largely be financed by extraordinary appropriations.* Any allocation from surplus funds should be in addition to the foundation program and should be earmarked for emergency use. Allocation of special support for plant needs should follow the basic finance principles of teacher unit bases and consideration for local ability and effort. These principles will guarantee that all counties share equitably in the funds.

8. *The excessive fees being charged to students for essential instructional supplies should be eliminated since such supplies are a part of an adequate foundation program.*

9. *Local school administrative units should be required to maintain, safeguard, report, and audit internal fund accounts for all monies handled or sponsored in each school.*

10. *A substantial direct appropriation for state and regional supervision should be made for the State Department of Education.* Recommended personnel are needed immediately for the survey and identification of permanent school centers before capital outlay funds are expended.

11. *The legal debt limit should be*

increased in inverse proportion to the rate of interest paid.

12. *Legislation should be provided to transfer to county boards of education the bonded debts and title to physical properties now held by "local districts" in order to administer efficiently and equitably the recommended capital outlay program.* Power to levy taxes and issue bonds should be taken away from "local districts."

Seven members (previously listed) of the Commission state that the present state plan of finance has worked well for the fifteen years it has been in operation and can continue to serve well for the future. They recommend that increased appropriations be made to the items of current expense, that the number of items in this area be increased, but that the costs of the items of capital outlay and debt service (buildings, maintenance and the like) continue to be obligations of the counties.

Special Recommendation—Proposal for Continuance of This Study

Because of the urgency of certain matters and the limitations of time the Commission has not been able to complete investigations, some now underway, in important areas of education. Therefore, it recommends that the General Assembly of 1949 provide for a commission or other group to continue studies in the areas of merit rating, curriculum, guidance, local organization and administration, and any others designated by the General Assembly or adopted by the proposed commission.

Education and North Carolina's Resources

To return to the question at the beginning of this article:

What are the prospects for a higher standard of living and a better life generally in North Carolina? To answer this question five other questions must be answered:

First, how rich is North Carolina in natural resources? The sun, land, minerals, water, plant, and animal life provide the physical medium in which

the food is grown, metals and fuels are mined, building materials and clothing are procured, and from which our many machines and gadgets are fashioned. These are the community's natural resources.

In geologic and geographic areas and soil types, resulting from the wide range of geography and geology, North Carolina is unsurpassed by any other state. The state has a wide range of geologic eras, from the most ancient to the most recent. It has four major geographic areas: tidewater, flat lands, the upper coastal plain, the wide expansive piedmont, and thousands of square miles of the highest and most picturesque mountains in eastern America. There are many sections in North Carolina with more soil types than whole states have. And in variety of all natural resources the state is scarcely excelled in the whole United States.

Second, do the scientists know how to convert these raw natural resources into usable and salable products? Scientists and trained technicians are daily probing into the materials and forces which nature provides. Much of the basic research has been done. Already scientists know the types of resource-use practices which will release the productive powers of land, minerals, forests, waters, and wildlife. If a fraction of what they know were put to work, there would be a marked increase in the income and level of living of the people of North Carolina.

Third, has North Carolina developed the social organizations and economic mechanisms required for the effective utilization of its natural resources? Thanks to the social scientists and centuries of growth, North Carolina has the requisite government, laws, banks, methods of incorporation, purchasing and marketing facilities, and transportation, as well as the motivating and labor-supply institution, the fruitful family. So the state is nearly as well supplied with social resources as natural resources.

Fourth, have the mass of citizens of North Carolina been taught the requisite knowledge and skills? The ready wealth of nature and the growing knowledge of scientists—these mean little until they are wedded to the skilled effort of the masses of North Carolinians. Only in such a union is there prospect for a better society in our commonwealth.

The great number of people in the state represent a vast reservoir of spiritual, intellectual, and physical energy. However, for the present, only a small fraction of this human potential is being tapped. The people have not been adequately stimulated or assisted to attain the vision, the scientific knowledge, and the skill they need and of which they are capable. There is great latent wealth stored in the people of North Carolina.

A richer life for the people of the state can come, then, only through the release of our tremendous human capacity so it may release in turn the pent-up gifts of nature. Nothing less than a new spiritual and scientific awakening of the people of the state can achieve this full promise, and nothing less than a continuous educational crusade can bring the awakening.

There is a tendency to place too much stress on the richness of natural resources in comparison with the human factor. Some seem to think that bountiful natural resources are a guarantee of high living standards. As a matter of fact, the opposite is often true. Some of the nations with the highest standards of living are those with the most meager resources. On the other hand the inhabitants of some of the countries with the most bountiful resources live in the direst poverty. Even with relatively poor natural resources a country or area can enjoy the highest prosperity, if the people are sufficiently skilled to utilize those resources effectively. Switzerland and Sweden are examples of nations with limited resources which have a high standard of living because of the notable skill of their people.

