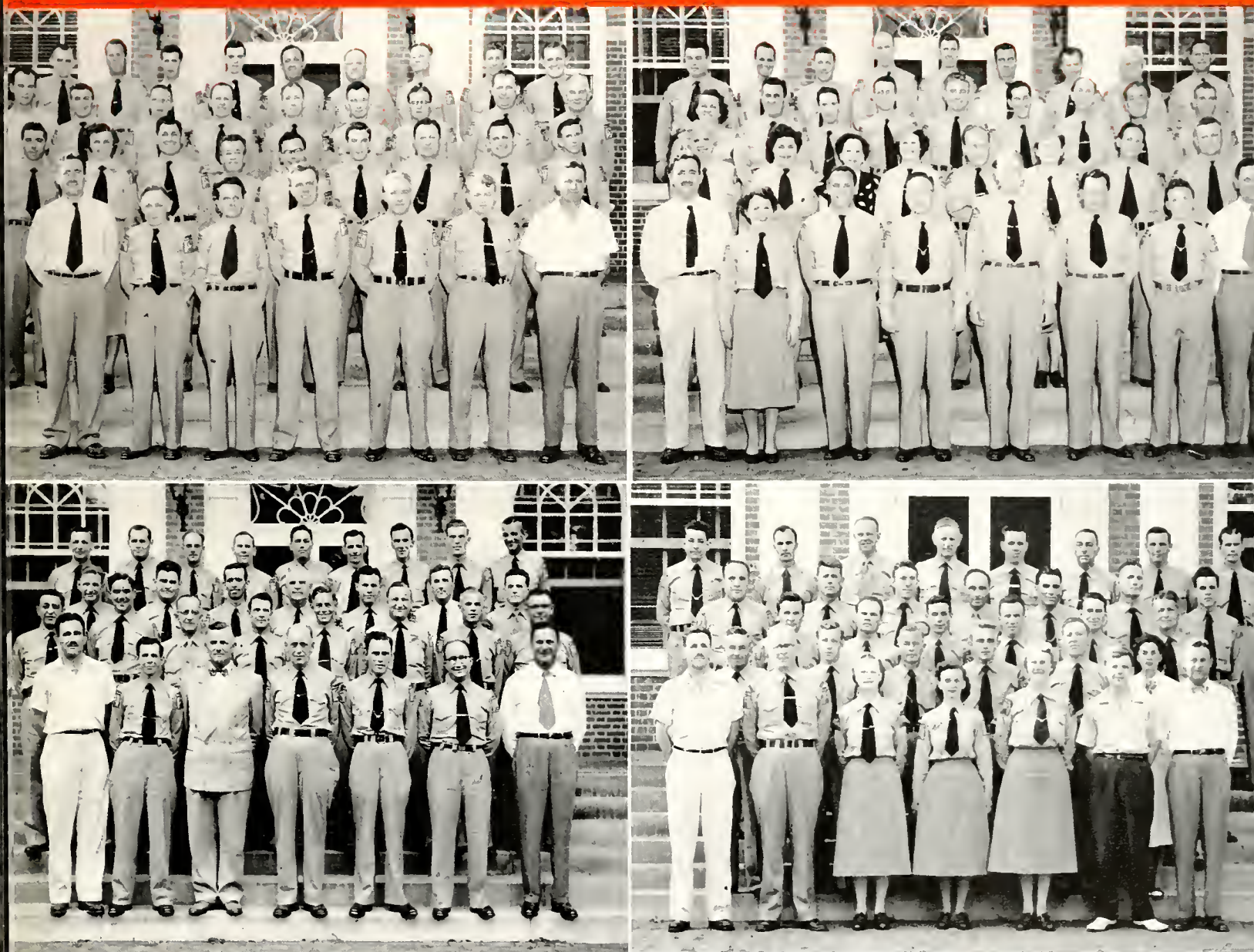


# Popular Government

June 1952

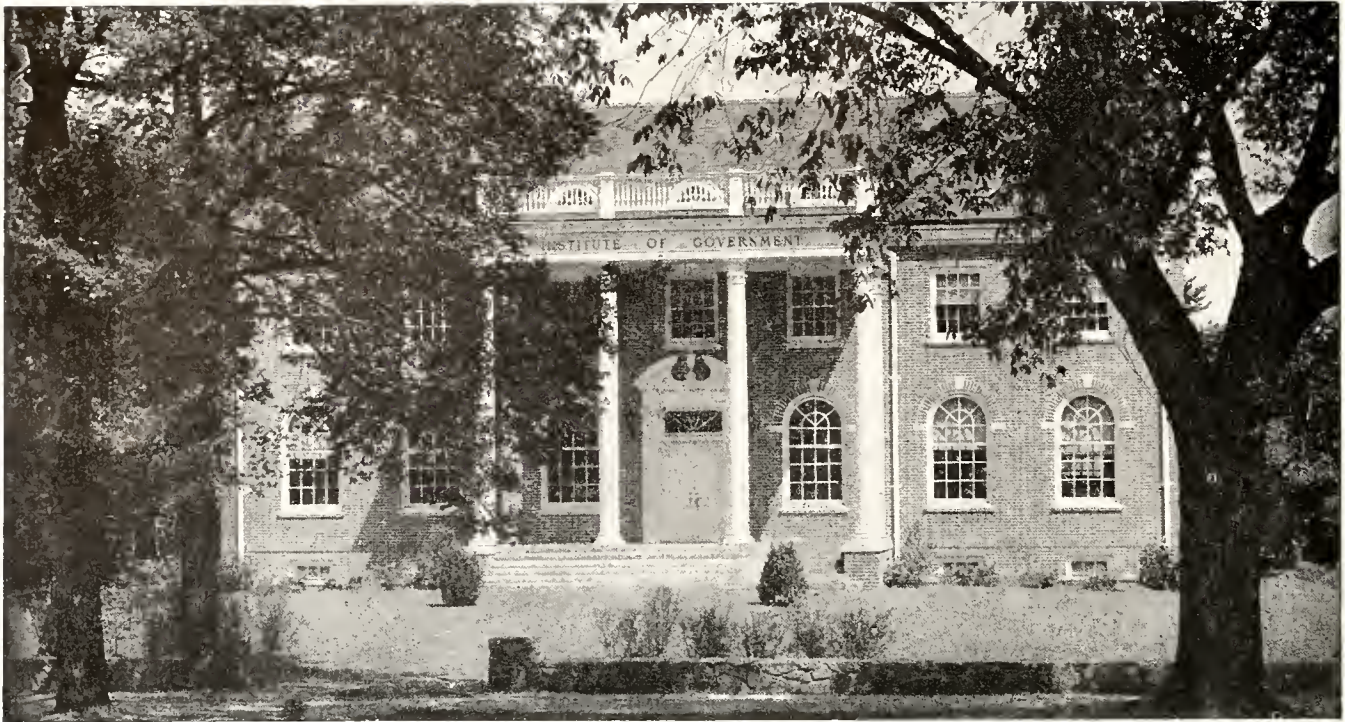


*Driver License Examiners of North Carolina  
(See page 10)*

PUBLISHED BY THE INSTITUTE OF GOVERNMENT

UNIVERSITY OF NORTH CAROLINA

Chapel Hill



**TABLE OF CONTENTS**

THE CLEARINGHOUSE	1
Court Decision on Town Contract	2
Court Decision on Double Office-holding	3
Durham Trains Its Employees	4
NOTES FROM NORTH CAROLINA CITIES	6
SCHOOLS	
Tar Heel Boys' State	8
Driver License Examiners	10
Wildlife Protectors	11
Tax Collectors	12
BOOKS OF CURRENT INTEREST	12
THE ATTORNEY GENERAL RULES	13

**THE COVER**

Through the hands of these men and women pass almost all the persons who drive on North Carolina's highways. They stand between the persons using the roads of the State, and the unskilled, unfit drivers who would endanger the lives of all travelers. This year schools were held in Chapel Hill for these driver license examiners, and for the story on the school turn to page 10.

# THE CLEARINGHOUSE

A summary of events of particular interest  
to city, county and state officials

## Denver Adopts New Traffic Control Device

Street intersection signals in Denver are now geared to correspond to the volume of traffic.

There, the American Public Works Association reports, a unique electrical-mechanical method has been installed which automatically changes the length of red and green traffic light intervals to take care of increase or decrease in number of cars passing downtown corners. Cost of the new system is \$100,000 and it will eventually control 155 intersection lights.

Essentially, the system is designed to gear the lights to traffic flow. This is done by using two master controllers—one to be held in reserve in case of a breakdown—which are basically calculators. Traffic counts are taken at four points to reflect the overall east-west, north-south traffic situation and these counts are relayed by cable to the master controller. A calculation is made every six minutes and the data flashed to secondary units containing control cylinders for each traffic light. Each light control in the secondary system also can be adjusted to fit the usual traffic pattern at its corner.

Denver also handles pedestrian traffic at intersections in a unique manner. A system installed late last year halts all vehicular traffic at the signal "walk" and at that time pedestrians can go across the intersections in any direction they wish. Just as cars going in all directions must stop when the "walk" signal flashes, so must the pedestrians halt their surge when the cars get the green go-ahead.

## Rural Fire Protection in Catawba County

Catawba County and the city of Hickory have entered a contract for rural fire protection, after six months of study of the problem. Under the contract, which was made in light of the Attorney General's ruling set

forth in full in the January issue of *Popular Government*, the city will furnish and equip a fire truck with a water tank capacity of approximately 400 gallons for rural service. The city will house and man the truck, furnish compensation insurance for the firemen, and insure the truck itself against loss or damage. In return, the county will pay an annual fee of \$2,000, in addition to a trip fee of \$75 for each rural fire. When the total of the annual fees amounts to the cost of the truck, title will pass to the county, and the contract will come to an end. The county may, if it wishes, purchase the truck with a larger payment at any earlier time.

The contract is automatically renewable, on a year-to-year basis, but either party may terminate it at any time by giving notice at least 15 days prior to the annual renewal date.

The city has the right to use the truck for emergency fire protection within its limits, but the county will not pay a trip fee for such service.

## SALUTE

This month *Popular Government* salutes:

Addison Hewlett, Sr., chairman of the board of county commissioners of New Hanover County, who is retiring this year after 36 years on the board and 32 years as chairman of the board.

R. A. Thomas, director of public works in Winston-Salem, for whom the new city water works is being named in recognition of his long service.

W. K. Hoyt, who retired in April as chairman of the City-County Planning Board for Winston-Salem and Forsyth County. Mr. Hoyt served as chairman of the committee of the Chamber of Commerce which prepared legislation authorizing the board and had served as chairman since its organization in 1948.

## Microwave Relay System Clears Police Communication

States as well as cities are rapidly adapting the new high-frequency microwave relay system to their use.

The American Public Works Association reports that police departments have generally been the first to install this reliable and inexpensive means of relaying messages. Principal advantages of microwave are: relative absence of weather problems; almost no static and fading; cheap installation costs and practically no need for upkeep.

Typical of use of the new system is in Dayton, O., where signals are relayed by microwave from downtown police headquarters to a point on the edge of town, where the maximum police radio control range is achieved by re-broadcasting.

Microwave operates in ultra and super-high frequencies. Like television, it needs to be linked by a series of repeater stations, which pick up the original signal, boost it and send it on to the next station. There is practically an unlimited supply of communication channels because the same frequency can be used over and over again in different locations, are in different directions from the same location. Because a microwave can be beamed with remarkable accuracy in a 50-mile jump, it offers much closer tolerance than short-wave radio—the only limit to the number of microwave networks using a given frequency being that each network must be kept a few miles away from its nearest neighbor. For this reason, microwave systems do not have the interference that is found in short wave systems.

Maricopa County, Ariz., uses a microwave span extending 28 miles from its sheriff's office to a mountain peak. The system was designed to add 15 to 40 miles coverage to the county 2-way mobile radio system because of the advantageous position of the repeater station atop the peak.

