

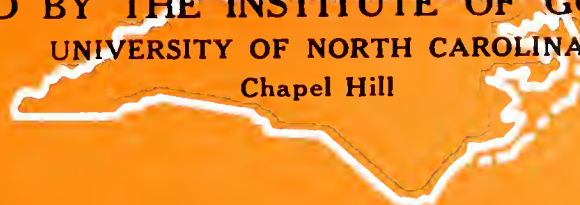
Popular Government

December 1955



Snow on the Campus

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COVER

Most North Carolinians see just enough snow during a typical winter to appreciate its beauty without resenting its unpleasant aspects. Our cover this month captures a rare and beautiful occurrence on the campus at Chapel Hill.—Photo courtesy of U.N.C. Photo Lab.

THE CLEARINGHOUSE

Tax Supervisors Hold 23rd Annual Meeting

For the 23rd consecutive year the county tax supervisors of North Carolina met at the Institute of Government on November 9, 10, and 11. From the beginning these officials have operated as an association, with officers and independent committees organized to carry out programs sponsored by the supervisors as an active group of public officials. This year's association president, R. B. Gates of Lincoln County, has the distinction of having been present at the first meeting of the group in the House of Representatives in Raleigh in 1932 and at the first meeting in the present Institute of Government Building in Chapel Hill in 1939.

The instructional part of this year's program was centered around the numerous 1955 changes in laws having to do with property tax administration. Special attention was paid to new exemptions and new bases for revaluing real property in years in which no general real estate re-assessment is being held. One afternoon session was devoted to an experimental analysis of assessment levels from county to county. Another session was spent in studying a locally-devised system for selecting and training township list takers.

Attendance at this year's conference was excellent: 53 counties were represented by 98 individuals. In addition to tax supervisors, the group included county commissioners, members of tax office staffs, and several visitors.

A special committee headed by James H. Sherrill of Caldwell County reported on progress with respect to attaining uniformity in tax statistical reporting through development of uniform methods for completing the required report form. J. C. Bethune and W. Z. Penland from the State Board of Assessment and James S. Currie and W. O. Sniter from the State Department of Tax Research were recognized for their assistance in this work.

Miss Foy Ingram, Director of the Registration Division of the Department of Motor Vehicles, and J. A. McMahon of the Institute of Government had significant parts on the program.

The association adopted resolutions recording its sorrow at the death of two of its most faithful members:

Planning Conference

A one-day working conference on "How Can City Planning Help the City Council?" was held at the Institute of Government on Wednesday, December 14, for mayors, city managers, city councilmen, and planning board members from the larger North Carolina cities which have planning departments. The conference was co-sponsored by the Institute and the North Carolina section of the American Institute of Planners.

A feature of the program was the appearance of Mr. Walter H. Blucher, for many years executive director of the American Society of Planning Officials and a widely-recognized authority in the field of planning.

Other participants on the program were Councilman George Roach, City Manager James R. Townsend, and Planning Director Ronald Scott, of Greensboro; Mayor George B. Herndon, City Manager Gilbert W. Ray, and Planning Director Frank Ventura, of Fayetteville; Councilman James Norman and City Manager John Gold, of Winston-Salem; Robert W. Conner, planning board member, and Planning Director Paul Brooks, of High Point; Councilman G. Watts Hill, Jr., of Durham; City Manager William H. Carper, of Raleigh; and Albert Coates and Philip P. Green, Jr., of the Institute of Government.

W. J. Webb of Granville County and J. A. McGoogan of Hoke County. Mr. McGoogan had served as president of the association in 1946. The supervisors also noted their regret that another former president of the association, Miss Maida Jenkins, had resigned her position as tax supervisor of Moore County.

At the annual business meeting C. Bryan Aycock of Wayne County was elected president of the group for the coming year; William F. Hester of Guilford was named first vice-president; and T. M. Condon of Hertford County was elected second vice-president. Upon taking office President Aycock appointed a legislative study

committee composed of J. C. Ellis of Nash, D. K. Muse of Alamance, T. D. Love of New Hanover, and Tazewell D. Eure of Gates, to serve with W. F. Hester as chairman. At the same time Mr. Aycock announced the formation of a committee to draft a constitution and by-laws for consideration by the association at its 1956 meeting. To this group he named the officers of the association and all former presidents still serving as county tax supervisors.

County Attorneys Meet In Chapel Hill

Twenty-one county attorneys, together with five interested state and local officials, attended the annual two-day School for County Attorneys at the Institute of Government on October 21 and 22. John Alexander McMahan was the Institute staff member in charge.

The agenda included discussions concerning (1) valuation of real property in non-revaluation years, (2) the powers of counties to make contracts, (3) the responsibilities of county attorneys under the recent amendments to the old age assistance lien law, (4) plans for revising public health laws, (5) county privilege license taxation, and (6) the responsibility of county commissioners to finance the cost of special law enforcement investigations, including inquests, postmortems, and others deemed necessary by law enforcement officers.

In addition to Mr. McMahan, instructors at the school were Henry W. Lewis, Roddey M. Ligon, Jr., George H. Esser, Jr., and Richard A. Myren, all of the Institute staff.

Old Timers May Recall These Strict Laws

For the following selection, we are indebted to the editors of "California Highways and Public Works," the official journal of the Division of Highways, Department of Highways, State of California.

Ever since the first horseless carriage started sputtering and roaring its way along our streets and highways back before the turn of the century, everyone from the embattled farmer to the indignant city father

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LAW ENFORCEMENT

By RICHARD A. MYREN

Assistant Director, Institute of Government

Radar Speedmeters

At rare intervals, the courts of this country make decisions which mark great advances in the field of law enforcement. Some of the most significant of these have been in accepting the applications of science to law enforcement. The Supreme Court of the state of New Jersey has recently made such a decision. This decision deals with the measurement of speed on the highways with the radar speedmeter.

Last year, the Law Review staff of the University of North Carolina School of Law, recognizing the importance of radar application to traffic law enforcement, published two articles in an attempt to persuade courts in this country to take judicial notice of the soundness of measuring speed with radar devices. In a decision quoting both of those articles, the New Jersey court has adopted this position. The decision is reproduced here in part for two reasons. First, it describes a method of operating the radar device which might well be adopted as standard procedure by departments using this equipment. Second, it summarizes the law on the question and will serve as an invaluable aid to solicitors in prosecuting such cases and to the bench in deciding how to handle radar evidence.

STATE v. DANTONIO
N. J. , 115 A. 2d 35 (1955)

* * *

"On February 2, 1954 Troopers Armstrong, Trainor and Trpisovsky, as members of a radar team, set up their equipment along the New Jersey Turnpike. The radar equipment, which included transmitting and receiving devices as well as a calibrated speedmeter needle and a permanent graph indicating the speed of cars passing within range of the waves being transmitted, was placed on a station wagon alongside the road. Trooper Trpisovsky testified that he hooked up the power supply, tested the machinery after a warmup period to see that it was operating properly, and observed that both the meter and the graph were at zero when no cars

were within range. Troopers Armstrong and Trainor testified that after the machinery was tested they drove their cars within range and, by radio communication, notified Trooper Trpisovsky of their respective speeds; when Trooper Armstrong's car was traveling at 75 miles per hour as evidenced by his own speedometer the radar device recorded 75 miles per hour; when Trooper Trainor's car was traveling at 89 miles per hour as evidenced by his own speedometer the radar device recorded 86 miles per hour. Dr. Kopper, a qualified electrical engineer associated with Johns Hopkins University, testified that in his opinion the Troopers' radar equipment 'was properly and carefully used and that it would give an accurate indication of speed.' He testified further that there would be tolerances for errors of 'two miles plus or minus' and that any inaccuracies resulting from the placing of the equipment at the side rather than in the center of the road or from the weakening of the machinery or its power would produce lower rather than higher speed readings. See Kopper, *The Scientific Reliability of Radar Speedmeters*, 33 N.C.L.Rev. 343, 352 (1955). He expressed the view that it was not necessary that the operator of the radar equipment 'be an electrical engineer or have other special technical skills'; Trooper Armstrong had been operating it since February 1953 and Trooper Trpisovsky had been operating it since August 1953. Cf. Kopper, *supra* at 353, where the author states that 'the average person engaged in traffic control work can learn to use the radar speedmeter after about one and one-half to two hours of instruction.'

