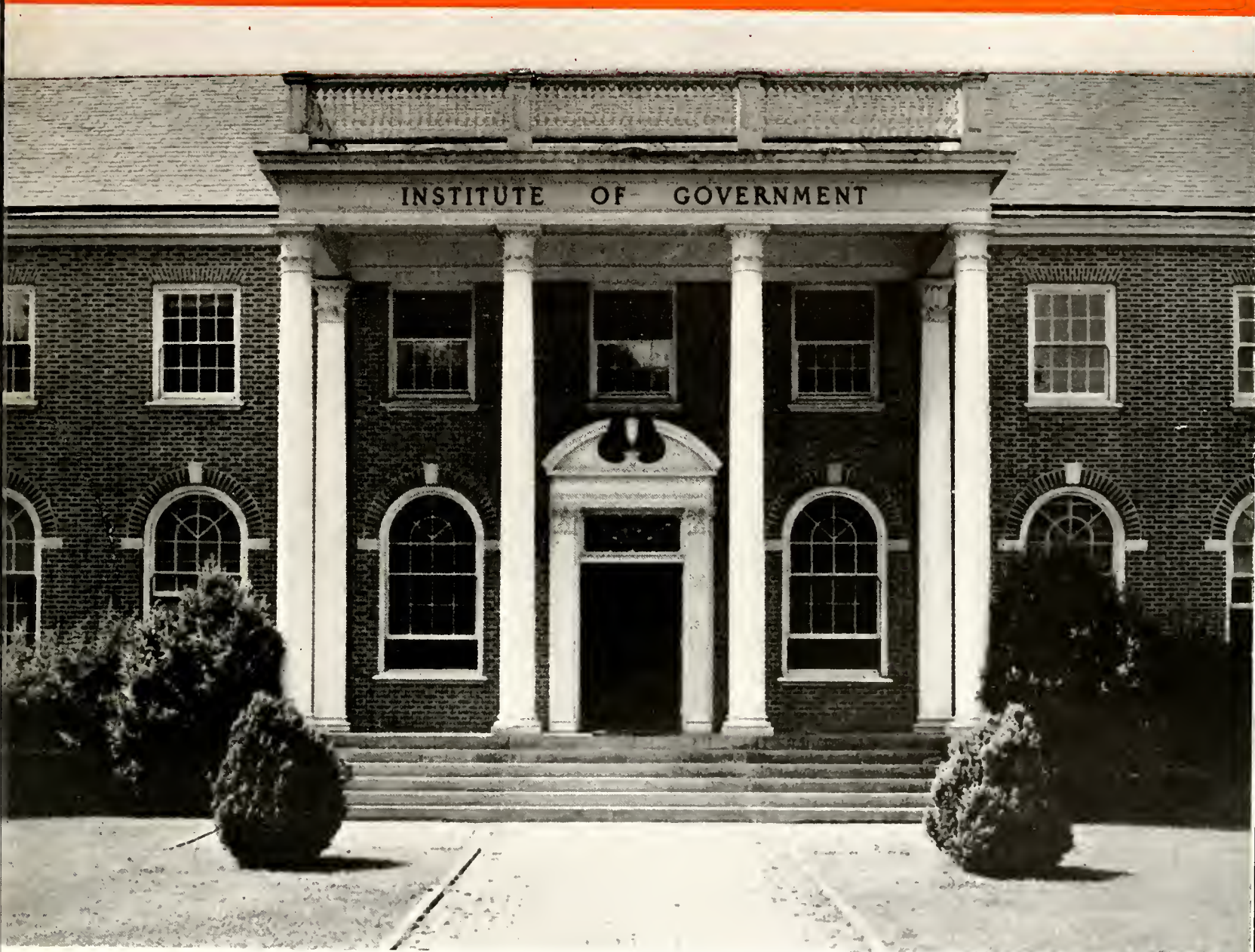


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CONTENTS

THE CLEARINGHOUSE

Drunken Driving Problem	1
Salute!	1
Financing A City-County Animal Shelter	1
Loyal Public Servants	1
Notes from North Carolina Cities	2
Notes from North Carolina Counties	3
1952 Tax Listing Devices	3
School Consolidations	4
City Boards and Commissions	4
New City Ordinances	5
State Sick Leave Records	5
Court Rules on Cab Tax	5
POLICE EXECUTIVES RECOMMEND HIGHER STANDARDS	6
PHOTOGRAPHING AND DISPOSING OF COUNTY RECORDS	7
THE ATTORNEY GENERAL RULES	15
Motor Vehicles	15
Justices of the Peace	15
Property Taxes	15
Clerk of Superior Court	16
Public Welfare	16
Recorder's Courts	16
Municipalities	16

THE CLEARINGHOUSE

Drunken Driving Problem

For the second time within a year, the Durham Recorder's Court has been criticized by the Superior Court Grand Jury for the handling of drunken driving cases. According to the Grand Jury, the practice of reducing charges of drunken driving to reckless driving is an obstacle to law enforcement. During the first half of 1951, half of the drunken driving charges were amended to reckless driving. The Grand Jury recommended that such cases be tried in accordance with the indictment and that those found guilty be punished accordingly.

The problem is not peculiar to the Durham Recorder's Court. Several solicitors at a meeting in Chapel Hill in December made statements to the effect that they often could not in their courts convict for drunken driving, because the jury knew that mandatory revocation of driver's license for one year resulted from conviction and the jurors believed this to be too stiff a penalty for a first offender or man of good reputation. The fact that one sympathetic juror can often bring about an acquittal led one solicitor to say that he could examine the juror list and know whether or not he could get a conviction. Another defended the practice of reducing drunken driving charges to reckless driving on the ground that a second conviction for reckless driving within a year also results in mandatory revocation for a year. On the other hand, other solicitors reported to the meeting that they had no trouble getting convictions for drunken driving, and one went so far as to deny that the present penalty was too stiff and advocated a more stringent mandatory sentence, such as six months on the road.

Certainly the problem of drunken driving will not be solved by doggedly sticking to the charge of drunken driving in the face of regular acquittals. But neither will it be solved by reducing every drunken driving charge to reckless driving. Two things are apparently needed: (1) an education of the public, who make up the juries, as to the danger of the drunken driver so that they will convict on proper evidence; and (2) more forceful prosecution of drunken drivers by the solicitors themselves.

Salute!

This month *Popular Government* salutes the city of Asheville and Buncombe County which have been chosen by the National Municipal League and the Minneapolis Tribune as one of 11 "All-American Cities 1951" on the basis of "energetic, purposeful, intelligent citizen action." A program of "consolidating schools, voting millions to modernize a decrepit school system and carrying out the plans in a bi-racial effort" led to the award.

Only two years ago the school system in Buncombe County was run down. Just one new building had been constructed in 22 years and two schools in the city were condemned. A total of 16,300 pupils were being taught in facilities for 12,800. The Negro schools were in bad condition. Some communities were still paying debt service for construction by school districts many years ago. In 1949 the county commissioners appointed a citizen's committee of 18 members, with representation from labor and business, from the white and Negro races, from urban and rural communities, to study the school system.

The committee went to work, and following a study it recommended that the county assume all of the existing indebtedness for schools, and proposed a bond issue for \$5,500,000, to be used in modernizing the school system. Nor did the committee complete its job with a recommendation. It led the fight for approval of the bond issue, and after a year of intensive effort, the bond issue was approved.

So successful has the work of the committee been that it has been turned into a permanent group. As a device for maintaining citizen interest and leadership in public school activities, the Asheville-Buncombe County record is one that other communities may examine.

Financing A City-County Animal Shelter

Charlotte and Mecklenburg County have come up with a "dog-day" plan for financing the animal shelter used by both units of government. As approved by the city council and board of county commissioners, the plan calls for the city to pay all the operating expenses of the shelter and to collect all the revenue from the sale of dogs. Separate records are to be kept of the sale of dogs brought in by the county and of those brought in by the city. A record is also to be kept of the number of dogs from the county kept at the shelter and the number of days that each dog is kept. One dog kept for one day or any part thereof is to be charged as one "dog-day."

At the end of the month the costs of operating the shelter will be divided between the city and the county on the basis of the proportionate number of "dog-days" chargeable to each unit of government. The portion of the costs chargeable to the county are to be taken from the revenue derived from the sale of dogs from the county, with the county government agreeing to make up any deficit. If the sale proceeds exceed costs, the excess will be paid over to the county.

Capital expenditures for the shelter will be divided at the end of each fiscal year on the basis of the number of "dog-days" charged to the city and the county respectively for the entire year.

Loyal Public Servants

Two veteran local governmental officials passed away just after the Christmas holidays.

Mr. J. Milton Mangum, the capable treasurer of Wake County for 26 years, died at his home in Raleigh on December 29, 1951.

Captain John E. Oakes, a pioneer in traffic law enforcement in North Carolina and head of the Greensboro Police Department's traffic division, died on January 3, 1952, of a heart attack.

Notes from North Carolina Cities

City Managers

The city manager form of government was adopted in **Washington** on December 7 by a vote of 786 to 551. The vote followed a spirited campaign in which speakers were brought in from other cities to speak on both sides of the proposition.

Municipal Reports

A 20-page slick paper booklet entitled "This is **Statesville**" has been edited and distributed by A. E. Guy, city clerk and treasurer. The report includes a brief description of each activity of the city, the organization of the city government, and the financial status of the city. . . The latest edition of **Burlington's** "The Municipal Reporter" contains a report of the activities of each city department for the fiscal year 1950-51, with a description of the principal achievements of each department. The publication is reproduced in bulletin form and is published periodically to inform citizens of the programs, plans and progress of the city government.

Mayor E. J. Evans of **Durham** hopes that he initiated a precedent when he delivered a "State-of-the-Union" type report to the citizens of Durham on December 28. The address was broadcast over radio station WDNC at 6:30 in the evening and cited the progress made by the various departments of the city government during the year 1951. In particular the mayor pointed to the success of the substandard housing program and of the new filtration process now being used by the city for water purification. The process, begun as an experiment under the supervision of the State Department of Health, uses a coarse aggregate filter instead of a fine filter and produces twice as much potable water for the same capital outlay as the fine filter process.

Personnel

Asheville city employees received a 10 per cent salary increase effective January 1. . . **Burlington** has revised its new personnel manual to permit employees to receive merit salary increases every six months during their first year of employment, and on an annual basis for the following three years. The manual had previously provided that weekly employees might receive smaller merit increases over a six-year period and that salaried employees might receive merit increases over a ten-year period. The **Burlington** pay plan was also revised to provide for a \$10 to \$20 merit monthly

salary increase effective January 1. . . All **Edenton** employees received a 5 per cent raise effective December 1, 1951. . . **Laurinburg** employees received a salary increase effective January 1. . . **Wilmington** firemen were granted a pay increase retroactive to September 1.