Michigan's state police has installed a ten-channel microwave net-

work which extends a distance of 16 miles, from the East Lansing police headquarters to the Dobie Tower.

## Photographing Records; A New Development

The Recordak Corporation has recently announced a new development in the photocopying of county records. It is designed to require a comparatively small outlay for equipment and to provide low cost operation through the use of the company's own mass-production printing process.

The camera used in the process is a 16 mm. planetary camera, currently available at from \$975 to \$1075 or available on a monthly rental basis at \$17.50 a month. The camera will photograph documents up to 8½ by 14 inches. It uses 16 mm. film costing \$3.50 per 100 foot roll, the film cost including the cost of developing. Each roll will take around 1,550 exposures at a total film cost including developing of less than ⅓ of a cent per exposure.

When around 200 exposures have been made, the exposed film can be removed from the camera for processing. Because the photocopies are processed on a mass-production basis, the company requires that it handle at least 200 exposures at a time. Each exposure of course becomes a deed-book page, so a county can estimate how often it would accumulate 200 pages for photocopying.

When the exposed film has been removed from the camera, it is sent to Charlotte for developing. After development and usually on the same day the film has been received in the Charlotte office of the company, the developed film is sent to New York for preparation of the photocopies. The photocopies are prepared on 11 by 14 paper, thus reproducing the photographed document at full size plus a two-inch binding margin. It is estimated by company officials that the elapsed time from the mailing of the film by the county to receipt of the finished photocopy will be approximately five days. Both the photocopy and the developed film are returned to the county, the latter providing a means of reproducing another photocopy in case the first photocopy is destroyed by fire or is stolen. The storage area requirements of the developed film are small, the developed film being perhaps 1% or 2% of the size of the finished photocopy.

The photocopies are printed on just one side of the paper, this being a

result of the use of mass-production printing. It is estimated by company officials, however, that the thickness of two sheets of this paper is no more than the thickness of one sheet of photographic paper which carries a reproduction on both sides. Thus, 600 pages, or 600 sheets, of photocopies printed on one side of the paper will be no thicker than 600 pages, or 300 sheets, of photocopies printed on both sides of the paper.

The cost of the finished photocopy is about 12 cents, if at least 200 exposures are being processed. If less than 200 are being processed, hand printing is necessary at a cost of about 35 cents per photocopy. The photocopies contain black writing on a white page.

An additional advantage to the camera used in this process is the fact that it will also microfilm records which do not exceed 8½ by 14 inches in size. Although this is smaller than the ordinary deed-book page so that the camera would not microfilm such pages, it would microfilm photocopies made with the machine in the future.

While the original developed film obtained in the photocopying process would suffice for all time so far as real property deeds go, mortgage records would have to be microfilmed again before destruction in order to have a microfilm record which would contain cancellations not appearing on the original document when photographed. The cost of microfilming would average less than ⅓ of a cent per page. The camera itself has a built-in film reader so that no outlay is necessary for a film reading machine.

The chief advantages of this new process are (1) low camera cost, (2) low cost per photocopy, and (3) the absence of the necessity of having a local person trained to develop film and to print photocopies. To obtain these advantages, however, it is necessary (1) to use deed-book pages of smaller size than have generally been employed, (2) to accumulate at least 200 exposures before the processing cycle begins, and (3) to accept a mail lag of five days between mailing of film and receipt of photocopies.

## U. S. Circuit Court Rules On Parking Meter Contracts

In 1947 the town of Graham entered into a contract with Karpark Corporation. Under the terms of the contract the corporation installed around 200 parking meters on the streets of the town, and the town was to pay to the corporation half of the money deposited in the meters until the total contract price of around \$15,000 was paid. No other funds of the town were to be used to pay for the meters, but the town did obligate itself to enact and enforce parking ordinances requiring the deposit of coins in the meters until the meters were paid for.

The ordinance was enforced for about 18 months and resulted in the payment to the corporation of about \$5,000. In May, 1949, however, new town officers were elected who were unwilling to perform the contract. These new officers repealed the parking meter ordinance and notified the corporation to remove the meters. The corporation refused, and instead brought suit against the town in the Federal District Court for the Middle District of North Carolina asking for specific performance of the contract. The District Judge held the contract

valid and directed the officers of the town to comply with its provisions, to continue the collection of parking fees, and to enforce in good faith the parking meter ordinance until such time as the meters should be paid for under the contract (See 99 F. Supp. 124).

Before the United States Court of Appeals, Fourth Circuit, the town officers contended that the contract was not binding on the successors in office of those who entered into the contract originally because the contract bargained away the governmental powers of the municipality. The Court held, however (194 F.2d 616), that this contract related to the exercise of the proprietary or business powers of the town and that it had long been settled that such contracts were valid and binding, if reasonable, even though they extended beyond the term of office of the contracting officials. The Court said that in providing parking space for automobiles a town is in the exercise of a proprietary or business function.

The Supreme Court of North Carolina has abandoned the governmental-proprietary distinction for deciding

cases of this sort, having said in *Plant Food C., v. Charlotte*, 214 N.C. 518, 199 S.E. 712 (1938), "The true test is whether the contract itself deprives a governing body, or its successor, of a discretion which public policy demands should be left unimpaired." Applying this test, the Court could well have reached the same conclusion. But it must be remembered that the decision of the Circuit Court is not binding on the North Carolina Supreme Court and that the latter might reach a different conclusion on the same set of facts by applying the rule of the *Plant Food* case.

Officials of the town also contended that the contract was void because it had not been entered in the minutes of the town board. The Court found no merit in this contention since the

contract was in writing and signed by the mayor and clerk and since the Court found no specific statute requiring that it be entered in the minutes. The Court hinted, however, that even had it been necessary to enter contracts in the minutes, the Court could have directed that the minutes be corrected if necessary to protect the rights of the parties under the contract.

In affirming the decision of the District Court, the Circuit Court said the town must enact and enforce proper parking meter ordinances and so specifically perform the contract. But it added that the town could avoid doing so if it paid to the corporation the balance due under the contract. In either case, of course, Karpark Corporation will obtain from the town the full purchase price of the meters.

On the first ground, the court, speaking through Mr. Justice Ervin, merely pointed out that the County Board of Education had sufficient power under G.S. 115-84 to contract for the construction and that the county board cannot be enjoined from exercising its governmental functions in a manner authorized by a valid law. The opinion also noted that the plaintiffs failed to show any interest entitling them to maintain an action to enjoin the expenditure of state money, as the County Board of Education had proposed to do.

On the second ground, however, the court found evidence to support the plaintiff's contentions. Section 7 of Article XIV, N. C. Constitution provides:

No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly; provided, that nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

A member of the county board of education holds a public office under the State; *Green v. Owen*, 125 N.C. 212, 34 S.E. 424. So does a mayor hold office under the State as the official head of a political subdivision of the State; *State v. Thomas*, 141 N.C. 791, 53 S.E. 522. And a postmaster holds office under the United States; *McGregor v. Balch*, 14 Vt. 428, 39 Am Dec. 231.

With respect to the state office, where a person accepts a second state or federal office without surrendering his first office, he automatically vacates the first office and does not thereafter act as either a de jure or de facto officer in performing functions of the first office. *State v. Long*, 186 N.C. 516, 120 S.E. 87. Therefore, the court held that the mayor, in accepting the office of mayor, automatically vacated the office of member of the County Board of Education. On the other hand, a different rule applies where the first office is one held under the United States. The court quoted with approval from *Foltz v. Kerlin*, 105 Ind. 221, 4 N.E.

## Board Action Voided Where Members Hold Double Office

When local political arguments get into the courts, they sometimes result in the determination of legal issues far removed from the original question. This is particularly true of the decision on double office-holding which was issued recently in the case of *Edwards v. Board of Education*, 235 N.C. 345.

The case arose over a dispute concerning the consolidation of five existing high schools in Yancey County into a single new high school at Burnsville just as soon as a new high school was constructed at Burnsville. The proposed consolidation, recommended by a State Review Panel, approved by the County Board of Education, and approved by the State Board of Education, was disapproved by the Board of County Commissioners which refused to provide funds for the proposed new building. The State Board of Education then made over \$150,000 available to the county from the State School Plant Construction, Improvement, and Repair Fund. At this juncture the 1951 General Assembly appointed the three members of the county board of education for the term 1951-53, two of which were new members of the board. One of the new members accepted the office of mayor of Burnsville in July, 1951, after having qualified as member of

the board of education. Another resigned in August and his successor was serving as postmaster at the time that he qualified as a member of the board.

In October, the board decided to build the high school building with the state funds and without help from the county. In accordance with this decision public advertisement was made for contractors to submit bids. On the day before the bids were to be opened, the plaintiffs, taxpaying citizens and residents of the county, brought this action to restrain the county board of education from making the proposed contract for the construction of the school on the grounds that (1) no public money was available for the construction and that signing a contract would violate G.S. 115-84 which provides that a county board of education cannot contract for new schoolhouse construction if the building is to cost more than the money available, and (2) that two members of the board were not qualified to act as board members and therefore to bind the board to a contract. A temporary order restraining the board was obtained and the superior court judge, after a hearing, continued the temporary restraining order until the final hearing. The defendants appealed.

439, in holding that the postmaster also did not qualify as a member of the County Board of Education, either as a de jure or de facto member:

It is doubtless the general rule that where a man accepts an office under the state, he vacates another held under the same sovereignty. . . . There is reason for the rule where the offices emanate from the same government, but none where the offices are created by different governments. . . . Where, as here, a man elected to a state office persists in retaining a federal office, actually remains in it, enjoying its emoluments, and discharging its duties, he does not, in legal contemplation, and certainly not in fact, vacate it by entering into an office existing under the law of the State, and for this plain reason: The laws of the State do not operate upon federal offices.

Since the two members were neither de jure or de facto members of the board, and since the board cannot act in the absence of a quorum, and since the quorum of the board is at least a majority of its members under the common law rule, then the actions taken by the board in ordering the construction must be void. However, the court pointed out that the superior court judge had erred in continuing the restraining order until final hearing. The plaintiffs failed to bring their case properly, for instead of suing the individual persons who held no title to office to enjoin them from acting illegally they have actually sued the county board to restrain it from doing a lawful act. Thus the order continuing the restraining order to final hearing was reversed.

A sequel to the decision is found in the manner for filling the vacancies on the board thus created. G.S. 115-42 provides that vacancies in the county board of education shall be filled by the county Democratic Executive Committee, but that if the vacancy is not filled within thirty days, then the vacancy shall be filled by the State Board of Education. In this case the Attorney General, on request, ruled that since the vacancies occurred in July and August of 1951, and since the vacancies were not filled by the time the court rendered its decision in April of 1952, then the thirty-day period had expired and the vacancies should be filled by the State Board of Education.

## Durham

# Trains Its Employees

Aileen L. Shaller, Project Secretary  
City of Durham

Ten employees of the City of Durham were awarded certificates at the Council meeting on May 19, 1952 indicating satisfactory completion of a conference-type training course in "Technique of Municipal Administration." The participants were junior staff members who initiated the course and voluntarily completed it on their own time. Twenty-one conferences beginning in the fall of 1951 were held with a member of the group serving as discussion leader. The course is one of the correspondence courses conducted by the Institute for Training of the International City Managers' Association. Conference summaries and answers to Institute questions applying the general text to local problems were completed by the group and commented upon by an Institute instructor. Examinations

were taken by all members of the group. Discussion topics included the Administrator's Job and Relation to Council, The Organization Problem, Techniques of Direction, Programming Municipal Services, Personnel Administration, Training, Finance Administration, Research and Planning, Legal Services and Regulatory Procedures, Property Management, Administrative Measurement, External Relations, Public Relations, and Public Reporting. The impression of the group participants, the city administration, and the Council is that the course was highly successful and worthwhile and that the conference method is an excellent device for training.

