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Nominating Convention — 1951 Boys' State

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Cover: Pictured here is a scene from the Federalist Convention where state officers were nominated during the 1951 American Legion Tar Heel Boys' State. The Boys' State band is shown in the scene. See the article on page 13.

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Local Legislation in The 1951 General Assembly

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The General Assembly of North Carolina was busy during the session of 1951. In a session lasting a few days more than 10 weeks it considered 1801 separate bills and enacted 1235 of them into law. It took care of the necessary items of business such as the Revenue and Appropriations Acts for 1951-53, it set new state policy in some fields such as the allocation of the proceeds from ½ cent of the gasoline tax to cities for street purposes, and it passed a large number of bills clarifying or modifying existing state policy.

But the General Assembly was not only concerned with problems of state-wide significance. It found the time, among other things, to set the salaries of 43 different county sheriffs, to prohibit the killing of birds in 21 different cities and towns, to amend the election laws for 40 different municipalities, and to fix the salary of a courthouse janitor.

The power of the General Assembly to make laws for the better government of North Carolina may be exercised in the passage of laws applying to the entire state or in the passage of laws applying to a single person, a single county or a single city. Of the 1235 new laws passed in 1951, 376 or 30.45% were state-wide in application, and 859 or 69.55% applied only to one or a few cities, counties, or other local subdivisions.

For over 100 years the disproportionate number of laws which are local in nature has been an issue in North Carolina, and the abolition of local legislation has been urged by legislators, public officials, and citizens interested in the legislative process. On the one hand it is argued that, "private, local and special legislation is an unnecessary burden on the individual legislator and our General Assembly as a whole," that too much time is taken by the General Assembly in passing local legislation, that each individual legislator consumes time and energy in discussing local problems and securing passage of local bills that might better be spent in consideration of state-wide legislation. The other principal argument is that the custom of local legislation vests too much power, theoretically dictatorial power, in a single legislator insofar as the government of his home community is concerned. "The danger of local legislation is that a representative can be elected and then utterly disregard the best interest of his county."[2] And only when a legislator so far disregards the best interests of his county that state policy is affected will the General Assembly as a whole step in, disregard legislative courtesy in the consideration of local bills, and overrule the introducer of the bill.

Perhaps both of these points of view are but corollaries of a more basic question. Is the General Assembly to retain legislative and administrative control over large areas of local government or is it to delegate to the cities and the counties even more discretionary power to handle governmental problems that seem to be purely local in nature? Is it the province of the General Assembly to determine the salaries of county officials, for example, or should that determination be made by the county commissioners? Should the General Assembly determine the mechanics of holding elections in each of the over 400 North Carolina cities and towns or should it merely establish a general policy under which each individual municipality could determine actual procedure, such as terms of councilmen or aldermen, the boundaries of wards, and the times for filing notice of candidacy?

Yet another question should be raised. Is the existing system of local legislation the fault of the General Assembly itself? While it may appear that the General Assembly is spending too much time on laws pertaining to particular cities and counties, and while the undeniable power that a single legislator has over the passage of local laws may be undesirable in theory, in many, many cases the responsibility for the introduction of local legislation is to be traced not to the legislator but to the cities and counties themselves. Too often cities and counties want legislation tailored to their particular needs, too often they want to shift the burden of a decision from their own shoulders to that of the General Assembly, and too often they prefer to have a special law directly authorizing some action which they could undertake just as well under the authority of general laws.

A solution to the problem of private, local and special legislation has been sought in North Carolina since the early years of the 19th century. Constitutional restrictions on the authority of the General Assembly to pass private, local and special legislation have been only partially successful. Thorough studies of local legislation have been made by a number of legislative commissions, the latest by a commission appointed by the 1947

1. Comment made by a legislator to the Commission on Public-Local Local and Private Legislation authorized by the 1947 General Assembly. "Report of the Commission on Public-Local and Private Legislation," Popular Government, February-March 1949, p. 13. This report will hereafter be cited as "Report of 1947 Local Legislation Commission."

2. *Ibid.*, p. 16

General Assembly, but no action has ever been taken on the recommendations. Bills providing for the submission of a constitutional amendment to grant varying degrees of Home Rule to cities and counties have been offered in the General Assembly on several occasions but have never received legislative approval. The report issued by the commission appointed in 1947 contains a detailed picture of the development of private, local and special legislation in North Carolina since 1776, covers at length the problems suggested in these introductory paragraphs, and should be studied by those persons interested in an effective solution.[3]

The purpose of this article is not to go back over the field covered by that report but to examine in detail the local legislation passed by the 1951 General Assembly and to bring the report of the 1947 commission up to date for 1949 and 1951 developments. Local laws passed in 1951 will be particularly examined in the light of existing general law authority vested in counties and cities to determine if their passage were necessary. They will be examined to determine what governmental problems are troubling local governments in 1951 and whether those problems could better be solved in some other way. They will be examined in the light of measures which have been suggested for decreasing the volume of private, local and special legislation to determine if those measures would be practical and effective.

1951 Local Legislation—A General Survey

In order to understand the part that local legislation played in the 1951 General Assembly, it is important first to analyze briefly the disposition of all bills and resolutions introduced during the session. Table I affords a basis for this analysis.

55.4% of all bills introduced were local bills. A larger proportion was introduced in the House where 61.1% of all bills introduced were local, while in the Senate only 41.9% of all bills introduced were local. If the bills seeking reimbursement for damages caused by individuals are considered as private bills, then 58.3% of all bills introduced were either local or private.

48.4% of all public bills introduced were enacted into law. A larger percentage of Senate bills became law than did those in the House, 50.9% of the bills introduced in the Senate becoming law while only 46.3% of the bills introduced in the House were ratified.

3. *Ibid.*, p. 3-33.

TABLE I. DISPOSITION OF 1951 LEGISLATION[4]

	Senate	*House*	*Total*
Bills and Resolutions introduced	622	1237	1859
Public Bills introduced	330	449	779
Public Bills passed	168	208	376
Local Bills introduced	253	715	968
Local Bills passed	223	636	859
Private Bills introduced	12	40	52
Private Bills passed	0	0	0
Total Bills passed	391	844	1235
Resolutions introduced	25	33	58
Resolutions passed	15	17	32
Total Bills and Resolutions passed	406	861	1267
Senate Resolutions introduced & passed	2	—	2

When these figures are translated into percentages, these facts become apparent:

88.7% of all local bills introduced were enacted into law. There was no significant difference between the two houses, 88% of all local bills introduced in the Senate and 88.9% of those introduced in the House being ratified.

Thus while only 55.4% of all bills introduced were local bills, 69.55% of all laws enacted were local laws. This is striking evidence of the fact that legislative courtesy, or the willingness of the General Assembly as a whole to permit local legislation to pass without question so long as it does not affect state policy, is well recognized in the General Assembly. A better appreciation of the effectiveness of this custom can be obtained from Table II.

This table demonstrates that the General Assembly settled the fate of local legislation in the committees and not by floor action. Only three local bills were the subject of controversy in floor debate in either house, they being the measures permitting municipalities to conduct an election on whether or not a liquor store should be opened in the municipality.[6] Those bills were challenged by the advocates of state-wide prohibition and were passed on a roll call vote.

TABLE II. DISPOSITION OF LOCAL BILLS FAILING PASSAGE IN 1951[5]

	Senate	*House*	*Total*
Local bills introduced but not passed	30	79	109
Defeated on floor	0	0	0
Not reported or reported unfavorably in house of introduction	10	41	51
Not reported or reported unfavorably after passage in house of introduction	12	35	47
Duplicates of bills enacted into law	8	3	11

In a majority of cases those bills which were reported unfavorably or not reported in the same house in which they were introduced were killed at the request of the introducer. In a few cases, such as in consideration of bills proposing elections to change the form of government in Raleigh and Fayetteville, the committee reported bills unfavorably because of violent opposition in public hearings from the communities affected.

The 47 bills which were defeated after passage in one house represent three types of situations. In some instances the representative introducing a bill could not secure approval of the bill from the senator representing his district, or vice versa. Where this disagreement prevailed, the senator or representative opposing the legislation had an effective veto when the bill came up for consideration in his house.

4. The bills classified as "private bills" include all of those introduced to provide reimbursement to persons injured through action on the part of the State or its employees. "Public Bills" as used in this article refer to bills having state-wide application and to bills applying to more than 10 counties. "Local Bills" as used in the article refer to bills applying to from one to 10 counties. "Senate Resolutions" merely express the sentiment of the Senate and are included in this table only because they are assigned a regular bill number by the Senate. Similar House resolutions are not assigned numbers.

5. The subject matter of nine local bills which were not acted on by the General Assembly was included in general laws passed by the General Assembly. For example, HB 204 repealed G.S. 103-1, which prohibited working on Sunday, as it applied to Lenoir County. So many counties sought to be included within the provisions of the bill that it was withdrawn, re-introduced to apply to the entire state, and passed in that form (Ch. 1176). Two Senate bills and seven House bills fell into this category.

6. In one other case the House refused to take a local bill off the unfavorable calendar at the request of the senator representing the district because of the expressed opposition of the representative from the county.

TABLE III. EFFECTIVE AREA OF LOCAL LAWS PASSED IN 1949 AND 1951

	1949	*1951*		
	Total	*Senate*	*House*	*Total*
Local Bills introduced	1051	253	715	968
Applying to one county only				
Introduced	679	150	488	638
Passed	581	129	434	563
Applying to two counties				
Introduced	9	6	4	10
Passed	4	5	1	6
Applying to three-ten counties				
Introduced	4	5	8	13
Passed	3	5	6	11
Applying to one city only				
Introduced	346	84	198	280
Passed	306	80	182	262
Applying to two or more cities				
Introduced	4	2	3	5
Passed	4	1	1	2
Applying to all cities in a county				
Introduced	1	2	8	10
Passed	1	1	8	9
Public bills when introduced passed as local laws	—	2	4	6
Local laws enacted	913	223	636	859

A variant of this situation occurred where the senator and representative were of different political parties. A few bills were introduced in the House, for example, which would have permitted nomination in a primary election of the members of the board of education in a county predominantly Republican. The usual fate of such measures is for the bill to be passed by the House as a matter of courtesy and killed by the Democratic senator representing the district.

The second type of situation is found where a bill is passed in the house of introduction but encounters opposition either from the community affected or from legislators as a matter of policy before final passage in the second house. And a third situation is found where the member introducing the bill changes his mind before passage in the second house and asks that the bill not be reported.

