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County and City Tax Collectors' Annual Conference

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Cover

Shown on the cover are the county, city, and town tax collectors attending the 1954 meeting of the North Carolina Tax Collectors' Association at the Institute of Government, April 22 and 23. After a full schedule of discussions, the group elected the following slate of officers for the coming year: C. N. Alston, City of Concord, President; W. T. Mason, City of Greensboro, First Vice-President; Mrs. Ruth S. Gregory, Halifax County, Second Vice-President; James H. Sherrill, Caldwell County, Third Vice-President; and the Institute of Government, Secretary. The Association approved proposals for amending the Machinery Act submitted by a special committee charged with studying tax collection statutes. This special committee was reappointed and authorized to act for the Association with respect to matters requiring legislative action. The committee is composed of Plato W. Davenport, Mecklenburg County, Chairman, W. G. Royster, City of Henderson, W. A. Mickle, Forsyth County and Winston-Salem, and J. C. Ellis, Nash County.

THE CLEARINGHOUSE

NOTES

From North Carolina Counties

District Meetings

The annual series of district meetings for county commissioners, county accountants, and county attorneys was held during the last part of March and early April. The Eastern meetings were held during the week of March 15, the Piedmont meetings during the week of March 22, and the Western meetings during the week of March 29. A total of 72 counties was represented at the 11 meetings, and among the 275 officials present were 182 county commissioners, 49 county accountants, and 17 county attorneys.

The main topic for discussion was public welfare. The Institute of Government's latest guidebook, *Public Welfare Programs in North Carolina—a Guidebook for County Commissioners*, formed the basis for discussion. Copies of the guidebook were given to every one present, and additional copies are being sent to those not present. Particular attention was given to the powers and duties of county commissioners in the financing and administration of public welfare programs. During the several meetings, other questions were raised and discussed, including tax problems, school problems, health problems, and others. J. Henry Vaughan, Secretary-Treasurer of the State Association of County Commissioners, reviewed the legislative proposals being considered by the Association's Legislative and Research Committee.

Two districts had 100 per cent representation (the districts are the same as the 14 Highway Divisions): the Third District (Brunswick, Duplin, New Hanover, Onslow, Pender, and Sampson) and the Thirteenth District (Buncombe, Burke, McDowell, Madison, Mitchell, Rutherford, and Yancey). The three Western Districts—the Eleventh, Thirteenth, and Fourteenth—had the best attendance record, with representatives from 21 of the 25 counties present at the three meetings.

Some of the district meetings conflicted with Board of Equalization and Review meetings in several of the counties. Consideration is being given to holding the 1955 meetings in

February and early March, and all county officials are urged to write the Institute their thoughts on the most convenient time for future meetings.

County Buildings

Duplin County Commissioners have accepted bids for the renovation and enlargement of the county agricultural building. The work involved amounts to around \$35,000. . . . Perquimans County is making plans for the renovation of vaults in the office of the Register of Deeds and Clerk of Court. . . . Hertford County is in a dilemma concerning its courthouse. The structure is now inadequate, and building experts consulted on the matter say that expansion of the structure and repairs would be both costly and unsatisfactory. One of the solutions being considered is a \$125,000 bond issue, though County Commissioners are also examining ways in which money might be put aside over a period of years for future construction on a pay-as-you-go basis. . . . Guilford County will renovate the courtroom in High Point to give lawyers and the press more working room. . . . The Montgomery County courthouse currently is being repainted inside and out. . . . Durham County has let a contract to paint and redecorate the Welfare Building. Outside trim and fire escapes will be painted, as well as ceilings and interior woodwork. . . . Bids have been received for cleaning and repainting the basement, first and second floors of the Mecklenburg County courthouse. County commissioners began a long-range clean-up program last fall when the exterior of the courthouse was cleaned and waterproofed. . . . Harnett County Commissioners, as part of the Finer Carolina Program in Lillington, are planning to repaint the woodwork and the outside of the courthouse and the Welfare Building. Included in the plans for courthouse grounds improvements are new shrubbery, new sidewalks, and a retaining wall on the north end of the square.

Bids have been received by the Catawba County Commissioners for construction of the new \$66,000 Health Center to be built near Hickory. . . . County and city health boards in Mecklenburg and Charlotte are considering the construction of a health center to serve both the County Health Department and the City Health Department. . . . Officials of Pamlico County are considering construction of a health center to cost around \$22,000 of which \$4,000 would be the county's share. . . . And Nash County is now occupying its new Health Center completed within the past month.

Lenoir County and the city of Kinston will join together in sharing the costs of construction of a Community Building to be part of the city recreational facilities. The county will pay half of the \$130,000 cost, and the facility will be open to county children as well as to city children. . . . The construction of the Dare County Health Center has resulted in a reshuffling of other county offices. The Welfare Department will move into the three offices in the Community Building vacated by the Health Department. The library will now have three rooms instead of the one they had in the past.

School for Coroners

As a feature in its continuing program of work with the North Carolina coroner system, the Institute of Government has scheduled its second annual School for Coroners to be held in Chapel Hill on April 28-29. Discussions at this year's school will center around the handling of an imaginary automobile fatality involving a manslaughter charge lodged against a drunken driver by an imaginary coroner. Those in attendance will be provided with a mimeographed record of the case amounting to some 30 pages and utilizing the suggested report forms being drafted for the forthcoming Institute *Guidebook for Coroners in North Carolina*.

In addition to discussing the practicality of the suggested forms and the handling of the case by the imaginary coroner, the coroners will view a film of a complete autopsy commented on by Dr. Kenneth Brinkhous, head of the department of pathology at the University medical school. Richard A. Myren, Assistant Director of the

Institute, will be responsible for the school and will lead the case discussions.

In response to requests made at the first School for Coroners and through correspondence since that time, a period has been allotted for discussion of the formation of a North Carolina Coroners' Association. The question of forming such an organization will be put to those in attendance and an organization completed if one is desired. Considerable early interest has been shown in the School and a good attendance is expected.

Public Welfare

The **Mecklenburg County** Board of Public Welfare has been asked by the County Commissioners to look into the unemployment situation and report whether or not funds are needed to help the unemployed. . . . Consideration is still being given to the leasing of the **Vance County** Home to private occupants in order that residents may be given a public assistance grant. So far no final decision has been made. . . . In **Alexander County**, meanwhile, the County Commissioners have decided to lease their County Home to a private individual.

County Domestic Relations Courts have been in the news recently. In a recent speech, Dr. Ellen Winston, Commissioner of Public Welfare, stated that at the present time **Wake**, **Mecklenburg**, and **Buncombe** are the only counties with Domestic Relations Courts in operation and these are operated in conjunction with city courts in each county. **Guilford County** has now decided to establish a county court; Greensboro and High Point will contribute to the operation of the court in its early years, but plans call for the county to assume complete financial responsibility eventually. . . . **Cabarrus County** Commissioners are making plans to set up a county court by July 1. . . . **Craven County** Commissioners are considering establishment of a county court, and **Johnston County** Commissioners have appointed a committee to investigate the need for and the feasibility of establishing a County Domestic Relations Court.

