

Popular Government

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Field Representatives of the Division of Highway Safety with Members of the Staff of the Institute of Government

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Powell Bill Allocations

City or Town	Total 1951 Allocation
Aberdeen	\$ 6660
Ahoskie	11894
Albemarle	44567
Alexander Mills	3212
Andrews	5680
Angier	4190
Ansonville	2826
Apex	4867
Arlington	1883
Asheboro	25068
Asheville	169749
Atkinson	2017
Atlantic Beach	1500
Aulander	3441
Aurora	2174
Autryville	549
Ayden	8053
Bailey	2250
Bakersville	1241
Banner Elk	1444
Bath	1122
Battleboro	1213
Bayboro	1357
Beaufort	7818
Belhaven	9267
Belmont	14297
Benson	7312
Bessemer City	12957
Bethel	4022
Beulaville	2851
Biltmore Forest	7153
Biscoe	4107
Black Creek	1093
Black Mountain	4774
Bladenboro	2253
Blowing Rock	7635
Boiling Springs	2812
Bolton	2218
Boone	3985
Boonville	2461
Bostic	642
Brevard	10676
Bridgeton	1878
Broadway	2220
Brookford	1931
Brunswick	552
Bryson City	4855
Bunn	984
Burgaw	5918
Burlington	72113
Burnsville	5944
Calypso	3055
Cameron	1572
Candor	2382
Canton	14646
Carolina Beach	6720
Carrboro	5149

The passage of the Powell Bill (Chapter 260 as amended by Chapter 948 of the Session Laws of 1951) made available more money to the cities and towns of North Carolina for use on streets. The act provided that the proceeds of one-half of one cent of the present seven-cent gasoline tax be allocated to cities and towns, 50% on the basis of population and 50% on the basis of street mileage. The proceeds of the half-cent during fiscal year 1950-51 amounted to about \$4,500,000, and this money will be distributed shortly before October 1, 1951.

Just before this issue of POPULAR GOVERNMENT went to press, the State Highway and Public Works Commission announced the basis of the determination of the amount due each city and town. About 385 cities and towns in the State support an active government and are eligible to share in the allocation. The total population of these municipalities is about 1,500,000. The total mileage of streets in these municipalities is around 7,000 miles, but only about 5,200 miles form the basis of the allocation since only those streets not a part of the State-maintained system are considered.

The allocation of each city and town will amount to approximately \$1.50 for every person living within the city limits as determined by the 1950 census plus about \$435 for every mile of streets not a part of the State-maintained system. Thus a city of 3,000 people with 20 miles of streets not on the State-maintained system will receive \$4,500 (3,000 multiplied by \$1.50) plus \$8,700 (20 multiplied by \$435), or a total of \$13,200.

A list of the cities and towns sharing in the allocation and an approximation of the allocation each will receive is published in full in this issue. The State Highway and Public Works Commission has warned, however, that this list may be subject to minor revision between now and October 1, the estimated date of payment.

Carthage	4435
Cary	6789
Castalia	843
Catawba	1633
Chadbourne	7827
Chapel Hill	18449
Charlotte	335107
Cherryville	12011
China Grove	5195

Claremont	1582
Clarkton	2906
Clayton	7451
Cleveland	2005
Clinton	13461
Clyde	1823
Coats	4113
Colerain	736
Columbia	2871
Columbus	2041
Concord	48545
Conover	4242
Conway	1631
Cornelius	5346
Creedmoor	3093
Creswell	1436
Crossnore	1318
Dallas	8194
Davidson	5599
Denton	3124
Dillsboro	664
Dobson	2849
Dover	1809
Draper	13766
Drexel	3298
Dunn	23473
Durham	180014
East Bend	1007
East Laurinburg	2345
East Spencer	8553
Edenton	12190
Elizabeth City	32241
Elizabethtown	5332
Elkin	9621
Elk Park	2126
Ellenboro	1509
Ellerbe	3183
Elm City	3121
Elon College	3333
Enfield	8889
Everetts	763
Fair Bluff	4984
Fairmont	8974
Faison	3049
Faith	2169
Falkland	284
Farmville	10339
Fayetteville	92048
Forest City	16031
Fountain	1632
Four Oaks	3555
Franklin	9165
Franklinton	4314
Franklinville	2786
Fremont	5655
Fuquay Springs	7781
Garland	2491

(Continued on page 16)

THE CLEARINGHOUSE

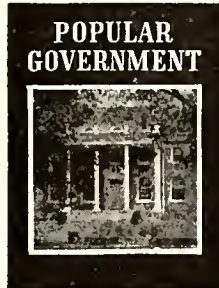
Recent Developments of Interest to Cities and Towns of North Carolina

Active North Carolina Cities and Towns

Even before the 1950 census figures were released, the list of active cities and towns in the state was subjected to careful revision and correction as a direct result of the passage of the Powell Bill. In order to make sure that all towns potentially eligible for state street aid were notified, the State Highway and Public Works Commission made an exhaustive study of the incorporated cities and towns. Using the listings of the Bureau of the Census as basis, the Commission checked the files of the Supreme Court library and the files of the League of Municipalities and brought those files up to date from 1941 by reference to the session laws. To establish the identity and location of many of the legally-incorporated towns reference had to be made to old maps and other geographic data. At length the Commission determined that 575 existing communities held legal and valid charters of incorporation. Of this number 174 were found to be inactive and not performing municipal functions, leaving a total of 401 municipalities potentially eligible for state aid. The study also revealed that there are 66 communities which were once incorporated municipalities but which today exist only in memory and on maps long since out-of-date.

While 401 towns are today performing municipal functions, only about 385 met the legislative tests for receiving the funds.

Not only has the Powell Bill resulted in a more correct listing of active North Carolina cities and towns. It has also necessitated the mapping of every active city and town to determine the mileage of streets within the town, a process that has in many cases included a more exact location of corporate limits. In some cases persons have been found to be living within the city limits who have heretofore considered themselves to be living outside the city. In others persons who have been paying town taxes for years have discovered that they actually live outside the limits of the city.



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COVER

Cover: Pictured here are the Field Representatives of the Division of Highway Safety of the Department of Motor Vehicles who attended a Refresher Course conducted by the Institute of Government staff from July 30 to August 4, 1951.

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Census Figures--Cities and Towns

The final population figures for North Carolina, released on July 15, revealed that the official 1950 population was 4,061,929, an increase of 490,306 or 13.7% in the past decade. They showed that one out of every three North Carolinians today lives in an urban community, a high proportion for a state termed as agricultural. According to Bureau of Census definitions, every person who lives in an incorporated place of more than 2500 inhabitants, or who lives in any densely-populated incorporated or unincorporated territory surrounding cities of 50,000 or more, or who lives in any unincorporated territory having more than 2500 inhabitants not in the fringe area of a large city, lives in an urban community. By contrast, the 1940 census classified only persons living in incorporated cities and towns of more than 2500 as urban residents, and the urban population in North Carolina in that year was 27.3%. Under this latter definition, 30.5% of the 1950 population live in an urban community, reflecting a rise in the relative population of the larger cities and towns of over 3%.

Of the 475 cities and towns listed in the final figures, only 88 have a population of more than 2500. In the 1000-2500 bracket there are 104 more towns, leaving 283 incorporated municipalities with a population of less than 1000. Charlotte is the largest city with a population of 134,042. Dellview is the smallest with a population of just seven persons.

Effect of Population Brackets. Many of the general laws applicable to North Carolina municipalities are classified to apply to towns having more than a stated population. By reason of the 1950 census many cities and towns will pass from one bracket to another and will come under the provisions, sometimes mandatory and sometimes permissive, of additional laws. The 27 towns which passed the 1000 mark in population in 1950, for example, are now all subject to the provisions of Article 15 of G.S. Chapter 160 which contains mandatory building regula-

tions. All of these laws were reviewed in the November, 1949, issue of POPULAR GOVERNMENT, and a more complete analysis of the cities and towns affected under the general laws by these population changes will appear in the next issue of POPULAR GOVERNMENT.

Summer Council Sessions

Summer of an odd-numbered year. The General Assembly has adjourned and cities and towns have had more trouble than usual in following up on municipal legislation. The primary and general municipal elections have faded into memory, the new boards have taken their oaths, rolled up their sleeves, and settled down to work.

High on the list of priorities this summer has been getting accurate information on streets to the State Highway and Public Works Commission to qualify for state aid under the Powell Bill. The larger cities and towns have been taking steps to secure coverage of their employes under the Federal Social Security Act, as authorized by Chapter 562 of the 1951 Session Laws. Cities over 25,000 have been laying the groundwork for the formation of redevelopment commissions to take advantage of federal funds for urban redevelopment, as authorized by Chapter 1095 of the 1951 Session Laws. Some cities have been considering the formation of parking authorities under 1951 legislative sanction to finance the construction of off-street parking facilities. Greensboro and Winston-Salem have authorized ABC stores through a vote of the people.

But in every city and town, large and small, all business had to take a back seat during the middle of the summer while the budget for the next fiscal year was studied, reviewed, revised, hammered on the anvils of economy, discussed on the basis of need, and finally adopted with the resultant fixing of the 1951 tax rate. State aid for streets is proving a boon to most cities and towns which were looking in desperation for budgetary relief. ABC profits will ease Greensboro and Winston-Salem over money worries. But rising costs will continue to make city officials check every penny to keep the budget balanced.



Recently Completed City Hall in Whiteville

City Halls

New city halls are news, and in the limelight this month is the new city hall in *Whiteville*, which was formally opened to the public by Mayor Lee Braxton and the city council on Friday night, July 27. The building, pictured above, culminating the efforts of city officials serving over a period of six years, is a modern brick structure. Besides providing quarters for all the city departments, it contains space for the *Whiteville* public library and extra office space for immediate rental and eventual city use.

While the new hall is valued conservatively at \$100,000, the actual cost to the penny has been only \$65,788.27. The savings represented by the difference between these figures may be attributed to the interest of Miss Sue Powell in making the lot available to the city, the judicious purchase of expensive materials at low prices as they became available, the supervision of construction by the city manager, the cooperation of the contractor and other interested persons, and the initiative and imagination of the members of the city council. The indebtedness on the building is only \$35,000, and city officials hope that the income from the rental office space will not only pay the monthly interest and principal payments but also return a neat monthly profit to the city treasury.