To repeat for emphasis, *the promise of North Carolina's future lies in the full development of the human and natural resources of the state. This promise will be fulfilled only if the people of the state provide the means for releasing the human potential into productive union with nature's gifts.*

Fifth, have the people of North Carolina accumulated sufficient capital to purchase efficient machines and other tools needed to transform nat-

ural resources into wealth? Deposits in the banks of North Carolina are sufficient to finance many more enterprises than the skill of the people can manage.

So there is no shortage of natural resources, scientific knowledge, social organizations and economic mechanisms, and bank deposits. The shortage is in an educated citizenry. That alone is the weak link in the chain. The economy of North Carolina is unbalanced. More of the money in the banks should be going into the right kind of education—to providing the people with technical skills.

The major problem, then, faced by the state today is to plan its educational program so that every educational institution will make a direct and continuing contribution to the

development of the economy of the state. This is a problem which should challenge the best thinking of all the citizens during the coming years. It can be done in North Carolina, as it has been done in countries like Denmark, if the people are willing to make the effort—to sacrifice now in order to invest in a promising future.

The gap between present achievement and much greater potential achievement is due largely to the imperfections and inadequacies in North Carolina's educational system. Every community in the state has the potentiality of producing goods and services which will provide a much higher standard of living. Only through an adequate educational program can any community attain this higher level of human welfare.

Books Received

BUILDING ATLANTA'S FUTURE. By John E. Ivey, Jr., Nicholas J. Demerath and Woodrow W. Breland. Chapel Hill: The University of North Carolina Press. 1948. \$3.50. Pages xii, 305.

The Atlanta Board of Education has fired a broadside at citizen innocence of the freedom their civic status gives them to affect their futures and Atlanta's by working in concert toward recognized goals. "Perhaps—like so many people—you hadn't even realized that there could possibly be anything different from what there is today," say the authors to the school children of Atlanta. Word and picture explanations of how that city came to be as it is, what its place is in its setting (particularly as a Southeastern regional center), and what it should provide to its residents now and later are made the basis for declarations of the people's responsibility for effecting beneficial changes. Specific suggestions for study and action by school-age groups seem to open the way for early practice of citizenship by Atlanta's children. Their new-awakened interest, although its influence will be indirect for some years to come, may stimulate positive thinking in their elders and pave the way for a broad and recurring wave of civic activity that will modify and finally obliterate the unfortunate consequences of a century of haphazard growth allowed by a neglect-book indicate its plan and emphases. ful citizenry.

The four division headings of the

They are: Raw Materials of Cities, Cities Serve People, Meeting Group Needs, and Guiding City Growth. The student is urged to seek to understand his environment and his place in it. His general duty to work for civic betterment is outlined, with the theme of the desirability of overall city planning apparent and constant. Particularly valuable features of the book are its synthesis of history, elementary economics, sociology and government, and the authors' insistence on the necessity for realizing that the city's problems are all inter-related and that the city, although it may seem a world in itself, does not exist apart from its environs. These features compensate in large part for the fact that certain very important duties of the citizen such as political activity, voting, and willingness to serve as an official, a juror, or as a member of a board or commission are not specifically detailed.

Almost thirty years ago students in Chicago schools began using the *Wacker Manual*, early example of a civics book written for the schools of a particular locality. A recent example is *Buffalo—Your City*, published last year. Although such textbooks center the future citizen's attention on his immediate physical, economic, social and political surroundings, the Atlanta book, notably, emphasizes the mutual interdependence of the city and the country, of Atlanta and its suburbs and satellites, of Atlanta and the Southeast.

THE CLEARINGHOUSE

Recent Developments of Interest to Counties, Cities and Towns of North Carolina

Cities and Towns

Sanitation

City-wide sanitation surveys of all food handling establishments will be conducted monthly in *High Point* from now on, Dr. Loren Wallin, city health officer, has announced. Regular inspections, which were suspended during the war years, were made possible by the recent addition of two assistant sanitarians, which will bring the health department up to full strength. Eating places will be required to conform to the minimum standards set by the state health department and results of the surveys will be published quarterly.

Adoption of the landfill method of garbage disposal spread this month to *High Point*, *Smithfield* and *North Wilkesboro*, as well as *Nashville*, Tennessee. The system is designed to eliminate rats and insects and to eventually make the incinerator obsolete. All four cities have purchased tractors and bull clam shovels, which will be used to compact the refuse after it is dumped, and cover it with dirt. The method was developed by army engineers during the war and is now in operation in *Greensboro*, *Salisbury*, *Burlington*, and other cities throughout the state.