The training of municipal employees for more effective service becomes increasingly important as the percentage of the total budget spent on wages and salaries increases. The City of Durham expended 28 per cent of its total budget in the fiscal year 1940-1941 for wages and salaries. This figure had increased to 43 per cent for the fiscal year 1950-1951. Table I indicates the percentage of total expenditures by department on wages and salaries for the fiscal year 1950-1951.

TABLE I  
Percentage Wages and Salaries Are  
Of Total Municipal Expenditures,  
Durham, North Carolina,  
1950-1951

Department	Per Cent Wages and Salaries Are of Total Municipal Expenditures	Per Cent Departmental Wages and Salaries Are of Total Wages and Salaries
Public Works	12	27
Police	9	20
Fire	7	17
Water	7	17
General		
Administration	3	7
Recreation	2	5
Other	3	7
TOTAL	43	100

Durham has operated under council-manager government since 1921, with one of the duties of the City Manager that of serving as the training officer. As training needs have become apparent, the departmental heads working with the City

## Banks Collect Utility Bills

The Municipal Finance Officers Association reports that a new scheme in Pendleton, Ore., allows citizens to authorize their banks to pay water and sewer bills. There, water customers having checking accounts at local banks may sign a permit authorizing the bank to charge their checking account with the amount of the city's monthly water and sewer bill. Each month, at the time the water-sewer bills are prepared, the bills of customers authorizing payment by the bank will be deposited at the bank in the same manner as a check signed by the customer.

The banks have agreed to accept these bills from properly prequalified customers and treat them just as they would a check written by the same customer on his bank account. The water-sewer bill is returned to the customer at the time the bank mails his bank statement and cancelled checks. This procedure not only relieves customers of the responsibility of remembering to pay their bill every month but also cuts down on the time spent by the city in mailing out bills.

Manager have made an attempt to meet them.

The most widely used and perhaps the most effective method of training in Durham has been and is the on-the-job training provided by supervisory and experienced personnel. Because of the diversity of municipal activities and because of their dissimilarity to employment outside the City service, few employees are hired who do not need a considerable amount of training for the particular job they are to perform for the city. This on-the-job training is exercised by all departments practically as a matter of course, i.e. little centralized effort is made to direct it.

#### Firemen Trained in Durham

The earliest formalized training in the City of Durham was initiated in the Fire Department in 1921, when physical training began. A drill tower, constructed in 1927, greatly implemented this program. The physical training is carried on throughout the year, with the weather determining whether the drill tower or fire house will be the site of the training. Extensive drills and operations, training in the use of all fire-fighting equipment of the city, and calisthenics make up the physical training program.

Classroom activities began in the Fire Department in 1933. The class work is under the direction of the Assistant Chief, who is assisted by Fire Captains. Each fireman participates in a two-hour classroom period each day he is on duty, except Saturday, Sunday, and holidays. The courses include instruction and direction in memorization of the geographic lay-out of the city with special emphasis on planning of best routes to fires, study of size of water distribution system, hydrant location, and fire alarm box location, study of simplified hydraulics, explanation of inspectional activities, and the study of buildings equipped with automatic sprinklers and the technical design of each.

In addition to the regular course work of all firemen, the seventeen Captains spend sixty hours per year in the Officers Training School conducted by the Department. Emphasis is placed on fire fighting tactics, chemistry of fire, hose and ladder practice, forcible entry, salvage methods, rescuing and first aid, administrative problems, inspectional problems, arson investigation, analysis of fire scene, and operational methods.

The Fire Department personnel

also take advantage of training opportunities outside the local Department. A few of the firemen participate each year in the North Carolina Fire College and Drill School, a four-day school sponsored by the North Carolina Insurance Department and the North Carolina Firemen's Association. The Chief of the local Department has been on the faculty of this school for the past ten years. The Assistant Chief attends the Fire Department Instructors' Conference held for one week each year at Memphis and sponsored by the Western Actuarial Association of Chicago and the Memphis Fire Department. One of the Captains attended the Arson Investigation School at Purdue University several years ago. The conventions attended by the ranking officers provide training opportunities and include the North Carolina Fire Chief Association, Southeastern Association of Fire Chiefs and International Association of Fire Chiefs.

#### Police Establish Training Division

The Police Department spent 20 per cent of the City's total expenditures for wages and salaries in 1950-51. Until a year ago, on-the-job training with infrequent and spasmodic special classroom activity had constituted the training of police personnel. Along with other administrative improvements in April, 1951, a Training Division was established. A Captain

trained by the F. B. I. National Academy was placed in charge of the new Division. Classroom facilities in the basement of the City Hall were provided. Three recruit schools have been held to date, with the most inexperienced personnel participating. One advanced school has been conducted, emphasizing fingerprinting and investigation of major cases. Plans are being made to provide advanced training for all police officers.

The recruit schools are of two-week duration, meeting eight hours per day, five days per week on city time. Ten to twelve are enrolled in each school. The content of the courses includes public relations, interdepartmental relations, courtesy and cooperation, use of firearms, Red Cross first aid, observation, scientific aids to law enforcement, all phases of traffic, crime-scene searches, searches of persons, general criminal investigation, laws of arrest, laws of search and seizure, laws of evidence, fingerprinting and photography, descriptions and portrait parle, courtroom demeanor, moulage and plaster casts, records and report writing, physical training and defense tactics, notes and note taking, confessions and statements, and a detailed study of the Criminal Code of the *General Statutes of North Carolina* and of the *Durham City Code*.

Instructors in the Police Training  
(Continued on page 16)



Pictured above are four new policewomen hired by the city of Salisbury primarily for traffic control at the schools. The qualifications these attractive new employees had to meet were graduation from high school, being a mother, and membership in the Parent-Teachers Association. These four are the mothers of ten children.

## NOTES . . .

### From North Carolina Cities

#### Local Improvements

Among the cities which have recently approved bond issues for capital improvements are these: **Kernersville**, \$200,000 for expansion of the town's water supply; **Wendell**, \$50,000 for improving water supply facilities, building a fire house and purchasing fire equipment; **Conover**, \$25,000 by a unanimous vote for purchasing and converting a former church building into a municipal building; **Hot Springs**, \$36,000 for financing street and sidewalk improvements; **North Wilkesboro**, \$808,000 to build a new water plant, expand the water system, build a sewage treatment plant, and expand the sewer system . . . Extension of water lines under **Henderson's** \$825,000 expansion program has been completed, a six-mile long line from the filter plants to a new source of supply is almost finished, and the program will be completed when pumping machinery is delivered and installed. The program eliminates the menace of periodic water shortages in the city . . . As the result of a comprehensive study by the city manager, **Newton** now knows the exact status of the water supply system in every part of the city. The survey resulted in a complete map of all water facilities in the city, showed the areas where problems exist, and disclosed that the system can be corrected on a "pay as you go" plan.

#### City-County Relations

**Raleigh** has agreed to appropriate \$20,000 to **Wake County's** health budget for the coming year. This amount is a little less than 50% of the 1951-52 appropriation and was appropriated after the county asked to be "let down easy" as it assumes the entire responsibility for the financing of public health. The gradual assumption of responsibility by the county parallels experience in **Guilford County** where the establishment of the county health department was accompanied by an agreement with **Greensboro** and **High Point** to make steadily decreasing appropriations for health purposes until 1952. **Charlotte**, **Asheville**, and **Rocky Mount** are the only cities which continue to maintain city health departments but a number of cities contribute to the support of the county department.

#### Municipal Buildings

The **Winton** town commissioners recently held their first meeting in the new municipal firehouse . . . **Hertford** has begun construction of a new municipal building which will house the offices of the town council, clerk, and police department. The construction is being financed by surplus funds accumulated during World War II . . . **Franklinton** has built a new firehouse and municipal building for only \$14,000. The work was done by town employees.

#### Rats and Dogs

Early last winter **Dunn** was faced with a plague of rats. The problem was dumped in the lap of the city manager and he came up with a drug named Warfarin, mixed it with yellow hearts of meal, and offered it for sale to the general public at a nominal cost. At first response was slow, but good public relations work by the city manager bore fruit and by the middle of winter over half of the homes in town had used Warfarin with good results—the rats were killed. The poison is not too toxic to humans and other animals. **Dunn's** experience is unusual in that it represents a concerted effort by the town government to rid the town of rats . . . And the dogs. **Dunn**, again, has suggested a 30 to 60-day quarantine on dogs in order to identify all dogs and eliminate stray dogs.

#### Planning

**Statesville's** newly-organized Planning Board has started operations with a rush, making three recommendations concerning traffic matters to the City Council at its initial meeting. The Board has decided to undertake a series of studies, among the first being a study of parking facilities in the city's business districts and a review and revision of the city's subdivision regulations. To facilitate its work, the Board has requested that the city have an aerial survey made. The City Council has concurred in one recommendation, requesting **Iredell County** to establish a County Planning Board to work with the city Board on matters of mutual interest.

#### Zoning

**Fayetteville's** City Council has amended its zoning ordinance to provide that no dwelling may be erected on a lot which does not abut a public street for at least 35 feet. The Board of Adjustment is authorized, on making certain findings, to grant exceptions to this requirement for lots of record at the date of enactment of the ordinance which abut suitably graded private streets not less than 30 feet in width.

The **Raleigh** City Council has turned down a recommendation by the Planning Commission that areas around the Capitol be rezoned as an "office and institution" district.

Among the cities which have adopted new zoning ordinances this spring are **Nashville** and **Wallace**. **Nashville's** Town Board used a fresh approach in bringing the ordinance to the attention of the public following its adoption. A clear and very concise summary of the major provisions of the ordinance was published as an advertisement in the local newspaper. **Wallace** published its entire ordinance, which is a means of reducing the cost of printing the ordinance for public distribution.

#### Traffic and Parking

**Raleigh's** City Manager has submitted a new assessment policy for the consideration of the City Council, under which property-owners would not have to pay the excess costs of improving streets which must be wider or constructed more substantially than usual. In residential districts, property owners would have to pay only the cost of paving a 27-foot width; if streets are wider or of heavier construction, the city would pay the difference. In commercial districts, property owners would pay for a 43-foot width, since wider parking spaces are necessary in order to accommodate trucks at the curb. Property owners would continue to pay costs of curbs and gutters in all cases.

**Wilmington's** newly-appointed Parking Authority is preparing some test cases to be submitted to the state Supreme Court, involving the following questions: (1) Is the parking law constitutional? (2) Can money be allocated from on-street



meters to defray expenses of city-owned off-street parking lots? (3) Does the city have authority to delegate the regulation of charges for off-street parking?

**Wilson** has appointed a three-member Off-Street Parking Commission, while **Winston-Salem** is considering the establishment of a Parking Authority.

### Housing and Urban Redevelopment

**Fayetteville** has authorized its Redevelopment Commission to make an application for an advance of federal funds to be used in planning the redevelopment of three areas within the city.

**Winston-Salem** is engaged in clearing away an 18-acre site containing approximately 125 dilapidated houses, to be replaced by a 263-unit public housing development for Negroes. The area was first proposed for clearance in 1935. Upon completion of the project, which will cost approximately \$2,000,000 to construct, the city will receive payments in lieu of taxes amounting to approximately twice the taxes currently being received from the area.

### Miscellaneous

The **Raleigh** City Council has had 2000 copies of a 51-page handbook of Raleigh city government published at city expense. The handbook was prepared by the Raleigh League of Women Voters . . . **Winston-Salem** and **Forsyth County** has employed the F. Ellwood Allen Organization of Bennington, Vermont, to prepare and submit a comprehensive recreation study and master plan for the city, county, and William and Kate B. Reynolds Memorial Park. The total cost of \$7500 is being divided equally by the city, county, and the park . . . **Spindale** has granted the Public Service Co. of N. C., Inc., a franchise for constructing, operating and maintaining a gas utility system and all necessary means for producing, transmitting and selling gas within the town.

In **Charlotte** the name of every street heretofore designated as "alley" has been changed to "lane," "place," or "court."