The **Rocky Mount** City Council voted to send another policeman to the Southern Police Institute in Louisville, Kentucky. E. M. Tilghman will attend the ninety-day training course by the Institute. Captain Preston Robinson of the **New Bern** department will also attend the course at his own expense. . . **Dunn's** City Council voted on January 7 to appoint two Negro policemen. Other towns reporting two Negro policemen since the last issue of *Popular Government* are **Reidsville**, **Morganton**, **Mt. Olive**, and **Mocksville**. **Greensboro** presented "length of service" certificates and pins to every one of its 625 employees in December. . . Captain E. Q. Seawell of the **Greensboro** Police Department Uniform Division has requested retirement effective February 1. Captain Seawell joined the police force on February 1, 1926, and has served as a captain since 1941.

Zoning

Perimeter zoning continues to arouse interest. **Raleigh** has been holding public hearings on a zoning ordinance dividing the area for one mile beyond its limits into residential, business, and industrial districts, under authority of Chapter 540 of the 1949 Session Laws. Earlier this fall the entire area had been zoned for industrial purposes. **Wilson** officials are considering asking the 1953 General Assembly for zoning authority for a mile beyond the city limits. New zoning ordinances have been adopted by **Clinton** and **Hope Mills**, while **Franklin's** final public hearing prior to adoption of a new ordinance was scheduled for January 15.

Urban Redevelopment

Fayetteville has appointed a Redevelopment Commission, which is beginning operations under the new state enabling act (Sess. Laws, 1951, c. 1055). The **Charlotte** Redevelopment Commission has selected four areas of the city for redevelopment. Tentative plans call for erection of housing on two of the tracts to accommodate people displaced by redevelopment of the other two tracts for business and industrial purposes. The **Charlotte** City Council has authorized

the Commission to make an application for an advance of federal funds to be used in planning and carrying out the projects.

Parking

Burlington has purchased a large homesite near the central business district for development as a municipal parking lot and public building at some future date. The owner, Erwin A. Holt, contributed \$30,000 of the property's reasonable market value of \$180,000, with the remainder to be paid over an 11-year period.

Meanwhile, **High Point's** experience with its first municipal lot has proved disappointing from a financial standpoint. The city paid a total of approximately \$16,500 for paving and installation of meters on the lot, with an agreement to pay \$75 monthly rent to the owner. With a conservative estimate of 40 per cent occupancy, yielding approximately \$233 per month, the Council expected the lot to pay for its upkeep and refund the original investment within a 10-year period. Receipts for the first six months of operation have amounted to only \$435, however. In recent months there has been a steady rise in income, reaching a high of \$160 in December, and the Council hopes to be "in the black" in the near future.

Miscellaneous

City Manager Roy L. Williamson of **Rocky Mount**, president of the North Carolina League of Municipalities, has appointed the following committees for service during 1951-52: State-Municipal Relations, Legislative, Municipal Codes, Municipal Public Works. . . the **Winston-Salem** Hospital Commission has adopted a new operating policy which is designed to eliminate the large annual deficits which have been being met by the city taxpayers. Changes in policy will result in private patients paying according to the costs of the services they get and in the hospital receiving full payment for the cost of treating charity patients. . . **Wilson** has turned down a proposal that the city auto tags bear the slogan "City of Beautiful Trees" and has decided to keep using the slogan "Largest Bright Leaf Tobacco Market" as long as the city remains the largest market.

The town of **Spray** held its first municipal elections on December 15, electing Thomas A. Hall as a mayor and a five-man board of commission-

(Continued on inside back cover)

Notes from North Carolina Counties

Schools

A five-man advisory board has been named in **Haywood County** to supervise the expenditure of the \$2 million bond issue for school expansion recently approved by the voters of the county. The board was named at a joint meeting of the county commissioners and the board of education, and it contains a representative of each of the five districts of the county. Prominent businessmen were elected to the board in accordance with a commitment made by the county commissioners and board of education before the election on the proposed bonds.

The advisory board, in conjunction with the board of county commissioners and board of education, is to select architects and engineers to carry out the building program. In addition, the three boards are to select a full-time building supervisor to make sure that all building contracts are carried out according to the plans and specifications therein. The compensation of the supervisor is to be paid from the proceeds of the bonds.

Pamlico County, faced with a Federal suit alleging discrimination in the school facilities for Negro children, is considering two steps:

(1) a bond issue of \$100,000 to provide adequate school facilities for Negro children.

(2) a revaluation of county property to provide a broader tax base for the operation of county functions.

The amount of the bond issue was arrived at as the maximum amount that can be issued within the statutory debt limit. The County Finance Act limits debt incurred for school purposes to 5 per cent of the total county assessed valuation. The county must wait to revalue property until the next session of the General Assembly, since enabling legislation is necessary in order to levy a tax to finance the revaluation.

Courthouse News

The **Alexander County** courthouse has recently been painted white. The welfare department section in the **Lenoir County** courthouse has recently been revamped; additional offices have been created and new coats of paint have been applied. **Perquimans County** is considering an addition to its agricultural building. And the \$223,000 in bonds issued to construct and equip the **McDowell County** courthouse were finally paid off in December, 1951, 30 years after the first bonds were issued.

Constables Can't Be Deputies

In the past, the seven elected township constables of **Cumberland County** have acted as deputy sheriffs. As a result of a recent attorney general's ruling, however, the sheriff has severed all connections with the constables. The latter may not wear a deputy sheriff's badge, work out of the sheriff's office, or ride in county cars. The sheriff has assured the constables that his office will cooperate with them in the performance of their

duties, but any transportation necessary must be done in the constable's car, not in a county car. The reason for the change is that the sheriff's bond will not cover an improper act of a constable done in the sheriff's name.

Planning and Zoning

Local governmental officials in several parts of the state have begun procedures for giving zoning protection to rural areas. **Forsyth County's** (Continued on inside back cover)

1952 Tax Listing Devices

For the last few weeks newspapers have made it clear that county tax officials are taking full advantage of publicity in their efforts to spur citizens in their duty to list property for taxation. At the close of their annual session at the Institute of Government in November, the county tax supervisors resolved to make a concerted effort to improve listings in 1952. Their first goal was schools for list takers in every county in North Carolina on December 17. Over 90 counties held schools that day, and the remaining counties held them before January 1. This effort by itself will go a long way toward improving the quality of listings.

In the general effort to inform people about the property tax, a large number of counties had local newspapers publish answers to common questions about what property is taxable, who must list it, and when and where it must be listed.

The number and size of tax notices have increased to an unprecedented degree. In Stanly County the supervisor reproduced the full abstract in his newspaper notices and urged property-owners to fill them out and bring them when they appeared before the list taker as an aid in expediting the process. In Forsyth and Mecklenburg counties copies of abstracts were mailed to a large number of taxpayers for the same purpose. In McDowell and Anson counties the newspaper advertisements carried excellent instructions for property-owners.

The laborious process of listing property, assessing it, and keeping reliable records, so that county and municipal governing boards will have an accurate picture of anticipated revenue by the time they set next

year's budgets, have led an increasing number of boards of county commissioners to take decisive action to enforce the 10% penalty for late listing or failure to list. Advertisements in Surry, Caswell, Person, and a number of other counties warned property-owners in strong language that they must list during the month of January and that failure to list in that period would mean strict enforcement of the penalty. Many counties have tended to forget this penalty in the past, but it is apparent that a number of counties have become aware of its usefulness.

Other news of property tax interest comes from several places. In Guilford County two Negro list takers were appointed for the first time. In Orange County household and kitchen furniture will be assessed at 15% of the value of an owner-occupied house and lot or at ten times the monthly rental of rented premises. Pamlico and a number of other counties are adopting fixed schedules of value for the assessment of certain kinds of personal property for the first time this year. In Hoke the county commissioners have used their statutory authority to require that all deeds be presented to the tax supervisor for examination before they can be accepted for recording by the register of deeds. This sensible procedure for helping the tax office keep abreast of transfers is spreading rapidly in North Carolina.

This ferment apparent in news about property taxation is significant. Local officials are working to understand their responsibilities in tax matters, and they are making a determined effort to acquaint the property-owning public with the requirements of the law.

School Consolidations

The city of Durham and Durham County are involved in serious study of their public school facilities, both urban and rural, in anticipation of submitting a proposed school bond issue to the electorate. They have called on the State Department of Public Instruction for assistance in surveying existing facilities and analyzing the facts involved. In Person County there is widespread discussion of the possibility of consolidating five rural high schools serving a total of 500 students with the Roxboro high school which is already serving 500 students by itself. Whenever counties are pressed with the need for capital expenditures for public schools, especially when bond issues are involved, the question of possible economies from consolidations is raised. The long and successful experience of having a single high school in Wilmington to serve all of New Hanover County continues to demonstrate enticing advantages, not only of possible economy but also in improved curricula, in a unified county school system.

The consolidation of individual schools and the consolidation of school administrative units are two different things, but citizens often get them confused. As applied to the public schools, the word "consolidation" strikes off hot sparks of controversy. On analysis, most of the heat seems to have arisen from attempts to consolidate individual schools, not from the merger of administrative units. In Person County the problem of individual school consolidation is pressing. Editorial comment there points plainly to the fact that the anticipated opposition to consolidating five rural high schools with the Roxboro high school will arise from potential loss of rural community centers. Where only the high school part of an individual school is merged and removed, leaving the elementary school in the community, much of this sense of loss does not materialize.

The merger of school administrative units, for example, where a city unit is merged with a county unit, does not necessarily entail the consolidation of any existing individual schools, although the fear of such consolidations often serves to hinder unit mergers. More often the merger of administrative units offers a means for effecting more logical allocation of students among the existing schools, and, in the thinking of most school admin-

istrators, it offers a means for making available to more students a better quality of training. Certainly it contains the elements of possible savings in the amount of money needed to finance the system. For example, A. D. Williams, chairman of the Wilson County board of commissioners, recently stated that he felt Wilson County could save \$50,000 a year if the three school units in the county would be consolidated.

Loose thinking about school affairs is dangerous, and particularly is this true with respect to merger and consolidation proposals. The State Department of Public Instruction is willing to undertake surveys to be used by local authorities in reaching decisions on such proposals. This is what the Department has been asked to do in Durham, and this is the kind of study the Department has already conducted in eighty counties.

City Boards and Commissions

There was a time in the history of the American city when appointive boards were an important device in the administration of some of the major municipal functions, such as police and fire protection, health activities, public welfare services, and public utilities. The system was introduced in an effort to snatch important functions from the political leadership of councilmanic committees and place them on an impartial basis of supervision. Too often, however, results were unsatisfactory, for it was discovered that where politics was an issue, politicians could manipulate appointments to the boards and thus increase their hold on administration.

Other plans, such as smaller city councils and the council-manager form of government, have been developed to improve municipal administration—with the help of more active citizen participation in government—but during the past few years appointive boards and commissions have once more begun to be an important element in city government. Where formerly boards were semi-independent and charged with active administration, the trend in recent years has been towards advisory agencies. As the functions of the city have diversified and taken in such fields as recreation, libraries, hospitals, public housing, planning and zoning, and urban redevelopment, it has become necessary for city governing boards to share some of the responsibility for the supervision of these functions. In some cases technical assistance and advice is sought, such as in the case of recreation boards; in other cases the formulation of policy for the approval of the city governing board is desired, such as in planning boards; in still others a form of judicial interpretation of

city ordinances is necessary, such as in zoning boards of adjustment; in some cases independent supervision of a particular function is the objective, such as in the case of a housing authority. Some boards are required in state enabling legislation permitting a city to perform specified functions; some boards are established by the city itself in an effort to secure more citizenship participation in governmental affairs and to relieve the city governing board of duties it does not have the time to perform properly.