Schools

Forsyth County citizens will vote April 10 on a \$5,000,000 bond issue to build schools. . . . Citizens in the Marshall school district in **Madison County** were to vote March 27 on the issuance of \$50,000 in bonds to supplement state funds in the erection of a gymnasium and physical education building at the Marshall school. If the bond issue were ap-

proved by the voters, a tax to pay principal and interest will be levied solely on property in the Marshall school district. . . . The **Caswell County** Board of Education has asked county commissioners to submit a bond issue for school buildings to the voters of the county. . . . Petitions are being circulated in **Yadkin County** calling for the issuance of \$500,000 in school building bonds. Bond pre-
(Continued on page 5)

Bond Sales

In late February and early March, the Local Government Commission sold bonds of the following governments (the government, the amount of the bonds, the purpose for which the bonds were issued, and the effective interest rate are indicated):

Lenoir County	\$1,000,000	School building bonds	1.95%
Bakersville	\$ 70,000	Water bonds	3.99%
Henderson	\$ 116,000	Water bonds	2.34%
Hot Springs	\$ 23,000	Water and sewer bonds	3.48%
Lilesville	\$ 53,000	Water and sewer bonds	4.25%
Morganton	\$ 400,000	Electric light and power	
		bond anticipation notes	1.23%
Warrenton	\$ 30,000	Water and sewer bonds	1.68%

Virginia Counties and Cities Establish Hospital for Chronically ill

The October 1953 issue of *The County Officer* reported on an interesting cooperative endeavor among governmental units in the state of Virginia. Twelve counties and five cities have joined together to operate the Patrick Henry Hospital for the Chronically Ill. Each participating government pays 20 cents per capita to the hospital, which cares for around 140 chronically, not critically, ill persons, most of whom are elderly or crippled and unable to take care of themselves.

The hospital was organized to take care of those who might otherwise have to be cared for in hospitals at far higher rates and yet who at the same time do not need all of the specialized care that a hospital renders. Patients from the participating counties are cared for at the rate of \$2.50 per day, and patients from non-participating counties are accepted, if there is room, for \$3.75 per day.

The hospital grew out of the problems raised by the high cost of long term care in general hospitals and nursing homes, the scarcity of private

boarding homes for the aged, and the long waiting lists at charitable institutions.

The hospital has 162 beds, and is staffed by a medical director, a hospital administrator, one registered and 32 practical nurses, six orderlies, four cooks, a dietician, and a superintendent. Most of the patients suffer from paralysis, heart trouble, rheumatism, diabetes, or cancer, and most are over 70 years of age.

The hospital has benefitted from professional groups and individuals who have generously given services, food, furniture, and money to aid in the operation and improvement of the hospital's facilities.

The General Assembly of North Carolina has provided legislative machinery under which counties could join together to operate a "district hospital home" similar to that described above (G.S. 153-162 to 153-176). A district home of the type described might well prove to North Carolina counties to be a solution for the care of the chronically aged ill at reasonable cost.

NOTES

From North Carolina Cities

Public Buildings

The **Warrenton** town commissioners have made a room available in the municipal building as an office and courtroom for the mayor and office for the police chief. Renovation of the building is planned at some time in the future. . . . Renovation of an old church building for town offices has been completed in **Conover**, and the offices have been moved. The building not only has space for the town board and administrative offices and for fire department equipment and personnel, but also has two large recreational areas which may be used by children and by civic clubs. A new brick and steel equipment shed has also been constructed behind the new offices to house town machinery.

Voters in **Fountain** have approved by a vote of 77 to 15 the issuance of \$15,000 in bonds for the construction of a town hall. Plans call for space to house the fire department, police department, and administrative offices.

Planning and Zoning

Statesville's Board of Aldermen has approved a five-year improvement program prepared by Mayor J. Garner Bagnal and City Manager C. L. Lineback. Designed to permit \$1,000,000 of capital improvements on a pay-as-you-go basis, the program covers 11 major needs. It provides for improvement or expansion of the city shop and warehouse, water supply, water distribution system, sewerage system, street system, traffic control system, public safety, off-street parking, sidewalk reconstruction, power and lights system, street lighting system, public parks, refuse disposal, and cemetery space. The cost in the first year will be \$243,400; in succeeding years this will fall to \$216,000, \$206,000, \$178,400, and \$155,500.

The **Greensboro** Planning and Zoning Commission has announced plans for an extensive publicity campaign concerning its proposed new zoning ordinance. In addition to radio, newspaper, and television discussions, the Commission will hold a series of neighborhood hearings before the

final citywide hearings. The ordinance is the result of more than two years' study by the Commission.

Elkin has adopted its new zoning ordinance. . . . **Murfreesboro** and **Shelby** have conducted final hearings on their new ordinances. The **Shelby** ordinance is a comprehensive revision of earlier regulations, adding "neighborhood business districts" to its zoning scheme and dividing residential districts into three classifications. . . . The **Jacksonville** Planning Board has asked the Board of Aldermen to seek legislative authority to zone for two miles outside the city.

City Managers Elect Officers

The North Carolina City Managers Association held its annual conference at the Sedgefield Inn in Greensboro on March 27-28. City managers from Virginia also took part.

Gilbert Ray, city manager in Fayetteville, was elected president of the association and Herman Dickerson, city manager in Laurinburg, was chosen secretary. They succeed C. L. Lineback of Statesville and C. L. Barnhardt of New Bern, respectively.

Water and Sewer Improvements

Voters in **Liberty** have approved the issuance of \$200,000 in bonds to pay for the construction of a sewage disposal plant and for extension of sewer lines. . . . Voters in **Selma** have approved the issuance of \$100,000 in bonds to finance improvements in the town's water system. . . . **Mars Hill** will submit to its voters the question of issuing \$45,000 in bonds for enlargement and extension of the town's water supply system. . . . Representative **Thurmond Chatham** has introduced a bill which would make small municipalities and sanitary districts eligible for Small Business Administration loans. In-

mediate purpose of the measure is to enable the sanitary district in **Walkertown** to build a sewer and water system, since it has been unable to sell the bonds authorized in an election last summer.

An election has been called for April 6 in **Hendersonville** to vote on the issuance of \$300,000 in water improvement bonds. Improvements contemplated include a new five million gallon storage reservoir, a 16-inch distribution line from the reservoir to the city, and a pumping station to help deliver up to 50 per cent more water from the Pisgah Forest intakes to the reservoir. As a result, the Board of Water Commissioners will be able to deliver three million gallons of water per day in contrast to the two million gallons now provided daily. The present distribution system was built in 1926 and increased consumption has made the proposed improvements necessary.

Acting on recommendations of consulting engineers for construction of a new sewage disposal plant, **Winston-Salem's** Board of Aldermen has agreed to ask approval of \$6,500,000 in bonds to meet the cost of the improvements. An election on the proposal will be held on May 15, an earlier date being impossible because of conflict with a \$5,000,000 school bond election scheduled for April 10. Among the improvements scheduled are these: (1) increasing the filter capacity of the city's waterworks from 20 million to 30 million gallons daily, a step which can be taken with the relatively small expenditure of only \$75,000; (2) construction of a new sewage treatment plant with a 24 million gallon daily capacity; at the same time the existing plant which has not been satisfactory will be abandoned; (3) construction of a new interceptor to the new plant at a cost of over \$875,000; (4) improvement of lines and pumping stations. The city is planning to finance the bonds through increases in the sewer rates, and it is estimated that rates will have to be increased to about 50 per cent of the water charge. No action has been taken on the engineers' recommendations that water charges be increased, that a sewer use ordinance be enacted requiring additional payments by industries whose wastes require unusually expensive treatment or pretreatment of such wastes by the industries, and that all users in sewered areas be required to connect to the sewers.

The State Stream Sanitation Com-

mittee has given its formal approval to two new sewage disposal plants in **Charlotte** and **Durham**. Both plants will lessen water pollution in neighboring streams.

Gas and Electricity

The city of **Shelby** is awaiting a final decision from the Federal Power Commission on whether the city will be given the allotment of 2,154,000 cubic feet of natural gas per day tentatively granted in December. The decision is expected around May 1. Meanwhile the city has appealed the ruling of the State Utilities Commission giving the city a certificate of convenience and necessity covering the sale of natural gas within the city's corporate limits only. The city has asked permission to sell to customers in the areas immediately surrounding the city.

Wilson has tentatively adopted a new electric rate schedule which will reduce consumer costs and lower city revenues by an estimated \$80,000 a year. Over half of the reduction (representing about 5.5 per cent of annual electricity revenues) will benefit small general service consumers, while residential consumers will get the next largest reduction. . . . Eight northeastern municipalities are protesting the request of the Virginia Electric and Power Company for an increase in power rates to consumers in 22 North Carolina counties. The municipalities (**Elizabeth City, Hertford, Edenton, Windsor, Belhaven, Robersonville, Enfield** and **Scotland Neck**) have employed an attorney to represent them in the hearings.