As the table shows, at least 20 of these bills were handled as general laws or were duplicates of bills enacted as local laws. Of the remaining 89 not more than a third occasioned opposition, hearings, and disagreement, but it may be said that the time spent in determining the fate of that third was out of proportion to their importance as matters of state policy. Whether or not they might have been solved in the communities involved will be discussed later in this article.

That most of these local laws were truly local in nature is also apparent from an examination of Table III.

This table demonstrates that local legislation is designed primarily for a single city or a single county, and it also demonstrates that over twice as many laws are enacted affecting governmental affairs in the counties than in the cities. 96% of all local laws enacted in 1951 pertained to a single governmental unit, a city, a county, or some other political subdivision within a county, as compared with 97% in 1949. The slight increase this percentage indicates in the number of laws applying to more than one unit is apparent in the table.

It therefore appears that more local laws were passed in this session than public or state-wide laws, that very little opposition was formally evidenced to these local laws, and that most of these local laws were limited in application. That this is but a continuation of a trend can be seen by comparing the local legislation problem in 1951 with the records of the past 30 years. Table IV contains a comparison of the disposition of legislation by the 1949 and 1951 General Assemblies.

TABLE IV. DISPOSITION OF 1949 AND 1951 LEGISLATION

	1949	*1951*
Bills and Resolutions introduced	1834	1859
Public Bills introduced	714	831
Public Bills passed	382	376
Local Bills introduced	1051	968
Local Bills passed	913	859
Total Bills passed	1293	1235
Resolutions introduced	69	58
Resolutions passed	46	32
Total Bills and Resolutions passed	1339	1267

Comparison of the total work of the two legislatures offers interesting contrast. While 25 more bills were introduced in the 1951 General Assembly, the 1949 General Assembly enacted 58 more laws. Practically all of this difference is represented in local laws. 83 more local bills were introduced into the 1949 General Assembly and 54 more local laws were passed by that Assembly. Only in the session of 1927 have more local laws been passed by any single session of the General Assembly since 1921, and the reduction in 1951 could mean a trend downward.

In terms of percentages, the difference between the session is not so marked except that the 1949 General Assembly enacted a larger percentage of public bills into law. 53% of all public bills introduced in 1949 became law. Only 48.4% of the 1951 public bills became law. 86% of all local bills introduced in 1949 became law and 88.7% of all 1951 local bills became law. 70.3% of all bills introduced became law in 1949 while in 1951 66.4% of all bills introduced became law.

Any reduction in local legislation in 1951 must be minimized, however, when the trend of local legislation since 1917 is studied. Table V on page 4 shows the number of local laws in relation to the number of public laws over a period of 34 years.

A number of facts are manifest from this table. The first is a perceptible decline in the proportion of local legislation during the 15 years following 1927. The second is a perceptible decline in the number of local laws in the latter part of the 1930's. The third is a perceptible increase in both the number and proportion of local laws in the years since the end of World War II. The reasons for these changes can be understood by an examination of the subject matter of local legislation during these periods.

The commission appointed by the 1947 General Assembly to study private, local and special legislation compiled all of the local laws passed since 1917 into 30 subject-matter categories. Each of these categories was further subdivided so that it was easy to tell on inspection the trends in type of local legislation from session to session. A comparison of the number of laws in each general category over a long period of years provides a basis for determining the general trend of local legislation and the fields in which it is particularly important. This comparison may be found in Table VI on page 4.

TABLE V. RELATIONSHIP OF PRIVATE TO PUBLIC LAWS, 1917-1951[7]

Year	*Public Laws*	*Private Laws*	*Total*	*Percentage of Private Laws*
1917	215	923	1215	76%
1919	339	789	1128	70%
1920 (s.s)	98	330	428	77%
1921	237	835	1072	78%
1921 (e.s.)	109	400	509	79%
1923	263	883	1146	77%
1924 (s.s.)	125	290	415	70%
1925	320	854	1174	73%
1927	270	935	1205	78%
1929	346	724	1070	68%
1931	457	688	1145	60%
1933	570	836	1406	59%
1935	495	851	1346	63%
1937 (incl. 1936)	459	706	1165	61%
1939 (incl. 1938)	412	654	1066	61%
1941	382	494	876	56%
1943	315	472	787	60%
1945	416	687	1103	63%
1947	382	716	1098	65%
1949	382	913	1295	70%
1951	376	859	1235	70%

By reference to Tables V and VI, the general trends in local legislation over the past 30 years can be better understood. One of the basic factors is the history of political and economic development in this country since the end of World War I. Equal in importance has been legislative policy with respect to particular phases of local government.

Let us consider the latter factor first. During the two sessions in 1921 350 local acts concerned local finance and roads. The 241 acts relating to local finance dealt principally with local bond issues for roads and schools. The 109 acts relating to roads dealt principally with the powers and duties of county highway commissions with respect to the construction and repair of roads. In 1921 the state took over responsibility for construction and repair of the primary highway system and the number of acts relating to roads decreased to 63 in 1923. It then remained at that level until 1931 when the state took over responsibility for the secondary roads, and since that time local legislation with respect to roads has been negligible. Similarly the number of private acts dealing with local financial matters decreased sharply following the enactment of the County Finance Act in 1927 and the emergence of the Local Government Commission with regulatory power over county and municipal indebtedness by 1931. The number of acts dealing with specific bond issues decreased from 132 in 1927 to 8 in 1931, and since that time the emphasis in legislation for local financial administration has been in the allocation of funds, authority to appropriate money, and duties of local financial personnel. Some reduction in legislation concerning the public school can also be traced following assumption by the state of financial responsibility for the schools in 1933.

Evidence of supervision of fishing and hunting on a state-wide basis by the Department of Conservation and Development and later the Wildlife Resources Commission is also manifest in the sharp reduction in local legislation concerning fishing and hunting from 1921 to 1941.

The General Assembly has always had control over the salaries and fees of county officials and in particular elective county officials. In inflationary times there is great pressure from these officials for an adjustment of these salaries, and the barometer of local legislation on the subject is up. In 1921 for example, just following World War I, there were 157 local acts setting salaries and fees. By 1931, in the depths of the depression, this number had decreased to 102, of which many were for reductions in salary. In 1941, following the depression and

TABLE VI. SUBJECT MATTER OF LOCAL LEGISLATION, 1921-1951

	1921	*1931*	*1941*	*1945*	*1949*	*1951*
Agriculture	3	4	6	2	3	3
Animals	18	13	3	15	11	8
Beer and Wine	0	0	9	36	11	6
Cemeteries	5	5	2	3	1	0
City Government Structure	33	42	22	34	80	47
City Limits and Extensions	37	17	19	31	20	27
County Government Structure	21	27	16	7	16	11
Courts inferior to the Superior Court	38	24	22	28	77	48
Superior Courts	0	4	4	13	24	35
Criminal Law and Procedure	20	11	12	13	45	47
Elections and Election Procedure	18	41	23	29	25	43
Fees	48	33	11	31	48	96
Local Finance	241	94	44	37	77	58
Fish and Game	79	29	9	6	11	30
Health and Sanitation	14	0	5	10	15	8
Juries	10	9	10	17	16	13
Liquor	17	12	7	3	18	7
Officials	33	26	24	31	45	46
Public Property	42	19	21	37	38	33
Public Records	4	6	2	8	10	3
Retirement and Pensions	9	7	13	25	24	15
Roads and Bridges	109	16	1	1	2	3
Salaries	119	69	58	142	120	140
Schools	53	26	20	22	50	40
Streets and Sidewalks	10	2	2	6	2	5
Taxation	83	67	65	62	65	62
Trade Regulations	32	18	15	13	17	25
Validations	95	33	36	21	29	10
Veterans	0	0	0	17	3	0
Miscellaneous	44	4	3	0	6	0
Totals	1233	678	484	700	913	859
% of All Laws	78%	60%	56%	63%	70%	70%

7. The initials "s.s." and "e.s." refer to "special session" and "extra session."

in fairly normal times economically, there were only 69 acts relating to salaries and fees. Since the end of World War II, however, with rising costs weighing heavily on local officials' salaries and fee schedules set up many years ago, there have been a rash of bills in every session pertaining to salaries and fees. There were a total of 173 in 1945, 153 in 1947, 168 in 1949, and 236 in 1951. One out of every four local laws passed by the 1951 General Assembly dealt with salaries or fees, and the proportion will remain high so long as the cost of living sky-rockets.

Outside of an unexplained but severe decline in the number of laws validating the actions of particular local officials, there are no other marked downward trends in local legislation over the past 30 years. Outside of the marked increase in salary legislation the increase during the past ten years seems to be spread over the whole field of local government, although the amount of legislation affecting the court system and criminal law represents a definite increase over past sessions. With the experience of the past as a guide, the subject matter of 1951 legislation must be examined very carefully to see if there are fields of government where an acceptable change in state policy through the passage of general laws might not eliminate some of the larger categories of local laws.

This general survey of local legislation in 1951 and over the past 30 years indicates that the problem is more serious than ever. Despite a sharp reduction in certain types of local legislation by transfer of determination of policy in roads, the indebtedness of cities and counties, and of some responsibility for public education to the state, the volume of local legislation is as high as it has ever been. The consideration of local legislation by the General Assembly is perfunctory and no effort is being made within the legislature to study or voluntarily reduce the volume of local bills as they are introduced.

Before the effectiveness of any measures proposed to reduce the amount of local legislation can be considered, the subject matter of these local laws must be analyzed in more detail. Only when this is done can remedial steps be discussed. But first the effectiveness of the efforts made in the past through a restriction on the ability of the General Assembly to enact private, local and special law must be briefly reviewed.

Constitutional Prohibitions

Whether or not the General Assembly should concern itself with private, local and special legislation has been a prime political question since colonial times and the early years of statehood. Initially the issue presented was not one of legislation affecting particular cities and counties but of legislation affecting particular persons. In the decade from 1825 to 1835, for example, over 80% of all legislation was private or special in nature, and when the Constitution of 1835 was enacted attention was directed to the power of the General Assembly to enact legislation affecting particular persons. Sections 10 and 11, Article II, Constitution of 1835, prohibited the passage of private laws to grant divorces and alimony, to change the names of persons, to legitimate persons born out of wedlock, and to restore the rights of citizenship to persons convicted of an infamous crime. Section 12 of that Article also required the posting of 30 days notice of application for passage of a private law. Thereafter general laws were enacted to provide for the subjects covered in Sections 10 and 11, and private legislation on those subjects stopped abruptly. The volume of local legislation then dropped and the proportion of private laws was temporarily decreased. While a general law was passed to require the posting of 30 days notice of application for passage of a private law, it was rarely observed and the courts effectively limited the effect of that provision by ruling that notice would be presumed to have been given by ratification of an act.