Clinton. The town offices in *Clinton* have been moved from a building on *Fayetteville* street into an old and attractive residence which has been rented and is being remodelled for occupancy by the town. The building will house the city clerk's office, the police department, and other town departments.

City Managers

Heated debated on the city manager system in *Dunn* was climaxed on April 14 when the voters in *Dunn* voted 575 to 327 to retain the manager plan. The turnout on election day contrasted sharply with the vote of 255 to 44 by which the plan was adopted in 1949.

Three weeks later, at the time of the municipal elections, the manager plan was proposed to *Albemarle* voters and defeated by a vote of 1,733 to 1,132.

John Gold, former director of the state prisons and former chief of police in *Winston-Salem*, has succeeded C. E. Perkins as the city manager of *Winston-Salem*.

Waiving Governmental Immunity

The General Assembly threw one legal problem into the hands of North Carolina municipalities. Heretofore municipalities have been immune from liability for damages by reason of death or injury to persons or property caused by the negligent operation of a motor vehicle by municipal employes when acting within the scope of their authority in performing governmental functions. Following the case of *Stephenson v. Raleigh*, 232 N.C. 42, in which the wife of a man killed in such an accident could not recover damages even though the city carried liability insurance on such accidents, an effort was made in the 1951 General Assembly to secure the waiver of governmental immunity by cities and towns with respect to governmental functions. The General Assembly did not

go all the way, but in Chapter 1015 it authorized governing boards to waive governmental immunity to the extent of the amount of liability insurance carried and declared the payment of premiums on insurance to be a necessary expense.

One provision of that chapter clouds the issue, however. The last sentence of Section 1 provides that such immunity shall be deemed to have been waived "in the absence of affirmative action by such governing body." Thus the act is clear in its terms if a city, as a matter of policy, chooses to protect persons who may be injured by the negligent drivers of city motor vehicles. All that need be done is for

the city to take out an insurance policy after which all valid claims will be met to the extent of the coverage. If, however, a city does not want to waive its immunity, does it have to take affirmative action to retain its immunity, or does the very fact that it has failed to take out liability insurance shield it from the provisions of the act. The quoted sentence would seem to make a city liable even if it had no insurance, but when the act is read as a whole the impression is strong that a court would not hold a city liable in any event if it did not carry insurance of any kind. Complications enter where a city carries insurance on some vehicles but not on others.

Many cities have already taken affirmative action by adopting a resolution stating that the city does not choose to waive its governmental immunity. Other cities have taken no action. Presumably those cities which have passed the resolution could void its effect in the future by repealing the resolution and taking out insurance. Almost certainly the interpretation of the act will end up in the Supreme Court for clarification in those cases either where no affirmative action has been taken and no insurance is carried, or in those cases where limited insurance is carried and the town has not made its position as to waiver of immunity clear.

Recent Developments of Interest to Counties of North Carolina

Methods of Elections of County Commissioners

At Wrightsville Beach in the summer of 1950 the State Association of County Commissioners resolved to support legislation to provide for four-year staggered terms of office for county commissioners. A bill was introduced in the 1951 General Assembly to effectuate this result, providing that each county would elect five commissioners who would each serve for four years; in the years when a governor was elected, three commissioners would be elected and in intervening even-numbered years two commissioners would be elected. The General Assembly did not pass the bill which would have been state-wide in its effect. As evidence, however, that the staggered-term idea is gaining ground in North Carolina, a number of special acts were passed putting six boards of commissioners on a staggered-term basis: Bertie, Johnston, Montgomery, Nash, Pender, and Rockingham (subject to the approval of the voters).

Nomination and election of county commissioners by districts is gaining in popularity, if special legislation passed in 1951 is any indication. Special acts applicable to six counties provided for nomination and election by districts beginning in 1952: Camden, Chatham, Cleveland, Johnston, Montgomery, and Onslow (subject to the approval of the voters). Caldwell County, however, abandoned the district residence requirement that it had had for several years, and the voters of Northhampton County recently turned down a proposition that would have allowed each voter in the county to vote only for the commissioner from his district.

Courthouse Changes

Burke County is considering a new courthouse and office building. Preliminary plans have been drawn providing for three floors: the bottom floor for the jail and law enforcement offices, the main floor for some of the county offices and departments, and the top floor for the courtroom. The present historic Burke Courthouse and the small county office building would continue to be utilized.

Bertie County is thinking about a new building to house the various county agricultural agencies. Plans and specifications are being drawn by architects for submission to and approval by the board of commissioners.

The board of commissioners of *Granville County* recently acquired a five-acre tract of land for a new courthouse. The land was bought from the city of Oxford and is located in that city.

The *Forsyth County* Grand Jury has recommended the construction of a new twelve to fifteen story courthouse and office building. The building, to cost an estimated three and a half million dollars, would replace the present courthouse which the grand jury said was obsolete and far too small. Parking space would be provided in the basement, rental space for commercial establishments would be provided on the ground floor and several other floors, and the remainder of the building would house county offices. The jury recommended that the new building be erected on the present site, but Judge Zeb V. Nettles, who was holding court at the time, disagreed because the present location is too noisy and parking facilities are inadequate. He suggested instead a location far-

ther from the center of the business district. The grand jury recommended that the board of county commissioners prepare plans for the new building now so that construction could begin "when the present war emergency approaches its end . . . before another postwar boom develops with its attendant upward spiraling of costs and prices."

Madison County has been talking about a new wing to its present courthouse. The board of commissioners has directed an architect to draw up preliminary plans.

Recent office shifts have been made in the *Person* and *Wake* courthouses. The sheriff, auditor, and tax departments were involved in both shifts.

New County Powers

North Carolina's counties are ready and willing to enter new fields of activity when necessary for the health, safety, and convenience of their citizens. As an example of this attitude, three counties have recently taken on new powers: Guilford in the field of garbage control; Durham in the field of firearm control; and Dare in the field of loudspeaker control.

Garbage control. Early this year, Guilford County officials began a search for a solution to the problem of garbage control in the rural areas of the county. Garbage was being dumped along the county's rural roads, and for sanitary reasons it was necessary that the county obtain authority to control the various collecting and disposal practices throughout rural Guilford.

In March, the county board of health adopted a garbage control ordinance

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Local Legislation in The 1951 General Assembly--II

By GEORGE H. ESSER, JR.
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The first section of this article, published in the June 1951 issue of POPULAR GOVERNMENT, was concerned with the general impact of local legislation on the legislative process in 1951 and the particular problems suggested by local legislation affecting cities.

These were significant facts. While only 55.4% of all bills introduced (968 out of 1801) were local bills, 69.55% of all the laws enacted (859 out of 1235) were local laws. Over 88% of all local bills introduced were enacted into law, and the fate of local bills was almost invariably decided in committee. From these facts it is easy to conclude that consideration of local legislation by the General Assembly is necessarily somewhat perfunctory and that little effort is being made within the legislature to voluntarily reduce the volume of local legislation. When added to the impressions obtained from personal observation of the General Assembly, from the knowledge of local customs in cities and counties with respect to local legislation, and from experience with the concept of legislative courtesy respecting local laws, the conclusions established from statistical studies are reinforced and confirmed.

Not only does the experience of the 1951 General Assembly suggest that the mechanics of enacting local legislation today is taking valuable legislative time from the effective consideration of statewide matters, not only does it raise problems with respect to the power to be vested in local governmental units by the state, not only does it suggest unnecessary limitation upon the responsibility of locally-elected county and city officials; it also demonstrates that the volume of local legislation is again reaching proportions requiring immediate attention. Despite the transfer to the state of functions formerly subject to the shotgun treatment of local legislation, such as the construction and maintenance of roads and highways, the operation of schools, and the regulation of local financial matters, the volume of local

legislation today is on a perceptible increase toward the peaks reached before and after World War I. About 70% of all legislation in 1949 and 1951 was local in nature, whereas in 1941 only 56% was local and from 1931 to 1945 no more than 63% was local.

Against this background of the mechanical balance of power on the side of too much local legislation and the ineffective attempts to limit the

volume of local legislation, the subject matter of local legislation for cities in 1951 was examined. By comparing the provisions of these local laws with existing general laws in each of a dozen general categories, it was determined that few of the 220 city bills could have been termed unnecessary by reason of duplicating existing general laws, that a larger but still not unreasonable number set up simpler ways for achieving

TABLE VIII
Local Laws Affecting Counties—1951

<i>Animals</i>		8
<i>Beer and Wine</i>		4
<i>County Government Structure</i>		10
Commissioners, number, terms, election	3	
City-county jails	2	
Boards and Commissions	4	
Boundaries	1	
<i>Criminal Law and Procedure</i>		18
Disorderly conduct	4	
Motor vehicle regulation	4	
Criminal procedure	1	
Concealed weapons	1	
Prisoners	1	
Gambling	3	
Loud speakers	1	
Rewards for confiscating stills	1	
Miscellaneous	2	
<i>Elections and Election Procedure</i>		16
County elections	10	
Primary elections	2	
Registration	1	
Miscellaneous	3	
<i>Fees</i>		96
Clerks of court	17	
Court officials	3	
Coroners	5	
Jails	8	
Justices of the peace	16	
Registers of deeds	22	
Sheriffs and constables	18	
Witnesses	5	
Miscellaneous	3	
<i>Local Finance</i>		37
School bonds	1	
Public building bonds	1	
Bond election requirements	1	
Allocation of funds	14	
Appropriations	8	
Audits	6	
Distribution of ABC profits	3	
Miscellaneous	3	