Traffic and Parking

Durham's city council has formally decided to install parking meters in the downtown business district and to use any revenues made available from parking meters for the purchase of off-street parking facilities. The meters will not be installed until sites for the off-street parking areas have been canvassed and until a council committee has conferred with downtown merchants to determine if they will participate with the city in the acquisition of such sites. . . . **Roxboro** is considering the installation of parking meters in the downtown business area but no action has yet been taken.

Parking Authority

Winston-Salem's Parking Authority, charged by the city council with the responsibility for formulating a program for regulating parking in the city, has taken the position that it will not use its powers to develop publicly-owned facilities until it has given private enterprise every opportunity to provide sufficient parking space to meet the present and future demand.

First evidence that private enterprise will take the challenge is the announcement that a corporation is planning to build a 250-space parking garage, costing \$500,000, in downtown **Winston-Salem** on one of the sites recommended by the city's traffic consultants. While construction has been delayed because the city building inspector cannot issue a permit under present building regulations, the delay is thought to be temporary since the projected structure has been found to be safe and simply is not provided for in present building codes. The city has already taken steps to secure the necessary building code changes.

If private enterprise is to take primary responsibility for parking, private parking operators suggest that cities should not provide off-street parking facilities at a rate lower than privately-owned lots and garages charge. To eliminate any fear that city lots will be in competition with private lots, the **Winston-Salem** city council has increased its hourly charge on the principal city-owned lot from five to ten cents. The council has specifically based the increase on the ground of encouraging private parking operators rather than any interest in increased revenues.

Fire Protection

Cary and **Beaufort** have recently launched rural fire protection plans. **Cary** will send its truck to fires within two and one-half miles of the town limits, provided the property owner offers proof that he holds insurance which will pay the town \$25 for any call answered and an additional \$75 if a fire is fought. A Rural Fire Asso-

ciation raised \$2,000 to buy a 1,000-gallon tank truck for the **Beaufort** Volunteer Fire Department. The truck will accompany one of the department's four pumpers to rural fires within an area extending some 12 miles beyond the city limits.

The **Winter Park** and **City View** Volunteer Fire Departments, in **New Hanover** and **Forsyth** Counties, are raising funds for new fire stations. . . . **Mecklenburg** County's 14th volunteer department has been organized to serve the **Steele Creek-Berryhill-Shopton** area. . . . **Carrboro** has received a new 750 g.p.m. pumper costing \$12,500.

Recreation

The town of **Lincolnton**, acting on recommendation of the town's recreation commission, has purchased a swimming pool located two miles east of town which was formerly operated commercially. Included in the purchase was four and one-half acres of land, bath houses, well pump, and a deep well. The swimming pool is expected to add considerably to the already successful recreation program in the town.

Greenville is considering a bond issue to finance the construction of two municipal swimming pools. . . . Approval has been given by **Durham** city council for development of a new recreational park in **West Durham** on land donated by a textile mill. Estimated cost of the development, which will include an athletic field, playground and picnic area, is \$75,000.

Following the decision in *Greensboro v. Smith*, 239 N.C. 138 (1954) which declared void all action taken by the **Greensboro** War Memorial Fund Commission since 1946, the **Greensboro** city council has appointed new members to the commission in accordance with the provisions of the legislative act authorizing and validating its creation and has returned \$50,922 to the commission which had been spent by the city in the acquisition of property for an auditorium site and for recreational and parking purposes. The commission has funds amounting to almost one million dollars on hand from donations made by citizens and civic organizations soon after the close of World War II.

Special Taxes

At the request of the Board of Education and with the support of many civic groups, the **Charlotte** city council has called a special election on May 4 for approval of a tax levy not to exceed 2 cents per \$100 valuation for support of the two Charlotte community colleges. The two colleges offer two years of college education and a variety of non-credit courses for adults. At the present time Charlotte College, for whites, has about 200 students enrolled in college courses and 350 adults in non-credit courses. Carver College, for Negroes, has about 150 students enrolled in college courses. Other community colleges in the state are located in Asheville and Wilmington.

By a vote of 368 to 268, voters in **Dunn** on March 2 defeated a proposed property tax levy for recreation. The town does not now support a recreation program. . . . Meanwhile the city of **Durham** has decided to submit to the voters the question of levying a tax of up to 10 cents per \$100 valuation for recreational purposes. The city's recreation program is now supported from non-tax funds.

Miscellaneous

A new mercury-vapor whiteway has been installed along six blocks of **Waynesville's** Main Street. The project cost about \$15,000 and 22 new specially designed lights on steel poles were required. . . . **Spindale's** board of commissioners has requested the Duke Power Company to install a new white way on the town's main street. At the same time the town hopes the present power and telephone lines can be moved off the street. . . . **Salisbury** has adopted a new street numbering ordinance which will result in renumbering of all property in town. A number will be assigned for every 10 feet in the business district and every 25 feet in the residential areas.

As an indication of what a snowfall means to the city budget, **High Point** estimates that it cost over \$4,000 to clear the city's streets of the eight-inch January snowfall. The State Highway and Public Works Commission has agreed to pay about

45 per cent of the cost. . . . In another emergency cost, **Burlington** estimates that Operation Pipeline (installation of two miles of pipe loaned by the Civil Defense Administration and the pumps necessary to pump water from Haw River to the city during last summer's drought) cost about \$33,000. The pipe and pumps had to be overhauled before being returned to the federal agency.

Newton has been selected as the North Carolina town in which the Morton Salt Company will stabilize one mile of dirt streets using salt as a binder. The experiment may reduce dust, eliminate rocks for paving purposes, and eliminate frozen roads during the winter.

Notes N. C. Counties

(Continued from page 2)

ceeds would be used to supplement state funds in meeting current needs.

In **Rutherford County** the Board of Education and County Commissioners are considering the issuance of \$1,500,000 in school building bonds. The proceeds would be used together with state funds to construct three senior high schools in the county. . . . In **Hertford County**, officials are discussing the possibility of a \$375,000 school bond issue to

supplement state funds in meeting some of the basic school building needs in the county. Counties throughout the state realize that their share of the \$50,000,000 state school bond issue will be insufficient to meet more than a portion of the school needs in the county. Therefore most counties are now in the process of determining what other means they have of supplementing state funds to accomplish an expanded construction program.

Voters in the **Laurinburg** city school administrative unit have approved a special school supplement tax of up to 30 cents per \$100 valuation. . . . Citizens in the **Durham County** administrative unit (the territory outside of the City of Durham) will vote April 10 on a special school supplement tax in the county unit not to exceed 33 cents per \$100 valuation. The main purpose of the tax will be to raise the standard of the county schools to the level of the city schools, because the county schools lack the benefits provided by the city unit tax of 35 cents per \$100. . . . Consideration is being given in the **Graham** school district to a vote on a proposed 20 cents per \$100 special school supplement tax.

The **Wake County** Register of Deeds' office has recently installed a system of photographic recordation. Documents filed in the office for recording are photographed, and the film is sent to Greensboro for de-

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NEW ORDINANCES

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

Chapel Hill. Restricting passenger-carrying buses operating under a town franchise from stopping to discharge and receive passengers except at points designated by the town board.

Hickory. Providing (1) for the installation of metered 12-minute parking spaces at each end of metered blocks where there is a rapid parking turnover because of nearby businesses and (2) for the installation of a metered 12-minute parking space in the middle of exceedingly long blocks. (In recommending the passage of this ordinance, the traffic engineer suggested that the 12-minute meters be painted red or some

distinguishing color for easy identification.)

Rocky Mount. Creating a bird sanctuary within the corporate limits, except that protection of the ordinance is not to extend to birds classified as predatory by the Wild Life Resources Commission or by the General Statutes of the state or to pigeons, crows, starlings, or English sparrows.