There were 8,097 Tar Heel motorists convicted of drunken driving last year.

Seventeen per cent of all traffic violations reported in North Carolina last year involved speeding.

### New Ordinances

Among the new ordinances recently received by the Institute of Government from North Carolina cities and towns are the following:

**Dunn.** Promoting sanitary conditions in the town by providing for the proper storage and handling of all garbage, rubbish, and waste matter. This comprehensive ordinance regulates the burning of all waste material, the disposition of waste material from the construction and demolition of buildings, the cleaning of vacant lots, and the accumulation and storage of garbage and refuse pending collection by the town. Among other things, lids or tops to garbage cans are required to be chained or tied to the can to prevent loss.

**Graham.** Repealing ordinance prohibiting Sunday baseball.

Eliminating and prohibiting the establishment in the future of poolrooms or clubs above the ground floor level.

**Hickory.** Prohibiting residents of the city from permitting guineas, turkeys, geese, ducks, pigeons, or other domesticated fowls to run at large. Heretofore the ordinance applied only to chickens.

**Louisburg.** Making it unlawful for dog-owners or custodians to permit dogs to run at large between the hours of sunset and sunrise.

Regulating the parking and operation of taxicabs in the town. Persons, firms, and corporations operating taxicabs are prohibited from having more than one cab parked on the streets in the business district (as defined in the ordinance) at any one time. Provides for revocation of permit of operators convicted of violating state motor vehicle laws, or for any other good cause.

**New Bern.** Adopting a comprehensive plumbing code.

Making it unlawful for any automobile or other motor vehicle to be left unattended on the streets for a period longer than forty-eight hours. Requires chief of police to take any motor vehicle left on streets for more than forty-eight hours into custody. Owner may reclaim vehicle within ten days after storage by proving ownership and paying reasonable towing and storage charges. If vehicle is not claimed within ten day period, vehicle is to be sold at public auction at city hall following public notice posted at places provided in ordinance for a period of twenty days. Costs and charges due for storage and expenses for seizure and sale are to be de-

ducted and surplus retained by treasurer for owner of vehicle.

Adopting water and sewer policy for the city. City will extend sanitary sewer and water line for distance of not more than 100 ft. per dwelling or 150 ft. where extension is along the side of a corner lot. All expense beyond this point is to be paid by property owner who must pay estimated cost before work is started. All extensions beyond city limits are to be made at expense of property owner but under supervision of city.

**Raleigh.** Rewriting certain provisions of the city code concerning water and sewerage connections. Includes new schedule of charges for water and sewer taps inside the city limits.

Making it unlawful for any person to drive or park within the city a vehicle containing wet-packed or mechanically-refrigerated seafood products unless the vehicle is constructed to prevent leakage or seepage of water and unless the vehicle is free from noxious odors.

Regulating the sale of seafood products at retail from a truck or other motor vehicle. Requires refrigeration of vehicle and approval for sanitation and health purposes by county health department. Requires products to be sold and delivered only in package in which originally packed with some exceptions.

**Rose Hill.** Providing for the handling and disposal of garbage and other waste materials. Regulates accumulation and storage of garbage and other waste material for collection by town. Provides for collecting bulky refuse and waste material not stored in garbage cans at extra charge.

**Statesville.** Regulating meter deposits and account deposits for electric light and water. Abolishes meter deposits for safe return of electric meters and states meter deposits now posted shall be held as security for satisfactory settlement of light and water accounts. Requires that hereafter stated deposits be made to secure the satisfactory settlement of all light and water accounts on termination of service.

**Wallace.** Establishing a traffic bureau for the acceptance of guilty pleas for minor traffic violations. Violations coming within jurisdiction of bureau are listed. Fees to be paid for violation are set at one and two dollars. For the third offense in any one year a warrant will be issued.

**Wilson.** Relating to standards to be used in the design, installation, and

*(Continued on inside back cover)*

# Tar Heel Boys' State

Two hundred ninety-six boys, rising high school seniors, from all over North Carolina, climaxed the twelfth annual American Legion Tar Heel Boys' State on Saturday, June 14, with a banquet at Lenoir Hall on the campus of the University of North Carolina.

The first Boys' State held in this country was conducted by the Illinois Department of the American Legion in June, 1935. In the same year the National Headquarters adopted the idea and made it a part of its Americanism program, so that today Boys' State is held throughout the United States.

Tar Heel Boys' State was first held in 1939, with the Institute of Government conducting the program for the American Legion. With the exception of the war years of 1943 and 1944, when, due to transportation difficulties no Boys' States were held in North Carolina, the Institute of Government has conducted annually the Boys' State for the North Carolina



**Buck Griffin, Charlotte, displays his oratorical prowess at the Boys' State banquet.**

Department of the American Legion.

The following requirements for eligibility to attend the Tar Heel Boys' State have been set forth by the Legion:

- (1) Be mentally alert and physically clean.
- (2) Be vigorous and enthusiastic.
- (3) Have a pleasing and congenial personality.

- (4) Have potential qualities of leadership and be able to fit into the community group.
- (5) Be honest, dependable, and conscientious.
- (6) Be a member of the rising senior class of the high school. Boys who have attended Boys' State are not eligible to return for a second year.

The purpose of Boys' State has been described as that of building objective leadership, and its nature as being a chance to study government—world, national, state, and local. It is an introduction to the duties, problems, and responsibilities of citizenship.

All delegates to Boys' State must be sponsored through the American Legion Posts over the state, but individuals as well as organizations may sponsor a boy. Boys usually are sponsored by a Legion Post, but many are assisted by Auxiliary Units, Parent-Teacher Associations, civic clubs or fraternal orders.

Before the boys arrive in Chapel Hill, they are assigned to a room in a dormitory. The location of his dormitory room determines the Boys' State "city" and "county" where he will be living. Cities are named for former Governors of North Carolina, and counties for former Chief Justices of the North Carolina Supreme Court. In addition each boy is assigned to a political party, either the Nationalist or Federalist. It is explained to him that he was born into this party, but that he is free to change his affiliation up until registration for voting, and after that he may vote as he thinks a good citizen ought to vote, but county and state nominating conventions are open only to registered Nationalists or Federalists. Sometimes a third party is formed and wins a place on the ballot for its candidates, but no third party has yet won a Boys' State office.

A counselor is in charge of each Boys' State city, and all counselors are either law students or recent graduates of the law school. Counselors stay in the dormitories with the boys, and supervise all activities, as well as answer questions which might arise on any of the topics covered during the day.



**His Honor, the Governor of Boys' State: Robert Young of Asheville.**

This year, 1952, registration began on Sunday, June 8. Those who arrived early and finished registration were given swimming privileges in the University outdoor pool. By supper on Sunday night 286 boys were registered, with 10 more subsequently coming in.

After supper at the Carolina Inn the opening program was held in Gerard Hall at the center of the U. N. C. campus. Mr. Albert Coates, director of the Institute of Government, presided. Mr. S. W. Neal, chairman of the Tar Heel Boys' State Commission, spoke briefly, and then instructions were given by the director of Boys' State, Basil Sherrill, an assistant director of the Institute of Government. Calls for volunteers for participation in such Boys' State activities as the oratorical contest, the band, and publication of the daily newspaper, "The Statesman," brought forth a large number of participants. The winner of the oratorical contest is annually the principal speaker at the graduation banquet, and the editorship of the paper, elected by those volunteering to work on the paper, is a coveted honor. This year co-editors were elected, Wade Penny of Durham, and Jimmy Poteat of Spindale. Although the boys arrive on Sunday afternoon, the first edition of the paper always is out by noon Monday, and this year was no exception.

On Monday morning the regular program got underway. The program is organized to give first a look at the history and structure of our city, county, state and federal governments, then a survey of the legislative, judicial and executive branches of government, and finally the functions of government are taken up one

by one. Always the examination of a subject is by city, county, state, and federal levels of government. Mr. Albert Coates introduced the study on Monday by describing the evolution of government, and then outlined the interlocking and overlapping structure and functions of the governmental units. Governor W. Kerr Scott followed Mr. Coates and spoke on the progress made in North Carolina by the people through their state government, and the opportunities for further development.

After lunch on Monday Mr. Dillard Gardner, Marshal and Librarian of the North Carolina Supreme Court, explained the judiciary on all levels. Following Mr. Gardner was the daily athletic period from 3 to 5 p.m. Leagues were organized by counties in softball and basketball, and tournaments were conducted in tennis, badminton, and ping pong. In the second hour of athletics the Kessing outdoor pool was open to Boys' Staters, while swimming classes for beginners by qualified instructors were given in the indoor Bowman Gray pool. After supper the executive branch of the government was discussed by Mr. E. J. Woodhouse, long-time professor of Political Science at the University of North Carolina. A short historical movie, entitled "Our Bill of Rights," ended the day and lights were out at 10 p.m.

On Tuesday after breakfast the boys heard Mr. L. Y. Ballentine, State Commissioner of Agriculture, speak on the agricultural responsibilities of

government. Then Dr. Ellen Winston, State Superintendent of Public Welfare, described the public welfare program in the state, with the parts played by all levels of government. Next, Mr. George Ross, Director of the State Department of Conservation and Development, compared governmental responsibilities in his field, and a short movie on conservation ended the Tuesday morning program. Before the athletic program in the afternoon, Dr. Clyde Erwin, State Superintendent of Public Instruction, talked on the public school system. After the athletic program and supper, Mr. Tom Devine, Assistant Director of the Institute of Government, explained the North Carolina election laws and election procedures. The delegates then began putting their own government into action, with the election of city officers in each city. The final event before lights out was registration for voting in county and state elections.

Mr. James Powell, Director of the State Bureau of Investigation, opened the Wednesday session by covering the field of law enforcement, and was succeeded on the rostrum by Mr. N. F. Ransdell, State Commissioner of Paroles, who detailed the work of the Probation and Paroles departments. To round out the governmental picture a discussion on world government was included, with Dr. Frank Hanft, Professor of Law at the University of North Carolina, speaking on that subject. Two short movies entitled "Finding our Life's Work"

and "Story of Money" ended the forenoon period. In the afternoon before athletics Basil Sherrill, director of Boys' State, surveyed the typical county court house in North Carolina, and the work and the officers to be found therein. In the evening Mr. Fred Weaver, Dean of Students at U. N. C., spoke on Student Government.

Following Dean Weaver's talk the five finalists in the oratorical contest delivered their orations, and the boys voted to determine the winner. Buck Griffin, of Charlotte, speaking on "Honesty," was adjudged the winner. A color film on Roanoke Island and the Lost Colony was shown, and then the two parties in each county held a nominating convention to select a party slate of five county commissioners, a solicitor, a judge, and a sheriff.

On Thursday morning Dr. Robert Coker, Assistant Director of the Local Health Division of the State Board of Health, spoke on Public Health. Mr. George Esser, Jr., Assistant Director of the Institute of Government, was the second morning lecturer, speaking on the legislative branches of government. Mr. Thad Eure, Secretary of State, addressed the boys after Mr. Esser, on Political Parties. The Executive Vice-Commander of the North Carolina Department of the American Legion, Mr. Nash McKee, spoke briefly to Boys' State before lunch. In the afternoon Mr. Max Cogburn, an Assistant Director of the Institute of Government, lectured on the sources of governmental revenues.



Assembled Citizens of the 1952 Tar Heel Boys' State.

County elections were held after supper, and then following the county elections, the highlight of the political aspect of Boys' State began.

The Nationalists and Federalists met in separate auditoriums, each well bannered and postered with campaign slogans and requests for voting support for various candidates. Each party had as its objective the selection of a slate of state officers, consisting of candidates for governor, lieutenant governor, secretary of state, superintendent of public instruction, commissioner of agriculture, attorney general, commissioner of labor, commissioner of insurance, auditor, and seven justices of the supreme court. A twelve piece Boys' State band enlivened the conventions. Heated speeches, impassioned pleas, block voting, tie votes, and threats to bolt the convention kept the interest of all at a high pitch during the long sessions.