<i>Health and Sanitation</i>		
<i>Juries</i>		
Jurors pay	2	
Creating jury commissions	2	
Drawing petit jurors	4	
Grand jurors, drawing and terms	5	
<i>Liquor</i>		
<i>Officials</i>		
Attorneys	3	
Clerks of court	8	
County commissioners	1	
Constables	2	
Cotton weighers	1	
Justices of the peace	1	
Registers of deeds	7	
Rural policemen	3	
Sheriffs	11	
Surveyors	1	
Public welfare officials	1	
Miscellaneous	6	
<i>Public Property</i>		8
<i>Public Records</i>		3
<i>Retirement and Pensions</i>		5
<i>Roads and Bridges</i>		3
<i>Salaries</i>		135
Treasurers	2	
Auditors	1	
County commissioners	18	
Sheriffs and deputies	17	
Recorders	1	
Clerks of court and deputies	4	
Registers of deeds	3	
Tax collectors	2	
Coroners	5	
Boards of education	3	
Constables	1	
Trial justices	2	
Court reporters	3	
Solicitors	2	
Accountants	1	
Health officers	4	
Boards of election	3	
School bus drivers	1	
Acts setting salaries of several officials	55	
General authority to grant salaries	7	
<i>Taxation</i>		52
Tax listing	2	
Authorizing special taxes	21	
Creating tax districts	1	
Authorizing discounts	4	
Abolishing penalties	1	
Authorizing revaluation	16	
Extending time for foreclosure	1	
Personnel	3	
Miscellaneous	4	
<i>Trade regulations</i>		26
Professional bondsmen	11	
Carnivals	6	
Commercial fishing	1	
Sunday laws	2	
Taxicabs	4	
Miscellaneous	2	
<i>Validations</i>		10
TOTAL		469

ends now available in the general laws, and that the largest number supplied powers and procedures not provided in the general laws. Only through an extension of general law powers and/or the grant of home rule powers can the ends of local legislation today be reached without using local acts.

Even so the volume of city legislation does not affect the structure of local government in any way as deeply as the volume of county legislation. Thus county local legislation in 1951 must be analyzed in the same manner as city legislation.

LOCAL LEGISLATION FOR COUNTIES

The General Assembly has always had and maintained strict control over the administration of counties. Although an attempt has constantly been made to provide for county government through a system of general laws, that system has been subject to biennial variation, revision, and reorganization in each county through local acts. The general laws today are controlling to a large degree only with respect to county fiscal control and to the listing and assessment of property and the levy and collection of property taxes.

That the General Assembly has a more direct interest in the government of counties than of cities is made abundantly plain in a comparison of volume of local legislation. More than twice as many laws are required for the 100 counties than are required for over 400 cities. The historic legal distinction between cities and counties, interpreted as a basic principle of good local government by practical legislators and shrugged off as a no-longer potent anachronism by students of political science, is responsible for this difference. The distinction may not reflect the facts of county and city governmental problems today, but it remains a vital factor in legislation.

According to the traditional theory, counties serve as agents of the state in the performance of governmental functions essential to the good government of the state, while cities are chartered as special corporations to perform functions desired by the residents of heavily-populated communities and not essential to all the people in the state. The distinction is carried into the North Carolina Constitution which provides merely that the General Assembly shall make provision for the government of cities and towns but details the num-

ber, duties and method of election of particular county officials. The result is that the General Assembly, through both general and local legislation, has delegated some broad powers of government to the cities while it has retained similar powers over the counties. Thus a city council ordinarily has complete discretion in the hiring and firing of employees as well as the power to determine the salaries to be paid. County commissioners have no similar supervisory powers over the elective county officers such as the sheriff, the clerk of the superior court, and the register of deeds, and often are denied them with respect to officials performing functions under the direct supervision of the commissioners, such as the accountant and the tax collector.

Because the General Assembly has chosen not to delegate discretionary powers to the counties, any changes in governmental powers or policy for any county must come from the General Assembly. The extremes of political thought and action in the 100 counties have resulted in the custom of making these changes one at a time, a county at a time. Where the county representative, and his constituents, have confidence in the board of county commissioners, discretionary powers may be granted to the board. In the very next session of the legislature the representative from the same county, and his constituents, may lack confidence in the county commissioners with the result that local legislation will dictate administrative procedure, personal matters such as salaries, and limit powers to be exercised by the board.

To the uninformed layman it may seem ridiculous that the city governing board has discretionary powers which are not shared by the county governing board sitting in the same city and elected by the same people. Once the layman begins to be informed, the forces which have produced the system assume an importance and stability far out of proportion to their historical roots. The heirs of the historical county tradition stoutly maintain the advantages of the system and certainly their arguments have been effective, for in the United States scarcely two dozen counties have been chartered for local government along the lines of city government.

Whether the government of counties should be under the complete control of the General Assembly or whether certain county officers should continue to be elected under consti-

tutional provisions, whether good local government is more dependent on the unified supervision of an elected board or on the supervision of several elected officials, whether the trend toward the provision by counties of services such as fire protection, garbage collection, sewage collection, and a public water supply justifies a stronger central county governing board, whether county government is dying or is potentially the strongest unit of local government, the fact remains that a system of detailed supervision of local affairs by the General Assembly seems to take away the essential elements of local responsibility for local affairs. A better idea of what truth lies behind this common impression can be obtained from a closer analysis of the subject matter of local legislation in the 1951 General Assembly.

Table VIII summarizes the subject matter of local legislation affecting counties according to the categories used by the 1947 Commission on Public-Local, Local and Private Legislation. It makes clear the fact that legislation affecting counties covers a wider variety of subjects than that affecting cities. Not only is it true that administrative details such as the compensation and duties of county officials are treated, not only is it true that every departure from general law procedure in finance administration and the levy of taxes must be acted on, but also every exercise of the police power with respect to counties must be covered in state legislation, as the number of laws regulating trade and the criminal law attests. The only prohibition on the power of the General Assembly to pass local acts pertaining to a particular county is Article II, Section 29, of the Constitution, a pro-

vision that has not proven effective possibly because it makes inconvenient the biennial changes in governmental policy normally attained through local legislation.

Although this table provides a useful comparison with local legislation enacted over the past 30 years, it does not tell the true story of local legislation pertaining to counties. Too many of the acts are omnibus-type bills, containing provisions affecting several phases of county government in one measure, for any single bill to be susceptible to easy classification.

In order to get a better picture of the effect of local legislation on county government, all of the laws pertaining to Salaries, Fees, and Officials, to Elections and Juries, and all of the laws under County Government Structure except those pertaining to boundaries and jails, were re-examined and the separate provisions of each law tabulated. The total number of bills included was 310 or approximately 60% of all legislation concerning county government, meaning that 60% of the legislation concerning county government directly affected the appointment or election, salaries, fees, and duties of particular county officials. Even more revealing is the fact that in these 310 laws, there were 562 separate legislative provisions. In other words, had each change made in county government been the subject of a separate bill, there would have been a total of 252 more local laws. These 562 provisions are tabulated in Table IX.

The importance that is attached to legislative control over the compensation of elective officials is illustrated by Table IX. Of the 562 separate provisions covered in these tables, 368 deal with the salaries, fees, and cleri-

TABLE IX

Legislative Enactments concerning Salaries, Fees, and Duties of County Commissioners, Clerk of the Superior Court, Register of Deeds, and Sheriff

	County Commissioners	Clerk	Register	Sheriff
Salary	38	33	33	43
Salary of full-time chairman	5			
Salary of one or more deputies		18	14	33
Clerical assistance		13	9	5
Authority for salaried deputies				18
Salary of jailer				9
Fixing number of deputies		4		
Duties			5	4
Fees		16	20	19
Fees to be fixed by commissioners		2	5	3
Fees for jailer				16
Authority for rural police				3

cal assistance of the elective officers. 153 deal with the sheriff's office alone. It is significant also that while the office of register of deeds can be made appointive, abolished, or modified in any way by the General Assembly, no more power over his compensation and duties has been vested in the commissioners than over the sheriff and the clerk whose offices cannot be abolished by the General Assembly. It is also significant to note the few cases in which the authority to fix fees has been vested in the commissioners, and in those cases some limitations were made.

Table X is probably the most significant table. The 1951 legislature gave six counties the power to increase salaries by as much as a given percentage over the prevailing salary scales, the percentages ranging from 10% to 25%. Included in this power were the salaries of the sheriff and clerk of the superior court. In nine other counties, the legislature fixed limits within which the commissioners could set the salary of both elective and appointed officials. The forms varied. In some cases, the commissioners were directed to pay the clerk not less than \$350 a month, the sheriff not less than \$375 a month, etc. More commonly they were directed to pay the clerk not more than \$5000 annually, the sheriff not more than \$4800 annually, etc. In a few cases both a maximum and a minimum salary was set forth.

The power over appointive officials refers principally to the deputies of elective officials. The power of the county to set the compensation of other appointive officials has not been questioned, but the advisability of having the county determine the number of deputy sheriffs and their compensation has been questioned on the same basis as the advisability of having the

TABLE XI
Legislative Enactments concerning Salaries, Fees, and Duties of the Accountant, Auditor, Tax Collector, and Treasurer

	Accountant	Auditor	Tax Collector	Treasurer
Salary	8	7	13	5
Salary of one or more deputies		2	4	
Clerical Assistance	4	1	2	
Duties	3	3		
Appointment	2			
Appointment and duties of deputies			6	

TABLE XII
Legislative Enactments concerning Salaries, Fees, and Duties of the Coroner, Constables, Justice of the Peace, Jurors, and Witnesses

	Coroner	Constables	JP's	Jurors	Witnesses
Pay	10	1		2	
Fees	6	1	18		3
Fees to be fixed by commissioners			1		
Duties		2			
Bond			1		
Jurisdiction			1		

commissioners set the sheriff's salary has been questioned—that the power to control salaries and expenses is the power to destroy. Many laws, therefore, permitted the county commissioners to set the salaries for deputy sheriffs, deputy registers of deeds, and deputy clerks, but reserved to the sheriff, the register of deeds and the clerk the power of appointing these deputies.

Table XI contains 60 separate legislative enactments. It illustrates the fact that in many counties the salaries of all the principal county employees are still set by the General Assembly.

Table XII lists some minor provisions concerning officials engaged in the administration of justice. Particularly notable is the fact that the fees for justices of the peace were increased in 18 different counties.