The number of boards and commissions taking an active part in city affairs is large, and the mayor and city council in the larger cities have a problem in keeping abreast of appointments and in securing competent persons to serve. The city of Greensboro recently found the problem of filling board vacancies so confusing that it reformed the entire system of appointments in a manner that should be of interest to other cities. The essentials of the plan are contained in a revision of the general section on board appointments contained in the city code; they include the following features which are to apply to all appointments except where specific provision is made for creation or term of an office under state or federal laws:

1. The mayor is to nominate and, by and with the advice of the city council, appoint all board members.
2. The term of office is to be four years or until successors are appointed and qualified.
3. Members are not to succeed themselves after serving a second full term without an intervening lapse of one year.
4. If a member misses all meetings in a 90-day period without an excuse,

(Continued on page 14)

New City Ordinances

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

New Bern. Requires every property owner or resident of property on streets along which city sewer lines are laid to install, connect and maintain adequate water and sewerage pipes and to connect these pipes with the city sewers. Contains procedure for connection by the city, after notice, if the property owner or resident fails to make the required connections. Declares cost of connection by the city to be a lien against the property.

Spindale. Regulates the operation of taxicabs within the town by revoking for twelve months the license of any cab driver or cab owner who is convicted of violating the liquor laws of the state.

Winston-Salem. Rewrites the ordinance pertaining to dance halls and provides for licensing and regulating public dance halls. Applies to all dance halls where the entire proceeds are not used for eleemosynary purposes. Requires person desiring to operate a public dance or dance hall to make written application to chief of police one week in advance of date for permit and to pay license fee of \$20 per dance or \$150 per year. Fee for "nationally known band" is \$150 per dance. Chief of police must approve permit and require operator to pay cost of providing extra police to supervise the dance hall. If chief of police refuses the permit, the applicant may appeal to the board of aldermen. If operator is not resident of the city, he must post a performance bond of \$5000 with the city to insure that the dance is held as advertised or that money collected from advance sale of tickets is refunded if dance is not held.

STATE SICK LEAVE RECORDS

The State Personnel Department on December 28, 1951, ordered all sick leave records to be maintained on a calendar year basis instead of a fiscal year basis as in the past. The Personnel Department is now studying the leave record forms used by the various departments. At a later date a standard leave record form will be adopted for use by all departments.

Court Rules on Cab Tax

The Supreme Court of North Carolina has recently:

Held that a municipality may not levy and collect a tax on each taxicab operated within its corporate limits in excess of the \$16.00 permitted by G. S. 20-97(a) and (b), and that the provisions of G.S. 160-200(36a) authorizing a municipality to grant franchises to taxicab operators on such terms as it deems advisable refer only to the power to regulate standards of service and do not permit the municipality to levy an additional charge on each taxicab as a means of producing funds to pay for the costs of regulating taxicabs within the municipality.

In *Cab Co. v. Charlotte*, 234 N.C. 234, a cab company brought action against the city of Charlotte to recover approximately \$6,600 which the company claimed had been illegally collected by the city in granting the company franchises for the operation of taxicabs for the years 1949, 1950, and 1951. Only the amounts paid in 1951 had been paid under protest.

The basis of the suit was the provision of the city taxicab ordinance which provided that the owner of each taxicab which is granted a certificate to operate in the city should pay an annual sum of \$50.00 to the city, such license fee to be in addition to any other license fees levied by the city. The city also collected a license tax of \$1.00 from each taxicab in accordance with the provisions of G.S. 20-97(a). The cab company claimed that under the provisions of G.S. 20-97(a) and (b) the city could levy and collect no more than \$16.00 per taxicab. G.S. 20-97 (a) provides that "cities and towns may levy, in addition to the one dollar (\$1.00) per year, herein set forth, a sum not to exceed fifteen dollars (\$15.00) per year upon each vehicle operated in such city or town as a taxicab." G.S. 20-97(b) provides that "no additional franchise tax, license tax, or other fee shall be imposed by the state against any franchise motor vehicle carrier taxed under this article nor shall any county, city or town impose a franchise tax or other fee upon them, except cities and towns may levy a license tax not in excess of fifteen dollars (\$15.00) per year on each vehicle operated in such city as a taxicab as provided in subsection (a) hereof."

The city countered with the claim that the provisions of G.S. 160-200-

(36a), which state that the "governing board is also authorized to establish the rates which may be charged by taxicab operators, and may grant franchises to taxicab operators on such terms as it seems advisable," authorizes it to levy an additional charge, as a police power measure, to produce funds for paying the costs of regulating taxicabs within the city. The word "terms" includes the levy of such a charge, argued the city, as one of the conditions which the city may impose for granting franchises to taxicab operators.

The Supreme Court held for the cab company. First it examined the meaning of the word "terms" and decided that it was used in its broad sense as referring to the scope of the franchise privileges to be granted by the city. The court felt that the grant of a franchise contemplates express conditions as to standards of services which the holder of the franchise must perform, and that the terms under which the franchise might be granted referred to the power to regulate such things as standards of service and conditions which taxicab operators must meet in order to obtain franchises.

To support this interpretation of G.S. 160-200(36a) the court examined the statutory history of the statutes permitting municipalities to regulate the operation of taxicabs. The Taxicab Act of 1943, pointed out the court, first authorized the privilege license tax which municipalities may levy on taxicabs, presumably for the purpose of aiding municipalities to pay the cost of regulating taxicabs as provided in the 1943 act. When the powers of municipalities over taxicabs were increased in 1945, however, the legislature did not increase the amount of the tax, although it did add the provision permitting a city to grant franchises on such "terms as it deems advisable." This silence in the 1945 act with respect to the taxing provisions first established in 1943 indicated a legislative intent to preserve the *status quo*, reasoned the Court, and therefore cities and towns are limited to a total annual levy of \$16.00 per taxicab.

Since only the 1951 taxes had been paid under protest, as required by G.S. 105-267, the Court permitted the cab company to recover only the 1951 taxes which were in excess of \$16.00 per cab.

Police Executives Recommend Higher Standards

The Executive Committee of the North Carolina Police Executives' Association, meeting in Chapel Hill on January 9, urged city, county, and state officials to place law enforcement in North Carolina on a professional basis. Citing recent progress in improving the calibre of law enforcement, the Executive Committee approved recommendations concerning minimum employment standards, conditions of employment, and compensation.

The recommendations were prepared by a special committee headed by Lewis E. Williams of the State Bureau of Investigation after a thorough study of information gathered by the Institute of Government from 121 North Carolina cities and towns.

In gathering the information a detailed questionnaire was sent to every police chief in North Carolina. Seventy-seven of the 87 towns with a population of over 2,500 returned the questionnaire. Forty-three towns under 2,500 in population also returned their questionnaire. These 121 municipalities employ a total of 1,914 policemen or 91 per cent of the estimated 2,100 policemen in towns of over 1,000 population in North Carolina. After being studied by the special committee the detailed information as to the practice followed in each one of the 121 towns was included in a publication, "Police Standards and Compensation in North Carolina." The Institute of Government is distributing this study to mayors, city managers, and chiefs of police throughout the state. Copies may be obtained upon request from the Institute of Government.

The recommended minimum standards are obviously not binding on any governmental unit. They were, in the opinion of the Police Executives, the minimum needed for the improvement of the police profession. Some cities have already adopted higher employment standards. The recommendations represent the collective thought and considered judgment of the men charged with law enforcement. The recommendations as to employment standards and salaries apply to police recruits and do not cover the salaries of the officers who comprise the Association.

Present Employment Standards

The survey of 121 North Carolina cities and towns reveals considerable
(Continued on inside back cover)

MINIMUM STANDARDS OF EMPLOYMENT

1. **Minimum Age**—Police recruits in North Carolina should be at least 21 years of age.
2. **Maximum Age**—The maximum age limit for police recruits should be 30 years.
3. **Minimum Height**—Police recruits should be at least 5' 8" in height.
4. **Minimum Weight**—Police recruits should weigh at least 150 pounds and weight should be in proportion to height.
5. **Minimum Education**—Police recruits should have graduated from high school or its equivalent.
6. **Physical Condition**—Police recruits should be in sound physical condition and should be required to take a thorough physical examination prior to entrance on duty.
7. **Mental Aptitude**—Police recruits should pass a standardized mental examination and/or a police adaptability test before entering on duty.
8. **Character**—Police recruits should be given a thorough investigation of character, reputation, and loyalty, and only applicants found to be of good moral character and having no criminal record should be appointed.
9. **Probationary Appointment**—Police recruits should be required to complete a reasonable probationary period prior to becoming a "permanent" member of a police department.

CONDITIONS OF EMPLOYMENT

10. **Work Week**—Police officers should not be required to work over 42 hours a week except in case of an emergency or when it is necessary for them to appear in court while off duty. Police officers should be given 2 days off in every 8 days.
11. **Annual Vacation**—Police officers should be permitted to earn vacation at a rate of 15 days a year.
12. **Annual Holidays**—Police officers should receive the same number of holidays a year as other employees. Policemen required to work holidays, should be given time off at a later date or compensated for the extra work.
13. **Sick Leave**—Police officers should be allowed 15 days sick leave a year, which should be cumulative.
14. **Training**—Each police officer should be given training to equip himself to perform the duties required of him and to prepare himself for more responsible law enforcement work.

MINIMUM COMPENSATION

15. **Minimum Salary**—Police recruits in North Carolina should be paid a starting salary of \$250 a month.
16. **Salary Increments**—Police officers satisfactorily serving a probationary period should be considered for periodic salary increases as merited. If their services are satisfactory, their salary should be gradually increased until at the end of three years they would receive a minimum of at least \$325 a month.
17. **Salary Differential**—Policemen promoted to commissioned and non-commissioned positions should receive higher pay commensurate with their duties and responsibilities.
18. **Equipment**—Each police officer should receive uniforms and all equipment necessary to the performance of his duty.
19. **Retirement Membership**—Every city should consider requiring its police recruits to join an actuarially sound retirement system when entering on duty or immediately after the completion of the probationary period.
20. **Retirement Contribution**—Every city should consider encouraging their police officers to join a retirement system by contributing an amount at least equal to the policeman's contribution to the retirement fund of which he is a member.

Photographing and Disposing of County Records

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The Institute of Government has recently made three studies in connection with the modernization of record keeping in the various counties of North Carolina.

- (1) Photocopying.
- (2) Microfilming.
- (3) Disposal.

Photocopying is the copying by photographic means of documents required to be filed in the different county offices. For example, deeds effecting transfers of real property are filed in the office of the register of deeds, and wills are filed in the office of the clerk of superior court. Copies of these documents must be made and entered in the appropriate deed book or will book. At the present time in many counties, these copies are made manually. Photocopying is the means of making copies by photographic equipment instead of by hand. It saves time in copying and proofreading, it eliminates the possibility of errors in copying, and it records signatures and other handwriting on the photo copy just as they appear on the original document. When a recorded document is to be cancelled, the cancellation certificate may be entered upon the photocopy the same as on a manually reproduced copy.