Statesville. Prohibiting the parking of motor vehicles in all public and private alley ways in the city in order to eliminate interference with the operation of fire trucks, unless the parking of a vehicle leaves a minimum of 12 feet clear and unobstructed. No motor vehicle may be parked in any alley within a distance of 25 feet from the intersection of the alley with another alley or street.

NOTES

On North Carolina Personnel

Salary Increases

Since the beginning of the current fiscal year, employees of a number of counties and towns have received salary increases. In **Charlotte** an increase retroactive to July 1 was granted in December. Police and firemen received a nine per cent and all other employees a six per cent salary increase. The starting salary for Charlotte policemen and firemen following the increase is \$277 per month with increases to \$326 at the end of 18 months.

In November all **Burlington** employees with the exception of department heads and part-time employees were given a two and one-half per cent salary increase retroactive to July 1. The salaries of four city department heads were also increased at that time.

Police officers of **Fuquay-Varina** were granted a \$20 increase in monthly salary effective the first of January. **Albemarle** city employees were granted \$10, \$15, or \$25 in salary increases during February.

A wage survey of salaries paid in private businesses in **New Hanover County** is being conducted by the New Hanover County Accountant for the chairman and members of the Board of County Commissioners. The survey which will be completed by June, will attempt to determine the salaries paid in private enterprise to persons in positions similar to those held by county employees. The survey will not include pay scales for county employees under state classifications nor will it include elected officials.

Loans Regulated

Following the discovery that some **Raleigh** employees were lending money at illegal rates of interest to other municipal employees, City Manager W. H. Carper issued a directive forbidding any Raleigh employee to lend money to other municipal employees at any charge or interest rate other than that legally established by law. The directive states that a violation of the policy shall be deemed sufficient basis for a charge of misconduct and to be

against the best interest of the city of Raleigh, and that such person shall be subject to dismissal.

The City Manager opposed the practice of foremen and other employees lending money for two reasons: (1) "No supervising personnel, particularly those who might have other authority over employees, should engage in a private business of lending money where they have the power of control over that person as to his job" and (2) "It is bad to encourage and make it easy for an employee to get quick money for he does not think of the price he has to pay for this at the time he needs a few dollars. It is therefore a serious strain on his pay check to return not only what he borrowed, but a tremendous increase in interest on top of it."

He also stated that the city hoped shortly to set up an employee credit union and make arrangements for employees to obtain loans when it becomes necessary for them to borrow money.

Training Institute

The Southern Regional Conference of the Civil Service Assembly and the Bureau of Public Administration, University of Tennessee, will sponsor a four-day Training Institute for public personnel officers, June 8-11, 1954, on the campus of the University of Tennessee in Knoxville. Designed to help personnel technicians learn more about their specialties and the relation of those specialties to the broad purpose and objectives of personnel administration, the Training Institute will feature a two-day session on position classification and pay conducted by Ismar Baruch, Technical Adviser to the United States Civil Service Commission, and a similar two-day program on recruitment and classification which will be led by Forbes McCann, Chief of Examinations and Recruitment, Philadelphia Personnel Department. In addition, two evening meetings will give brief consideration to the problems of employee relations and training programs.

A registration fee of \$20 per person will be charged for the four-day

program. Housing accommodations in University dormitories will be available at \$2.50-\$3.50 per night. The University of Tennessee will award an appropriate certificate to those who successfully complete the institute. Additional information and registration blanks may be obtained from Dr. Nelson M. Robinson, Bureau of Public Administration, University of Tennessee, Knoxville.

Hospital Insurance

Until last September salary deductions had been made for two hospital insurance plans to which **Charlotte** employees belonged. Following a report of a committee of employees named to study the situation, it was recommended that the 1,250 city employees enter into a plan with one firm instead of the two companies that had been doing business with groups of municipal employees. Upon the recommendation of the City Manager, the Council agreed that one dollar per month would be paid by the city government for each employee enrolled in the Group Insurance Plan.

OASI

On January 14 President Eisenhower sent a special message to Congress urging the extension of Old Age and Survivor's Insurance coverage to 10 million people, including most state and local employees. The President's recommendations are set forth in HR 7199 introduced by Representative Daniel Reed, Chairman of the Committee on Ways and Means.

HR 7199 provides that all public employees belonging to a retirement system, except policemen and firemen, might be permitted to be brought under Old Age and Survivor's Insurance effective January 1, 1955, provided a vote were held among the active members of the system and two-thirds of those voting were in favor of coming under OASI.

HR 7199 provides for the following changes which will be of interest to State and local employees:

(1) Extending OASI to public employees now members of a public retirement system on a voluntary basis after a referendum.

(2) Increasing the base salary upon which the Social Security tax is paid from \$3,600 to \$4,200.

(3) Eliminating from computations of average monthly

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Health Law Revision In North Carolina

[From address given at 42nd annual meeting of North Carolina Public Health Association, 10 September 1953, at Nags Head.]

My assignment here tonight is to talk with you for a few minutes on legal problems in public health. You do have legal problems from time to time in your work, in spite of the fact that most of the time you rely on education and persuasion in your efforts to protect and advance the public health, rather than resorting to coercion and the courts.

Time is too short tonight, and your specialties and interests are too varied, to permit discussion of the particular legal problems you encounter in your work as specialists in the different fields of public health. For these reasons I will confine my remarks to one legal problem which affects every one of you, and which I believe is the biggest legal problem you face today.

I refer to the need for overhauling the state health laws and the regulations of state and local boards of health, to the end that they may reflect the amazing advances you have made in other areas of public health since the beginning of this century.

It may be helpful to trace the history and pattern of health legislation in North Carolina, as an aid to understanding why our health laws and regulations need attention today.

The first substantial piece of health legislation applicable to the territory which is now North Carolina was enacted in 1712 by the General Assembly of the Province of Carolina, and was entitled "An Act for the More Effectual Preventing the Spread of Contagious Distempers." It was of course a maritime quarantine law, and appointed a "Comissioner for Enquireing into the State of Health" of persons arriving at ports in the province, particularly at Charleston.

In the 241 years between the General Assembly of 1712 and the General Assembly of 1953 hundreds of pieces of health legislation, most of them aimed at "the more effectual preventing" of one or another of a myriad of threats to the public health, were spread upon the statute books of North Carolina, during its progress from crown colony to sovereign state.

In terms of sheer volume and numbers, however, comparatively few of our statutes enacted prior to the Civil War had anything to do with health.

By

WILLIAM M. COCHRANE

Assistant Director

Institute of Government

The statutory situation in 1854 illustrates this point. By that year brief statutes had been enacted for quarantine on ships and in incorporated towns in cases of smallpox and other communicable diseases; providing for a limited inspection of meats and other foods; declaring stagnant water, dead animals, and other substances to be common nuisances—but this statute applied only to seaport towns, and no provision was made for protection in inland municipalities; and providing for control of diseases in cattle by the ingenious device of forbidding their transportation without a written certificate that they were free from disease—the certifying, presumably after inspection, to be performed by any two justices of the peace. The law also frowned on putting poison in a neighbor's well—making it a misdemeanor; and made the owner liable for mad dog bites.

Taken altogether, the statewide laws for protection of the public health in effect at the beginning of the Civil War added up to not more than three or four pages of printed matter. By any standards, the law offered little more than fragmentary protection to health of the citizens of this state.

It is familiar learning to all of you what happened in public health in the years following the Civil War. During the next two decades state boards of health in roughly the modern pattern were established in a number of states. North Carolina joined the movement in 1877 by enacting a statute designating the entire membership of the State Medical Society as the State Board of Health, to act through a committee supported by an annual state appropriation of \$100.

Two years later this unwieldy arrangement was terminated by a statute creating a nine-member board of health which was to be a regular department of the state government.

But it was not until 1911 that the board acquired the services of its first full-time health officer and ad-

ministrator, thus beginning the development of a state health agency staffed by professional men and women working under the general direction of the board of health.