On Friday Dr. Henry Jordan, chairman of the State Highway and Public Works Commission, was the opening guest speaker. Following Dr. Jordan's talk on streets and highways Mr. John Umstead, veteran member of the North Carolina House of Representatives, lectured on the General Assembly. Dr. Archibald Henderson, former head of the Mathematics Department at U. N. C. and noted historian and biographer, was next on the program and gave a fine review of highlights in North Carolina history. Chancellor R. B. House of the University of North Carolina at Chapel Hill, then appeared and played several selections on his harmonica, interspersing the music with advice and remarks to the boys.

The newly elected Commander of the North Carolina Department of the American Legion, Mr. C. Leroy

Shuping, Jr., spoke to the delegates on the subject of communism in the period after lunch. Championship contests were played in all athletic activities later in the afternoon. After supper the entire group of Boys' Staters took a tour of the Morehead Art Gallery, and then attended the showing at the Morehead Planetarium, "In the Beginning." Last event of the day were the state elections, and when returns were all in, the Nationalist Party had swept all offices, electing Robert Young, of Asheville, Governor, and Don Graziano of Wilmington, as Lieutenant Governor. Other officers elected were: Secretary of State, Randall Harrington, of Ayden; Superintendent of Public Instruction, Harry Griffin, of Charlotte; Commissioner of Agriculture, Donald Morgan, of Asheville; Attorney General Dick Ward of Wilson; Commissioner of Labor, Robert Dockery, of Winston-Salem; Commissioner of Insurance, Allen Holt, of Asheville; Auditor, Donnie McRee, of Newton; and Supreme Court Justices, Wade Penny, of Durham; Bobby Sigmon, of Catawba; Jack Weaver, of Durham; Jimmy Johnson, of Thomasville; Grady Gardner, of Rocky Mount; and Charlie Stevens, of Salisbury.

Saturday was set aside as "Government in Action" day. First a movie was shown, "How a Bill Becomes a Law," and then instructions were given for the operation of a legislative body. Each delegate was assigned as a Senator or a Representative, and sample bills and bill forms were issued. When the two bodies assembled in joint session, Governor Young delivered his address. The remainder of the morning was used for legislation. The first bill to pass both House and Senate was one authorizing Boys'

State and Girls' State to meet simultaneously at the same place in the future.

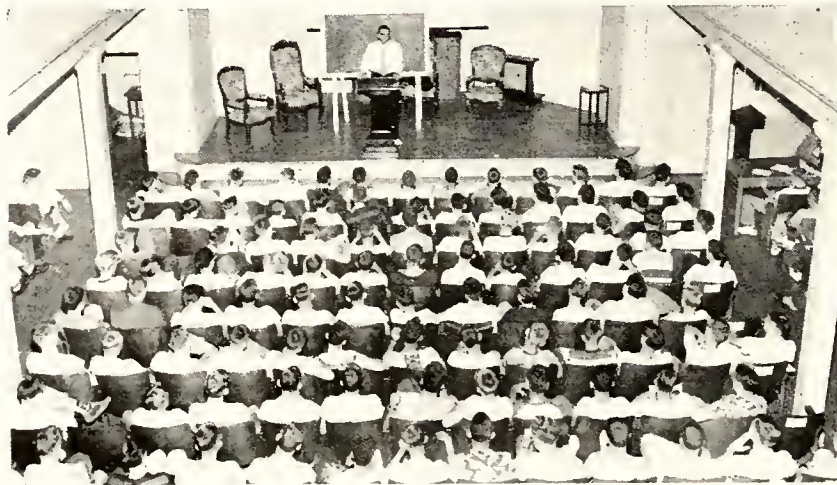
On Saturday afternoon an examination covering the week's study was given, after which all boys had swimming privileges. Prior to the final banquet the Boys' State band gave a lawn concert outside of the banquet hall. Some parents attended the banquet as guests, as boys were permitted to leave after the banquet or to remain over for Sunday breakfast. At the banquet Mr. Coates was toastmaster, and Governor Young, Executive Vice-Commander McKee, Commander Shuping, and Director Sherrill all spoke briefly. Oratorical contest winner Griffin delivered the principal address. The names of the four boys selected by vote of the counselors as most outstanding, who were to be the two delegates and alternate delegates to Boys' Nation in Washington, were announced. For the first time both the Governor and Lieutenant Governor of Boys' State were named as delegates to Boys' Nation. Joel Kendrick, of Belmont, was named first alternate, and Johnnie Dawkins, losing Federalist candidate for Governor, of Fayetteville, was selected as second alternate. With the awarding of certificates to each of the delegates, the twelfth annual Boys' State ended.

## Driver License Examiners' Schools

During the second and third weeks of June every driver license examiner on duty with the Department of Motor Vehicles attended a two-day refresher school conducted by the Institute of Government in Chapel Hill. This continued a program of regular refresher courses which was started last year, with all driver license examiners attending an Institute school.

This year, there were four 2-day schools during a two-week period, each class being comprised of approximately thirty examiners. Mr. E. R. Peele, Chief of the Driver License Section, arranged attendance so that only six or seven examiners from each of the state's four examining districts would be away from examining duties at any one time. It was thus possible to have all examiners attend one of the schools within a relatively short time, with a minimum of curtailed service in any one section of the state.

This year, there were four two-day school, major emphasis in classroom work was put on the driver license



The Governor of North Carolina addresses the Boys' Staters. This was a highlight of a week crammed with talks from leaders in government.

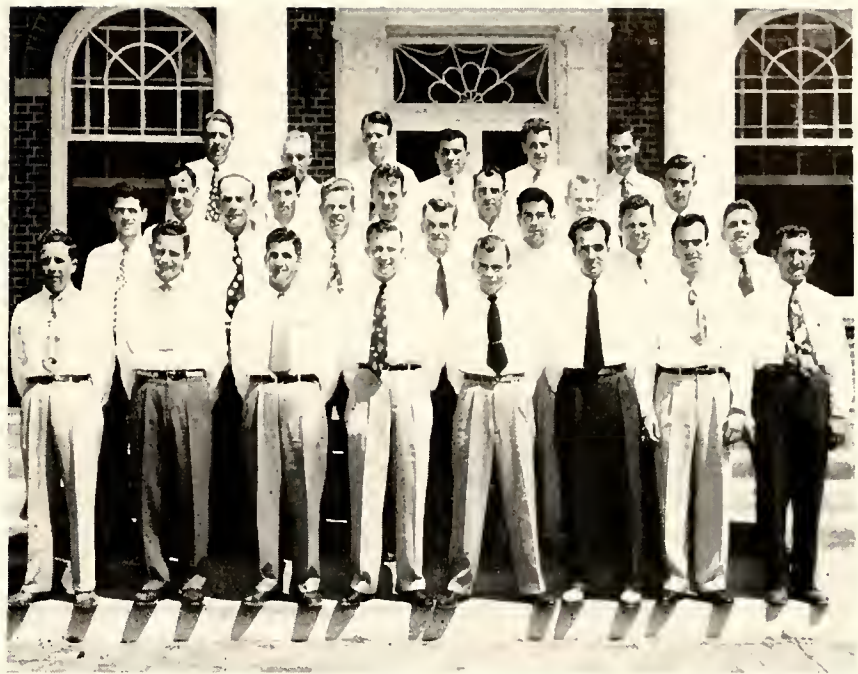
law and day-to-day procedures in examining applicants for driver licenses. Two hours of class work were devoted to a review of the proper use of the Ortho-Rater. (The Ortho-Rater is an instrument which enables the examiner to test an applicant's vision under controlled conditions and is a great improvement over the Snellen wall chart formerly in use. The North Carolina Department of Motor Vehicles was the pioneer in adopting the Ortho-Rater for its driver licensing program. Since North Carolina's forward step about a year ago, other states have followed the lead.)

Practice driving tests were conducted during the school period, with three or four examiners in the same automobile to score the driver's performance. This proved invaluable in promoting uniformity of scoring on the driving tests. While, as between any two examiners, minor variations in scoring an individual driver may be expected, the Department's objective is always to achieve agreement on one point: whether the applicant passed or failed the driving test. The results of the practice driving tests run during the schools were very encouraging in this respect, as in each instance there was practically 100% agreement on the question of whether the practice driver had passed or failed his driving test.

Mr. Albert Coates, Director of the Institute of Government, welcomed each group to the Institute's school, pointing up the role of the University in the life of the State, the position of the Institute of Government as a part of the University, and emphasizing that North Carolina public officials, through the medium of in-service training schools join the great ranks of University alumni, to become a part of and contribute to the tradition and heritage of the University.

Mr. H. D. (Tarvia) Jones, Director of the Highway Safety Division (the Driver License Section is a part of the Safety Division), spoke to the examiners, emphasizing their responsibilities as public officials with the vast and important task of helping to educate North Carolinians to be better citizens in the use of the highways. Mr. Jones informed the examiners that over-all he considered their work to be very good, and on behalf of the Department he expressed appreciation for a present good job, and encouragement for an even better performance in the future.

The course director for the refresher schools, and instructor in the



Wildlife Protectors who attended school at Chapel Hill are: 1st row, left to right: Hales, Abernathy, Buffaloe, Johnston, Ray, Anderson, Jacobs, McIntosh; 2nd row: Sommese, Cahoon, Rosebrock, Broughton, Pond, Marshall, Rericha; 3rd row: Overcash, Watson, Morgan, Lamphere, Leatherwood, Spain; 4th row: Bumgarner, Rollins, Davis, Truckley, Barnard, and Vandiver.

### The Wildlife Protectors Training School

On Saturday morning, June 21st, twenty-five new wildlife protectors completed a pre-service training school conducted at Chapel Hill by the Institute of Government for the Wildlife Resources Commission. Following a rigorous schedule of ten hours per day, the school ran for three weeks.

In addition to the basic game and fish law, the broad curriculum included courses in the law of arrest and the law of search and seizure, the "Standard" and "Advanced" courses in first aid, training in public speaking, life-saving, the use of fire-

arms, and in the art of self-defense. Personnel of the Commission participated in the training program, furnishing instruction in the various fields of wildlife management and conservation.

This school constitutes part of a continuing plan under which the Wildlife Resources Commission recruits its enforcement personnel. Semi-annually, applicants are assembled at Chapel Hill for examination and interview. Candidates are selected on a competitive basis and are required to complete the pre-service training school. Existing vacancies in the enforcement organization are filled immediately at the end of each school. The remainder of the graduates are appointed deputy protectors and are carried on a stand-by basis to fill additional vacancies as they occur.

One hundred per cent of the Commission's enforcement personnel have attended at least one training school at Chapel Hill. A guidebook for wildlife protectors has been prepared by the Institute of Government and short in-service refresher courses are conducted annually for all protectors.

Mr. G. A. Jones, Jr., chief of the Commission's Wildlife Protection Division, was in almost daily attend-

*(Continued on page 16)*

license law, was Robert E. Giles of the Institute of Government staff. Also instructing in the schools were Donald B. Hayman, Assistant Director of the Institute of Government; E. R. Peele, Chief, Driver License Section of the Department of Motor Vehicles; Ralph Stevens, Chief Hearing Officer of the Highway Safety Division; and District Supervisors F. M. Blackley, L. F. Wetherington, W. E. Yow, and Arch McQueen, all of the Highway Safety Division. Howard C. Olson and Charles R. Milton of the Department of Psychology (Division of Occupational Vision Research), North Carolina State College, conducted the review instruction on the use of the Ortho-Rater.

## District Meetings for Tax Collectors

Is the tax collector liable for the lawyer's mistake? Or is the lawyer liable for the tax collector's mistakes? What is the tax liability of an 18-year old owner of a convertible? Can a tax collector garnish salaries by mail? What is needed for a valid levy on personal property?