"The defendant Dantonio was employed by Quaker City Bus Co. as a bus driver. He testified that about 6 p.m. on February 2, 1954 he left the toll booth at interchange No. 4 and drove onto the Turnpike. Trooper Trpisovsky testified that between 6:45 and 6:50 p.m. the defendant's bus came within range of his radar equipment and that the meter needle and the permanent graph both recorded that the bus was then traveling at the rate of 69 or 70 miles per hour: he noted the bus license number and radioed it to Trooper Armstrong who was stationed some 500 to 600 feet ahead. Trooper Armstrong testified that he intercepted the defendant, told him that his speed had been recorded by radar, and issued a summons and complaint which charged

him with traveling at 66 miles per hour in a 60-mile speed zone. . . .

"Although there have been no appellate decisions in our own State there have been several decisions in courts of other states and numerous articles in legal publications which have dealt comprehensively with the evidential problems presented by the use of radar speedmeters. See *State v. Moffitt*, Del. Super., 100 A. 2d 778 (Del. Super. Ct. 1953); *People v. Olferrmann*, 204 Misc. 769, 125 N.Y.S. 2d 179 (Sup. Ct. 1953); *People of City of Rochester v. Torpey*, 204 Misc. 1023, 128 N.Y.S. 2d 864 (Cty. Ct. 1953); *People v. Katz*, 205 Misc. 522, 129 N.Y.S. 2d 8 (Sp. Sess. 1954); *People v. Sarver*, 205 Misc. 523, 129 N.Y.S. 2d 9 (Sp. Sess. 1954); *People of City of Buffalo v. Beck*, 205 Misc. 757, 130 N.Y.S. 2d 354 (Sup. Ct. 1954); Baer, *Radar Goes to Court*, 33 N.C.L.Rev. 355 (1955); Woodbridge, *Radar in the Courts*, 40 Va. L.Rev. 809 (1955); Notes, 30 N.C.L.Rev. 385 (1952); 38 Marq.L.Rev. 129 (1954); 28 Tul.L.Rev. 398 (1954); 58 Dick. L.Rev. 400 (1954); 15 Ohio St.L.J. 223 (1954); 39 Iowa L.Rev. 511 (1954); 5 Mercer L.Rev. 322 (1954); 7 Vand.L.Rev. 411 (1954); 30 Wash.L.Rev. 49 (1955); 23 Tenn. L.Rev. 784 (1955); See also McCormick, *Evidence*, Sec. 170 (1954); 2 Wigmore, *Evidence* (3rd Ed. 1940), Sec. 417 (b).

* * *

"Since World War II members of the public have become generally aware of the widespread use of radar methods in detecting the presence of objects and their distance and speed; and while they may not fully understand their intricacies they do not question their general accuracy and effectiveness. Dr. Kopper has pointed out that, in contrast to other radar methods, the method actually used in the speedmeter is rather simple and has been adopted by many law enforcement bodies; a recent tabulation indicates that speedmeters are being used in 43 states by almost 500 police departments. See *Radar Traffic Controls*, 23 Tenn.L.Rev. 784 (1955). The writings on the subject assert that when properly operated they accurately record speed (within reasonable tolerances of perhaps two or three miles per hour) and nothing to the contrary has been brought to our attention; under the circumstances it would seem that evidence of radar speedmeter readings should be received in evidence upon a showing

(Continued on page 4)

WHAT KIND OF NEW INDUSTRY DOES YOUR TOWN WANT?

By GEORGE B. HURFF

Director, Bureau of Economic and Business Research, University of Florida

[EDITOR'S NOTE: This article is reprinted from "Economic Leaflets," published by the Bureau of Economic and Business Research, University of Florida. Although it is phrased in terms of Florida conditions, it should be of interest to all North Carolina officials engaged in furthering the economic development of their communities.]

The purpose of this discussion is to explore some questions which are pertinent to the question posed by the title. Since the questions are twenty in number and in fact the answers will not be furnished, this might better have been called "A Game of Twenty Questions." Answers will not be furnished for the clear and simple reason that communities vary widely in their economic capacities and their preferences. The Irish playwright, George Bernard Shaw, once shamelessly distorted the meaning of the Golden Rule to frame a wisecrack which ran, "Do not unto others as you would have them do unto you, for their tastes may not be the same." Therefore, the questions and criteria we shall consider here should not be uniform in their applications to all communities. The industry should fit the community and vice versa.

How you answer the question, "Why does my community want a new industry?" is a useful preliminary step to answering the question, "What kind of industry does my community want?" Let us then look first at some different motives or purposes underlying the desire for a new industry. Without attempting to exhaust all possible motives here are ten that may be representative.

1. To satisfy local pride in quantity growth and quantity bigness
2. To increase the sales of local business firms
3. To enhance the value of local real estate
4. To ease city finance problems by swelling tax revenues
5. To improve the quality of city services by increasing tax revenues
6. To stabilize local employment by diversifying industry

7. To exploit a natural resource now undeveloped and through that perhaps to build auxiliary industries
8. To increase the level of individual incomes and thus raise local levels of living
9. To bring in desirable citizens
10. To add diversity of skills and training because they increase the sum of social satisfactions of the community life

Clearly any one of these motives for bringing in new industry may be joined with any of the others, and realistically we often find that different members of the community are divided in motive even when acting in concert. But sometimes one motive can be discerned as dominant.

Let us now put aside from consideration the first three motives, the desire for bigness, increased local business volume, and the enhancement of real estate values. And I suggest that we put them aside because I do not know any economic standards by which to appraise them. We then have left seven reasons or purposes for seeking to bring in new industry.

This entire discussion assumes some community freedom of industrial choice, yet it is clear that except when excluded by zoning or other device of public policy any kind of industry may locate without consulting the receiving community. We are here concerned only with those situations where some freedom of choice is present.

Suppose we now turn to develop some questions that are related to these motives, reasons, or purposes, and which are appropriate to raise and weigh when an invitation to a new industry is under consideration.

1. Is it stable in the meaning that the market for its product does not share the most extreme ups and downs of the business cycle? In considering this question attention must go to the character of the markets for the products. Diversification, in itself, does not guard against instability because the products may be quite unlike yet all go to markets

that fluctuate widely in different phases of the business cycle.

2. Is it stable in the meaning that it does not show extreme seasonality of output and therefore employment? If it is a seasonal industry, will its seasonal slack counter-balance or exaggerate the seasonal unemployment of already established industries? In the light of the existing pattern of seasonal activity in Florida, these two questions take on a special importance.

3. Does it show promise of growth beyond the present labor supply? If so, will the new workers drawn to your community be the kind of citizens you want? Towns and cities have been transformed out of all resemblance to their original character by changes in the composition of their population accompanying industrial growth.

4. Is the management of the proposed enterprise sufficiently experienced and capable to give some assurance of business survival and continuity of operations? The sum of all the elements of a business, no matter how favorable, cannot substitute for skilled and responsible management.

5. Is the level of salaries and wages paid per employee high enough to maintain or to elevate the existing level of community income? Although the number of jobs provided is also significant, it is obvious that a given number of highly paid jobs is more of a community asset than the same number of lower paid jobs. In this matter it is well to keep in mind that only rarely will all employees of a new plant be composed of present community residents. Almost certainly some will be drawn from other areas and added to the population of your community. In this way a new industry paying low wages and salaries can depress rather than elevate per capita income.

6. If the enterprise is based upon a local natural resource or raw material, is the supply great enough to carry the industry over a substantial period of time or is it likely to be an in-and-out extractive operation which will leave the community

flattened and with an unemployed and depressed group of people? If it appears likely that auxiliary industries would develop, this question is given added importance because such development may result in a business growth that has lost its supporting base.

7. Will the probable demand for expansion of city and county services arising from the new industry be fully balanced by added revenue directly or indirectly obtained from the new enterprise and its employees? Since the problem of securing adequate local revenue is nowhere more difficult than in Florida, this question has a high priority for attention.

8. If local government revenues are *not* increased, can the existing community facilities for education, water, electricity, gas, sewage, paving, and transport adequately serve the new people brought in? A collateral question is directed to the kind and quality of existing housing or the speed of construction of new housing. Corporations considering the establishment of branch plants look sharply at these factors which so importantly affect personnel satisfaction and stability.

9. Will the new enterprise injure existing attractions of the community? Will it pollute streams or lakes with its waste discharges, or the air with foul smells or sooty smoke? If so, will what is gained balance what is lost to the whole community? This question is sharply pointed for Florida communities, so many of which rest chiefly upon tourism as their economic base. A net loss may be sustained if the new industry repels the visitor from out of the state.