Microfilming is the photographic reproduction of records on rolls of film. It is primarily a space-saving device, since documents photographed on a roll of microfilm take up about 1% to 2% of the space of the original document. Thus, old record books may be microfilmed and the old books destroyed, the film then taking the place of the old books. Microfilming is secondarily a method of safeguarding old records, the roll of film being put in a separate place from the place where the original records are kept so that in the case of destruction of the latter, the microfilm may take their place.

Disposal of records no longer needed is also a space-saving device. It consists of weeding out those records no longer needed and planning the scheduled disposal of similar records after they cease to be current. Disposal of these records frees storage space for the storage of current records.

It is to be noted that each of these procedures is separate and distinct, though there is some relation between

NOTE: This article is an attempt to gather together the basic information about the equipment used in the photographing of records. The information has been obtained from the companies selling the equipment and a representative of each has had an opportunity to examine the final draft and to offer suggestions before it was printed. In such a highly competitive field, there are areas of disagreement; an attempt has been made to present the more important of these areas but to draw no conclusions. The conclusions are properly to be drawn by county officials themselves, after more thorough exploration into the relative merits of the different equipment at a time when they are considering its installation in their respective courthouses.

Information on prices was that existing in the fall of 1951, as reported by the companies themselves. Changes in prices, therefore, are practically inevitable. In addition, some types of equipment may not be available from time to time due to the shortage of materials.

Though the article was written with counties in mind, many city and town officials will find things discussed in the article that may provide solutions to some of the record-keeping problems in the accounting and tax collection offices.

the several procedures. They should, however, be thought of as separate, because each has a different purpose. And in the case of photocopying and microfilming, different machines have been invented to do one or the other, or both; sometimes, however, one machine will do one and not the other.

A summary of the results of the three studies made by the Institute of Government is set forth on the following pages.

PHOTOCOPYING

As indicated above, photocopying in county record-keeping is the use of photographic equipment to replace

the manual copying of records required to be filed in a county office. There are two methods of photocopying: (1) by a machine designed specially for the purpose, which copies the documents to be photographed directly on sensitized paper without the intervention of film or film plate; (2) by enlargement from a film obtained by a camera which photographs the document to be copied.

By special machine

Investigation revealed two companies which sell photocopying equipment: Photostat Corporation and Remington-Rand. Photocopying machines made by these companies reproduce directly on sensitized paper an image of the document to be photocopied. At the completion of the photocopying process, there remain both the document itself and a photocopy of the document on the sensitized paper, the latter appearing as white writing on a black page.

The time it takes to expose the documents is relatively short. The largest expenditure of time comes in processing and drying paper. It is estimated, however, that several hundred pages may be done during the course of one work day.

The Photostat Corporation equipment will photocopy documents up to 26 by 26 inches, making photocopies of any size up to 14 by 18 inches. The cost of the equipment including processing apparatus and accessories ranges from about \$2,500 for a machine that has a manually-operated sensitized paper placement, to about \$4,700 for a machine that has automatic sensitized paper placement, to about \$10,000 for fully automatic operation including machine-operated processing. The cost of the sensitized paper is approximately 18¢ a sheet (9¢ a page) for sheets measuring 11½ by 18 inches, the usual deed book size. Processing materials will not cost more than a dollar or so a week. In addition, a desk model machine is available for \$1865, capable of photocopying documents up to 8½ by 14 inches, making a photocopy there from up to 11 by 16 inches.

The Remington-Rand equipment, called the Dexigraph, will photocopy documents up to 14 by 17 inches, making photocopies of any size up to

8½ by 14 inches. The maximum size of the photocopy, 8½ by 14 inches, is smaller than the regular deed book page, the latter usually being 11½ by 18 inches. The cost of the Dexigraph is \$2,225 including processing apparatus and accessories. The cost of the sensitized paper is about 17¢ a sheet (8½¢ a page). Processing materials will not cost more than a dollar or so a week.

Randolph, Gaston, Montgomery, and Wilson Counties are using the Dexigraph equipment, and Buncombe, Davidson, Forsyth, Guilford, Mecklenburg, Rowan and Surry Counties are using the Photostat equipment.

The advantage of photocopying equipment is its speed of reproduction as compared to equipment which uses film or film plate for exposure. There is but one step: transposition of the image of the document directly on the sensitized paper. Its disadvantage lies in its inability to do anything but photocopy: it cannot be used to reduce the size of a document on film for permanent preservation in a small space, as can microfilm equipment.

By enlargement from a negative

Investigation revealed two methods of exposing the film from which the enlargement is made and two methods of enlargement. These various methods are discussed in the following paragraphs.

Exposing the film.—The film may be exposed either with a planetary camera or a rotary camera. A planetary camera is one which is suspended over a copying table on which the documents to be photographed are placed and which then photographs the documents; both documents and film are stationary during the exposure period. A rotary camera is mounted in a desk-like stand. Documents are inserted into the stand, photographed as they pass around a roller and then ejected from the machine; both documents and film are moving during the exposure. The planetary camera usually uses 35mm. film while the rotary camera usually uses 16mm. film, the difference in the film being the fact that 35mm. film is more than twice as wide as 16mm. film. Planetary cameras are more flexible in the size of documents that may be photographed, being capable of taking documents up to 37½ by 52½ inches. Rotary cameras, on the other hand, are limited to photographing documents from 11 inches to 14¾ inches wide, depending on the equipment.

Two companies sell planetary cameras: Hall and McChesney, Inc., and Recordak Corporation. The cameras sold by both companies are made by Eastman Kodak Company. The Hall and McChesney planetary camera with fixed copying table will photograph documents up to 24 by 36 inches and costs \$2,580, including instructions in its use and accessory equipment. A planetary camera with oscillating copying table, which will take documents up to 37 by 52 inches and which is especially suited to certain types of microfilming as an additional feature (see page 11), costs around \$4,600. The Recordak planetary camera with fixed copying table will photograph documents up to 24 by 36 inches, and costs \$2,250; a planetary camera with oscillating copying table, which will take documents up to 37 by 52 inches and which is especially suited to certain types of microfilming as an additional feature (see page 11), costs around \$4,600. Both Hall and McChesney and Recordak sell a portable machine at \$1,700, though it is more limited in its accomplishments. Any of the foregoing machines are capable of adaptation to 16mm. film, but in photocopying work good enlargements from 16mm. film are more difficult than with 35mm. film.

Three companies sell rotary cameras: Burroughs, Recordak, and Remington-Rand. All three companies have equipment capable of photographing documents on the full width of 16mm. film, capable of photographing documents first on one half the width of 16mm. and then on the other half, or capable of photographing fronts and backs of documents side by side across the width of 16mm. film. (Further discussion of these types of rotary cameras is contained at page 10.) Only equipment capable of photocopying documents on the full width of 16mm. film is suitable for photocopying, as the others result in such a small image on the 16mm. film that they cannot be enlarged successfully to a size suitable for insertion in record books. The Burroughs machine, capable of full-width photocopying, will photograph documents up to 11 inches wide, and costs \$4,100. The Recordak machine will take documents up to 14 inches wide, and costs from \$950 to \$1,975, depending upon the model. The Remington-Rand machine will take documents up to 11¾ inches wide, and costs \$1,850. In addition, a Remington-Rand machine that will take documents up to 14¾ inches wide and which uses 35mm. film can

be purchased for \$4,150. (All of these cost figures exclude the cost of reading machines; reading machines are discussed on page 10.)

The enlarging process.—The film obtained from the camera used to photograph the document is then used in conjunction with an enlarger which reproduces the documents on photographic paper cut to the size of the book in which the documents are to be recorded. At the end of the process, there remain a document, a negative roll of film, and a photographic reproduction of the document, the latter appearing as black writing on a white page. There are two procedures for the enlarging process: the method employed by Hall and McChesney, and local enlargement.

The method employed by Hall and McChesney involves enlargement at the company's own processing plant. The Hall and McChesney plant is in Syracuse, New York; the exposed film is sent to the processing plant, and a photocopy of the document is made and sent back to the county. The negative is kept at Syracuse so that additional copies can be ordered in case the first photocopy is destroyed or damaged. If the unit prefers, the negative may be returned to it at the same time the photocopy is sent it. The cost of reproduction of a deed book sheet, 11½ by 18 inches, on both sides is 67¢ (33½¢ a page), which includes the cost of the film, photographic paper, and labor. Labor represents about 50% of the per-page cost. Reproduction on so-called "non-glare" photographic paper costs 80¢ a sheet (or 40¢ a page). Postage to and from Syracuse might come to around \$2.00 a week.

The other method involves enlargement by the county itself. Both Hall and McChesney and Recordak sell enlarging equipment, the Hall and McChesney enlarger and the Recordak enlarger both costing \$415. Photographic paper costs about 34¢ a sheet (17¢ a page). The cost of the original film would average between ½¢ and 1¢ a page. These enlargers can be used both with 35mm. film and 16mm. film, so equipment and paper costs would be the same for 35mm. as for 16mm.

(Information received just before this article went to press indicates that Photostat Corporation now sells a microfilm enlarger. This enlarger is used in conjunction with any Photostat equipment, except the desk model. The cost of the enlarger is not known, but the cost of the equipment

with which it is used runs from \$2,500 to \$10,000.)

The picture-taking process with either a planetary or rotary camera is relatively short; all real and personal property documents filed in the register of deeds' office in an average county could probably be photographed in one or two days each week. The enlarging process is slower. If the Hall and McChesney method is used, no local labor is needed but the time-lag from the day of mailing the exposed film to the day of receipt of the processed photocopies is about one week. If the local enlargement method is used, the exposed film must first be sent to a processing plant for treatment, taking about 3 days or more (see pages 10 and 11. Local labor will be needed for the enlarging process and the time consumed in making the enlargements will depend upon the work load and upon the skill of the person employed to do the enlarging. When the work load is small, there may be saving in equipment and in the employment or training of skilled personnel if the Hall and McChesney method is used. Where the work load is larger, purchase of enlarger equipment and employment or training of skilled personnel to make the photocopies may be advisable. The enlarging process is said to be one for which a person may be easily trained.

Pitt and Lenoir Counties are using the Hall and McChesney planetary camera and the Hall and McChesney processing procedure. It is interesting to note the experience of these two counties after the purchase of the equipment. In Pitt County, the equipment is being used in the register of deeds' office; one typist has been released as a result of the decreased copying and proofreading workload, and it is estimated that the saving of her salary for a year and a half will pay for the original cost of the equipment. In Lenoir County, the purchase of equipment saved the hiring of an additional typist; it is estimated that the salary thus saved will pay for the equipment in about a year or a year and a half. Both counties have had the equipment for only about six months and so have not had sufficient experience to compare their other-than-salary costs under the new and old methods. The Lenoir register of deeds, however, believes that the per-page cost under the Hall and McChesney method will not exceed the per-page cost of paper and printing under the manual copying method. The paper under the old method cost from

6¢ to 8¢ a sheet and the additional cost of printing forms cost from 30¢ to 70¢ a sheet, depending on the amount of printing and the size of the order. (Orange County has just recently installed Hall and McChesney equipment and processing.)