In the years prior to the outbreak of the War Between the States the chartering of private corporations by special acts of the legislature developed as the next most troublesome private law problem, and when the Constitution was revised in 1868, Article VIII, Section 1, provided that corporations should not be created by special act except where "in the judgment of the Legislature, the object of the corporations cannot be attained under general laws." This was an escape route, of course, and from 1868 to 1917 this constitutional loophole was taken advantage of in 2600 different special acts.

The years following the 1868 Constitution witnessed an almost dramatic increase in the volume of legislation passed at each session of the General Assembly. From fewer than 500 acts per session in the 1870's the total climbed to around 1000 at the turn of the century and up to between 1400 and 1500 by 1915. The volume was too great and agitation again was begun to limit the necessity for considering the mass of local legislation. As a result the 1915 General Assembly proposed three amendments to the Constitution and all of them were ratified, to become effective in January, 1917.

Article II, Section 29, prohibited special acts in 14 different specified fields of legislation.

Article VIII, Section 1, prohibited special legislative charters for private corporations.

Article VIII, Section 4, provided that:

> "It shall be the duty of the legislature to provide for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments and contracting debts by such municipal corporations."

On their face these prohibitions put an effective ban on special legislation granting charters for private corporations, dealing with the 14 fields specified in Article II, Section 29, and concerning the government of cities and towns. The rush of the General Assembly to pass special legislation in 1917 before the new constitutional provisions took effect indicated that the people thought that legislation in the specified categories had been outlawed.

Article VIII, Section 1, has been effective. The flood of charters for private corporations has been stopped and the general law provisions have been sufficient.

Article II, Section 29, has not been effective.[8] It may be said that its effectiveness was sacrified on the altar of the maxim "Hard cases make bad law." In any event the N. C. Supreme Court so interpreted the words "local, private and special act" that an act in question had to deal with a particular road, bridge, school district, or sanitary district before the court would hold it void. A study of the cases interpreting this section for the past 30 years unfolds many inconsistent opinions and the application of conflicting judicial tests in determining what is a local act, but the court has been consistent in its unwillingness to hold any act void if some way could

8. Report of 1947 Local Legislation Commission, *op cit.*, pp. 8-10.

be found to declare it constitutional. As a result it is very difficult to determine whether a given act is unconstitutional or not under Article II, Sec. 29.

Even so, the only constitutional bar to local legislation today is Article II, Section 29, because the potential mandatory effect of Article VIII, Section 4 in requiring all cities and towns to be governed under the provisions of general laws was destroyed in the case of *Kornegay v. Goldsboro*, 180 N.C. 441, 105 S.E. 187 (1920). Admitting that the section stated that general laws should be provided for the government of municipal corporations, the court nevertheless took the position that legislation in the form of local acts applying to particular cities and towns was not excluded by the wording of the section. Since 1920, then, cities and towns have been permitted to supplement general legislation with special legislation, and they have taken full advantage of that opportunity.[9]

Article II, Section 29, is today honored more in the breach than in the observance. There have been no cases challenging the constitutionality of acts relating to the appointment of justices of the peace, changing the names of cities, towns, and townships, relating to non-navigable streams, relating to cemeteries, relating to pay of jurors, remitting fines, penalties and forfeitures, or moneys legally paid into the public treasury, extending the time for the collection of taxes, and giving effect to informal wills and deeds. There have been many local laws which appear to conflict with these provisions. The prohibition of acts relating to ferries and bridges and authorizing the laying out, opening, altering, maintaining, or discontinuing of highways is not important with respect to counties since the state took over the road system although the prohibition still has potential force as applied to cities. The prohibition of acts relating to health, sanitation, and the abatement of nuisances retains its teeth in a limited number of cases such as the 1951 decision which declared void the city-county health department operated by Forsyth County and the City of Winston-Salem. Generally speaking, however, the court has so limited the effect of the Constitution with respect to the prohibited categories which have been involved in litigation that a local act is not often challenged as violating Article II, Section 29.

The result has been that many hundreds of local acts passed since 1917 have been in apparent violation of this section. They are given effect because they are not challenged. There are many acts passed in 1951 which seem to violate this section. Some of the more obvious examples will be pointed out. With respect to the very fact that they were introduced and enacted without a question raised, it has been well said that "many of these acts have been introduced by legislators unaware of the specific prohibitions. Many more have been introduced by legislators aware of these prohibitions, with a doubt about their application to the act in hand, and with the purpose of giving a constituent the benefit of the doubt . . . . . Many more have been introduced by legislators with no doubt about the violation."[10]

9. *Ibid.*, pp. 10-13.

10. *Ibid.*, p. 18.

Local Legislation For Cities

Since local legislation once more became the principal method of delegating legislative power to cities and towns following the decision in *Kornegay v. Goldsboro*, a substantial proportion of all local laws has dealt with the organization and government of cities and towns. Indeed the larger cities always have an extensive program of legislation and may secure the passage of several laws during the session. For example, there were seven laws passed in 1951 pertaining to the city of Greensboro alone, not to mention an additional two measures relating to the public school system in Greensboro.

As legislation concerning cities is discussed, it is of interest to keep in mind the possible result had the provisions of Article VIII, Section 4 been made mandatory. How would cities have secured the powers they now secure through local laws? Would the work of the General Assembly have been simplified? Could most of the laws have been handled through the passage of simple general legislation? Would that general legislation have received the approval of the General Assembly, even if drafted to apply only to particular classes of cities?

The laws passed by the 1951 General Assembly which pertain to particular cities and towns are classified in Table VII according to the categories adopted by the 1947 Commission on Public-Local and Private Legislation. Some subjects, such as inferior courts in municipalities and city school laws, are discussed in separate sections and are not included in this table.

Even this breakdown does not give the full flavor of the problems faced by cities which they thought required legislative action. These totals must be broken down into terms of actual laws, and those laws must be analyzed as to their necessity, as to the trends in governmental administration which they reflect, and as to whether they could or should have been determined by the city governing body rather than the General Assembly.

City Government Structure. The 50 laws included in this category definitely cover subjects which might have been covered by general laws. In many states they are covered by general laws. Closer examination will reveal, however, that recourse to a system of general laws exclusively would not be easy.

Some of these laws are completely unnecessary. Early in the session the General Assembly amended G.S. 160-25 to require that only the mayor and members of the governing board should be voters of the town, thus permitting cities and towns to hire non-resident employees such as police chiefs. That act was ratified on February 7. Following its ratification two local bills were introduced and passed amending the same section in the same way as it applied to two particular towns. Those bills were unnecessary.

A larger group could have been avoided by using procedures permitted by the General Statutes but recourse was made to special legislation because it was a simpler process. Of the three towns incorporated by the General Assembly, two could have been incorporated by applying to the Municipal Board of Control under the provisions of G.S. 160-195 to 198. The third was a resort town and required special provisions so that property-owners who were not year-round residents could participate in the government of the town.

Three towns had their official designation changed from that of a "town" to a "city." This change also

TABLE VII. LOCAL LAWS AFFECTING CITIES ENACTED IN 1951

Category	1951
City Elections	*25*
City Government Structure	*50*
Charters, granting and revoking	4
Miscellaneous amendments to charters	9
Changes in form of governing body	5
Changes in number of governing body	3
Powers and duties of governing body	7
Terms and election of mayor and commissioners	11
Miscellaneous boards and commissions	8
Miscellaneous	3
City Limits and Extension	*23*
Extension of city limits	14
Contraction of city limits	1
Re-defining city limits	2
Consolidation of cities	1
Extension of utilities	5
Criminal Law and Procedure	*30*
Speed limits in city	3
Extending jurisdiction of police officers	23
Issuance of warrants	4
Fish and Game	*21*
Local Finance	*24*
Funding prior indebtedness	1
Allocation of funds	10
Appropriations	12
Sinking funds	1
Liquor, beer and wine	*5*
Town ABC elections	3
Miscellaneous	2
Public Property	*15*
Miscellaneous authority to buy, sell, lease	12
City hall property	2
Park property	1
Retirement and Pensions	*10*
Establishment of retirement and pension funds	2
Administration of funds	8
Salaries of city officials	*5*
Streets and sidewalks	*2*
Taxation	*10*
Tax listing	1
Authorizing special tax	1
General tax rates	2
License taxes	1
Creating tax district	1
Installment paying for assessments	1
Tax discounts	3
Collection by county	1
Total	220

could have been made by application to the Municipal Board of Control or by a change in the town charter under the provisions of G.S. Ch. 160, Article 23. Yet it was simpler to have a "little" bill passed.

These examples are on the periphery of the larger problems concerning legislative control of municipal corporations. When it became established that special laws concerning towns and cities were not in violation of Article VIII, Section 4, most of the larger towns in the state abandoned any dependence on the general laws and returned to the former practice of detailed charters. While most of the town charters in effect do nothing more than incorporate the town, define its boundaries, and provide for the form of government, a smaller number are in effect real charters. They spell out the powers of the city in great detail, often duplicating the provisions of the general laws, and they go beyond. They provide for particular procedures, such as street assessment procedures and condemnation procedures, zoning regulations and planning powers, and particular police powers which are not found in the general laws. Insofar as procedures are concerned, the special law enables a city to mold procedures to fit the particular methods of administration in the city, even though the differences from the general law procedure may be minor and in some instances petty. Insofar as powers are concerned, the larger cities obtain powers through charter revision by special law which exceed the powers given all cities and towns by general law and which the legislature might hesitate to grant to all cities and towns by special law.

Another feature of the charter problem is that more and more cities and towns, small and large, are now revising their entire charters to eliminate obsolete provisions and insert new administrative provisions. There were at least three complete new charter revisions in the 1951 General Assembly in which sound changes in municipal administration were included, changes which are not available to towns in the existing general laws.

Thus these charter changes are changes which must be accomplished by special laws, and there is a strong argument that special laws or charter revisions are sound for such changes. If special laws were not available, these cities would seek the same objectives by general laws applicable only to a particular classification of cities. The 1951 General Assembly passed an urban redevelopment law, but it applies only to cities having a population of 25,000 or more. If special laws were not available, a flood of general laws applying only to similar classifications of cities and towns would result. For example, one city secured passage of a law amending its charter to:

1. Change the hours for keeping the polls open in municipal elections.
2. To permit the city to operate parking lots on which parking meters are installed.
3. To permit the city to use state and federal funds for the permanent improvement of streets after the permanent improvement has been approved by the council in two separate regular meetings following notice.
4. To permit the city to acquire corner property needed for street improvements.
5. To appoint a 5-member commission to supervise improvements to the auditorium, and to operate the auditorium.