These and a half-hundred more practical questions have been tossed around this month in a series of regional meetings for county, city, and town tax collectors arranged by the Institute of Government. Meeting for one-day sessions in eleven centrally-located towns, the tax collectors have been working together under the leadership of Henry W. Lewis, Assistant Director of the Institute of Government. Emphasizing the necessity for being familiar with their legal duties as well as the best administrative techniques, these sessions have been small but enthusiastic. As this magazine goes to press seven of the eleven meetings have been held. About 50% of the counties covered so far have been represented and about 15% of the cities and towns. This is not the kind of attendance that is most desirable, but the limited attendance has made it possible for each collector to have his personal problems discussed by the whole group. By the end of June probably more than half the county collectors and about one-fifth of the city and town collectors will have participated in these sessions. In the spring of 1953 these regional meetings will be followed by a state-wide meeting for tax collectors at Chapel Hill. At that time it will be possible to devote more time to more subjects, and most significantly, collectors can meet with fellow collectors from all over North Carolina.

The full schedule of the June 1952 meetings runs as follows:

June 4 Warrenton  
 June 9—Edenton  
 June 11 New Bern  
 June 12 Elizabethtown  
 June 13 Wilson  
 June 18 Graham  
 June 20 Raeford  
 June 23 Gastonia  
 June 25 Franklin  
 June 27 Burnsville  
 June 30 Yadkinville

In each of these county-seat towns the county commissioners have generously allowed the collectors to use the courtrooms for their sessions. In Raeford and in Franklin the local county and city officials courteously arranged entertainment for the visiting collectors.

## Books of Current Interest

*The Citizen Decides* by Ralph Barton Perry. Indiana University Press (Bloomington: 1951). 218 pages.

In a democracy, the final authority is public opinion. Therefore, says the author, professor of philosophy at Harvard, every citizen has an obligation to make up his mind about the proper solution to a large number of difficult problems. These problems range from corruption in government at home to a global foreign policy abroad, and often require an understanding of technical matters like nuclear physics.

In such a situation, according to the author, many people take refuge in labels and clichés. Consequently he takes as his first task the discussion and definition of some of the most common: appeasement, aggression, intervention, isolationism, cold war, free enterprise, collectivism, welfare state, and many others.

Another section of the book is devoted to a discussion of the teaching of citizenship. Mr. Perry criticizes the type of teacher who sees so clearly all sides of every question that he can't make up his mind. He also criticizes the type who is so afraid of being accused of "indoctrinating" people, that he never takes a position at all. And he suggests that the teacher owes it to his students to teach them the art of making a decision. It's time, he says, to change the phrase "Look before you leap," to "Look; then leap," emphasizing the point that the citizen must learn to decide and that the citizen must avoid the twin evils of indecision and accepting the decision of another.

He concludes the book with a discussion of some of his own decisions in the field of foreign policy. He advocates the adoption of a "total foreign policy," pointing out those places where he believes the present administration has fallen short and he has an excellent discussion of "What Price War?", advocating both greater preparedness and greater efforts toward peaceful solution of our difficulties with Russia.—J. A. M.

*Africa: New Crises in the Making*, by Harold Isaacs, Number 91, Headline Series, Foreign Policy Association, 62 pages, 35 cents. The author, a former associate editor of *Newsweek* and a Guggenheim Fellow, points up the facts (economic, mental, and

political) of European colonialism in Africa, and warns of the growing nationalism and desire for self rule among the natives. Africa is painted to be as explosive a continent as we have already found Asia to be, and the author fears that the United States will continue to back the colonial. European nations in their continued subjugation of African independence. In the final chapter Emory Ross, a missionary who has spent over twenty years working in Africa, suggests the United States work through Christianity to establish a "wholeness" in our relationship with Africa. This "wholeness" is to be obtained by further Christianizing Africa, and then working with them as fellow Christians.—W. T. D.

*The Colleges and the Courts, 1946-1950*, by M. M. Chambers, Columbia University Press, 192 pages, \$3.00.

Mr. Chambers covers, summarily, a large number of cases which range from the law regarding a disturbance of the peace by a college student making a soap-box speech; through the cases regarding equal facilities for all races in graduate and professional schools; to the legal problems involved in finances and taxation of universities and colleges. The dates of these cases cover the four years from 1946 to 1950. The reader is given a time perspective which stimulates the feeling that the law is changing and moving in somewhat discernable trends. The book would be interesting to educators and persons interested in the relationship between the courts and the schools.—W. T. D.

*Successful Trial Tactics*, by A. S. Cutler, Prentice Hall, 308 pages, \$5.65. This is an extremely interesting portrayal of that rugged but fascinating game of trial tactics. The author, with some thirty years of trial experience, has picked out the traits he believes to be desirable in a trial attorney, and he illustrates their desirability with interesting fact situations to point up the moral. While the skills of a good trial attorney are many, this book points out that it is hard work and study which makes for success in the courts; not the movie conception of pulling hares out of hats. Also of good practical use is the advice given by the author

(Continued on inside back cover)

# The Attorney General Rules . . .

## MOTOR VEHICLE LAWS

**Driving After License Revoked.** A driver's license was revoked for twelve months upon his conviction for drunken driving. After the period was over but before he obtained a new license he was arrested and convicted for driving without a license. May the Department of Motor Vehicles revoke the license for a period of two additional years pursuant to G.S. 20-28?

To: Pritchett & Cooke

(A.G.) G.S. 20-28 requires an additional suspension or revocation period of twice the original period in the case of a driver driving *while* his license is suspended or revoked, but, in this case, the driver was driving without a license but not *while* his license was suspended or revoked because the period of revocation had run out. Therefore the Department may not impose the additional double period of revocation.

**Driving After License Has Been Suspended and Before Review by the Superior Court.** Pursuant to G.S. 20-25, a driver whose license has been suspended by the Department of Motor Vehicles has filed a petition in superior court for a hearing and determination of whether his license has been properly suspended. G.S. 20-16 (b) provides that a license shall not be suspended pending an appeal from a conviction of any violation of the motor vehicle laws of the state. May this driver continue to operate a motor vehicle until his case is decided by the Superior Court?

To: John C. Cheesborough

(A.G.) G.S. 20-16(b) applies to the case of a conviction for a violation of motor vehicle laws, but not to the case of administrative action such as suspension or revocation. Such action is not a conviction. Furthermore, the hearing in the superior court to which the driver is entitled after suspension or revocation is not an appeal but an original judicial proceeding. Consequently the driver in this case may not operate a motor vehicle unless and until the superior court finds that the suspension by the Department of Motor Vehicles was erroneous.

**Instructing Unlicensed Drivers.** John Smith is teaching Mary Jones to drive. She does not have a license or a learner's permit. He has a driver's license, is sitting in the front seat, and the instruction is taking place during daylight hours as required by G.S. 20-12. Mary is over sixteen as also required by that section. Are any sections of the motor vehicle laws being violated?

To: Ray Rankin

(A.G.) Yes, Mary is guilty of driving without a license, G.S. 20-7, and John is guilty of permitting a motor vehicle owned or controlled by him to be operated in violation of the

Driver's License Act, G.S. 20-34. G.S. 20-12 permitting a licensed driver or chauffeur to give instruction does not conflict with the requirements of G.S. 20-7 determining who may receive instruction. The fact that the requirements of G.S. 20-12 are complied with is not enough. Mary must have a learner's permit.

## ALCOHOLIC BEVERAGES

**Duties of County Board of Election.** The Attorney-General recently gave the following answers to a number of questions asked by a county board of elections.

To: F. J. Seders

(A.G.) In considering the sufficiency of a beer and wine election petition and in calling and holding such an election:

1. So long as the board of elections is satisfied that a signature is in the genuine handwriting of the signer, a minor variation in spelling or initials from the way the name appears on the registration books should not disqualify the signature. G.S. 18-124(e).

2. The precinct indicated opposite the name must be the same in which petitioner is registered. G.S. 18-124(e).

3. The use of ditto marks to indicate the precinct should not invalidate the signature.

4. The board should determine the number of valid signatures by comparison with the last registration books.

5. There is no statutory requirement that the board should notify any interested person prior to the beginning of actual tabulation of petition signatures, but it would be a desirable policy to do so.

6. It would seem that all interested persons should have the right to scrutinize the petition in the office of the board, but they should not be permitted to take the petition out of the office.

7. Sundays and holidays are not excluded in computing the 60 day period from a general, special, or primary election within which a beer and wine election may not be held.

8. The board must give 30 days public notice to the opening of the registration books. G.S. 18-124(e).

9. A beer and wine election must be held under the same laws and regulations as are provided for an election of members of the General Assembly, except that no absentee ballots may be used. G.S. 18-124(e).

10. This office has previously ruled that markers and watchers may not be used in beer and wine elections.

11. The result of a beer and wine election is to be determined by a simple majority of the votes cast. G.S. 18-126 (a & b).

12. Where an election results in vot-

ing out beer and wine, the prohibition becomes effective 60 days thereafter. G.S. 18-126 (a & b).

## LIQUOR LAW

**Transportation of Beer through Dry County.** A duly licensed beer salesman purchased twenty cases of beer from a licensed distributor in a wet county to be delivered in another wet county. The salesman, after purchasing the beer, drove into a dry county on other business. Has he violated any law by failing to take the most direct route to the county of delivery following purchase of the beer?

To: H. W. Calloway, Jr.

(A.G.) I know of no statute or regulation which requires a salesman to take the most direct route in the delivery of beer from a wholesale distributor to retail outlets in other counties where beer may lawfully be sold. So long as the beer is not sold or intended to be sold in a dry county, he would have the right to go through a dry county and attend to other business on the way, even though this route would be more circuitous than a direct route to the ultimate destination of the beer.

**County Beer and Wine License for Municipal Sale.** In 1951 the voters of a county voted against the sale of beer and wine in the county. Subsequently the voters of a municipality of over 1000 persons voted in favor of the sale in the municipality. Must persons selling beer in the municipality obtain a county license, even though the county voted against legal sale?

To: A. E. Garner

(A.G.) Although G.S. 18-127 makes no reference to a county license, simply stating that a municipal license is required, I am of the opinion that G.S. 18-127 must be construed together with G.S. 18-75 and G.S. 18-76. G.S. 18-75, dealing with county licenses, provides that if the place where such sale is to be made is within a municipality, the applicant shall make application first to the governing board of such municipality. G.S. 18-76 provides that if the application is for license to sell within a municipality, the application must also show that license has been granted the applicant by the governing board of such municipality. The granting of a license by the governing board of a municipality shall determine the right of an applicant to receive a county license. Construing together these sections, it is my opinion that persons and firms selling beer and wine within the city are required to obtain a county license.

**Municipal Beer and Wine Election after County Election.** In January 1949 the voters of a county voted against the sale of beer and wine in the county. Subsequently the voters of a municipality of over 1000 per-

**A digest of recent opinions by the Attorney General which are of particular interest to city and county officials.**

sons voted in favor of the sale of beer in the municipality. If the voters of the county this year once more vote against the sale of beer and wine in the county, would this determination have any effect on the sale of beer in the city?

To: S. Bunn Frink

(A.G.) G.S. 18-126(a) provides that where the majority of the votes in a county-wide election shall be against the legal sale of beer, then after the expiration of sixty days from election day, the sale and possession for sale shall be illegal *either within or without the corporate limits of municipalities* within the county. This section further stipulates that this paragraph shall not apply to any municipality in which such an election is held *after the holding of a county election*, and at which a majority of the votes cast shall be for the sale of beer. Answering your question directly, I am of the opinion that the above provisions and the similar provisions dealing with wine in G.S. 18-126(b) would seem to indicate that if a majority of the voters of your county vote against the legal sale of beer and wine now, that would make illegal the sale of beer and wine in the city until another election has been held in the city in conformity with the provisions of G.S. 18-127, which points out the procedure for the municipality elections after the majority vote in the county against the sale of beer or wine.

**Keeping Whiskey in Club Locker in "Dry" Territory.** Is it illegal to keep whiskey in a locker of a club located in dry territory?