Refuse disposal problems in *Tupelo*, Mississippi have become more rather than less complex since the town officials installed shiny new garbage containers on the streets. Hoping to facilitate the work of keeping the streets clean, they were chagrined to find that collectors now faced the additional problem of having to sort the garbage from the outgoing mail.

Taxicabs

Almost every aspect of taxicab operation has been provided for in a detailed ordinance recently passed by the *Hickory* city council. Strict regulations will govern such details as the number of cabs permitted to operate in the city, their color schemes, the qualifications and appearance of the drivers, and the rates to be charged. An inspector with wide powers is provided for, who will make periodic check-ups to insure compliance with the terms of the ordinance, issue permits to qualified operators, and revoke or suspend permits upon violation of the major traffic laws.



A similar ordinance is now under consideration in *Winston-Salem* after having received the approval of representatives of the cab companies as well as of police officials. The ordinance calls for a full-time cab inspector and sets highly detailed requirements for the maintenance, operation and financial arrangements involved in cab service. As in *Hickory's* ordinance, cabs are prohibited from cruising in search of passengers, drivers are required to keep records of the origin and destination of trips, cabs must be cleaned and inspected regularly, and the city is empowered to limit the number of cabs as it sees fit.

City Limits

For 107 years the city limits of *Henderson* have described a circle with a radius of 1,200 yards from a central street intersection, remaining virtually unchanged since the creation of the city by a legislative act of 1841. A proposal now being considered by city officials would enlarge the city by taking advantage of the act of the 1947 General Assembly authorizing annexation election in North Carolina cities and towns. Its supporters seek to stretch *Henderson's* corporate limits out in a circle with a radius of 2,300 yards from the main intersection.

Sound Trucks

The *Winston-Salem* board of aldermen is considering a six-page ordinance closely regulating the use of sound trucks, as a substitute for the present one-paragraph ordinance of the type recently declared by the Supreme Court to be a violation of the constitutional rights of free speech. Provisions of the proposed ordinance prohibit sound trucks from broadcasting in the city's fire district and within 100 yards of a church. The

(Continued on page 14)

Counties

County Planning

The first zoning plan of its kind has been completed by the *Forsyth* County-Winston-Salem Planning Board under an enabling act passed for the county by the 1947 General Assembly. Zoning maps and proposed ordinances zoning all of *Forsyth* County outside of metropolitan *Winston-Salem* and the incorporated town of *Kernersville* have been prepared and after public hearings are held may go into effect early in 1949. It will be the first time that rural property has been protected by zoning in North Carolina. The plans provide for six types of property zones: rural, residence A, residence B, business, commercial and industrial. Requirements in the various districts correspond to those of city districts, except that city zones go further in breaking down the types of districts. The regulations were drawn with the intention of protecting already established residential districts while at the same time providing for industrial development in rural areas in future years. Care was also taken to keep the new zoning laws from interfering with farming. Building permits will not be required for any farm building to be set 100 feet or more from the property line.

The zoning ordinances, which are expected to serve as models for other counties in the state, will be administered by a zoning officer to be appointed by the county commissioners. The plan also calls for the establishment of a Board of Adjustment.

Consolidation of Schools

The report of the 54-member committee which completed a survey of *Guilford* county late this summer received further notice this month when Dr. Clyde Erwin, state superintendent of public instruction, appointed a five-man committee to study the possibility of consolidating the county's rural high schools. This step follows a recommendation of the survey committee that all *Guilford* high schools of less than 125 students be consolidated and that consolidation of schools with as many as 500 students be set as a future goal. While the committee appointed by Dr. Erwin

(Continued on page 14)

Cities and Towns

(Continued from page 13)

trucks would have to move at a speed of at least 10 miles an hour, and if caught in traffic, might broadcast for no longer than one minute at each stop. The hours when broadcasting would be permitted would be between 11:30 a.m. and 1:30 p.m. and between 4:30 p.m. and 6:30 p.m., on weekdays only. Sound from the truck must not be audible at any time beyond 100 feet. Copies of the proposed ordinance have been sent to local union officials.

"Service Requests"

The search, in *Newton*, Kansas, for ways of improving public relations and providing better and faster service for citizens has produced a streamlined method of dealing with complaints from individuals to the city. The citizen presents his case to a city employee who fills out a "service request" form in duplicate—one copy going to the city manager and the other to the proper department head for action. When action has been taken, the "service request" and a note explaining the action taken, are filed alphabetically according to the name of the person making the request.

City Manager

The government of *Richmond*, Va. was overthrown in a bloodless revolution last month when a city manager and a nine-man council peacefully took over the reins of government from the mayor and two-chamber council after more than thirty years of strong-mayor government. The of-

ices of mayor and vice-mayor will be retained as honorary positions.