10. Can your community in fact provide the transportation, labor, power, and water supply or other specific requirements of the particular industry in question? All businessmen are not equally experienced and skilled in choosing a plant location. It is quite possible for a community to "oversell" its advantages to a businessman to the subsequent economic injury of both.

If this series of questions without answers has helped to clarify some pertinent considerations for a community bent upon growth, it has served its purpose. The answers must be supplied by each community in terms of its own economic and social pattern.

It may be helpful to turn from these broad questions to look briefly at the tests applied to new business activities in one so-called "Master Plan." Here is a condensed version of what the City Planning Commission of Cincinnati some years ago set up as criteria for desirable new activity:

- a. High median annual wages or salaries
- b. High proportion of employees receiving \$2,500 (this figure would be higher today) or more per year
- c. Seasonal stability
- d. Cyclical stability
- e. Employment of a high proportion of skilled workers
- f. Employment of a high proportion of older workers
- g. Employment of a high proportion of women
- h. Employment of a high proportion of Negroes

And here is the order in which they rated different business activities in terms of the *first four* or generally applicable criteria (a. to d.). A maximum of three points was given each of the four criteria, making possible a top score of twelve points for any given activity.

1. Communications	11
2. Finance, insurance, and real estate	11
3. Utilities	11
4. Government	10
5. Wholesale trade	8
6. Transportation	6
7. Amusements, recreation, and related services	5
8. Manufacturing	5
9. Professional and related services	5
10. Business and repair services	4
11. Agriculture, forestry, and fishery	3

12. Personal services	3
13. Retail trade	3
14. Mining	2
15. Construction	1

Whatever appraisal you may make of the usefulness of this rating scheme, it must be pointed out that much of the activity here rated more highly than manufacturing is not actually "foot-loose" enough to be a proper object of promotional effort.

You may also be interested in seeing how some specific industries compare in terms of one test that was suggested. "What is the average level of salary and wages per employee in a particular industry?" In the table on the following pages industries have been ranked according to this criterion. Three other columns of data are also shown. The second, "Average number of employees per establishment" requires no explanation. The third and fourth hinge upon "value added" which means what is left after subtracting the cost of materials, supplies, fuel, power and contract work from the total value of the manufactured shipments. Within this figure are the values that emerge from such unidentified elements as capital investment, managerial and special labor skills, patents or secret processes, advanced equipment and strategic market position. For those readers interested in such a comparison the third column expresses total salaries and wages as a percentage of total value added.

Since the data shown in the accompanying table is based upon the 1947 Census of Manufactures, the user is cautioned against assuming that either the dollar figures or the ranking is in every case the same today. Since 1947, changes in processes or in market position may have altered the relative position of some of these industries. The dollar figures shown are, of course, greater today. The results of the 1955 Census of Manufactures now being made will not be available for many months. Until that time we must make shift with the 1947 information.

Law Enforcement

(Continued from page 2)

that the speedometer was properly set up and tested by the police officers without any need for independent expert testimony by electrical engineers as to its general nature and trustworthiness. See Professor Woodbridge, *supra*, at 814:

Under the *Uniform Rules of Evidence*, already approved by

the American Bar Association at its 1953 meeting, judicial notice 'shall be taken without request by a party . . . of such specific facts and propositions of generalized knowledge as are so universally known that they cannot reasonably be the subject of dispute.' Radar speed meters are now in this category. Why should the time of experts be wasted and the expenses of litigation be increased by compelling such men to appear in court after court

telling the same truths over and over? While it is agreed that every reasonable doubt about the accuracy of new developments should promptly be resolved against them in the absence of expert evidence, there is no longer any such doubt concerning radar. Rather, the applicable maxim should now be, 'What the world generally knows a court of justice may be assumed to know.'

See also Baer, *supra*, at 381 where
(Continued on page 11)

Industries with High Average Salary and Wages Per Employee

(Industries listed in descending order of average salary and wages per employee)

Industry	Rank	Average Salary and Wages per Employee	Average Number of Employees per Establishment	Total Salary and Wages as a Percentage of Total Value Added	Average Value Added per Employee
Motion pictures	1	\$8,421	126		
Photo engraving	2	4,787	22	68.9%	\$6,949
Electrotyping and stereotyping	3	4,383	30	65.6	6,683
Fur goods	4	4,235	7	65.8	7,586
Sulfonated oils and assistants	5	4,054	19	39.1	10,378
Electrical welding apparatus	6	4,012	67	60.9	7,888
Typesetting	7	3,913	14	67.2	5,826
Malt	8	3,784	48	17.7	21,349
Animal oils other than grease and tallow	9	3,762	15	42.7	8,816
Furs, dressed and dyed	10	3,730	39	59.4	6,272
Lithographing	11	3,679	37	61.3	6,000
Petroleum refining	12	3,675	337	35.8	10,250
Book printing	13	3,544	70	67.4	6,262
Malt liquors	14	3,543	188	36.1	9,801
Women's suits and coats	15	3,518	30	59.7	6,896
Cutting tools, jigs, fixtures, etc.	16	3,497	25	64.7	5,404
Iron and steel forgings	17	3,491	147	65.0	5,367
Aircraft propellers	18	3,458	671	96.2	3,696
Industrial organic chemicals such as dyes, formaldehyde, synthetic perfume and flavoring materials, etc.	19	3,431	330	40.8	8,399
Industrial furnaces and ovens	20	3,425	69	55.7	6,149
Periodicals	21	3,422	32	35.4	9,657
Conveyors	22	3,421	97	68.6	6,839
Printing-trades machinery	23	3,407	76	64.1	5,318
Printing ink	24	3,404	26	39.4	8,628
Telephone and telegraph equipment	25	3,399	845	67.3	6,063
Paints and varnishes	26	3,388	41	38.5	8,792
Soaps and glycerin	27	3,387	111	20.8	16,296
Paper-industries machinery	28	3,379	115	71.0	4,761
Tires and inner tubes	29	3,379	2,029	60.1	5,621
Synthetic rubber	30	3,363	383	26.5	12,705
Corn products	31	3,354	839	32.4	10,356
Machine tools	32	3,339	224	67.8	4,926
Computing and related machines	33	3,336	875	66.9	4,986
Steam engines and turbines	34	3,326	1,273	88.9	8,741
Elevators and escalators	35	3,324	92	49.6	6,709
Fatty acids	36	3,320	83	25.8	12,847
Metalworking machinery, except machine tools	37	3,311	128	60.1	6,507
Reclaimed rubber	38	3,309	138	71.3	4,640
Beehive coke ovens	39	3,307	40	47.3	6,987
Aircraft engines	40	3,294	882	65.9	4,997
Lubricating oils and greases not made in petroleum refineries	41	3,292	27	29.7	11,072
Essential oils	42	3,290	27	26.2	12,578
Graphite: ground or blended	43	3,281	71	56.6	6,797
Welded and heavy-riveted pipe	44	3,280	263	48.1	6,818
Special-industry machinery such as cement-making, leather-working, shoe-making, and stone-working machinery	45	3,277	30	64.0	5,121
Primary metal industries such as manufacturing of flat bright cold-rolled strip and cold-rolled sheets	46	3,264	687	52.1	6,263
Lapidary work	47	3,251	6	60.8	6,392
Service and household machinery such as commercial and household dish-washing machines, water softeners, and carpet sweepers.	48	3,248	63	55.1	5,896
Oleomargarine	49	3,248	96	19.0	17,043
Medicinal chemicals	50	3,243	136	36.4	8,921
Aircraft equipment such as airframe assemblies, pontoons, and bomb racks	51	3,238	76	70.1	4,621
General industrial machinery such as hydraulic jacks and steam condensers	52	3,231	82	60.4	6,346
Locomotives and parts	53	3,217	843	68.5	4,696
Alkalies and chlorine	54	3,215	620	56.0	6,736
Nonferrous metal rolling, other than copper and aluminum	55	3,211	138	48.7	6,696
Partitions and fixtures	56	3,202	24	64.8	4,944
Power-transmission equipment	57	3,196	130	61.2	5,222
Shipbuilding and repairing	58	3,194	432	80.4	3,975
Wire drawing	59	3,190	411	55.8	6,715
Glue and gelatin	60	3,189	75	37.8	8,441
Abrasive products	61	3,188	82	52.2	6,103
Steel works and rolling mills	62	3,182	2,329	70.0	4,544
Hard-surface floor covering	63	3,179	529	38.4	8,279
Internal-combustion engines	64	3,176	533	69.3	4,680
Plastic materials	65	3,175	235	46.5	6,829
Newspapers	66	3,174	28	53.2	6,968
Coated fabrics, except rubbering	67	3,173	79	63.9	6,887
Flavorings	68	3,168	19	23.5	13,503
Sewing machines	69	3,168	219	70.6	4,487
Silverware and plated ware	70	3,166	92	55.9	6,664
Motor vehicles and parts	71	3,165	678	57.8	5,477
Fabricated pipe and fittings	72	3,157	60	56.8	6,563
Aircraft	73	3,157	2,528	76.4	4,133
Oil burners	74	3,148	42	44.8	7,026
Carbon black	75	3,146	64	22.3	14,121
Cleaning and polishing preparations	76	3,140	15	35.7	8,801
Oil-field machinery and tools	77	3,137	127	53.4	5,870
Paper coating and glazing	78	3,134	100	44.8	6,995
Metal doors, sash and trim	79	3,133	66	66.1	5,581
Structural and ornamental products	80	3,126	48	66.5	5,531
Grease and tallow	81	3,125	22	32.8	9,528
Construction and mining machinery	82	3,115	164	56.1	5,551
Paper and board	83	3,114	223	43.9	7,091
Woodworking machinery	84	3,114	53	56.3	6,521
Sheet-metal work	85	3,111	25	68.6	6,310
Explosives	86	3,099	137	43.2	7,165
Soda-fountain and bar equipment	87	3,099	41	52.2	6,934
Commercial printing	88	3,095	16	61.2	6,055
Boiler shop products	89	3,092	85	69.6	6,201
Flat glass	90	3,086	801	48.4	6,378
Industrial inorganic chemicals such as inorganic acids, inorganic salts of sodium, elemental bromine and iodine	91	3,084	120	41.2	7,492
Chemical products such as bluing, mncilage, agricultural, industrial, and household disinfectants and deodorants	92	3,083	19	35.8	8,732
Copper rolling and drawing	93	3,083	691	64.9	6,617
Food products machinery	94	3,081	69	59.4	5,190
Paving mixtures and blocks	95	3,080	10	86.2	8,496
Secondary nonferrous metals	96	3,074	67	47.8	6,603