The provisions tabulated in Table XIII represent several types of situa-

tions. In the case of the pay of board members, the increases in pay are in effect amendments to the General Statutes. In the case of court officials, the salary increases apply to both elective and appointive officials whose salaries have customarily been set by legislative enactment. The salary of officials such as the tax supervisor, the county attorney, and the custodial employees are normally set by county officials.

The election legislation summarized in Table XIV is varied, but emphasis is placed on the county commissioners and the board of education. There are

TABLE XIII¹
Legislative Enactments concerning the Pay of Miscellaneous County Officials

Board of education, members	7
Board of elections, members	2
Board of health, members	1
ABC board, members	1
Welfare board, members	2
Recorder court judge	20
Recorder court solicitor	16
Recorder court clerk	4
Domestic relations judge	1
Court reporter	3
Tax supervisor	2
County attorney	2
Veterans service officer	1
Partition commissioners	2
Jail night watchman	1
Courthouse janitor	1
School bus drivers	1

1. This table includes the salary data for the judge and solicitor of recorders' courts. No distinction has been made between courts which are city or county in nature since there is concurrent jurisdiction in so many cases.

TABLE X

Discretionary Power given County Commissioners over Salaries of County Officials

Within percentage limits over all elected and appointive officials	6
Complete over specified appointive officials	8
Within percentage limits over specified appointive officials	3
Within fixed limits over all elected and appointive officials	9
TOTAL	26

Note: This table shows the number of counties in which some discretionary power over salaries was vested in the county commissioners. Where limits for named officials were set, appropriate entries were made in Tables IX, XI, XII, and XIII. Thus only the six cases where the county commissioners were given blanket authority over all county officials' salaries are not reflected in the totals contained in the other tables.

two trends noticeable in the manner of electing county commissioners. The first is that commissioners are being elected from districts within the county rather than from the county at large. The second is that commissioners are being elected for 4-year staggered terms so that there will not be a complete turnover of county commissioners at any election. Of the 14 laws concerning the election of county commissioners, 12 provide for one or the other or both of these methods of election.

TABLE XIV

Legislative Enactments concerning the Election of County Officials

General election provisions	3
Primary election provisions	2
County commissioners	
Number	1
Terms	3
Qualifications	1
Method of election	9
Board of education	
Method of nomination	8
Appointment of	13
Criminal court officials	2
ABC board, appointment	1
Cotton weigher, term	1
Surveyor, term	1
Tax Collector, election	2

The board of education in each county is elected by the General Assembly. While all of the appointments are generally included in a single omnibus bill, often several legislators make up their minds too late to have their selection included in the omnibus bill. A local act then becomes necessary. Despite the fact that the county board is elected by the General Assembly, in many counties the candidates are nominated in the primary elections and these nominations are generally honored by the legislator from the county in the omnibus act. Eight counties made provision for the nomination of the board of education or modified the method of nominating the board of education in 1951 local acts.

Of the remaining miscellaneous laws, it may be significant that two counties abandoned existing special provisions for primary elections and brought themselves under the general laws regulating primary elections.

The final table, Table XV, illustrates the continued trend toward paying the elective officials salaries in lieu of compensation through fees collected by those officials. That there is opposition to the trend is illustrated by the defeat of one bill which would have put

TABLE XV

Counties in which Clerk of Superior Court, Register of Deeds, and Sheriff are Compensated from Fees

	Clerk	Register	Sheriff
No. counties on exclusive fee basis, or part fees, part salary January 1, 1951	29	29	23
No. counties shifting to salary basis in 1951	1	3	2
No. counties shifting to part fees, part salary basis in 1951	4	1	1
No. counties on fee basis increasing fee schedules in 1951	2	5	1

a clerk of the superior court on a salary rather than a fee basis. The number of counties supplementing fees of officials with some salary appropriations now totals 11 for clerks of the superior court, 5 for registers of deeds, and 10 for sheriffs.

It is evident that any appreciable decrease in the volume of local legislation in the county level must be accompanied by a comprehensive solution for the problem of fixing the compensation for county officials. Salaries and fees are provided for in more than half of the local acts pertaining to counties. Only by fixing the salaries of all county officials in the general laws or by delegating the power to fix salaries to the counties can the General Assembly avoid the volume of salary legislation.

The remaining 185 laws pertaining to counties treat a large number of subjects and brief discussions of each category of local laws follow. *Animals.* Local legislation concerning governmental control of animals follows no recognizable pattern. Only a few laws are enacted in each session, and the problems of one part of the state are usually quite different from those in other parts. Whereas in one session most of the local laws on animals may concern special variations on the vaccination of dogs for rabies procedure, during the next session attention may be directed to the vaccination of hogs for cholera. In 1951 half of the 8 laws concerning animals related to the vaccination of hogs. One concerned the stock law in a single county, one set up a complex system for determining the payment of damages caused by dogs, one repealed a law prohibiting the exhibition of captive bears which had been ruled unconstitutional by the Attorney-General, and one regulated the use of firearms in the vicinity of livestock.

Beer and Wine. Four laws concerning beer and wine affected North Carolina counties. Two permitted confis-

ated malt beverages to be sold to licensed wholesale dealers and the receipts therefor to be turned into the school fund rather than requiring the destruction of the confiscated beverages. The other two permitted the manufacture of wine in four different counties where it is ordinarily not permitted. In three of the counties permission was granted for the processing of grapes into wine if the wine were to be shipped into another state for further processing to make it potable, while in the fourth it was only required that the wine be sold in a territory where it could be legally sold.

Criminal Law and Procedure. The 18 laws classified under Criminal Law and Procedure are not the sum total of those laws the violation of which carries a criminal penalty. A number of these laws are classified under Trade Regulation and are there included so that all laws which may possibly be unconstitutional under the provisions of Article II, Section 29, may be considered separately. The 18 laws concerning criminal law in the counties enacted by the 1951 General Assembly cover a miscellany of subjects. Three make the penalty for public drunkenness a fine of \$50 or imprisonment for 30 days. One of these laws was necessary to repeal a provision establishing graduated penalties for successive offenses of public drunkenness. The other two bills were entirely unnecessary since they merely repeated the provisions of the general law and did not amend any local variations already in effect.

One law prohibited parking on or near the property of a certain church between 6 o'clock at night and 6 o'clock in the morning. The only other law concerning traffic regulations provided for traffic regulations in the unincorporated town of Erwin in Harnett County. These two laws bring up the problem of parking regulations in all congested areas outside of the corporate limits of municipalities. As the

law now stands the State Highway and Public Works Commission has the power to enact such regulations, which it frequently does with respect to speed on the highways. Not much attention is paid, however, to parking regulations for congested areas outside cities. While the Commission possibly could enact such regulations, there is some question as to whether it would want to do so. On the other hand, the General Assembly refused in 1951 to give county commissioners the power to control speed zones in the vicinity of public schools, and a significant element in the argument was a disposition not to give commissioners the power to pass ordinances the violation of which would constitute a misdemeanor. Looking to the future, unless the General Assembly changes its mind, traffic regulations in unincorporated suburban areas will either have to be set by the SH & PWC or by the General Assembly itself. The disadvantages in either procedure from the local resident's point of view are readily apparent.

One law transfers to the sheriff in one county the power to determine whether a coroner's inquest is necessary, and reserves to the coroner only the power to make investigation on direction of the sheriff.

Three local laws dealt with gambling. Two made legal the game of bingo and the third regulated the use of gambling tickers for obtaining information on athletic contests in an effort to cut down the amount of gambling on horse races, professional baseball games, and other professional athletics. While the permission granted with respect to bingo may seem insignificant, it marks a further departure from a state-wide policy with respect to gambling.

One county did delegate legislative authority to its county commissioners. It secured the passage of a local law permitting the commissioners to adopt ordinances regulating the use of loud speakers in designated areas within the county. The control of objectionable noise has been held to fall in the classification of a public nuisance, and some have held the theory that the constitutional prohibition against "private, local and special" acts relating to the "abatement of nuisances" would apply to laws controlling noises. On the other hand, the prohibition is against laws relating to "health, sanitation and the abatement of nuisances" and a strong argument can be made that the people therein referred to nuisances establishing a menace to health.

The General Assembly refused to pass a state-wide bill which would have required counties and municipalities to maintain an attendant in jails at all times while prisoners were confined therein. Many counties and municipalities raised the argument that they could not afford to maintain full-time attendants in their jails, and they played down the argument that failure to do so would result in death or injury to prisoners. One county in which seven prisoners had died from a recent fire because no attendant was provided secured a local law requiring attendants to be on duty.

Local Finance. Most of the legislation relating to county finance dealt with the use of tax funds in general and the power to make specific appropriations. Nine counties, for example, secured laws dealing with the disposition of collections for delinquent taxes. The form of these laws varied. Some of them merely directed the commissioners to turn into the general fund collections from all taxes which had been delinquent for three or more years. Some made the provision applicable only to general fund taxes which were delinquent and excepted school and debt service taxes. Most of them allocated delinquent tax collections to the general fund. A few allocated them to the debt service fund.

A constitutional problem is raised with respect to those laws allocating delinquent tax collections. They may violate either of two constitutional provisions. Article V, Section 6, provides that the county tax on property shall not exceed 15c on the \$100 value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly. It may be said that a legislative policy which permits delinquent taxes from any tax levy to be turned into the general fund when collected after three years violates this section indirectly. While the provision with respect to three years may be enacted to make the administration of delinquent tax accounts in special funds more efficient, what is to prevent the legislature from passing an act permitting such transfer after taxes are delinquent for just one year, and further what is to prevent the county from being lax in collecting taxes for special purposes until after the year is over in order to increase the revenues for general purposes? The argument may seem far-fetched, but it has been made in all seriousness.

Article V, Section 7, further pro-

vides that every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and that the tax shall be applied to no other purpose. Insofar as a local law authorizes delinquent taxes levied for school or debt service or other purposes to be paid into the general fund when collected it would seem to be unconstitutional as this section is interpreted in *McCless v. Meekins*, 117 N.C. 34, 23 S.E. 929. But then what is to be the disposition of surplus funds remaining from a tax levied for debt service? Such surplus funds were transferred to a general fund in another 1951 local act.