Traffic Control

After studying the spot map of *Lumberton's* recent traffic accidents prepared by Police Chief W. M. Harris, the city's police have already taken steps which are expected to reduce the accident rate materially. Corner parking has been eliminated from several street corners, SLOW and STOP signs have been placed throughout the city, and three officers have been assigned to the school district for the protection of children. One change which Chief Harris has found it necessary to explain is the removal of a stop light at one of the intersections. A survey showed that more accidents occurred with it than without it.

Police Training

Laurinburg's policemen went back to school on September 21 under the first police training program in the city's history. Conducted by Chief Tom Davis and other city and county officials, the school will take place over a period of eleven weeks and offer a comprehensive schedule of courses. Using guidebooks published by the Institute of Government, instructors will cover such subjects as the law of arrests, searches and seizures, city ordinances, definition of the Motor Vehicles Act, courtroom demeanor, and traffic regulations. All ten members of the force are required to attend the classes and to make a passing grade in the final examination on December 7.

Counties

(Continued from page 13)

has been asked to study the local situation from the particular standpoint of the regrouping of high school students, the members were also requested to give attention to any other school matters, except curriculum, they deem necessary.

Smoke Control

Spotters in observation posts scattered through *Milwaukee* county, Wisconsin, will be on the lookout for industrial smoke as well as forest fires from now on, following passage last month of a county wide smoke control ordinance. To comply with the ordinance, the city of *Milwaukee* plans to install stokers at a cost of about \$1,200,000 to reduce smoke, soot and fly ash. Until these are installed the city purchasing agent will secure a better grade of coal.

Library Service

Bertie, *Gates* and *Hertford* have joined together to form a regional library system to promote mobile library system to promote mobile counties. They will share the services of a regional librarian and the use of a truck now being converted into a bookmobile. A board incorporated as the Albemarle Regional Board of Trustees will superintend the service.

County Records

With a desire for more efficient service to the public and a view to aiding future historians, two counties took steps this month to preserve public records and to modernize their methods of keeping them up to date. The county commissioners of *McDowell* have ordered a photostat recorder to be used in the offices of the register of deeds and clerk of superior court in copying all documents which are to be filed in the county's offices. *Mecklenburg* commissioners are considering a plan to microfilm the county's records on 35 mm film at an estimated cost of \$8,000, or about one and a half cents a page. The film, which is as durable as the best grade of paper, would be placed on file in a fireproof vault. Such a project, which would require about eight months in *Mecklenburg*, is now being carried out in *Charleston*, S. C., where records dating from 1720 to the present are being photographed.

Horse and Dog Racing

New Hanover has made arrangements for a special vote to be taken on November 2 to determine whether or not there shall be legalized horse and dog racing in the county under the pari-mutuel system. The referendum was provided for by an act of the 1947 legislature authorizing the election before January 1, 1949. Morehead City, the only locality in the state which has legalized horse and dog racing, reported that \$25,000 was the city's share of pari-mutuel receipts this summer, and that the sum will be used toward implementing the street repair program.

Comic Books Again

"Funny books" must be funny, the *Los Angeles* County board of supervisors ruled last month, or else they must not be sold to children under 16. The ordinance includes in the ban all comic books dealing with murder, burglary, kidnapping, arson and assault with deadly weapons. Violators will be fined \$500 or receive a six month jail sentence.

(Continued on inside back cover)

Bryan Rock & Sand Company, Inc.

Producers of

WASHED GRAVEL
CRUSHED STONE
STONE CHATS
CONCRETE
MORTAR SAND
RAILROAD BALLAST
STONE SCREENINGS

For All Purposes

Raleigh
Phones: 3-1986-7; Ld. 916
207 Raleigh Bldg.

SERVING EASTERN
AND CENTRAL N. C.

The Attorney General Rules

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

I. AD VALOREM TAXES

B. Matters Affecting Tax Collection 59. Tax collection—removal to another unit

To Edward E. Crutchfield.
(A.G.) G.S. 105-386 provides in substance that if a taxpayer has removed from the taxing unit in which the taxes are due and has left no property there, and is known to be in some other unit in this state, it shall be the duty of the collector of the local unit to send a copy of the tax receipt, with a certificate stating that such taxes are unpaid, to the collector of the unit in which such property is located or in which the taxpayer is known to be; and that such receipt and certificate shall have the force and effect of a tax list of his own unit.

IV. PUBLIC SCHOOLS

A. Mechanics of Handling School Funds

To John Kerr, Jr.
Inquiry: What disposition would be made of taxes collected from special tax district levies when there is no district or county-wide school debt?
(A.G.) Under these circumstances, the tax levies should go in the county general fund.