The point is this. No benefit will be

derived from a sloppy revision of the system of local legislation today. If a separate general law were required for each objective sought by this city and so camouflaged by a limited classification that it would apply only to that single city, then the General Statutes would become cluttered with incomprehensible general laws. Any solution must be based on a recognition of certain matters on which local units such as cities should be permitted to amend their charters and on a system of general enabling legislation covering matters of interest to the state as a whole in which the local unit should have some area of discretion.

To examine further the 1951 laws, seven amended or revised charter provisions affecting municipal powers, five extended the zoning powers of the city beyond the city limits, four made special provision with respect to zoning powers within a city, three concerned municipal civil service commissions, two concerned municipal recreation activities, and one permitted a city to waive its governmental immunity from damage suits occasioned by the negligence of city employees in operating municipal motor vehicles. Subsequent to the passage of this latter law, a general law was enacted permitting any city to waive immunity if it carries liability insurance. General laws to make unnecessary local legislation on all of these subjects would not be easy. Particularly difficult would be any general law permitting an extension of the zoning powers of a city beyond its city limits. Unless it were handled by a procedure similar to the annexation procedure, it would almost require special acts.

If some sound reasons can be advanced for these measures, there is certainly less reason for the larger volume of laws which dealt with the number, terms, and manner of election of members of the governing body. In the delegation of specific powers to a municipal corporation, legislative discretion is indeed involved. But should the state legislature sit in judgment on such matters as the definition of ward boundaries and filing fees and terms of office and number of councilmen for every municipality in the state? The 1951 General Assembly passed 40 laws dealing with provisions for municipal elections in 40 different North Carolina municipalities, and this number does not include the five bills which permitted a change in form of government for as many more municipalities.[11] Not only was valuable legislative time consumed in the passage of these laws, but in at least two cases proposed bills involved long and angry hearings to air out vehement opposition to the suggested legislative changes. Legislative committees had to sit in judgment on whether the legislator who introduced the bills had accurately gauged the desires of a majority of the voters in the city as to the municipal form of government, a matter that it would seem could best be determined by the voters themselves in elections called locally.

To examine this volume of legislation in more detail, a total of eight laws made provision for municipal primary elections. There are no general laws permitting municipal primary elections and thus special laws are necessary to authorize municipal primaries.

Six laws prescribed staggered terms for members of the governing body, five created or changed ward boundaries, three permitted an increase and one a decrease in the number of members of the governing body, two increased the terms of members of the board from one to two years, two specified when new officials took office, four rewrote charter election provisions to conform to the general laws, one provided a method of filling vacancies on the board of aldermen, one provided for elections in a resort town, one transferred control of all municipal elections to the county board of elections, and fifteen dealt with details of election procedure such as prescribing notice of candidacy, payment of filing fees, registration procedures, the time that the polls should be open, voting on candidates for aldermen by the voters of the town at large instead of by the voters in particular wards, and the majority necessary to elect an alderman.

There is certainly no necessity for binding each and every town to a single set procedure for electing municipal officials. It would seem, however, that those matters might be determined better by the communities concerned than by the state legislature and that if the general laws were revised to permit changes in election procedure to be made by the cities and towns, a substantial number of special laws would be rendered unnecessary.

The laws concerning a change in the form of government present a similar situation. The general laws provide a means for changing forms of government but special laws are often desired because minor procedural changes are often desired and because the proponents of a change often do not want to go to the trouble of obtaining signatures on a petition to require the calling of an election. If some minor changes were made in the general laws to take care of some common requests, the General Assembly might rid itself of some headaches

City Limits and Extension. In 1947 the General Assembly passed a statute setting up a procedure whereby cities and towns could annex adjoining and contiguous land, and the hope was expressed that this action would eliminate many requests for special laws extending city limits.[12] There were 45 laws passed by that legislature on city limits extensions and related problems. The number of laws has dropped, but the 1949 General Assembly still passed 25 and there were 23 in 1951. Some of these 23 laws would seem to be unnecessary.

There were 13 laws by which the limits of 12 cities and towns were extended without provision for an expression of opinion by the residents of the annexed territory. Many of these laws provided for minor annexations only. It can only be said that these laws were either unnecessary, or the town was seeking to secure annexation over the objections of the annexed area, or the city council did not want to take the responsibility for the annexation but preferred to shift that responsibility to the legislature. Under the provisions of G.S. Ch. 160, Article 36, a city may annex contiguous territory by simply passing an ordinance after the required notice has been posted. That ordinance is sufficient for the annexation unless 15% of the voters of the annexed district request a referendum on the subject. The governing body itself may call a referendum without the petition. If there are less than 25 eligible voters in the annexed territory, the property cannot be annexed without the consent of all the voters.

It is possible that some of the annexations authorized by the 1951 legislature took care of small areas with less than 25 voters in which some voters objected. It is probable that at least some of the laws could have been avoided.

One 1951 law provided for the contraction of the area of one city, a pro-

11. These 40 laws include the 25 classified under City Elections and 15 of the laws classified under City Government Structure.

12. Report of 1947 Local Legislation Commission, *op. cit.*, p. 15.

cedure for which the general laws do not provide. It would be simple to frame such a law. Two others redefined the city limits of two municipalities, and one permitted an election in two towns on whether they should be consolidated into one. Five laws dealt with the power of municipalities to extend water and sewage facilities outside the city limits, the power for which exists in the General Statutes, but which admittedly could be clarified (G.S. 160-239; 160-255).

Local Finance. The majority of the 24 laws falling into this category concern two problems, the allocation of surplus parking meter revenues and the power of a city or town to make appropriations for specified purposes.

Nine towns secured special laws authorizing them to spend surplus revenues obtained from the operation of meters on municipal projects other than for purposes of regulating traffic which the general law already permits. The permitted expenditures of surplus funds ranged from recreational facilities, support of the public library, and street lighting to general law enforcement and supplementing a police pension fund. Whether these laws will be of effect is an undetermined legal question. The revenues from parking are collected under the police power to regulate traffic and are levied to defray the cost of regulating traffic. Theoretically there should be no surplus to be devoted to purposes for which tax funds or reenues are required.

There were eight laws permitting cities and towns to use municipal revenues for designated purposes. Three permitted towns to spend designated amounts of non-tax funds for the purpose of advertising the town. The other five covered miscellaneous purposes such as a donation to a local college, expenditures for civil defense, and expenditures for the indigent sick. Four other laws amended the General Statutes (G.S. Ch. 143, Article 8) to increase the amount which four of the larger cities could spend in making purchases without advertising for bids as provided in that article.

Fish and Game. For some reason there was a flood of bills this session protecting birds from being killed inside the corporate limits of particular municipalities, creating those municipalities into bird sanctuaries. The only variation found in the entire group was that some laws exempted predatory birds from the protection afforded. After about 20 bills had been introduced the chairman of the Committee on Wildlife Resources in the House introduced a bill granting to municipalities generally the power to declare their towns as bird sanctuaries, and the bill was amended before passage to include the power to exempt predatory birds from the protection. Even after the passage of this general law several of the local bills received final passage, but the authority granted should hereafter prevent this type of local legislation. This furnishes an example of how much local legislation could be avoided for the future by the passage of general legislation covering the subject matter of a large number of local acts. Some imagination or initiative on the part of the sponsors of some of the local measures, or on the part of the chairmen of committees approving local bills, might achieve this purpose. For example, one bill was introduced providing that where the county commissioners put county government on a five-day week, then Saturday is to be considered as a holiday for all legal purposes. The bill amended G.S. 103-5 but applied to just one county. In committee it was made to apply state-wide and a useful piece of legislation resulted from a bill requested by one county only.

Liquor, Beer and Wine. There were five laws dealing with alcoholic beverages of which the three authorizing ABC elections in Winston-Salem, Greensboro, and Tryon were the most important. In contrast the 1949 legislature passed 14 bills dealing with ABC elections in municipalities, but it is significant that the 1951 laws were passed without the proviso that no city election would be called if a county election were called first. The opponents of the alcoholic beverage control system were not as strong in numbers in 1951 as in 1949.

Since the entire problem of alcoholic beverage control is now being met on a local basis, it is doubtful that any general law solution can be found in the immediate future.

Streets and Sidewalks. There were two laws dealing with streets and sidewalks. One provided for the closing of a particular street and is probably in conflict with the provisions of Article II, Section 29, under the decision in *Glenn v. Board of Education*, 210 N.C. 525, 187 S.E. 781, (1936). The other law made provision for the construction of sidewalks by an assessment procedure differing from the general law procedure set out in G.S. Ch. 160, Article 9.

Salaries of city officials. Of the 140 laws making provision for the salaries of local officials, just five referred to the salaries of city officials. One additional increase was included in another charter amendment. Four changed charter provisions setting the salary of the mayor in four of the state's largest cities, one changed the salaries of the aldermen, and one set the salary of a city utility commissioner. Under appropriate general laws or charter provisions, all of them could have been eliminated, for most cities have complete authority to set the salaries of city officials, including the salaries of members of the governing body.

This number of laws does not include those laws setting the salaries of the judge and prosecuting attorney of city inferior courts. All laws fixing the salaries of the judge and prosecuting attorney of inferior courts are included in Table XIII.

Retirement and Pensions. Ten laws dealt with retirement systems and pension funds in particular cities. While most city employees are covered by the Local Governmental Employees' Retirement System, many special pension systems for policemen and firemen still exist and they antedate the state system. They were established by special legislation, yet authority for the operation of such funds exists in G.S. 160-200 (25).

Two laws dealt with a different problem. Despite the state retirement system, the retirement pay of presently retired and retiring employees is very low, too low for comfortable living. Some cities are endeavoring to supplement the retirement pay of their retired employes, and in the absence of general authority, special legislation has been necessary.

Public Property. While cities are delegated the general power to buy and sell real estate, the power to sell city property has been restricted by court decision so that land dedicated to public purposes cannot be sold without the express consent of the legislature [Southport v. Stanley, 125 N.C. 464 (1899), Asheville v. Herbert, 190 N.C. 732, 130 S.E. 861 (1925)]. Furthermore, G.S. 160-59 requires all municipal property to be sold at public auction.