Industries with High Average Salary and Wages Per Employee (Continued)

(Industries listed in descending order of average salary and wages per employee)

Industry	Average Salary and Wages per Employee		Average Number of Employees per Establishment	Total Salary and Wages as a Percentage of Total Value Added	Average Value Added by Manufacture per Employee
	Rank	Amount			
Office and store machines and devices such as mimeograph machines, adding machines, dressing and mailing machines and dictating machines	97	3,074	91	48.2	6,375
Bolts, nuts, washers, and rivets	98	3,070	135	52.9	5,798
Shortening and cooking oils	99	3,068	80	15.1	20,261
By-product coke ovens	100	3,062	403	42.8	7,159
Primary copper	101	3,062	542	33.3	9,205
Pumps and compressors	102	3,061	122	59.3	5,162
Measuring and dispensing pumps	103	3,060	232	55.8	6,481
Railroad and street cars	104	3,059	707	68.1	4,494
Watchcases	105	3,055	68	68.0	4,496
Screw-machine products	106	3,048	24	60.4	6,049
Nonferrous foundries	107	3,045	38	67.3	4,527
Electrometallurgical products	108	3,042	507	52.8	5,764
Malleable-iron foundries	109	3,041	383	74.6	4,074
Blast furnaces	110	3,033	430	34.1	8,882
Photographic equipment	111	3,033	139	58.3	5,201
Hand saws and saw blades	112	3,033	95	59.6	5,091
Scientific instruments	113	3,028	94	74.4	4,072
Inorganic color pigments	114	3,025	140	42.0	7,204
X-ray and therapeutic apparatus	115	3,024	66	60.1	5,032
Primary lead	116	3,020	291	39.2	7,699
Laundry and dry-cleaning machinery	117	3,017	72	50.5	5,977
Domestic laundry equipment	118	3,014	437	52.9	5,696
Flour and meal	119	3,014	32	28.9	10,403
Vacuum cleaners	120	3,016	438	49.2	6,119
Mechanical stokers	121	3,009	89	55.7	5,403
Industrial trucks and tractors	122	3,008	71	51.4	5,853
Roofing felts and coatings	123	3,002	95	37.5	8,013
Felt goods such as insulating and automotive felts and under-rug mats	124	2,993	103	57.0	5,252
Shingle mills	125	2,993	13	47.3	6,322
Jewelry (precious metal)	126	2,991	19	54.4	5,495
Meat packing, wholesale	127	2,989	97	63.7	4,689
Blowers and fans	128	2,988	77	52.4	5,707
Electrical control apparatus	129	2,986	223	54.7	5,464
Valves and fittings (except plumbers')	130	2,984	177	60.7	4,919
Wallpaper	131	2,982	94	49.8	5,398
Special dairy products	132	2,966	54	52.9	5,538
Professional furniture	133	2,960	72	59.8	4,244
Textile machinery	134	2,957	110	61.8	4,786
Pianos	135	2,948	258	66.2	4,456
Gray-iron foundries	136	2,947	105	69.9	4,216
Transformers	137	2,947	254	55.3	5,326
Tractors	138	2,946	822	68.6	4,296

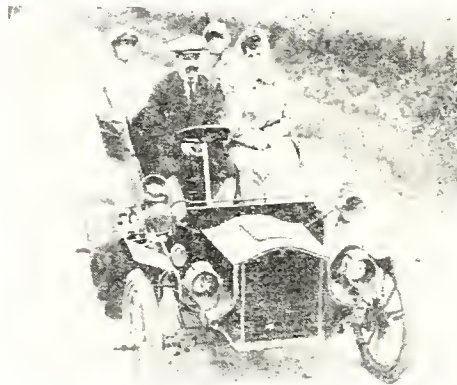
Source: Based on data from U. S. Department of Commerce, Bureau of the Census, *Census of Manufactures, 1947*.

Old Timers

(Continued from page 1)

has been doing his darndest to write some laws that would curb the new-fangled monster.

Perhaps the wildest of these laws, according to the National Automobile Club, were drawn up by the Anti-Automobile Society that was formed back in Pennsylvania when the problem was first coming to the fore. There the farmers decided that anyone driving a horseless carriage along the road at night should come to a stop every mile and send up a signal rocket, then wait 10 minutes for road to clear. If a team of horses should approach along the road, the motorist was obliged to pull off the road and cover his vehicle with a large canvas or painted cloth that would blend with the surrounding landscape. If the horses refused to pass even then, the motorist had to take his vehicle apart piece by piece and hide the pieces under the nearest bush.



Speed Limit 12 Miles

The city fathers got around to having their little say, too. In Connecticut back in 1901 they passed the first speed law in the United States, setting it down in the book that no driver should drive faster than 12 miles per hour in the cities or faster than 15 miles per hour in the country. In Cleveland, Ohio, they passed a law against driving your car while you

had someone on your lap. Out in Green Bay, Wisconsin, they got the idea that oil dropped from cars would damage their pavements, so they set a fine of \$5 on every drop of oil. In Memphis, Tennessee, they made it unlawful for any motorist to drive while he was asleep, and out in Utah they wrote it down in their books of law that birds always have the right of way. And then, of course, there was the enigmatic sheriff who posted the sign that read: "The speed limit is a secret this year. Motorists breaking it will be fined \$10."

This was the law and the horseless carriage!

Of North Carolina's 215 pedestrian deaths last year children were hit the hardest, reports the Motor Vehicle Department. The saddest reckoning came in the under-14 age bracket with 83 fatalities. Thirty-five were tykes under four. In all 163 men and boys and 52 women and girls met death in pedestrian tragedies.