B. Powers and Duties of Counties 8. Disposal of schools when use is discontinued

To Hubert Easen.
Inquiry: Does a Board of Education have authority to sell or remove from the land buildings situated thereon which were formerly used for school purposes when the deed to the land states that the "land is to be returned to (the grantor) when it ceases to be used for public school purposes"?

(A.G.) I am inclined to the view that our courts would hold that the title would revert to the grantor immediately upon the abandonment of the property for school purposes. It is the further opinion of this office that the buildings situated on the land are permanent fixtures, as such would go with the land and could not be removed.

25. Use of county funds

To J. Frank Huskins.
Inquiry: Can a County Board of Education, which has purchased a car with school funds for the use of its school personnel in the performance of their official duties, purchase a private license plate for the car?

(A.G.) G.S. 20-84 provides for the purchase of a public plate for \$1.00, so it would seem that the Board would not be justified in expending a larger sum. The statute seems to contemplate that publicly owned cars of every type should use public plates.

**HARRY
McMULLAN**
Attorney
General
of
North
Carolina



D. Powers and Duties of Present School Districts and Agencies

2. School age requirements

To Theodore F. Cummings.
Inquiry: Does a school board have a legal right to require each first grade student (or parents of such student) to file with the school authorities a certified copy of such student's birth certificate, which costs fifty cents?

(A.G.) I do not think that the school board could require, as a condition precedent to a child's entering school, a birth certificate for which he has to pay fifty cents, unless the local school board adopts a regulation and it is approved by the State Board of Education.

To J. L. Dupree.

Inquiry: Under the provisions of G.S. 115-371 is a child who will be six years of age on October 2 eligible for admission in that school year?

(A.G.) According to the common law as declared in many jurisdictions, a child who was born on October 2, 1942, would be six years of age from the first moment of October 1, 1948, and would therefore be eligible to attend school during the school year 1948-49.

O. State Board of Education

1. General powers and duties

To Paul A. Reid.
Inquiry: Does the State Board of Education have the legal authority to assign children to an administrative unit in which they do not actually reside, without the payment of tuition?

(A.G.) This question, I think, is fully answered by the language of G.S. 115-352, which provides: "It shall be within the discretion of the State Board of Education, wherever it shall appear to be more economical for the efficient operation of the schools, to transfer children living in one administrative unit or district to another administrative unit or district for the full term of such school without the payment of tuition: Pro-

vided, that sufficient space is available in the building of such unit or district to which the said children are transferred.

PERMISSIBLE PERIOD FOR BEER SALES AFTER PROHIBITION

Inquiry: How long may the holder of a beer and wine license continue to sell beer and wine after an election at which the sale of beer and wine was outlawed in the county where the seller holds a license valid for the remainder of the license year?

(A.G.) Sections 3(a) and 3(b) of Chapter 1084 of the Session Laws of 1947, which authorizes the holding of elections on the question of the sale of beer and wine, make it unlawful to sell either of said beverages after the expiration of sixty days from the day on which the election was held as to the particular beverage prohibited to be sold by said election. The fact that the license to sell extends beyond that sixty-day period is not material.

VII. MISCELLANEOUS MATTERS AFFECTING CITIES

F. Contractual Powers

15. Requirement for competitive bids
To Staton P. Williams.

18  90

Fidelity and
Deposit Company
of Maryland

SURETY BONDS
& INSURANCE

18  94

American
Bonding Company
of Baltimore

REPRESENTATIVES EVERYWHERE

Inquiry: May the governing body of a municipality consider a proposal filed under G.S. 143-129 when the required deposit does not accompany the proposal but is filed after opening of the proposals, although before any acceptance is made, when that proposal is low bid?

(A.G.) Governing body of a municipality is specifically prohibited from considering or accepting a proposal which is not accompanied by the required deposit under G.S. 143-129.

N. Police Power

20. Regulation of trades and businesses

To Mr. C. D. Poole.

Inquiry: May a municipality prohibit or regulate persons peddling wares on the streets of a municipality which also happen to be federal or state highways?

(A.G.) You are advised that municipal corporations are authorized, under the provisions of G.S. 160-200 (11) to adopt such ordinances for the regulation and use of the streets of the city as may be deemed best for the public welfare of the citizens of the city; it is the opinion of this office that the city has authority to regulate or prohibit persons from peddling their wares on the streets of the city regardless of whether such street is a part of the state highway system.

To J. R. Morgan.

Inquiry: Is a town ordinance which prohibits any person keeping open a bowling alley, tenpin alley, pool room or other room containing any public billiard table between the hours of twelve o'clock Saturday nights and seven o'clock Monday mornings discriminatory because it does not also prohibit the showing of motion pictures?