The pattern of statutory development of organized public health work at the local level was a similar one. It is true that town government from earliest colonial days had to concern itself with threats to community health. But it is also true that *organized* public health work in the modern sense developed at the local level largely during the period since the Civil War, and under a statutory pattern paralleling that of state health work.

North Carolina's first statute providing for a state-wide system of county boards of health was enacted in 1879, when the legislature decreed that each county should have a county board of health composed of all the practicing physicians in the county, plus the chairman of the board of county commissioners, the mayor of the county town, and the county surveyor. This board was as unwieldy for administrative purposes as the original state board had been. Like the old state board, the 1879 county board functioned in practice as something on the order of a medical "vigilante committee," organized to deal with epidemics, nuisances, and similar urgent threats to the community's health, usually after they had already begun—rather than as an agency administering laws and regulations aimed at preventing such disasters.

Accordingly, such regulations as were adopted by county boards of health during this period were mostly emergency measures, to deal with urgent situations, and there were few instances of prospective and general preventive regulations. Few cases reached the courts involving these county boards during the 42 years that this system endured.

Illustrative of the emergency nature of their work were cases upholding their power to remove smallpox victims to the county pest house, and to feed and attend them there at the expense of the county.

It was in 1911 that the county board of health statute was first expressed in substantially its modern form, with a seven-member board composed of

both medical and lay members. However, for most of the state's counties, the formal statutory change had little immediate effect on the type of health work being locally administered. The only full-time county health service in the state by 1911 was that of Guilford County, which was established in that year. As all of you know, it was not until 1949 that the state reached the 100 per cent mark with respect to full-time local health service in all its counties.

Incorporated cities and towns in North Carolina have had explicit statutory authority under state-wide laws since 1893, and under particular town charter provisions since colonial days, to tax and spend, adopt regulations, and impose penalties in the interest of the public health. However, except in a few of the more populous centers, most of the state's 400-odd incorporated municipalities have left organized health work to the counties and districts. This pattern is reflected in the statutes. Since 1877 the statutory emphasis has been on the county as the local unit for health work and, since 1935, this development has been extended under a statute of that year authorizing creation of multi-county health districts served by health departments working under district boards of health.

As the legislature gradually worked out the statutory pattern of state and local governmental machinery for health work during the fifty years following 1877, it also added with each biennial session to the collection of health laws to be enforced by these agencies.

These additions to the health statute law of the state were often hard won victories, achieved only after long struggles in the legislature, and accordingly often reflect the patchwork quality of legislation enacted as the fruit of compromise between opposing factions—a process familiar to all of us.

Like Topsy, our collection of health law "just grew." By the late twenties of this century most of the collection was in place in our law books. Relatively few changes have been made in the last quarter century, compared with the bulk of statutes still in effect which are now older than 25 years.

This same quarter century has seen greater advancement in the activity of organized public health agencies than they enjoyed in all their years before combined. There has been change in the nature as well as growth in the volume of health agency ac-

tivity. "Public health" is today defined much more broadly than once it was. Health agencies have long since extended their sphere of activity and concern to include such vital considerations in modern society as mental health, prevention of occupational diseases and accidents, elimination of slums and sub-standard housing, and so on—in addition to the traditional services, such as communicable disease control, which we have come to take for granted as part of health work. The statutes have not kept pace with these developments.

The expanded programs of state and local health departments now flourishing in North Carolina would have seemed but an iridescent dream—25 years ago—in any county in this state. In terms of program, in terms of staff, and in terms of money the development has been enormous.

During this two and a half decades both state and county boards of health have gone through a transition from the status of merely *nominal* regulation-making bodies with few or no full-time administrative personnel, to the present status of very *active* regulation-making and regulatory bodies with large full-time staffs, enforcing statutes and regulations affecting the interests of an increasing number of citizens in their businesses, their homes, and even their persons.

In this great expansion of regulation and administration, the process of improving the techniques of the health sciences has far outstripped the process of improving the health statutes, regulations, and the legal and administrative procedures of enforcement.

Public health personnel today—university-trained in their specialties, for the most part, and possessing the technical knowledge and skills they need for protecting and advancing the public health—are not so well-equipped when it comes to the legal aspects of their tasks.

They do not find either quick or clear answers to questions about their powers and duties by looking for them in the statute books. The result is that often they play by ear rather than by note, because the notes are not easy to find—and may not be there at all.

Our statutory provisions are often full of meticulous detail or inconsequential or obsolete matters, and silent as the grave on matters now recognized as being vital parts of health department programs. They are, moreover, ambiguous and contradictory in many places to the point of

utter confusion. For example, one of them provides that the county health officer *shall* serve as the county physician, and another one says he *may* serve as the county physician—which has been interpreted to mean that whether he shall or shall not so serve is a matter within the discretion of the county board of health.

The same general comment can often be validly made about regulations adopted by our boards of health. These regulations are often too hastily drawn; they are usually unpublished; they are not always kept up to date; and they are sometimes inaccessible, for all practical purposes, not only to the citizens they regulate, but even to health department personnel.

In these circumstances, it is not surprising that health officials sometimes discover that they have been adhering to accepted health and sanitary standards, and enforcing them—only to find in court that the "regulation" relied on had never been properly expressed and adopted by the board of health.

Poorly drawn statutes and regulations are not the exclusive property of public health agencies. Justice Harlan Stone described the general situation in 1925 in these words: "We make a prodigious number of laws. In enacting them we disregard the principles of draftsmanship and leave in uncertainty their true meaning and effect."

Alexander Hamilton saw the dangers inherent in poor draftsmanship when he wrote these words in 1788: "It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today can guess what it will be tomorrow."

During the last few years there has been considerable interest throughout the state in revising and modernizing county and district health regulations, and in adopting regulations on subjects not covered by the regulations of the state board of health—such as local regulations governing swimming pools, trailer parks, private water supplies, and so on.

The job of revising and reorganizing the state laws and regulations to make them fit the present-day needs and practices of state and local health agencies is of course a much bigger project, and is probably even more

urgent than the local ones. Preliminary research toward this end has already been begun by the staff of the Institute of Government at Chapel Hill, at the request of the state health officer. The project was undertaken with the understanding that committees representing the various technical specialties in public health would work closely with staff members of the Institute of Government, examining with care every detail of every provision of the existing statutes, with the public health specialists making the decisions with respect to what should be kept, what added, and what thrown away. The resulting tentative draft would then be submitted to health officials all over the state, for study and suggestions, before being proposed to the legislature for adoption.

The task is indeed a big one, and it will require much time, work, and cooperation to bring it to completion.

Personnel Notes

(Continued from page 6)

wages the four lowest years of earnings. (This will permit public employees who have been excluded from OASI to qualify in 18 months if they are 63½ years old or over by January, 1955. This would also raise the base for computing retirement and survivor's benefits for persons now covered by OASI.)

(4) Increasing the maximum primary benefit from \$85 to \$108.50 per month.

(5) Increasing the maximum family benefit to \$190 per month.

(6) Increasing the minimum primary benefit to \$30 per month.

(7) Raising the monthly \$75-limit on earnings necessary to qualify for OASI benefit to \$1,000 yearly. (This provision would permit a retired employee to earn \$90 monthly for 12 months and lose only one month's benefit. It would also permit a retired employee to earn \$200 for five months without penalty.)

(8) Providing for workers totally disabled for extended periods of time to qualify for benefits based on earnings they would have received had they worked until the age of 65.

These new amendments are estimated to increase the cost of old age and survivor's insurance benefits to approximately 6.35 per cent of a payroll. Since January 1, 1954, employees and employers have been paying a total of four per cent of payroll into this fund.

Retirement

The Board of Commissioners of the city of **Wilson** have voted to contribute a five per cent supplement to the Law Enforcement Officers' Benefit and Retirement System in lieu of the two per cent contribution which they have been making for all employees belonging to the system.