THE OLD AGE ASSISTANCE LIEN LAW

INTRODUCTION

The 1951 session of the North Carolina General Assembly enacted legislation (G.S. 108-30.1 through 108-30.3) which has been commonly referred to as the "Old Age Assistance Lien Law." The law, as originally written, placed a great burden upon the county attorney in that it required that he devote a great amount of time to its enforcement but did not provide any compensation for the services he performed. The provisions of this law, together with the many Attorney General's rulings which had been issued pursuant thereto, were discussed at the School for County Attorneys sponsored by the Institute of Government held in September, 1954. At that school, a suggestion was made that a committee of county attorneys be appointed to consider changes to be made in the old age assistance lien law for presentation to the 1955 General Assembly. The persons selected by the county attorneys to constitute the committee were: Roy Taylor, Buncombe County, chairman; David Hall, Jackson County; W. W. Taylor, Warren County; and Thomas White, Lenoir County. The committee requested that R. Eugene Brown, Director of Public Assistance, State Board of Public Welfare; Worth Hester, member of the staff of the Attorney General assigned to the State Board of Public Welfare; and a representative of the Institute of Government work with them in the preparation of the amendments. The committee met at the Institute of Government in November, 1954, and prepared certain amendments. Representative Thomas White introduced a bill in the 1955 House of Representatives to carry out those suggested amendments, and Senator David Hall introduced an identical bill in the Senate. The proposals passed without amendment. The primary purpose of this article is to discuss the Lien Law as it stands since the inclusion of those amendments, together with some of the Attorney General's rulings which have been made pursuant thereto.

FILING THE LIEN

The law provides for a claim against the recipient and his estate, as well as a general lien upon any real property owned by the recipient, to the extent of the total amount of assistance paid to such recipient from and after October 1, 1951.

Any applicant for old age assistance must agree, in writing, that



By

RODDEY M.
LIGON, JR.,

*Assistant
Director
of the
Institute of
Government*

all such assistance paid to him will constitute a claim against him and his estate and a lien against all real property he owns or thereafter acquires. This agreement is contained in the application form. When the application is approved, the county superintendent of public welfare is required to prepare a statement showing the name of the applicant and the date of approval. The superintendent then files this statement with the clerk of the superior court in the county of the applicant's residence and with the clerk of the superior court in any county in which the recipient owns any interest in real property. The law requires that this notice be filed immediately after approval of the old age assistance claim. Upon receipt of the statement, the clerk is required to file it in the regular lien docket. From the time of the filing of this statement, it becomes due notice of the lien against real property then owned or thereafter acquired by the recipient and lying in such county to the extent of the total amount of old age assistance paid to such recipient on and after October 1, 1951. This lien takes priority over all liens subsequently acquired, and it continues from the date of filing until satisfied. The cost of filing the lien has to be borne by the county.

PROPERTY SUBJECT TO LIEN

Questions have been raised with the Attorney General as to: (1) whether or not property owned by a spouse of the recipient is subject to the lien; (2) whether or not the lien attaches to the interest of a tenant by entirety; and (3) whether or not the lien attaches to a life estate interest. Taking these questions in the order listed, the Attorney General is of the opinion that the liability is personal and that, therefore, property belonging to the spouse of the recipient is not subject to the lien. As to the second question, it is his opinion that the lien does not attach to property held by a recipient as a tenant by entirety. The basis for this ruling

is that the liability for the old age assistance is a personal rather than a joint obligation. This seems to be the rule irrespective of whether only one or both of the parties are recipients of assistance. Of course, if the surviving party is a recipient of assistance, the property becomes subject to the lien against that spouse and the lien would cover all assistance received by the survivor since October 1, 1951, and not just the amount received after the survivor becomes the sole owner of the property. As for a life estate interest, it is the Attorney General's opinion that the lien does attach to such an interest. However, as a practical matter, a life estate interest terminates upon the death of the life tenant so that there would be no interest to execute against at that time. On the other hand, if the grant were terminated during the lifetime of the recipient who owned a life estate interest, it would appear that execution could be had against that interest.

CANCELLATION OF THE LIEN

A recipient may have the lien cancelled by reimbursing the county for all old age assistance received since October 1, 1951. The county superintendent of public welfare files with the clerk of court a receipt or acknowledgment stating that the claim has been paid or discharged, and the clerk cancels the lien.

Special situations arise in which the county commissioners feel, in order to prevent injustices, that they should cancel the lien even though it has not been fully satisfied. The Attorney General has expressed the opinion that the county commissioners have the authority to release a particular piece of property from the lien or to substitute one piece of property for another which is covered by a lien. He suggests that the resolution by which the property is released from the effect of the lien, or by which a substitution of property is made, fully recite the facts upon which the release or substitution is based, so as to show that it was necessary to prevent injustice. Also, he suggests that the county commissioners exercise their discretion in this respect with caution because of the precedent which might be set for subsequent cases. The county commissioners do not have authority to relieve a recipient or his estate from the obligation to repay all assistance received by said recipient from and after October 1, 1951. If the county commissioners did completely

relieve the recipient or his estate from the obligation to pay, and it was later determined that a collection could have been made, the federal authorities could take exception and recover from the county the amount which they had contributed to the recipient during his lifetime.

In addition to this discretionary power resting with the county commissioners, a 1955 amendment expressly authorized the board of county commissioners and the county board of public welfare of a county in which a recipient resides, acting jointly and after an investigation, to subordinate the old age assistance lien to a mortgage or lien created against the property of such recipient for necessary repairs or improvements on said property. The release should specify that it is being entered into jointly and after an investigation, and the members of both bodies should sign it. A copy of the release could then be attached to the original notice of lien in the office of the clerk of the court, and a copy should also be placed in the recipient's case record.

ENFORCEMENT OF THE LIEN

The act appears to place the duty of enforcing the claim and lien upon the county, with the actual steps of legal enforcement to be carried out by the county attorney. It has been interpreted as authorizing the county to enforce the claim and lien when the assistance has been terminated, either by death or otherwise. However, no action to enforce the lien may be brought more than three years after the death of the recipient (prior to the 1955 amendments this period was one year) nor more than ten years from the last day for which assistance was paid.

When the grant is terminated, the county superintendent of public welfare is required to take the following action: examine the case record of such recipient, the tax records of the county, and, in case of termination because of death, the records relating to executors, administrators, collectors, or other personal representatives. If it appears from this examination or any other information which has come to the attention of the superintendent (a) that such recipient does not own, or has not owned since the date of the filing of the old age assistance lien against such recipient's realty, any real property, (b) that such recipient does not own nor his estate consist of any personal property in excess of \$100, and (c) in the case of termination because of death, that no executor, administrator, collector, or other personal representative has

been appointed, he is to make an entry in the case records reflecting the results of this examination. In such cases, it is not necessary that the county attorney be notified of the termination. However, if it appears from the examination, or from any other information which may come to the attention of the superintendent, (a) that such recipient does own, or has owned since the date of the filing of the old age assistance lien, any real property, or (b) that such recipient does own or his estate consists of personal property of a value in excess of \$100, or (c) in case of termination by death, that an executor, administrator, collector, or other personal representative has been appointed, then the superintendent is required to furnish the county attorney with notice of the termination and with the following information: all information concerning the property of the recipient, the name of the spouse of the recipient, the township in which the recipient resides or resided, the race of the recipient, the total amount of the old age assistance received by the recipient from and after October 1, 1951, and the reason for termination of the grant. Upon receipt of this information, the county attorney must take such steps as he may determine to be necessary to enforce the claim or the lien. (Prior to the 1955 amendment, the county attorney was required to be notified and to take certain action in all cases in which the grant was terminated.)

The statute provides that: "No execution in enforcement of the lien shall be levied upon any real property, so long as such property is occupied as a homesite by the surviving spouse or by any minor dependent child of such recipient, or as a homesite by the recipient, or a dependent adult child of such recipient who is incapable of self-support because of total mental or physical disability." (The last two categories were added in 1955.) Note that the above provision does not prevent a county attorney from bringing suit and having the amount of his claim and the priority of the lien fixed; it simply prevents the county attorney from subjecting the property to the lien by sale so long as it is occupied by one of the persons mentioned above. This procedure prevents the lien from being defeated by one of the dependents occupying the property as a homesite for more than three years (the statutory period for action to enforce the lien) after the death of the recipient.

PRIORITY OF THE CLAIM AND LIEN

The priority of the claim against the personalty is not the same as the priority of the lien against the real property. With regard to the personalty, the statute states that the claim is to have equal priority in order of payment with the sixth class under G.S. 28-105. This makes the claim equal to claims for wages due domestic servants or mechanical or agricultural laborers employed by the deceased (which claim for wages does not extend to a period of more than one year preceding death) and for medical services, drugs, and medical supplies during his last illness, but not to exceed a twelve-month period. The claim is inferior to other debts which by law have a specific lien on property to an amount not exceeding the value of such property, funeral expenses, taxes assessed on the estate of the deceased prior to his death, "dues" to the United States or North Carolina, and judgments docketed and in force, to the extent to which they are a lien on the property of the deceased at his death. The claim is superior to other general claims. As for the real property, the priority depends upon the date the lien was filed and upon any special statutes concerning the priority of liens (such as tax liens). Therefore, judgments docketed prior to the date of the filing of the lien would have priority over the lien, but those docketed subsequent to the date of the filing of the lien would be inferior to the old age assistance lien.