(A.G.) Our Supreme Court has held that the General Assembly, as well as municipalities within the state, have the power to classify the different occupations, provided the classification is not unreasonable and oppressive. *State v. Davis*, 171 N. C. 809. In this case the validity of an ordinance fining drug stores \$25 for selling cigars on Sunday while fining restaurants and cafes but \$5 for the same offense was valid since the ordinance relates to distinct and easily severable occupations, in the absence of any finding that those engaged in them come in competition with each other. Our Supreme Court has also held that a municipality has the power not only to regulate ordinary business pursuits on Sunday, but may altogether prohibit them. *State v. Mealin*, 170 N.C. 682. G.S. 160-200 (33) also authorizes a municipality to license, prohibit and regulate pool and billiard rooms, and in the interest of public morals provide for the revocation of such licenses.

21. Sale of wine and beer

To I. E. Carlyle.

Inquiry: Is it mandatory for the governing body of a municipality to issue an "on premises" license for the sale of beer to a pool room?

(A.G.) *McCotter v. Reel*, 223 N. C. 486 seems to specifically hold that the mandatory provisions of the Act cannot be invoked unless the business is a bona fide one of the types enu-

merated in G.S. 18-72. However, if the pool room obtains a license as a restaurant or cold drink stand, it is a question of fact for the governing body whether the applicants intend to operate a *bona fide* restaurant or intend to operate it merely as a subterfuge to obtain a license to sell beer in what is actually a pool room. The amendment to G.S. 18-75 providing that no license shall be issued to a pool room or billiard parlor or any person, firm or corporation operating same for sale of wine has no bearing on this case since it deals solely with a prohibition against the sale of wine in pool rooms.

POPULATION NECESSARY FOR MUNICIPAL BEER ELECTION

Inquiry: The county has recently voted out the sale of beer and wine, but this town, which in 1940 had a population of 960 but now has a population over 1000, desires to hold an election within the municipality. Must the population be determined by the 1940 census?

(A.G.) Section 4 of Chapter 1084 of the Session Laws of 1947 is clear that the required population of the municipality is based on the last federal census.

VIII. MATTERS AFFECTING CHIEFLY PARTICULAR LOCAL OFFICIALS

A. County Commissioners

3. Vacancies

To J. E. Berry.

Inquiry: A member of the Board of County Commissioners filed his resignation with the Clerk of the Superior Court of the county. This was held for ten days or more, and while the Clerk was considering who should be appointed to fill the vacancy under the provisions of G.S. 153-6, the member tendering his resignation went to the office of the Clerk, requested his resignation and destroyed it. Will it be necessary for the Clerk to reappoint the member before he can legally serve in the capacity of a member of the Board?

(A.G.) It is my opinion that the member had a right to withdraw his resignation before it was accepted by the Clerk, and having withdrawn it before acceptance it will not be necessary for the Clerk to reappoint him to enable him to continue to serve.

C. Sheriffs

6. Bail

To N. H. Butler.

Inquiry: May a sheriff take and justify surety on a bail bond and release a prisoner under G.S. 1-430?

(A.G.) G.S. 1-430 applies only to a provisional remedy known as "arrest and bail." There are several instances in civil cases when persons may be arrested and compelled to give bail; and in this instance, the sheriff is allowed to take bail and discharge the person. The right of the sheriff to take bail in criminal cases is governed by G.S. 15-107 and 15-108. Under 15-107 the sheriff may take bail where a person is arrested under

a *capias*. Under 15-108, if a person is lawfully committed to jail before final judgment, the sheriff or other officer having him in custody may take sufficient justified bail and discharge him.

D. Registers of Deeds

9. Marriage—licenses and certificates

To Mrs. Mariemma Henley.

Inquiry: G.S. 51-14 requires residents of this state who are married outside the state to file a certificate showing that they have conformed to the requirements of the examination specified by G.S. 51-9 to 51-14. How may compliance with 51-14 be accomplished?

(A.G.) There are two ways to comply with this section: First, the parties may obtain the certificates required by our statute and file them with the Register of Deeds, and second, the parties may obtain a certificate from the marriage officials in the state where they were married showing that in obtaining the license in that state the parties had complied with these sections of our law.

L. Local Law Enforcement Officers

26. Prohibition—beer

To H. T. Eard.

Inquiry: May a wholesaler possess beer in a county where the sale of beer and wine has been prohibited for the purpose of sale to dealers in adjoining counties in which the sale of beer and wine is permitted?

(A.G.) Under the provisions of G.S. 18-32, it would seem that the possession of more than five gallons of beer would raise a presumption of possession for sale and the possessor would be subject to prosecution for the possession of beer for the purpose of sale. However this should be discussed with your county attorney, and any opinion which I might express is made in all deference to his opinion on this question.

38. Automobile drivers' licenses

To Malcolm MacQueen.