Local legislation concerning municipal property is largely designed to avoid these restrictions. There were six laws passed in 1951 which authorized municipal corporations to convey land to churches and other charitable or public institutions at private sale and for nominal consideration. There

were four laws passed which permitted cities and towns to sell public buildings which were either no longer required for public purposes or which were to be replaced with new structures. Should there be general authority to sell at private sale under specified conditions or general authority to sell public buildings for a bona fide purpose in view of the very danger which is to be prevented—that a town will not sell its property fraudulently and thus work a hardship on the taxpayers?

Taxation. There were just ten laws dealing with the taxing power of the cities, and some of them were unnecessary. Two, for example, removed charter limitations on the tax rate, even though the general laws provide that municipal corporations may levy a tax of $1.50 on the $100 valuation for general purposes "notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this section." (G.S. 160-402.)

One local law is of particular interest. Ever since the 1868 Constitution cities have been required to accept valuations placed on city property by the county tax listing authorities. Several attempts by cities to assess their own property under the authority of special legislation have failed, the Supreme Court having held the last attempt to be unconstitutional in the case of *Bowie v. West Jefferson*, 231 N.C. 408, 57 S.E. (2d) 369 (1950). A 1951 law authorizes all of the towns in one county to assess town property for the purposes of property taxation.

The remaining subjects of local laws respecting municipal taxation are indicated in the table compiling the municipal laws. One law permits the city-county tax collector to collect delinquent taxes for a smaller city in the county, thus consolidating tax collection in the county still further.

Criminal Law and Procedure. Despite the general policy of the legislature to make criminal laws state-wide in nature, there are a few laws now on the books which apply to only a limited number of counties and in each session a few laws are passed creating or abolishing crimes in particular cities and towns. During the 1951 session, for example, three laws were enacted reducing the permitted speed of trucks when passing through three particular towns.

More important to the cities were the 23 laws which extended the jurisdiction of police officers for an average of one mile beyond the corporate limits of the town in order to facilitate enforcement of the law just outside the town limits. The number of bills on the same subject indicates that a general law might eliminate the necessity for special laws, but there again the interests of the counties outside the corporate limits are involved. There might be opposition to such a general law.

General. This analysis of special legislation relating to cities and towns discloses a few tentative conclusions.

There were very few local laws passed by the 1951 General Assembly affecting cities which are obviously in conflict with the Constitution.

There were remarkably few laws passed in 1951 which were unnecessary in that they duplicated provisions already found in the General Statutes.

The general laws now applicable to cities and towns are not sufficiently broad to grant the powers sought by particular cities in the 1951 General Assembly.

The volume of local legislation affecting cities is not as serious as that affecting counties, probably because more power has been delegated to cities in the past.

It is apparent that any reduction in local legislation, whether it is to be voluntary or accomplished through constitutional amendment, must be accompanied by either broadening the powers granted cities through the general laws or by granting the cities Home Rule power through general laws authorized by a constitutional amendment or by both methods.

The 1947 Commission on Public-Local and Private Legislation recommends both procedures.[13] Both are necessary because the people cannot turn over to municipalities complete power over subjects in which a state-wide policy is involved. While cities might reasonably be granted complete power to amend their charters under Home Rule authority in matters concerning the name of the city, the number and salaries of the members of their governing boards, municipal election procedures, the organization and operation of city departments, and some police powers, other city functions must be coordinated with state policy. The power to levy taxes and incur indebtedness, the financing of street improvements, the power to zone, and the power to annex contiguous property must be subject to overall supervision by the General Assembly, for these powers affect state policy generally.

Where state policy is involved, however, local legislation can be avoided by a reasonable system of general legislation. The taxing and borrowing powers of municipalities are today adequately covered by general legislation. An effective constitutional ban on local legislation covering subjects such as local financial measures, annexation of land, and criminal law and procedure, accompanied by comprehensive enabling legislation would preserve the interests of the state and eliminate a large number of local acts pertaining to cities. Some classification might be found necessary in general legislation to take care of the special interests of the larger cities, such as in the law permitting urban redevelopment, and the number of classifications which may be used should be limited by the constitution.

It would probably be unwise to absolutely prohibit special legislation. It can be useful in a limited number of fields. In particular it may be necessary for the purposes of validating and confirming actions taken by a municipality in good faith but without following proper procedures. If it is permitted, however, it should be confined within strict limits and subjected to close scrutiny before passage as if it were a state-wide law.

This is the first of two articles analyzing local legislation in the 1951 General Assembly. The second will appear in the next issue of *Popular Government* and will deal with local legislation concerning county government, the courts and the schools, as well as with particular methods which have been proposed for reducing the volume of local legislation.

13. *Ibid.*, p. 2.

New Fire Protection Legislation

By PHILIP P. GREEN, JR.
Assistant Director

Firemen and others seeking an answer to the rural fire protection problem were given a new tool by the 1951 General Assembly. Rural fire protection districts may now be created in any county of the state (Sess. Laws, 1951, c. 820; H.B. 369). Previously such districts were authorized only in Guilford, Mecklenburg, Rowan, and Stanly Counties.

Under the new statute the Board of County Commissioners must call a special election upon a petition by a majority of the qualified voters living in the proposed district. The voters within that district will then pass upon the question of whether or not to authorize a special tax for fire protection, which may not exceed 10 cents on the $100 valuation of property.

If the voters approve, the County Commissioners may levy the special tax, keeping the proceeds in a special fund to be used only for furnishing fire protection in the district. To the extent of the taxes collected, the Commissioners may provide the protection in any one of four ways:

(1) by contracting with any incorporated city or town, with any incorporated non-profit volunteer or community fire department, or with the Department of Conservation and Development for such protection;
(2) by furnishing the protection itself through a county fire department;
(3) by establishing a fire department within the district; or
(4) by utilizing any two or more of these methods.

In the event that the Commissioners choose to establish a department within the district, they must appoint a three-man Fire Protection District Commission to establish, administer, and operate the department, subject to their approval.

The act also empowers municipal corporations to make contracts to carry out its purposes, and it protects them against liability resulting from the absence from the city or town of any or all of its fire-fighting equipment or personnel while performing services authorized by the act. The county, fire protection district, and municipal corporations are given the same authority and immunities as a county or city would enjoy within its limits. Firemen are also granted the same privileges, immunities, and rights (including Workmen's Compensation coverage) that they would enjoy in a city or county fire department operating within the ordinary limits of its jurisdiction.

In another attack on the rural problem, a special act (Sess. Laws, 1951, c. 95; H.B. 223) repealed the provisions which established Guilford County's revolving loan fund for the assistance of rural communities in purchasing fire-fighting equipment (Sess. Laws, 1945, c. 405 as amended by Sess. Laws, 1947, c. 46). In its place was substituted a direct authorization for the Guilford County Board of Commissioners to purchase fire-fighting equipment and sell or loan such equipment to voluntary fire-fighting organizations in rural areas. In addition, the Commissioners are empowered to loan, with or without interest, funds with which such organizations may purchase equipment. Where the previous act had established a ceiling of $15,000 on the size of the revolving loan fund, the 1951 statute authorizes appropriation of not more than $25,000 derived from ad valorem taxes, in addition to any sums derived from the sale of fire-fighting equipment to rural organizations.

FIREMEN'S RETIREMENT

Others acts of interest to firemen pertained to the firemen themselves. Of major interest, of course, were the legislative measures with regard to firemen's retirement funds. One of these (Sess. Laws, 1951, c. 1032; S.B. 517) added a new section to Chapter 118 of the General Statutes, making fire departments of sanitary districts, school districts, rural fire districts, and other political subdivisions of the state eligible for benefits from the firemen's relief fund. A second proposed amendment, which would have doubled the contribution of fire insurance companies to this fund, was first modified to provide only for creation of a commission to study the Firemen's Relief Fund in all its aspects and then tabled in the Senate (H.B. 418). Special acts modified the retirement systems of Charlotte (Sess. Laws, 1951, c. 387; S.B. 280) and High Point (Sess. Laws, 1951, c. 594; H.B. 728) and established a supplemental retirement system for members of the Durham Fire Department (Sess. Laws, 1951, c. 576 and c. 577; H.B. 780 and 781).

Special acts provided exemption from jury service for volunteer firemen in Halifax County (Sess. Laws, 1951, c. 630; H.B. 929) and in the towns of Washington, Belhaven, and Aurora (Sess. Laws, 1951, c. 150; H.B. 339). It would seem that such firemen would come within the terms of the general law granting such exemption to "active members of a fire company" (G.S. 9-19).

FIRE EQUIPMENT

A number of other bills related to the equipment of the departments. Section 20-125 of the General Statutes was amended (Sess. Laws, 1951, c. 392; S.B. 297) to provide that every vehicle owned and operated by a police department, a municipal or rural fire department, or a fire patrol (whether the fire department or patrol be paid or voluntary), and ambulances used for answering emergency calls must be equipped with special lights, bells, sirens, horns, or exhaust whistles of a type approved by the Commissioner of Motor Vehicles. The operators of such vehicles are given specific authorization to use such warning signals while engaged in the performance of their duties, either within or beyond the corporate limits of their municipalities or counties. In addition, the Chief and one Assistant Chief of any police or fire department are authorized to use such special equipment on privately owned vehicles while actually engaged in the performance of their official or semi-official duties. As a result of passage of this act, a similar amendment (S.B. 250) was not reported out of committee, and a special act authorizing members of the Yanceyville Fire Department to equip their private cars with such warning devices (H.B. 256) was reported unfavorably by a Senate Committee.

Another amendment to the General Statutes (Sess. Laws, 1951, c. 388;

(Continued on page 13)

Burlington's Job Classification And Wage Survey

By E. C. BRANDON, JR.
Burlington City Manager

Approximately nine months ago, Burlington realized the necessity of classifying all Municipal work and of making a survey purely on the local level to establish salary and pay rates.

Realizing that a Municipality of this size could not afford to have the classification and survey made by National organizations, a request for assistance to the various State agencies revealed that the North Carolina Employment Service had a staff which had recently completed classification and re-classification work for several State Departments, including the State Highway and Public Works Department. The City was fortunate in obtaining the services of this staff to perform the job classification phase at no cost to the City.

CLASSIFICATION METHOD

This group drew up the questionnaire form which was placed in the hands of each Municipal employee. These questionnaires were turned over to the Department Heads by the employees upon completion. The Department Head was then required to complete the section of the questionnaire in which he could express an opinion relative to the material already furnished and, in addition, give his ideas as to the educational and experience requirements for that particular work, as well as personal characteristics required to fill the job.

The group performing classification work then studied all of the information furnished. It was necessary to make personal contact with the majority of the Department Heads and a number of individual employees to clarify certain information and to better understand the relation of each job within a Department and also between Departments. Upon completion of this phase, they were able to reduce the number of job titles and classifications with the result that similar jobs in different Departments were brought under one classification.