Photocopying equipment, such as that made by Photostat Corporation and Remington-Rand (the Dexigraph), is faster than photocopying through the enlargement of film, but photocopying equipment will not provide a film that can be stored apart from the photocopy itself, advantages that both rotary and planetary cameras provide. In addition, photocopying equipment results in white writing on a black page where the enlargement from a film is black writing on a white page. Proponents of photocopying equipment say the photocopy is cheaper when made on such equipment, a fact which may or may not be offset by the foregoing advantages claimed by proponents of the photocopy made by enlargement of film.

In photocopying through enlargement of film, the photographing process may be faster with a rotary camera than with a planetary camera, though this depends on the type of equipment and the type of documents filmed. The rotary camera is, however, more limited in the size of documents that can be photographed. In addition there is great argument about which type of equipment produces the best photocopy: proponents of the planetary say that the use of 35mm. film, the fact that the image on the film is larger, and the fact that documents and film are stationary at the time of exposure result in a film image that makes the job of providing clear enlargements easier than is the case with a rotary camera; proponents of the rotary camera deny this, and say that no one can distinguish the rotary enlargements from the planetary enlargements.

In the Hall and McChesney enlargement method, the purchase of equipment and the hiring or training of skilled personnel to enlarge negatives is avoided, thus perhaps providing a cost advantage to the small government. As the size of the government increases, however, the advantages of lower costs may accrue with local enlargements on equipment owned by the government.

MICROFILMING

As mentioned previously, microfilming is the photographic repro-

duction of records on rolls of film. Primarily, microfilming is a space-saving device, since documents reproduced on microfilm take up about 1% to 2% of the space required by the original document. But some types of equipment have an additional advantage: the reproduction of an additional roll of film which can be stored apart from the main roll so that, in case of destruction of the latter, the records are not irretrievably lost. In the microfilming process, documents are photographed; then by the use of reading machines which magnify the film image, the documents can be examined when necessary.

There are two types of cameras used in microfilming: the rotary camera and the planetary camera. The rotary camera is mounted in a desklike stand. Documents are inserted into the stand, photographed as they pass around a roller, and then ejected from the machine; both document and film are moving during the exposure. The planetary camera is one which is suspended above a copying table on which the documents to be photographed are placed; both documents and film are stationary during the exposure. The rotary camera usually uses 16mm. film, and is often a faster operation because the documents are merely fed into the machine. Documents photographed by a planetary camera must be placed on the copying table, photographed on 35mm. film, and then removed, all a manual operation. Rotary cameras reach their greatest efficiency when documents being photographed are all the same size, and when the camera is tailored to fit that size. Planetary cameras, though slower, are more flexible. The rotary camera is limited to photographing documents of a certain width, usually not more than 11 inches in some types of equipment to 15 inches in others; there is usually, however, no limitation on the length of the document that may be photographed. The planetary camera can take documents up to about 37 by 52 inches. The rotary camera can only take single pieces of paper, while the planetary camera can microfilm bound books; pages of bound books must be separated from their binding before being microfilmed on rotary equipment. Microfilming with a rotary camera, using 16mm. film, results in the use of less film per document than does microfilming with the planetary camera, using 35mm. film. Hence rotary equipment results in a lower film cost per document microfilmed. The planetary camera, however, with a larger image

on the film, is more readable when magnified.

An examination of rotary cameras and planetary cameras follows.

Rotary cameras

Rotary cameras are of three types: (1) those that photograph documents using the full width of 16mm. film; (2) those that photograph documents using half the width of 16mm. film; the film is passed through the camera twice, photographing documents first on one half of the film and then on the other half; (3) those that take documents front and back, placing the front of the document on one half of the film and the back of the document on the other half of the film, right beside the front of the document. The capacity of the first type is smaller but the readability of the film on a reading machine is greater because of the larger image. The capacity of the second type is greater than the first, and is best used on records that will not be referred to often because of the lessened readability which results from the increased capacity. The third type is a mass-production machine and has the greatest capacity; the document being filmed is reduced so greatly, however, that it is best used to photograph small documents that will not be referred to often. A disadvantage to the third type occurs when some documents to be microfilmed have writing on one side only; in such case part of the film is not used and capacity is reduced.

The film after exposure is sent to a processing plant where it is treated and returned to the county, the mailing time both ways and the processing taking a total of three days or more on the average. (Film processing machines are available so that processing can be done locally: the cost of a Burroughs processing machine, however, is about \$4,000, making its use prohibitive except in governments doing a large amount of work.) Film costs are about the same in all rotary equipment, about \$3.50 for a 100-foot roll and about \$7.00 for a 200-foot roll. One roll will hold from two to four records books, depending upon the method of microfilming. Film storage cabinets for holding the processed rolls are available from \$100 to \$300 and are available from most companies.

Reading machines are used to magnify the processed film to readable size by the person wishing to examine the documents appearing on the film. The film is inserted in the reader and a magnified image is projected on a screen. This image varies in size from smaller than the original document to

larger than the original document, depending on the size of the reading machine and the method of microfilming. For example, documents microfilmed by the first type of camera described above, which places the image of the document on the full width of the 16mm. film, may be reproduced by the reading machine in a larger size than the original document; documents microfilmed by the other two types of machines usually appear smaller than original size when passed through the reading machine. In addition, the reading machines are usually capable of making facsimile prints of documents appearing on the film, these facsimile prints being made on sensitized paper which ranges from 8½ by 11 to 11 by 12 inches in size and which costs about 6¢ or 7¢ a sheet for paper processed only on one side. Because of the limitation on the size of these facsimile prints, they cannot be used in record books of usual size; the county might, however, be willing to reduce the size of its record books so as to use pages of this size.

The three types of rotary cameras discussed above are described in the following paragraphs. Three companies sell rotary cameras: Burroughs, Recordak, and Remington-Rand.*

Rotary cameras using the full width of 16mm. film.—This type of equipment is sold by all three companies. The Burroughs machine will take documents up to 11 inches wide, and costs \$4,100. A reading machine costs \$600 for a manual type and \$780 for a motorized type. The Recordak machine will take documents up to 14 inches wide. It costs from \$950 to \$1,975, depending upon the model, and a reading machine costs \$300. In addition, this type of Recordak rotary camera can photograph the front and back of a document simultaneously, placing the back of the document directly following the front of the document on the film; this can only be done, however, with documents not exceeding 14 inches in length. In ad-

dition, a second roll of film may be exposed simultaneously. One roll may then be stored apart from the other and used to take its place in case the other is destroyed. The Remington-Rand machine will take documents up to 11-5/8 inches wide, and costs \$1,850. A reading machine costs between \$360 and \$390 for the manual type and \$725 for the motorized type. In addition a second camera may be installed so that two rolls of film will be exposed simultaneously.

Rotary cameras using one half of a 16mm. roll at a time.—This type is sold by all three companies. The Burroughs machine is the same as that described in the preceding paragraph, a separate camera being installed for this type. The machine and equipment costs are the same. The Recordak machine will take documents up to 9½ inches wide, and costs \$2,600. This machine, however, will also photograph documents up to 14 inches wide on the full width of the film, a separate camera being installed to do so. Moreover, an additional roll of film may be exposed simultaneously. A reading machine costs \$400. The Remington-Rand machine is the same as described in the preceding paragraph, with the same machine and equipment costs, a separate camera being installed for this type. An additional camera may also be installed to expose a second roll of film simultaneously.

Rotary cameras photographing front and back of documents side by side across the width of 16mm. film.—This type is sold by all three companies. The Burroughs machine is the same as that described in the preceding sections, a separate camera being installed for this method. The machine and equipment costs are the same. The Recordak machine takes documents up to 9½ inches wide and costs \$3,600. A reading machine costs \$400. The Remington-Rand machine takes documents up to 14¼ inches wide and costs \$3,950. With an expenditure of about \$200, this machine can be adapted to 35mm. film. A reading machine costs between \$360 and \$725.

It is to be noted that the Burroughs machine is one basic machine with three interchangeable cameras. This machine can be transformed into any one of the preceding types merely by changing the camera. One camera of course comes with the machine and additional cameras cost \$550 each. The \$2,600 Recordak machine will take documents both on half width and on full width, a separate camera

* Information received after this article went to press indicates that one other company makes rotary cameras: Diebold, Incorporated, of Canton, Ohio. This company's cameras are similar in performance and cost to those discussed in the following paragraphs, with the exception of one camera which will take wider documents than the other rotary cameras discussed and which costs between \$6,000 and \$7,000.

being inserted to change the process. The additional camera costs \$500. The \$3,600 Recordak machine (described in the preceding paragraph) can be transformed from the simultaneous front-and-back operation to the full width operation by the installation of an additional \$500 camera or to half width operation by the installation of still another \$500 camera; in addition, still another camera can do both simultaneous front-and-back operation and half-width operation depending on which way the camera is loaded. The \$1,850 Remington-Rand machine will take documents both on full width and on half of the width, a different camera being inserted to change the process. The additional camera costs \$350. The \$3,950 Remington-Rand machine (described in the preceding paragraph) can be used to photograph documents on the full width of the film, and also on first one half and then on the other for an additional expenditure of \$100. In addition it can be adapted to 35mm. work with an additional expenditure of \$200.

The clerk of superior court of Forsyth County is using the Remington-Rand rotary camera which photographs documents on the full width of the 16mm. roll. An example of the speed of this camera, and of the speed of similar rotary cameras, can be observed from the fact that this machine microfilmed 140 500-page record books in about six weeks.

The advantages of rotary cameras lie in their speed and the large number of documents that can be placed on one roll of film. The disadvantage lies in the fact that it will only take one document or page at a time and hence cannot microfilm bound volumes without removing the pages from their binders. A second disadvantage may lie in the fact that the image on 16mm. film is smaller than on 35mm. and hence does not appear as large on the reader. The Remington-Rand rotary adaptable to use with 35mm. would not be subject to this disadvantage.

As between the three types of rotary cameras, a camera using 35mm. film or a camera using the full width of 16mm. film is probably more practical in the microfilming of governmental records. The other types make too small an image on the film for easy readability on the part of persons searching governmental records.

An additional advantage may lie in equipment which will expose two rolls simultaneously, thus giving the government an extra roll for storage elsewhere which can be used if the first roll is destroyed.

Planetary cameras

Planetary cameras generally use 35mm. film, though all can use 16mm. film, documents in both cases being photographed on the full width of the film. There are four types of planetary cameras: (1) the 16mm. type; (2) the portable; (3) the 35mm. type with fixed copying table; (4) the 35mm. type with oscillating copy table for microfilming bound volumes. The difference between types 2, 3 and 4 lies in the method of microfilming bound volumes: the portable type and the type with the fixed copying table take two pages at an exposure, while the type with the oscillating copying table takes one page at a time. When using the oscillating type, the bound volume is placed on the table. First, the left hand page is photographed and then the right hand page is photographed, the copying table automatically moving back and forth under the camera so that one page is in place at a time. This results in a larger image on the film than results from either the portable or the fixed copying table type, hence, it provides greater readability when placed in a reading machine.