(A.G.) G.S. 20-16, providing that the Department of Motor Vehicles shall have a right to suspend the license of any operator or chauffeur without a preliminary hearing, upon a showing by his records or other satisfactory evidence that the licensee has committed any of the acts enumerated, and G.S. 20-24, subsection (d), providing that pending an appeal, the court from which an appeal is taken shall make such recommendation to the department relative to suspension of license until the appeal shall have been finally determined, are considered by the Department of Motor Vehicles as being its authority to suspend automobile drivers' licenses upon conviction of operating motor vehicles under the influence of intoxicating liquor, pending an appeal to the Superior Court.

62. Jurisdiction

To L. D. Cain.

Inquiry: Does a city policeman have any authority to make an arrest after chasing a violator of the law outside

the city limits for a violation of law committed within the city?

(A.G.) You are advised that a police officer has no right to pursue a car outside the city limits of a town and arrest a person for a violation of the law committed within the city limits. A police officer is a creature of the statute and as such has and can only exercise the powers given him by the Legislature, expressly or derivatively.

To R. T. Allen.

Inquiry: What is the liability of a city police officer and/or the city when the officer, at the request of a bus company, removes a passenger from the bus who violates the provisions of G.S. 60-136 by refusing to move to the rear of a bus to an unoccupied seat?

(A.G.) If the passenger is a local passenger, it is my opinion that the statute is constitutional and does not violate the Commerce Clause of the Federal Constitution, so that the officer may make an arrest in this case for an offense committed in his presence. If, however, the passenger is travelling on an interstate ticket the seating arrangement is controlled solely by the company rules and not by the statute, and the police officer has no right to make an arrest for the violation of these rules. If he did make such an arrest, I do not believe that the city would be liable for damages as the officer is in the performance of a governmental duty whether the person arrested is guilty or not. However, the officer might be personally liable for arresting an interstate passenger for failure to observe company rules, unless there was a breach of the peace growing out of the violation of company rules.

103. Benefit funds

To J. W. H. Roberts.

Inquiry: Would a retired peace officer, police or deputy sheriff receiving benefits from the Law Enforcement Officers' Benefit and Retirement Fund jeopardize his receipt of benefits by the acceptance of the office of Justice of the Peace and actively acting in such capacity?

(A.G.) I advise that such beneficiaries may act as Justices of the Peace, as there is nothing in the Acts or regulations in the Retirement System to prohibit such acting. A Justice of the Peace is a judicial officer and is not a peace officer in the sense that he engages in the administrative enforcement of the law with powers of arrest.

M. Health and Welfare Officers

1. County Boards of Welfare

To Mr. V. B. Gavin.

Inquiry: Should funds received by the County Welfare Department from the State Commission for the Blind and used for the administration of aid to the blind be deposited in the County Treasury and thereby reflected in the budget of the County Welfare Department as the administrative expenses of the Department?

(A.G.) In my opinion it is entirely up to the Commission for the Blind as to where they shall pay these funds and as to where they shall apply them; it can pay this money direct to the county boards of public welfare and

they do not have to pay it into the County Treasury unless they choose to do so. These funds are vastly different from the equalizing funds that must be paid into the County Treasury by law.

3. County welfare superintendent

To Dr. Ellen B. Winston.

(A.G.) G.S. 108-84 does not confer immunity or exemption from the licensing provisions of the solicitation statute (G.S. 108-80) on all activities of an organization merely because the organization has an ecclesiastical name. A line of distinction must be drawn between those functions of a church which are carried on for worthy purposes and objectives, many charitable in nature, but which are not a direct part of the ecclesiastical and religious functions of the church itself. Those functions which are educational, charitable, and of a beneficent nature and at the same time analogous to similar functions performed by units of government and non-profit, non-religious organizations are covered by the solicitation statute, and the church must apply to the State Board of Public Welfare for licenses in order to make such solicitations. On the other hand, solicitations for such things as the upkeep of church buildings, the support of the clergy, and other purely church functions are exempted from licensing requirements under G.S. 108-84.

Y. Forest and Game Wardens

30. Particular rulings affecting game laws

To D. Warren Lupton.

Inquiry: Is a raccoon considered a game animal under the game laws of this State?

(A.G.) Under the provisions of G.S. 113-83 raccoons are included in the definition of "fur bearing animals." G.S. 113-100 and 113-101 provide for an open season for taking raccoons. As a consequence, it is the opinion of this office that raccoons are game animals within the meaning of our game laws.

NAME ON BALLOT WITHOUT NOMINATION?

Inquiry: Where no candidates from any party have filed for a particular office, is there any way whereby a man can now be nominated and have his name put on the ticket?