In **Charlotte** a five-man commission to study Charlotte's Firemen's Retirement System was appointed in December by the resident judge of Mecklenburg Superior Court. The appointments were made pursuant to an act of 1953 General Assembly which called for a thorough and comprehensive study of the local Firemen's Retirement System with recommendations to be presented to put the system on a sound actuarial basis. The special act creating the Commission required a report to be made on or before November 15, 1954, to the City Council of Charlotte and to the members or members-elect of the Mecklenburg County delegation to the 1955 General Assembly.

Employees Honored

The **Winston-Salem** Personnel Department has given a banquet for 203 present and retired employees who have worked for the City as long as 20 years. In initiating a program to recognize the service of city employees, pins were distributed to 143 who had served the City for 20 or more years. Each pin designated the number of years the employee had worked. They varied from 20 to 43 years. The 60 retired employees received a similar pin and also a framed certificate telling the date of retirement and the number of years served. In the future each employee will receive a pin on his 20th anniversary and one every five years thereafter.

County Notes

(Continued from page 5)

Miscellaneous

veloping and for making photographs suitable for binding in the deed books. The cost of the camera used in the office was around \$2,500, not including the cost of printing pages. It is anticipated that the new system will eliminate services of at least three typists, and that the recording cycle will be speeded up. . . .

Wake County and the city of **Raleigh** have a coordinator of Civil Defense in the county. Costs of the office will be borne on a 50-50 basis and it is anticipated that the annual cost will amount to around \$10,000 a year. The selection of a full-time, paid director was decided upon after county and city officials decided that a voluntary director would be difficult to obtain and would not be as effective as a full-time, paid one. . . . **Perquimans County** has been suggested by local officials as a possible site for the new proposed Air Force Academy. Mayor V. N. Darden of Hertford has written Representative Herbert C. Bonner of the interests of the community in securing the Academy.

In two recent A. B. C. elections substantial majorities voted against the establishment of A. B. C. stores. **Alamance County** voted dry in February, and **Johnston County** voted dry in March. In **Alamance** the vote was two to one against the stores, with only two precincts voting wet. In **Johnston**, the vote was three to one against the stores, with not a single precinct casting a majority for the stores. . . . **Henderson County** voters will go to the polls probably during the month of August to decide on the sale of beer and wine in the county.

RECENT PUBLICATIONS OF THE INSTITUTE OF GOVERNMENT ON COUNTY AND CITY FINANCE

During 1953 and 1954 the county and city finance guidebooks listed below were sent without charge to county and city officials concerned with budget making and finance administration—as part of the regular services covered by county and city membership dues. They were written by John Alexander McMahon, Assistant Director of the Institute of Government. A limited number of copies remain in stock. They will be sent without charge to county and city finance officials who write for them, and to others at the nominal charges shown below.

SOURCES OF COUNTY REVENUE	\$1.00
GUIDEBOOK FOR COUNTY ACCOUNTANTS	2.00
SOURCES OF MUNICIPAL REVENUE	1.00
MUNICIPAL BUDGET MAKING AND ADMINISTRATION	1.00
GUIDEBOOK FOR ACCOUNTING IN CITIES	2.00
GUIDEBOOK FOR ACCOUNTING IN SMALL TOWNS	1.50
FINANCING PUBLIC SCHOOLS	1.00

Books of Current Interest

Congress

CONGRESSIONAL QUARTERLY ALMANAC (Vol. IX, 1953). *Washington: Congressional Quarterly News Features, 1156 Nineteenth Street, N. W. January, 1954. \$17.50. Pages 631, index.*

Despite the title, this is an annual publication—bringing together in one large yearbook summaries of the information published in the weekly and quarterly reports of Congressional Quarterly News Features. The Almanac is an invaluable aid to those whose work or interests require quick answers to questions about Congress. Among other features, it presents concisely and impartially the issues which were before the House and Senate during 1953, a record of all roll call votes, summaries of bills introduced and laws enacted, and reports on committee action and investigations.

THE LEGISLATIVE PROCESS IN CONGRESS. *By George B. Gallo-way. New York 16: Thomas Y. Crowell Company, 432 Fourth Avenue. 1953. \$6.00. Pages xii, 689.*

Legal Heritage

POLITICAL AND CIVIL RIGHTS IN THE UNITED STATES (A Collection of Legal and Related Materials). *By Thomas I. Emerson and David Haber. Buffalo, New York: Dennis and Company, 251 Main Street. 1952. \$7.50. Pages xx, 1209.*

Ours is "a government of laws," not men. And the "laws" to which that expression refers are the laws by which all facets of our liberty are secured—the Bill of Rights, the Fourteenth Amendment and all the other constitutional provisions, both state and federal, which prescribe limitations on the men who exercise official power, be he an officer patrolling his beat or the President in the White House. Surely there is no more fundamental and worthwhile body of law in our entire political system, and none which commends itself more to study and reflection on the part of all. Yet it is, or should be, a matter of some consternation that Americans in general and American lawyers in par-

ticular so often seem so poorly schooled in this legal heritage.

What does the free speech clause of the First Amendment say and what do the words mean? How have they been applied by the courts? On what assumptions does this guarantee rest? From what experience did the Fourth Amendment spring, and what interests did its framers hope to preserve? What is its function today? What principles lie latent in the "due process" clause that this terse constitutional command should have been, during its brief existence, productive of so much litigation of so much importance—enough opinions to fill all the shelves of a modest law library. Indeed, what are the "basic" rights of the American people—can we, in ordinary conversation, without research or reflection speak of them in familiar terms? And can we explain to others why the creators of government in this country took special pains to incorporate each of these rights in the highest laws of the land, the federal and state constitutions? Appreciation of these matters probably ought to be a *sine qua non* to knowledge of the genius of our form of democracy. And since democracy is a label seemingly much abused by other nations in the world, there is all the more reason that we know a little of the law implicit in the term when we, ourselves, use it in day-to-day thought and debate.

That is the apology—if one is needed—for this large volume. The book is a sourcebook. It is a sourcebook of the law pertaining to our civil rights—using that term in its broad, and not its partisan, sense.

It is a collection of cases and annotations, interspersed occasionally with comment from various categories of commentators, legal and otherwise, mature and immature, wise and rash—but almost all provocative—and all dealing with the law pertaining to the basic rights of the individual. The cases run the gamut of our constitutionally protected, personal, rights: from the rights of criminals to a trial in conformity with traditionally defined standards to the more nebulous rights of teachers to free expression and continued employment as well. Emphasis, by way of selection, is placed on rights which

are very much in the news today; and sometimes emphasis by way of selection is placed on one side of the debate. But the editors avow that they have no axe to grind; and on the whole the book stays, as it should, within the limits of a neutral exposition of the law as it is, and not the law as the editors think it should be. Whatever epithetical jurisprudence there is in the book is pretty well confined to the judicial opinions, which the editors must necessarily reproduce to report the law.

It is a worthwhile book, if for no other reason, because there has been no other attempt to anthologize the rich legal material in this field—to collect the primary sources of a legal heritage which deserves study and reflection, not ignorance and neglect, to the end that the constitutional draftsmanship and purpose of the first Americans be not soon forgotten.—J.C.N.P.