The film after exposure is sent to a processing plant where it is treated and returned to the county, the mailing time both ways and the processing taking a total of about 3 days or more. Film storage cabinets are available from \$100 to \$300. Film costs are about \$4 per 100 feet of 16mm. film and about \$7 per 100 feet of 35mm. film. One 100-foot roll of 35mm. film will take between 1½ and 2½ 600-page record books, and a 100-foot roll of 16mm. film will take about 2 600-page books.

Reading machines are used to magnify the processed film to readable size by a person wishing to examine the documents which have been microfilmed. The film is inserted in the reader and a magnified image is projected on a screen. The image reproduced is generally larger than the original document. The readers are not capable of making facsimile prints.

Two companies sell planetary cameras, Hall and McChesney and Recordak, the cameras all being made by Eastman Kodak Company. The four types of planetary cameras are discussed in the following paragraph together with the companies making them and their respective equipment.

The 16mm. type.—Recordak sells a piece of equipment that contains both a planetary camera using 16mm. film and a reading apparatus. It will

microfilm documents up to 11 inches by 14 inches, and thus could not be used to microfilm ordinary record book pages. The equipment costs between \$1,075 and \$1,250 and is used in installations with a small amount of microfilming work and not much necessity of referring to documents that have been microfilmed. Since the microfilming and the reading of microfilmed documents is done on the same machine, photographing and reading cannot be done simultaneously.

It is to be noted that the fixed copying table and the oscillating copying table types described below may be modified to take 16mm. as well as 35mm. film, with an additional expenditure of less than \$100.

The portable type.—Hall and McChesney and Recordak sell a portable planetary camera using 35mm. film that will microfilm documents up to 20 by 24 inches. It costs \$1,700. A reader will cost an additional \$350 to \$725, depending on the magnifying ability. The portable machine might well be used by several governments microfilming records cooperatively.

The fixed copying table type.—Both Hall and McChesney and Recordak sell this type of planetary camera. The Hall and McChesney camera will microfilm documents up to 24 by 36 inches and costs \$2,580, including instruction in use and accessories. A reader costs about \$350. The Recordak camera will microfilm documents up to 24 by 36 inches, and costs about \$2,250. A reader costs between \$350 and \$725, depending upon the magnifying ability.

The oscillating copying table type.—Both companies sell this type of planetary camera. The Hall and McChesney camera will microfilm documents up to 37 by 52 inches, and costs \$4,600. The Recordak camera will microfilm documents up to 37 by 52 inches, and costs \$4,600. Readers are the same as for the fixed copying table type.

The clerk of superior court of Wake County is using the Hall and McChesney oscillating copying table type machine. The operator there has been able to microfilm a 500-page bound book in about an hour and has been able to microfilm a loose-leaf record book in about an hour, the pages of the latter being removed from the binding. Pitt and Lenoir Counties have the Hall and McChesney fixed copying table type, but they are using the equipment for photocopying, not microfilming.

The planetary cameras are slower in the actual photographing process

than some types of rotary cameras, but planetary cameras generally can microfilm bound books without removing the pages from their binding.

As between the four types of planetary cameras: the 16mm. type, limited to photographing documents up to 11 by 14 inches, will not photograph deed book pages. The portable type, limited to photographing documents up to 20 by 24 inches, will not photograph bound record books without removing the pages from the binding. Both the fixed and oscillating copying table types are flexible enough to do all the microfilming work required in county offices. The oscillating copying table type has an advantage when there are many old bound books to be microfilmed and when it is desired to microfilm in such a way as to get the largest image possible on the film. If many of the record books to be microfilmed, however, are of the loose-leaf type so that pages may be easily removed from the binding, the oscillating copying table type loses its main advantage.

An additional advantage may lie in the use of the Hall and McChesney processing setup. The exposed film is processed in Syracuse, New York, the negative being kept there and a positive roll being returned to the county. This positive roll costs \$5.50 per 100 feet over and above the \$6.45 original cost of the film. The advantage lies in the fact that if anything happens to the positive roll, a new positive can be made from the negative at Syracuse. Moreover, several positive copies can be made if it is desired to have duplicate rolls on hand so that more than one person can be looking at the same series of documents at one time. In the Recordak procedure, the original film costs \$7.00 which includes the cost of processing. The original is processed by the company and made capable of being read in the reading machine at no additional cost over and beyond the original film cost. (Advice received from Recordak Corporation just before this article went to press indicates that Recordak can render the same service on film development as that rendered by Hall and McChesney.)

DISPOSAL

Statutory provisions

The General Assembly, in G.S. 121-6 (1949 Supplement), has enacted a procedure through which records no longer of use to a county, city, or town may be disposed of. This procedure is as follows:

(1) The custodian of any records must first decide for himself that the records to be disposed of "have no further use or value for official business."

(2) He must certify that fact to the State Department of Archives and History.

(3) If the director of the State Department of Archives and History determines that the records "appear to have no further use or value for historical research or other scholarly purposes," he so notifies the custodian. If, on the other hand, the director determines that the records do have "use or value for historical research or other scholarly purposes," he requires that the records be turned over to the department instead of being destroyed.

(4) Upon receipt of such notification, the governing body of the county, city, or town may authorize their destruction, in case the director states that the records are of no historical or research value, or may authorize that the records be turned over to the State Department of Archives and History, in case the director states that they are of historical or research value.

(5) The records which the governing body has authorized to be destroyed should be burned.

Departmental procedure

The State Department of Archives and History has worked out the type of notification it wants in the case of records certified to it as having no further use or value for official business. It asks that the custodian of the records send it a letter containing the following:

(1) The title of the record or records and a description of them. For example: "Tax scrolls for the years 1930-1935, containing a list of the taxpayers in each township and the assessed value of property listed for taxation by such taxpayers in the years indicated."

(2) Two samples of each type of record. For example, in the illustration of the tax scrolls, two pages of the scroll should be included in the letter. There need not be two pages for each year, but in case the form of the scroll changed, say, in the 1934, two pages of the 1930-to-1933 form and two pages of the 1934-to-1935 form should be enclosed.

(3) The approximate bulk of the records in cubic feet. For example, the letter might indicate that the bulk of the tax scrolls for 1930 to 1935 is approximately 10 cubic feet.

(4) A certification by the custodian of the records that they "have no further use for official business."

In case a county, city, or town wishes and so requests, the State Department of Archives and History will send someone to visit the government, discussing the records which might be disposed of, the things to consider in deciding what records might be disposed of, and the form and contents of the letter to the department asking for permission to destroy or otherwise dispose of the records.

Scheduled destruction of records

The department has appointed a committee of State and local officials to consult with it on the types of local governmental records which might be destroyed, with a view to working out a system of periodic destruction of records. For example, some records should be kept permanently, others lose their "use or value for official business" after the passage of a number of years, while others may lose such use or value soon after they come into existence. With its committee, the department hopes to be able to advise counties, cities, and towns what records may be destroyed and how soon they can be destroyed. It must be remembered, however, that the permission of the department must be obtained before any destruction.

As an example of the work of the department and its advisory committee, the conclusion has been reached that real property records in the register of deeds' office should be retained permanently in that office, but that chattel mortgage books may be destroyed after 10 years. But again, no record may be destroyed without the permission of the department, granted after receipt of a letter containing the information described on this page.

SUMMARY

In many counties throughout the State, two problems are becoming of even greater concern to county officials:

(1) The necessity of the disposition of old county records in order to have space for the filing of current records.

(2) The necessity, sooner or later, of doing something about the work load in county offices relative to recording documents, either through the employment of additional personnel or through the purchase of equipment to photocopy records being filed currently in those offices.

As a first step, the Institute of Government believes that the various counties should request the help of the State Department of Archives and History in deciding what records should be kept in the county offices and what records may be disposed of. To this end, a letter should be sent to the department advising the latter that a survey of county records is necessary to determine which should be disposed of and requesting that they call on the county offices to discuss the problem.

As a second step, carried on perhaps simultaneously with the first, the county should decide whether or not it wishes now to microfilm old records which must be retained permanently, like real property records, or whether it should plan for microfilming at some date in the not too far distant future. As a third step, the county should decide whether or not it wishes to purchase equipment to photocopy records, or whether it would prefer to hire additional personnel when the work load becomes sufficiently heavy.

One of the following four decisions may be arrived at under the second and third steps mentioned in the preceding paragraph:

(1) A decision neither to photocopy nor microfilm records.

(2) A decision to photocopy records but not to microfilm records in the

foreseeable future. If this decision is made, all of the equipment summarized in the following chart can do the work.

(3) A decision to microfilm records but not to photocopy records. If this decision is made, the equipment in the first 9 columns of the accompanying chart can do the work.

(4) A decision both to photocopy and to microfilm records, either now or in the near future. If this decision is made, two machines can be purchased, one to do each job, or one of the machines summarized in the first 9 columns of the accompanying chart can be purchased to do both jobs.

The accompanying chart has been prepared to summarize the information set forth on pages 7 to 12.

Several things are to be kept in mind in using the information on the chart:

(1) Information on the planetary cameras has been given for the use of 35mm. film. One of the advantages of those cameras is the fact that they take 35mm., since that film provides a larger image on the film itself than does 16mm. The result is easier reading of documents microfilmed because a larger image appears on the screen of the reading machine. Moreover, enlargements for photocopying purposes are more easily made, since the film image need not be blown up as many times as is necessary with

16mm. in order to get the same size print.

(2) No information has been given on those rotary cameras which use only half the width of 16mm. film nor on those which place front and back of a document side by side on 16mm. The result of either of these processes is a film image which is too small for easy reading of documents microfilmed and too small for enlargement to deed book size.

(3) The chief advantage of the planetary camera with oscillating copying table lies in the microfilming process. The table moves back and forth, so is capable of microfilming bound volumes one page at a time. The portable planetary and the planetary with fixed copying table take two pages at a time, or take pages one page at a time by removing pages from the binding. It will also be noted that the rotary cameras will not microfilm bound volumes. This is a disadvantage only if the volumes to be microfilmed are also to be kept as bound volumes after microfilming; if the volumes are to be destroyed after microfilming, there is no advantage to photographing them while they are still bound.