(A.G.) G.S. 163-145, relating to the filling of vacancies in nominations, makes no provision for nominating a candidate where no candidate has filed for the office. There is consequently no way whereby he can now be nominated and get on the ticket. However, I would suggest that the ticket be printed in such a way as to make it convenient to have the name of the candidate written in, and then it would be of course counted as on any other ballot.

XIII. STATE INSTITUTIONS

To R. G. Deyton.

(A.G.) It is my opinion that the

payment of witness fees is a legitimate expense on the part of any State department involved in a court action, and that the authority to pay such fees is inherent in the various departments.

Counties

(Continued from page 14)

Revaluation

Mecklenburg county commissioners voted unanimously this month for a county-wide revaluation of real and personal property, to take place "as soon as possible." The commissioners plan to hold joint meetings with representatives of the city of Charlotte and will study the revaluation programs in other cities and counties of North Carolina in determining the definite steps to be taken.

School Lunches

North Carolina schools happily faced the problem last month of finding storage space for four carloads of concentrated orange juice, five carloads of honey, 26 carloads of applesauce, nine carloads of dried eggs, fourteen carloads of dried fruits and 55 carloads of potatoes. The food will go toward providing hot noonday meals, for less than 20 cents each, for thousands of school children in the state this year, under the National School Lunch Program. The act establishing the program was passed in 1946 and provides federal grants-in-aid to states serving school lunches. The states have the primary responsibility of developing their own program and must match the federal grant dollar for dollar. In matching the grants, food and labor supplied by the schools may be counted. The lunches must follow a menu pattern recommended by the Food and Nutrition Committee of the National Research Council. Already surveys have shown improvement in child health in several states as a result of the program.

This year the Department of Agriculture will spend \$75,000,000 in helping to provide hot lunches for more than 6,000,000 children in 47 states. This budget does not include the quantities of food, to be sent to the states, which were purchased in connection with the government's price support program.

LION ON THE LOOSE!



Zoo Curator
Clyde Gordon
finds EXPERIENCE
IS THE BEST TEACHER
—in handling "big cats"
...and in choosing
a cigarette, too!

WHILE MOVING TWO LIONS INTO A NEW CAGE AT THE ZOO...



FAWSANA'S ON HER WAY
— BUT IT LOOKS LIKE
TROUBLE WITH SULTANA!

BE CAREFUL!
I'VE LEARNED FROM
EXPERIENCE—LIONS RAISED IN
CAPTIVITY CAN BE MORE DANGEROUS
THAN JUNGLE BORN!



WITH A
SUDDEN
ROAR...

SULTANA LEAPS THROUGH
THE CAGE DOOR—CRASHES THROUGH THE RUNWAY FENCE!



RUN,
CHIEF!

NO—THAT'S THE
WORST THING—
I COULD DO!

EXPERIENCE IS
THE BEST TEACHER*

LONG EXPERIENCE HAS
TAUGHT CLYDE GORDON
NEVER TO SHOW FEAR TO
AN ANIMAL. HE STANDS
HIS GROUND... SPEAKING
SOFTLY, INSISTENTLY... WHILE
DIVERTING HER ATTENTION
WITH BROOM HANDLE.



* TRUE, TOO, IN CHOOSING
A CIGARETTE! WITH SMOKER
AFTER SMOKER WHO TRIED AND
COMPARED—CAMELS ARE THE
"CHOICE OF EXPERIENCE!"



STEADY, GIRL, STEADY...
NOW BACK INTO THE
RUNWAY... AND TRY
YOUR NEW CAGE!

LOOKS LIKE SHE'S
GOING TO OBEY!

R. J. Reynolds Tobacco Company, Winston-Salem, N. C.



THAT WAS CLOSE, CHIEF,
BUT YOU SURE HANDLED
THINGS RIGHT!...HAVE
A CAMEL!

THANKS...
EXPERIENCE
COMES IN HANDY
—WHETHER YOU'RE
HANDLING ANIMALS OR
CHOOSING A CIGARETTE!
THAT'S WHY I SMOKE CAMELS!

Let your "T-Zone"
tell you why!



T for Taste...
T for Throat
...that's your proving
ground for any
cigarette. See if
Camels don't suit your
"T-Zone" to a "T."

...and Clyde Gordon says:

I'VE LEARNED
FROM EXPERIENCE
THAT MILD, FULL-
FLAVORED CAMELS
SUIT ME TO
A 'T'!

Clyde Gordon

General Curator and Director
Staten Island Zoo



According
to a Nationwide survey:
**MORE DOCTORS SMOKE
CAMELS THAN ANY
OTHER CIGARETTE**

When 113,597 doctors were
asked by three independent
research organizations to name
the cigarette they smoked,
more doctors named Camel
than any other brand!



**CAMELS—the Choice
of Experience!**