Although this classification group did not attempt to establish any wage levels for each classification, they were able to and did group job titles and classifications in order that the City could better set salary and wage levels. This survey, performed by Mr. Elton C. Parker and his staff from the North Carolina Employment Service, resulted in a strictly impersonal study of each job within the City.

ROLE OF CITY IN SURVEY

Upon completion of this phase of the work, the City then drew up a salary questionnaire based upon the sample attached to a past "MIS" report from the International City Managers' Association. Seven jobs were described on the questionnaire. The jobs described were distributed throughout the classification chart as furnished in the original classification survey and were also selected as being those similar to jobs in private industry and commerce. Approximately eighteen of these questionnaires were sent to local industry and business establishments. It is planned that a similar survey will be made at least annually in order for the City of Burlington to arrive at a wage and salary level.

From the information obtained through these salary and wage questionnaires, we were able to establish an average wage rate for these seven specific classifications. By classifying above and below these seven classifications, it was then possible to establish a standard average wage for each classification within the Municipal structure.

We then established a starting wage for each classification and a maximum wage using the average obtained from the questionnaires as the average for the bracket. An employee may move from the minimum of the classification to the maximum over a ten-year period.

Each job has been given a wage level, when referred to the standard salary on labor wage charts, will quickly show the entire wage range while in that type of employment. Annually, if the community-wide wages have fluctuated, it is possible to quickly and easily change the wage level assigned to any classification.

Any employee who, prior to the acceptance of this survey, made more than indicated by his length of service, was not reduced but is allowed to continue at his former rate as long as he fills that classification. Employees whose former wages were below the classification did not move up in salary until the Department Head felt that he was justified in requesting the increase. Any increase indicated from the standpoint of length of service is not automatic. It is necessary that the Department Head recommend the increase and obtain approval of the City Manager.

RESULT OF SURVEY

It is the desire of the City that employees will continually endeavor to prepare themselves for higher classifications within the field of Municipal work. We feel that we have placed our employees upon a level equal to that for similar work throughout the community, and will be able to maintain this status through our annual wage and salary surveys.

Through this means, it is felt that the City of Burlington has established a fair and just salary and wage scale. We feel that it is only in this manner that we can satisfactorily serve the citizens by maintaining trained personnel who will not be attracted by other local work.

An Official's Shenanigan

One city manager in a small Florida municipality has developed a novel technique for satisfying irate citizens. He keeps two telephones on his desk, one a dummy phone. Whenever a taxpayer visits him to register a complaint, the official listens intently to his argument. After the citizen has stated his case, the manager reaches for the dummy telephone and calls the department head against whom the complaint is directed. When the citizen hears the city manager taking up his individual complaint with the proper official, hears the official reprimand an employee for his "mistake," he leaves the city hall with a new respect for the municipal government.

Tar Heel Boys Train In Government

By JOSEPHINE HOWARD

Sponsored by the North Carolina Department of the American Legion and under the direction of the Institute of Government, the eleventh annual Tar Heel Boys' State was held in Chapel Hill during the week of June 17 to June 24. That week saw 287 boys, all outstanding rising high school seniors, representing counties from the sunny coast to the mountain regions, gathered together to train specifically in city, county, state and federal government. An intensive period of training was given, during which time the boys received lectures from state governmental officials, Institute Staff members, and University professors on functions of government on city, county, state and federal levels, including a brief history of the Federal Constitution, the Declaration of Independence and the American flag. This instruction was supplemented by movies illustrating the various topics discussed and by actual practice in conducting political elections. This program was designed to help in preparing the North Carolina youth to take his place in state affairs and in building objective leadership.

Although the week was crowded with many and varied activities, one of the most important was in the field of politics, for the boys conducted the elections of city, county and state officials, following North Carolina election laws as explained by Henry W. Lewis of the Institute Staff. Before the boys arrived, they were designated as having been "born" into either the Federalist or Nationalist parties, the assignment being made by the Director (Basil Sherrill of the Institute Staff), two Chief Counselors (Perry Hinson and Tom Eller) and fifteen other counselors of the Boys' State program. During the week of training, the boys wore badges indicating to which party they belonged. On Tuesday after they arrived, they elected city officials, and the following day the two parties held county nominating conventions. Thursday was marked by the county elections and the state nominating convention, and on Friday the state elections were run. Officials elected were: Governor, Bobby Wilson of Leaksville; Lieutenant Governor, Bobby Gaddy of Raleigh; Secretary of State, Tommy Boyd of Jefferson; Superintendent of Public Instruction, Tookie Desern of Raleigh; Commissioner of Agriculture, Hugh Bostick of Laurinburg; Attorney General, Carl Hughes of West Asheville; Commissioner of Labor, Junior Morgan of Asheboro; Commissioner of Insurance, Bill Sanders of Asheboro; Auditor, Charles Abernathy of Lumberton; Chief Justices, Arnold McEntire of Old Fort and Tommy Clark of Canton; Justices, Dickey Ballard of Charlotte, Jack Brooks of Derita, Marvin Crutchfield of Durham, Ivey Lamm of Wilson, and Charles Spencer of Hickory.

On Saturday the newly-elected Governor addressed the Boys' State Legislature, which was patterned after the State Legislature of North Carolina. Members of the House and Senate, previously appointed by Director Sherrill and the Counselors, met in the General Assembly to consider, debate and pass on all bills, of local, state, national and some of international import, which during the week had been placed in a hopper by individual members of the Boys' State. Here, on the floor of the Legislature, was manifested the lively enthusiasm and interest which presages a golden future for North Carolina in the hands of developing leaders of the State.

The week's entertainment included a "Trip to the Moon" at the Morehead Planetarium and a daily athletic program. The delegates participated in such games as softball, basketball, horseshoes, ping pong; and for beginners, swimming classes were conducted by an expert University instructor.

This year for the first time a fifteen-piece band was organized under the direction of Willie Green, Counselor and recent law school graduate. The boys also wrote, edited, mimeographed and distributed a ten page daily paper—"The Boys' Statesman"—which covered their political, social and athletic activities. Editor of this daily was Walter Barge of Durham.

While in Chapel Hill, the boys ate in the University dining hall and were quartered in campus dormitories. While all activities were supervised, the delegates were not compelled to participate. Rather was the program run on the basis of self-discipline, thus implanting in the individual a sense of responsibility to self and to group.

At the end of the week two delegates, Walter Barge of Durham and Bobby Gaddy of Raleigh, were selected by Director Sherrill and the Counselors to attend Boys' Nation to be held in Washington, D. C., later in the year. All expenses to this will be paid by the American Legion.

Another interesting feature of the program was the oratorical contest which was preceded by a preliminary verbal onslaught participated in by a number of the delegates, five of whom were chosen to compete in the finals, the judges being the entire group of Boy Staters who, by ballot, selected the winner. Primary purpose of the contest was to determine the principal speaker at the farewell banquet given on Saturday night, and this year the honor was bestowed upon De Armon Hunter of Greensboro. Also appearing on the banquet program was the 1949 Boys' State Governor, Lyman Kaiser of Raleigh, who spoke on "What Boys' State Has Meant to Me." Presentation of certificates denoting the completion of the week's instruction concluded the program, and the boys departed for their respective homes, carrying with them an experience in government they will ever remember, and instilled with a desire to impart a measure of that experience to family, friends, and fellow high school students, eager to be better citizens of their communities, state, nation, and world.

Fire Legislation

(Continued from page 11)

S.B. 281) authorizes the issuance of permanent registration plates for vehicles owned by rural fire departments.

A special act (Sess. Laws, 1951, c. 601; H.B. 853) makes it a misdemeanor for any person to tamper with or injure fire-fighting equipment of the town of King or to set off the fire siren as a false alarm. A bill authorizing the Board of Commissioners of the town of Blowing Rock to use part or all of the proceeds of a 1948 bond issue for erection or purchase of a building for the fire department received an unfavorable committee report in the Senate (H.B. 1141).

The Attorney General Rules

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

Prepared by Charles E. Knox
Assistant Director
Institute of Government

PROPERTY TAXES

Tax liability of soldiers. A member of the armed forces listed real estate for 1950 taxes and the tax has become delinquent. The taxpayer sends a remittance for the amount of the tax and claims that no penalty or interest can be collected due to the fact that he is a member of the armed forces. May the county collect the interest in question?

To: G. H. Valentine

(A.G.) G.S. 105-345 (7) provides that for the duration of World War II a member of the armed forces of the United States may be relieved of the payment of interest or penalty on delinquent ad valorem taxes assessed against his property by any county or municipality for any taxable year during service in the armed forces. It is my opinion, since World War II has not been officially terminated, that this statute is still applicable. It should be noted, however, that subsection (7) of G.S. 105-345 is permissive and not mandatory in terms. In my opinion, it authorizes but does not compel the taxing authorities to relieve members of the armed forces of the six per cent interest on delinquent ad valorem taxes assessed for any tax year during his service in the armed forces.

Taxable situs of juke boxes. The owner of juke boxes, resident of one county, places them in another county for use. Must the non-resident owner list the machines for taxation in the county where they are placed?

To: Hubert Eason

(A.G.) In my opinion, the taxable situs of the music machines is governed by G.S. 105-302 which reads as follows: "When tangible personal property, which may be used by the public generally or which is used to sell or vend merchandise to the public, is placed at or on a location outside of the county of the owner or lessor, such tangible personal property shall be listed for taxation in the county where located." Under this provision, I am of the opinion that it is the duty of the owner to list for taxation in each county all machines located in a particular county as of January 1 of each year.

Valuation of petroleum products inventories. Several distributors of the same grade of petroleum products are located in the same county. The cost of the products varies among the several distributors but each sells to retailers at the same price. Should the tax assessor assess these products in the hands of the distributors at identical figures in spite of the fact that their costs vary?

To: Thomas C. Hoyle

(A.G.) Your inquiry points up a troublesome matter which the Machinery Act does not readily answer. However, G.S. 105-294 provides that all property, real and personal, shall as far as practicable, be valued at its true value in money, and true value is defined as "for what the property can be transmuted into cash when sold" in the ordinary course of trade. Thus, it is not the cost to the taxpayer (distributor) which determines the taxable value, but rather the market value or cash value. In determining cash or market value, the cost to the taxpayer can be considered, but it should not be the controlling factor. Since the several distributors have identical products, they should be valued at the same figure due to the fact that the products are worth the same on the open market. Such assessment, in my opinion, is required by the uniformity provision of Art. V, Sec. 3, of the North Carolina Constitution.