Ever since the county alcoholic beverage control system was introduced, the division of profits in a county between the county and municipal corporations within the county has been handled through special legislation. Two laws in 1951 modified the system of distributing county ABC profits in two counties.

The local laws permitting counties to appropriate funds for specific purposes cover a variety of subjects. 1951 legislation authorizes one or more counties to contribute to the construction of a community building, a local junior college, a commercial teacher for the public schools, and a county fair. One county obtained permission to pay one half of the premium on group life insurance for its employees, to spend funds for civil defense, and to appropriate funds to set up a revolving fund for assisting volunteer fire departments in the purchase of fire equipment.

Six local laws reflect the interest of the counties in keeping county finances before the eyes of the public, four requiring an annual audit and publication of the completed audit, one requiring the publication of the accounts of elective county officials, and one requiring publication of the financial transactions of the county board of education.

Health and Sanitation. There were eight laws relating to health and sanitation. One empowered the board of commissioners of a particular sanitary district to pay for electric current for street lighting purposes from funds derived from the sale of water. This act serves to emphasize the role that sanitary districts are filling with respect to the performance of municipal functions outside of municipalities, in addition to the primary purpose of furnishing water and sewage facilities, and suggests that many unincorporated urban areas do find that form-

ation as a sanitary district can fill all the needs of the area for additional governmental services without being incorporated as a town.

The other laws were varied. One permitted a particular hospital to change its name; one required all tourist homes, tourist camps, and motels in a particular county to comply with all regulations of the state board of health and the county board of health concerning such establishments; one permitted a county to initiate a program for the rehabilitation of alcoholics through the use of ABC funds; one empowered a county to control garbage disposal and collection in those parts of the county not within the corporate limits of a city. This latter law also serves to emphasize the fact that the larger counties are faced with the problem of refuse collection and disposal in heavily-populated areas and that no general authority exists under which these services can be rendered.

All local laws relating to health, sanitation, and the abatement of nuisances run the risk of being declared void under the provisions of Article II, Section 29 of the Constitution. None of the 1951 acts fall squarely under the few fact situations in which local acts have been declared void under that section, but more than a simple question can be raised on a few of them.

Liquor. No bills of particular significance were passed concerning alcoholic beverage control in the counties, except two laws regulating the distribution of ABC profits which have been considered under Local Finance. Two prohibited the sale of bay rum, a subject that was later treated in a public bill, and two others dealt with court procedure in cases involving a violation of the liquor laws.

Public Property. Four of the seven laws relating to county property gave authority to transfer the property in question without selling it at public auction. The other three laws authorized the establishment of county law libraries in three counties, the libraries to be financed by court costs levied for that purpose.

Public Records. There are occasional laws in each session of the General Assembly pertaining to the manner in which certain public records are kept. Two of 1951's three laws concerned the filing of plats and the third dealt with the manner of recording chattel mortgages.

Roads and Bridges. Local laws respecting roads and bridges have virtually disappeared since the state took

over the county roads, and the only law falling into this category in 1951 was one which authorized the construction of toll roads and bridges by municipal corporations in the counties of Currituck, Tyrrell, Dare, Carteret, and Hyde.

Taxation. The 1951 General Assembly reduced somewhat the number of local laws concerning the power of counties to levy property taxes, and of the 53 laws in question, 38 were concentrated on two subjects.

The Constitution permits counties to levy taxes for special purposes with the approval of the General Assembly (Article V, Section 6). This permission is frequently granted through single-county laws and quite often reflects need for additional revenues as rising costs make the 15c general fund limit for necessary expenses too low to cover all county expenditures. One or more special taxes were permitted in 18 different counties through 20 separate legislative acts in 1951. The approved levies ranged from an increase of one cent in the permissible tax levied to pay the expenses of the farm agent and the home demonstration agent to a possible increase of 59c in one county for nine specified purposes.

Several laws authorized special taxes for welfare purposes. Some provided authority for levying a special tax greater than the five cents now permitted for care of the poor. Some specifically provided for special levies for raising the county's share for aid to the aged and aid to dependent children. Since this authority is unlimited under the provisions of G.S. Ch. 108, it would seem that either these laws are unnecessary or that the counties want a ceiling placed on the levies which will be applied to welfare purposes.

Two laws specifically authorized a special tax to finance a revaluation of property and one made a county subject to the provisions of G.S. 153-9(7) which authorizes a special tax for the expense of revaluation and for the expense of holding courts and maintaining prisoners. Since it is probable that the expense of holding court and maintaining the jail would not be interpreted as a special purpose for which a special tax could be levied, the net effect of being made subject to the statute would seem to be authorizing a special tax to finance a revaluation of property.

Other common subjects of special tax authority in this session were the farm agent, the veterans service officer, and rural fire protection.

In the second principal category of

taxation legislation, 17 counties were authorized to postpone the revaluation of property required by G.S. 105-278 or were directed to revalue real property in a given year. Since the provisions of G.S. 105-278 are honored more in the breach than in the observance, perhaps a general law revising state policy on the assessment of real property would eliminate the necessity for much of this local legislation.

The remaining baker's dozen of taxation bills dealt with almost as many subjects. Two changed the law pertaining to the listing of personal property in four counties, two gave tax exemptions, one set up a tax district, four set penalty schedules for the payment of delinquent taxes, one abolished tax penalties, three made the county subject to the 10-year continuing statute of limitations on the collection of real property taxes, and two dealt with tax collection personnel.

Trade Regulation. Since the counties have not been delegated any broad police powers, any exercise of the police power for the health and welfare of persons in a particular county must be made by the General Assembly. Under this category are found those acts regulating the practice of trades and professions which may be handled by most city councils within the corporate limits of a city.

There were 26 local laws in 1951 regulating the practice of particular trades in the counties. Of this number 11 set up strict standards to be met by professional bondsmen as a condition to doing business in 11 different counties, in an effort to avoid the situation where it is impossible to collect forfeited bonds because of the insolvency of the surety. Each of these acts requires each professional bondsman, individual or corporate, to maintain a deposit with the clerk of the superior court as a condition to doing business in the county.

Six of the acts related to a common source of annoyance in the counties, the regulation of traveling carnivals. Three more counties, for example, were made subject to the provisions of G.S. 153-10 which permits the county commissioners to refuse to license carnivals.

Four laws regulated the operation of taxicabs outside the limits of municipalities, two regulated the hours during which Sunday movies might be shown, one regulated the hours during which livestock auction sales might be held, and two concerned the buying and selling of shelled and unshelled

corn. One, applicable to 10 counties, made it a misdemeanor to buy corn without the permission of the landowner on whose premises the buying was being conducted. The other, also applicable to 10 counties, made it a misdemeanor to buy or sell corn at night except in business establishments and eating places.

All of these acts are also subject to the risk of being found unconstitutional under Article II, Section 29, which rather vaguely prohibits private, local and special legislation "regulating labor, trade, mining, or manufacturing."

Validations. The number of acts validating previous actions of county and other public officials dropped noticeably in 1951. Only 10 laws were deemed necessary as compared with 29 in 1949. Four validated property transfers, three validated the actions of a city and a county in levying taxes and advertising and selling property for nonpayment of taxes, and one validated city street assessments. The other two validated the acts of a board of county commissioners and of a justice of the peace.

General. While county local legislation represented well over half of all local legislation, much of it could not have been avoided under *existing* constitutional provisions and general laws if we assume that the legislation was necessary. So long as the General Assembly retains the prerogative of determining county powers, duties, and salaries on a local basis, the volume of local legislation will not be much decreased.

One voluntary change could eliminate the number of laws for a single county as well as make it easier for the county to find applicable local legislation. Most often a single representative will present each of the legislative proposals for his county in the form of separate bills. Thus, a series of bills may deal successively with the salary of the county commissioners, the salary of the treasurer, the salary of the clerk of the superior court, the fees of the register of deeds, etc. If these bills were consolidated into a single bill, the number of bills could be drastically reduced. For example, two counties consolidated all provisions governing salaries, fees, terms of office, methods of election, and duties of county officials into a single omnibus bill. Similar action on the part of all counties would have eliminated over 100 other separate bills.

No substantial decrease in the legislation concerning counties is going to be accomplished until the General As-

sembly agrees to some delegation of power to the county commissioners or to state-wide policies on constantly-recurring matters. For example, consider the question of salaries and fees. The General Assembly has several alternatives:

1. It could delegate to the county commissioners complete discretion over the salaries and fees of all county officials.
2. It could establish salary and fee schedules for all elective county officials, with a different schedule for each population classification of counties to provide for the larger and wealthier counties, and then make all counties subject to these general laws.
3. It could establish salary and fee schedules by general law, with discretion vested in the commissioners to change those schedules within limits set forth in the general laws.
4. It could delegate to the commissioners complete discretion over all salaries and fees except those of elective officials, or except those of officials elected under the provisions of Article IV of the Constitution (sheriff, clerk of the superior court, coroner.)

As the tabulation of local legislation has demonstrated, elimination of salary and fee bills would reduce by one-half the legislation dealing with county government and by one-quarter all existing local legislation.

The next largest categories of local legislation dealing with counties are local finance and taxation. More difficult problems are faced here, for special situations demanding special attention more frequently arise. More general legislation granting authority for commonly-requested special taxes would be helpful, but there again the disposition of most legislators to limit specifically the discretion of the county commissioners is an obstacle.

When the power to appropriate funds is considered, the same problem that is inherent in the city charter problem is encountered. Larger counties carry on more different governmental functions, and they secure the necessary additional authority through local laws. The smaller counties often do not want such authority, even on a permissive basis. This objection could be met by a proper classification of counties in enacting general legislation, such as providing that a power to regulate garbage collection should apply only to counties having a population of more than 75,000.

The principal point concerning local

legislation for county governments is that no decrease is likely until the question of delegation of power over purely local affairs is determined by the General Assembly.

LOCAL LEGISLATION FOR COURTS

There were 83 local laws relating to the conduct of inferior and the superior courts enacted by the 1951 General Assembly. A breakdown of these laws reveals that 121 different legislative provisions were contained in these laws, not counting the changes made in the salaries of court officials in the inferior courts which have been tabulated in Tables XII and XIII. These provisions are compiled in Tables XVI and XVII.