Political Science

A PRIMER OF STATISTICS FOR POLITICAL SCIENTISTS. *By V. O. Key, Jr. New York 16: Thomas Y. Crowell Company, 432 Fourth Avenue. 1954. \$2.50. Pages x, 209.*

THE GENIUS OF AMERICAN POLITICS. *By Daniel J. Boorstin. Chicago: University of Chicago Press, 5750 Ellis Avenue. 1953. \$3.25. Pages ix, 202.*

States

THE BOOK OF THE STATES—1954-55. *Chicago: Council of State Governments, 1313 East 60th Street. 1954. \$10.00. Pages xi, 676.*

AMERICAN STATE LEGISLATURES (Report of Committee on American Legislatures, American Political Science Association). *Edited by Belle Zeller. New York 16: Thomas Y. Crowell Company, 432 Fourth Avenue. 1954. \$3.50. Pages ix, 294.*

ESSENTIALS OF MISSOURI GOVERNMENT (Third Edition). *By Robert F. Karsch. Columbia, Missouri: Lucas Brothers, Publishers. 1953. Price? Pages 174.*

Legal Libraries

THE LIBRARIES OF THE LEGAL PROFESSION. *By William R. Roalfe. St. Paul, Minnesota: West Publishing Company. 1953. \$6.00. Pages xvii, 471.*

Municipalities

REFUSE COLLECTION AND DISPOSAL FOR THE SMALL COMMUNITY. *By U. S. Public Health Service and American Public Works Association. Chicago: American Public Works Association, 1313 East 60th Street. November, 1953. \$2.00. Pages vi, 39.*

COMMUNITY WAGE PATTERNS. *By Frank C. Pierson. Berkeley 4, California: University of California Press. 1953. \$3.75. Pages xvii, 213.*

Model Bond Law

A MODEL COUNTY AND MUNICIPAL BOND LAW. *New York: National Municipal League, 299 Broadway. 1953. \$1.00. Pages xxiv, 30.*

Accounting

A STANDARD CLASSIFICATION OF MUNICIPAL ACCOUNTS. *Chicago 37: National Committee on Governmental Accounting, 1313 East 60th Street. 1953. \$3.00. Pages 129.*

The classification of accounts presented is adaptable to all municipalities and other local governmental units irrespective of size, activities, structure, or system of accounting. It has been made elastic so that it can be condensed or expanded to suit the needs of a particular government, without destroying the basic uniformity of the classification. The various accounts making up the standard classification are all described so as to indicate the exact type of transaction to be recorded in each one.

Part I of the book contains a discussion on the use of the classification, and includes directions as to how to adapt it to a particular municipality. Part II presents a master list of balance sheet accounts with a description of each account. Moreover, there is included a chart showing in which of the several funds [General

Fund, Special Revenue Fund (such as a debt service, library, or recreation tax fund), Utility Fund, Bond Fund, Special Assessment Fund, Sinking Fund, Working Capital Fund, General Fixed Assets, and General Bonded Debt and Interest] each of the accounts will generally be found.

Part III presents a list of revenue accounts with explanations, breaking sources of revenue down into taxes, licenses and permits, fines, forfeitures and penalties, interest earned and rent, State aid and revenues from other agencies, service charges, utility revenue and other.

Part IV presents a list of expenditure accounts with explanations, breaking down expenditure accounts first by function, including general government, public safety, streets, sanitation and waste removal, conservation of health, libraries, recreation, utilities, and others not generally found in North Carolina municipalities.

All of these functions are further broken down into the activities within each, and a recommended classification of the expenditures in each activity is discussed as to both character and object.

The classification presented will be extremely helpful to municipalities who are considering a revision of their chart of accounts, or who are dissatisfied with their present chart. The classification presented will serve for budget making, budget control, and accounting purposes. But just as important, it will also serve for reporting purposes, and those interested in providing for uniform reporting by North Carolina municipalities will find in the book an excellent beginning.

If this or a similar classification could be put into use in each municipality in the State, with periodic reports based on it, there would be available comparable statistics on municipal fiscal operation such as have never been available. Thus the book will be helpful to those seeking to improve their own accounting systems as well as to those seeking the means of comparing governmental expenditures in cities and towns of similar size.—J. A. M.

State and City

STATE-CITY RELATIONSHIPS IN HIGHWAY AFFAIRS. *By Norman Hebden and Wilbur S. Smith. New Haven 7, Connecticut: Yale University Press, 143 Elm Street. 1950. \$4.00. Pages xvi, 230.*

Prisons

INSIDE. *By Helen Bryan. Boston 7: Houghton Mifflin Company, 2 Park Street. 1953. \$3.00. Pages xi, 305.*

Communism

THE COMMUNIST PROBLEM IN AMERICA. *By Edward E. Palmer. New York 16: Thomas Y. Crowell Company, 432 Fourth Avenue. 1951. \$2.50. Pages xvi, 496.*

THE SOVIET IMPACT ON SOCIETY. *By Dagobert D. Runes. New York 16: Philosophical Library, Inc., 15 East 40th Street. 1953. \$3.75. Pages xiii, 202.*

Miscellaneous

THOMAS RODNEY, REVOLUTIONARY AND BUILDER OF THE WEST. *By William Baskerville Hamilton. Durham, North Carolina: Duke University Press. 1954. \$4.50. Pages viii, 96.*

AMERICAN CONSTITUTIONAL CUSTOM: A FORGOTTEN FACTOR IN THE FOUNDING. *By Burleigh Cushing Rodick. New York 16: Philosophical Library, Inc., 15 East 40th Street. 1953. \$4.75. Pages 244.*

THE TRIAL JUDGE IN SOUTH CAROLINA. *By Lanneau D. Lide. Columbia, South Carolina: University of South Carolina Press. 1953. \$3.50. Pages xv, 114.*

THE PSYCHIATRIST AND THE LAW. *By Winfred Overholser. New York 17: Harcourt, Brace and Company, 383 Madison Avenue. 1953. \$3.50.*

OTHER PEOPLE'S MONEY: A STUDY IN THE PSYCHOLOGY OF EMBEZZLEMENT. *By Donald R. Cressey. Glencoe, Illinois: The Free Press. 1953. Pages 191.*

LEARNING PARLIAMENTARY PROCEDURE. *By Alice F. Sturgis. New York 36: McGraw-Hill Book Company, 330 West 42nd Street. 1953. \$5.50. Pages xvi, 358.*

CONSTRUCTION OF EDUCATIONAL AND PERSONNEL TESTS. *By Kenneth L. Bean. New York 36: McGraw-Hill Book Company, 330 West 42nd Street. 1953. \$4.50. Pages viii, 231.*

The Attorney General Rules . . .

Municipalities

Garbage Collection Outside City.

Does a city have the statutory authority to undertake the collection of garbage and refuse on a contract basis in areas located outside the corporate limits?

To: G. C. Franklin

(A.G.) G.S. 160-233 authorizes the governing body to provide by ordinance for the removal of garbage and refuse and when such garbage is not removed by private individuals, may require removal and charge the actual expense of removal to the owner or occupant of the house. G.S. 160-234 authorizes the governing body to remove or abate, or cause to be removed or abated, everything in the city or within one mile thereof which is dangerous to the public health. The person responsible for the menace to health must pay the cost, and if not paid, the cost shall be a lien upon the land where the trouble arose and collected as unpaid taxes. G.S. 160-203 provides that all ordinances of a city in the exercise of police powers given for sanitary purposes shall apply to all territory within one mile of the city limits. Under the authority of these sections it seems to me that a municipality could adopt a garbage ordinance in behalf of sanitation which would be effective in the city and in all territory within one mile outside the city limits. This would give the municipality the right to collect for such service in the area for one mile outside the city limits by the force and effect of the ordinance rather than by agreement with the individuals residing therein. I know of no authority for thus dealing with the matter beyond the one-mile limit as provided in the cited statutes.

Abandonment of Dedicated Streets.

Many years ago a street was dedicated to the public and opened up for a part of its width. Adjacent property-owners now claim a portion which was not opened. Does the city have any rights to the unopened portion of the street? How may it give up such rights?

To: Warren H. Pritchard and Henry L. Kiser

(A.G.) Under the holdings of *Insurance Co. v. Carolina Beach*, 216 N.C. 778, and *Lee v. Walker*, 234 N.C. 687, it is settled that the city's right to the entire dedicated street became fixed when it accepted and opened a portion thereof. It would probably take a special act of the

General Assembly to convey this interest to adjacent property-owners, under *Southport v. Stanly*, 125 N.C. 464, and *Church v. Dula*, 148 N.C. 262.

Excavation of Dedicated Street.