Duty of tax collector to accept payment of taxes. When a taxpayer tenders full payment for 1950 taxes, may the collector refuse to accept the payment until all prior taxes are paid in full?

To: Wade H. Lefler

(A.G.) In my opinion, if a taxpayer tenders money in payment of taxes and does not specify the year to which such payment is to be applied, the collector would be justified in applying the payment to the most delinquent items first. I do not think, however, that he would be justified in refusing to accept money tendered in payment of 1950 taxes merely because taxes for prior years are still outstanding. Such payment in no way affects or jeopardizes the collection of prior years taxes unless such prior taxes are already barred by some applicable statute of limitations.

PRIVILEGE LICENSE TAXES

Taxation of business outside corporate limits. Three prominent automobile dealers are located just outside of the corporate limits of a town. May the city require these dealers to pay a municipal privilege license tax? May a city collect a privilege license tax for drive-in theatres located within ten miles of the corporate limits?

To: E. F. Warren

(A.G.) Municipalities may "annually lay a tax on all trades, professions and franchises carried on or enjoyed within the city." G S. 160-56. A tax could not be levied upon the automobile firms under this section unless a taxable feature of the business is carried on or enjoyed within the corporate limits.

G.S. 105-36.1 provides in part that in the case of drive-in or outdoor theatres located within ten miles of a municipality, the tax should be based upon the population of such municipality. However, this provision refers only to State taxes and has no application to municipal taxation. I, therefore, advise you that a municipality may not collect a tax from a drive-in theatre which is located outside its corporate limits.

Taxation of out-of-town firms. Must a wholesaler of bread or bakery products pay a city privilege license tax in cities other than the city where the bakery is located?

To: Peter A. Carlton

(A.G.) G.S. 160-56 authorizes municipalities to "annually lay a tax on all trades, professions and franchises carried on or enjoyed within the city." Under this statute the city of Rocky Mount collected a tax from a bakery located in Raleigh which made deliveries in Rocky Mount. *State v. Bridgers*, 211 N.C. 235. Likewise, the Court, in *Hilton v. Harris*, 207 N.C. 465, upheld a tax levied by the city of Concord and collected from a bakery operated out of Charlotte. The right to impose such a tax comes within the phrase "carried on or enjoyed within the city."

Christian Science practitioners. What are the restrictions governing who may receive a Christian Science practitioner's license?

To: Christian Science Committee on Publication

(A.G.) I know of no restriction which determines the fitness of a recipient of this license. The license tax is levied on a classification of healers, and I do not think that the Revenue Department would be required to determine whether or not any particular person belongs to an orthodox school or church of healers. The Revenue Department has no machinery to determine the fitness of a person. So far as that department is concerned, it is only interested in whether a person is holding himself out or is engaged in this type of healing act.

Penalties for delinquent privilege license taxes. Under G.S. 105-109(b) and (c) the state and counties impose a penalty of five per cent for each thirty days that a privilege license tax is delinquent. May cities and towns impose a similar penalty if municipal license taxes become delinquent?

To: R. B. Lee
(A.G.) It is true that the state and the counties may impose a five per cent penalty under G.S. 105-109, but no such provision appears with reference to municipal license taxes. Since the general power of municipalities to "annually lay a tax on all trades, professions or franchises carried on or enjoyed within the city" under G.S. 160-56 carries, by implication, the authority to adopt a license tax ordinance, such an ordinance may contain a reasonable penalty clause.

CLERKS OF SUPERIOR COURT

Power to compel an administrator to file an accounting. An administrator has failed to file a final accounting, although more than two years have elapsed and no circumstances exist which would hinder the filing of the accounting. After qualifying, the administrator moved to another county and has failed to respond to written requests and a citation served upon him requiring that he appear and render an accounting. May the clerk issue an attachment in the nature of a capias to the sheriff of the county wherein the administrator resides and have him arrested and brought back to the county of qualification to face contempt charges?

To: J. E. Mewborn
(A.G.) In my opinion, the clerk has full power to follow the procedure indicated. It is clear that the clerk has plenary power to compel the accounting by executors and administrators by citations to show cause and by attachment and punishment as for contempt upon failure to carry out the lawful orders of the court. See *In re* Hege, 205 N. C. 625. It is also clear that the clerk has authority to issue process to the sheriff of any county in the State. G.S. 2-16.

REGISTER OF DEEDS

Registration of military discharges. Is a register of deeds required to administer oaths to persons presenting discharges from the armed services when he is not in doubt as to whether the paper presented is in fact an official discharge?

To: J. D. Stansberry
(A.G.) In my opinion, the statute [G.S. 47-111] giving the register of deeds power to examine, under oath, a person presenting a discharge from the armed forces only applies in cases in which the register of deeds entertains some doubt as to the validity or genuineness of the tendered certificate. In those cases in which he entertains no such doubt, he may proceed to record the certificate without administering the oath or making inquiry.

JUSTICES OF THE PEACE

Stubborn witnesses. A justice of the peace issues a proper warrant and the complainant who caused the warrant to be issued later desires to have the warrant withdrawn, stating he will not appear and testify. What steps may the justice take in this situation?

To: John Paul Jones
(A.G.) I think the justice can set a day for the trial, see that the witness is present and order him to be sworn and to testify. If he refuses to be sworn, or if he permits himself to be sworn and will not testify, the judge can adjudge him in contempt of court under G.S. 5-1. If the warrant issued is based upon an affidavit, I think you could indict such person for perjury under G.S. 14-209. If the charge is a felony and there is evidence that the prosecuting witness has deliberately agreed not to testify or otherwise defeat the processes of the law, I think you can issue a warrant for compounding a felony.

Acting as collection agent. May a Justice of the Peace use collection forms distributed by a commercial printer and charge a fee therefor?

To: John Flynn
(A.G.) If the forms referred to are the usual forms used to collect debts, it is my opinion that should they be used, a justice of the peace would be engaged in the business of a collecting agency, and would be subject to the payment of a license tax to the State of North Carolina under Section 113 of the Revenue Act in the amount of $50.00 per year. Cities and towns could also collect a similar tax not in excess of $50.00.

Authority to arrest. Advice is requested concerning the powers of a justice of the peace to make arrests.

To: D. H. Robinson
(A.G.) I advise you that a justice of the peace is a judicial officer and is not, technically speaking, an arresting officer, such as a sheriff, constable, or policeman. I do not think that a justice of the peace has any greater authority to make arrests than any other private citizen. Private citizens may make arrests under G.S. 15-9 when present at a riot, rout, affray, or other breach of the peace; and under G.S. 15-40 when a felony has been committed in the presence of a person and such person knows or has reasonable grounds to believe that the party arrested is guilty of the offense.

CRIMINAL LAW

Fees for issuing and serving search warrants. May a fee for the issuance of a search warrant and a fee for the officer who executed the same be added to the regular court costs on the warrant for possession and sale of liquor.

To: Mrs. Della Mozingo
(A.G.) You are advised that for costs purposes, search warrants should be treated as any other warrant, and where they are issued and served, the same fees should be charged and collected as for any other warrants.

MOTOR VEHICLES

Overloading licensed weight. A truck is licensed for a gross weight of 40,000 pounds, but upon being checked by an officer, it is found to weigh 41,300 pounds. Does the five per cent tolerance permitted by G.S. 20-118 apply to the weight for which the vehicle is licensed as well as to the maximum weight specified for the particular type of vehicle?

To: F. W. Pharr
(A.G.) A person is not entitled to overload the licensed weight of a vehicle by any amount. The five per cent tolerance allowed in G.S. 20-118 applies only to maximum load weights fixed by that section for vehicles and does not apply to license weights.

Magic eye for recording speed; admissibility of evidence. Is evidence of speeding obtained through the use of a recording device known as a "magic eye" admissible in North Carolina courts?

To: A. R. Wilson
(A.G.) Evidence offered by a police officer on the question of speeding, when based upon his speedometer reading, is admissible over the objection that it is hearsay. It would seem that the opinion of an officer based upon the magic eye apparatus, provided that the magic eye can qualify as a reliable speed recording instrument, would be no more objectionable than his opinion when based upon his speedometer reading.

Chauffeurs' licenses. A person is employed by an undertaking establishment to operate a hearse, ambulance, or other vehicles used in connection with the business. Is it necessary for this person to acquire a chauffeur's license

To: R. J. Hester, Jr.
(A.G.) G.S. 20-6, which defines "chauffeur", does not give a clear answer, but it seems that an individual employed to operate ambulances and hearses would be operating a vehicle which carries passengers. Ordinarily, an individual employed to operate a vehicle in which is hauled only the property of the employer and which is not operated as a "for hire vehicle" is not required to secure a chauffeur's license. Here, however, even though the vehicle is used to transport only injured or sick passengers, it seems that the statute requires that it be operated by a chauffeur.

Mechanical or electrical signals. A motor vehicle may be equipped with mechanical or electrical signaling devices. Is it permissible for a motorist, who wishes to indicate an intention to turn, to use either of these devices in lieu of the appropriate hand and arm signal?

To: W. H. Greene
(A.G.) G.S. 20-154 (b) provides that the signals required to be given before stopping, starting or turning on a highway may be given by means of the hand and arm or by any mechanical or electrical signal device so long as the device has the approval of the department of motor vehicles.

Surrender of driver's license by non-resident. A resident of another state is arrested and convicted in North Carolina on a charge of driving while drunk. Should the driver's license of such a non-resident be taken up by the court and forwarded to the department of motor vehicles?

To: G. M. Harris
(A.G.) G.S. 20-22 provides that the privilege of driving a motor vehicle on the highways of this state given to non-residents shall be subject to suspension or revocation by the department of motor vehicles in like manner as licenses issued to residents of the state. G.S. 20-24 provides that upon conviction of an offense for which revocation is mandatory the court must require surrender of the license and forward it to the department. Together, these provisions seem to require that the license of a convicted non-resident must be surrendered to the court and forwarded to the department.

NECESSARY EXPENSES

Counties financing celebrations. Is the financing of county celebration a "public purpose" and a "necessary expense" of the county for which public funds may be used?

To: C. C. Buchanan
(A.G.) I am of the opinion that an appropriation made for the purpose of acquainting all of the people with the background and history of the county could properly be considered as being for a public purpose. However, in my opinion, such an expenditure would not be a necessary expense; consequently, tax funds could not be appropriated for such purpose. Thus, if there are funds in the general fund which did not arise from tax sources, such as miscellaneous fees paid into the general fund or funds from the sale of surplus property, I am of the opinion that such funds could be used for this purpose.