TABLE XVI

Legislative enactments concerning the Superior Courts

Terms	34
Costs	3
Personnel	2
Miscellaneous	2
Jury Commissions	2
Selecting petit jurors	5
Selecting grand jurors	6

This table speaks for itself. Between 1917 and 1943 there were only a total of 10 acts providing for superior court terms in modification of the provisions of G.S. 7-70 setting the times for holding terms of court in each county. Seven of those acts were passed in 1925. Since 1943 there has been an everincreasing number of laws in each session of the General Assembly fixing the terms of superior court for particular counties, and the alltime high was reached in 1951. The reason lies in bulging dockets and in the desire of the lawyers and court officials to fit their convenience as to the time that terms are held and the length of terms. Unfortunately, these laws, in the absence of any coordination, create numerous conflicts and impose difficult problems of assignment of judges at particular times of the year.

It has been hoped that the transfer of the power to assign superior court judges to the chief justice would enable a workable system to be devised. So long as the chief justice is faced with special legislative requirements as to when court shall be held in most of the counties, his hands are tied to that extent. It would seem that a state-wide re-enactment of G.S. 7-70 with the advice of the chief justice would eliminate the necessity for the

local legislation and make possible more effective utilization of superior court judges.

TABLE XVII

Legislative Enactments relating to inferior courts.

Authorizing establishment	1
Appointing justices of the peace	1
Jurisdiction	8
Jury trials	22
Fees and costs	23
Terms	2
Appeals	3
Personnel	12
Miscellaneous	2

The most important subject of legislation was the right to trial by jury. All but a few of the 23 laws dealing with jury trials provided that when the defendant requested a jury trial in an inferior court, the case was to be transferred immediately to the next term of superior court in the county. More numerous but less important were the laws fixing fees and costs to be charged in particular courts.

It is difficult to say how much of this legislation could have been reduced or eliminated. Whether a constitutional means of conferring on the county commissioners the right to decide whether a particular court is to have jurisdiction over cases requiring a jury trial can be found is problematical. Certainly the commissioners cannot directly confer jurisdiction on an inferior court under an enabling act. *Provision Company vs. Daves*, 190 N.C. 7, 128 S.E. 593 (1925).

The third largest category of laws dealing with the duties and selection of judges, solicitors, and clerks could be handled under general legislation, and these laws were all local modifications of the general laws pertaining to recorders' courts.

LOCAL LEGISLATION FOR SCHOOLS

Because school administrative units are quasi-independent political units in North Carolina, it is helpful to consider local legislation concerning schools apart from legislation concerning cities or counties.

There were 50 local laws passed in 1951 which dealt particularly with school matters. These 50 laws contained 55 separate provisions which are tabulated in Table XVIII.

The appointment and nomination of members of the county board of education has been discussed under Counties. In addition, there were eight laws

which related to the appointment of members of local school district boards and committees.

TABLE XVIII

Legislative Enactments relating to public schools

Appointing boards of education	13
Method of nominating members of board	8
Appointing local district trustees	8
Powers of board	2
Qualifications of superintendent	1
School district boundaries	3
Construction of particular schools	4
Community college	2
Additional teachers	2
School property transfers	10
Miscellaneous	2

The 10 laws concerning the transfer of school property were made necessary, as in the case of the transfer of city and county property, by a desire to transfer property to another public agency or to charitable institutions without consideration and without selling the property at public auction.

The two laws dealing with the power of the board of education specifically prohibited the board appointed in 1951 from appointing the superintendent of schools for 1953 before the board appointed in 1953 took office. Two laws permitted two districts to use funds from taxes levied for vocational agriculture and school lunch rooms for the employment of an additional teacher. Whether this is a diversion of funds in violation of Article V, Section 7, is open to question, for the acts do not indicate whether or not the funds are surplus.

All of these local laws except those relating to the appointment of the board of education and school property transfers are special legislation in the sense that they seek legislative solution of problems provided for in the general laws. One other exception is the legislation permitting counties to support community colleges under the direction of the board of education.

MISCELLANEOUS

There were two bills generally classified under Agriculture in the 1951 General Assembly. They fall in the category which represents about one half of all legislation on agriculture the last 35 years—the regulation of agricultural tenancies and tenant contracts. One placed a county under the provisions of G.S. 42-27 which provides that tenants who wilfully refuse to per-

form the terms of a contract for the rental of land shall lose their right to possession of the land. The other made a county subject to the provisions of G.S. 14-359 which makes it a misdemeanor for any tenant to willfully neglect a crop on which a landlord has made advances or for a landlord to fail to make promised advances with the intention of defrauding the tenant or for the landlord to harbor or employ delinquent tenants.

There were nine acts dealing generally with fish and game. They are a miscellaneous group except that two laws, affecting five counties, made it a misdemeanor to kill a red fox and one law affecting four counties put more teeth into the law protecting deer from illegal death.

CONCLUSION

The record of the sessions of the General Assembly since the end of World War II show that the problem of local legislation is worse in terms of volume than it has been since the early days of the depression. Seven out of every 10 laws enacted by the General Assembly in 1949 and 1951 were local in nature.

The existing constitutional prohibitions have not proven effective in limiting the volume of legislation on subjects generally considered by the General Assembly during the past 30 years. More effective have been changes in state policy which made matters formerly treated in local legislation a subject for general regulatory legislation.

Existing general legislation is not broad enough to cover most of the objects sought by special legislation in fields where general law authority now exists. In other words, the general laws are not being progressively brought up to date, and in every session the volume of local legislation covering subjects formerly handled under general legislation grows. The General Assembly could limit some local legislation, particularly city legislation, by a thorough revision of the laws concerning municipal corporations. A body of law which was adequate for the government of cities in 1917 is now outdated in many respects. It cannot be kept up-to-date by a few general amendments and hundreds of local modifications.

The volume of local legislation relating to counties will not be reduced so long as detailed supervision of local county matters is handled by the General Assembly. The principal county problem is determination of salaries

and fees, followed by the need of counties, particularly heavily-populated counties, for more discretionary powers with respect to the performance of governmental functions.

The basis for a sound solution has been offered by the 1947 Commission on Public-Local and Special Legislation. That Commission recommended:

1. That three constitutional amendments be adopted.
 - a. To prohibit the enactment by the General Assembly of local and special laws on matters to be reserved to the counties and cities for determination or of local and special laws on matters covered by general laws.
 - b. To define the meaning of a general law and a special law so that the courts would have a constitutional test to apply in interpreting the meaning of

2. "Report of the Commission on Public-Local and Private Legislation," POPULAR GOVERNMENT, February-March, 1949, p. 2.

a general and special law. The commission also recommended that the definition of a special law include both local laws and private laws.

- c. To authorize specific delegations of power in certain fields of local government to counties and cities.
2. That G.S. 160-353 to 160-363, the Home Rule Act for cities and towns, be amended to specify those matters which the voters of cities and towns could consider in amending charters without legislative approval.
3. That the General Assembly broaden the powers granted cities and towns to legislate upon matters which could be handled on a local level.
4. That the General Assembly grant to counties powers similar to those outlined in (2) and (3).
5. That the General Assembly adopt a principle of classification according to population or some

other basis in order that the needs of the different classes could receive governmental powers in proportion to the problems of the particular classes.

In brief, the Commission envisioned a redistribution of governmental powers so that more complete authority could be vested in cities and counties to handle purely local affairs without recourse to the General Assembly for legislative solution of each governmental problem.

As the analysis of city and county legislation has shown, the problems involved are very complex. Additional study is necessary in every field of local government before proposed legislation can be drafted to serve as a basis for consideration. Furthermore, no positive steps can be taken by the General Assembly without legislation to consider. A broadly conceived program of legislation designed to reduce local legislation by a re-definition of the powers of cities and counties would put the issue squarely in the hands of the General Assembly.

The Attorney General Rules

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

Prepared by Max O. Cogburn and Clifford Bruce Thomas

Assistant Directors
Institute of Government

MOTOR VEHICLES

Improper use of public vehicles. What remedies are available in case of violation of G.S. 14-247 prohibiting the improper use of motor vehicles belonging to the state or to any county, institution or agency of the state?

To: W. Kerr Scott

(A.G.) G.S. 14-251 makes the violation of G.S. 14-247 a misdemeanor punishable by a fine of not less than \$100 or more than \$1,000 or by imprisonment, in the discretion of the court. Further, any State officer, agent or employee found to be intentionally violating the provisions of this statute could be discharged.

Justice of the Peace charging fee for making reports of trials in motor vehicle cases. Does a justice of the peace have a right to charge a fee for making reports of trials in motor vehicle cases where the State Highway Patrolmen are the officers in the case?

To: Horace W. Monday

(A.G.) There is no provision in the law for the charging or collecting of such fees.

Review of the action of the Department of Motor Vehicles in revoking or suspending drivers' licenses. The Department of Motor Vehicles serves a

notice of suspension or of revocation of a drivers' license upon a motorist. The motorist refuses to surrender his license, saying that he desires to "appeal" from the action of the department and contending that he has a right to continue to operate his vehicle pending the "appeal." Does he have such a right?

To: L. C. Rosser

(A.G.) No. In my opinion, when a drivers' license is cancelled, suspended or revoked the licensee should surrender his license to the department immediately. The fact that he desires to "appeal" from the department's action or to petition for a review of the department's action, as authorized by G.S. 20-25 does not bear upon the immediate effectiveness of the department's action.

MUNICIPALITIES

Public Contract Specifications. In the expenditure of public funds by a city authority, can the said authority request a combination bid including plumbing and heating, for a lump sum price, and is it legal for such an authority to award a contract for the installation of plumbing and heating on a lump sum basis?

To: W. F. Morrison

(A.G.) G.S. 160-280 provides that where the governing board of a city or county is awarding or entering into construction contracts the total cost of which exceeds the \$10,000 limit set out in the statute, the board must have separate specifications for each of the following branches of work to be performed: 1. Heating and ventilating and accessories. 2. Plumbing and gas fitting and accessories, etc. The statute further requires that the specifications be so drawn as to permit separate bidding upon each of these classes. It is my opinion that there is no authority for the governing board of a city or county to request a bid which includes a combination of either of the categories mentioned in the statute. It is my further opinion that there is no authority for a governing board to award a contract based upon a bid made upon a combination of either of these categories.