(4) The film cost per roll of microfilm is more expensive when purchased from Hall and McChesney. The reason lies in the processing procedure. In all film except the Hall

Type of Camera	Planetary camera with fixed copy table		Planetary camera with oscillating copy table		Portable Planetary	Rotary camera using full width of 16mm. film			Rotary using 35mm.	Photocopying equipment	
	Hall and McChesney	Recordak	Hall and McChesney	Recordak		Burroughs	Recordak	Remington-Rand		Remington-Rand	Photostat
1. Cost of equipment	\$2,580	\$2,250	\$4,600	\$4,600	\$1,700	\$4,100	\$950 to \$1,975	\$1,550	\$4,150	\$2,500 to \$10,000	\$2,300
2. Maximum size of document photographed	24 by 36"	24 by 36"	37 by 52"	37 by 52"	20 by 24"	11" wide	14" wide	11 5/8" wide	14 3/4" wide	26 by 26"	14 by 17"
3. Microfilming: (a) Capacity in 600-page record book per 100 ft. roll of film	2	2	1 1/2	1 1/2	2		2	2	2		
(b) Film cost per roll	\$12	\$7	\$12	\$7	*	\$3.63	\$3.30	\$3.63	\$7.00		Will
(c) Can bound volumes be microfilmed?	Yes	Yes	Yes	Yes	Yes	No	No	No	No		Not
(d) Cost of reader	\$350	\$350 to \$725	\$350	\$350 to \$725	\$350 to \$725	\$600 to \$800	\$300 to \$400	\$360 to \$725	\$360 to \$725		Microfilm
(e) Can reader make facsimile prints	No	No	No	No	Yes	Yes	Yes	Yes	Yes		
4. Photocopying: (a) Where are photocopies made?	By company or county	By County	By company or county	By County	By County	By County	By County	By County	By County	By County	By County
(b) Deed-book page cost if copies made by company	33 1/2c		33 1/2c								
(c) Cost of enlarger if photocopies made by county	\$415	\$415	\$415	\$415	\$415	\$415	\$415	\$415	\$415	Not Needed	Not Needed
(d) Deed-book page cost if copies made by county	18c	17 1/2c	18c	17 1/2c	17 1/2c	17 1/2c	17 1/2c	17 1/2c	17 1/2c	9c	8 1/2c (9 3/4" x 14" max. size)

* Hall and McChesney—\$12; Recordak—\$7.

and McChesney film, the cost of the film includes the cost of processing; the exposed roll is sent off to the company which processes it and returns it to the county, the same roll being returned. Film sent to Hall and McChesney is used to make a positive roll which is returned to the county, the exposed film being retained by the company in Syracuse.* In case additional rolls are desired, they may be obtained at an additional cost of \$5.50. Thus if a roll is destroyed or damaged, it may be replaced. Or if several rolls are desired, they may also be obtained. In the case of a roll of film which is processed and returned to the county, the loss of the roll is the loss of the permanent record. Some rotary cameras, however, accomplish somewhat the same result: the Recordak and Remington-Rand cameras are set up so that two rolls of film be exposed simultaneously. Then if one roll is destroyed, the other may be substituted for it.

(5) The price of reading machines varies greatly. The less expensive are those which are manually operated, that is, the person using them winds the roll around on a hand crank. The more expensive are electrically operated, and the film winds around when a button is pushed. Readers are interchangeable, and a reader which will handle the film of one company will handle film of similar size sold and processed by any other company. Some readers will make facsimile prints. The film is merely turned in the reader to the document to be printed, sensitized paper is inserted in the machine, and the machine makes the print on the paper. The paper varies from 8½ by 11 inches to 11 by 12 inches, depending on the make of machine. The sensitized paper costs around 6¢ to 7¢ a sheet, but can be printed only on one side. Facsimile prints can thus be made when a certified copy of a recorded document is requested. These facsimile prints could be used in record books if the government would be willing to use smaller size record books and if the government would be willing to have record book pages with writing on only one side.

(6) When rolls of film are to be stored by the county, storage cabinets are needed. These cabinets cost be-

tween \$100 and \$300, depending on the capacity.

(7) In making photocopies, 35mm. film has an advantage over 16mm. film in that the image of the document photographed on 35mm. is larger and hence need not be magnified as many times in getting an enlargement. Some say that a good enlargement is easier to get with 35mm. film while others say that there is very little difference.

(8) Hall and McChesney offers an alternative method of making photocopies. Photocopies made with other planetary or rotary cameras are made by the government concerned with the aid of an enlarger purchased at a cost of around \$415. Under the Hall and McChesney alternative procedure, photocopies are made by the company at its Syracuse plant, thus saving the county the cost of the enlarger and avoiding the need of the employment or training of personnel to do the enlarging. Hall and McChesney advocate this procedure for counties with a moderate work load and advocate processing by the counties themselves in larger counties. Representatives of other companies advocate processing by the counties themselves in all cases, on the basis that the cost of the enlarger is small and personnel is easy to train to do the work. Both Hall and McChesney and Recordak sell enlargers, and they can be used with either 35mm. or 16mm. film. It is to be noted that an enlarger is not needed with photocopying equipment, since the exposure is made directly on the sensitized paper that serves as the photocopy.

(9) Photocopies made with a film and enlarger cost more per page than those made with photocopying equipment. The additional cost may or may not be offset by two facts: (a) that the photocopy done with film and enlarger is black writing on a white page, whereas that done with photocopying equipment is white writing on a black page; (b) that if the photocopy resulting from the use of film and enlarger is destroyed, an additional copy may be obtained from the film, whereas if the photocopy made with photocopying equipment is destroyed, a new photocopy must be made from the original.

(10) The chart has given only the total cost of equipment. Most equipment can be rented, with a part of the rental applicable to the purchase price if the equipment is later purchased; often the percentage applicable to purchase price is around 50% of the rental. Rental itself

varies from around \$40 a month to \$100 a month, depending on the equipment. One possibility for renting equipment arises in connection with microfilming: it might be found desirable to rent equipment periodically for microfilming alone, photographing at that time only those records which are to be permanently recorded on film and then destroying the originals. In such a case, equipment could be purchased to photocopy continually records currently filed in the several offices. Such equipment would be purchased on the basis of its photocopying ability.

Boards and Commissions

(Continued from page 4)

the city council may declare his office vacant and appoint a successor.

5. The expiration date of the term of office of all board members is hereafter fixed as of June 15th in the year the term of office expires.

6. Appointments to terms expiring before January 1, 1952, are as of June 15, 1951; appointments to terms expiring after January 1, 1952, are as of June 15, 1952. Hereafter appointments are to be made within a reasonable time after June 15 of each year.

After this ordinance was adopted in December, Mayor Robert H. Frazier made 40 appointments to vacancies which had occurred in the following boards: Zoning Board of Adjustment, Arterial Roads Commission, Boxing Commission, Central Carolina Convalescent Hospital, Curb Market Commission, Housing Authority, Housing Commission, Juvenile Commission, Greensboro Public Library, Greensboro Public Library for Colored Race, Planning and Zoning Commission, Public Amusements, Recreation Commission, School Board, and Urban Redevelopment Commission.

In commenting favorably on the new system, the Greensboro *Daily News* applauded the appointment of many younger citizens to new positions of responsibility but expressed regret that the council had not provided for mandatory removal of any board member who was absent from all meetings in a 90-day period without an excuse granted by the city council. "It is no time to have boards and commissions entrusted with municipal problems and matters hindered or ineffectuated by people who accept appointments thereon largely for the 'big of it,'" the editorial stated.

* Advice received from Recordak Corporation just before this article went to press indicates that similar service is available from that company.

The Attorney General Rules

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

By Mason Page Thomas, Jr., Assistant Director, Institute of Government

MOTOR VEHICLES

Drivers' licenses. A driver's license was revoked. The driver operated a motor vehicle without obtaining a new license after the expiration of the period during which he was prohibited from applying for a new license. Is he guilty of driving while his driver's license is revoked or merely driving without a driver's license?

To: Marshall C. Staton

(A.G.) Prior to 1951 this driver would in my opinion be guilty of driving while his license is revoked. In 1951 the General Assembly provided that revocations should hereafter be for a stated period in an act effective April 4, 1951 (Ch. 1202, Session Laws 1951, amending G.S. 20-6). A person whose driver's license is revoked on or after April 4, 1951, and who operates his vehicle over the highways of the state after the period of revocation has expired without obtaining a new driver's license is only guilty of driving without a license. Since this amendment is not retroactive, it applies only to revocations taking place on or after its effective date.

JUSTICES OF THE PEACE

Serving as deputy sheriff. May a justice of the peace legally serve as a special deputy sheriff and then try persons whom he has arrested?

To: George A. Gash

(A.G.) The N. C. Constitution (Article 14, Section 7) provides that the prohibition against double office holding does not apply to a justice of the peace. However, it is provided that the legislative, executive and judicial powers of the government are to be separate (Article 1, Section 8). Although a justice of the peace is not prohibited from holding another office such as notary public, I am of the opinion that the framers of the Constitution did not intend a judicial officer to act as an executive officer at the same time. Therefore, I am of the opinion that a justice of the peace may not at the same time serve as a special deputy sheriff.

PROPERTY TAXES

Exemption of foreign imports. A New York company had liquor and wine stored at a warehouse in a N. C. county on January 1, 1951. The company contends this merchandise was imported from a foreign country and held in the original unbroken package. Is this wine and liquor subject to the county ad valorem property tax?

To: R. E. Richardson, Jr.

(A.G.) The Machinery Act of 1939 as amended imposes a tax on all tangible personal property situated within the state as of January 1 of each year. There is no statutory exemption of imported property from ad valorem taxation in this Act. The U. S. Constitution (Article 1, Section 10, Clause 2) provides in effect that no state may lay any duty on imports, except as necessary to execute its inspection laws. The ad valorem tax imposed in the Machinery Act is not an inspection fee but a pure tax. The cases have interpreted this constitutional provision to mean that a tax upon a thing imported during the time it retains its character as an import and remains the property of the importer, in warehouses in the original package in which it was imported, is a duty on imports within the meaning of the Constitution. Whether the liquor and wine is in fact imported and held by the importer in original unbroken packages is a question of fact. If it is so held, then in my opinion it is not subject to the county ad valorem tax.

Release of personal property. A county taxpayer owned and listed a farm containing livestock and farm equipment on January 1, 1951. A buyer purchased the farm, livestock and farm equipment in August, 1951, and it was agreed that the buyer would pay the 1951 taxes. The buyer now refuses to pay the taxes on the personal property located on the farm, and wishes to pay only the taxes on the farm itself. May the county tax collector release the personal property which was charged to

the taxpayer on the tax bill with his farm from the tax lien? May he accept the taxes on the real estate in partial payment of the tax bill, leaving the personal property and poll taxes charged on the same bill unpaid?

To R. B. Gates

(A.G.) Under G.S. 105-340 the lien of personal property taxes attaches to all the real property of the taxpayer in the taxing unit as of the day on which the property is listed. G.S. 105-376 (b) is the only provision for release of tax liens which has any application to the present case. This statute makes no provision for the release of personal property. Rather it provides that a parcel of real property may be released upon paying the tax on the parcel in question plus a proportionate part of the personal property, poll and dog taxes owed by the listing taxpayer for the same year. The only provision for partial payment of taxes is contained in G.S. 105-381. It provides that in those instances where the governing body has not directed otherwise, and a partial payment is received, such partial payment is to be credited on the total due, after first applying so much as might be necessary to satisfy accrued penalties and interest. There would still remain a lien on the real property for the unpaid remainder of all taxes due.