To: W. R. Allen

(A.G.) In view of the rulings of the Supreme Court (*State v. Barnhardt*, 230 N.C. 223; *State v. Sudreth*, 223 N.C. 610; G.S. 18-49), I do not see how in a dry territory whiskey can be legally possessed in any place other than the *bona fide* dwelling of the possessor, except, of course, that it may be legally possessed in transporting the whiskey from an A.B.C. store to the dwelling.

#### SCHOOLS

**Local Supplement Elections.** A properly signed petition has been received by the board of an administrative unit requesting the calling of an election for the purpose of adopting or rejecting a local fifteen cent supplemental tax for general expense purposes. (1) Is there any requirement as to the time that this election may be held? (2) When the petition is signed and endorsed by the chairman and secretary of the administrative unit and filed with the County Commissioners, must they call the election and do they have any power to change the amount of the proposed tax?

To: T. F. Cummings

(A.G.) (1) There is no statutory requirement that a local supplement election be held at any particular time. (2) On the receipt of a petition for a local supplement election, the Board of Trustees of the local administrative unit has discretion as to whether to endorse it or not; once it is presented to the County Commissioners, their duties under G.S.

115-188 have been held to be purely ministerial and a *mandamus* will lie to compel performance. *Board of Education v. The Commissioners of Yancey County*, 189 N.C. 650. Thus it would seem that the Commissioner could not change the amount of the proposed tax.

**Title to School Activity Buses.** A school in a county unit desires to acquire an activity bus for use in transporting the school band and athletic teams. Who should take title to the bus?

To: D. H. Conley

(A.G.) Title could be held by the county board of education, which, by G.S. 115-45, is a corporation capable of holding real and personal property for school purposes, and, by G.S. 115-136, is entrusted with the care and custody of all school property in the district with full power to control the same in the best interests of the public schools and the cause of education. However, if the county board of education will not take title, it would seem that a local committee could not, since it is not a corporation. Title, in that case, would have to be held by some individual such as the principal, a member of the school committee, or some interested local citizen. Such individual would have to assume responsibility for the use of the bus. It is understood that some insurance companies will write liability insurance on such buses if they are assured that a responsible and careful person will at all times be entrusted with the operation of the bus.

**Use of Property No Longer Used for School Purposes.** One of a county's schools has been consolidated, leaving the old premises and building unused as a school or for any function of the county board of education. Some of the citizens are desirous of retaining the building at its present location to be used for civic purposes. Can the board of education take any steps to realize this desire?

To: Wayland P. Britton

(A.G.) G.S. 115-95 makes it the duty of the school board to encourage the use of school buildings for beneficial civic meetings of all kinds. G.S. 115-86 provides, however, that when, in the opinion of the board any school property has become unnecessary for public school purposes, the board may sell the property at public auction by complying with the provisions of the statute. I believe you have two possible solutions: 1) The board may advertise the property and sell it at public auction after the adoption of an appropriate resolution finding the building no longer necessary for school purposes. In that case some local group of civic minded persons or some civic organization would have the right to bid on the property, and, if they become the successful bidders, title could be conveyed to the group. 2) The board might allow permissive use of the property by civic groups in the local community until such time as the board is ready to sell the property. This would be on a temporary basis. It would seem that the groups using the property should at least bind themselves to keep the

buildings insured and in a reasonable state of repair; otherwise the buildings will deteriorate and the board would not be justified in making expenditure from public funds to keep them in repair. The first solution seems more practical.

#### CRIMINAL PROCEDURE

**Searching Property away from Principal Dwelling without a Warrant.** A law enforcement officer has information or reason to believe that there is a still on a particular piece of property that extends over several acres. To what extent can he search the property without a warrant?

To: C. M. Beasley

(A.G.) I do not find any decision of the Supreme Court of North Carolina on this subject. So far as the Fourth Amendment of the Federal Constitution is concerned, freedom from unreasonable searches and seizures extends only to persons, houses, papers and effects and does not extend to open fields, waters, orchards and other lands in an immediate part of the dwelling site. *Hester v. United States*, 265 U.S. 57. A dwelling house on the land might affect the right of search and seizure. If a certain part of land or out buildings are within what is known as the curtilage, then a search warrant would be required to search within the curtilage. *State v. Twitty*, 2 N.C. 102 defined curtilage as "a piece of ground, either enclosed or not that is commonly used with the dwelling house." It has also been defined as a space of ground adjoining the dwelling house, used in connection therewith in the conduct of family affairs and for carrying on domestic purposes, usually including the buildings occupied in connection with the dwelling house. It is the nearness to a dwelling and the use in connection with it for family purposes which is to be regarded. In answer to your question, then, I would say that you cannot search property, either land or buildings, within what is known as the curtilage.

**Erroneous or Omitted Name on Search Warrant.** 1) Is a search warrant valid though the name of the person in whose possession the article searched for is supposed to be is erroneously stated or omitted on the search warrant? 2) Must a search warrant be served in order for a contraband article to be seized?

To: E. D. Kuykendall

(A.G.) 1) First, in Art. 1, § 15, of the North Carolina Constitution there is no requirement that a person who may possess any illegal or contraband substances on or at the suspected premises shall be named at all. However, G.S. 15-26 provides that the "search warrant shall describe the article to be searched for with reasonable certainty, and by whom the complaint is made, and *in whose possession the article to be searched for is supposed to be.*" There is no question but that if the name of the possessor of the illegal goods is known, it should be stated in the warrant. But I am inclined to believe that the name in the search warrant of the person in whose possession the article is supposed to be (G.S. 15-26) is only



for the purpose of further identifying the premises and if the name is unknown and, therefore, omitted, or if an erroneous name is inserted, and there is other information in the warrant which describes the premises to be searched with reasonable certainty, I am of the opinion that the warrant would be valid, and any evidence obtained thereunder would be admissible. Similarly, in G.S. 18-13, authorizing search warrants for illegal whiskey, we believe that the requirement therein of a complaint under oath "that he has reason to believe that any person has in his possession . . ." is, so far as it requires the naming of any particular person, directory only and not mandatory. 2) A reading of G.S. 15-25 leads to the conclusion that there is no requirement that a search warrant be served in order for the contraband article to be seized. Of course, the warrant must be served on the person named in the warrant if an arrest is to be made thereunder, but I would like to add that in most cases where liquor or other illegal property as named in G.S. 15-25 is found under a valid search warrant, an arrest can be made even without a warrant, because of the commission of the crime in the officer's presence.

**CRIMINAL PROCEDURE**

**Arrest Warrant as Trial Prerequisite.** When a highway patrolman has issued a citation to a person charged with a violation, must there subsequently be a warrant drawn before such a person who is contesting the violation may be tried and costs and fees collected?

To: Hubert Eason

(A.G.) I am of the opinion that a defendant should never be tried on a citation issued by the arresting officer and that in all cases a warrant should issue as the basis for criminal prosecution. The only types of criminal process provided for in our statute are warrants and bills of indictment. (It is true that there are special statutes and ordinances in some municipalities providing for the issuance of citations for traffic violations; but as I understand it, the amount required to be paid is not a fine but a civil penalty. Under these statutes and ordinances, the crime consists not of the traffic violation but of the failure to pay the civil penalty that has been assessed.) It follows from what has been said that no costs can be taxed when the person charged is tried upon a citation instead of upon a warrant duly issued and served. This would apply not only to the \$2.00 State tax levied under the provisions of G.S. 143-166 for the benefit of the Law Enforcement Officers' Benefit and Retirement Fund, but to all other items of court costs.

**COUNTIES**

**County Regulation of Theater Hours.** There is considerable interest within the county in effecting a later opening on Sunday nights of a drive-in theater. Can the Board of County Commissioners take any action on this matter?

To: Elbert S. Peel

(A.G.) The Boards of County Commissioners do not, in my opinion, have any police authority or jurisdiction to adopt any resolutions or regulations controlling the opening and closing hours of theaters such as is given to a municipality as to theaters and places of amusement operated therein. Statutory authority is lacking and in its absence I do not believe the Boards of County Commissioners have any authority to deal with this problem.

**Annual Publication of Receipts and Expenditures.** Must the statements of revenue and charges compiled by the County Commissioners to be posted and published include the name of every individual whose account has been audited and item of income and expense?

To: Thomas C. Hoyle

(A.G.) Literal compliance with the provisions of G.S. 153-68 with posting and publication of the name of every individual whose account had been audited and every item of income from every source would necessitate enormous expense and serve no practical purpose. It seems to me that this provision of the statute could be considered as directory and not mandatory, and that substantial compliance with the statute can be achieved by publication of a statement giving the summary of the operations of the county, receipts and disbursements of all county-wide funds and advertising that the books of the county are available for inspection by any interested citizen or taxpayer at any time and that at such time all the details would be disclosed.

**MUNICIPAL EMPLOYEES**

**Volunteer Firemen and Workmen's Compensation.** Is a municipal corporation liable under the Workmen's Compensation Act for injuries sustained by a volunteer fireman while said fireman is responding to a fire call?

To: R. B. Lee

(A.G.) This office and the Industrial Commission are of the opinion that volunteer firemen who are paid on the basis of the number of fires that they attend each month are covered by the Workmen's Compensation Act and would at least be entitled to the minimum compensation award as provided by that Act.

**Volunteer Firemen and the Firemen's Relief Fund.** Would a member of a volunteer fire company be entitled to any benefits under the Firemen's Relief Fund?

To: R. B. Lee

(A.G.) There is nothing in G.S. 118-1 to 118-7 which would exclude a volunteer fire company from participating in the Relief Fund provided that the company or the individual volunteer fireman is a part of an "organized fire department" which meets the requirements of G.S. 118-1. The right to participate seems to depend upon organization and not whether one is a regularly employed fireman.

**Firemen's Relief Fund and Personal Injury Insurance.** Do the trustees of the Firemen's Relief Fund have authority to use any part of said Fund to purchase insurance to protect both the paid and the volunteer firemen against personal injuries sustained in the performance of their duties?

To: R. B. Lee

(A.G.) G.S. 118-7 provides that the board of trustees shall have entire control of the Firemen's Relief Fund and that the trustees can disburse the funds only for one of the four listed purposes, one of them being "to safeguard any fireman in active service from financial loss, occasioned by sickness contracted or injury received while in the performance of his duties as a fireman." No provision is made in this statute which would allow the trustees to purchase protective insurance; therefore, if the authority exists, it must do so by implication. The legislature was very careful to

provide that the funds could be spent "only" for certain enumerated purposes and I am of the opinion that the authority to purchase insurance could not be "read into" any of these enumerated purposes.

**Leaves of Absence.** Two members of the police department of a town resigned in 1950, in order to enlist in a National Guard Company which had already been alerted for active duty and two weeks after their enlistment was ordered to active duty and sent to Korea. Will the town have to reinstate them if they apply for their jobs after being discharged?

To: W. H. Childs

(A.G.) G.S. 128-41 provides that an elective or appointive municipal official may obtain leave of absence for military service or other reason satisfactory to the governing body for such period as the governing body may designate. Under this section it is to be noted that the official must make application and the governing body must give consent before leave is granted. The section is not mandatory and the governing body need not give consent. Even if it does consent, there is no requirement that the person on leave is entitled to his position as matter of right upon his return from service. In those cases where leave has been granted, it seems that the general practice throughout the state has been to reinstate such persons in some capacity or employment where such action may be reasonably taken.

**Residence of City Policemen.** Now that the Legislature has, by Chapter 24 of the Session Laws of 1951, rewritten G.S. 160-25 so that it no longer expressly requires that an "intendant of police" or "other chief officer" must be a qualified voter in the town which he serves and makes no mention at all of police officers, may a member of the police force reside outside the city limits?

To: William B. Campbell

(A.G.) While it may have been the intent of the Legislature to remove police officers from the list of officials who must be qualified voters, still it is the opinion of this office that a city policeman must still be a qualified voter within the area which he serves

since he is an officer within Article 6, Section 7, of the State Constitution, which requires a public official to be a qualified voter within the area in which he is a public official.