Nineteen years ago an adjacent property-owner excavated a portion of a dedicated street, the remainder of which was accepted and opened by the public. Can the town now require him to fill in this excavation?

To: R. Lewis Alexander

(A.G.) The property-owner's action could not deprive the city of its interest in the street, under G.S. 1-45. However, I doubt that the city could compel him to fill in the excavation or charge him for doing so itself, since it has acquiesced in his action for 19 years. It could, of course, fill in the street at its own expense.

Payment of Employees' Health and Accident Insurance Premiums.

May a municipal corporation pay all or any part of the insurance premiums for health and accident insurance for employees and their dependents?

To: Herbert H. Taylor, Jr.

(A.G.) Counties, cities and towns may pay the premiums on health and accident policies issued on their employees and any dependents of such employees. See G.S. 58-250(3) and 58-254.4(2) and (3).

Counties

Accounting and Deposit of Funds by Welfare Department. Should a county welfare department set up an accounting system so that all receipts of support payments and other miscellaneous funds can be accounted for and a daily deposit of such funds required?

To: W. W. Speight

(A.G.) Under the provisions of the daily deposit law, G.S. 153-135, all officers and employees whose duty it is to collect or receive money belonging to any county are required to deposit the same daily in the county treasury or in a bank account in the name of the county, reporting the same daily to the county accountant. G.S. 153-116(c) and (d) require officers and departments receiving or disbursing money of the county to keep adequate records of each item or receipts and disbursements, and authorize the county accountant to examine such records and accounts monthly or oftener if the board of county commissioners so directs.

These statutes apply to the county board of welfare as well as all other county departments and agencies. It is my opinion that the county commissioners would have a right to require the county welfare department to set up an accounting system so that all receipts and support payments and other miscellaneous funds belonging to the county can be accounted for and a daily deposit made.

Validity of Boiler Insurance. May a county purchase public liability boiler insurance on county buildings and pay the insurance premiums?

To: Jule McMichael

(A.G.) I am of the opinion that counties would not be liable for injury to third persons caused by the explosion of boilers in the courthouse or other county buildings; and an insurance policy covering such liability would not be collectible. Therefore, the county is not justified in an expenditure of money for insurance premiums on public liability boiler insurance. Employees injured in a boiler explosion, however, would be entitled to workmen's compensation if injured, and the county may under Chapter 97 of the General Statutes by insurance or self-insurance protect employees who might be so injured.

Elections

Validity of "Straw Vote Election" — on Voting Machines. May a "straw vote election" be held for the purpose of ascertaining if the purchase of voting machines is approved by the voters?

To: H. C. Dockery

(A.G.) It is generally held that there must be some statutory or constitutional basis for holding an election and that an election held without such authority or contrary to the material provision of the law is a nullity. I find no authority which would authorize a board of county commissioners to hold a "straw vote election" for the purpose of submitting to the voters the question of whether or not the board should exercise its discretion (under G.S. 163-187.1) and buy voting machines. Such an election would, in my opinion, be void, and no public funds could be spent therefor. You will note, however, that G.S. 163-187.2 provides specifically for an election on voting machines, but the election would have to be conducted under the provisions of that section.

Law and Administration

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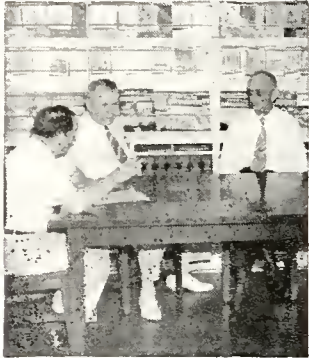
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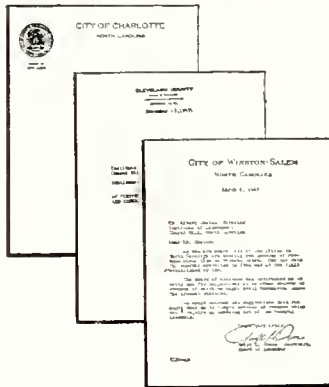
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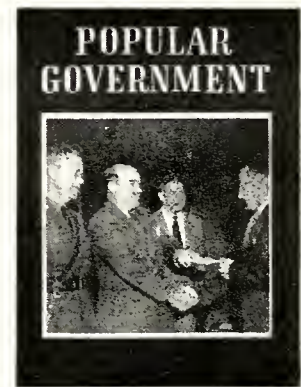
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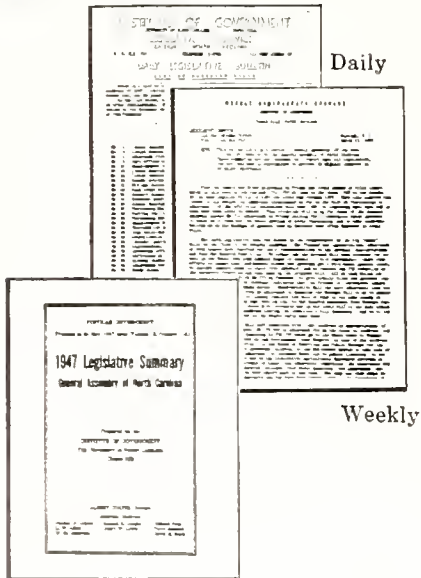


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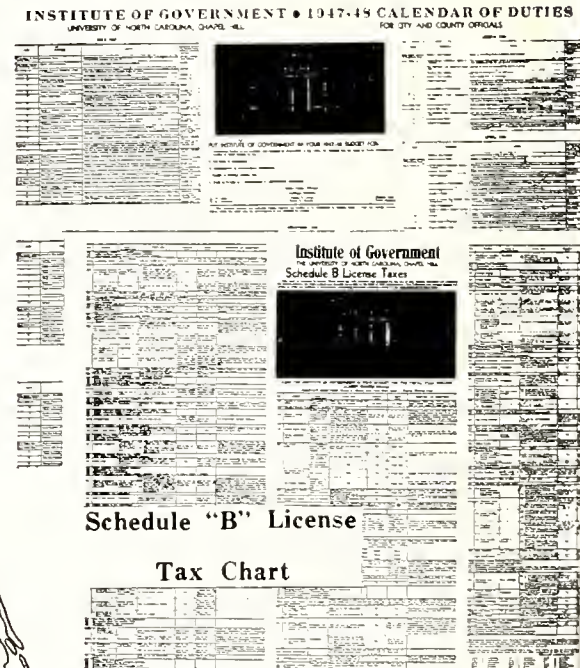
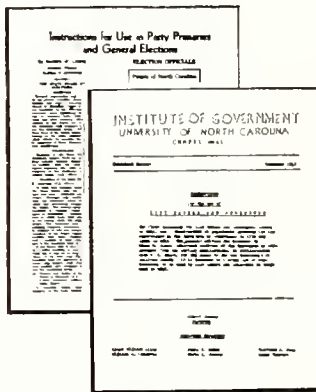
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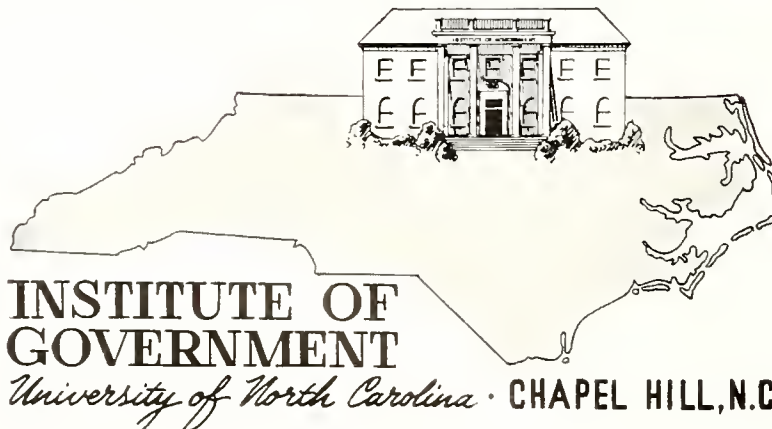
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