Lien subsequent to foreclosure. Certain property was sold for taxes pursuant to a foreclosure action, and a deed for the property was executed in July, 1943. There was no allegation in the complaint regarding 1943 taxes or any subsequent taxes, nor was there any reference to the 1943 taxes or subsequent taxes in the tax statement filed regarding the suit nor in the judgment. The 1943 taxes have not been paid. Do the 1943 taxes remain as a lien against the property?

To: C. C. Howard

(A.G.) Since there was no allegation in the complaint in the foreclosure action regarding the 1943 taxes or any subsequent taxes, it is my opinion that the 1943 taxes are a

lien on the property. I know of no statute which would destroy the lien. In the absence of a discharge of the lien by payment of the taxes, the lien remains in force once it attaches.

CLERK OF SUPERIOR COURT

Duties under uniform support. The Uniform Reciprocal Enforcement of Support Act (G.S. 52-26 to 52-44) was passed by the 1951 General Assembly. What duties are imposed upon the clerk by G.S. 52-37 upon receiving from the initiating state certified copies of the complaint and certificate and an authenticated copy of the Act of the initiating state?

To: George A. Hux

(A.G.) In my opinion there are only four duties required of the clerk under G.S. 52-37: (1) docket the cause; (2) issue summons to the defendant; (3) notify the solicitor that the cause is pending; and (4) put the case on the calendar for trial. The hearing and determination of the issues involved is beyond the authority of the clerk and would have to be done by the judge of the superior court.

Adoption. Certain parents have left their children with relatives or other persons and gone their separate way without assuming further responsibility for their care. The persons who have the children wish to adopt them, but in some cases the whereabouts of the parents is unknown. If a child is an "abandoned child" under G.S. 48-5 (a), the abandoning parents are not necessary parties to the adoption proceeding, nor is their consent required. G.S. 48-5 (b) provides that if there has not been a previous adjudication as to the child's being abandoned, "... then on written notice of not less than ten days to the parent, parents, or guardian of the person, the court in the adoption proceeding is hereby authorized to determine whether an abandonment has taken place." Is a letter written ten days prior to the hearing notifying the parent that the question of abandonment is to be determined sufficient notice under G.S. 48-5 (b)? Does the clerk of court have authority to determine whether the child has been abandoned?

To: L. H. Wall

(A.G.) If there has been no adjudication of abandonment prior to the institution of the adoption proceeding, it seems to me that the parents would have to be served with summons by publication. I do not

think that the ten-day written notice required by the statute before the court in the adoption proceeding may determine whether an abandonment has occurred may be served by letter. The statute refers to a legal notice which must be actually served upon the parents. If it cannot be personally served, it should be served by publication under our code of civil procedure (G.S. 1-588). Adoption is a special proceeding (G.S. 48-4 (a)) and the code of civil procedure is applicable to special proceedings (G.S. 1-393). I think the clerk of court acts as a judge or court over the special proceeding of adoption and is referred to in G.S. 48-5 (b) which authorizes the "court in adoption" to determine whether an abandonment has taken place.

PUBLIC WELFARE

Lien for old age assistance. G.S. 108-30.1 (Ch. 1019, Laws 1951) creates a general lien upon the real property of any recipient of old age assistance to the extent of such assistance received after October 1, 1951. A person receiving old age assistance has a life estate in the house in which she lives, and the fee is owned by another person. Is this life estate subject to this statutory lien?

To: James Mattocks

(A.G.) Assuming that the transfer of title in this case was in good faith, I do not think the filing of the lien would affect the life estate at all nor prejudice the rights of those owning the remainder in fee.

RECORDER'S COURTS

Term; changing a judgment. A local statute establishing a city recorder's court provides: "The recorder shall hold daily sessions of the court . . . beginning at 9:00 a.m. (Sundays excepted) and continuing until the business of the court is disposed of." The judge of this court frequently sentences a defendant to 30 days on the roads, suspended on the payment of a \$10.00 fine plus cost. Unless the fine and cost are paid before the time comes for the defendant to be sent to the roads, the judge changes the judgment by striking out the terms of suspension and making the judgment a straight 30-day sentence. A judge has no authority to modify a judgment once the term of court has expired. What is the duration of the term of this recorder's court?

To: J. C. Sedberry

(A.G.) The basic concept of a term of a recorder's court under our sta-

tutes (G.S. 7-187, 7-188, 7-272, 7-300, 7-401) is one week. The statute establishing this court makes a break in the continuance of daily sessions by providing that Sundays are excepted. I am inclined to think that a weekly term was contemplated. Regardless of the duration of the term, a term actually ends when the judge leaves the bench. I think that the judge may change a sentence during a weekly term while court is in session and the business has not been finished. He may not change a sentence lawfully after the expiration of the weekly term, either by his leaving the bench or because the next weekly term has started. If an appeal is noted, the court would have no further jurisdiction in the matter.

MUNICIPALITIES

Use of Powell Bill funds for machinery. May a municipality use funds allocated to it under the Powell Bill to purchase machinery to be used for the purposes mentioned in Section 3 of the Bill?

To: Dupree and Strickland

(A.G.) In my opinion, a municipality has the right to use funds allocated to it to purchase such machinery, as it is a necessary part of the use of the money that a municipality be provided with the proper equipment. *Teer v. Jordan*, 232 N.C. 48 (1950).

Apportionment of taxes. A town levies a tax for the support of a public library under G.S. 160-75. This money is sent to the public library which in turn sends a portion thereof to the colored school to be used for the library there. The percentage of these tax collections which is apportioned to the colored school is determined according to the valuation of property owned by the colored people. Is this method of apportionment legal?

To: Myrtle W. Smith

(A.G.) I am of the opinion that your board of commissioners is not authorized to handle the taxes collected for library purposes in such a manner. Our court has held that taxes collected from members of the white race may not be used exclusively for providing school facilities for members of the white race, while at the same time using tax money collected from members of the colored race exclusively to furnish school facilities for the members of that race. Reasoning by analogy, it would seem that a citizen would have the right to bring an action requiring your town commissioners to make the apportionment for library purposes according

to the needs of the two races and not in proportion to the amount of taxes paid by the members of each race separately.

School buses. For some time before a particular territory was taken into the corporate limits of a town, school buses picked up the children and brought them to the school building. The state school authorities adopted a regulation this year to the effect that the school buses will no longer pick up the school children when they live within a mile and a half of the building (See ch. 1079, Session Laws 1951, amending G.S. 115-376). The parents of the school children involved wish the town to operate some method of conveyance to bring the children to and from school. Does the town have any legal authority to operate buses for this purpose?

To: A. J. Riddle

(A.G.) The town has no legal authority to furnish buses or transportation by any means for the school children in question. If a town should undertake to do this, in my opinion it would be misapplication of public funds. The town officials would probably be subject to indictment for official misconduct and subject to suit as individuals for the improper and unauthorized expenditure of such funds. The question of the transportation of school children belongs to the State Board of Education and the various county boards of education and city administrative units, and is provided for by law in Chapter 115 of the General Statutes. The remedy of persons interested in having their children so transported is to take the matter up with the county board of education and the State Board of Education or other proper school authorities.

Plan D form of government. A town is contemplating an election for the adoption of the Plan D (city manager) form of government. Presently the town has five commissioners, elected from wards, and a mayor elected at large, and the next regular election will take place in May, 1953. If Plan D is adopted, could the present board appoint a manager or would it be necessary to elect a new city council in May, 1952, according to the provisions of G.S. 160-306 and 160-340 before a manager could be appointed?

To: J. R. Davis

(A.G.) G.S. 160-348 provides that the city council shall appoint a city manager who shall be the administrative head of the city government. This section does not say when the appointment shall be made, but I am of the opinion that it must be made by the

new council. G.S. 160-306 provides that the first election of officers under the new plan must take place in Tuesday after the first Monday in May next succeeding the adoption of the plan and biennially thereafter. I am of the opinion that the new plan of government cannot go into effect until after the new council has been elected in May, 1952, and that the new council must appoint the city manager. The new council will consist of five members elected at large with a mayor chosen from its membership. See G.S. 160-340, 345.

Notes from N. C. Cities

(Continued from page 2)

ers. . . The board of aldermen in **New Bern** has inaugurated a city safety campaign and issued invitations to a public meeting to be held in the city hall on or about January 18. Among those invited to be present are the safety director, a member of the State Highway Patrol, the police department, president of the PTA, principals of all the schools, presidents of the civic organizations, and the press and radio. . . The **Charlotte** city council has appointed a committee to study the needs for the establishment of a clinic for the treatment and rehabilitation of alcoholics.

Notes from N. C. Counties

(Continued from page 3)

commissioners have directed the City-County Planning Board to prepare a county zoning ordinance covering the four townships surrounding Winston-Salem, under authorization of Chapter 677 of the 1947 Session Laws. The action followed discovery that existing zoning by the city of Winston-Salem for three miles beyond its limits was probably invalid, due to inadvertent omission from that act as adopted of a provision authorizing such zoning. The **Mecklenburg County** commissioners have been considering proposals to create a County Planning Board with authority to prepare a zoning ordinance controlling development beyond the Charlotte city limits. This would require a special enabling act.

Only **Forsyth, Durham** (Sess. Laws, 1949, c. 1043), and **Dare** Counties (Sess. Laws, 1951, c. 1193) have statutory authority to enact zoning ordinances at present.

Police Executives

(Continued from page 6)

uniformity as to employment practices. A majority of the towns re-

quire that police recruits be at least 21 years of age. A few require applicants to be either 23 or 25 years old. The maximum age limit for police recruits varies between 25 and 50. A number of towns have no age limit and a majority have a 35 year age limit. One-third of the towns have no requirement as to minimum height, weight, and education. However, an equal number require applicants to be 5'8" in height, weigh either 150 or 160 lbs., and to be high school graduates. About one-third of the cities of over 2,500 population require police recruits to take physical examinations. Less than one-fifth require mental examinations. In recommending these higher employment standards, the police executives emphasized that policeman must be capable of doing an honest days work to be worthy of his hire.

Conditions of Employment

The variety of conditions of employment vary as widely as the hours of the work week. Some policemen work 44 hours; others work 98 hours per week. The average policeman works 50 hours, is off one day in 7, works holidays, has 12 days vacation and either 12 or 15 days sick leave a year.

Compensation

The salary of the "average" police recruit in North Carolina is extremely difficult to determine. Most of the larger towns provide a minimum and a maximum salary with intervening increments which are granted according to merit or service. The variations in salary appear to be due to variations in duties, minimum qualifications, population of the town, financial ability of the town, competition for qualified personnel, etc. The average minimum salary paid a police recruit in cities of over 50,000 is \$220 a month. The average maximum salary is \$278 a month. The average salary paid a police recruit in a city of from 2,500 to 5,000 varies between a minimum of \$198 and a maximum of \$218.

More than 20 per cent of the policemen in the cities reporting do not belong to a retirement system. Several hundred others do not belong to retirement funds that are actuarially sound.

In adopting the recommendations, the Police Executives urged police chiefs to seek the assistance of the Institute of Government in developing standard application and physical examination forms and in obtaining helpful tests of intelligence and police adaptability.

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By Henry W. Lewis | |