MUNICIPALITIES

Parking meter installation after negative vote. At a recent town election a majority of the voters voted against the installation of parking meters. Several weeks later the governing body of the town ordered the installation of meters in the downtown area. Does the governing body have this power in the face of a majority vote against meter installation?

To: P. D. Parker
(A.G.) G.S. 160-200(31) gives to cities and towns the power to regulate vehicular parking on streets and highways in congested areas and permits the governing bodies, in their discretion, to enact ordinances providing for a system of parking meters designed to promote traffic regulation. In the absence of an act of the Legislature requiring the governing body of the town to submit this question to the voters and to be governed by the outcome of the referendum, and unless the town has adopted the provisions for initiative and referendum contained in G.S. 160-334, the governing body may utilize the power indicated above and provide by ordinance for a system of parking meters. In the absence of special legislation, a negative vote of the people is not binding.

LABOR LAW

Right to charge employees union dues as a condition of employment. Is it lawful to charge union dues, fees, or other charges as a condition of employment or continuation of employment?

To:Carl Moore
(A.G.). I advise that under G.S. 95-82 no employer can require an employee, as a condition of employment or continuation of employment to pay any dues, fees or other charges of any kind to any labor union or labor organization. It is entirely up to the employee as to whether or not he wishes to pay dues and be a member of a labor union.

SEGREGATION LAWS

Entertaining Negro and White people on non-segregated basis. Is there any law in this State prohibiting hotels and inns from entertaining both Negro and White people on a non-segregated basis?

To: C. Grier Davis
(A.G.) I advise that there is no law which prohibits hotel proprietors and inn keepers from entertaining both Negro and White people at the same hotel. It is entirely a matter as to what the proprietor wishes to do in such a case. Our segregation laws apply to marriage, common carriers, public schools, and depots.

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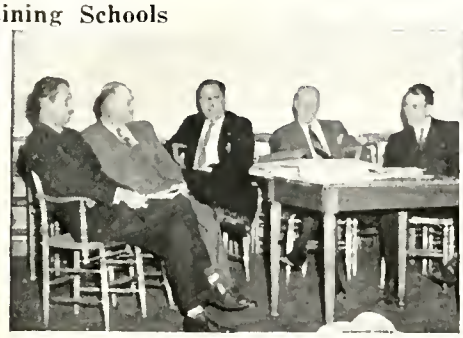

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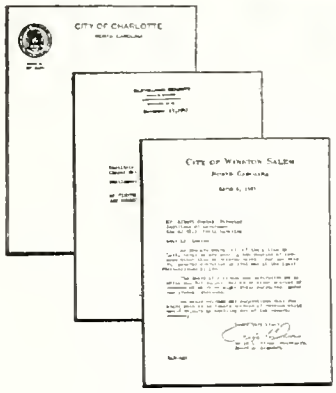
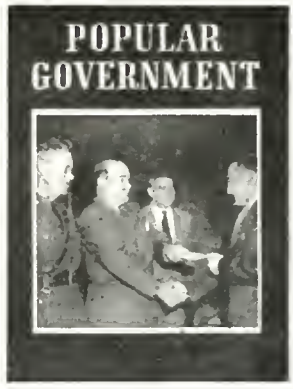
Consultation



Inquiries



Monthly Magazine

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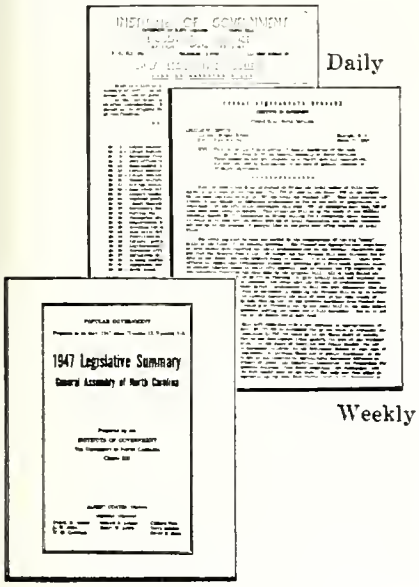
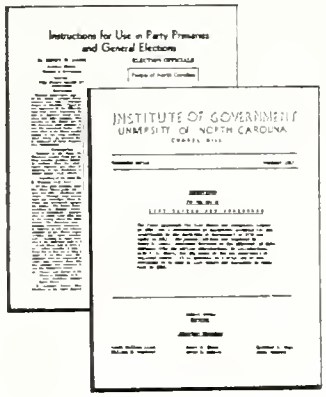


Daily

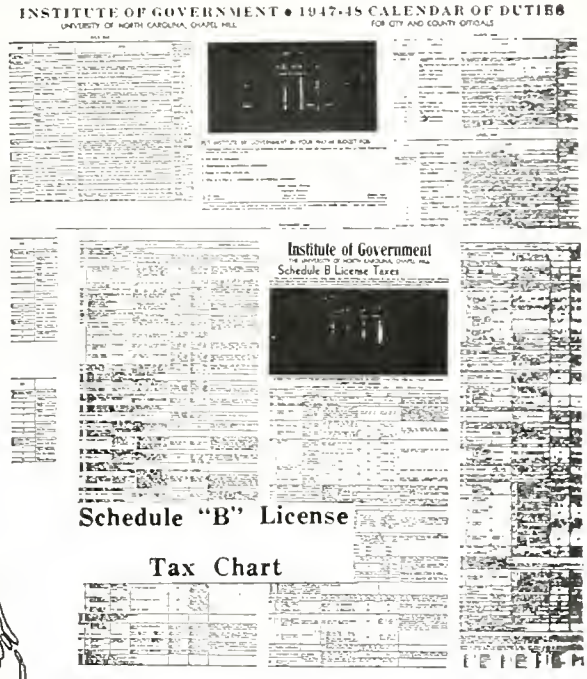
Weekly

Summary

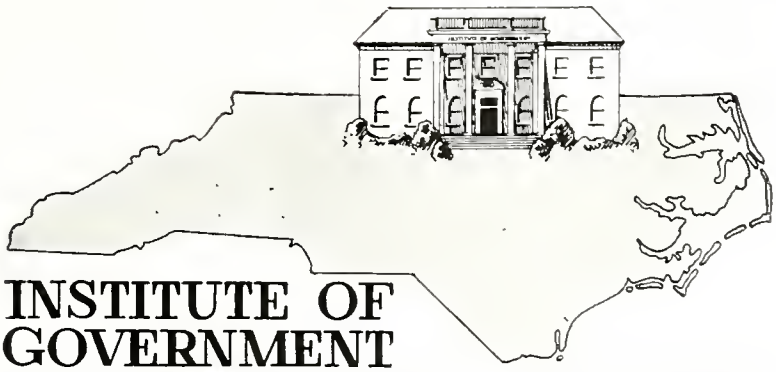
Guidebooks



Calendar of Duties



Schedule "B" License Tax Chart



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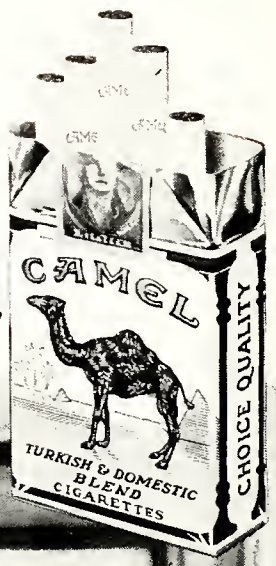
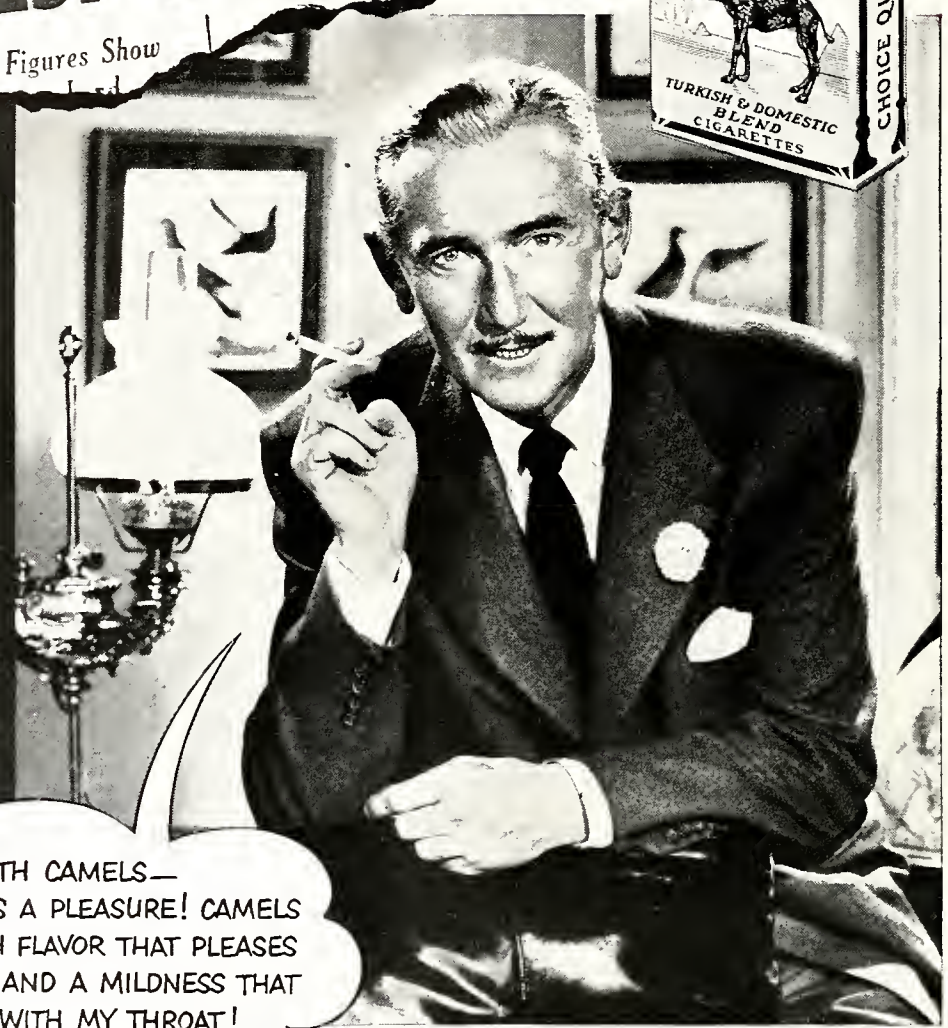


Why did you change to Camels, PAUL LUKAS?



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