### MUNICIPALITIES

**Use of Powell Bill Funds.** 1) May funds received under the Powell Bill be used for the purchase by the town of a tractor and mowing machine? 2) Or to improve its street-lighting system? 3) Or for obtaining street measurements to be used in maintenance and construction of streets?

To: Thomas Wadley Raoul, M. A. Stroup, and George C. Franklin

(A.G.) C. 260, § 3, of the Sessions Laws of 1951 provides that the funds allocated to a municipality shall be expended "only for the purpose of *maintaining, repairing, constructing, reconstructing or widening of any street or public thoroughfare, including bridges, drainage, curb and gutter, and other necessary appurtenances* within the corporate limits of the municipality or for meeting the municipality's proportionate share of assessments levied for such purposes." The Powell Bill does not specify the character of work on the streets which may be carried on by municipalities in using these funds. This is left entirely to the discretion of the municipal authorities if the purpose is within the objective of the Bill.

1) The funds could be used for the purchase of a tractor and mowing machine if the purpose of purchasing them is, for instance, for maintenance or construction of streets in your town. The fact that a very small use of this equipment will be made for other purposes would not prevent the expenditure of funds for this objective. 2) While it might seem that street-lighting would fall under "other necessary appurtenances" italicized above, it seems to me that such an improvement goes beyond the purposes of the act as expressed in the preamble. In my opinion it would be going beyond the legislative intent if a municipality should use any part of the funds to improve the street-lighting system. 3) If a municipality obtained the information from a survey of the streets not only for qualifying for the Powell Bill allocations but *also* to be used as basic engineering data to assist them in the proper expenditure of these funds for maintenance or construction of the streets, this expenditure for a survey would be a legitimate charge against the Powell Bill funds.

**Renting a City-owned Motor-Grader to Private Individuals.** A city owns a heavy duty motor-grader for use in the excavation of its streets, etc. When it is not in use for such purposes, the city hires the machine, with the regular driver, to private individuals for excavation work and charges them \$10.00 an hour. These fees provide the city with enough money so that it is usually able to purchase new machines out of the proceeds of the fees as the need arises. Is there any reason for doubting the legal authority of the Board of Aldermen to hire out this machine and furnish it with its regular driver?

To: R. B. Lee

(A.G.) While there is no express statutory provision on this subject, there would seem to be no objection to hiring out the machine so long as it is owned by the city for the purpose of doing city work and it is only incidental that the machine and driver are hired out to individuals at times when they are not needed for city work. However, it is seriously doubted that a city could purchase a motor-grader for the sole purpose of hiring it out in competition with private business.

**Building Inspection Fees.** In 1946 a town adopted a schedule of fees for the inspection of all new buildings to be built within the town. The schedule calls for a payment of \$2.00 for each \$1000.00 of building cost up to \$20,000.00, and a payment of \$1.00 for each \$1000 above that amount. Recently the legality of this regulation has been questioned on the ground that the fees that should be charged are those set out in G.S. 160-146. The town has a population of less than one thousand and has never elected to come under the provisions of Chapter 160, Article 11 of the General Statutes.

To: R. V. Long

(A.G.) Article 11 of Chapter 160 applies only to cities and towns of over one thousand inhabitants and such smaller municipalities which, by a vote of the governing body, adopt the article. Therefore, the article does not apply to this town, and the fees set by it are proper under G.S. 160-200(29), which is applicable to all municipalities and gives general authority to provide for inspections and regulate fees.

**Regulation of Signs and Billboards.** May a municipality prohibit the erection of signs and billboards within the corporate limits?

To: H. L. McKeever

(A.G.) It would seem that a municipality could not actually prohibit the erection of signs and billboards, but under the provisions of G.S. 160-200(9) a municipality has the authority to regulate generally the erection of signs and billboards as to size, location with reference to residences or business establishments, locations which are dangerous to the public, or locations which obstruct the view of persons traveling on the streets. Therefore, it would seem that after passing an ordinance regulating the erection of signs and billboards, the governing body of a municipality could order removed signs which were violative of the ordinance.

**Furnishing Water to Non-Resident Consumers.** Does a town have the authority to sell water to customers outside the corporate limits? If it does, may it make any expenditures for the laying of waterlines outside the corporate limits, and may it charge the customers outside the corporate limits a different rate from the one charged customers within the corporate limits?

To: T. A. Clark

(A.G.) G.S. 160-255 authorizes municipalities to furnish water outside the corporate limits and to acquire

and hold rights-of-way, water rights, and other property either within or without the city limits. The clear implication of this section is that a municipality does have authority to make expenditures for the laying of waterlines outside the corporate limits of the town.

G.S. 160-256 specifically provides that the governing body of a municipality may fix a different rate from that charged within the corporate limits for service supplied outside the corporate limits.

**Reduction of City Limits.** What is the procedure for the reduction of city limits?

To: Jack Wellman

(A.G.) The only way in which the limits of a city may be reduced is by an Act of the Legislature.

### Wildlife Protectors School

(Continued from page 11)

ance during the recent school and furnished valuable instruction in the art of practical law enforcement. As in the past, the Institute received the complete cooperation of Mr. Jones, the Commission's Executive Director, Colonel Clyde P. Patton, and the other Commission personnel who participated in the school. Particular recognition is due Wildlife Supervisor Tom Rollins for able assistance rendered in administering the school.

### Durham Trains Employees

(Continued from page 5)

Division include ranking officers of the local Department, F.B.I. and State Bureau of Investigation instructors, graduates of the F. B. I. National Academy who are engaged in law enforcement in North Carolina, the District Attorney, and the Solicitor of the local Recorders Court. Records of the progress and accomplishment of each trainee are kept to be used in planning future courses and as a basis for promotion.

To provide physical training for police personnel, a pistol range with 25 portable targets has recently been completed. Gymnasium equipment has also been installed in the basement of the City Hall. The range and gymnasium equipment will be used in the future schools, as well as being available at all times for informal use.

In addition to the training facilities provided by the Department itself, several outside sources are used. The Assistant Chief graduated from the 1952 F.B.I. National Academy in Washington, D. C. Three ranking officers are enrolled in the correspon-

dence course, "Municipal Police Administration," sponsored by the International City Managers' Association. A few officers have attended the Northwestern Traffic Institute and the Atlanta Traffic Institute. The Institute of Government courses at Chapel Hill are attended annually by several officers.

#### On-the-Job Training for Other Employees

The Public Works Department in 1950-1951 spent 27 per cent of the city's total expenditures for wages and salaries. Training in this department is primarily that of on-the-job training. A special school for inspectors is held annually.

Seventeen per cent of the amount spent on salaries and wages in 1950-1951 was spent by the Water and Sewer Department. In this Department on-the-job training constitutes the major portion of the training activity. Men are trained from scratch to operate both waterworks plants and the three sewage disposal plants. No formal course work is conducted by the city for a Water and Sewer Department employees. However, special organized classes outside the city provide training facilities. As many men as can be spared each year attend the two-week school for technical training in plant operation and laboratory practice sponsored jointly by the North Carolina Section of the American Waterworks Association and the North Carolina Operators' Association, the two-day school to train mechanics in installation, maintenance, and repair of all types of meters sponsored by the American Waterworks Association, and the two-week school for training employees to maintain and operate sewage plants and laboratories sponsored by the North Carolina Sewage Works Association. Plans are now under way for conducting a school connected with the American Waterworks Association for training men to maintain main line valves, hydrants, pipe lines, etc.

The training for general administrative personnel is primarily on-the-job training. The first major supplement was the conference training in "Technique of Municipal Administration" described earlier. There is some interest at present in conducting a second conference in finance.

The Recreation Department accomplishes much of its training through its staff meetings. In the two-hour meeting of staff assistants, supervisors and community building directors held semi-monthly, the second hour is devoted to reports, discussions, papers, books, and maga-

zines on recreation. In the monthly meetings of the youth center directors, various phases of youth activities, music, dancing, talent, arts and crafts are stressed. Weekly staff meetings of playground workers are held during the season in which the playgrounds operate, with demonstrations of games, techniques, crafts and folk dances providing training opportunities. Several Sunday morning staff meetings of all swimming pool personnel are held. Visits to other cities to observe similar work provide training for staff assistants, supervisors, community building directors, and playground workers. Prior to the time the swimming pools are opened, an annual swimming pool clinic is held. A Red Cross Life Saving Course is held annually for instructors. In addition, staff assistants, supervisors and community building directors attend state-wide conferences and workshops, three or four being held each year under the auspices of the North Carolina Recreation Commission. Playground workers attend a three-day annual Training Institute provided by the North Carolina Recreation Commission and local leaders.

In the city's inspectional services, new inspectors work directly with experienced inspectors for three months. Building inspection personnel have attended the Building Inspector's School at Purdue University and have taken advantage of technical extension courses of the North Carolina State College.

#### Future Training Requirements

A study of Durham city government has caused the author to reach the following conclusions:

As the number of services and complexity of municipal activity increases, the amount of time the City Manager can devote to training activities decreases. This, coupled with the increased expenditures for salaries and wages, makes it apparent that assistance is needed. Many cities have found it worthwhile to add a training officer to their staff whose duty it is to coordinate, supervise, and stimulate training activities. A steering committee composed of employee representatives should be established to work with the training officer to help determine needs and the best methods of meeting them. Since a major portion of the training is on-the-job training, attention should be given to training the trainers. Supervisors' schools stressing administrative relationships and public relations in addition to technical aspects should be conducted. An orientation program designed to inform and assist new employees in becom-

ing adapted to municipal service might curtail the high turn-over rate now being experienced. Special courses of a general nature to inform clerks, truck drivers, and other employees about municipal affairs and relationships should be valuable. The formalized activities of the Police and Fire Departments should be continued and strengthened.

#### Books

(Continued from page 12)

regarding the use of trial briefs, handling of your witnesses, preparing pleadings and bills of particulars, and conducting examinations before trial.—W. T. D.

Dunham, Allison. *Modern Real Estate Transactions* (Brooklyn: Foundation Press, 1952), 1023 pp., \$8.50.

A law school casebook with a broad concept of house-marketing problems. In addition to coverage of ordinary property law, includes cases and materials concerning public controls over private development of property, such as subdivision regulations and zoning.

Southern Regional Education Board. *Business and Economic Research—Selected Federal Agency Programs of Interest to Colleges and Universities*. 51 pp., \$0.50.

#### Notes From Cities

(Continued from page 7)

construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gases in the city.

**Winston-Salem.** Making it unlawful to wear any kind of mask or hood designed to conceal the wearer's identity and to burn any cross or take part in any cross-burning in a public place or on private property without first obtaining written permission of owner of premises where burning is to take place. Exemptions to protect legitimate uses of masks such as in holiday or party costumes, industrial uses, and civil defense drills, and to permit legitimate use of crosses used for religious purposes are set forth.



*Why did you  
change to Camels,  
LINDA DARNELL?*

"After smoking Camels for  
30 days, I found they get along  
wonderfully with my throat.  
I especially appreciate  
Camel's mildness when I'm  
making a picture!"

*Linda  
Darnell*



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

**Make your own 30-day Camel Test . . . see for yourself how well**

# **CAMELS AGREE WITH YOUR THROAT!**



**T**HE THOROUGH TEST of any cigarette is steady smoking. Smoke only Camels for the next thirty days. Enjoy the rich, full flavor—a flavor that doesn't tire your taste. And see how mild Camels are, pack after pack . . . how well they agree with *your* throat as your steady smoke. See if you don't find Camels more enjoyable than any other cigarette you've ever smoked!

Start your own 30-day Camel test now. You'll soon see why more people smoke Camels than any other cigarette, why . . .

*Let your  
"T-Zone" decide  
T for Throat  
T for Taste*



**Camel is America's most popular Cigarette — by billions!**