COSTS OF COLLECTION AND ALLOCATION OF PROCEEDS

As noted previously, prior to the 1955 amendment no provision was made for a deduction from collections to be paid to the county attorney for the services he rendered in making those collections. The law was amended in 1955 to provide: "Necessary costs of collection of any claim shall include all costs of services in the filing, processing, investigation, and collection of such claim." This was added to make it clear that the county attorney could be allowed, if the terms of his employment so authorized, a reasonable sum for the services he renders in investigating and collecting the claims. The Attorney General has expressed an opinion to that effect.

The United States and the state of North Carolina are entitled to share in any sums collected, their proportionate parts to be determined in accordance with the matching formula

(Continued on page 11)



PUBLIC PURCHASING

By WARREN JAKE WICKER

Assistant Director, Institute of Government

Advertisements for Bids

The General Statutes of North Carolina (Section 143-129) provide that no city or county may enter into a contract for construction and repair work or make certain purchases without formal advertising for sealed bids if the cost of the proposed construction or purchases is more than a given limit. The general limit is \$2,500 for construction and repair work and \$1,000 for purchases of "apparatus, supplies, materials, or equipment." However, these limits have been increased by special legislation for a few of the cities and counties in the state.

The requirement for formal advertisement for bids is designed to obtain the greatest possible competition among contractors or vendors so that the governing body will receive the lowest possible price on its proposed construction or purchase. Such a procedure also tends to eliminate the opportunity for favoritism in the award of public contracts.

As a practical matter, however, it has been clearly demonstrated that newspaper advertising for bids is almost worthless as a means of securing bids and promoting competition. Purchasing officials have long recognized this and maintain lists of bidders to whom they mail invitations to bid whenever a contract is to be let. As a general rule, ads are inserted solely to meet the requirements of the law and no other result is expected.

Considering the general ineffectiveness of advertising for bids, it is to the advantage of every city and county to hold its advertising to that absolute minimum consistent with statutory requirements. Many local governments, nevertheless, continue to use relatively long ads which more than meet the prescriptions of the law and which are not any more effective as a result of the greater length.

For example, a review of recent advertisements of some fifty cities and

counties in the state reveals that ads for construction varied from 128 to 475 words per advertisement. Ads for equipment varied from 145 to 275 words in length.

Practically all of the ads reviewed contained *more* information than is required by law, *but less than would be necessary for a vendor to submit a bid*. Moreover, most of the ads noted that proposals must be submitted on standard forms which could only be secured from the advertiser. The statute anticipates that in many cases detailed specifications could not be conveniently presented in newspaper advertisements and provides that full details on the proposals be made available elsewhere. Thus this question arises: if full and complete specifications cannot be given in the ad, why try to give more than a brief description?

As for the content of such ads, the law requires that:

"Such advertisement shall state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials or equipment may be had, and the time and place for opening the proposals, and shall reserve to said board or governing body the right to reject any and all such proposals." (Section 143-129 of the General Statutes of North Carolina)

Thus the ad must contain three things:

- (1) notice of the time and place where specifications for the proposed work or purchases may be secured;
- (2) the time and place at which the proposals will be opened; and
- (3) notice that the governing body reserves the right to reject any and all proposals.

A considerable savings in advertising costs could be effected by including only the required information in the bid advertisements. General rules and requirements relating to the submitting of bids (requirements for bid deposits, performance bonds, etc.) could be mimeographed and passed out to bidders when they call

at the offices of the governing body for complete specifications.

Special requirements for a particular proposal, if any, could be added to the general rules and specifications for that proposal.

A model for a short bid advertisement which meets the requirements of the statute is given below. With the change of a few words, this form could be used for any bid advertisement.

ADVERTISEMENT FOR BIDS

Sealed proposals for furnishing the City of Blank, North Carolina, with a police radio system will be received by the Purchasing Department of the City in the Council Chamber at the City Hall until 10:00 a.m., Tuesday, November 15, 1955, at which time they will be publicly opened and read.

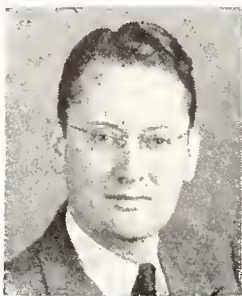
Instructions for submitting bids and complete specifications for the equipment desired may be obtained at the office of the City Purchasing Agent in the City Hall during regular office hours.

The City reserves the right to reject any and all proposals.

City Council of Blank
John Doe, Clerk

It will be noted that no mention is made of bid deposits, performance bonds, or the license requirements for contractors. These points should be fully explained in the general instructions and specifications which each bidder secures before entering his bid. The law does not require that these points be covered in the advertisement.

However, there may be times when the proposed purchase is for a standard item for which no specifications are prepared and on which a vendor might bid from the information contained in the advertisement. In such cases, it would probably be helpful to simply note in the ad that each bid must be accompanied by a deposit equal to 5 per cent of the bid and that a performance bond for the full amount of the contract price will be required of the successful bidder.



PUBLIC PERSONNEL

By DONALD B. HAYMAN

Assistant Director, Institute of Government

Employees Vote for OASI

State and local public employees voted overwhelmingly on October 26 to coordinate their retirement systems with federal Old Age and Survivor's Insurance.

According to Nathan Yelton, executive secretary of the Teachers' and State Employees' Retirement System, who supervised the referendum, 46,968 state employees voted for coordinating their retirement system with OASI and 9,568 voted against. This was a favorable vote of 83 per cent of those voting. Approximately 85 per cent of all teachers and 80 per cent of all general state employees voted for OASI.

Employees belonging to the Local Governmental Employees' Retirement System voted 4,543 to 652 for coordinating with OASI. This was a favorable vote of 87 per cent of those voting. Of the 81 member units voting, 78 voted for coordinating their retirement plan with OASI. In most cities and towns the vote for coordinating was decisive. The three member units voting against the plan were the city of Concord, the city of Kinston, and the Pitt County ABC Board. The vote in Kinston was undoubtedly complicated by the fact that under the provisions of the Kinston Supplementary Retirement Act of 1951, employees retired under the Local Governmental Employees' Retirement System or the Law Enforcement Officers' Benefit and Retirement Fund are guaranteed a supplementary retirement benefit. The supplementary benefit is guaranteed to increase the total benefit to 30 per cent of final salary for employees with 10 to 15 years service, 40 per cent of final salary after 15 to 20 years service, and 50 per cent of final salary after 20 years of service. The Kinston Supplementary Retirement Plan is a pension fund rather than a retirement system as employees do not contribute to a reserve but depend upon annual appropriations of the governing body.

Four governmental units belonging to the Local Governmental Employees' Retirement System have not requested a referendum and did not vote on October 26. These units included Gates and Cherokee counties, the Onslow County Health Department and the Davie-Yadkin District Health Department.

Of the six local retirement systems eligible to call for a referendum, three voted overwhelmingly for coordinating with OASI, one voted decisively against coordination, and two have not yet asked for a referendum. The three governmental units voting for coordinating their local retirement systems with OASI were Forsyth County and the cities of Rocky Mount and Winston-Salem. New Hanover County employees voted against coordinating their retirement system with OASI. According to the Wilmington Morning Star of October 27, 1955, county employees voted against coordinating with OASI "because employees felt such a program would eventually materially affect their local pension system, if not do away with it completely." New Hanover County employees must wait one year before voting again on coordinating their retirement system with OASI. (Note: Both federal and state statutes prohibit the impairment of protection or retirement benefits provided public employees as a result of coverage under OASI.) Union County and the city of Wilmington have not yet asked for a referendum.

Plans are now being made for calling a referendum among the members of the Law Enforcement Officers' Benefit and Retirement System who are not municipal policemen to determine whether they desire to coordinate their retirement plan with OASI. A separate referendum must be held for each governmental unit with officers belonging to the fund. Municipal policemen will not be able to vote in these referenda as the 1954 amendments to the Social Security Act prevent the extension of OASI to policemen and firemen.

As reported in the October, 1955, issue of POPULAR GOVERNMENT, Attorney General William B. Rodman has ruled that sheriffs, deputy sheriffs, state highway patrolmen, and other county and state law enforcement officers may be brought under OASI. Prior to the Attorney General's ruling, all of the above officers had been excluded from coverage under OASI.