Commissioner of Public Trust Contracting for his own benefit. Can a public contract be given to the lowest bidding corporation when a member of the board of aldermen is also a stockholder in the lowest bidding corporation? Would it make any difference if

this member excused himself from voting on the matter and all the rest of the board of aldermen voted to give the corporation the contract?

To: O. J. Sikes

(A.G.) In my opinion if the member of the Board of Alderman does not hold a responsible position in the corporation involved, but merely owns a few shares of stock, the statute (G.S. 14-234) does not apply. However, the fact that the alderman excused himself from the voting would make no difference if he does hold a responsible position in the corporation.

Reactivation of inactive municipal government. A small incorporated town has been inactive for ten years and now wants to start up again. Three of the four commissioners elected at the last election, ten years ago, are still alive. Are the three commissioners still valid office holders and what steps should be taken to put the government of the town into operation again?

To: S. A. Carroll

(A.G.) Under G.S. 160-27, G.S. 128-7, and Article XIV, Section 5, of the Constitution, all officers continue in office until a successor is elected or appointed. The three commissioners still living could proceed to organize the town government. In event the Mayor elected at the last election is dead or living elsewhere, this vacancy can be filled by the commissioners.

Severance pay for public officers. Can the board of commissioners for a town validly vote to grant a city manager who has been recalled to active duty by the Navy, three months severance pay over and above his salary which terminated when he left his duties as city manager.

To: I. R. Williams

(A.G.) In my opinion a municipal corporation has no authority to spend public funds for severance pay to a city manager after he has already been compensated and paid his regular salary.

Repairing building acquired without expending tax funds. Once a municipality has acquired a building without the expenditure of tax funds, are expenditures for necessary repairs to the building a "necessary expense" which would authorize the expenditure of public funds?

To: Thomas D. Rose

(A.G.) Yes. Under the circumstances which you mention you may expend tax funds to repair the building. See *Henderson v. Wilmington*, 191 N.C. 269.

Tax assessment for weed removal. Can a town council pass an ordinance that will allow the town to remove weeds, trash, and unsightly rubbish from the premises of any property within its jurisdiction and then charge the cost of such removal to the property owner's town taxes?

To: J. B. Burden

(A.G.) G.S. 160-200 (8) allows the municipality to remove noxious weeds and provides for the payment for such removal by "assessment or otherwise." This would appear to authorize the levying of an assessment which might be collected the same as assessments against abutting property for special improvements. I suggest that cities faced with this problem adopt an ordinance requiring all property owners to

keep all weeds and trash removed from their property and if they fail to do so, to stipulate that the city would proceed to have it done and to charge the expense to the property owner, in the nature of an assessment against his property, to be collected in the same manner as any property tax.

Responsibility for industrial garbage. Against whom should the town attorney proceed to stop the placing of chicken offal on the city dump: the town officials responsible for the dump or the poultry dressing plant that has been doing the "dumping?"

To: W. A. Johnson

(A.G.) G.S. 130-25 provides that "parties responsible for its (the nuisances) continuance shall be notified by the health officer to abate it." It seems that your question would be answered by determining whether the town is legally required to collect the poultry plant's garbage and dispose of it or whether the owner of the poultry plant had been allowed to place the chicken offal on the city dump. (1) If the town is responsible for collecting and disposing of the garbage, the town would be responsible for the continuance of the nuisance. (66 C.J.S. 802). (2) If the town is not required to collect the garbage and dispose of it but allows the owner of the poultry dressing plant to put his garbage upon the dump owned and operated by the town, it is my opinion that the town would still be responsible for the continuance of the nuisance. In this case, however, the plant owner might also be considered responsible. (3) If the town is not required to collect and dispose of the garbage and has forbidden the owner of the poultry plant to place his garbage upon the town dump, but the owner continues to do so, then it is the plant owner who is responsible for the continuance of the nuisance and action under G.S. 130-25 could be properly taken against him.

Municipal police for private activities. Can a municipality appoint and pay a policeman whose duty it would be to patrol the property of a private business firm, such as a parking lot?

To: J. T. Pritchett

(A.G.) In my opinion there is no legal authority for any municipality to undertake such an activity. Where the town charter permits the appointment of special policemen, I have known special policemen to be appointed and their duties to be confined to a theatre or store, but their salaries were paid by the business using their services. This situation would be permissible only, however, where special policemen are provided for by the particular charter of the municipality in question and even then this would be a questionable practice.

PUBLIC HEALTH

Authority of the State Board of Health to inspect and make sanitary ratings. A private home serves meals, by appointment only, to groups who do not have space in their own homes, or prefer that someone else serve when they give a party. This service is not open to the general public. Does the North Carolina State Board of Health

have authority to make and enforce rules and regulations of sanitary inspection as to such an establishment?

To: Dr. K. C. Moore

(A.G.) The authority of the State Board of Health to make and enforce such rules and regulations is derived from G.S. 72-46. It seems to me that the wording of this statute only confers such authority upon the Board as to those establishments who serve the public in general, who invite the general public to become their patrons, and who hold themselves out as ready to serve any member of the general public without discrimination. An establishment of the type you mention is only open to select and exclusive groups and as to such an establishment the State Board of Health has no authority to make and enforce such rules and regulations.

COUNTIES

Expenditure of public funds. A. Can a board of county commissioners validly pass a resolution offering to pay \$500 from the public funds for the apprehension of a criminal at large?

To: C. D. Taliaferro

(A.G.) No. In my opinion there is no legal authority which would authorize the board of county commissioners to pay out public funds for such a purpose.

B. Is it lawful for the county to underwrite one-third of the salary of a produce market manager or to pay the office rent for a produce market association which the local Junior Chamber of Commerce is sponsoring?

To: L. G. Carter, Jr.

(A.G.) No. In my opinion there is no legal authority which would authorize the board of county commissioners to expend public funds for either of these purposes. Neither item could be properly called a "necessary expense" or a "public purpose" and therefore public funds could not be utilized.

C. Where the various farm agencies which serve the county are quartered in sub-standard and inadequate offices, can the board of county commissioners issue bonds to raise funds to erect a new office building for these farm agencies?

To: LaFayette Williams

(A.G.) No. G.S. 153-77, the statute which sets forth the purposes for which bonds can be issued, fails to mention buildings that house farm agencies as one of the purposes. In view of this fact, it is my opinion that bond attorneys would not approve bonds issued for such a building. If, however, the office space needed to house these farm agencies could be provided by an addition to the county courthouse, a bond issue to finance the courthouse addition might be valid.

Commissioner of public trust contracting for his own benefit. Would it be lawful for an insurance agency to handle the issuance of a surety bond for a county official where the agency is a partnership and one of the partners is a member of the board of commissioners of the county in question?

To: R. H. Burns, Jr.

(A.G.) No. Such a transaction would be a violation of G.S. 14-234. See *State v. Williams*, 153 N.C. 595.

Architect's fees as part of cost. Where the State Board of Education has allocated state building funds to build a school building in a county, may the Board allocate a portion of such funds to pay the architects' fees on such building?

To: Dr. Clyde A. Erwin

(A.G.) Yes. The architects' fees are as much a part of the cost of the structure as any other expenditure.

Duty of county commissioners to fill office of constable. In the event that the elected constable fails to qualify for the office, does the board of county commissioners have the duty to fill the vacancy or is the matter discretionary?

To: T. H. Hoyle

(A.G.) I am of the opinion that the board must fill the vacancy and that it does not have any discretion in the matter. G.S. 151-1 and Article IV, Section 24 of the Constitution provide that "there shall be" a constable in each township, indicating that the office should at all times be filled.

Forfeiture of office by constable changing township residence. Does a constable forfeit his office if he moves from the township in which he is elected?

To: R. J. Hester, Jr.

(A.G.) G.S. 151-6 states that whenever the constable moves from the township which elected him the office is vacant. Hence, in my opinion, a constable does forfeit his office if he changes his residence to another township even if such change is only temporary.

Double office holding. Can a man hold the offices of county jailer, deputy sheriff, and justice of the peace without violating the Constitution prohibition against double office holding?

To: E. W. Dixon

(A.G.) The office of county jailer is not a public office within the meaning of Article XIV, Section 7 of the Constitution. While the offices of deputy sheriff and justice of the peace are public offices within the meaning of the Constitutional prohibition, that of justice of the peace is exempt from its provisions. Thus a man may hold any combination of these three offices without violating the prohibition against double office holding.

Requirement of three bidders on public building contracts. G.S. 143-132, as amended by section 3 of chapter 1104 of the Session Laws of 1951, requires that there be at least three competitive bidders on a public building "Project." Is this mandatory and, if so, does the word "project" refer to the total cost of the building or does it refer to the cost of a particular item, as for example plumbing or heating?

To: Claude L. Love

(A.G.) In my opinion the language of the statute is mandatory. Furthermore, I am of the opinion that the statute has reference to the cost of separate projects on which bids are to be received rather than to the cost of erecting the entire structure.

Making public improvements without letting the contract to a bidder. A town has available \$60,000 from a bond issue to make school capital outlay. This is all that is available for the

purpose. The lowest bid on the improvements is \$84,270.53. Can the school board use the money to have the work done under its own supervision without letting the contract on the basis of competitive bidding?

To: L. B. Prince

(A.G.) G.S. 143-129 requires that construction contracts costing more than \$2,500 be let on the basis of competitive bidding subject only to the limitation contained in the statute (as rewritten by ch. 1104 of the Session Laws of 1951) that the county can negotiate with the lowest bidder for work when the lowest bid is in excess of the funds available for performing the work. Hence, it seems to me that the school board cannot use the money to have the work done under its own supervision, without letting the contract on a competitive bidding basis.