As a result of the recent referenda, approximately 103,000 of the 109,000 state and local employees in North Carolina will soon be covered by Old Age and Survivor's Insurance.

Position Classification

Position classification surveys have been completed in recent months in Durham, Cumberland, Onslow, and Orange counties and the city of Greenville.

The Durham County classification survey was completed in June by the staff of the Employment Security Commission. Mr. Louis Berini, chief interviewer with the Durham Employment Security Commission office, assisted county officials with the preparation of the pay plan. The classification surveys for Cumberland and Orange counties and the city of Greenville were also prepared by the Employment Security Commission. The Institute of Government made a salary survey and assisted Onslow County officials with the preparation of their pay plan.

The county commissioners of Orange County adopted in October a classification and pay plan and a new set of personnel regulations. The survey and regulations were prepared by the Institute of Government.

During October the classification analysts of the Employment Security Commission were working on a classification survey for the city of Lincoln. In the near future they will begin similar surveys in both High Point and Fayetteville.

Salary Increases

Salaries of county officials in Durham, Guilford, Lincoln, and Onslow counties have recently been increased. Effective July 1, 1955, all Winston-Salem city employees were granted a 10 per cent salary increase. The city of Greensboro has granted all employees a 5 per cent salary increase effective October 1, 1955. Policemen and firemen in Greensboro received a 10 per cent salary increase. Siler City employees recently received a 5 per cent salary increase.

New Personnel Officer

City Manager W. H. Carper of Raleigh announced the appointment of Mrs. Sally McPherson as personnel officer for the city of Raleigh effective, September 1. Mrs. McPherson has been doing personnel work for the city since February, 1953. Mrs. McPherson's first major assignment will be the gathering of information necessary for the preparation of a revised compensation plan. Three years ago the Employment Security Commission completed a classification plan for the city but the plan was never fully utilized because a revised pay plan was never adopted by the city council.

Law Enforcement

(Continued from page 4)

Professor Baer, a member of the New Jersey bar and the faculty of the University of North Carolina School of Law, expressed the view that there was now more than adequate knowledge of the operation and accuracy of radar speedmeters in the area of science to which these devices belong to warrant their being accorded judicial recognition without the aid of expert testimony or legislative direction. . . .

"In the instant matter the State Troopers were sufficiently qualified to set up their radar speedmeter and the evidence indicated that they duly tested it before its use. They had then been operating it for many months and could readily observe whether it was in regular working order. They had no difficulty in reading the calibrated needle and the permanent graph and it was no more necessary that they actually understand the intricate electrical workings of the device than that they understand how their car speedometers work. . . . In any event, the possibility of error would not wholly deny the admissibility of the radar evidence but would simply affect its weight; the State concedes that the readings were not conclusive but merely constituted admissible evidence to be weighed by the trier of

facts along with all other evidence which was logically relevant.

"The defendant points out that there was no affirmative evidence introduced by the State to establish that the speedometers in the Troopers' cars had been recently tested. It would, perhaps, have been the better course for the State to have introduced such testimony and presumably it would have done so if the defendant had raised the point in due time before the close of the trial. However, he did not in anyway question the Troopers on the subject and made no mention of it until the testimony had been fully completed and summations were taking place. Under these circumstances the defendant is hardly in any just position to attack the accuracy of the speedometers. See *Penny v. Nicholas*, [1950 2 K.B. 466, All Eng. 89 (1950)], where the court held that a speeding conviction may be sustained on the basis of a reading of the speedometer in the police officer's car without affirmative evidence that the speedometer had recently been tested. . . .

CORRECTION

In the October issue of *Popular Government*, an article on the new medical examiner law by Richard A. Myren stated that there was no provision in the law specifically authorizing the appointment of medical coroners as medical examiners without the question of double office holding arising. This was an error. The bill does contain such a provision. R.A.M.

"In the Penny case, *supra*, Lord Goddard, C. J., cited earlier English cases in which an officer had been permitted to testify that he had timed the defendant with a stop watch though no evidence was introduced that the watch had been tested; indeed, our courts receive evidence daily of readings on watches, scales and other measures without affirmative proof of their testing; the defendant is, of course, at liberty to attack the reading through cross-examination and otherwise and the ultimate determination is fairly left to the trier of facts. . . .

"Only two of the reported out-of-state cases involving convictions resting on radar speedmeter readings were reversed on appeal; they were *People v. Offermann, supra*, and *People of City of Buffalo v. Beck, supra*, both decided by Justice Ward sitting in the New York Supreme Court, Erie County. In the Offermann case the sole evidence presented was the reading of the meter needle and there was no expert testimony or any permanent graph recording as in the instant matter. In the Beck case there likewise was no expert testimony and the court held that the trial judge had improperly taken judicial notice of the general effectiveness of radar speedmeters; in the course of its

opinion it stated that 'the theory of the operation of this electrically operated device and the accuracy of its measurement of speed is not a proper subject for judicial notice at this time.' (205 Misc. 757, 130 N.Y.S. 2d 357.) We have, earlier in this opinion, sufficiently indicated our views on this particular issue. While it is vital under our basic concepts of justice and due process that every individual accused of a speeding violation be afforded a fair hearing and be not adjudged guilty without evidence which convinces beyond reasonable doubt, it is equally vital that no unnecessary obstacles be placed in the State's efforts to deal fairly and effectively with a public threat which has reached staggering proportions. The number of highway accidents is appalling and speed is generally recognized as a factor particularly where fatalities and serious injuries are involved; the latest report by the Turnpike Authority shockingly discloses that during the past month of May there were no less than 52 Turnpike traffic accidents resulting in injury to 86 persons and death to six others. Speed limits of 50 and 60 miles per hour have become commonplace and they are sufficiently high to suggest that those who exceed them should be considered as unduly endangering the public welfare and as meriting moral condemnation and the full effects of the law. In dealing with this as well as other law enforcement problems, enlightened officials properly avail themselves of scientific discoveries as soon as their reliability appears and modern courts of justice may not rightly lag far behind. We are satisfied that readings on radar speedmeters which have been set up and operated in the manner established by the evidence in the instant matter constitute legally admissible evidence which may readily support a finding of guilt by the trier of the facts.

"Affirmed."

Lien Law

(Continued from page 8)

las in use during the period for which assistance was paid to the recipient. Likewise, the county which has paid old age assistance to such recipient shares proratably in any sum collected.

APPLICABILITY OF 1955 AMENDMENTS

The 1955 amendments became effective on March 16, 1955, and apply to all liens theretofore established, including those on which no action had been instituted to enforce said lien. However, the statute prohibits any action to foreclose such liens on property which had come into the hands of innocent purchasers or encumbrancers for value prior to the effective date of the amendments.

Books of Current Interest

Traffic Law Enforcement

CHEMICAL TEST CASE LAW. By Robert L. Donigan. Evanston, Illinois: *The Traffic Institute*. 1950. \$2.00. Pages 83.

In this book, an important one for any law enforcement officer concerned with the administration of chemical tests, Mr. Donigan, Counsel for the Traffic Institute of Northwestern University, discusses the medical and the legal aspects of chemical tests. In his discussion the author draws freely on both medical and legal sources, and it is to his credit that he has so selected and interpreted his materials as to make them easily understandable.

COURT DECISIONS CONCERNING CHEMICAL TESTS TO DETERMINE ALCOHOLIC INFLUENCE. Evanston, Illinois: *The Traffic Institute*. 1954. \$.25. Pages 19.

DIRECTING TRAFFIC: VEHICLE MOVEMENT. Evanston, Illinois: *The Traffic Institute*. 1950. \$.50. Pages 21.

DIRECTING TRAFFIC: WHAT IT IS AND WHAT IT DOES. Evanston, Illinois: *The Traffic Institute*. 1952. \$.25. Pages 11.

DIRECTING TRAFFIC: SIGNALS AND GESTURES. Evanston, Illinois: *The Traffic Institute*. 1949. \$.25. Pages 9.

Rural Government

GOVERNMENT IN RURAL AMERICA. By Lane W. Lancaster. New York 3: D. Van Nostrand Co., 250 4th Avenue. 1952. \$.45. Pages 375.

The purpose of this volume is to describe the government and administration of rural counties, townships, and school districts in the United States. It describes rural government in various areas; traces the development of law enforcement, highway construction and maintenance, education, welfare, and health; paints a picture of attitudes to be found in governmental administration in rural areas; and concludes with some suggestions as to possible future developments of units in rural areas.

This book will be of great interest to both county officials and students of county government. Because it deals with rural units generally, part of it will be of only academic interest to North Carolinians; but this dis-

advantage is offset by a realization that problems in this state are problems to be found everywhere. The North Carolina reader will also be struck by the ways in which rural government in this state has progressed past that of many other states, and he will see that North Carolina has avoided many of the pitfalls into which rural governments of other states have fallen.

In discussing possible future developments, the author avoids the politically impossible suggestions of many reformers, and he makes his suggestions with a full realization of the practical aspects of the interrelationships between rural citizens, county officials, and state legislators.

Municipal Law

NIMLO MUNICIPAL LAW REVIEW. Edited by Charles S. Rhync and Brice W. Rhync. Washington 6: *National Institute of Municipal Law Officers*, 726 Jackson Place, N.W. 1955. \$10.00. Pages 430.

This annual volume is, of course, "must" reading for city attorneys, but its articles in regard to many phases of the law will be of interest to a much wider audience at all levels of government. The bulk of the book consists of the proceedings of the 1954 annual conference of NIMLO. As in the past, there are excellent committee reports analysing developments in the law in the fields of Airports; Civil Defense; Building Codes and Fire Prevention Ordinances; Disposal and Preservation of Public Records; Federal-City Relations; Internal Revenue Code Amendments; Public Housing; Municipally-Owned Utilities; City-State Relations; Municipal Bonds; Urban Redevelopment; Intermunicipal Cooperation; Contracts; Civil Liberties; Ordinances and Ordinance Enforcement; Electric, Gas, and Telephone Rates; Public Utilities; Tort Liability; Zoning and Planning; Condemnation of Real Property; School Legal Problems; Municipal Revenues from Federally Owned Property; Municipal Officer and Employee Problems; and Taxation and Revenue. In addition there are a number of articles relating to particular legal problems, including two prize-winning law review articles by municipal attorneys.

Aids To City Officials

LAND USES IN AMERICAN CITIES. By Harland Bartholomew. Cambridge, Mass.: *Harvard University Press*. 1955. \$6.50. Pages 196.

Twenty-three years ago Harvard University's School of City Planning sponsored publication of a pioneer study of the amount of land devoted to various uses in American cities, Mr. Bartholomew's *Urban Land Uses*. The original study served as a "take-off point" for a generation of planners in their consideration of how cities develop. This new work represents a bringing up to date, and broadening of the scope, of the original study and will be invaluable as a source of statistics concerning land uses. It presents figures for 53 "central" cities, divided into various population groups; 33 "satellite" cities; and 11 fringe areas.

PURCHASING PROCEDURE FOR LOCAL GOVERNMENTS. By Joseph M. Cunningham. New York 6: *Govforms Company*, 111 Broadway. 1955. \$1.00.

A SELECTION OF FIRE DEPARTMENT TERMINOLOGY. By Warren Young Kimball. Boston 10: *National Fire Protection Association*, 60 Batterymarch Street. 1955, 2d ed. \$2.00. Pages 49.

Books Received

PUBLIC EDUCATION IN THE SOUTH TODAY AND TOMORROW: A STATISTICAL SURVEY. Edited by Ernst W. Swanson and John A. Griffin. University of North Carolina Press. 1955. \$5.00. Pages 137.

PRINCIPLES OF MANAGEMENT: AN ANALYSIS OF MANAGERIAL FUNCTIONS. By Harold Koontz and Cyril O'Donnell. New York 36: *McGraw-Hill Book Company*, Inc., 330 W. 42d Street. 1955. \$6.50. Pages 664.

PROBLEMS IN INTERNATIONAL RELATIONS. Edited by Andrew Gyorgy and Hubert L. Gibbs. New York 11: *Prentice-Hall, Inc.*, 70 Fifth Avenue. 1955. \$3.75. Pages 330.

IMMIGRATION LAWS OF THE UNITED STATES. By Frank L. Auerbach. Indianapolis: *The Bobbs-Merrill Company*, 724 Meridian Street. 1955. \$8.00. Pages 372.

WORKBOOK IN INTRODUCTORY SOCIOLOGY. By John H. Burma and W. Marshon DePoister. New York 11: *Prentice-Hall, Inc.*, 70 Fifth Avenue. 1955. \$2.36. Pages 196.



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Publications for Sale

The following Institute of Government publications are currently available for sale to interested citizens, libraries, and others. Orders should be mailed to the Institute of Government, Box 990, Chapel Hill.

LAW AND ADMINISTRATION SERIES:

- THE LAW OF ARREST by Ernest W. Machen, Jr., 1950, 151 pp prtd (\$1.50)
- THE LAW OF SEARCH AND SEIZURE by Ernest W. Machen, Jr., 1950, 158 pp prtd (\$1.50)
- PROPERTY TAX COLLECTION IN NORTH CAROLINA by Henry W. Lewis, 1951, 342 pp prtd (\$2.50)
- LEGISLATIVE COMMITTEES IN NORTH CAROLINA by Henry W. Lewis, 1952, 144 pp prtd (\$1.50)
- ZONING IN NORTH CAROLINA by Philip P. Green, Jr., 1952, 428 pp prtd (\$3.50)
- GENERAL ASSEMBLY OF NORTH CAROLINA: GUIDEBOOK OF ORGANIZATION AND PROCEDURE by Henry W. Lewis, 1952, 125 pp prtd (\$1.50)
- SOCIAL SECURITY AND STATE AND LOCAL RETIREMENT IN NORTH CAROLINA by Donald B. Hayman, 1953, 173 pp prtd (\$2.00)
- THE SCHOOL SEGREGATION DECISION by James C. N. Paul, 1954, 132 pp prtd (\$2.00)

GUIDEBOOK SERIES:

- GUIDEBOOK FOR ACCOUNTING IN CITIES by John Alexander McMahon, 1952, 219 pp mimeo (\$2.00)
- GUIDEBOOK FOR ACCOUNTING IN SMALL TOWNS by John Alexander McMahon, 1952, 139 pp mimeo (\$1.50)
- MUNICIPAL BUDGET MAKING AND ADMINISTRATION by John Alexander McMahon, 1952, 67 pp mimeo (\$1.00)
- SOURCES OF MUNICIPAL REVENUE by John Alexander McMahon, 1953, 61 pp mimeo (\$1.00)
- CORONERS IN NORTH CAROLINA by Richard A. Myren, 1953, 71 pp prtd (\$1.50)
- COUNTY SALARIES, WORKING HOURS, VACATION, SICK LEAVE by Donald B. Hayman, 1954, 37 pp mimeo (\$1.00)
- PUBLIC WELFARE PROGRAMS IN NORTH CAROLINA by John Alexander McMahon, 1954, 122 pp mimeo (\$1.50)
- ADMINISTRATIVE PROCEDURE BEFORE OCCUPATIONAL LICENSING BOARDS by Paul A. Johnston, 1953, 150 pp mimeo (\$2.00)
- GUIDEBOOK FOR COUNTY ACCOUNTANTS by John Alexander McMahon, 1951, 210 pp mimeo (\$2.00)
- CALENDAR OF DUTIES FOR CITY OFFICIALS, 1955-56, 12 pp prtd (\$.50)
- CALENDAR OF DUTIES FOR COUNTY OFFICIALS, 1955-56, 12 pp prtd (\$.50)
- PUBLIC LIBRARIES IN NORTH CAROLINA, PROCEEDINGS OF THE FIRST TRUSTEE-LIBRARIAN INSTITUTE (Ed. George H. Esser, Jr.), 1952, 47 pp prtd (\$1.00)
- SOURCES OF COUNTY REVENUE by John Alexander McMahon, rev. ed., 1954, 65 pp mimeo (\$1.00)
- FORECLOSURE OF CITY AND COUNTY PROPERTY TAXES AND SPECIAL ASSESSMENTS IN NORTH CAROLINA by Peyton B. Abbott, 1944, 86 pp mimeo (\$2.50)
- THE STORY OF THE INSTITUTE OF GOVERNMENT by Albert Coates, 1944, 76 pp prtd (Free)
- INVESTIGATION OF ARSON AND OTHER UNLAWFUL BURNINGS by Richard A. Myren, 1954, 104 pp mimeo (\$1.50)
- COOPERATIVE AGRICULTURAL EXTENSION WORK IN NORTH CAROLINA by John Alexander McMahon, 1955, 24 pp mimeo (\$.50)