The Clearinghouse

(Continued from page 3)

prohibiting persons from collecting, transporting, and disposing of garbage without a written permit from the county health officer. It is primarily aimed at collection and disposal practices in the fringe areas around city limits where the population is more concentrated and where the danger of improper accumulation and disposal is greater. Garbage collected is to be disposed of by burning in approved incinerators or by burying in approved landfills.

In April the General Assembly empowered the Guilford Board of County Commissioners to operate garbage collection and disposal facilities in areas where that board thinks the need exists. It may operate the facilities alone, or in conjunction with cities and towns in the county; or it may contract with private persons or corporations to operate the facilities. Authority is also granted to charge collection fees to persons served by the facilities. The board of county commissioners may rely on this power in case the recent ordinance passed by the board of health, referred to above, does not provide satisfactory control of garbage collection and disposal.

Firearm control. Indiscriminate firing of weapons in the rural areas of Durham County was cause for concern this spring. Complaints to the board of county commissions led the board to study the matter. As a result of the study they recommended to the county's legislative representatives the introduction of a bill in the General Assembly to regulate the use of firearms, and the General Assembly in April authorized the board to prohibit the use of firearms in any predominantly residential area in the

county outside of incorporated municipalities.

Loudspeakers. Everyone who has ever visited popular beach areas has been aware of the problem of the noise caused by loudspeakers and public address systems. The General Assembly took notice of the problem by passing an act authorizing the Dare Board of County Commissioners to regulate or prohibit the use of loudspeakers and public address systems in certain populated beach areas of the county.

Thanks to the Local Government Commission

Officials and taxpayers alike are sometimes prone to forget just what the Local Government Commission has done for the counties and cities of North Carolina, but two recent occurrences make it quite clear.

Mecklenburg County has recently paid off \$300,000 in bonds, originally issued in 1870 to help the State pay for the construction of the State-owned railroad running from Goldsboro to Charlotte. No sinking fund was set up so the bonds had to be refunded in 1890 and again in 1920. Not until 1933 was a sinking fund finally set up, mainly through the efforts of the late County Accountant G. D. Bradshaw. The bonds have finally been paid, after an expenditure of almost \$1,500,000 in interest on the original principal of only \$300,000.

A somewhat similar situation has occurred in the city of Henderson. In 1913, \$100,000 in bonds were issued at 5% to provide the city's first paving. The bonds will come due in 1953, after an expenditure of \$200,000 in interest on the original principal of only \$100,000.

Thanks to the Local Government Commission, its supervision over local borrowing, its supervision over sinking funds, and the use of serial bonds (maturing annually during the borrowing period) instead of term bonds (maturing at the end of the borrowing period), such instances of interest far exceeding principal are becoming rarer and rarer in North Carolina.

Microfilm Records

Lenoir County has recently installed microfilm equipment in the register of deeds office to be used in connection with all county records filed after May 29, 1951. As records are filed, a photograph will be taken in the office.

The film will then be sent to Syracuse, New York, where a company will process it, keeping the original in a fire-proof vault there and sending the county a photograph of the original identical in size with the present typed pages. The photographic reproductions will be incorporated into the county records books just as the manually-reproduced pages are now incorporated. In case of fire or other destructions of the records in the courthouse, additional copies can be made from the original films in Syracuse, and hence possibility of loss of records is minimized.

The equipment cost about \$2,600, and the register of deeds expects it to pay for itself within a year. The county is now spending about \$2,400 a year for supplies, most of which can be eliminated. In addition, the county is reaching a point where, without the installation of new equipment, new personnel would have to be hired to handle the increased workload arising from a larger volume of records to be filed.

The representative of the company installing the equipment stated that Pitt and Lenoir counties are now the only two counties in the State using such a method of protecting public records.

Powell Bill Allocations

(Continued from inside front cover)

Garner	5305	Hendersonville	22665	Matthews	1901
Gaston	4636	Hertford	5324	Maxton	6723
Gastonia	71698	Hickory	47347	Mayodan	6711
Gatesville	974	Highlands	4303	Maysville	1928
Gibson	2596	High Point	112174	McAdenville	2219
Gibsonville	6408	Hillsboro	4181	McFarland	553
Glen Alpine	2321	Hobgood	1991	Mebane	7991
Goldsboro	63028	Holly Ridge	2035	Micro	1037
Goldston	2083	Holly Springs	1738	Middleburg	1214
Graham	17049	Hookerton	1033	Middlesex	2473
Granite Falls	8250	Hope Mills	3593	Milton	913
Granite Quarry	2974	Hot Springs	2630	Mocksville	8678
Greensboro	204446	Hudson	3794	Monroe	37472
Greenville	49739	Huntersville	4007	Mooresville	21310
Grifton	2130	Indian Trail	977	Morehead City	16479
Grimesland	1350	Jackson	2579	Morganton	26813
Grover	2024	Jacksonville	11516	Morrisville	629
Halifax	1617	Jamestown	3002	Morven	2054
Hamilton	2210	Jamesville	1880	Mount Airy	20921
Hamilton Lakes	3856	Jefferson	1911	Mount Gilead	3849
Hamlet	17885	Jonesville	5091	Mount Holly	9117
Harmony	924	Kelford	1780	Mount Olive	14239
Harrellsville	252	Kenansville	1977	Mount Pleasant	3149
Hassell	1032	Kenly	3915	Murfreesboro	7417
Hayesville	1741	Kernersville	9912	Murphy	8341
Hazelwood	5840	Kings Mountain	23452	Nashville	5097
Henderson	33733	Kinston	47740	New Bern	40940
		Kittrell	724	Newland	2598
		Knightdale	1604	New London	1351
		Kure Beach	1888	Newport	1981
		La Grange	6761	Newton	20363
		Lake Lure	5008	Norlina	4044
		Lake Waccamaw	2232	North Wilkesboro	14644
		Landis	7280	Norwood	5484
		Lattimore	1395	Oakboro	2873
		Laurel Park	9563	Oak City	1829
		Laurinburg	21495	Old Fort	2719
		Lawndale	1783	Oriental	2507
		Leaksville	13732	Oxford	20993
		Lenoir	22352	Pantego	719
		Lewiston	902	Parkton	1838
		Lexington	41918	Parmele	1573
		Liberty	6706	Peachland	2505
		Lilesville	2255	Pembroke	4936
		Lillington	4839	Pikeville	1786
		Lincolnton	18830	Pilot Mountain	3437
		Linden	666	Pine Bluff	3459
		Littleton	4016	Pine Level	2321
		Longview	8327	Pinetops	3632
		Louisburg	7105	Pineville	3191
		Lowell	9056	Pink Hill	1665
		Lucama	1589	Pittsboro	4166
		Lumber Bridge	584	Plymouth	12878
		Lumberton	32046	Polkton	1949
		Macclesfield	1097	Pollocksville	1620
		Macon	1024	Powellsville	751
		Madison	7384	Princeton	2390
		Magnolia	2169	Princeville	1928
		Maiden	6486	Raeford	9274
		Manteo	2201	Raleigh	161430
		Marion	8769	Ramseur	3874
		Marshall	1524	Randleman	8580
		Mars Hill	2746	Red Springs	6949
		Marshville	4079	Reidsville	34345

Rhodhiss	3374	Valdese	10393	Whitakers	3620
Richfield	1914	Vanceboro	2731	Whiteville	14936
Richlands	2235	Vandemere	1777	Wilkesboro	5304
Rich Square	2428	Vass	3128	Williamston	14941
Roanoke Rapids	30916	Waco	954	Wilmington	106715
Robbins	4406	Wadesboro	9810	Wilson	65529
Robbinsville	1485	Wagram	1372	Windsor	5619
Robersonville	5866	Wake Forest	8968	Winfall	1095
Rockingham	8827	Waliace	7620	Wingate	2695
Rockwell	3128	Walnut Cove	2919	Winston-Salem	235001
Rocky Mount	80658	Walstonburg	567	Winterville	2485
Rolesville	573	Warrenton	3879	Winton	3536
Ronda	2452	Warsaw	6648	Woodland	2063
Roper	2330	Washington	27985	Woodville	966
Roseboro	6506	Washington Park	2035	Wrightsville Beach	3450
Rose Hill	5204	Waxhaw	2437	Yadkinville	3632
Rosman	1580	Waynesville	16698	Youngsville	2672
Rowland	5471	Weaverville	3953		
Roxboro	12521	Weldon	6071	Zebulon	4460
Roxobel	1329	Wendell	4080		
Ruth	819	West Jefferson	4109	TOTAL	\$4,543,096
Rutherfordton	10855				
Saint Pauls	7080				
Salemburg	1456				
Salisbury	59443				
Saluda	3521				
Sanford	28886				
Saratoga	551				
Scotland Neck	8523				
Seaboard	2766				
Seagrove	1625				
Selma	9053				
Seven Springs	453				
Severn	1104				
Shallotte	960				
Sharpsburg	1730				
Shelby	43984				
Siler City	10788				
Sims	586				
Smithfield	17810				
Snow Hill	2565				
Southern Pines	16940				
Southport	5352				
Sparta	3158				
Spencer	11221				
Spindale	13661				
Spring Hope	4735				
Spring Lake	1827				
Spruce Pine	8928				
Staley	891				
Stanley	5634				
Stantonsburg	2197				
Star	3190				
Statesville	53281				
Stedman	1274				
Stem	1053				
Stoneville	2411				
Stoval	1436				
Swansboro	2056				
Sylva	4940				
Tabor City	6351				
Tarboro	24968				
Taylorsville	4422				
Thomasville	33591				
Trenton	1127				
Troutman	2402				
Troy	8253				
Tryon	8110				
Turkey	962				



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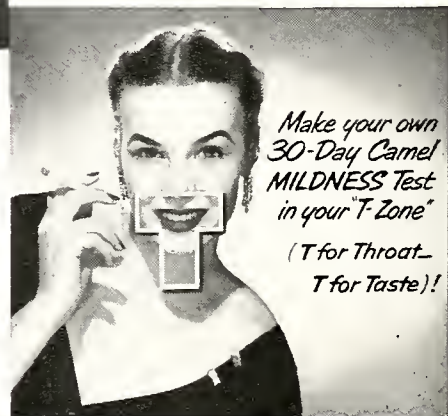
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